

Crown Pastoral Land Tenure Review

Lease name: CRAIGROY

Lease number: PO 233

Public Submissions - Part 3

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

July

10



Federated Mountain Clubs of NZ (Inc)

P.O. Box 1604
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24 November 2009

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



*-Emailed 29/11/09
JJP*

Dear Sir,

Re: Preliminary Proposal for Tenure Review: Craigroy Pastoral Lease (Po 233)

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 13,000 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 Craigroy Pastoral Lease.

THE PRELIMINARY PROPOSAL

FMC notes that this review consists of the Craigroy Pastoral Lease, and also the following parcels of land:-

- (a) Reserve Land Area:- 1.7149 hectares.
- (b) Unused Crown Land Area:-10 hectares approximately.
- (c) Conservation Land Area:- 1.6483 hectares

FMC notes that the proposals are as follows:-

1.1 An area of 810 hectares (approximately) to be designated as land to be restored to or retained in Crown control as conservation area subject to qualified designations (labelled CA 1 on the Plan) under section 35(2)(b)(i) and section 36(1)(a) Crown Pastoral Land Act 1998.

Qualified designations pursuant to Section 36(1)(a), Section 36(1)(b) and Section 36(3)(c) Crown Pastoral Land Act 1998

1. Continuation in force of existing right to convey water granted to Carrick Irrigation Company.- The continuation in force of a registered Transfer of grant of right to convey water together with incidental rights in favour of Carrick Irrigation Company marked "p-q" on the attached plan, under Section 36(3)(c) Crown Pastoral Lands Act 1998.

2. Continuation in force of existing unregistered deemed permit to take water granted to Carrick Irrigation Company. The continuation in force of an existing unregistered deemed permit granted by the Otago Regional Council to Carrick Irrigation Company, in consent 2002.448 under Section 36(3)(c) Crown Pastoral Land Act 1998.

3. Granting of a Recreation Concession to Robert William Brown and Sandra Louise Brown: A recreation concession to allow a Skidoo operation to be granted to Robert William Brown and Sandra Louise Brown under section 36 (1)(a) Crown Pastoral Lands Act 1998.

4. Granting of a grazing concession to Pioneer Generation Limited. A grazing concession under Section 17Q(1) Conservation Act 1987 to be granted to Pioneer Generation Limited over the land marked "CA 1" on the Plan.

1.2 An area of 190 hectares (approximately) to be designated as land to be restored to or retained in Crown control, as Scenic Reserve subject to a qualified designation (labelled "R 1 (Scenic)" on the Plan) under section 35(2)(a)(ii) and section 38(c) Crown Pastoral Land Act 1998.

Qualified designations pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998

Granting of a grazing concession to Pioneer Generation Limited: A grazing concession under Section 59A Reserves Act 1977 to be granted to Pioneer Generation Limited over the land marked "R1 (Scenic)" on the Plan.

1.3 An area of 3442 hectares (approximately) to be designated as land to be disposed of by freehold disposal to Pioneer Generation Limited (shown edged in green on Plan in Schedule A) under section 35(3), section 36(3)(b) and section 40(1)(b) Crown Pastoral Land Act 1998 subject to protective mechanisms and a qualified designation.

Protective mechanisms pursuant to Section 40(1)(b) and Section 40(2)(a) and Section 40(2)(b) Crown Pastoral Land Act 1998

1.3.1 Landscape Covenant. A conservation covenant under Section 77 Reserves Act 1977 for the purposes of protecting the landscape values of the area marked "CC(Landscape)" on the Plan attached.

Qualified Designations pursuant to Section 36(3)(b) Crown Pastoral Land Act 1998

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

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

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

1.4. 1.72 hectares Local Purpose Reserve to be designated as land to be disposed of by way of exchange for the area labelled R1 (Scenic) on the plan to Pioneer Generation Limited (labelled "Exch 2" on Plan) under section 38(1)(c) Crown Pastoral Land Act 1998.

1.4.1 Public Access and Minister of Conservation Management Purposes Easement in Gross: An easement under Section 7 Conservation Act 1 987:

(iii) to provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles powered by a person or persons, provided however that persons with guns and persons accompanied by dogs are permitted to use the easement area provided they have a hunting permit issued by the Department of Conservation over that part of the land shown marked as "f2-f3" on the Plan attached in Schedule A.

(iv) to provide access for tenants, agents, contractors and invitees of the Minister and any employee or contractor of the Director-General of Conservation on foot, or on or accompanied by horses, or by motor vehicle, with or without machinery and implements of any kind, and with or without guns and dogs, for management purposes over that part of the land marked "f2-f3" on the Plan attached in Schedule A.

1.5 1.65 hectares Conservation land to be designated as land to be disposed of by way of exchange for the area labelled CA I on the plan to Pioneer Generation Limited (labelled "Exch I") under section 37(1)(c) Crown Pastoral Land Act 1998.

INTRODUCTION

It should be noted that FMC provided a Report in November 2002, following the Early Warning meeting related to properties introduced in 2002. That Report was entitled "*FMC Report on the Recreational and Related Significant Inherent Values: BEN NEVIS and CRAIGROY*".

The review of Craigroy is a particularly important one for recreational users of the back country as it provides important settings for both summer and winter recreation – notably tramping, mountain bike riding; and cross-country skiing in the winter . It provides access along the Old Woman Range to what is sometimes known as the 'Polar Plateau' which stretches from the Old Woman Range along to and including the Garvies.

The Garston – Nevis Road is becoming increasingly popular as a mountain bike trip perhaps because of the annual "Pub to Pub" (Garston to Bannockburn) mountain bike event. This crosses Craigroy between the Nevis Crossing and Watts Rock on the Duffers Saddle.

Craigroy, and especially the higher and more remote parts of the lease, are valued because of their natural values which provide an ideal setting for outdoor recreation. The FMC Report (2002) stated "*The Old Woman Range has high landscape recreation and conservation values by virtue of the area's intactness, remoteness and the predominance of natural values*". The Report also quoted Mason (1988) "*The 'Polar Plateau' provides the largest continuous tract of cross-country skiing terrain in New Zealand*".

The area was surveyed as one of the initial Protect Natural Area Programme (PNAP) surveys and a large part of the mountain system over 1,000m was recommended for protection. That survey identified an area in Barn Creek as an area recommended for protection (RAP 1/4). This RAP includes an elongated broad catchment extending from the summit tors at 1,393m to a narrow constricted gorge flowing into the Nevis River at 670m. The dominant vegetation in the upper RAP is tussock grassland. At 920m a large patch of Snow Totara occurs. This is a very restricted species in the Old Man Ecological District and was noted as a special feature in the PNAP Report. We note that the original RAP extended to some 750ha, while the proposed Scenic Reserve (R 1) occupies only 190ha.

There are two major reasons why FMC believes that significant areas of Craigroy should be restored to Crown control. The first of these is the significant inherent value of the vegetation and landscapes and the potential of existing alpine communities, tussock grasslands, herbfields and remnant shrublands to recover from grazing and burning and regain their former ecological status. The second is that they cannot be managed in a way that is ecologically sustainable (as required by the Act) without nutrient maintenance. Any grazed pasture ecosystem subject to prolonged grazing and burning is being gradually depleted of its nutrient reserves and cannot be sustained indefinitely, unless those reserves are replenished.

