



Crown Pastoral Land Tenure Review

Lease name : Cattle Flat (Otago)

Lease number : Po 352

Public submissions

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

August 03

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OFFICIAL INFORMATION ACT

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



Dear Sir,

Cattle Flat Tenure Review.

Thank you for the opportunity to comment on this document.

My concern is for Public Access.

The public access proposed on page 6 is virtually worthless. Access for four winter months only will be of extremely limited use. Nothing less than all-year round access will be acceptable. There should also be provision for assured and signposted access to, at least, the lowest points (closest to roads) of CA1, CA2, and CA3.

It should be obvious, and of considerable concern, that public lands not accessible to the public other than by helicopter are of little use for recreation.

I request that this principle be accepted, and acted upon, for this and future Tenure Reviews.

Yours sincerely,

17/5/03.

Wakatipu Tramping and Mountaineering Club
P O Box 137
Queenstown

14 May 2003

Commissioner of Crown Lands

C/- The Manager
DTZ (NZ) Limited
Land Resources Division
P O Box 27
Alexandra



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Dear Sir/Madam

RE: Tenure Review-Cattle Flat Pastoral Lease Your Ref: Po 352/1

We have perused the proposal and we believe that the concept is satisfactory. The members of the club are pleased to see that the areas used for rock climbing will become recreation reserves.

However it is not clear how the access to the conservation areas marked in red and yellow on the map will be provided.

As far as we know the Treble Cone access road is not available to the public in the summer and autumn months. We like to see at least a pedestrian right of way over this road being created for the 12 months of the year.

We appreciate having the opportunity to be able to comment on the proposal.

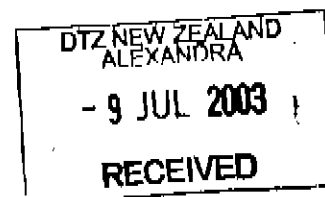
Yours faithfully



Hans Arnestedt
Secretary



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)
P.O. Box 1604, Wellington.



8 July 2003

The Manager
DTZ New Zealand Ltd
PO Box 27
ALEXANDRA

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OFFICIAL INFORMATION ACT

Dear Sir

Re: Preliminary Proposal for Tenure Review: Cattle Flat (Otago)

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 15000 members of tramping, mountaineering, climbing and other outdoor clubs throughout NZ, and indirectly represents 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 formalise and enhance recreation opportunities, to protect public interest values, and to ensure public access on high country pastoral leases through the tenure review process.

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

FMC is grateful for this opportunity to comment on the draft proposal for Cattle Flat

THE PRELIMINARY PROPOSAL

The following designations and protective mechanisms are included in the proposal:-

1. 750 ha (approximately) to be designated as land to be restored to full Crown ownership and control under Section 35 (2) (a) (i) CPL Act as conservation area.
2. 9 ha (approximately) comprising three areas to be designated as land to be restored to full Crown ownership and control under Section 35 (2) (a) (ii) CPL Act as recreation reserve.
3. 860 ha (approximately) to be designated as land to be restored to Crown control under Section 35 (2) (b) (i) CPL Act as conservation area subject to two grazing concessions to be granted to C G & M R Ewing and Trustees Executors under Section 36 (1) (a) CPL Act.

The concessions are as follows:

- Grazing concession over 790 ha for ewe grazing which is not to be actively encouraged for a term of 30 years (Area CA2).
 - Grazing concession over 70 ha for grazing up to 809 ewes between 1 January and 1 May for a term of 30 years (Area CA3).
4. 2966 ha (*approximately*) to be designated as land to be disposed of by freehold disposal to the holder under Section 35 (3) CPL Act subject to part IVA of the Conservation Act 1987, Section 11 of the Crown Minerals Act 1991 and the following protective mechanism under Section 40 (2) (a) CPL Act:
- A conservation covenant over an area of approximately 100 ha for the purpose of protecting the natural landscape.

EMC POSITION

FMC supports the general principles of tenure change, and recognises that the proposal goes some way to meeting the Crown Pastoral Land Act 1998 objectives by ensuring that most significant recreation, conservation and public interest values on Crown Land should be retained in Crown ownership. However, we do have a number of significant concerns regarding access, landscape values, and the conservation implications of some aspects of the freeholding proposals and concessions.

In general, we believe that the proposed allocation of land between full Crown ownership and control and freehold is reasonable, as it involves the transfer of most of the higher altitude land – which is both the area of high significant inherent values and questionable sustainable agricultural value – to the conservation estate.

We are more concerned about what the proposal omits than with what it includes. In this regard we submit that the Preliminary Proposal is inadequate with respect to (a) the provision of public access to the new conservation land and (b) the protection of some of the significant inherent values.

The most significant omission in this proposal is the total absence of formalised year-round public access to the high altitude conservation lands. This issue was canvassed in the Proposed Designations Report, which recommended *“that the Land Act Special Lease over the road be altered to allow for year round public access to the Treble Cone Ski Area (Crown Land subject to s62 Conservation Act).”* Given that the current lease on the road contains provision which allow the Cattle Flat lessees significant discretion on access out of the ski season, the effect of this proposal is to create two significant areas of public land with no public access. This is such a major deficiency that we believe that the proposal as it stands needs to be amended in line with the Proposed Designations Report or withdrawn. It would be highly desirable if the road was formally dedicated as a legal road. Roads can be under the jurisdiction of the Crown rather than a local authority, so in this case the road could be under Crown jurisdiction with management vested in the Department of Conservation. (Such action need not imply ongoing Crown liability for maintaining the road for vehicular travel. The existing arrangements with the skifield lessee could continue, but the “road” status would ensure clear public rights of access in the off-season, as well as in the event of future closure of the skifield).

We have previously advocated for foot access from the valley floor to the proposed conservation area in the vicinity of End Peak. This was rejected in the Proposed Designations Report, as it was considered that the ascent would be "tedious" when the alternative was using the Treble Cone road. However, not everyone has (or wishes to use) a vehicle; vehicle usage can be subject to conditions imposed by the lessee, and walking up the road would be significantly more tedious than an ascent from the Moututapu to End Peak. In addition, descent from End Peak would open up the prospect of a round trip. Accordingly, we recommend a foot access easement from the Moututapu to the Crown/freehold boundary below End Peak.

The Proposed Designations Report notes potential threats to landscape values arising from earthworks, afforestation and wilding trees, and inappropriate structures and tourist developments. It suggests that the District Plan provides appropriate protection. We do not agree. If there is a case for landscape protection over the proposed 100ha landscape protection Covenant area, then there is also a good case for the same protection over the entire area of the front faces which are proposed for transfer to freehold title. This entire area is part of the important scenic backdrop to the entrance to Mount Aspiring National Park and should not be spoiled by inappropriate developments such as roads, structures, subdivision or afforestation. Because FMC does not accept that the District Plan is sufficiently robust or durable to afford the required level and security of protection, we propose that the landscape protection Covenant area be extended to include all that land on the front faces within the area proposed for freehold disposal. We believe that the landscape is one of the most significant inherent values of the property. While pastoral farming of the proposed freehold area will have little effect on those values, we have serious concerns about the potential impact of other uses. For this reason, we strongly recommend that the freehold area (other than the valley flats) be subject to a landscape protection covenant on the title. The covenant should prohibit buildings, structures and exotic forestry.

We have significant concerns about the proposed grazing concession in Area CA2. If the effects of grazing are to be controlled the boundary should be fenced. If it is not practical to fence the proposed boundary, a lower line should be chosen. If this approach is not taken, then it is **imperative** that the term of the concession be substantially reduced. A 30-year term allows no realistic opportunity to vary the conditions (or terminate grazing) if the effects of the grazing are found to be more substantial than envisaged. We believe that a term of five years would be far more realistic, with the right to extend to a maximum of ten years if the effects are proven to be minor. This should provide sufficient time for the freehold owners to adjust their farming practices to avoid use of the Conservation land for grazing.

It may be correct that stock prefer the lower slopes [below CA2] but this is not certain and if it really is impossible to fence then a **short-term** grazing concession with renewal dependent upon monitoring is the only reasonable thing to do. There are significant doubts implied by phrases like "generally graze" and "tending to remain on oversown country". Resolving these doubts, and confirming the absence of any adverse effects will depend on reliable and accurate monitoring (scientific, ecologically approved methods, not just photo points) at least every 5 years, and preferably more frequently.

