



## **Crown Pastoral Land Tenure Review**

**Lease name : Dalrachney Station**

**Lease number : Po 292**

### **Public submissions**

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

**March 03**

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

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OFFICIAL INFORMATION ACT

15 MAR 2002

RECEIVED

I welcome the opportunity to comment on the Tenure Review of DALRACHNEY STATION.

I am pleased to see that Longslip Mountain is included in the public domain. However, access to it would be significantly improved by providing easements for public access at three points along the main road from Lindis Pass to Omarama (black circles on enclosed map). There appear to be tracks at these locations connecting with tracks on proposed Crown land, and very little other than roadside signposts would be required.

I request that serious consideration be given to this proposal. As a further request, I would appreciate it if the status of land adjacent to the land under review could be indicated when maps are prepared. This could influence some comments made.

General: I am concerned that insufficient consideration is given to assuring public access to Crown land when Tenure Reviews are negotiated. For example one access point for an extended area of mountains is quite inadequate. (The present proposal is somewhat better in this respect.) Public access to Crown land is a right and should be recognised as such. It should not be deniable for any reason or by anyone not connected with the management of the Crown land itself. Access provisions must recognise this and must be written in such a way that they cannot be extinguished should the freehold property change owners. Since the present landholders are on average being allowed to freehold about two thirds of the land area under review they are getting remarkably good bargains. They should therefore not be allowed to plead hardship when the costs of providing public access come up for discussion. The fact that many landholders are cooperative in the matter of granting access on an individual basis is a mitigating factor: it should not be allowed to obscure the real issue, that of public access to public lands, as of right.

Yours sincerely,

13 March 2002.



Dalrachney Station

**Po 292  
DALRACHNEY**

Land to be Restored to Crown  
Control subject to recreation and  
essament concessions

Land to be disposed of to the  
holders

Proposed Conservation Covenant

Essaments for public access and  
management purposes

Essament for holder access

Existing Fences

New Fences

Scale 1:50 000  
KTaylor

15-Oct-01

	a
	b
	c
	d
	e
	f
	g
	h
	i
	j
	k

DTZ NEW ZEALAND  
ALEXANDRA

17 APR 2002

RECEIVED



Central Otago Four Wheel Drive Club  
P.O. Box 314  
Alexandra.

2 April, 2002

Commissioner of Crown Lands,  
C/- Knight Frank (NZ) Limited,  
Land Resources Division,  
P.O. Box 27,  
ALEXANDRA.

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

With reference to: Po292 Dalrachney Pastoral Lease - Preliminary Proposal for Tenure Review.

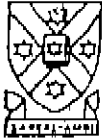
The Notice of Preliminary Proposal for the Dalrachney Pastoral Lease gives members of the Central Otago Four Wheel Drive Club very great concern. This is an area to which the club has had traditional access, and we object to the easement concessions excluding Four Wheel Drive Vehicles of members of the public over existing tracks (a - b, j - k, b - e), especially in the listing of methods of recreation. Not everyone is able to tramp and cycle great distances, and changed social demands on our workforce restrict recreation time. Our organised club practises care and respect for the land, has traditionally helped to keep tracks open in the area, and our vehicles are an important means of allowing families, including the young and elderly, to appreciate, respect and enjoy the wonderful high country of this nation with its tradition of access to public lands.

We hope that your proposal will be revised to allow a greater number of New Zealanders to enjoy continued access to our heritage, and to see that well organised clubs, who by their rules seek permission to access landholders' properties and follow their directives, will continue to be included.

Yours sincerely,

  
Neville Bingham  
Secretary.

  
Bill Wade  
President.



Department of Botany

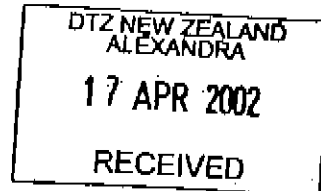
Released under the Official  
Information Act University of Otago  
Te Whare Wananga o Otago

Division of Sciences  
PO Box 56, Dunedin  
NEW ZEALAND

Tel: National 03 479 7573 International 64 3 479 7573  
Fax: National 03 479 7583 International 64 3 479 7583  
Email: amark@otago.ac.nz

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

April 9, 2002.



