

## **Crown Pastoral Land Tenure Review**

**Lease name:**  
**CATTLE FLAT/HENROOST**  
**Lease number: PS 071**

### **Public Submissions - Part 1**

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

**May**

**05**

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

# NEW ZEALAND FEDERATION of FRESHWATER ANGLERS (inc.)

Immediate Past President,  
Alan McMillan  
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DUNEDIN,  
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Patron. Sir Peter Tapsell KNZM, MBE

Robin Whelan,  
Manager Property,  
Opus International Consultants Ltd.,  
Private Bag 1913,  
Dunedin.

Dear Sir, Madam.

## TENURE REVIEW-- CATTLE FLAT/ HENROOST.

This submission is made on behalf of the **NEW ZEALAND FEDERATION OF FRESHWATER ANGLERS INC.**,

We advocate for the interests of freshwater angling clubs throughout New Zealand and our executive have earned an excellent reputation for conservative and constructive comment on issues impacting on the New Zealand wild trout fishery.

### General comment :

We find the proposals as currently presented are so lacking in benefit for the general public, and for our members specifically, we can only oppose the proposals in total.

We note that some 96% of the land area involved is proposed for free holding and some 4% for return to full Crown Ownership.

With this disparity in allocation between free holding and Crown ownership it could be reasonably expected that considerable interest would have been paid to the requirements within the Crown Pastoral Lands Act to provide for secure public access -- as is also a requirement within part 1VA of the Conservation Act

We must express astonishment that in all respects where access has been provided for, that access is been provided for in such a restrictive atmosphere, and with such restrictive conditions that the end result is an extraordinary travesty of the requirements laid out quite clearly by Parliament within the relevant statutes.

The proposal allows for the closure of access to the Maitara Range Scenic Reserve for 164 days per annum - or 45% of the available time.

The proposal allows for closure of the Maitara Flats to the general public for the period 1<sup>st</sup> September to

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Labour Weekend and on Tuesdays, Wednesdays, and Thursdays for the remainder of the year .

The proposal allows angling licence holders driving 4 wheel Drive vehicles access to a specific 1.5 kilo ( approx) road but excludes the general public from same.

The proposal, in spite of the specific requirements of the relevant legislation has ignored the requirement to set off marginal strips on the " sale or other disposal " of Crown land and appears to have made no provision for the transfer of "fixed marginal strips" to " moveable strips" in the area concerned although that is also an opportunity provided for in statute.

The Mataura river is a nationally important river and is renowned internationally as an exquisite wild brown trout fishery .It is a major tourist attraction and is promoted as such by the Tourist Industry.

Any opportunity for improving and securing the public right of access must be taken

The proposal as it stands comprehensively fails to do this.

While we reject the proposals in their totality we would take issue with three specific shortcomings.

(1)  
4WD exclusive access easement for licenced anglers is rejected by our Federation. Any such exclusive access arrangement for a specific sector of the community is an extremely dangerous precedent and our Federation will have no part of that. There must be no exclusivity practiced in any access arrangement

(2)  
The opportunity within this Review to provide a marginal strip up the true right bank of the river must be taken and a marginal strip available to all the public ,in that area, established. That marginal strip should apply to the full length of the area under review and include the area from the Nokomai boundary downstream which appears to be Crown land, although previously developed as part of Cattle Flat

(3)  
The opportunity within this Review to make all existing fixed marginal strips, moveable, must be taken .

These three matters impact specifically on our recreational interests but there are also other matters proposed which appear not to be in the public interest and / or in fact may be legally challenged .

This Tenure Review provided an outstanding opportunity to recognise the national and international importance of this river from a recreational point of view , and an opportunity to secure public access to it in a meaningful way.

The proposal presented fails comprehensively to take advantage of these opportunities and if major adjustments which would meet our expectations are not made we would urge that no deal be agreed and that the Crown withdraw from further negotiations until more acceptable access provisions can be provided.

We can only repeat our astonishment that a proposal with such minimal benefits to the general public should be presented for approval

Thank you

Alan McMillan,  
Immediate Past President,  
New Zealand Federation of Freshwater Anglers Inc.,  
19 Haggart Street,  
Wingatui,  
R.D. 2 ,  
Mosgiel

*Alan McMillan*  
5/7/05



5 April 2005

David Payton  
Opus International Consultants  
Private Bag 1913  
DUNEDIN  
Fax (03) 4748995

Dear Sir,

### SUBMISSION ON CATTLE FLAT TENURE REVIEW PRELIMINARY PROPOSAL

This submission is made on behalf of the New Zealand Fish & Game Council.

#### Fish & Game Significant Inherent Values

Cattle Flat Station bounds the Mataura River north of Ardlussa. The Mataura River was protected by a Water Conservation Order in 1996 because of its outstanding brown trout fishery and angling amenity values. In addition the Mataura River fishery sustains the highest levels of angling use of any river in the South Island with over 50,000 visits per annum. The reach of river adjacent to Cattle Flat Station supports angling opportunity of the highest quality. The recreational fishery and the public access to the river and its western or true right bank are significant inherent values of the highest significance in recreational terms.

Anglers have traditionally accessed the Mataura River through Cattle Flat Station using the formed road and then onto a track up into the Nokomai Gorge. In recent times access has been restricted by a locked gate just past the Cattle Flat anglers huts. Some key access has been available to those who are aware of the availability of a key from the lease holder.

#### Proposed Public Vehicle Access

The public notice outlining the preliminary proposal for Cattle Flat Station describes "A public four wheel drive access easement part way up the Mataura River under section 36(3)b Crown Pastoral Land Act 1998"

This misrepresents what is actually intended which is a vehicle access easement for licenced anglers only during the angling season. You will recall that Fish & Game Southland Region was given an ultimatum that they either accept the limited access conditions to be included in the preliminary proposal or have none included in it and pursue it in the public submission process. With little evidence that changes could be made through the public submission process they naturally chose the former. Fish and Game Southland initially agreed to "licenced holders only" concept as it was better than the lease holder controlling access by key. However we submit that the restricted access easement should be replaced with a real public vehicle access easement to allow all people to get to the river and the riverbank for the purpose of outdoor recreation.

*Statutory managers of freshwater sports fish, game birds and their habitats*

**New Zealand Council**

1st Floor, 2 Jarden Mile, Ngauranga, PO Box 13-141, Wellington, New Zealand. Telephone (04) 499 4767 Facsimile (04) 499 4766  
www.fishandgame.org.nz

After all, Government has a strong commitment to public access at the present time both through the requirements of legislation including both the CPLA and the RMA as well as through its own recent access initiatives. Why then is there such a lack of commitment to traditional public access through the tenure review process?

#### Marginal Strip Requirements

All existing "Section 58" marginal strips on the true right bank of the Mataura River should be exchanged for new movable marginal strips along the property boundary. This will provide for public access along the river bank. In addition public access provisions should be made right through to the boundary of Nokomai Station on Crown land managed as part of this property but apparently not covered by the scope of this tenure review.

Marginal strip width on the Mataura flats should be considerably wider than the standard 20 metres in order to protect the habitat values of the riverbank in an area already prone to flooding and river bank instability.

#### Anglers Huts

Anglers huts are very much part of the history of the area having been there for many years. At one stage they were even charged District Council rates. LINZ's consistent denial that they are not part of the Tenure Review process reflects a "head in the sand" approach when in the reality is they should be considered as a significant inherent value.

#### Conclusions

- The proposed 'licensed anglers only' vehicle access easement should be replaced by a public vehicle access easement.
- The "Section 58" marginal strip on the true right bank should be movable and should be wider than the standard width in order to protect riparian and fishery habitat values or the flood plain retained in Crown ownership as first proposed by Fish & Game New Zealand, Southland Region.
- The existing huts should be recognised as a significant inherent value and provided for through creation of some sort of reserve to give them some security.
- Public access should be provided on Crown land up to the boundary of Nokomai Station.

Yours faithfully



W B JOHNSON  
Director

Robin Whelan

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**From:** Sue Maturin [s.maturin@forestandbird.org.nz]  
**Sent:** Tuesday, 5 April 2005 16:20  
**To:** Robin Whelan  
**Subject:** Cattleflat submission  
**Attachments:** Cattle Flat Heroost Sub.doc

Dear Robin  
Here is our submission - a signed copy will be in the mail.

Regards

Sue Maturin  
Southern Conservation Officer  
Royal Forest and Bird Protection Society  
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FOREST  
& BIRD

The Commissioner of Crown Lands  
C/- Opus International Consultants Ltd.  
Private Bag 1913  
DUNEDIN  
ATTENTION: Robin Whelan, Manager, Property.

5<sup>th</sup> April 2005

Dear Sir,

### **Submission to Preliminary Proposal for Tenure Review: Cattle Flat/The Henroost**

#### **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.

#### **THE PROPOSAL**

Forest and Bird notes that the proposal includes the following designations:-

1. 70 ha (approx.) to be designated as land to be restored to or retained in Crown ownership as a Scenic Reserve (Reserve 1) subject to a right of way for farm management purposes for stock foot, horse, guns and farm dogs only (Easement Concession 1: p-q).
2. 115 ha (approx) to be designated as land to be restored to or retained in Crown control as a Scenic Reserve (Reserve 2) subject to a right of way for farm management purposes for stock, foot, horse, motor vehicles, machinery and implements, guns and farm dogs only (Easement Concession 2: l-m).
3. 12 ha (approx) to be designated as land to be restored to or retained in Crown ownership as Conservation Area, subject to a right of way for farm management purposes for stock, foot, horse, motor vehicles, machinery and implements, guns and farm dogs only (Easement Concession 3: s,t,u,v,w,x,y,z).

4. 5,187.6 ha (approx) to be designated as land to be disposed of by freehold disposal to the holder, subject to the following protective mechanisms:

- (a) A combined public access and vehicles for management purposes Easement to provide access around the Mataura Range Scenic Reserve and up the Mataura Flats adjoining the Mataura River (Easement 1: a-b, c-b-d; e-f, i-j-k, n-o, a1-1 and g-h).
- (b) A vehicles for management purposes Easement to provide access to a Conservation Area and the Tomogalak Stream (Easement 2: 1-a1, j-r-z).
- (c) A public 4WD access Easement part way up the Mataura River (Easement 3: g-h).
- (d) Sustainable Management Covenant covering 2,120 ha (approx).