There is a problem with the proposed Concession over Area CA3: it appears that the upper boundary [with CA1] cannot be fenced and stock will wander into Conservation Area CA1 and threaten the high inherent values which have been recognised in that area. It seems to us there are two alternatives:- If the upper boundary of CA3 can be fenced it should be, and CA3 included with the freehold on account of the degree of modification of the grassland. Alternatively, if the boundary cannot be fenced then CA1 should be extended to include the area of CA3. Despite its

present modified state, with the cessation of grazing, it would gradually return to its natural ecological state. This is the alternative favoured by FMC. However, if our submission on this point is rejected, it is again imperative that the term of the concession be substantially reduced. We note that part of the rationale for the concession is to "allow the Department of Conservation to control the effect on adjacent conservation values". This cannot be achieved with a 30-year concession term.

Finally, we appreciate this opportunity to comment on the draft proposals for the tenure review of Cattle Flat, and wish to be heard in support of this submission if a hearing is held. We would be happy to be involved in further discussions regarding any of the issues raised in this submission.

Yours faithfully

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

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In reply please quote
File Ref: 402007

DTZ NEW ZEALAND
ALEXANDRA
- 9 JUL 2003
RECEIVED

Civic Corporation Limited
Private Bag 60077,
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Queenstown, New Zealand
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site: <http://www.civiccorp.co.nz>

8 July 2003

The Manager
DTZ New Zealand Limited
Land Resources Division
PO Box 27
ALEXANDRA

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OFFICIAL INFORMATION ACT

Dear Sir/Madam

CATTLE FLAT TENURE REVIEW: SUBMISSION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

Please find enclosed the submission of the Queenstown Lakes District Council to the Cattle Flat Station Tenure review proposal.

If there are matters requiring clarification with respect to this submission, please do not hesitate to call.

The Queenstown Lakes District Council appreciates the opportunity to submit to this application.

Yours faithfully
CIVICCORP

Jenny Parker
POLICY PLANNER

**SUBMISSION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL ON THE
CATTLE FLAT TENURE REVIEW PROPOSAL**

DATE: 9 July 2003

SUBMITTER:

Queenstown Lakes District Council

ADDRESS FOR SERVICE:

C/- Jenny Parker
CivicCorp
Private Bag 50077
QUEENSTOWN

**RELEASED UNDER THE
OFFICIAL INFORMATION ACT**

Phone: (03) 442 9794

Dear Sir/Madam

This submission is lodged on behalf of the Queenstown Lakes District Council.

The Queenstown Lakes District Council appreciates the opportunity to submit on the Cattle Flat Tenure review proposal.

The Council has an interest in tenure review proposals within this District for four reasons:

- Ensuring sufficient public access is provided;
- Ensuring indigenous biodiversity values are identified and managed appropriately;
- Ensuring heritage values are recognised and provided for;
- Ensuring outstanding natural landscapes, outstanding natural features and other significant visual amenities are protected.

The Council is concerned that the proposal does not provide for any public access to the Matukituki River, or to the land to be reinstated in Crown ownership. Out of 4585 hectares of land, only 9 hectares will be accessible to the public.

The Matukituki River is an important recreational river, used for kayaking, fishing and jetboating. For the community to enjoy these activities, access to the river is required. It is suggested that access could be gained at the Northern end of the property from the Wanaka-Mount Aspiring Road. It is suggested that this access should be around 20 metres wide, and link with the marginal strip. This would enable access to the Motutapu River marginal strip as well. Because it is uncertain how extensive the marginal strip is, it may be necessary to reinstate land adjoining the marginal strip in Crown ownership to ensure that public access is provided.

To gain access to the land reinstated in Crown ownership as conservation areas, it is suggested that public access on the Treble Cone ski-field Road be guaranteed, and that a turn-off point to the Crown land be established. Alternatively, depending on topography, a strip of land should be reinstated to Crown ownership as recreation reserve, in order to access areas CA1 and CA2 as shown on the map.

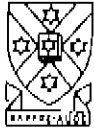
Please do not hesitate to contact the writer if you have any questions with respect to this submission.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'J Parker', written in black ink.

Jenny Parker
POLICY PLANNER

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Department of Botany

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



July 9, 2003.

SUBMISSION ON PROPOSED TENURE REVIEW: CATTLE FLAT PASTORAL LEASE

Dear Sir,

Thank you for sending me a copy of the proposal for tenure review of Cattle Flat Pastoral Lease. I appreciate you sending me a copy of the Preliminary Proposal to comment on since I know the area well.

The separation of the property of 4585 ha as proposed, being 1619 ha (35%) for restoration to full Crown ownership and control in four units, two with grazing conditions attached, and the balance of 2966 ha (65%) for disposal by freehold title certainly makes for a highly disproportionate separation in favour of freeholding and a relatively low proportion for conservation. I accept that the features of the property, particularly the aspect of fencing on steep mountainsides, are a major consideration here.

Regarding the areas to be restored to full Crown ownership and control, the CA1 block of 750 ha clearly has a valuable landscape qualities plus an important altitudinal sequence of indigenous vegetation from beech forest and shrubland through snow tussock grassland to alpine communities. This important conservation area appears from the map to have provision to be only partially ring fenced, with an existing fence shown only on the north side along its lower margin. A proposed new fence is shown for only part of the lower boundary to the south of the creek. If this is actually the proposal then there should be provision to complete a fence along the lower boundary of this block.

All of the remaining blocks have provision for grazing for up to 30 years. Block CA2 of 790 ha clearly has significant inherent values but difficulties of fencing have meant some grazing will be unavoidable. The conditions to be imposed to not actively encourage grazing (no mustering or use of salt blocks) should be strengthened by imposing a third condition of actually requiring the use of salt blocks on the adjacent freehold block below the conservation/freehold boundary, to actively discourage stock moving higher up-slope on to the conservation land. There should also be a "no burning" condition on this conservation area (Block CA2).

Block CA3 of 70 ha should carry the additional conditions of salt blocks below the lower boundary and a no burning clause that I have suggested for Block CA2 (above).

The three proposed recreation reserves for rock climbing (two) and picnicing (one) purposes, are supported.

The area proposed for freehold title with a conservation covenant attached (because of the impracticality of fencing) to "protect the existing high country landscape comprising tall tussockland, native herbs and grasses on steep mountain slopes", should carry a "no burning" condition on the covenant.

Public access is an essential component of managing the conserving land and in this case it relies largely on the Treble Cone Skifield Road which, the report states "is presently not available between 1 October and 30 May." This is clearly a critical time for public access, which presumably be negotiated as part of this review process.

The proposal states that no monitoring is proposed at this time but could be added later, if necessary. Such a provision should be formalised in this proposal, as well as any consequences of an unfavourable vegetation condition being revealed by any future monitoring.

Further, it is not clear how the conservation land would be managed in 30 years time, with termination of the grazing licences on Blocks CA2 and CA3 (I note there are no provisions for renewals). Clearly the topography of the area will not change in relation to the ability of fence the boundaries. This issue should have been addressed in the current proposal and needs to be addressed before the final proposal is negotiated..

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

Sincerely,

A handwritten signature in black ink, appearing to read "Alan F. Mark", with a long horizontal flourish extending to the right.

Alan F. Mark.
Professor Emeritus

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OFFICIAL INFORMATION ACT

Submission on the Cattle Flat Tenure Review

Date: 10 July 2003

Submitter: The Wanaka Residents Association Inc.

Address for Service: C/- Mr Errol Kelly,
Secretary, Wanaka Residents Association Inc,
186 Faulks Road,
Mt Barker,
Wanaka
Ph 03 443 4337



Dear Sir/Madam,

Thank you for the opportunity to comment on the Cattle Flat tenure review. We have read the documents and would comment as follows.

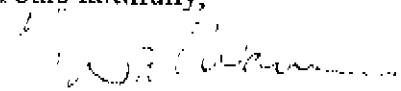
We are interested in preserving and improving the public's access to the rivers and lakes in the Upper Clutha area. There are marginal strips along the proposed freehold land frontage to both the Motatapu and Matukituki Rivers, but public access to them is very limited. The only access to these parts of the marginal strips appears to be at the bridge across the Motatapu River near the land marked R3 on the preliminary proposal map.

We believe that better public access should be provided to the Matukituki and this would be achieved if a short access way was provided along the north boundary of the property between the public road and the Matukituki river marginal strip. This would allow as of right access to the river, which is quite close to the road at this place. Such access should be wide enough to allow vehicles to be parked off the road, and perhaps be driven to the river by people wanting to fish & picnic near the river etc.

We support the view of the Queenstown Lakes District Council, as reported in the 10 July issue of the Otago Daily Times, that there should be this public access to the river. We agree with Mr Graham Dickson's reported comments that the Matukituki is an important recreational river. It is used for kayaking, jet boating and fishing, and to enjoy these activities access is required.

This review is the last chance to obtain legal access to the river for the long term, and the opportunity should be taken to provide for possible long term needs, even though these may be limited at present. The only certainty is that demands for access to the river will increase.