Manager,  
Knight Frank (NZ) Ltd.,  
PO Box 27,  
ALEXANDRA.

#### SUBMISSION ON PROPOSED TENURE REVIEW: DALRACHNEY STATION

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it. I do so with a detailed knowledge of the area acquired over many years of ecological and botanical research on the tussock grasslands and associated mountain lands, particularly in the southern South Island.

I have read the proposal for tenure review of the Dalrachney Pastoral Lease and feel that the balance of this proposal is clearly in favour of the free-holding option with a two to one ratio of area split between the land proposed for free-holding (5372 ha) and that proposed for transfer to Crown control (2594 ha).

I fully support the transfer of all of the area proposed for Crown control, given its location on the upper slopes and crest of the main range running north from the Lindis Pass and also its location adjacent to the Lindis Pass Scenic Reserve. I accept that the proposed easements a - b and j - k are necessary for continued farm management, and the conditions which have been attached to the use of these easements. The proposed recreation concession for the whole of the Crown land block, based on the use of guided walks, mountain biking and horse trekking, should, I feel, be limited to no more than ten years and without a right of renewal, and the Mountain biking and horse trekking should also be restricted to formed tracks or particular routes approved by the Department of Conservation.

Continued public access to the route b - c, at all times, through land to be free-held, is endorsed.

The area of 85 ha proposed as a covenant to protect "significant landscape and natural environment" on land to be freeholded, should be reduced in area to the minimum necessary for stock yards and wool shed facilities, avoiding the prominent summit area (922 m site) and its vicinity, including the eastern slope, which is dominated by snow tussock grassland and is also

clearly visible from Lindis Pass. The summit and eastern slopes of this area not needed for the stock yards and wool shed should be added to the area to be transferred to Crown ownership.

Another area of high conservation value which should also be transferred to Crown ownership and management is an area of about 50 ha of grey shrubland, dominated by *Olearia bullata* and *Discaria toumatou* (matagouri) about 2 m tall, which occupies a strip parallel with the southern boundary of the property but on the northern side of the track along the boundary, for a distance of about two km to the west of the proposed covenant area.

A further area of high conservation value which should also be transferred to Crown ownership is in the enclave in the north-west corner of the area currently proposed for Crown ownership. From the site marked "G" on the map the boundary should run west down the creek to the track shown on the map, then down this track to the "fords" (shown on map) and thence up the track running to the north-northeast to the boundary of the property. This area would add about 400 ha of snow tussockland, scree and *Discaria* (matagouri) shrubland (in gulleys) to that already proposed for transfer to Crown ownership.

I trust that my recommendations will be given serious consideration and I thank you again for the opportunity to comment on this proposed tenure review.

Yours sincerely,



Alan F. Mark FRSNZ, DONZM.  
Professor Emeritus.

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OFFICIAL INFORMATION ACT

23<sup>rd</sup> April 2002

Commissioner of Crown Lands  
C/- DTZ New Zealand  
P O Box 27  
Alexandra

DTZ NEW ZEALAND  
ALEXANDRA

- 1 MAY 2002

RECEIVED

With reference to: P0292 Dalrachney Pastoral Lease - Preliminary Proposal for Tenure Review

The Notice of Preliminary Proposal for the Dalrachney Pastoral Lease gives me cause for great concern. This is an area to which the public has had traditional access, and I object to the easement concessions excluding Four Wheel Drive Vehicles of members of the public over existing tracks (a - j - k, b - c), especially in the listing of methods of recreation. Not everyone is able to tramp and cycle great distances, and changed social demands on our workforce restrict recreation time. The club that I belong to practices care and respect for the land, has traditionally helped keep tracks open in the area, and our vehicles are an important means of allowing families, including the young and elderly, to appreciate, respect and enjoy the wonderful high country of this nation with its tradition of access to public lands.