## FOREST AND BIRD SUBMISSIONS

### Reserve 1

1. Proposed boundaries need to be adjusted to include the beech, totara, and regenerating shrublands below the track to the airstrip. Boundary should either follow the track, or utilise existing fences. These are significant inherent values.
2. The proposed boundary necessitates degrading the landscape, with new fence lines, creating scars which will be in addition to the track. This will impact upon the significant inherent landscape values of the Mataura Scenic Reserve and the proposed addition.
3. Boundary design for the entire R1 needs to have ecological and landscape integrity, and be better designed by landscape and ecological specialists.
4. The Society opposes freeholding the strip of land between the Mataura Scenic reserve and R1. This is ecological nonsense. This strip retains an indigenous cover, including regenerating shrublands and modified short tussock. Given the wet climate, this area if freed from grazing will rapidly regenerate to form a continuous shrubland, and emerging forest cover, contiguous with R1. The addition of this area, with a fence between K-G will consolidate the boundaries of the scenic reserve and will be rational and manageable. The proposed boundaries do not achieve these goals.

### Remedies Sought

*Restore to full Crown ownership and control land between R1 and Mataura Scenic Reserve.*

*Boundary q,I, J should either follow the track, or utilise existing fences. Retain a landscape ecologist to design the fences.*

*Fence between K-G*



## Reserve 2

5. The Society supports restoration to Crown ownership and control of R2.

## Conservation Area CA1.

6. The Society supports restoration to Crown ownership and control of CA1.
7. Proposals for 8 stock and vehicle crossings are not ecologically sustainable. Each crossing event is liable to add considerable sediment and in the case of cattle, effluent to the stream. These will adversely impact upon the significant inherent values the conservation area is designed to protect.

## Remedies Sought

*Re-assess the need for stock crossings and consider the use of culverts. Design an ecologically sustainable easement.*

## Henroost Sustainable Management Covenant

8. The society opposes the Freeholding of the special lease area known as Henroost. Much of this block is land use capability class VIIe with very low soil fertility and limitations it in for pastoral use. Dome Creek is a major tributary to the Mataura River, an internationally famous fishing river. Ecologically sustainable management of this catchment, must be aimed at revegetating the extensive areas of bare soils. This is best achieved by removing stock.
9. As noted by PANZ the Henroost does have recreation values.
10. The Henroost conservation resource report described the Henroost as containing areas of snow a tussock grassland as well as shrublands and in Rocky Gully the presence of Beech was regarded as significant.
11. Although the Conservation Resource Report does not describe the area as containing high significant inherent values it does acknowledge a conservation interest. Given that it is highly unlikely that this area can be sustainably managed into the future – (grazing without fertilizer addition in the long term is unlikely to be sustainable, and it is unlikely that this would be economic, or that it can be done in a way that does not increase fertilizer runoff into the Dome Burn, this area should be returned to full crown ownership and control.
12. The society has a number of specific concerns with the wording of the proposed sustainable management covenant. These are detailed below

a. The introduction should specify a purpose of the covenant. The covenant appeals to contain two goals. The first being the goal of sustainable management of the land and the second to manage the vegetation in so as to maintain or and enhance existing cover (p7). As existing cover includes weeds and wilding trees this is not an appropriate term.

*The purpose should be to enhance the vegetation cover (excluding weeds) and including revegetation and restoration of the extensive areas of bare soils.*

- b. The proposed rent charge is fixed forever \$1,000.00. The effectiveness of this amount to act as a deterrent will be reduced overtime. There needs to be an ability for the rent charge to be increased every three to five years to keep up with inflation. If this is not done than over time the covenant to will effectively become null and void as there will be not be sufficient incentive for the owner to continue their obligations.
- c. The term commit waste is not defined. I understand that it means the grantor should not *deplete the soil*. If this is the case then this should be spelt out in the covenant eg. *The Grantor shall not in anyway deplete or degrade the soil or water quality of the Dome Burn.*
- d. Clause seven refers to the Soil Conservation and Rivers Control Act of 1941. The specific sections of this act should be spelled out in the covenant document as most of this act has been repealed by the Resource Management Act..
- e. Clause 9 refers to vermin – this is not defined. Vermin should be defined to include, deer, possums, rabbits, pigs, goats, thar, chamois, and possibly hares.
- f. Trees with potential for wilding spread are not restricted to conifers and may not all be covered by a territorial weed and pest management strategy. Remove *confers* replace with *trees with the potential for wilding spread.*
- g. The Department of Conservation should be given rights of access at all times to enter on the land for the purposes of weed control. Although the current threat is spread of wildings from Conservation Land, it may be in the future 50-100yrs etc that there are weeds from the Henroost effecting Conservation Land.
- h. Clause 14 imposes most of the monitoring costs on the Commissioner. This is unfair. Should the covenant proceed the lessee is gaining freehold title and with that goes responsibility to ensure that it is sustainably managed. In this case the responsibility is more onerous given the past degradation of the area. It would be appropriate for the Grantor to bare the majority of the costs.
- i. The ability to vary the deed is restricted to there having been a general deterioration to soil/vegetation caused by grazing. This should be broadened to include no improvement to the existing soil/vegetation and it should not be

limited to that caused by grazing.

- j. The CCL can only ever restrict grazing. The CCL must have the ability to cause the permanent or temporary cessation of grazing. This document is forever and has to weather the potential effects of climate change and other unforeseen future events.

### **Public Access**

13. The Society is delighted to note the proposed creation of the loop track for mountain biking. However the closure restrictions will create impediments to its use. The public need simple consistency, without this consistency the access is not secure and it will not lead to public enjoyment of the land.
14. It will be difficult for the public to know where and when the various restrictions apply, and some will certainly forget, leading to frustration. Three day a week closures, especially over the summer period and three months of complete closure are unacceptable and do not adequately secure public access or provide for public enjoyment.
15. Continuous year round access up the banks of the Mataura River must be provided for foot, horse and cycle. The Society supports 4 wheel drive access part way up the Mataura Flats, but this must not be restricted to those with fishing licences. This is not open public access, but is providing access for one group of people only. 4wd access must be available for all or none.
16. Public access for foot and mountain bike is needed from a1 to 1 to enable access to Black Hill, and further to enable access to Cupola and onto Mid Dome.

### **Conclusions**

This tenure review creates an opportunity to provide an exciting mountain biking route for Southland, and to ensure secure public access along the Mataura. The proposals, due to the number of restrictions fail to achieve this desirable outcome. As it stands the public will receive too few benefits from this review. The conservation gains are also badly compromised, by exclusions and poor boundary designs.

Yours sincerely

Sue Maturin  
Southern Conservation Officer

2 April 2005

Robin Whelan  
Opus International Consultants  
144 Rattray Street  
DUNEDIN

Dear Robin

We wish to make a submission on the preliminary proposal for tenure review of Cattle Flat/The Henroost pastoral lease.

We the owners of the baches at Cattle Flat Station would like you to consider making a provision for us to secure our future of continuing to spend time at our small piece of paradise.

The past and present owners have been excellent to us over the last 40 plus years but we would love to be able to secure our future a little more. We would like everything to continue as is, still abiding by the farmers guidelines and wanting him to remain farming the area around the baches.

The huts are self contained by having their own water supply (tanks) and waste facilities but if we were required to do anything to help this proposal we would be more than happy to do so.

We would like you to consider the following options regarding the land on which the huts are situated:

- 1) Changing the title of the land to recreation reserve
- 2) That we purchase the land as a commonage or trust
- 3) That we lease the land as a commonage or trust

The above options may not be suitable but if you have any recommendations we would like you to consult us.

One of New Zealand's icons is the kiwi Bach. It is a place where we can get away from our busy lifestyles with our families and teach our children to appreciate, love and respect our beautiful country. We have things in place to protect our wildlife and native plants, why not to protect our lifestyle as "true kiwis".

Please take careful consideration of this submission.

We look forward to your reply. If you have any queries please contact Andrew Gough, cell phone 027 661 4627

Yours faithfully

Cattle Flat Bach Owners

Lorna Robertson 36 Edinburgh Crescent Invercargill 03-2159321  
Bernie Dawson is not available to sign here but  
wishes to be included in this submission. Lorna Robertson.

Andrew & Sonya Gagh 342 St Andrew St Inqill 032171908  
Jim & Edie & Peter Marshall 188 Coggins Road Otatara 039410 Inqill  
E & G MARSHALL 90 LAMBERT RD  
R. J. Marshall

DEAN & NICKY MAW 19 FRASER STREET INQILL 2156851

Doug and Doreen BROWN St. Brown

Dee & Rae Reynolds 84 Wigan St Gore.

Kathleen Muesnier 4/37 Bourke St. Inqill 2173328

Maria & Brian Thurlow 252 Talbot St Inqill. Ph. 2177153

John Morrison 99 Abbott St 2179727

Peter & Pat Kelly 111 John St 2169707

F Rae & A Miller on behalf P. Kelly Glenaray Station RD Waikato

KAY & CARRY KLENNER. 9 Rakiura Parade Otatara GRD  
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Kleener Kleener

Peter + Sandra Woods 174 Exmouth St  
Invercargill

DARREN & JULIE JACK 32 HERBERT ST, INVERCARGILL

Russell & Barbara Gilmore 186 Chelmsford St Inqill

RMG

A Submission on the Proposed Tenure Review of Cattle Flat Station Southland from the Morrison Families.

We would like to inform you of our situation as a family and as crib owners regarding the proposed Tenure Review of Cattle Flat Station, Southland. As a family we have a history going back well over half a century where we have enjoyed and respected our privilege of being able to utilise this beautiful area for recreational pursuits.