Yours faithfully,


Trevor J Williams
President.

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UPPER CLUTHA ENVIRONMENTAL SOCIETY (INC.)

PO Box 443, Wanaka.
Tel/Fax (03) 443 7837
uces@xtra.co.nz

The Manager,
DTZ New Zealand Ltd,
PO Box 27,
ALEXANDRA



10th July 2003

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Dear Sir/Madam,

Preliminary Proposal for Tenure Review:
Cattle Flat Matukituki Valley

This letter is from the Upper Clutha Environmental Society (Inc.). We currently have 45 members in the Upper Clutha and in the past have submitted on a wide range of environmental related topics in the Upper Clutha including developments in the Matukituki Valley.

The Society supports the aims of tenure review:

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

The Society would like to make the following comments and suggestions on the proposal.

UCES'S COMMENTS ON THE PRELIMINARY PROPOSAL

UCES recognises and supports the fact that the proposal goes some way to meeting the Crown Pastoral Land Act 1998 objectives by ensuring that most significant recreation, conservation and public interest values on Crown Land should be retained in full Crown ownership.

However, the Society does not believe the proposal as it stands fully meets the Act and we have a number of concerns in relation to the preliminary proposal.

The proposed allocation of land between full Crown ownership and control and freehold is reasonable, as it involves the transfer of most of the higher altitude land—which is both the area of high significant inherent values and questionable sustainable agricultural value – to the conservation estate. In reality this higher altitude land is only of real value to the public, however, if access can be easily obtained to it.

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The Society believes that the Preliminary Proposal is inadequate with respect to:

- (1) the provision of public access to the new conservation land and
- (2) the protection of some of the significant inherent values.
- (3) the provision of public access to the Matukituki River

A key problem the Society has with the proposal is the absence of formalised as of right year-round public access to the high altitude conservation lands.

We note that the Proposed Designations Report for Cattle Flat said: [^]

"that the Land Act Special Lease over the road be altered to allow for year round public access to the Treble Cone Ski Area (Crown Land subject to s62 Conservation Act)."

The somewhat ridiculous effect of this proposal as it stands is to create two significant areas of public land with no public access. This is a major deficiency.

We suggest that the proposal needs to be amended in line with the Proposed Designations Report or withdrawn. It would make sense to formally dedicate the Treble Cone road as a legal road under Crown jurisdiction with management vested in the Department of Conservation.

This will not necessarily mean Crown liability for maintaining the road for vehicular travel, though there is no reason why maintenance costs of retaining such important public access should not lie at least partly with the Crown. More likely, however, is that the existing arrangements with the ski field lessee could continue. The legal road status would ensure clear public rights of access in the off-season, as well as in the event of future closure of the ski field. We see no potential conflict or significant adverse effect on any person being caused by the road being open for skiing in winter and for public access in spring, summer and autumn. On the contrary year round access would be a wonderful asset for the general public.

The Society would also like to see foot access from the valley floor to the proposed conservation area in the vicinity of End Peak; this would mean a round trip would be possible in conjunction with the Treble Cone Road. We, therefore, strongly suggest a public foot access easement from the Motatapu to the Crown/freehold boundary below End Peak.

The Proposed Designations Report correctly broaches potential threats to landscape values arising from earthworks, afforestation and inappropriate structures and tourist developments.

This report suggests that the District Plan provides appropriate protection. The Society has considerable experience of the policies, objectives and assessment matters in the QLDC Proposed District Plan. We do not agree that the District

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Plan will give adequate protection to this area, indeed there have been a number of controversial developments that have successfully gained consent in outstanding natural landscape close to Wanaka in the last couple of years.

The Society suggests that there should be landscape protection over the entire area of the front faces which are proposed for transfer to freehold title. This entire area is part of the important scenic backdrop to the entrance to Mount Aspiring National Park traveled by many thousands of visitors each year and should not potentially be allowed to be degraded by inappropriate developments such as roads, structures, subdivision or afforestation.

The District Plan is subject to the interpretation of Council's hearing panel and in the past inconsistencies have arisen with this interpretation often due to the panel accepting statements from expert witnesses funded by landowners that seek to make considerable financial gain by succeeding with applications, while opponents of development cannot afford experts to put the opposing point of view.

The Society suggests that the landscape protection Covenant area in the proposal be extended to include all that land on the front faces within the area proposed for freehold disposal. We believe that the landscape is one of the most significant inherent values of the Cattle Flat property. Pastoral farming of the proposed freehold area will have little effect on those values. However, subdivision and development for either tourism or residential reasons will almost certainly have significant adverse effects on these landscapes. For this reason, we strongly suggest that the freehold area (other than the valley flats) be subject to a landscape protection covenant on the title. The covenant should prohibit buildings, structures, new roading and exotic forestry.

The Society is also concerned that there appears to be no public access across the valley flats to the Matukituki River. We believe that such access to the Queens Chain beside the river would be valuable for the public both for trampers and people fishing and would have minor adverse effects on farming activities in the valley floor. We suggest, therefore, that the proposal be amended to include a convenient, and easily accessible (and well signposted) public foot access easement to the Matukituki River.

The Society is concerned about the proposed grazing concession in Area CA2. If the effects of grazing are to be controlled the boundary of this area should be fenced. If it is not practical to fence the proposed boundary, a lower boundary line needs to be taken.

Alternatively, but less favoured by the Society, the term of the concession could be reduced. A 30-year term as suggested in the proposal will permit no realistic opportunity to vary the conditions or terminate grazing if the effects of the grazing are found to be significant and adverse. The Society suggests a maximum term of ten years would be more realistic. This should provide sufficient time for the freehold owners to adjust their farming practices to avoid use of the Conservation land for grazing.

The Society also has a problem with the proposed Concession over Area CA3: it appears that the upper boundary [with CA1] cannot be fenced and stock will wander into Conservation Area CA1 and threaten the high inherent values which have been recognised in that area. We suggest two alternatives:-

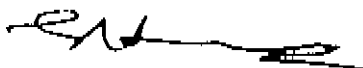
1. If the upper boundary of CA3 can be fenced it should be, and CA3 included with the freehold on account of the degree of modification of the grassland.
2. If the boundary cannot be fenced then CA1 should be extended to include the area of CA3. Despite its present modified state, with the cessation of grazing, it would gradually return to its natural ecological state.

The Society prefers the latter solution. Again if the Society's submission as stated above is not taken up we suggest that the term of the concession be substantially reduced. Effects of grazing on adjacent conservation values cannot be controlled with a 30-year concession.

Thank you for this opportunity to comment on the draft tenure review proposal for Cattle Flat.

We look forward to hearing from you should there be any further opportunity for public input on this matter.

Yours faithfully



Julian Haworth
President
Upper Clutha Environmental Society (Inc.)

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Safari Excursions – Wild Flower Walks
 41 Glencarron St
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 Phone 03 448 7474
 E-mail jdouglas.alx@xtra.co.nz



12 July 2003

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

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 OFFICIAL INFORMATION ACT

Dear Sir

CATTLE FLAT TENURE REVIEW – PRELIMINARY PROPOSAL

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

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

The West Wanaka region with its outstanding landscape features along with its significant botany inherent values will I hope be a valuable asset as a Conservation Reserve. The upper mountain slopes comprises of alpine cushionfields / herb fields with significant wetlands down on the valley floor.

However I would like to comments on some parts of the preliminary proposal, which I believe should be open to further consideration. It should be noted that the earlier general proposal has changed considerable and the present proposal favours the present leasees with more favourable conditions.

Public consultation requires willingness by all parties to discuss openly, and at times reconsider the many issues presented to them.

1 LEGAL DESCRIPTION OF LAND CONCERNED:

Pastoral lease land

Part run 812 and section 1 SO 22995 being all the land contained in Instrument of title CL 10C/6888 (*Otago Registry*) comprising 4585.0723 hectares.

2. GENERAL DESCRIPTION OF THE PROPOSAL

- 1) 750 ha (*approximately*) to be designated as land to be restored to full Crown ownership and control under Section 35 (2) (a) (i) CPL Act as conservation area.
- 2) 9 ha (*approximately*) comprising three areas to be designated as land to be restored to full Crown ownership and control under Section 35 (2) (a) (ii) CPL Act as conservation reserve
- 3) 860 ha (*approximately*) to be designated as land to be restored to Crown control under Section 35 (2) (a) (i) CPL Act as conservation area subject to two grazing concessions to be granted to C G & M R Ewing and Trustees Executives under Section 35 (1) (a) CPL Act.

These concessions are as follows:

Grazing concessions over 750 ha for ewe grazing, which is not to be actively encouraged for a term of 30 years.

Grazing concessions over 70 ha for grazing up to 809 ewes between 1 January and 1 March for a term of 30 years.