In 2002 FMC recommended that the upper slopes of Craigroy (generally of LUC Class VIII and VIIe land classified as marginal or unsuitable for grazing) situated above about 1,000 to 1,100m should be restored to Crown control and be managed for conservation and recreational purposes. Much of this land is adjacent to, and similar to, the neighbouring RAP (Bannockburn RAP 1/5), and would form an extension to the Old Woman Range Conservation Area. RAP 1/4 in Barn Creek should also become conservation land because of the significant inherent values identified in the PNA survey.

The tenure review of Craigroy is a one-off opportunity to enhance the recreational opportunities of the Old Woman/Nevis valley area, by formally protecting the very significant inherent values described above. FMC is pleased to have the opportunity to contribute to this Review.

FMC is pleased to note that a number of our recommendations have been adopted in the present Preliminary Proposal document. Where recommendations have been adopted, this will be acknowledged in the submissions that follow.

FMC SUBMISSIONS

The details of FMC views on, and support for, or objections to, the Preliminary Proposal are presented below and are arranged in the same format as the Preliminary Proposal quoted above, with numbering as in the Preliminary Proposal document.

1.1 An area of 810 hectares (approximately) to be designated as land to be restored to or retained in Crown control as conservation area subject to qualified designations (labelled CA 1 on the Plan) under section 35(2)(b)(i) and section 36(1)(a) Crown Pastoral Land Act 1998.

In view of our opinions on the high country of Craigroy expressed in the introduction above, and in the earlier FMC Report (2002), we fully support the description of the significant inherent values of the proposed Conservation Area CA 1. In particular we note paragraph (f) which states:

“The area is a setting of high natural or historic values for outdoor recreational opportunities in the high country. This proposal offers high quality semi-remote recreational opportunities in what can only be described as a spectacular setting”. FMC wholeheartedly endorses this statement which echoes submissions previously made by FMC.

We do however note that the 810ha area of CA 1 currently proposed for protection is very much smaller than the 1820ha area proposed in the Draft Preliminary Proposal (DPP) in 2004. We believe that the area proposed in the DPP represented a much more satisfactory land allocation than the current PP. This issue will be revisited in our discussion of the proposed freehold area under the heading section 1.3.

FMC submission

FMC fully supports and strongly endorses the proposal that the area marked on the Plan as CA 1 should be restored to Crown control as a Conservation Area. We note that this area is subject to qualified designations which are discussed below. We note this area is much smaller than proposed in the DPP in 2004 and recommend that the position of the lower boundary of CA 1 should be reconsidered.

Qualified designations pursuant to Section 36(1)(a), Section 36(1)(b) and Section 36(3)(c) Crown Pastoral Land Act 1998

1.1.1 Continuation in force of existing right to convey water granted to Carrick Irrigation Company.- The continuation in force of a registered Transfer of grant of right to convey water together with incidental rights in favour of Carrick Irrigation Company marked “p-q” on the attached plan, under Section 36(3)(c) Crown Pastoral Lands Act 1998.

FMC notes that this existing right allows the Carrick Irrigation Company to transport water extracted from a number of points on the property across the land designated for restoration to Crown control along the line marked “p-q” on the designations plan.

FMC submission

FMC has no objection to the continuation in force of this right to convey water across Craigroy.

1.1.2. Continuation in force of existing unregistered deemed permit to take water granted to Carrick Irrigation Company. The continuation in force of an existing unregistered deemed permit granted by the Otago Regional Council to Carrick Irrigation Company, in consent 2002.448 under Section 36(3)(c) Crown Pastoral Land Act 1998.

FMC is not certain as to what is the function of, or where is the location of, this existing unregistered permit. It appears that this deemed permit from the ORC may be to permit the taking of water from Coal Creek, 3 tributaries of Coal Creek, 2 tributaries of the Nevis River and Shepherds Creek and Smiths Creek. If this is the correct interpretation of the proposal, then FMC has no objection to the continuation in force of this deemed permit. If this is not the correct interpretation we reserve judgement on this proposal.

FMC submission

FMC understands that this existing deemed permit may be to allow the taking of water from Coal Creek, 3 tributaries of Coal Creek, 2 tributaries of the Nevis River and Shepherds Creek and Smiths Creek . If this interpretation is correct, we have no objection to the continuation of the deemed permit. If on the other hand, our interpretation is incorrect, we would wish to be consulted before the Substantive Proposal is finalised.

1.1.3. Granting of a Recreation Concession to Robert William Brown and Sandra Louise Brown: A recreation concession to allow a Skidoo operation to be granted to Robert William Brown and Sandra Louise Brown under section 36 (1)(a) Crown Pastoral Lands Act 1998.

FMC understands that this concession will allow the former lessees, Robert and Sandy Brown, to continue to operate an existing Skidoo touring business. We understand that the business is currently operating under a Recreation Permit granted by LINZ. We are aware that the operation of the Skidoo was always controversial as it seriously detracted from the enjoyment of natural quiet while cross country skiing in an adjacent area. We further understand that this permit will expire on 30 September 2010 and that the new concession will only allow the continued operation of the business until the original expiry date of the Recreation Permit.

The normal process would be for the Permit to be extinguished at the conclusion of tenure review. The proper course of action would then have been for the Browns to apply for a new Concession to operate on Public Conservation Land.

However, as the business will only be permitted for a few months and if we can be assured that the business will terminate on the original expiry date, we would accept the Skidoo operation being allowed to continue for that short period of time.

FMC submission

FMC believes that the Recreation Permit for the Skidoo operation should be extinguished when tenure review is completed. This would be appropriate as the operation has always been controversial. However, it might be reasonable to allow the business to continue under a new Concession up until the original expiry date of the Recreation Permit, provided that no extension is granted. FMC supports the proposal so long as the Skidoo operation is not permitted to operate after its original termination date.

1.1.4. Granting of a grazing concession to Pioneer Generation Limited. A grazing concession under Section 17Q(1) Conservation Act 1987 to be granted to Pioneer Generation Limited over the land marked "CA 1" on the Plan.

FMC understands that for the first 2 years the annual stock limitation will not exceed 1,500 wethers or dry ewes for a period of no more than 4 months. This would equate to 1,200 SU on an area of 810 ha or approximately 0.5 SU/ha/annum. We regard this stock limitation as questionably high in relation to the ecological recovery objectives.

For the final 3 years of the 5 year term we understand that the stock limitation is 1,000 wethers or dry ewes for 4 months on an area of approximately 810ha, or approximately 0.3 SU/ha/ annum. The latter stock limitation is much more likely to be acceptable with regard to the intended ecological objectives. We recommend that this stock limitation should be imposed throughout the 5 years of the Grazing Concession.

Monitoring should be carried out at the half way point during the concession period of 5 years to ensure that the objectives are not being compromised.