For four generations the Morrison family have vacationed at the crib known as "The Retreat" at Cattle Flat Station. We have enjoyed a connection with the outdoors that is unique to New Zealand. We have fished, walked, hunted, camped, painted, photographed, learnt and taught our children about the natural world. The late John Morrison fished up here early last century as a young man. He belonged to the Acclimatisation society and built the first hut on the Cattle Flat property. John Morrison brought his sons up to enjoy fishing at Cattle Flat Station and the family eventually purchased a crib there thirty- five years ago.

In the last thirty- five years that the Morrison family have owned their crib they have fostered good relationships with the past and present owners of Cattle Flat Station. We have always endeavoured to respect the owner's wishes and have treated stock, land and neighbours with good will. We believe that our family and historical connection to the area qualifies as a cultural framework, within which we have enjoyed access to our crib and the great outdoors.

Our proposals for the Tenure Review are simple and straightforward. We would like to maintain the present status quo with continued secure public access to our crib along the Cattle Flat/Ardlussa Road. We would like clear and accurate information relating to access of the Cattle Flat area as a whole. We are happy to sign a Health and Safety agreement regarding our presence as crib owners on the property. We are also keen to re-commence our payments of rates (at a reasonable level) that

were discontinued some time ago by the Southland District Council. Other options to consider for us to retain access to the area are the purchase of the land by the crib owners in either one or two blocks along the road and up the creek where the cribs are located.

As a family we feel that our access to our crib at Cattle Flat Station should be free of charge. We have good relations with others in the area and have proven ourselves over the past thirty-five years to be responsible neighbours and crib owners. We feel that we respect the wishes of the Station owner and that our continued presence should also be respected. We have and hope to continue to enjoy the benefits of being a part of such a beautiful piece of New Zealand countryside.

April 5<sup>th</sup> 2005.

Kathleen Morrison, 4/37 Bourke St, Invercargill. 032173528.

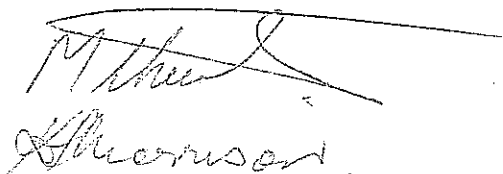
Paul & Erlinda Morrison & family, 55 Hillsborough Tce, Hillsborough, Christchurch. 033370688.

Charlie & Brenda Morrison & family, 85 Opawa Rd, Opawa, Christchurch. 033370916.

Joe & Denise Morrison & family, 8 Frederick St, Carterton, Wairarapa. 063798911.

John & Kate Morrison & family, 99 Abbot St, Invercargill. 032179727.

Maria & Brian Thurlow & family, 282 Talbot St, Invercargill. 032177153.



*Kathleen Morrison*

Robin Whelan

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From: Hugh Barr [hugh@infosmart.co.nz]  
Sent: Tuesday, 5 April 2005 13:58  
To: robin.whelan@opus.co.nz  
Subject: Submission: Cattle Flat - Henroost Tenure Review  
Attachments: CattleFlat-HenroostApr05.doc

Submission attached.

Regards

Dr Hugh Barr

Secretary, Council of Outdoor Recreation Associations of New Zealand

Tel/Fax: 04 934 2244 Mob: 025 686 0063

[hugh@infosmart.co.nz](mailto:hugh@infosmart.co.nz)



# Council of Outdoor Recreation Associations of New Zealand Inc

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5 April 2005

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[robin.whelan@opus.co.nz](mailto:robin.whelan@opus.co.nz)

Dear Sir/Madam

## Tenure Review – Cattle Flat/The Henroost

This submission is made on behalf of the Council of Outdoor Recreation Associations. We exist to promote the common interests of outdoor recreationists. We are the national alliance of the following national and regional outdoor recreation bodies:

- New Zealand Federation of Freshwater Anglers
- New Zealand Deerstalkers Association
- Public Access New Zealand
- New Zealand Salmon Anglers Association
- New Zealand Bowhunters Society
- Marlborough Recreational Fishers Association

The Council advocates for the common interests of the million or more New Zealanders who fish, shoot, tramp, ski, canoe, climb, walk, mountainbike, botanise, photograph, relax etc in New Zealand's great outdoors. The combined membership of our present member bodies is some 15,000 members. We also advocate for the wider New Zealand outdoor public – the more than a million people who recreate outdoors. Member bodies may also be making their own submissions.

**Summary:** CORANZ opposes this tenure review of Cattle Flat (3263 Ha)/Henroost (2120 Ha), because it provides a very poor outcome for the Crown, and for the recreational public. The Crown and the public get very little from it, and the extremely restrictive terms of the public access covenants set a precedent that makes a travesty of the requirements of the Crown Pastoral Lands Act (CPLA) for access for the public.

Instead we request that

1 public access covenants be open year round, and that they be open to anyone, not just anglers with licences, as proposed for 4WD access to Mataura Flat.

2 Better Public Access to the Mataura Range Scenic Reserve: We especially object to LINZ's intent to close the assess around the Mataura Range Scenic Reserve between 1 September and 30 November, and on Tuesdays, Wednesdays and Thursdays for the remainder of the year. It will be closed for 164 days/year or 45% of the available time. This makes a travesty of the CPLA requirements for public access. We agree that year round access should include cyclists.

**3 Better Public Access to Mataura Flats:** Similarly the access to Mataura Flats which is proposed to be closed from 1 September to Labour Weekend, and on Tuesdays, Wednesdays and Thursdays for the remainder of the year.

**4 Exclusive 4WD Access for Licenced Anglers to Mataura Flats:** We and our members also strongly object to having 4WD access from the end of Cattle Flat Road up to Mataura Flats, only for vehicles driven by anglers with a current fishing licence. This area is also of interest to a range of recreationists, including families picnicking, canoeists etc, who may also need to use 4WDs, and who should not be excluded.

**5 Continuous Public Access along the true right of the Mataura River:** getting this could be one of the significant public gains from this tenure review. The need for horse and cycle continuous access should be recognised. After all, Jim Sutton's "footways" if they ever get implemented, can provide foot access, independent of tenure review. Tenure review should provide the opportunity for something significantly better. We request that an accessway, usable also by cyclists and horses, be provided along the true right of the Mataura River.

**6 Better Protection for Natural Landscapes:** That natural landscape values on this large tract of land be recognised and given protection.

**7 Provision of Movable Marginal Strips Required:** New movable marginal strips are required to be laid off, especially over possible previous fixed marginal strips. Thus all places where marginal strips are required, must become movable, at this disposition by the Crown. Thus all marginal strips along the true right of the Mataura should be realigned as movable strips. We are concerned that LINZ does not appear to be doing this.

**8 Henroost Special Lease Conditions should have been used to secure recreational land and much better public access:** The present lease (Clauses 32 and 35) require the lessee to "allow the public free and unrestricted access over the said land", and the Crown has a right of determination if the land is required for recreation, National Park or other like purpose". We think LINZ and DOC are betraying the public, in simply privatising this lease, without taking out land that they have the right to do, that would far better provide for outdoor recreation. Consequently, not proceeding with this tenure review will protect these public rights on Henroost.

We strongly support the more detailed submission of our member organisation, Public Access New Zealand, which goes into more detail, on this tenure review.

**Note: Crown Pastoral Land Act:** Section 24 sets out the objects for tenure review, including-(c) (i) "The securing of public access to and enjoyment of reviewable land".

There is no statutory definition of 'public' in this or any other statute, however judicial practice is to refer to major English dictionaries for meaning.

The Concise Oxford, Seventh Edition defines 'public' as-  
"- of or concerning the people as a whole", "open to or shared by all the people", citing public bath, lavatory, library, meeting, and road as examples.

Clearly rights bestowed on fishing licensees alone do not constitute "the people as a whole" or "all the people" and are no more than private rights.

The closest any statute gets to defining public versus private rights in relation to a right of way is section 22 Summary Offences Act 1981- "Public way" means every road, street, path, mall, arcade, or other way over which the public has the right to pass and repass.

Therefore any way without a public right to pass and repass is not a public way, and is not for an otherwise public way for the duration that such rights are absent.

The Crown has plenty of opportunities to grant easements over Crown land in favour of private interests if it so wishes, independently of the provisions of the CPLA. In contrast, during tenure review, the CPLA provides a clear direction that it is 'public' rather than private access that is to be secured as the overriding Crown objective.

The second component of section 24 (c) (i) is to "secure" that access. In official papers supplied to us on this tenure review it is perversely argued that "certainty of closure" means "security for the public" or falsely claiming that there will be "full and free" access. The obligations under s 24 (c) (i) are a direction to secure access, not closure. Closure for 45 per cent of the year is an abject failure to comply with the Act and is totally unacceptable.

Thank you for the opportunity to comment.

Yours truly

Dr Hugh Barr  
Secretary

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

*CattleFlat-HenroostApr05*

## **Council of Outdoor Recreation Associations of New Zealand Inc**

P O Box 1876 Wellington  
Tel&Fax +64 4 934 2244  
[hugh@infosmart.co.nz](mailto:hugh@infosmart.co.nz)

5 April 2005

Robin Whelan  
Manager Property  
Opus International Consultants Ltd  
Private Bag 1913  
Dunedin  
Fax: 03 474 8995  
[robin.whelan@opus.co.nz](mailto:robin.whelan@opus.co.nz)

Dear Sir/Madam

### **Tenure Review – Cattle Flat/The Henroost**

This submission is made on behalf of the Council of Outdoor Recreation Associations. We exist to promote the common interests of outdoor recreationists. We are the national alliance of the following national and regional outdoor recreation bodies:

- New Zealand Federation of Freshwater Anglers
- New Zealand Deerstalkers Association
- Public Access New Zealand
- New Zealand Salmon Anglers Association
- New Zealand Bowhunters Society
- Marlborough Recreational Fishers Association

The Council advocates for the common interests of the million or more New Zealanders who fish, shoot, tramp, ski, canoe, climb, walk, mountainbike, botanise, photograph, relax etc in New Zealand's great outdoors. The combined membership of our present member bodies is some 15,000 members. We also advocate for the wider New Zealand outdoor public – the more than a million people who recreate outdoors. Member bodies may also be making their own submissions.