- 4) 2966 (*approximately*) to be designated as land to be disposed of by freehold disposal to the holder under Section 35 (3) CPL Act subject to part IVA of the Conservation Act 1987 Section 11 of the Crown Minerals Act 1991 and the following mechanism under Section 40 (2) (a) CPL Act:

Protective mechanism:

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A conservation covenant over an area of approximately 100 ha for the purpose of protecting the natural landscape.

CONCERNS

BETTER ACCESS to the Matukituki River and to the proposed conservation reserve near Treble Cone.

- 1) **RIVER ACCESS** by way of a 20m wide access to the Matukituki River at the northern end of the property, linking Wanaka-Mount Aspiring Rd with existing marginal strips.
- 2) **GUARANTEED ACCESS** to the Treble Cone Skifield road so the public can get to the proposed conservation area. Either a turn-off point to be created on the Skifield road or, depending on topography, that a strip of land be reinstated in Crown ownership as recreation reserve so as to access the conservation reserve.

3) THE MATUKITUKI RIVER is an important recreational river and anglers have had traditionally obtained the farmer's permission and will now need this to be confirmed as a condition so as to reach the Matukituki River across Cattle Flat.

4) Public access to and enjoyment of the land is provided for in the proposal by the creation of public foot, horse and non motorised vehicle access easements through the proposed freehold to all those areas considered of public interest for recreation. In addition public vehicle access is provided to Lake Wanaka from the existing public road and access with guns and dogs to proposed wildlife management areas.

GRAZING CONCESSIONS

- 1) Both the grazing concessions of 30 years are too long on the 860 ha (*approximately*) to be designated as land to be restored to Crown control.
- 2) Grazing concessions on restored Crown controlled land should only be of a temporarily nature. A period of 5 years would be more appropriate so as the owner can readjust to his / her freehold property.

SIGNIFICANT VALUES

- 1) As part of larger tracts of conservation land in the adjoining Mount Alta and West Wanaka conservation areas the proposed area to be returned to the Crown, represents an exceptional setting for outdoor recreational activities including tramping and hunting.
- 2) The land adjoins forest covered conservation lands. Much of the area is regenerating beech with regenerating hardwood shrublands. The area is frequent by the New Zealand pigeon (*koruru*). This species is a Category B threatened species (*Molloy and Davis 1994*).
- 3) Cattle Flat comprises an altitudinal sequence from the Matukituki Valley floor to the lower boundary of Mount Alta conservation area, at ~1100m altitude. The proposed reserve includes a band of tussocklands below and above an existing retirement boundary fence with the conservation area. The area comprises intact tall tussock lands, sub-alpine shrublands, native and regenerating beech and hardwood forest and a lower fan that includes *Olearia*'s – daisy trees.
 - i) *Olearia hectori* is a Category "A" threatened plant species (*Molloy & Davis 1994*) meaning that it has the highest priority ranking for conservation action. Rogers (1996) noted that reservation proposals for *O. hectori* must consider the need for large areas to span the spatial and temporal patterns of landscape disturbance that enable the establishment of new populations. For this reason, protecting this species as part of an intact altitudinal sequence is seen as being particularly important.

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- Protection of *O. hectori* is also important in order to sustain many insect species, which depend exclusively on this species for their survival.
- ii) This proposal represents a rare opportunity to protect an altitudinal sequence of native vegetation and associated fauna. The sequence encompasses an endangered tree species on a valley floor, a fan system, a montane beech forest, sub-alpine shrublands, alpine tussock grasslands and high alpine vegetation close to the permanent snow line in the vicinity of Buchanan Peaks.
 - iii) *O. hectori* is an important host for many native insects, which depend on this host for their survival. One moth species, which breeds on this plant, is possibly endemic to the Matukituki Valley. *O. hectori* is thought to have once been widespread in non-forested areas and today its distribution is now extremely scattered.

4. The North Matukituki wetland, which covers approximately 15 ha and is an important wildlife habitat, a remnant of a large wetland system that once covered much of the Matukituki Valley. The hydrology appears to be essentially controlled by natural processes, despite substantial modification to surrounding lands. It contains a significant component of native vegetation and a great diversity of insect fauna.

Collectively with the South and Mid Matukituki wetlands, these areas comprise the largest wetland in the Wanaka Ecological district. There is a long history of wetland modification in New Zealand. Only 8% of pre European lowland wetlands now remain. Wetlands now occupy less than 2% of the total land area of New Zealand. New Zealand is a signatory of the RAMSAR convention and has an obligation to protect remaining viable wetlands.

The wetland is a breeding and feeding environment for a host of native and introduced bird life. The presence of moulting paradise shelduck gives the area a moderate to high ranking under criteria used by the previous Wildlife Service in their New Zealand Wildlife Service National Habitat Register.

In conjunction with the South and Mid Matukituki Wetlands the diversity of native bird, insects, aquatic and plant life qualifies the wetland as having regional conservation significance. Despite being physically separated, the areas were once part of one large wetland complex. Considerable biological interaction eg movement of birds, continues to occur between the three wetlands proposed for protection.

The wetland is well known as a freshwater fishery and for game bird hunting.

5) The Mid Matukituki wetland covers approximately 50 ha and the **South Matukituki Wetland** covers approximately 125 ha are both important wildlife habitats and have similar significant inherent values as the North Matukituki wetland.

6) Faces above West Wanaka Lagoons.

i) This area contains approximately 55 ha and comprises steep bluffy faces at the south end of the South Matukituki Wetland. The area is vegetated by diverse shrublands containing *O. hectori*. The land is characterised by areas that have the following significant inherent values:

ii) The mid to lower reaches of the Matukituki Valley have been extensively modified through Polynesian burning and more recently by pastoral activities. This proposal comprises an attractive area of essentially regenerating native vegetation that provides an attractive natural backdrop to wetlands proposed for protection and to the intensively farmed Matukituki Flats.

iii) It is possible that the *O. hectori* on the bluffs and faces of this area is the only viable population of this endangered species in the Matukituki Valley. There are a number of possible explanations for this; the most likely being that it is one of the few areas where disturbance is predominantly from natural events i.e. rockfall, slips and perhaps occasional fire. The *O. hectori* present on the adjacent fan are one of the better examples of mature trees in the valley.

iv) The balance of the shrublands is a valuable example of a vegetation type, which would have been common in the valley prior to human disturbance. The protection of a continuous area comprising the West Wanaka lagoons and series of bluffs and shrub covered faces will comprise an important tract of protected land where natural processes will dominate. This is particularly important for hydrological processes in the wetlands.

v) *O. hectori*, *O. odorata* and *Gingidia montana* are host to a range of unique, and in some cases, rare insect life. This is not a typical site for *O. hectori*. The presence of juvenile plants makes it a particularly important habitat for protection.

7) West Wanaka Bridge Bluff Bush/Shrublands.

i) This area comprises approximately 40 ha, lies to the west of the West Wanaka road after crossing the Matukituki Bridge and contains important botanical values. In addition to species described as being present in shrublands elsewhere on the property, the area contains two mature matai trees (male and female), *Arthropodium candidium*, (a native lily), *O. hectori*, *O. fragrantissima* and mountain beech along the river margins.

ii) The land is characterised by areas that have the following significant inherent values:

a) The mid to lower reaches of the Matukituki Valley have been extensively modified through Polynesian burning and more recently by pastoral activities. This proposal comprises an area of native bush that provides an attractive natural backdrop to the lower reaches of the Matukituki River.

- b) The area contains *O. hectori*, which is a Category "A" threatened plant species (Molloy & Davis 1994) meaning that it has the highest priority ranking for conservation action. Rogers (1996) noted that reservation proposals for *O. hectori* must consider the need for large areas to span the spatial and temporal patterns of landscape disturbance that enable the establishment of new populations.
- c) *O. fragrantissima* is a Category B threatened species, which makes it a second priority for conservation action.
- d) *Arthropodium candidum* is described as being scattered but seldom common.
- e) The two matai trees are probably the eastern most of their kind in Central Otago and constitute evidence that this species was once more widespread. These two trees, a single tree near the mouth of the Minaret Burn and two trees at Diamond Lake are probably the only matai trees in the Lakes Ecological Region. Formal protection is therefore extremely important, as is the retention of areas that may provide a suitable habitat for younger replacement trees to establish.

7) Lakeside conservation area between Station Creek and the Rumbling Burn.