Closer reading of the proposal reveals that Conservation Area CA 1 and Reserve R1 (Scenic) are to be grazed as a single unit of approximately 1,000ha. If this the case then the stocking rates calculated above would be reduced to 0.4 and 0.25 SU/ha/annum for the first two, and final three years respectively. These rates would apply over the combined area of Conservation Area CA 1 and Reserve R1(Scenic) ie approximately 1,000ha.

FMC submission

FMC has some reservations about the proposed stocking rate for the first two years of the Concession, and would recommend a stock limitation of 1,000 wethers or dry ewes applied to the whole 5 years of the Concession period.

1.2 An area of 190 hectares (approximately) to be designated as land to be restored to or retained in Crown control, as Scenic Reserve subject to a qualified designation (labelled "R1 (Scenic)" on the Plan) under section 35(2)(a)(ii) and section 38(c) Crown Pastoral Land Act 1998.

FMC is aware that Barn Creek was recognised by the PNA survey carried out between 1983 and 1985 and had been recommended for protection as RAP Barn Creek 1/4. It was recommended in the FMC Report (2002) that RAP 1/4 should become conservation land because of the significant inherent values recognised by the PNA survey. This covered virtually the entire area of the Barn Creek catchment, an area of some 750ha. It was noted that the area has "*high landscape quality with the most impressive off-summit tor landscape in the District.*" The assessment criteria representativeness and landform were ranked 'High', and it was noted that "*Barn Creek retains the only extensive stand of snow totara in the dry northern part of the District.*" FMC believes that the entire area of RAP Barn Creek 1/4 should be returned to full Crown ownership and control to be managed for conservation purposes: to include the entire altitudinal sequence from near river level to range crest at Duffers Saddle is important.

FMC submission

FMC fully supports the proposal that an area of some 190ha should be retained in Crown control, on the basis of significant inherent values identified by PNA survey. On the basis of all the values recognised by PNAP surveys and the importance of the altitudinal sequence from valley floor to range top, we recommend that the entire 750ha of RAP Barn Creek 1/4 should be retained in Crown control as Conservation Area.

Qualified designations pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998 Granting of a grazing concession to Pioneer Generation Limited: A grazing concession under Section 59A Reserves Act 1977 to be granted to Pioneer Generation Limited over the land marked "R1 (Scenic)" on the Plan.

FMC understands that the phase out grazing is intended to apply to the combined area of Conservation Area CA 1 and Reserve R1(Scenic) covering a total of 1,000ha. If this is the case then our submission regarding the Concession on Reserve R1, is the same as that made for Conservation Area CA 1. Please see our submission under 1.1.4 above.

FMC submission

Please see our submission on the Grazing Concession under 1.1.4 above.

1.3 An area of 3,442 hectares (approximately) to be designated as land to be disposed of by freehold disposal to Pioneer Generation Limited (shown on Plan in Schedule A) under section 35(3), section 36(3)(b) and section 40(1)(b) Crown Pastoral Land Act 1998 subject to protective mechanisms and a qualified designation.

FMC understands that this area comprises the balance of the property, generally extending from the Nevis River to the lower boundary of Conservation Area CA 1 at about 1,100 to 1,200m. Much of this area, especially below about 900m, has been oversown and topdressed, and is significantly modified. Below about 800m, most of the area is characterised by Yellow-Grey Earth Blackstone Hill soils classified Land Use Capability (LUC) Class VI. Land classified in LUC Class VI is defined as being of medium suitability for pastoral farming. We accept that with maintenance fertiliser to maintain nutrient reserves, such land should be capable of supporting ecologically sustainable pastoral farming, and therefore be suitable for freehold disposal.

The high landscape values of the Nevis Valley faces, both north and south of the Nevis Road, are recognised in the proposal document and are proposed for protection under a Landscape Covenant (see below).

There is a large area between about 1,000m and the proposed lower boundary of CA 1 at about 1,200m along the Carrick Water Race, which was recommended as part of CA 1 in the original DPP in 2004, and which is now included in the area proposed for freehold disposal. We accept that there are both natural and farming values in this area but given its altitude and lack of replenishment of nutrient reserves (see our commentary in the Introduction), we submit that continued grazing use is not ecologically sustainable. We understand that much of the logic for the new boundary along the water race relates to the practicalities of fencing. FMC submits that land allocation decisions should be firmly based on the inherent values of the land – whether that be for conservation or productive use, and not on the practicalities of fencing. We strongly recommend that the natural and productive values of the disputed area should be re-examined with a view to reconsidering the location of the lower boundary of CA 1.

We are puzzled by two references in this section of the proposal to conservation areas adjacent to the proposed freehold. The first reference is to a *“proposed conservation area along the Nevis River”* while the second reference states that *“Access to the conservation areas created by this proposal can be accessed directly from the Nevis Road.”* We can find no discussion in the current PP of any proposal to create a conservation area along the Nevis River, or which could be accessed directly from the Nevis Road (other than CA 1). Similarly there are no indications on the Designations Plan which match the descriptions quoted above. If sections of the Proposal have been accidentally omitted the Proposal should be re-advertised with the omissions corrected.

We do note however that the DPP (2004) proposed a Conservation Area (CA 2) of 200ha along the true right of the Nevis River. We are also aware that surveys were conducted to determine whether the values in the originally proposed area CA 2 were unique or whether they were replicated elsewhere. We understand that surveys indicated that most of the rare plant and historic heritage values in CA2 were replicated elsewhere. On this basis, and as a result of reaching consensus with the Holder, the proposal to designate 200ha as CA 2 was dropped.

FMC points out that Section 24(b) of the CPL Act states that one of the objects of the Act is “to enable the protection of significant inherent values of reviewable land”. Unlike the earlier PNA Programme, there is no intention only to protect representative areas of natural values. Because significant botanical and historic values were recognised in the originally proposed 200ha area of CA 2, FMC submits that the intention to protect this area by return to Crown control should be re-examined.

We have three criticisms of the proposal as it stands. The first is that there is no recognition of the historic relics: Gold workings and Ritchies ruins near Nevis Crossing, and goldmining remains between Craigroy and Clark Hut. The second criticism is that there is no mechanism proposed to solve the problem of guaranteed public access over that part of the Nevis Road which deviates from its legal alignment. The third is that only a small part of RAP Barn Creek 1/4 has been recognised and included in the Reserve R1(Scenic).

The historic relics have been well described by archaeologist Jill Hamel (1994) in "*The cold sequestered Nevis*", and include gold workings and buildings (Ritchies Ruins) at the foot of the hill constructed using 'brake' stones, various uses for re-cycled goldmining gear around Craigroy homestead, an unusual stone dog kennel, extensive heaps of tailings along the river flats left by the long serving Crossing Dredge, as well as dredge holes abandoned by other dredges. The importance of these historic remains was pointed out in the FMC Report (2002). "*The valley floor and lower slopes of Craigroy contain many remains of 19th century gold mining activities which are of representative significance. There are examples of all stages of alluvial mining from the earliest paddocking and sluicing methods to electric and coal fired dredging operations.*" All the relics identified and described by Hamel (1994) should be protected within an Historic Reserve, which could still accommodate some controlled grazing. The absolute minimum size of such a Reserve which would be acceptable to FMC would be that between the true right bank of the Nevis River and the track to Clark Hut, but a much more satisfactory upper limit would be defined by the 680m contour. This would then match a corresponding area on the true left of the river.