I wish to see the proposal revised to allow vehicle access so that a greater number of New Zealanders are able to enjoy continued access to our heritage, and to see that well organized clubs, who by their rules seek permission to access landholders' properties and follow their directives, will continue to be included.

Yours sincerely

DTZ NEW ZEALAND  
ALEXANDRA

- 1 MAY 2002

RECEIVED

23<sup>rd</sup> April 2002

Commissioner of Crown Lands  
C/- DTZ New Zealand  
P O Box 27  
Alexandra

With reference to: Po292 Dalrathney Pastoral Lease - Preliminary Proposal for Tenure Review

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Yours sincerely



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OFFICIAL INFORMATION ACT

Wakatipu Tramping and Mountaineering Club  
P.O. Box 137  
Queenstown

28 April 2002

DTZ NEW ZEALAND  
ALEXANDRA

- 2 MAY 2002

RECEIVED

The Manager  
Knight Frank  
41-43 Tarbert Street  
Alexandra

**Ref: Po292/1 Dalrachney Tenure Review**

Dear Sir

Thank you for giving the club an opportunity to comment on the above proposal.

We have studied the proposal and believe it is a good proposal, but we wish to make the following comments:-

Provide a car parking area off the main highway, preferably out of site of the highway, so that any vandalism to parked cars can be kept to a minimum.

Is there an existing track, or will there be a new track, installed down the true right of the creek between the north-west corner of the proposed Conservation Covenant (marked hatched green) and Smiths Creek?? The map shows an existing track on the true left of this creek on Mt. Thomas Station. The first part of the section, north of the boundary, appears to be hilly and steep for mountain bikes?

Yours sincerely



Hans Arnestedt  
Secretary

DTZ NEW ZEALAND  
ALEXANDRA

- 2 MAY 2002

RECEIVED

23<sup>rd</sup> April 2002

Commissioner of Crown Lands  
C/- DTZ New Zealand  
P O Box 27  
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23<sup>rd</sup> April 2002

Commissioner of Crown Lands  
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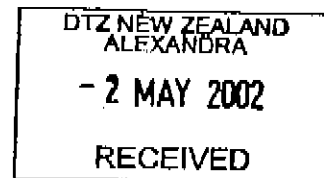
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Yours sincerely

REFUSED UNDER THE  
OFFICIAL INFORMATION ACT

23<sup>rd</sup> April 2002

Commissioner of Crown Lands  
C/- DTZ New Zealand  
P O Box 27  
Alexandra



With reference to: Po292 Dairachney Pastoral Lease - Preliminary Proposal for Tenure Review

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23<sup>rd</sup> April 2002

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DTZ NEW ZEALAND  
ALEXANDRA

- 2 MAY 2002

RECEIVED

23<sup>rd</sup> April 2002

Commissioner of Crown Lands  
C/- DTZ New Zealand  
P O Box 27  
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23<sup>rd</sup> April 2002

DTZ NEW ZEALAND  
ALEXANDRA

- 2 MAY 2002

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23<sup>rd</sup> April 2002

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Yours sincerely

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

23<sup>rd</sup> April 2002



Commissioner of Crown Lands  
C/- DTZ New Zealand  
P O Box 27  
Alexandra

With reference to: Po292 Dalracloney Pastoral Lease – Preliminary Proposal for Tenure Review

The Notice of Preliminary Proposal for the Dalracloney Pastoral Lease gives me cause for great concern. This is an area to which the public has had traditional access, and I object to the easement concessions excluding Four Wheel Drive Vehicles of members of the public over existing tracks (a - j - k, b - c), especially in the listing of methods of recreation. Not everyone is able to tramp and cycle great distances, and changed social demands on our workforce restrict recreation time. The club that I belong to practices care and respect for the land, has traditionally helped keep tracks open in the area, and our vehicles are an important means of allowing families, including the young and elderly, to appreciate, respect and enjoy the wonderful high country of this nation with its tradition of access to public lands.