The area comprises approximately 25 ha and extends for approximately 3 km along the shores of Lake Wanaka above an existing marginal strip between the mouths of Station Creek and the Rumbling Burn. The upper boundary is an existing farm track. Vegetation comprises a mix of native forest that includes southern Rata. The land is characterised by areas that have the following significant inherent values:

- a) This area represents one of the few parts of the Lake Wanaka shoreline, which has been largely protected from fire and grazing. The forest/shrubland remnants provide an insight into the character of the area prior to an increase in the frequency of fire associated with Maori and European settlement. The remnants add to the areas outstanding landscape and contribute to the setting for lakeside recreation.
- b) Southern rata is near its eastern distributional limit, being primarily confined to wetter more temperate locations near to and West of the Main Divide.

8) Lake Faces - Rumbling Burn to Minaret Burn.

The area comprises approximately 200 ha. The steep lakeside faces contain one of the most important shrubland/forest remnants in the Lakes Ecological Region. A grove of six mature kahikatea trees and a single large matai tree are present in a damp gully. The upper reaches of these faces are in an advanced stage of regeneration towards a mixed mountain/silver beech, kanuka, manuka, inaka

shrubland/forest. The land is characterised by areas that have the following significant inherent values:

- a) The forest remnants are of exceptional scenic value given their proximity to the shores of Lake Wanaka. Forested backdrops provide a natural recreational setting unsurpassed elsewhere on Lakes Wanaka, Hawea or Wakatipu.
- b) The presence of large podocarps growing close to the shores of Lake Wanaka provides some insight into the area's character prior to Polynesian fires and is highly significant from a scientific perspective. The grove of Kahikatea probably represents the eastern limit for this species in inland Otago. Other pockets of Kahikatea in the area were milled last century.
- c) *Gingidia montana* plants which are present on bluffs near the mouth of the Minaret Burn are host to a range of unique, and in some cases, rare insect life.

9) Faces From Cox Bush to North Branch of the Rumbling Burn.

The area contains approximately 430 ha and comprises steep faces lying between Cox Bush and the North Branch of the Rumbling Burn. Much of the area is vegetated in native shrublands and forest. Bracken fern dominates the section between Cox Bush and the North Branch of the Rumbling Burn. Shrublands and bracken merge at approximately 1000 m.a.s.l. into a narrow band of semi-natural grassland with some remnant narrow-leaved snow tussock and native short tussock species. The land is characterised by areas that have the following significant inherent values:

- a) Cox Bush and environs support a sequence of native vegetation that extends from the lake shore to the summit of Buchanan Peaks.
- b) The area is an important component of an outstanding landscape and contributes to the setting for lakeside recreation.
- c) This proposal also stands to create a valuable biological linkage of protected lands extending from the shores of Lake Wanaka to existing protected high altitude lands in the Mount Alta conservation area.

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SUMMARY

West Wanaka is a very large, linear property on the shores of Lake Wanaka extending from the Minaret Burn to the Matukituki River Mouth and extending west up the Matukituki Valley. The Matukituki arm includes flats, wetlands and lower mountain slopes below the Buchanan Peaks. The property as a whole contains significant and important landscape values

Beech remnants above the Matukituki Flats are evidence that forests once extended well to the east of the large tracts of forest on the flanks of the Main Divide. They are an important natural component of the landscape in the approach to Mount Aspiring National Park.

Extensive shrublands provide an attractive natural backdrop to the Matukituki valley that is visible from the Wanaka - Mount Aspiring Road and Treble Cone Ski Field.

The 750ha conservation area will be created on the northern slopes of Treble Cone while another 860ha of conservation land will be subject to grazing concessions of which I have some concerns. The 750ha conservation area has not been grazed for many years and provides a habitat for native tussocks, grasses and herbs. Threatened birds, insect species, moths and the possibility of new species, all live here.

I thank you for the opportunity to make this submission.

Yours faithfully

John Douglas
Manager

ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED

Upper Clutha Branch

PO Box 38
LAKE HAWEA

12TH July 2003

The Commissioner of Crown Lands
C/o the Manager
DTZ New Zealand Ltd
PO Box 27
ALEXANDRA



Dear Sir

CATTLE FLAT (Otago) – Tenure Review – Preliminary Proposal

We make this submission on behalf of our branch of the Royal Forest and Bird Protection Society that has a current membership of 184. The wider membership of the Society is 55,000 members nationwide in 57 branches. The Society has been an active advocate for the protection and conservation of New Zealand's natural and physical resources since 1923.

Our branch, as does the whole Society, fully supports the aims of Part II of the CPL Act 1998.

As thorough an inspection of the property as we would have liked has not been entirely possible due to weather and snow conditions. However we thank Mr R Ewing for allowing us to enter the property.

A visual inspection was carried out from the Wanaka-Mt Aspiring road, from the Treble ski-field road and from Rocky Hill to the east. This submission has been compiled from those inspections, from information gathered from NGO meetings, from others familiar with the area and the Conservation Resources Report.

Cattle Flat is a large mainly mountainous property, rising from 300masl. to 2050masl. Apart from the river flats the property is steep, high and rugged. It backs onto the Harris Mountains. The river flats have all been cultivated, and the lower slopes up to about 1000masl. have been largely developed by aerial over-sowing and top-dressing. The bracken on these lower slopes has been mostly sprayed see photos. A large proportion of the fencing on the property is deer fencing.

1. The Preliminary Proposal as Presented:

The following designations and protective mechanisms are included in the proposal:-

1. 750 ha (approximately) to be designated as land to be restored to full Crown ownership and control under Section 35 (2) (a) (i) CPL Act as a conservation area.
2. 9 ha (approximately) comprising three areas to be designated as land to be restored to full Crown ownership and control under Section 35 (2) (a) (ii) CPL Act as recreation reserves.
3. 890 ha (approximately) to be designated as land to be restored to Crown control under section 35 (2) (b) (i) CPL Act as a Conservation Area subject to two grazing concessions to be granted to C G and M R Ewing and Trustees Executors under Section 36 (1) (a) CPL Act.

The Concessions are as follows:

Grazing concession over 790 ha for ewe grazing which is not to be actively encouraged for a term of 30 years.

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Grazing concession over 70 ha for grazing up to 800 ewes between 1 January and 1 May for a term of 30 years.

4. 2966 ha (approximately) to be designated as land to be disposed of by freehold disposal to the holder under Section 35 (3) C)PL Act subject to part IVA of the Conservation Act 1987, Section 11 of the Crown Minerals Act 1991 and the following protective mechanism under Section 40-(2) (a) CPL Act.

Protective Mechanism:

A conservation covenant over an area of approximately 100 ha for the purpose of protecting the natural landscape

(This covenant is to protect the existing "...high country landscape comprising tall tussock grassland, native herbs and grasses on steep mountain slopes..." The reason being given for proposing freeholding this 100 ha is that the boundary A-B-C being the only feasible fence line and there being no suitable way of fencing to include this area within the conservation area).

2. Summary:

1. We fully support the recognition of the significant values of the Harris Mountain zone by returning to full Crown ownership and control the areas marked on the plan CA1, CA2 and CA3.
2. We support the recognition of the recreational values – rock climbing areas and picnic area near the Motatapu River shown on the plan R1, R2 and R3 by returning them to full Crown ownership and control.
3. We do not support the time scale of the proposed concession resulting from providing for stocking of CA3 and allowing sheep to stray into CA1 for 30 years – this is far too long.
4. We do not support the use of a conservation covenant over the proposed 100 ha freehold land adjoining CA1. This area has significant inherent conservation values as identified in the Conservation Resources Report. Fencing should, and could, be at a lower level, not higher, so as to include this area of the land being restored to full Crown ownership and control.
5. We do not support the proposal not to fence of the proposed conservation area CA2 along its entire length. Where it is fenced it reaches the 1500metree contour, which is well above the altitude normally accepted as the limit of ecologically sustainable farming.
6. Given that the landscape values on Cattle Flat have been described in the Conservation Resource Report as exceptionally high, that provision should be made to protect these on the proposed freehold land with a suitable mechanism.
7. The securing of all year round public access up the Treble Cone ski-field road should have been obtained in this review. That it has not been included is a grave omission and must be rectified.

Apart from issues 1, and 2. Which we mention above, we find this proposal leaves a lot to be desired. It fails to meet the requirements of the CPL Act 1988, Part 2, Section 24 (b) "...To enable the protection of the significant inherent values of reviewable land..." This proposal must be re-visited to obtain a result more equitable to conservation.

We wish also to draw your attention to some contradictions and misleading references in the document.