The guaranteed legal access problem on the Nevis Road is one which requires a legal solution. This could be the formal recognition of the actual formation as the legal alignment, or resumption of the space occupied by the actual formation as Crown land, or, less desirably because it would be less secure, the establishment of an easement over the actual formation where it deviates from the legal alignment. The former of these suggestions is FMC's preferred outcome.

In other respects FMC accepts the proposal that the balance of the property could be designated as freehold.

FMC submission

FMC wishes to make a number of submissions on this part of the proposal.

- (i) For reasons explained above, we strongly recommend that the natural and productive values of the disputed area below the water race should be re-examined with a view to reconsidering the location of the lower boundary of CA 1.*
- (ii) There are two anomalous references to proposed conservation areas which do not match other parts of the Proposal. If these references relate to parts of the proposal which have been accidentally omitted then the Proposal should be re-advertised and submitters given an opportunity to express their views about the omitted sections.*
- (iii) Historic features along the river flats, recognised and described by Hamel (1994), should be protected within an Historic Reserve, which might be able to accommodate some controlled grazing.*

- (iv) *Points (ii) and (iii) above would be accommodated if the significant botanical and historic values recognised in the originally proposed 200ha area of CA 2 were revisited. FMC submits that the original intention to protect this area by return to Crown control should be re-examined. The absolute minimum size of such a Reserve which would be acceptable to FMC would be that between the true right bank of the Nevis River and the track that leads to the south boundary of the property, near Clark Hut. A much more satisfactory upper limit would be defined by the 680m contour, which would then match a corresponding area on the true left of the Nevis River.*
- (v) *Public access over the entire length of the Nevis Road is not presently guaranteed. This problem should be resolved during tenure review by one of the three options suggested above, and preferably by recognition of the actual formation as the legal road alignment.*
- (vi) *Similarly, public access along the true right of the Nevis River is not secure as required by the Act. Because of survey uncertainties we cannot make specific recommendations at this time. What is required is secure public access from the Nevis road, along the track following the true right of the Nevis River to the south boundary of Craigroy, near Clark Hut.*
- (vii) *The significant inherent values of 750ha in Barn Creek were recommended for protection by the PNA survey as RAP Barn Creek 1/4. This entire area should be withdrawn from this freeholding proposal and instead the 190ha area proposed as Scenic Reserve in section 1.2 above should be extended to include the entire 750ha area recognised by PNA survey.*
- (viii) *FMC accepts that the balance of the property, much of which is significantly modified and has been classified LUC Class VI (of medium suitability for pastoral use) is probably capable of supporting ecologically sustainable pastoral production and could be disposed of by freehold disposal to Pioneer Generation Limited.*

Protective mechanisms pursuant to Section 40(1)(b) and Section 40(2)(a) and Section 40(2)(b) Crown Pastoral Land Act 1998

1.3.1 Landscape Covenant. A conservation covenant under Section 77 Reserves Act 1977 for the purposes of protecting the landscape values of the area marked "CC(Landscape)" on the Plan attached.

The landscape significance of the Nevis Valley faces on Craigroy was recognised in the PNA survey conducted between 1983 and 1985, and echoed in the FMC Report (2002). It is therefore pleasing to note that these important features are also recognised in the proposal, where their protection under Conservation Covenant is proposed. Threats to the landscape from tree planting, earth disturbance, removal of tussock cover, inappropriate design and siting of buildings, structures and earthworks are all recognised in the Proposal, as they were also in the FMC Report (2002). FMC is therefore pleased to support the proposed Covenant.

There are also botanical, ecological and heritage values of considerable significance within the area proposed for freehold disposal. Most of those other values are concentrated in a relatively narrow corridor along the river, and were mostly included in the conservation Area CA 2 proposed in the DPP in 2004. We have proposed that the historic values should be protected within an Historic Reserve along the River margin.

We also understand that the landscape covenant covers those parts of the Lower Nevis Valley floor which may be under threat from changes in land use. FMC argues that the terms and conditions of this landscape covenant should remain in force regardless of any applications for changes in land use which may be made in the near future.

FMC Submission

FMC would prefer that the valley floor with significant inherent values and evidence of goldmining workings should be returned to Crown control, but failing this, FMC would endorse and support the Landscape Covenant over all the proposed freehold area. Furthermore, we believe that the terms and conditions of the covenant should remain in force regardless of any resource consent application for change in land use which would have a significant adverse effect on the landscape on any part of this covenant area. If the terms of the covenant do not remain in force, then it makes a mockery of designating the covenant in the first place.

Qualified Designations pursuant to Section 36(3)(b) Crown Pastoral Land Act 1998

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

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

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

FMC notes that part (i) of this proposal appears to be intended to provide legal foot, non-motorised vehicle and horse access for the public over the track from the Nevis Road into the Potters Block of Carrick Station and along the true right of the Nevis River to the southern boundary of Craigroy, thereby providing access to the Nevis Block of Carrick Station.

We also note that part (ii) above is likewise probably intended to provide legal vehicle access over the same routes as (i) above for DOC staff and others for management purposes.

FMC is completely unclear about the detail of the routes concerned and the tenure of some of the land involved. Having made some enquiries from the Contractor involved in this tenure review, we understand that there are discrepancies in existing survey data and a new survey has been commissioned. Until such time as the new survey data is available FMC feels unable to comment on any of these Qualified Designations.

It seems to us that until such surveys have been completed and published it will be difficult, if not impossible to make sensible submissions about public access provisions on Craigroy and Ben Nevis. The essential ingredient to satisfy the requirements of the CPL Act will be to secure legal access along the true right of the Nevis River to the southern boundary of Craigroy, near the Clark Hut.

FMC submission

FMC is unable to make a sensible submission on the access proposals under the headings 1.3.2 and 1.4.1 because land tenure and property boundaries are not clear to us. We understand that the Crown has commissioned a new survey, and we feel unable to make meaningful submissions until the results of that survey are made public. The essential ingredient to satisfy the requirements of the CPL Act would be to secure legal access along the true right of the Nevis River to the southern boundary of Craigroy, near the Clark Hut.

1.4 1.72 hectares Local Purpose Reserve to be designated as land to be disposed of by way of exchange for the area labelled R1 (Scenic) on the plan to Pioneer Generation Limited (labelled "Exch 2" on Plan) under section 38(1)(c) Crown Pastoral Land Act 1998.

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

(iii) to provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles powered by a person or persons, provided however that persons with guns and persons accompanied by dogs are permitted to use the easement area provided they have a hunting permit issued by the Department of Conservation over that part of the land shown marked as "f2-f3" on the Plan attached in Schedule A.