**Summary:** CORANZ opposes this tenure review of Cattle Flat (3263 Ha)/Henroost (2120 Ha), because it provides a very poor outcome for the Crown, and for the recreational public. The Crown and the public get very little from it, and the extremely restrictive terms of the public access covenants set a precedent that makes a travesty of the requirements of the Crown Pastoral Lands Act (CPLA) for access for the public.

Instead we request that

**1 public access covenants be open year round, and that they be open to anyone, not just anglers with licences, as proposed for 4WD access to Mataura Flat.**

**2 Better Public Access to the Mataura Range Scenic Reserve:** We especially object to LINZ's intent to close the access around the Mataura Range Scenic Reserve between 1 September and 30 November, and on Tuesdays, Wednesdays and Thursdays for the remainder of the year. It will be closed for 164 days/year or 45% of the available time. This makes a travesty of the CPLA requirements for public access. We agree that year round access should include cyclists.

*Advocating for the million or more New Zealanders who recreate outdoors* 1 5/04/2005

section 22 Summary Offences Act 1981: "Public way" means every road, street, path, mall, arcade, or other way over which the public has the right to pass and repass.

Therefore any way without a public right to pass and repass is not a public way, and is not for an otherwise public way for the duration that such rights are absent.

*Advocating for the million or more New Zealanders who recreate outdoors* 2 5/04/2005

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*CattleFlat-HemroostApr05*

The Crown has plenty of opportunities to grant easements over Crown land in favour of private interests if it so wishes, independently of the provisions of the CPLA. In contrast, during tenure review, the CPLA provides a clear direction that it is 'public' rather than private access that is to be secured as the overriding Crown objective.

The second component of section 24 (c) (i) is to "secure" that access. In official papers supplied to us on this tenure review it is perversely argued that "certainty of closure" means "security for the public" or falsely claiming that there will be "full and free" access. The obligations under s 24 (c) (i) are a direction to secure access, not closure. Closure for 45 per cent of the year is an abject failure to comply with the Act and is totally unacceptable.

Thank you for the opportunity to comment.

Yours truly



Dr Hugh Barr  
Secretary

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*CattleFlat-HenroostApr05*

**3 Better Public Access to Mataura Flats:** Similarly the access to Mataura Flats which is proposed to be closed from 1 September to Labour Weekend, and on Tuesdays, Wednesdays and Thursdays for the remainder of the year.

**4 Exclusive 4WD Access for Licenced Anglers to Mataura Flats:** We and our members also strongly object to having 4WD access from the end of Cattle Flat Road up to Mataura Flats, only for vehicles driven by anglers with a current fishing licence. This area is also of interest to a range of recreationists, including families picnicking, canoeists etc, who may also need to use 4WDs, and who should not be excluded.

**5 Continuous Public Access along the true right of the Mataura River:** getting this could be one of the significant public gains from this tenure review. The need for horse and cycle continuous access should be recognised. After all, Jim Sutton's "footways" if they ever get implemented, can provide foot access, independent of tenure review. Tenure review should provide the opportunity for something significantly better. We request that an accessway, usable also by cyclists and horses, be provided along the true right of the Mataura River.

**6 Better Protection for Natural Landscapes:** That natural landscape values on this large tract of land be recognised and given protection.

**7 Provision of Movable Marginal Strips Required:** New movable marginal strips are required to be laid off, especially over possible previous fixed marginal strips. Thus all places where marginal strips are required, must become movable, at this disposition by the Crown. Thus all marginal strips along the true right of the Mataura should be realigned as movable strips. We are concerned that LINZ does not appear to be doing this.

**8 Henroost Special Lease Conditions should have been used to secure recreational land and much better public access:** The present lease (Clauses 32 and 35) require the lessee to "allow the public free and unrestricted access over the said land", and the Crown has a right of determination if the land is required for recreation, National Park or other like purpose". We think LINZ and DOC are betraying the public, in simply privatising this lease, without taking out land that they have the right to do, that would far better provide for outdoor recreation. Consequently, **not proceeding with this tenure review will protect these public rights** on Henroost..

We strongly support the more detailed submission of our member organisation, Public Access New Zealand, which goes into more detail, on this tenure review.

**Note: Crown Pastoral Land Act:** Section 24 sets out the objects for tenure review, including- (c) (i) "The securing of public access to and enjoyment of reviewable land".

There is no statutory definition of 'public' in this or any other statute, however judicial practice is to refer to major English dictionaries for meaning.

The Concise Oxford, Seventh Edition defines 'public' as-  
"- of or concerning the people as a whole", "open to or shared by all the people", citing public bath, lavatory, library, meeting, and road as examples.

Clearly rights bestowed on fishing licensees alone do not constitute "the people as a whole" or "all the people" and are no more than private rights.

The closest any statute gets to defining public verses private rights in relation to a right of way is section 22 Summary Offences Act 1981- "Public way" means every road, street, path, mall, arcade, or other way over which the public has the right to pass and repass.

Therefore any way without a public right to pass and repass is not a public way, and is not for an otherwise public way for the duration that such rights are absent.

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Dunedin Branch  
PO Box 5793  
Dunedin

4<sup>th</sup> April 2005

The Commissioner of Crown Lands  
c/o Opus International Consultants Ltd  
Private Bag 1913  
Dunedin

Dear Sir,

### Re Tenure Review Proposals for the Cattle Flat/Henroost Pastoral Lease.

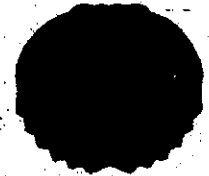
This submission is written on behalf of the Dunedin Branch of the Forest and Bird Protection Society which has approximately 565 members with strong interests in botany and natural history in general and in the High Country. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape and to improve public access through the tenure review process.

We note the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the recently stated government objectives for the South Island high country especially the following:

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

*The proposal suggests that 185 ha be restored to Crown Control as Reserve Land, made up of 70 hectares adjacent to the southern boundary of the of the Mataura Range Scenic Reserve and 115 hectares on the south-western boundary of the present reserve.*

We applaud the additions to the Mataura Range Scenic Reserve which will indeed increase the vegetation diversity of the reserve and provide more habitat for the New Zealand falcon. However, the proposals for access to this reserve via the loop track around it seem less than satisfactory with all the provisions for closure to the public at stated times which amount to 165 days of the year. This is unacceptable and contrary to the clause in the recently stated government objectives for the South Island High Country, i.e. 'to secure public access to and enjoyment of high country land.'



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ROYAL FOREST AND  
BIRD PROTECTION  
SOCIETY OF  
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*A further 12hectare is to be restored to Crown control as a Conservation Area. This area is on the banks of the Tomogalak Stream and includes some minor tributaries and is intended to be a Conservation Area for the protection of natural and historic resources.*

This area includes a small beech forest and shrubland remnant as well as populations of koaro and flat head galaxiids and is certainly worthy of protection as a Conservation Area.

Access along the Mataura River is not acceptable as set out in the preliminary proposal. It should at the very least be possible to provide for walking and mountain biking access through to Nokomai at all times.

#### **The Henroost Area**

As we understand it, the Henroost, currently a large area of Pastoral Occupation License, is severely eroded and rather than being freeholded should be retired from grazing forthwith to prevent further erosion and give the land some chance to recover.

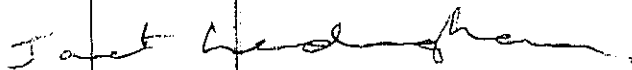
#### **Wilding Pines**

An obligation to control any wilding pines should be built into the agreement and serious thought be given to some sort of protection against the adverse effects of any afforestation on the freeholded land in the future which might adversely effect any of the Conservation and Reserve Areas.

Overall it is disappointing that so little land has been added to the conservation areas and that there is no provision for landscape protection on the areas designated for freeholding. The provisions for access to the land to be returned to the Crown are very restrictive and are not acceptable as presently proposed.

We appreciate the opportunity to comment on this proposal.

Yours faithfully,



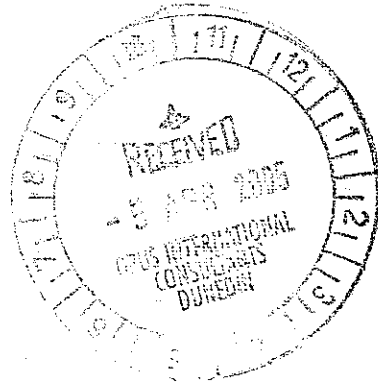
Janet Ledingham

For the Management Committee of the Otago Branch of the Forest and Bird Protection Society



April 2005.

4 Trent St  
Invercargill



Dear Sir/Madam.

This is a submission on the Cattle Flat/The Herroost tenure review.  
Combined Public Access and Management Purposes -  
Clause 7 - This should be deleted as there should be no closures of the easements at all.

Clauses 15/16 - The easements should be open all year round, with such restrictions proposed one would wonder why you would bother having the easements ~~in~~ in the first place. It should also be noted that with marginal strips along the river anyone could walk beside the river whether or not there are restrictions on the easements along the river. There are other farms that have been through the tenure review process and easements pass through their farm land with no restrictions, so why should this one be different.

Clause 17 - This clause is not needed as the easements should be open all year round.

\* Public Four wheel drive vehicle Easement -  
This easement is discriminatory against anyone who hasn't got a fishing licence. It is only 2-3km's extra why can't Fisherman walk/Bike or ride a horse like everybody else

This clause should be a) deleted all together or b) be open to anyone with a four wheel drive vehicle.

\* vehicles for management purposes easement - why have you got this easement when it is already covered under combined public access and management purposes to reserves easement. under this easement it has the same clause number with same wording.

\* Sustainable management covenant - for the amount of stock being allowed to graze such a large area, there must be serious concerns for the vegetation and soil. would it not be better to retire the area from grazing and return it to full crown ownership.