3. Access:

1. We would have thought the matter of access for the public up the ski-field road would have been fully resolved through this review. This is a road leading to one of New Zealand's most popular and well-known recreational areas. We are now in the process of adding to this recreational area; or making it into a larger conservation area. While no doubt the arrangements for the road for skiing purposes in the winter are adequate they will not be so for the new conservation area in the summer. The road to the Remarkable ski-field while passing through farmland to reach a recreational and a conservation area is proving to be quite satisfactory. We see no reason why it should not be so on Treble Cone. This new area will be in constant demand for all sorts of outdoors recreational uses during the summer.
2. We believe that all year round free and un-restricted access to the ski-field and the conservation area is so important to a satisfactory outcome of this review that; if it is not obtained then the deal should be abandoned.
3. It will be recalled that during the West Wanaka review access to that property was to be by way of crossing the Matukituki River from the west, or true right, bank. No provision has been made in this review for any access to the river from the Wanaka-Mt Aspiring road. This omission must be rectified by the creation of a suitable easement to allow for free, reasonable and un-restricted access at all times to the Matukituki River. A suitable place for this would be where the road is closest to the river at the northern end of the property.
4. At an early NGO meeting it was agreed that walking access should be made available to ascend End Peak at the south end of the property starting from the Motatapu River. This to enable people to ascend the peak then traverse along to Treble Cone and thence down the road: making it a round trip. It is still important that this be provided.

4. The Landscape:

Apart from the actual floor of the valley in Cattle Flat Station -- which has been extensively modified with the construction of drainage channels, much fencing and the planting of willows and other exotic trees -- the landscape values of this part of the Matukituki valley are outstandingly high. It is the landscape the public sees on their way up to the entrance to the Mt Aspiring Park.

The basis of this landscape is the geological U shape of the valley and the several roche moutonnées it contains. The mountains on either side of the valley give the landscape its backdrop. The rocky and scree covered upper slopes of the mountains merging lower down into tussock grasslands: then lower still the tussock merges into bracken and developed pasture: and finally in places the shrub covered fans. It is these features which give the landscape its character, its colour and its texture which go to make up the larger scene which is appreciated by all who see it.

This landscape is going to change considerably with the further progress of tenure review. We are going to see the formation of a distinct marginal line at the junction of the land that is being returned to the Crown for Conservation, and that to be disposed of as freehold. Above this line we will see the browns and yellows of the tussock amongst the rocks and bluffs, while below this line we will see the demise of the tussock, bracken and shrubs. This eventually being replaced with the greens of exotic grasses, which will turn yellow in summer. The fence lines will be outlined with deer and sheep tracks. And the sheep camps will be greener with the transference of fertility.

This is inevitable, but it is this lower landscape that is going to be extremely important if we are to keep New Zealand's reputation as a beautiful country. It is this lower country which is most vulnerable and will have to be protected. As once freed from the managerial restraints of a pastoral lease there is only the District plan to protect it. This is not robust and can be changed from time to time. Therefore we see the

need for some protective mechanism to manage the planting of exotic trees and perhaps the spread of "wildings" from them. Also the unsympathetic siting of buildings and the construction of tracks.

5. Grazing Concessions for Areas CA2 and CA3:

In places these concessions which are proposed, need some attention. We are also concerned that it is intended to grant these concessions for a term of 30 years. When we take everything into consideration, it is another way of saying it is forever. This concept of protecting the inherent values of these areas by allowing a small amount of grazing is not sound.

The following points have to be seriously considered before thinking of granting any grazing concessions.

1. This tenure review is between the present holder and the Crown. Any future occupier of this proposed freehold land may run a totally different breed, or type of stock, and manage them in a totally different manner than the present holder. It could be that this proposed concession could then be worthless. (We note: Appendix 4, SCHEDULE 2, page 12, 13.1, "... The Concessionaire may transfer, or otherwise assign the interest, providing the Grantor approves..."). Tenure Review is the final disposition of Crown Land. It would not be desirable and nor in the best interests of the country to have to re-negotiate a deal with some new party some where in the future.
2. To say that, (Appendix 3, SCHEDULE III, 4, "...No detailed monitoring programme is to be implemented....DOC staff frequently visit or fly over... If any specific concerns arise a monitoring programme can be implemented at a later date...") This would not be the best way to manage a concession of 30 years duration.
3. While open or natural boundaries are acceptable in some circumstances, what is proposed here is on a very big scale.
4. In reality these two concessions are making legal the trespassing of stock onto DOC estate and making that department responsible. This is not satisfactory long term, or even short term for that matter.
5. While it would be fair to say - after looking at a geological map of the area - that 60% of the lower slopes from the Camel Burn to the southern boundary next to Motatapu station are prone to slipping we do believe a line could be found for a fence lower down the slopes on terraces and between bluffs. Using bluffs for barriers in places.. A contour fence was seriously considered at about the 1100masl. contour early on in the process but was abandoned. It must also be remembered on this type of property that fencing is always liable to suffer damage from floods and also from snow. Fencing has to be taken care of wherever it is located. On this property it should be noted that there are already deer fences on some very high and rugged country regardless of the stability of the ground.
6. It is not realistic to rely on stock to stay low down because they prefer the top-dressed country to the native pasture above. This could also depend on some foreseen and some unforeseen circumstance. If the property is to be top-dressed on a frequent and regular basis there is reason to believe stock will prefer the lower country. However if for some reason a fertilising programme is terminated, the pasture will decline and become less palatable.
7. It appears to us that the needs of conservation are expected to fit into the present fencing layout.

6. Conservation Covenant:

That a covenant is to be used is to be used to protect approximately 100 ha of the proposed freehold ground at the head of Stockyard Creek just north of the ski-field area, is of concern. This is country that can be seen from the ski-field. This area which contains significant inherent values in its vegetation

is to be grazed by it appears, by both sheep and deer, because a fence line has been chosen at the top of the area instead of at a lower or more suitable level for conservation.

The covenant states in SCHEDULE 2, Special Conditions 4, 3.1.1 is deleted; and replaced with "...Grazing of adult wethers at any time and adult sheep between 25th November and 31 May (both dates inclusive) in any year and lambs between 31 May and 1 February (both dates inclusive) in any one year..." Also, on page 6, 1st para, third sentence of the Summary of the Proposal where the covenant is referred to "...it is considered appropriate in this instance as the holder intends running deer within this block and requires a fence to be constructed on a line that is not subject to damage from slipping..." Apart from the fact that the fence is being erected at too high an altitude, it would appear that deer are going to be grazed as well as sheep on the area. We consider that having both deer and sheep on this area at this altitude will be detrimental to the vegetation and other inherent values it contains. Sheep are selective grazers and will eat a particular species first before moving on to something less palatable, a characteristic which is not in the best interests of the biodiversity present.

7. Recreation:

That the areas suitable for rock climbing near the Motatapu River are to be returned to Crown control is very satisfactory. We would suggest however that the area proposed for more passive recreation and car parking is too small to meet future requirements.

8. Other Matters:

We note with interest that in 2, 2.1 on page 2 of the Proposal, last two sentences: "... This country is very steep and has not been grazed by domestic stock for many years. It contains an altitudinal sequence of native vegetation ranging from forests and shrublands in the valley floors to snow tussock grasslands with alpine vegetation along the main ridges above 1400 metres..." It is gratifying to see that notice is being taken of the fact that New Zealand has recently adopted a "Biodiversity Strategy" and that we have undertaken a significant re-assessment of the biological values of lower elevation land. The biodiversity Strategy also promotes adding to the public conservation estate, those habitats and environments that are currently under represented and yet harbour threatened species. The narrow tongues of land extending down the stream banks on the southern boundary on CA2 and a branch of the Carmel Burn on CA1, may not be large and fall short of reaching the valley floors but they are a start.

9. In Conclusion:

We fully appreciate that the high and rugged nature of this property does not lend itself to easy fencing and therefore makes it more difficult to arrive at the best result from this review. We have outlined our concerns and the reasons for those concerns and have arrived at the conclusion that we cannot accept the methods it is proposed to adopt to "... to protect the significant inherent values..." on this property.

To fully meet our concerns and in the best interests of the country and conservation we would require that:-

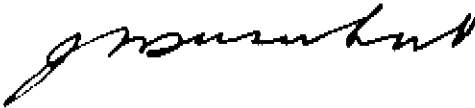
- I. The matter of seeking a lower fence line is thoroughly re-investigated as there is no lasting protection being offered to the areas CA1 and CA2. The 30 year concessions proposed are in reality grazing licenses. 5 years would be allowable if it was to allow for short term management adjustments: but these concessions are no such adjustments.
- II. The area CA3 should be added to area CA1. Even if it has been modified and contains exotic grasses, given enough time it will revert.
- III. The proposed fence A-B-C should be erected below the area it is proposed to covenant, not above, and so include it in area CA1, even if this does involve going well down the slope to find a secure fence line.

- IV. That the arrangements for the ski-field road be altered to allow for free, all the year round unrestricted access. Also the other two points of access we have drawn your attention to be similarly arranged.
- V. That a suitable covenant to protect the landscape be attached to any freehold title issued, as we have already indicated.