(iv) to provide access for tenants, agents, contractors and invitees of the Minister and any employee or contractor of the Director-General of Conservation on foot, or on or accompanied by horses, or by motor vehicle, with or without machinery and implements of any kind, and with or without guns and dogs, for management purposes over that part of the land marked "f2-f3" on the Plan attached in Schedule A.

FMC commented in the section above that: *"FMC is completely unclear about the detail of the routes concerned and the tenure of some of the land involved. Having made some enquiries from the Contractor involved in this tenure review, we understand that there are discrepancies in existing survey data and a new survey has been commissioned. Until such time as the new survey data is available FMC feels unable to comment on any of these Qualified Designations"*.

FMC submission

FMC is unable at this time to make sensible submissions on the access proposals under the headings 1.3.2 and 1.4.1. Please see our submission under the heading 1.3.2 above. What we are clear about is the need to make adequate provision during this tenure review for public foot and non-motorised vehicle access along the track on the true right bank of the Nevis River, as required under the CPL Act. Access is required from Nevis crossing to the south boundary of the property in the vicinity of Clark Hut.

1.5 1.65 hectares Conservation land to be designated as land to be disposed of by way of exchange for the area labelled CA I on the plan to Pioneer Generation Limited (labelled "Exch I") under section 37(1)(c) Crown Pastoral Land Act 1998.

FMC believes that the Proposal is unclear about the location of Exch 1, which we understand is currently Conservation Land. The Proposal states that *"Our advice is that this area has no conservation values"*. However, because the exact location of this parcel of land is unclear, we cannot be sure whether the historic gold mining workings near the Nevis Crossing bridge are included within "Exch. 1" or not. If they are included, then we believe they should be protected within the Historic Reserve proposed under heading 1.3 above, and our submission (ii) under that same heading. Furthermore, the land may have recreational value as a place for family picnics.

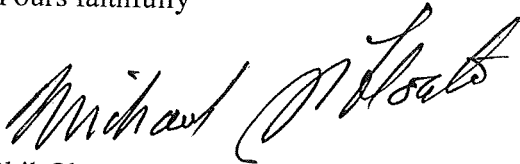
FMC submission

FMC is unclear about the location of Exch 1, which we understand is currently Conservation Land and, because the exact location of this parcel of land is unclear, we cannot be sure whether the historic gold mining workings near the Nevis Crossing bridge are included within "Exch. 1" or not. If they are included, then we believe they should be protected within the Historic Reserve proposed under heading 1.3 above, and our submission (ii) under that same heading, or protected under the terms of the Landscape Covenant. We also believe that the area may have recreational value as a family picnic area which should be recognised.

Acknowledgements

FMC appreciates this opportunity to comment on the tenure review of Craigroy Station, and is grateful to the agent, Darroch Valuations Ltd. for the bundle of information about the Preliminary Proposal, and for answering our further enquiries about details of the Proposal. Concerning those areas where we are unclear of the meaning in the Proposal, we wish to be assured that there will be another opportunity to add a supplementary submission after clarification is received. We are also grateful to the holder and the sub-lessees for permission to inspect the property.

Yours faithfully



pp Phil Glasson,
Hon Secretary, Federated Mountain Clubs of NZ Inc.

APPENDIX Supplementary Submission related to The Commissioner's statement in the Public Notification of this Preliminary Proposal, and in relation to the Minister's acknowledgement that "it is intended that the land be used for hydro electricity development, including the erection of transmission lines."

FMC is compelled to comment on the statement by the Commissioner of Crown Lands, in the Public Notice that "... Any submissions, or parts of submissions, which discuss use of the Nevis River for hydro-electric development will be treated as invalid." We submit that this an unreasonable ruling, given that paragraph 7 (in the Ben Nevis Proposal, and Paragraph 6 in the Craigroy Proposal) of Schedule 2 appended to the Landscape Covenant, specifically states that "The Minister acknowledges that it is intended that the land be used for hydro electricity development, including the erection of transmission lines." We submit that this intention is therefore part of the Preliminary Proposal and should be open for public submission. We note that Schedule 2 specifically deletes and amends clauses 3.1.4, 3.1.5, and 3.1.6 of the Landscape Covenant document, thereby providing for routine farm maintenance work, but does not seek to delete or amend Clauses 3.1.8, 3.1.9, 3.1.10, or 3.1.12. These clauses specifically prohibit activities related to hydro electricity development which would have adverse effects on the values that the covenant seeks to protect.

In terms of case law established in the 1948 *Wednesbury Case (Associated Provincial Picture Houses v Wednesbury Corporation [1948] 1 KB 223)* we submit that it is entirely unreasonable to obstruct the public submission process in the way described above. FMC therefore submits that "*intended use of the land for hydro electricity development*" will have adverse effects on the landscape and that the terms and conditions (especially Clauses 3.1.8, 3.1.9, 3.1.10, or 3.1.12) of the landscape covenant must be allowed to prevail.

More particularly, FMC notes that there are certain critical Clauses in the Landscape Protection Covenant Document:-

- (i) **Operative Parts** states that "In accordance with section 77 of the Reserves Act 1977, and with the intent that the covenant run with the land and bind all subsequent owners of the land"
- (ii) **Duration of the Covenant** states that "The Covenant binds the Minister and Owner in perpetuity to the rights and obligations contained in it."

We noted above the content of paragraph 6 (Criagroy) and Paragraph 7 (Ben Nevis) in Schedule 2, Special Conditions, which states:- "The Minister acknowledges that it is intended that the land be used for hydro electricity development, including the erection of transmission lines. Accordingly, it is agreed by the parties that a plan be prepared for submission to the Minister, which identifies the hydro electric development proposed, its location, extent, groundworks, associated services and facilities, for the Ministers consent (such consent not to be unreasonably withheld). In considering the Plan the Minister will read the provisions of the covenant, including in particular the provisions of clause 3.1, so as not to prohibit the hydro electric development but with the ability to impose such conditions as may be deemed reasonable to avoid, remedy or mitigate adverse effects upon the values identified in this covenant."

We question that part of the statement underlined above which appears to be in conflict with the standard terms of the Covenant indicated in (i) and (ii) above.

Furthermore, we seriously doubt whether there could be any conditions which could "avoid, remedy or mitigate the adverse effects [of hydro electric development] upon the values identified in this covenant"

FMC submits that the part of the Special Conditions which states that "In considering the Plan the Minister will read the provisions of the covenant, including in particular the provisions of clause 3.1, so as not to prohibit the hydro electric development" should be deleted.

FMC therefore submits that if this Covenant is agreed to as part of tenure review, then its standard conditions (other than those amended by Schedule 2) must be allowed to prevail.

262017

27 November 2009

Darroch Valuations
P O Box 215
DUNEDIN

Attention: David Paterson



Dear David

**CRAIGROY & BEN NEVIS PASTORAL LEASES
TENURE REVIEW SUBMISSIONS BY CROWN MINERALS**

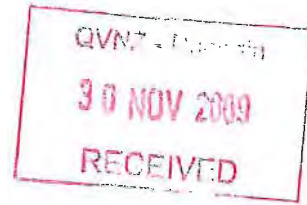
The Commissioner of Crown Lands has invited public submissions on the tenure review of Craigroy and Ben Nevis Pastoral Leases.