### Weed / Pest control

the grantor should not have to pay for the control of wilding conifers as they are a recent weed problem caused by the crown ~~at~~ by planting pines on mid dome, now the seeds have blown from mid dome to the grantors land.

yours Faithfully

Stephen Parry

Stephen Parry

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**COMBINED  
4WD CLUBS  
P O BOX 13275  
CHRISTCHURCH**

4<sup>th</sup> April 2005

Opus International Consultants Ltd  
P O Box 1913  
DUNEDIN

137 Fax 03-474 8995

RE Tenure Review:- Cattle Flat/The Henroost

Dear sirs

Our organisation has no submission to make on the Cattle Flat /The Henroost Tenure review. We agree with the proposal and support it.

The Easement concessions in particular seem to us ideally balance the needs of all parties, and in particular the easement to allow 4WD Vehicle access during fishing season is a good compromise that will allow recreational fishers access. Our only comment is that the enforcement and control of this access will need to be co-ordinated between Fish & Game as well as the land owner and probably the Department of Conservation, but as Fish & Game publish very good information to licence holders then in the documentation it produces Fish & Game will need to clearly publicise the correct information and details as to the easements correct use. This may be sufficient to make the conditions of the easement work in practice.

Yours sincerely

Paul A Dolheguy  
Access Co-ordinator

**Robin Whelan**

---

**From:** Linda Danen [Linda.Danen@metrowater.co.nz]  
**Sent:** Tuesday, 5 April 2005 07:03  
**To:** robin.whelan@opus.co.nz  
**Subject:** Submission Cattle Flat Henroost  
**Attachments:** Danen Cattle Flat.doc

<<Danen Cattle Flat.doc>>

Hello Robin,

Attached is the submission from the Danen Family. A hard copy is being sent in mail today.

Please let me know by reply that you have received this.

Linda Danen  
09 624 4804

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This e-mail is confidential. If it is not intended for you please do not read, distribute or copy it or any attachments. Please notify the sender by return e-mail and delete the original message and any attachments.

Any views expressed in this e-mail may be those of the individual sender and may not necessarily reflect the views of Metrowater.

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Submission from Danen Family re Tenure Review 2005 – Cattle Flat / The Henroost

- Item:* Written Submission - Danen Family 5 April 2005  
Tenure Review – Cattle Flat / The Henroost
- Purpose of Submission:* To provide information to the Review Committee working on behalf Commissioner of Crown Lands in regard to the preliminary proposal for tenure review of the Cattle Flat pastoral lease dated 25 January 2005
- Background:* Beverley Danen purchased a crib at Cattle Flat, Southland in 1983. The purpose of purchasing the crib was to provide a safe and secure holiday spot for herself, her children and grandchildren.
- The Danen Family had previously spent most family holidays, from 1970, camping along the Mataura river at either Nokomai Station or Cattle Flat station. Camping along the upper Mataura river proved over the many years to be safe, relaxing and an enjoyable place to spend with family. Key adventures were trout fishing, swimming, climbing the domes, possum trapping, rabbit hunting and bush walking.
- Throughout the past 30+ years, the Danen family has maintained a good relationship with fellow cribbers and the pastoral land leasee of the time.
- Benefits:* The Danen Family recognise that although they own the crib at Cattle Flat, they do not own the piece of land on which it occupies. This occupation has been via the continued grace of the Commissioner of Crown Lands. This is viewed as a precedent.
- The benefit of this arrangement has been that the family have always had vehicular access to the crib and have never been denied access or been questioned as to their right to occupy their property, being the crib.
- In return for this access, the Danen family has respected the environment that Cattle Flat has offered.

*Concerns:* The Danen Family has read through the Pastoral Lease Preliminary Proposal (dated 25 January 2005) and note the following:-

- The proposal is silent on the matter of the cribs, one of which belongs to the Danen Family.
- The proposal is silent on the matter of continued access to the cribs from the Cattle Flat Road.
- The land on which the cribs occupy is proposed to be offered for disposal by freehold disposal to GA Young & Co Limited.
- The proposed change in ownership is observed as being significant.
- The proposal makes no attempt to maintain the precedent observed by the Commissioner Crown Lands through the past half century toward the crib owners.

The silence and omission within the preliminary proposal is a concern to the Danen Family in that the change in ownership is not being utilised as an opportunity to grant continued access and harmony for the area.

*Recommendations:* The Danen Family has enjoyed over 20 years of holidaying in their crib at Cattle Flat. It is their wish and desire that many more years of fun and relaxation will occur in the environment called Cattle Flat regardless of Pastoral Land ownership.

The following are recommendations that the Danen Family request the Review Committee to consider and consult further on.

- Easement. Vehicular access from the Cattle Flat Road direct to the crib for the purpose of those staying at the crib to easily transport supplies and personal effects as well as to remove any rubbish.
- Easement. Ability for occasional camping in close proximity to the crib for additional guests from time to time.

Submission from Danen Family re Tenure Review 2005 – Cattle Flat / The Henroost

It is preferred that these recommendations be included in the body of the Easement Concession document rather than being left silent. Although a good relationship exists with the current land occupier GA Young, it would be prudent to consider that GA Young may not continue to remain the land occupier/owner as years move on. The Danen Family therefore request some security be written into these new documents that will ensure the benefits of the past will continue.

*In Summary:*

The Danen Family acknowledges the enjoyment bestowed on them by the Commissioner Crown Lands over the past 30+ years and also the various land occupiers.

The Danen Family view the long term relationship of holidaying at Cattle Flat as a precedent for future.

The Danen Family does not strictly oppose the intentions of the proposed offer for disposal by freehold disposal to GA Young & Co Limited of the land where their crib is located.

The Danen Family wish is that the enjoyment gained from access to their crib is secured through a change in the proposed tenure review documents.

*Signed:*

5 April 2005

---

Linda Danen

On behalf the Danen Family:-

Beverly Danen  
Tonia Bulling  
Petrina Mainland  
Linda Danen  
Michael Danen  
Alan Danen

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ROYAL FOREST AND  
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SOCIETY OF  
NEW ZEALAND INC

Nelson/Tasman Branch  
Royal Forest & Bird Protection Society  
C/o Dawson Road  
Upper Moutere  
7152  
2 April 2005

Opus International Consultants Ltd  
Dunedin

**SUBMISSION ON CATTLE FLAT AND HENROOST TENURE REVIEW**

The Branch committee supports Public Access New Zealand (PANZ) in its request that Cattle Flat and Henroost pastoral lease tenure review be abandoned.

Provisions made for the general public in this review are, in our view, not acceptable. The creation of an elite group i.e. anglers, who would be given access, in particular to the Maitara River, when canoists, walkers, trampers, ornithologists, artists and photographers are denied access is totally unacceptable. We believe such an agreement would violate the objects of the Crown Pastoral Land Act.

LINZ' proposal that the 4% of this crown land to remain in public ownership can only be accessed for a few months of each year is a gross insult to local and visiting users.

LINZ decision would in no way secure the public access to and enjoyment of crown land that the Act intended.

Signed

Gillian Pollock, secretary.



4/4/05

Opus International Consultants Ltd  
Private Bag 1913  
Dunedin

Regarding Tenure Review on "Cattle Flat" Station  
Upper Mataura Valley and Herroost pastoral lease

I wish to register my opposition to the  
conditions on the proposed Tenure Review.

- 1 The lack of Public Access for 365 days of the year
- 2 The proposal to have "Anglers only" 4000 access easement part way up the Mataura Valley

I feel that this proposal completely disregards the "Public Interest" and the proposal should be abandoned and renegotiated

Les Cleveland  
Past Chairman Otago Conservation Board

Cleveland Charitable Foundation Inc.  
P.O. Box 130 37, Green Island, Dunedin, N.Z.

Telephone 64 3 489 7590  
Facsimile 64 3 489 7580

Robin Whelan

---

From: Mike Floate [mike.floate@xtra.co.nz]  
Sent: Monday, 4 April 2005 17:08  
To: robin.whelan@opus.co.nz  
Cc: fmcsec@xtra.co.nz  
Subject: Tenure Review Cattle Flat/The Henroost

Attachments: Cattle Flat.Henroost Submission March 2005.doc



Cattle  
t.Henroost Submissi

Dear Robin

Please find attached a submission on the tenure review of Cattle Flat/The Henroost on behalf of Federated Mountain Clubs of NZ.

I phoned Dave Payton of your office today, and he assured me that an e-mail version of our submission, with hard copy to follow, would be acceptable within the submission period.

I will send hard copy of the submission by post tomorrow,

Yours sincerely

Dr Michael J S Floate (for Barbara Marshall, Secretary, FMC)

**FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)**  
**PO Box 1604, Wellington**

4 April 2005

The Commissioner of Crown Lands  
C/- Opus International Consultants Ltd.  
Private Bag 1913  
DUNEDIN  
ATTENTION: Robin Whelan, Manager, Property.

Dear Sir,

**Re: Preliminary Proposal for Tenure Review: Cattle Flat/The Henroost**

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 15,000 members of tramping, mountaineering, climbing and other outdoor clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country.

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

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

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

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

FMC appreciates this opportunity to comment on the Preliminary Proposal for the review of Cattle Flat/The Henroost.

**The Preliminary Proposal**

FMC notes that the proposal includes the following designations:-

1. 70 ha (approx.) to be designated as land to be restored to or retained in Crown ownership as a Scenic Reserve (Reserve 1) subject to a right of way for farm management purposes for stock foot, horse, guns and farm dogs only (Easement Concession 1: p-q).

We note that the purpose stated for this Easement differs as between the Public Notice (for stock, foot, horse, guns and farm dogs only) and Paragraph 2.1 of the Summary of the Preliminary

Proposal document dated 25 January 2005 (for stock and motor vehicles for farm management purposes). We further note an inconsistency as between paragraphs 2.1 and 3.3. We presume that this concession is proposed (for stock, foot, horse, guns and farm dogs only) as stated in Paragraph 3.3 and in the Public Notice.

2. 115 ha (approx) to be designated as land to be restored to or retained in Crown control as a Scenic Reserve (Reserve 2) subject to a right of way for farm management purposes for stock, foot, horse, motor vehicles, machinery and implements, guns and farm dogs only (Easement Concession 2: l-m).