We thank you for opportunity to make this submission and we look forward with interest to a favourable outcome.

We are prepared to attend any hearing in support of this submission if any were to be held, and we would be happy to be involved in any discussion regarding the issues we have raised in this submission.

Yours faithfully



John L. Turnbull and J. McFarlane

For Upper Clutha Branch, Forest and Bird.



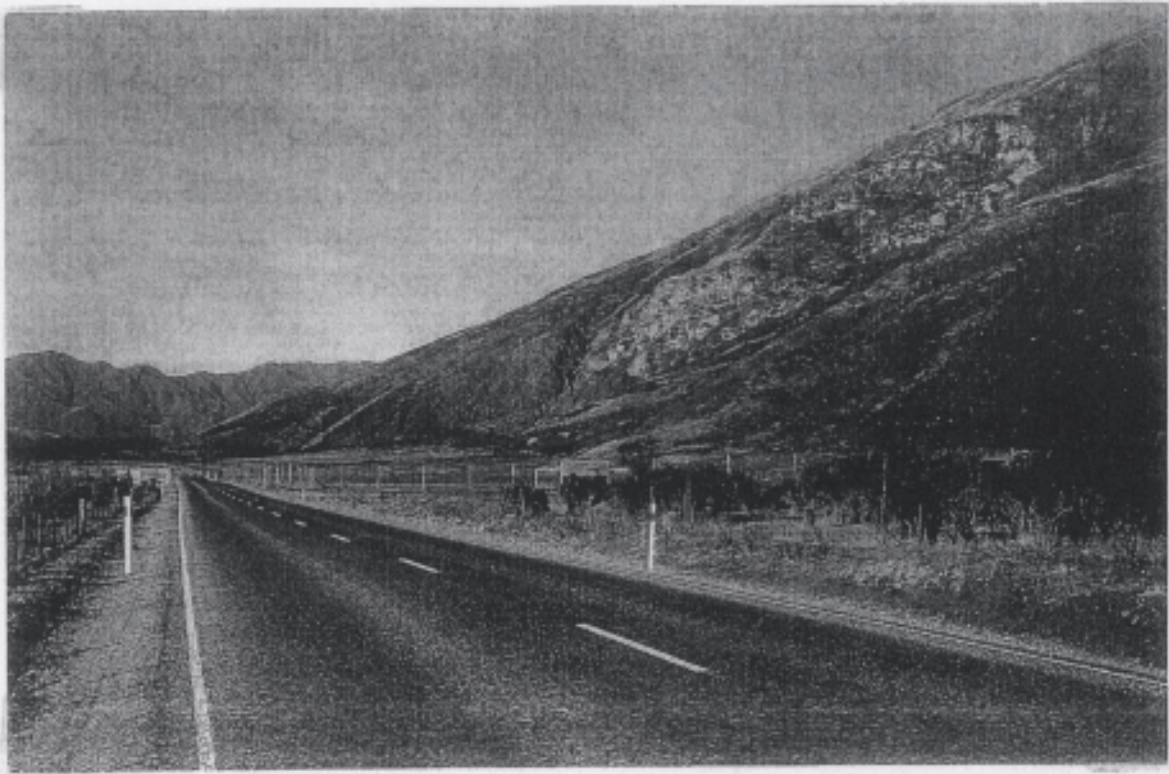
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CATTLE FLAT (Otago) Conservation Freehold Access

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CATTLE FLAT (Otago)



The effects of spraying bracken. More recently sprayed on the right slope.



Slopes not sprayed

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OTAGO CONSERVATION BOARD

Our ref: SBC-08-34

14 July 2003

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



Dear Sir

SUBMISSION ON TENURE REVIEW OF CATTLE FLAT PASTORAL LEASE

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

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

- the designation of about 1619 ha as land to be restored to Crown control as conservation areas or recreation reserves;
- the conservation covenant over an area of about 100 ha for the purpose of protecting the natural landscape.

The board believes that the proposal should be changed as follows:

- consistency is needed regarding the number of sheep to be grazed on area CA3 [Is it 200 ewes (page 4) or 809 ewes (Appendix 4, Schedule 2, Item 4)?];
- the breed of sheep needs to be specified - merinos may well wander widely;
- there needs to be a provision for the withdrawal or reduction of the stocking allowance if monitoring reveals a deterioration;
- monitoring needs a tighter specification than Department of Conservation staff occasionally flying over;
- there should be a "no burning" condition associated with the conservation covenant to protect the "existing high country landscape comprising tall tussockland, native herbs and grasses on steep mountain slopes" and also on proposed conservation areas CA2 and CA3;
- public access to proposed conservation areas CA2 and CA3 via the Treble Cone Skifield Road is needed throughout the year and should be negotiated as part of the tenure review.

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

Yours faithfully



F F

Fergus Sutherland
Chairperson

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Duthie Whyte

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14 July, 2003

Partner Ref: N A Harrison
Our Ref: 18748/004

The Manager
DTZ (NZ)
Land Resources Division
P O Box 27
ALEXANDRA

FAX: 03 448 9099

CATTLE FLAT (OTAGO) PASTORAL LEASE PO352

We act for Treble Cone Investments Limited which is the owner of the Treble Cone Ski Field as the lessee of Special Lease OT8C/243 and a lease which essentially provides access to the ski field in 17C/552 Lease 9076321.4.

BACKGROUND

1. Our client company entered into an Agreement to purchase the ski field in August 2002 and settled the purchase on the 20th December 2002. Prior to that time the approval to the transfer of the lessee's interest was obtained from the Department of Conservation in Dunedin and a term of the approval was that certain variations to the Lease were registered and such transfers and variations were subsequently registered in the Otago Registry. Our clients are therefore somewhat concerned that they only learnt of the current review which could have significant impact on their operations by chance and were not formally notified in any way.
2. They would make the point that in the consultant's report dated March 2003 reference is made to certain easements which have not been put into place and also "the complicated situation relating to the conditions of the Special Leases of the ski field areas favouring the holder of PO352 could possibly interfere with the tenure review process".

SUBMISSION

3. Owing to the shortness of time we and our clients have only been able to compile a submission in note form which sets out in general terms the matters which they see as being of concern from a brief reading of the reports. These submissions should not be regarded as being complete or exhaustive in any way.

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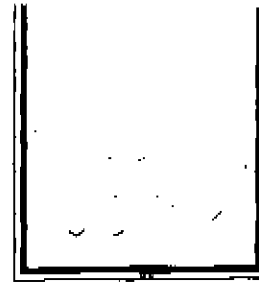


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(Page 2)
14 July 2003
The Manager
DTZ (NZ)
Land Resources Division



FURTHER SUBMISSIONS AND THE REVIEW PROCESS

4. We would wish to reserve our client's ability to comment on and consult with the various Departments on submissions made by the other submitters and make late, or oral submissions as provided in Section 47 of the Act. We would be grateful if you would confirm that this is in order and let us have a proposed timeframe. We would also record that our client would like to be heard at any hearing which may be convened to finalise or further the review.

We look forward to hearing from you.

Yours faithfully
DUTHIE WHYTE



Nigel Harrison
e-mail: nharrison@duthiewhyte.co.nz
(07NAH105)

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**INITIAL SUBMISSION ON NOTICE OF PRELIMINARY PROPOSAL IN RESPECT OF
CATTLE FLAT TENURE REVIEW PURSUANT TO SECTION 43 THE CROWN
PASTORAL LAND ACT 1998**

Submitter: Treble Cone Investments Limited as lessee of Lease 533945 Identifier OT 8C/243 and Special Lease 9075321 and Identifier OT17C/552 ("Treble Cone")

SUBMISSION ON PROPOSALS

1. From the information available to Treble Cone they are not able to clearly identify the area proposed and referred to in paragraph 1 being 750ha approximately. Treble Cone makes the point that it has very significant investment in the running and promoting of a ski field and that the ski area boundaries need to be properly defined and the ski area preserved. The area immediately adjoining or even possibly affecting the ski area should be designated to allow the continuation of Treble Cone's right to enjoy the leasehold interest, and for future enhancement of the area additional areas should allow expansion of recreational facilities.
2. Treble Cone has no objection to the nine hectares referred to in the second proposal.
3. Treble Cone is not able to identify the exact boundaries of the area in the proposal and therefore the comments in respect of paragraph 1 apply equally to this proposal.
4. Treble Cone is in the position of holding an existing lease and therefore any ownership change relating to the underlying freehold would have a significant effect and certain matters have been identified in the Due Diligence report (including Status Report) No. AT0080 upon which Treble Cone wishes to submit as follows:
 - (a) **Easements** – Report AT0080 refers at paragraph 8(1) of outstanding matters which were originally contained in an undertaking given on behalf of the lessees of Run 812 in May 1973 being attachment 7.1(a) to that report. Treble Cone would need to continue to obtain power and telephone by means of a formal easement. It will be noted that reference is also made for towers of a cable car originally contemplated, however with the advancement in technology a gondola system would be preferable, the towers would be lower to the ground and have less visual impact, but there may be more towers involved. The location of the proposed easement would need to be discussed with all parties.
 - (b) **Road Access**
 - (i) Treble Cone has very considerable investment in its vehicular access which is formed from the Wanaka Mt Aspiring Road to the ski field. The maintenance and upkeep of the road is a considerable ongoing expense for Treble Cone but it is totally essential to its operations. It has been recognised in the report prepared by the Department of Conservation in respect of this application (DOC report) that the access lease contains a provision limiting access between May to the

- 2 -

30th September each year. It is recognised by that clause that this may be varied with the consent of all parties and the DOC report at paragraph 4.5.1 recommends that there should be year round access. This is supported by Treble Cone. Treble Cone has previously written to the Crown representative in July 2003 making submissions in respect of the road.