An assessment of the area has shown that these lease areas, and much of the surrounding land, are prospective for a range of metallic minerals and are currently overlain by granted permits.

Please find enclosed written submissions on these tenure review proposals.

Yours sincerely

Barry Winfield
Senior Analyst, Petroleum and Minerals Policy



**Crown Pastoral Land Act 1998
Tenure Review
Preliminary Proposal**

Lease name: CRAIGROY

Lease number: PO 233

**Submission by Crown Minerals
Ministry of Economic Development**

November 2009

CRAIGROY PASTORAL LEASE PRELIMINARY PROPOSAL FOR TENURE REVIEW

SUBMISSION BY CROWN MINERALS TO COMMISSIONER OF CROWN LANDS

BACKGROUND

1. The Crown Pastoral Land Act 1998 provides a framework for the review of high country land in the South Island. In order to gain ownership of the all or part of the land leaseholders may request that their lease be considered for tenure review.
2. An invitation to undertake tenure review has been accepted for the Craigroy pastoral lease and the review has reached the stage where the Commissioner of Crown Lands has put a preliminary proposal to Pioneer Generation Limited as lessees of this pastoral lease. The Commissioner of Crown Lands has invited public submissions on this preliminary proposal for tenure review.
3. Craigroy comprises some 4,433 hectares of land located east of the Nevis River on the Old Woman range approximately 25 km from Cromwell in central Otago.
4. It is proposed that 810 ha be restored to Crown ownership/control (as conservation area), 190 ha restored/retained in Crown control as Scenic Reserve subject to a qualified designation, and 3,442 ha to be passed into freehold ownership (subject to a protective mechanisms and a qualified designation).

CROWN MINERALS

5. The Crown Minerals Group of the Ministry of Economic Development is the government 's business group that manages New Zealand's state owned oil, gas, mineral and coal resources known as the Crown mineral estate. Crown Minerals is responsible for the efficient allocation of prospecting, exploration and mining rights, the promotion of the mineral estate to investors, and ensuring that the Crown receives a fair financial return for the use of its mineral estate.
6. The Crown (on behalf of all New Zealanders) owns all in-ground petroleum, gold and silver and approximately half of the in-ground coal, non-metallic and other metallic minerals including industrial rocks and building stones.

LAND TENURE REVIEW

7. The Minister of Energy and Crown Minerals have previously registered their concern to both the Minister for Land Information and LINZ officials that the land tenure review process gives little consideration to the land's mineral prospectivity and potential for mineral development and that it does not recognise existing mineral permit and licence holders interest in the land. As a consequence of the ongoing review of pastoral leases, some land that is highly

prospective for mineral development is passing into the public conservation estate, or into private ownership, where it may become more difficult for permit holders (individuals and companies) to gain access to this land for the purpose of exploration and mining. This represents a significant loss of economic development opportunity.

8. The objectives of tenure review are set out in section 24 of the Crown Pastoral Land Act and include "enabling reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument".
9. The economic benefits from mineral development, particularly at a regional level, can be substantial and should not be overlooked. If the land has high mineral potential and/or significant mineral content, then consideration should be given to the mineral values when determining future ownership and use of such land.
10. The purpose of this submission is to bring to your attention the known and potential mineral wealth of the land subject to the Craigroy review and to request that this be taken into consideration when making a final decision on the review.

REGIONAL GEOLOGY

11. The Region sits on the eastern side of the Alpine Fault; this is the most active fault in New Zealand's current geological setting, which is essentially the result of tectonic forces exerted by the Pacific and Indo-Australian convergent plate boundary formed in the early Neogen.
12. Basement rocks in the area are typically Palaeozoic Haast Schist Group sandstones, mudstones and volcanic sediments now metamorphosed to quartzo-felspathic schists of textural zones III and IV.
13. The Craigroy area also contains Pliocene Hawkdun Group sediments such as the Schoolhouse Fanglomerate which consists of sandy to boulder schist breccia. The Schoolhouse Fanglomerate sits locally on quartz-lithic dell sandstone. There are also localised deposits of Quaternary outwash gravels which have the potential to host small amounts of alluvial gold.

MINERALISATION

14. Gold-bearing quartz lodes and disseminated mineralisation are associated with shear zones in the Mesozoic Haast Schist. Historic mining was on small quartz lode deposits particularly in the Carrick area. Gold mineralisation occurs in association with minor arsenopyrite and pyrite, but relatively little quartz. Around the turn of the century, a number of small hard rock 'shows' were worked on the Carrick Range, in what is now called the Carrick Goldfield, with total recorded production of about 24,000 oz of gold. Recent exploration and mining has focussed on regional shear deposits. Many of the formerly mined quartz lodes are being investigated as possible shows of regional shear deposits.

CURRENT ACTIVITY

15. A majority of Craigroy is covered by prospecting permit 39322 held by joint venture partners Glass Earth (New Zealand) Limited (90%) and New Zealand Minerals Limited (10%), refer the

attached map which shows the relationship between Craigroy and this permit. PP 39322, which is a regional scale permit, covers an area of 18,050 km² and is targeting a wide range of metallic and non metallic minerals. Glass Earth has already completed a detailed magnetic, radiometric, and resistivity aerial geophysical survey, along with large amounts of desktop analysis, geochemical sampling and drilling. The company and has applied for, and has been granted subsequent exploration and mining permits within this prospecting permit.

16. Located, approximately 2 kilometres to the north east of Craigroy are exploration permits 50019 and 40536 held by Prophecy Mining Limited. These permits enable the company to explore for gold using a range of techniques including geochemical sampling and drilling.
17. Approximately 1 kilometre to the south west of the pastoral lease lies mining permit 41734 held by Golden Bush Mining Limited. This permit was granted in October 2002 for the mining of gravels for the recovery of gold, aggregate and building stone. The permit holder is currently waiting for resource consent processes to be finalised prior to the commencement of mining.
18. Given the significant history of gold production and current exploration activity in the region of Craigroy, Crown Minerals is of the view that Craigroy is highly prospective for both hard rock and alluvial gold.

COMMENT

19. Prospecting is a relatively high risk business and the very nature of mineral prospecting and exploration means that a company starts with a large area of land and with time it reduces the area after eliminating areas of no interest. Where early reconnaissance work under a prospecting permit justifies further exploration expenditure, a company will apply for an exploration permit. Progressively the size of the area will be reduced to only a fraction of the original area and more often than not, a company will fail to identify economic mineralisation and the ground will be surrendered or the permit will be allowed to expire. Modern day prospecting and exploration techniques present little threat to the environment and yet the ultimate outcome of exploration can be the development of a mine with numerous economic spin-offs for the local economy.
20. Crown Minerals acknowledges that the transfer of areas of the Craigroy lease to both the Department of Conservation ("DOC") and private ownership does not preclude access to the land for the purpose of prospecting, exploration and mining. Permit holders can apply to DOC and the private landowner for an access arrangement under section 61 of the Crown Minerals Act 1991. However, because the Minister of Conservation's consideration of an application for access largely relates to conservation objectives, it is fair to say that it can become more difficult for an exploration or mining company to secure a workable access agreement on conservation land.