We note that the purpose stated for this Easement differs as between the Public Notice (for stock, foot, horse, motor vehicles, machinery and implements, guns and farm dogs only) and Paragraph 2.2 of the Summary of the Preliminary Proposal document dated 25 January 2005 (for stock and motor vehicles for farm management purposes. We presume that the intention is for use by stock, foot, horse, motor vehicles, machinery and implements, guns and farm dogs only as stated in Paragraph 3.3 and in the Public Notice.

3. 12 ha (approx) to be designated as land to be restored to or retained in Crown ownership as Conservation Area, subject to a right of way for farm management purposes for stock, foot, horse, motor vehicles, machinery and implements, guns and farm dogs only (Easement Concession 3: s,t,u,v,w,x,y,z).

4. 5,187.6 ha (approx) to be designated as land to be disposed of by freehold disposal to the holder, subject to the following protective mechanisms:

(a) A combined public access and vehicles for management purposes Easement to provide access around the Mataura Range Scenic Reserve and up the Mataura Flats adjoining the Mataura River (Easement 1: a-b, c-b-d; e-f, i-j-k, n-o, a1-1 and g-h).

(b) A vehicles for management purposes Easement to provide access to a Conservation Area and the Tomogalak Stream (Easement 2: 1-a1, j-r-z).

(c) A public 4WD access Easement part way up the Mataura River (Easement 3: g-h).

(d) Sustainable Management Covenant covering 2,120 ha (approx).

### **FMC Submissions**

You will recall that in April 1997, FMC submitted a Preliminary Report on the “Recreational and Public Interest Values of Cattle Flat”. This report referred to both the Cattle Flat Pastoral Lease and the associated Licence over the Henroost Block and is reproduced in the Conservation Resources Report for Cattle Flat/Henroost (2002). FMC is pleased to note that a significant number of our recommendations for the outcomes of tenure review are included in the current Preliminary Proposal. There are however, some significant omissions, notably the failure to propose the return of the Henroost Block to Full Crown ownership. Other unsatisfactory aspects of the Preliminary Proposal include overly restrictive conditions on public access and apparent gaps in the intended public access routes in some cases. These aspects combined convince us that the proposal does not conform with the stated purpose of the CPL Act as set out in Section 24 (c) (i).

The details of FMC comments on, and submissions relating to the Preliminary Proposal are presented below and are arranged in the same format as the Preliminary Proposal quoted above.

### **Preliminary Proposal, Item 1.**

*70 ha (approx.) to be designated as land to be restored to or retained in Crown ownership as a Scenic Reserve (Reserve 1)*

We agree that the Proposal contributes to the scenic value of the Mataura Range Scenic Reserve and for that reason we support the proposal in part. We do not agree however, that the proposal adopts a more rational and manageable boundary. We submit that a better boundary would have been provided by fencing between k and G on the Plan. This would provide an area more fully contiguous with the existing Reserve, would eliminate the contorted boundary represented by k-p on the Plan, would involve significantly less fencing than G-H, and would obviate the need for Easement Concession p-q.

***FMC Submission***

*That the proposed boundary (G-H) of Scenic Reserve R1 be reviewed, and replaced by the shorter boundary represented by G-k.*

**Preliminary Proposal, Item 2.**

*115 ha (approx) to be designated as land to be restored to or retained in Crown control as a Scenic Reserve (Reserve 2)*

We agree that the Proposed Scenic Reserve R2 will provide additional aspects to, and increase the biodiversity value of, the Mataura Range Scenic Reserve and that it possesses high ecological values including a cap of narrow-leaved snow tussock grassland, and shrublands in the gullies. This is in accord with recommendations made in the FMC Report (1997).

FMC accepts the proposed Easement Concession 2: (l-m) but only if the Henroost Block becomes a Sustainable Management Covenant. However, FMC has serious reservation about this proposal and believes that this former Pastoral Occupation Licence area is unsuitable for disposal as freehold (see below in the section headed **Sustainable Management Covenant over the Henroost Block.**

***FMC Submission***

*FMC supports the proposal for Scenic Reserve R2.*

**Preliminary Proposal, Item 3.**

*12 ha (approx) to be designated as land to be restored to or retained in Crown ownership as Conservation Area.*

FMC supports the proposal to designate a new Conservation Area CA.1 on part of the southernmost tributary of the Tomogalak Stream which contains significant inherent values including a small beech forest, a shrubland remnant and native fish in the stream. We note that the watercourse is not wide enough to qualify for the laying off of marginal strips but that 5m wide strips are proposed to protect the stream margins.

We note that a right of way is proposed for farm management purposes for stock, foot, horse, motor vehicles, machinery and implements, guns and farm dogs only to use crossing points at s,t,u,v,x,y,z and for stock, foot, horse, guns and farm dogs only along w. We submit that along a length of only about 3,000m of a small stream whose values it is intended to protect, the proposal for no less than 8 crossings seems excessive. We believe that to provide crossings at s, w, y and z should be sufficient for farm management purposes.

*FMC Submission*

*That the need for so many proposed crossings of the tributary stream in CA1, be reassessed and consideration be given to the provision of easements only at s, w, y and z.*

**Preliminary Proposal, Item 4.**

*5,187.6 ha (approx) to be designated as land to be disposed of by freehold disposal to the holder, subject to the following protective mechanisms:*

FMC supports this proposal in part. We accept that most of the Cattle Flat pastoral lease land is suitable for freeholding, but recommend that the area to become freehold is reduced by a small amount to accommodate our proposed modification to the boundary of Reserve 1.

Of greater importance however, are our concerns about the proposed Sustainable Management Covenant over the Henroost Block (see below). This area is not part of the pastoral lease and was formerly Pastoral Occupation Licence because of its seriously degraded and eroded state. We do not consider that this should become freehold as it will not promote the management of the land in a way that is ecologically sustainable as required by the Crown Pastoral Land Act.

*FMC Submission*

*FMC is not opposed to the disposal as freehold of much of the Cattle Flat pastoral lease land so long as provision is made to accommodate our suggested modification of the boundary of Scenic Reserve R1.*

*FMC does however oppose the freeholding of the Henroost Block for reasons explained below (See section headed Sustainable Management Covenant over the Henroost Block)*

In the next few paragraphs we make comment on the proposed protective mechanisms:

*(a) A combined public access and vehicles for management purposes Easement to provide access around the Mataura Range Scenic Reserve and up the Mataura Flats adjoining the Mataura River (a-b, c-b-d; e-f, i-j-k, n-o, a1-1 and g-h).*

FMC supports the objective of providing a round trip up the Mataura River Flats and around the Mataura Range Scenic Reserve, returning back down the main track from the tops to Cattle Flat Road. However we believe the terms and conditions of public access are too restrictive, and are not consistent with the CPL Act 1998.

In the FMC Report (1997) it was stated that access through from Cattle Flat to Nokomai is important and should be improved. We accept that at this stage nothing can be done about access over Nokomai land but public access for foot and mountain bike use could and should be provided to the northernmost point on Cattle Flat. It appears that the Preliminary Proposal is only for access to the point 'a' on the Plan. In our earlier Report we suggested access to and across Myrtle Flat to the Goosberry Saddle.

There appears to be a gap in the provisions for public access up the Mataura Flats. It seems that there is no provision for public access over the sections d-e, and h-i. Similarly, there seems to be a gap in the access to and from the tops over the section a1-k. If these apparent omissions are in fact real omissions, they should be rectified in the Substantive Proposal. Unless this is checked out and rectified the proposal fails to meet the objects of the CPL Act 1998.

We note that no provision is made for public access to Black Hill and beyond to Cupola and Mid Dome. This is despite the proposed Scenic Reserve R2 and a recommendation to this effect for public foot and mountain bike access in the FMC Report (1997). In fact public access over a1-1 is expressly excluded even though this section is proposed for management purposes. FMC believes this opportunity to provide public access over the tops towards Cupola and Mid Dome (to the boundary of the Henroost Block) should not be missed.

The restricted period of access between September 1 and the end of November is too long and should be reduced to two months. We have no problem with formal midweek restrictions but anticipate that for some longer recreational trips access should be available with the landowner's permission.

*(b) A vehicles for management purposes Easement to provide access to a Conservation Area and the Tomogalak Stream (Easement 2: 1-a1, j-r-z)*

FMC does not object to this proposal except as above where we believe provision should be made for public access over the section 1-a1. Public foot access should also be available to view the natural values in CA.1. Unless at least foot access is provided, the public would be denied access to the new Conservation Area and the purposes of the Crown Pastoral Land Act would not be fulfilled.

*(c) A public 4WD access Easement part way up the Mataura River (Easement 3: g-h).*

FMC notes that this access is not provided for the public in general, but only "for 4WD access during the hours of daylight for members of the public having a sports fishing licence". This is a most unsatisfactory restriction on access and one which in our opinion renders the access provision inadequate to meet the objects of the CPL Act 1998 (Section 24 (C) (i)). FMC submits that the restriction to sports fishing licence holders only should be removed.

We deal with our concerns about the proposed Sustainable Management Covenant (SMC) in a separate section below.