- (ii) The DOC report also recommends that approximately 140ha either side of the Treble Cone Road be subject to a conservation covenant under Section 77 of the Reserves Act. Treble Cone supports this proposal on the basis that the road may be used for the activity it currently carries on together with further expanded activities especially during the summer months and the road provides ability to lay additional services as they may be required. Treble Cone also registers its interest in being able to acquire land as referred to in the report.

GENERAL

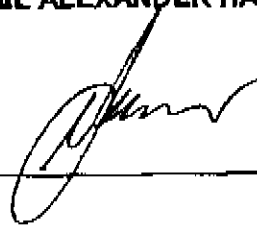
5. As a stakeholder providing substantial tourism and recreational facilities in the area, Treble Cone is concerned about any proposals which may affect its operation and would wish to discuss in detail the proposals being considered by the Commissioner of Crown Lands and records the wish to consult and confer with all stakeholders and persons affected whether by further, or later submissions, or otherwise.

14 July, 2003

TREBLE CONE INVESTMENTS LIMITED

By its solicitor and duly authorised agent

NIGEL ALEXANDER HARRISON



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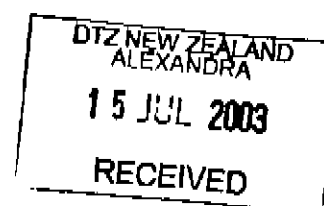
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Monday, 14 July 2003

Commissioner of Crown Lands
C/- DTZ (NZ) Limited
P O Box 27
Alexandra
Fax: (03) 448 9099



Submission on Cattle Flat Tenure Review Preliminary Proposal

Due to an object failure to secure public access to and enjoyment of this reviewable land, Public Access New Zealand opposes implementation of this Preliminary Proposal. The following serious deficiencies must be rectified before tenure review proceeds further.

Failure to secure public access

The objects of Part 2 of the Crown Pastoral Land Act 1998 contain a duty under section 24(c)(1), to "secure public access to and enjoyment of reviewable land". With the exception of the provision of three small recreation reserves with direct access from the Wanaka Mt Aspiring Road, the Preliminary Proposal spectacularly fails to fulfil its duty to secure public access.

With the exception of an existing but obstructed marginal strip along an unnamed branch of the Carmel Burn, there is no provision for public access to the three substantial conservation areas proposed (CA1, CA2, CA3). The obvious need for access up the Treble Cone Road has been ignored. This is despite DOC recommending in their Designations Report that the road be included in the tenure review as "other land". It is absolutely imperative that the road becomes available for year-round public access. There is no reason that a similar arrangement to that on the Rastus Burn, Remarkables skifield road cannot be negotiated – access as of right by vehicle with liability to pay a toll. It is up to the owners of the road if they wish to collect this.

There is also need for foot access to End Peak, along the southern boundary of the property. This option was dismissed in DOC's Designations Report because of an assumption that access up the skifield road would eventuate. Well it hasn't. Therefore this access needs to be resurrected. The southern boundary provides a practical route to the summit. Marginal strips along the banks of the Motatapu River would provide a choice of entry from either of the Motatapu River bridges. This route would provide an interesting and not too energetic tramp down from the skifield. We predict that the availability of access to and from the skifield would make this 'round' trip appealing.

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Another potential access to the main conservation areas is via the Carmel Burn. However an existing marginal strip on the main branch of the stream, as depicted on SO 20737, Point G, falls short of the proposed conservation area boundary. Additional access provision needs to be made to the boundary of CA3 along a practical alignment for foot traffic.

The **Twin Falls** are a notable scenic feature from the Mt Aspiring Road and would make an attractive short walk if access were available. Unfortunately an existing marginal strip falls short of the main fall (SO 20737, Point A). Additional access is needed to permit walkers to reach the base of the main, southern, fall.

We find it incomprehensible that no provision has been made for access to the **Matukituki River**. At the northern boundary of the property the riverbank is only 100 metres from the road, yet no provision has been made. Opposite the entrance to the Big Boggy Reserve, the river is even closer, yet no need for access has been officially perceived. It is an indictment of the tenure review process that such obvious public needs are disregarded. This must be rectified. We submit that either along the northern boundary or opposite the Big Boggy reserve entrance a 20 metre strip is reserved for vehicle access, turning and parking. We recommend that this be dedicated as public road and vested in the Queenstown Lakes District Council, who also see need for this access.

Marginal strips

While we are pleased to find a pastoral lease that actually has marginal strips laid off according to the requirements of the Conservation Act, we are dismayed to find that most of these are obstructed by deer fencing.

According to SO 20737, movable marginal strips exist along Twin Falls Stream and the Carmel Burn. If they were not obstructed by deer lanes and other fencing, these would provide useful foot access to the Motatapu and Matukituki Rivers. There are also fixed position strips along the banks of the latter. By the Crown ignoring these obstructions it is given tacit approval to such, with the likelihood that that they will remain obstructed and unavailable for public use.

We submit that a condition of any tenure review be that all deer fencing is removed across any marginal strips and that longitudinal fences be relocated so as to permit ease of foot passage along either bank. We have no objection to sheep fencing provided styles are erected as required.

As noted above, there are fixed position marginal strips along the Motatapu and Matukituki Rivers. Overlay of cadastral and topographic maps reveals that all the Matukituki strips are in the river, and that part of the Motatapu strip, approximately one kilometre downstream from the Aspiring Road bridge, is in the river. Between the two road bridges substantial sections of marginal strip are not on the current riverbank.

Disposition arising from tenure review will trigger Part IVA of the Conservation Act. This will require the laying off of movable strips along the banks of both rivers where strips do not currently exist. This would lead to a messy mix of movable and fixed strips. It is nonsensical that should occur. DOC has the ability to negotiate exchange of fixed strips for new strips.

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We do not accept the DOC line that the exchange provisions of the Conservation Act require the creation of new fixed strips rather than movable strips. This is mere humbug designed to avoid doing anything. The whole scheme of part IVA, since passage, is for the creation of movable strips - there is no ability to create new fixed marginal strips. As rationalising marginal strips is in as much the interest of the landholder as the public, this should not be too difficult to implement, given a will to do so. We so submit.

We do not accept the 'logic' of the LINZ approach that marginal strips have nothing to do with tenure review. It is a matter of major public importance that access to and along rivers is secured. It is also a well-established Crown objective in legislation and policy. Not to ensure that the Crown's interests are properly served during tenure review raises serious questions as to whose interests LINZ is serving.

Recreation reserves

We are pleased to see the provision of three recreation reserves. The one downstream of the Aspiring Road bridge (R3) will meet the most pressing public need, as this area is under intense pressure for picnicking and water-play activities during summer. However we are unsure of the intended boundaries. It should follow the existing fence downstream at least to a corner post near power lines. The full area between the fence and river is needed for public use.

The boundaries of reserve R2 upstream of the bridge are also unclear. A large gravel extraction pit provides the current access however further extraction could remove the last remaining flat area suitable for carparking. The remaining flat at the base of the rock climbing bluffs should be included in the reserve to provide not only parking but also as a pleasant rest area.

We are pleased that another area (R1) is proposed for a rock climbing recreation reserve and that existing deer fencing along the road frontage will be removed.

Conclusion

It is an indictment of the tenure review programme that a mere 9 hectares of recreation reserves are proposed out of a total of 4585 hectares of Crown land under review. These are the only lands to be retained in Crown ownership where the public receives any benefit. That such a poor proposal could receive LINZ approval indicates that something is seriously amiss with the programme, and the people dictating its conduct.

Yours faithfully



Bruce Mason
Researcher & Co-Spokesman

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