CONCLUSION

21. The current and proposed prospecting activity by the Glass Earth and New Zealand Minerals JV highlights the new interest being shown to assess the mineral potential of the Craigroy lease area, and the surrounding region, and testifies to the economic mineral potential of the area.

22. The Craigroy pastoral lease area should be recognised as being prospective for minerals. To further assess the mineral potential of the area it is critical that exploration and mining companies get ongoing access to this land. Whatever the outcome of this review, Crown Minerals would want to see provision made to allow for mineral prospecting activities to continue to be undertaken.
23. Crown Minerals requests that the Commissioner of Crown Lands takes notice of the mineral potential of Craigroy. Consideration should be given to some form of transitional provisions to ensure that future explorers and developers have a right to access to Crown and freehold land on reasonable terms for the purpose of carrying out prospecting and exploration activities and also any development activities under subsequent permits granted in accordance with section 32 of the Crown Minerals Act.

---oooOooo---

CENTRAL OTAGO WHITEWATER (INC)P O BOX 41
ALEXANDRA

25 November 2009

Darroch Valuations
P O Box 215
DUNEDIN

For: David Paterson

FAXED

Dear Sir,

Please find below two individual submissions on Ben Nevis and Craigroy Preliminary Proposals

A. Submission on Craigroy Tenure Review Preliminary Proposal

This submission made by John Gordon Rayner on behalf of Central Otago Whitewater (Inc) c/- Checketts McKay Law Limited, P O Box 41, Alexandra, (phone 03-448 6969, email gordon@cmlaw.co.nz)

CRAIGROY PROPOSALS:**1. Restoration of 810 ha. and Higher Altitude Lands to Crown Control.**

This land area has high landscape and natural values and is recreationally important. Its retention by the Crown is appropriate subject to the proposed continuation of rights to take and convey water and any existing recreation concessions. The designation is supported.

2. Designation of 190 ha Scenic Reserve

This land area has high landscape and natural values and is recreationally important. Its designation as a Scenic Reserve is appropriate and the designation is supported.

3. Freehold Disposal of 3442 ha. To Pioneer Generation

This area of land includes lower slopes and terraces and the valley floor. It has high landscape values, high historic values because goldfield sites are spread across the floodplain and up the side slopes in some areas. Also rare plants and native skinks are found on mine tailings on the floodplain and rare native fish are found in tributaries. The land between the riverside track and the river is important for public access for recreational activities including angling and kayaking, nature and history appreciation. The valley floor is an important landscape feature which contributes to its outstanding landscape status. We

submit that all of these attributes are significant inherent values and therefore deserve protection under the CPL Act 1998. We see that the Commissioner has acknowledged landscape as a "significant inherent value" by proposing a conservation covenant to protect landscape values. It is important that several areas along the margins of the Nevis River (in addition to the laying off of marginal strips) be retained by the Crown to meet present and future recreational needs and to protect historic and biodiversity values. We therefore do not support this designation.

1.3.1 Landscape Covenant

We submit that the landscape covenant is flawed. It doesn't cover all the values present, public access rights to and along the river and generally over the lower floodplain are not mentioned. Native fish require specific protection in tributaries but aren't covered. Rare plants and skinks aren't mentioned and so aren't protected either.

Central Otago Whitewater (Inc) is strongly opposed to freeholding valley floor land with multiple significant inherent values. Even if a secure covenant was proposed it is more appropriate to protect these lower lying valley floor areas through retention in Crown ownership.

We ask that the Crown provide for more access easements to the Nevis River through the proposed freehold. We submit that covenants are an inefficient way of providing public access and also that access must be practicable and not hinder farming operations.

Of most concern, the covenant is designed to protect specified values in perpetuity, however has a clause in schedule 2 which requires the Minister to allow hydro development, which effectively means only some of the threats to the values are prevented. From a kayakers perspective, the surrounding landscape is an integral part of the Nevis River experience and any hydro development will have an adverse effect on the outstanding landscape values present on Ben Nevis and Craigroy. So the covenant is valueless and does not meet the object with respect to Section 24(b) CPL Act 1998. We therefore do not support the covenant.

1.3.2 Public Access Easements

There are public access easements over the freehold in two locations. These are not contentious and are supported. We suggest that the access easement over the track shown as "f-g-h-i-j" become a legal road, which we understand has been maintained by the local authority in the past.

1.4 Disposal of Local Purpose Reserve 1.72 ha. By Exchange

The disposal of a small piece of Crown reserve land on the riverbank near the Nevis crossing and within the goldfield area is difficult to understand. It clearly has public access, historic and recreation values as well as general riparian values. This proposal is opposed by Central Otago Whitewater (Inc)

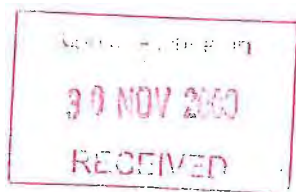
1.5 Disposal of Conservation Land 1.65 ha Adjoining the Nevis River By Exchange

As above, the disposal of small pieces of Crown reserve land on the riverbank near the Nevis crossing and within the goldfield area is difficult to understand. It clearly has public access and recreation values as well as general riparian values. This proposal is opposed by Central Otago Whitewater (Inc.).

Yours faithfully

A handwritten signature in black ink, appearing to be 'J G Rayner', with a stylized flourish at the end.

J G Rayner
Central Otago Whitewater (Inc.)



Central Otago-Lakes Branch
Denise Bruns (Secretary)
4 Stonebrook Drive
WANAKA 9305



**FOREST
& BIRD**

Royal Forest and Bird
Protection Society
of New Zealand Inc

28th November 2009

The Commissioner of Crown Lands
C/o Darrock Valuations
PO Box 215
DUNEDIN

(david.paterson@darrockvaluations.co.nz)

Dear Sir

Po 233 Craigroy – Tenure Review – Preliminary Proposal

We thank you for forwarding to us a copy of this proposal; we would be pleased if you would accept this submission and comments on it. We also thank you for the help you have given us in arranging an inspection of the property.

Our branch of the society fully supports the aims and objectives of the Crown Pastoral Lands Act 1998, and has been involved in the tenure review process for many years now. The branch with a membership of 171 members is familiar with Craigroy and the Nevis Valley having visited it on many occasions. It is pleasing to see some credence has been given to the concerns we raised in the report we made to the Department of Conservation in November 2002.

We have read and studied the Conservation Resources Report. In our branch there are members who know the area well and we have drawn on their knowledge in making this submission. We have inspected the areas of concern to us and wish to take the opportunity to thank Pioneer Generation and the sub-lessee Mr Robert Brown for allowing us to do so.

If this proposal is adopted the land to be returned to the Crown out of it will be a well worthwhile addition to Te Kopuwai, and also allow more freedom for those recreating in the area, both winter and summer.

We would be pleased if you would accept this submission and comments on the various designations, covenants and concessions contained in the proposal document.