#### *FMC Submission regarding Protective Mechanisms (except SMC)*

*(a) FMC submits that apparent gaps in the proposed round trip at d-e, h-i and a1-k, should be addressed and remedied if recognised as real gaps. Furthermore, public foot and mountain bike access should be provided to the northernmost point on Cattle Flat (top of Myrtle Flat) and to the end of the track leading to Cupola on the western boundary of the Henroost Block.*

*(b) Public foot and mountain bike access should be available over the section 1-a1, and continuing on to the western boundary of the Henroost Block. Public foot access should also be available over the section j-r-z to satisfy the Crown Pastoral Land Act requirement to provide access to the Conservation Area CA.1.*

*(c) FMC supports the proposal for public 4WD access part way up the Mataura River Flats over the section g-h, but submits that the restriction to sports fishing licence holders only should be removed.*

#### *Sustainable Management Covenant over the Henroost Block*

The Preliminary Proposal recommends that the Henroost Block (2120 ha) should become freehold but managed under a Sustainable Management Covenant. The justification for this is questioned, given the description in the Scoping Report which states that:

*"The Henroost area was severely depleted of vegetative cover round the turn of the last century as a result of burning, overgrazing and rabbits. The combined effects of highly erodable soils and the lack of vegetation resulted in severe erosion throughout the block, particularly the upper slopes of the property. The results of this poor cover were seen in the especially low stock numbers allowed onto the property (200 stock units) and then only during the growing season, so as to prevent the possibility of further overgrazing."* Although the Scoping Report claims subsequent substantial recovery, FMC believes that recovery would be greatly assisted by the complete cessation of grazing

FMC notes that of the 2,000 ha area of the block, almost 1,400 ha are Land Use Capability Class VIIe with very low soil fertility and severe limitations for pastoral use. Given the depleted state of the vegetation, the eroded state of the soils and their low natural fertility and potential for pasture production it is most unlikely that this block could be managed in a way that is ecologically sustainable.

When the property was inspected in 1997 by FMC, the above description of severe erosion throughout the block fitted most of what could be seen. It did not appear to FMC that much recovery had taken place. The FMC Report (which was illustrated with photos including the Henroost Block, Figs 5, 11 and 12) stated that *"The erosion is severe and the land should be permanently retired from grazing and no burning permitted if it has any chance of recovery before it suffers the same disastrous erosion as Mid Dome. The timing of retirement should be as soon as possible: ie whichever comes first tenure review or expiry of the POL"*.

We now note that a Special Lease was renewed (for a period of 5 years) in 2002. We further note that the Scoping Report (2001) states that *"The Henroost was closed to grazing for a considerable period and has substantially recovered from the mismanagement of the past. The break along with good management since has allowed grazing to resume on the property."* FMC observations conflict with this conclusion, and we would ask how much better might the vegetational recovery have been if no grazing had been permitted? The FMC recommendation continues to be that grazing should cease forthwith, the land should revert to full Crown ownership and control, and vegetation and natural values (including recovery of soil health and scrub regeneration) should be allowed to proceed slowly but surely without hindrance by any grazing stock.

#### *FMC submission*

*FMC submits that the Henroost Block should not become freehold as this will not promote the management of land in a way that is ecologically sustainable (as required under the CPLA). We further submit that the Special Lease should be cancelled and not renewed, but instead that the land be returned to full Crown ownership and control and be managed for conservation purposes. The management should prohibit any burning and grazing by domesticated stock with the objective of allowing natural values to be restored as soon as possible.*

#### Conclusions



With respect to the tenure review of Cattle Flat pastoral lease and the special lease on the Henroost Block, FMC concludes as follows:

1. It is pleasing to note that many of the recommendations made in the FMC Report on Cattle Flat (1997) have been adopted in the Preliminary Proposal.
2. It is however, disappointing that some of the conditions attached to public access are overly restrictive. Unless these restrictions are relaxed, and the restriction on 4WD access to sports fishing licence holders only is removed, we do not believe the objects of the CPL Act 1998 will be satisfied.
3. There appear to be some gaps in the intended public access routes which should be rectified.
4. FMC doubts that much progress has been made in the recovery of the severely eroded land in the Henroost Block. We consider that grazing should cease forthwith and that to promote management that is ecologically sustainable (as required by the CPLA) the land should be returned to full Crown ownership and control, to be managed for conservation purposes.
5. If our recommendations for the improvement of the Preliminary Proposal are incorporated into the Substantive Proposal, the final outcome will be more in line with the government's stated objectives for tenure review.

Finally, FMC thanks the Commissioner for Crown Lands for this opportunity to comment on the Preliminary Proposal for the tenure review of Cattle Flat/Henroost

Yours faithfully

Barbara Marshall  
Secretary, Federated Mountain Clubs of NZ, Inc.

Cattle Flat /Henroost Tenure Review Submission

The Property Manager  
Opus International

Dear Sir,

As the owner of Cattle Flat Station, I would like to comment briefly on the seventeen cribs that are situated on the pastoral lease. Two of these are located further up the river with the balance (fifteen) being confined to two closely settled areas. Ever since we purchased Cattle Flat in 1993 we have been aware that these people were merely squatters. We bought the property knowing we could remove these buildings at anytime, but have had a largely good repore' with these people and have allowed them to remain. I would however, have grave concerns if the Commissioner of Crown Lands decided to allow these crib owners any form of lasting occupancy.

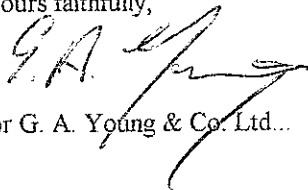
It could firstly, greatly hinder the tenure review process when it is all about land review not buildings.

Secondly, the local authorities have some hesitation on the water and sewerage of these buildings and just how they would accommodate them on a more permanent basis. It appears they are a "grey area" at the moment and have largely turned a blind eye to them.

Thirdly, if any form of secure occupancy was granted, I feel the value of the cribs would increase significantly and this could lead to some cribs being bought by people for permanent residences. These could very easily be undesirable types which we definitely don't want.

At the moment we feel we still have some control over who owns these cribs and therefore the type of people that are likely to be around the station property. I would strongly request that the status quo remain with regard to the cribs.....

Yours faithfully,



for G. A. Young & Co. Ltd...

## Cattle Flat / Henroost Tenure Review Submission

The Property Manager  
Opus International

Dear Sir

As the owner of Cattle Flat Station, I wish to make a submission on the proposed mountain bike and walking track through the southern end of our property and along the Mataura Range Scenic Reserve and down our track at the northern end and back along the river.

Our greatest concern is the southern end which is where the majority of our stock movement is and also the more intensively farmed areas. Also the country is very steep tussock hills or an undulating narrow bush track, the likely event of a collision between the public and the farming business is possible at some stage. After considerable research it appears that a public easement on any property becomes a public road in the eyes of the law which was initially brought to our attention by the Land Transport Safety Authority and now verified by several lawyers. This certainly poses considerable liability on the owners of Cattle Flat in perpetuity and is completely unexceptable to me.

Secondly it is quite obvious the stock disturbance resulting from mountain bikes especially, racing down the southern end, known as the "Flaxmill Blocks". These Flaxmill Blocks will in time become more subdivided as it is some of the best hill country on the station and with large mobs grazing the potential for a smother is considerable. We are also very concerned about large mobs of both sheep and cattle being driven through the main bush track in the "Flaxmills" encountering bikers or trampers. Imagine what happens when perhaps six thousand ewes or five hundred cows have some uneducated townies approach them, the stock would certainly be in grave danger of smothering or crushing not to mention the people when the shepherds get hold of them. Gates not being fastened securely is also another manager problem...as we have already experienced occasionally in the past. It has resulted in up to two days extra work for us just to muster, bring home, draft stock and take them back out again. Even with styles some people would choose to open a gate rather than drag a few bikes over them.

With these major concerns in mind I have suggested an alternative route for the southern end of the proposed loop track. This would involve forming a track perhaps by hand, from the old scout camp in the doc reserve up through a short distance of bush and onto an open tussock ridge with a reasonable gradient out to the top of the Mataura Range. This would completely keep the public away from any major farming activity

at the southern end and sit much more comfortably with us.

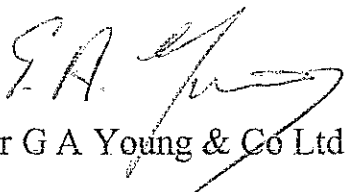
After speaking to several mountain bikers they have indicated that they don't like being on formed tracks all the time and would prefer a small pathway through native vegetation for variety during their ride.

In making these comments it is most important to mention that during the time we have owned the property (since 1993) we have never been approached by anyone wanting to mountain bike around any of the property.

We would still though, have concerns at the northern end of the track as the public come down through a newly cultivated terrace and onto the river flats but this is a concession that we may have to make to enable tenure review to proceed.

With this tenure review, the crown is looking at implementing proposals with far reaching consequences in perpetuity. We must be very careful that the right decisions are made with regard to farming business, conservation/environmental, and social and public access issues. With this in mind I would strongly encourage a change from the draft preliminary proposal to this option through the scout camp enabling the public access with much less restrictions.

Yours faithfully,

  
for G A Young & Co Ltd

**Cattle Flat / Henroost submission**

The property Manager  
Opus International

Dear Sir

As the owner of Cattle Flat Station, I wish to make a submission on the proposed four wheel drive easement from the end of the public road to the end of the ' Beech Tree Flat' which is about two kilometres in length.

We have always been vehemently opposed to this proposed easement, but have been blackmailed by Fish and Game into this

At the moment we freely give keys to genuine fisherman to drive through the locked gate at the end of the public road and access the entire stretch of river bounding Cattle Flat.

We know at all times who is up the river and their movements and this control is vital for stock movement and cropping programs, spraying and other farming activities. As the station only has minimal good flat cultivated land "Beech Tree Flat" is essential with its 70 acres cultivated, to the production system in our farming business. It is absolutely certain in time, if the flat is opened to the public they will not stay on the easement track but veer off to various parts of the river or the bush.

This has become obvious over the wet summer of 2004/05 with very little traffic the proposed easement was just a complete bog and vehicles constantly shifted tracks to try to keep out of the mud resulting in vast pasture damage. If we are growing a winter feed crop or hay on the flat, it will be disastrous for us to have no control over access, and also us, who have the policemen's role. There is the likelihood of camping all over the flat, drug growing in the neighbouring doc estate bush, spotlighting for deer, vandalism and just general hooning and skidding around the paddock. With such an increase in motor trail bikes it will become an open area for abuse from these as well.

With the cribs in the area there are now many children with motor bikes who rip around the cribs and would almost certainly go up the "Beech Tree Flat" without the gate being locked.

It will be little comfort to us to have Fish and Game arrive wringing their hands together saying

they can't do much about it. With the homestead about 4 kilometres below "Beech Tree Flat" there can be a lot of unwanted activity there without us knowing.

Department of Conservation policy seems to be to keep motorized vehicles off their land in situations such as this, so why should we be burdened with a potentially disastrous proposal as this. Privately several Doc staff have told me they certainly endorse my concerns and would not like this proposal to proceed with them (Doc) as a neighbour.

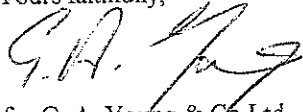
It is interesting to note that it has recently been brought to my attention by Doc staff, that Fish and Game want Doc to put in a locked gate on part of the upper Oreti River to preclude vehicle access to make it more of a "wilderness experience" for fisherman and also to prevent environmental damage.

If a vehicle easement is granted, for the "Beech Tree Flat" it would have profound repercussions on the farming and environmental aspects for a very long time with no ability for redress. With this in mind

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

I very strongly oppose any change from the status quo.

Yours faithfully,



for G. A. Young & Co Ltd



# Southland District Council

When replying please quote: 40/1/1/2

31 March 2005

Opus International Consultants Ltd  
Private Bag 1913  
Dunedin

Attention: Robyn Whelan

Dear Robyn

## Tenure Review - Cattle Flat/The Henroost

Thank you for your letter of 31 January giving Council the opportunity to submit on the Tenure Review for these pastoral leases.

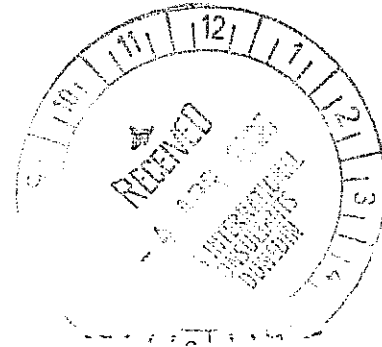
The only comment Council wishes to make in respect to the proposal, is that you confirm the physical alignment of the Ardlussa - Cattle Flat Road does not encroach into the land to be freeholded.

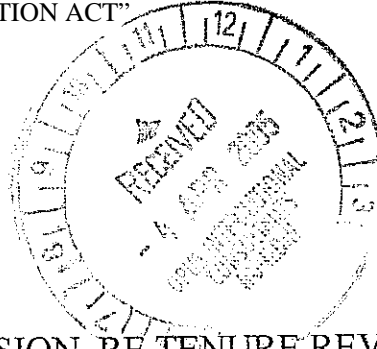
This request is made on the basis that the road was in existence in 1972 when the ownership transferred to Council from the Crown, and as such, if it is constructed over Crown Land this should be rectified and declared road as part of the Tenure Review process.

Yours faithfully

Kevin McNaught  
**PROPERTY MANAGER**

Direct Dial (03) 214 9744  
Email kevin.mcnaught@southlanddc.govt.nz





**G.KLENNER**  
**9 RAKIURA PARADE**  
**OTATARA**  
**INVERCARGILL**

DEAR ROBIN,

I WISH TO MAKE A SUBMISSION RE TENURE REVIEW CATTLE FLAT /HENROOST, AS A BATCH OWNER ON THE STATION I HAVE CONCERNS FOR THE ON GOING USE OF THE BATCH FOR MYSELF AND ONCOMING YOUNGER FAMILY.

[1] THE PROPOSAL DOES NOT GO AHEAD IN ITS PRESENT FORM

[2] IF IT CANT BE STOPPED, THE AREA WERE THE PRESENT BATCHES ARE SITEI BE DECLARED A COMMONAGE.

[3] OR THE STRIP OF LAND WHERE THE BATCHES ARE SITED BE INCORPORATED IN THE ACCESS STRIP WITH THE ROAD. [THIS WOULD ALLOW BATCH ACCESS FOR THE FORSEEN FUTURE]

REGARDS

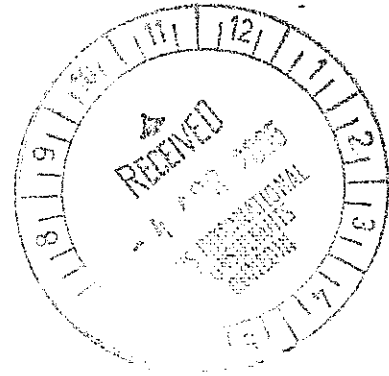
G.KLENNER.

A handwritten signature in cursive script, appearing to read 'G. Klenner'.



**Mr G.Holmes  
31 Robinia Place  
Awatea Gardens  
Wigram  
Ch-Ch 4**

**Ph 03 3446387  
Email grnvlhlms@hotmail.com**



**The Commissioner of Crown Lands.  
Submission on Cattle Flat( Southland) The Henroost Tenure Review.**

Dear Sir or Madam.

I wish to oppose to oppose in its totality the proposed tenure review on the above property on the grounds that it fails miserably to protect and provide for public access to areas of interest such as the Mataura river on a continual basis.

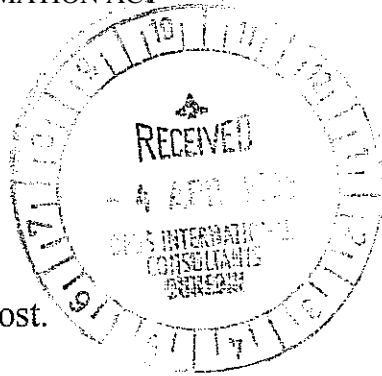
- 2.-That a loop track for walkers and mountain bikers under this proposal would be accessible for less than six months a year.
- 3- The proposed anglers only 4WD access easement is discriminatory and therefore does not provide "public access".
- 4- That freeholding 96% of this large property does not provide adequate public land for recreation within the remaining 4%.

Yours Faithfully

Granville Holmes

Kay Klenner  
9 Rakiura Parade  
Otatara RD 9  
Invercargill

2005-03-31



Tenure Review – Cattle Flat/The Henroost.

Like my Husband I wish to be heard on the above Tenure Review which is being proposed. I am led to believe that there is no consideration what-so-ever for the Bach owners even though some of these Bach's have been there since the early 1950's and the original Bach owners were given permission by the then Minister of Crown land to put their dwellings where they are. We are not against the Tenure Review and over the years we have had total consideration for the landowner and the land and sincerely hope that our submissions at least be considered.

Could it be noted that my submission is as follows:

That the Bach's be included into the Access Strip with the road.

That a Reserve be considered for the strip of land the Bach's are on

Yours Sincerely

Kay Klenner  
Bach No 3  
Cattle Flat

(03)2130334  
gazza.kay@actrix.gen.co

ps Robin We never did receive the Maps.

**Robin Whelan**

---

**From:** francis.JGDM [francis@callsouth.net.nz]  
**Sent:** Thursday, 31 March 2005 21:25  
**To:** robin.whelan@opus.co.nz  
**Subject:** Tenure Review - Cattle Flat  
**Attachments:** Cattleflat.doc

56 Ritichie Street  
Invercargill

31 March 2005

Robin Whelan  
Manager, Property  
Opus International Consultants  
Private Bag 1913  
Dunedin

Dear Sir or Madam

I wish to make a submission to the Government Tenure review of the Cattle Flat Pastoral lease and the Henroost Special lease.

As I understand it the Hutts are on the land that is to be sold. As a Hutt owner on the Cattle Flat Station I am concerned about continued access being available to us. Our family has owned a small batch on this land for over 40 years and have always been considerate of the environment and the lessee's requirements e.g. closing of gates, taking away all rubbish, no dogs during lambing etc. I petition that the submission hearing show the Hutt owners consideration with regards to this sale.

**Proposal 1**

Incorporating the Hutts into the Road Strip area, see map: from tree line to creek thus allowing public access.

**Proposal 2**

From the tree line to the stream at Kelly's Hutt to be made a recreational reserve.

**Proposal 3**

Offer the area as a direct sale to a Hutt Owners Group.

During our 40 years we have had 3 leesees and have enjoyed a very close relationship with each run holder. As a result of this long standing harmonious relationship four generations of our family have enjoyed the benefits of a country life by spending holidays, weekends etc at the hut. With this impending sale all the families involved stand to lose what has become a very precious part of our entity.

I implore that you take these submissions into consideration.

Yours faithfully

Douglas James Bremer

56 Ritichie Street  
Invercargill

31 March 2005

Robin Whelan  
Manager, Property  
Opus International Consultants  
Private Bag 1913  
Dunedin

Dear Sir or Madam

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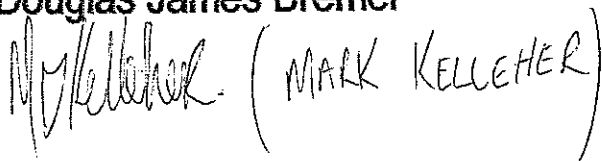
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Yours faithfully



Douglas James Bremer

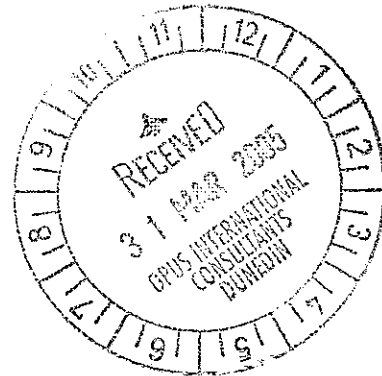


(MARK KELLEHER)

30 March 2005

Manager, Property  
Opus International Consultants Limited  
Private Bag 1913  
**DUNEDIN**

Attention: Robin Whelan



Dear Robin

**CATTLE FLAT PASTORAL LEASE & THE HENROOST SPECIAL LEASE  
TENURE REVIEW SUBMISSION BY CROWN MINERALS**

The Commissioner of Crown Lands has invited public submissions on the tenure review of the Cattle Flat Pastoral Lease and The Henroost Special Lease which occupy a combined area of some 5,384 hectares in northern Southland.

An assessment of the area has shown that the land to the north of the Henroost Special Lease and the Matura Range Scenic Reserve is prospective for metallic minerals and is currently subject to a granted prospecting permit.

Please find enclosed a written submission on this tenure review proposal.

Yours sincerely

A handwritten signature in black ink, appearing to read "Barry Winfield".

Barry Winfield  
Senior Advisor Petroleum and Minerals Policy