1.0 The Proposal:

1.1 An area of approximately 810 hectares to be returned to the Crown for protection; CA1 on the Designation Plan

While we have some concerns about the size of the area involved we are in agreement with this designation for this area for similar reasons as those described in the document section 1.1, a) to f).

This area comprises all that land above the Carrick water race. We are of the opinion that this is far too high as some of the land below the race is Class VII therefore the question of ecological sustainability has to be answered, as the generally proven altitude for Otago for ecological

sustainability is a around 1000m. We believe the fence should be lowered considerably and the area of land being returned to the Crown increased.

Also the documentation tells us there are considerable conservation values below the race at the Coal Creek end that should be protected.

-2-

No mention is made in the document as to how this fence is to be constructed.

- Is it possible to construct a sound fence around the water race taking into consideration the countless stays and tie backs that would be required?
- Is there to be a graded track constructed below the race for this to be built on? If so we would strongly oppose it mainly for landscape reasons.
- The safety of the race and access to it for the Irrigation Company are of paramount importance.
- We have been told it would be difficult to build a fence lower down at about 1000m. We do not entirely agree with this statement after having seen the superb new rabbit netted fence (not the eco fence itself) built at the Aldingo Eco-Sanctuary – a good example of what can be done in the way of fencing rough country if desired.

This designation should be re-visited.

1.2 Continuation in force of existing right to convey water granted to Carrick Irrigation Company.

We have no objection to this.

1.3 Continuation in force of existing unregistered deemed permit to take water granted to Carrick Irrigation Company.

We offer no objection to this.

1.4 Granting of a recreation concession to Robert William Brown and Sandra Louise Brown.

We offer no objection for this to run until the existing term runs out.

1.5 Granting of a grazing concession to Pioneer Generation Limited.

We have no objection to this phase out grazing concession but the 5 year term must not be extended in any way.

1.6 An area of approximately 190 hectares to be designated as land to be restored to or retained in Crown Control, as a scenic reserve, “R1 Scenic” subject to a qualified designation.

We approve of this area being returned to the Crown for protection as a Scenic Reserve to protect the significant botanical values as stated in the document.

We do not see the logic in, or the reason for, exchanging this area for the Bridge reserve at the Nevis River, so will not comment.

1.7 Granting of a grazing concession to Pioneer Generation Limited over the land marked “R1 (Scenic)”

We oppose this as the Scenic Reserve is being created to protect the snow totara and the endangered *Simplicia laxa*. Especially so when the document states other species such as the Carmichaelia should spread once grazing pressure is removed.

Also aside from the above given reasons the land contained in the reserve is high and therefore grazing is considered ecologically unsustainable.

-3-

1.8 An area of 3442 hectares (approximately) to be designated as land to be disposed of by freehold disposal to Pioneer Generation Limited, subject to protective mechanisms and a qualified designation.

We mostly agree with the description of this land as described in the document (p 7 and part p 8). Especially the comments made regarding the landscape; we fully agree that the landscape is the dominant value in the whole valley and is of national importance.

While mention is made of the briar problem being exacerbated by being fertilized from the air, mention is not made however of the quantity of matagouri present due to the same reason. This plant covers a large area and gives an overlying grey colour to the landscape.

We are concerned about the upper reaches of the area under the Carrick water race and the area to the north of the road from the Nevis Crossing to Duffers Saddle as the vegetation is very modified. We believe these areas are too high and carry too much heiracium to be ecologically sustainable under a pastoral regime. Also what little tussock left would be better un-grazed and given much time will slowly recover.

Also in the reports made available to us the area to the north of the Crossing - Saddle road has considerable landscape value as it is the corridor by which the valley is exited. The same report advises that the land below the Carrick water race at the south end has significant inherent conservation values.

A previous draft proposal in 2004 had a fence lower down below the Carrick water race, and on the above mentioned road, the proposed fence was a couple of k down hill nearer the Crossing.

We believe that the lower fences suggested should be reverted to. This would thus increase the area being returned to the Crown and decrease the land to become freehold.

1.9 Landscape Covenant. A conservation covenant under Section 77 of the Reserves Act 1977 to give protection to the landscape values of the area "CC(Landscape)".

We see this as reasonable and workable considering the very important landscape values to be protected throughout the property. Monitoring should be fairly straight forward.

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

We see this as being adequate. An hours walk from c – j ?

1.11 1.65 hectares Conservation land to be designated as land to be disposed of by of exchange for the area CA1 on the plan to pioneer Generation Limited.

We do not understand this so cannot comment.

2.0 Summry:

2.1 Some of the land a couple of hundred metres just south of the main road is freehold (sheet 2 of the Designation Plan). At present the owner of this land allows it free for camping and picnicing. This whole area in the vicinity of the Crossing bridge is a unit in itself and is much favoured by the public for picnics and camping. There are many mining relics of interest and it could be described as being reasonably sheltered.

-4-

This review of Craigroy gives a great opportunity to create a recreation area under the Reserves Act 1977 - **“For the public to enjoy.”** Not all of the land in the vicinity of the bridge on Craigroy, CC (Landscape), needs to become freehold.

There is a marginal strip down the river from the bridge but this is very difficult to negotiate. This gorge is spectacular and should be made easier to appreciate and to negotiate.

Our suggestion is that some of the Craigroy land alongside the river north of the small piece of private freehold land be set aside and be extended over the road and down the gorge on the true right of the river, in a sufficiently wide strip, to allow easy, comfortable walking for all ages, to where it meets the Conservation land on the Carrick property already submitted on in that review of tenure.

We believe this to be a perfectly reasonable suggestion and this is the best and probably the only opportunity ever available to create a recreation area of considerable interest and potential in an increasingly popular area.

2.3 R1 should not be grazed.

2.4 The land to be designated freehold and disposed of to the holder should be reduced in size by re-locating the proposed fence around the water race lower down to about the 1000m contour. Also the proposed fence A – B be relocated below the legal road into Potters and then the road above be fenced off.

2.5 No mention is made of a reserve or covenant on the valley floor to protect the considerable mine tailings and associated wet lands created from old dredge ponds; these wet-lands and the river are important for bird life.

2.6 Although the Nevis River is a braided river and can move from side to side the braids and tailings contain many small and rare plants which require protection.

2.7 It is not satisfactory that the mining history on the valley floor is not recognized. It is our contention that the whole mining history contained in the valley should be preserved in a similar manner as in “Skippers” and be managed under the Reserves Act.

2.8 It is our opinion that in this proposal some of the higher land designated to become freehold and to be disposed off is not ecologically sustainable, remembering at all times, that one of the prime function of the CPL Act 1998 is to *“.....promote the management of pastoral land in a manner that is ecologically sustainable....”*

3.0 In Conclusion:

3.1 This proposal is not all that satisfactory for the reasons we have given above.

3.2 We have offered various suggestions as to how the proposal could be made more acceptable and the objectives of the CPL Act 1998 complied with. If the proposal is not made more acceptable it would be far better if the land were to remain as a pastoral lease under the Land Act.

3.3 We thank you for the opportunity to make these comments on the proposal.

Yours faithfully



Denise Bruns

(Secretary)