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23<sup>rd</sup> April 2002

Commissioner of Crown Lands  
C/- DTZ New Zealand  
P O Box 27  
Alexandra

DTZ NEW ZEALAND  
ALEXANDRA

- 3 MAY 2002

RECEIVED

With reference to: Po292 Dalrachney Pastoral Lease - Preliminary Proposal for Tenure Review

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Yours sincerely



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

Released under the Official  
Information Act

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

3 May, 2002

The Commissioner of Crown Lands,  
C/- DTZ New Zealand Ltd.  
Land Resources Division  
PO Box 27  
ALEXANDRA



Dear Sir

**Re: Preliminary Proposal for Tenure Review: Dairachney Station**

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 recreation 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 significant inherent 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 preliminary proposal for Dairachney.

**THE PRELIMINARY PROPOSAL**

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

- (1) 2594 ha to be designated as land to be restored to Crown control as a conservation area subject to the granting of easements and a recreation concession
  - (a) An easement to provide farm access for livestock over an existing track.
  - (b) An easement to provide farm access for farm management purposes over another existing track.
  - (c) A recreation concession over the conservation land to provide access for guided walks, mountain biking and horse trekking.
  
- (2) 5372 ha to be designated as land to be disposed of by freehold disposal.
  
- (3) Protective mechanisms
  - (a) An easement to provide public access over a route leading from State Highway 8 to the Lindis catchment.
  - (b) A covenant for the purpose of preserving the significant landscape and natural environment over 85 ha of the proposed freehold.

## FMC POSITION

FMC supports the general principles of tenure review and also supports the general thrust of the changes proposed for Dalrachney Station. We are pleased to note that some of the items discussed at an Early Warning meeting in 1996 have been included in the Preliminary Proposal. In particular we are pleased that access to the Lindis catchment will be formalised by way of an easement, and that the Lindis Pass Scenic Reserve will be significantly extended. We endorse the statement in the Preliminary Proposal that the proposal *"will also provide for outdoor recreation opportunities in a natural setting and provide new opportunities along this range. Close to a state highway, this physical setting can provide a 'remote' experience in a relatively short space of time."*

However, there are a number of important issues which are unclear to us and which may require further clarification and or discussion with the lessee. Three Recommended Areas for Protection (RAPs) were identified during the PNAP surveys in the mid 1980s. These are RAP B1 (Upper Smiths Creek), RAP B2 (North Lindis Pass) and RAP 14 (Lindis Pass). It appears that most of RAPs B2 and 14 are included in the proposed new conservation area but a significant part of the RAP in Upper Smiths Creek (most of the land below about 1000m where the best shrublands are situated) appears to be included in the proposed freehold. It is noted that the PNAP report rated representativeness, viability and buffering of this area are high. To have been identified as an RAP, this area must have significant inherent values and therefore qualify as land which should (preferably) be returned to full Crown ownership and control under CPL Act s. 24(b).

It is unclear just where the easement for public access is situated. Although the map indicates the route as b—c the only reference in the text is to *"a route leading from State Highway 8 to the Lindis catchment."* The confusion/ambiguity arises because Smiths Creek is in fact part of the Lindis catchment, and much of the proposed route appears to follow Smiths Creek. We assert that both the text of the Proposal document and the definition in the Transfer Grant of Appurtenant Easement should refer to *"a route leading from State Highway 8 to the Lindis River."* It would be preferable also to identify by its map reference, the point beside the Lindis River where the route ends. This would appear to be NZMS 260 G39 377 287.

Although a landscape covenant is proposed over 85 ha of the proposed freehold land in the Upper Smiths Creek catchment we note that no similar landscape protection is included over the very visible east-facing slopes of the Longslip Creek valley above SH 8. We believe that this is a serious omission because of the landscape importance along the scenic tourist route through Lindis Pass. This has already been compromised by inappropriate and highly visible tracking on the slopes below Longslip Mountain and protective mechanisms should be put in place to ensure that no further landscape degradation occurs.

It should be noted that the Conservation Resources Report for Dalrachney identified the Lindis Pass Landscape Type, which includes the front ranges around Longslip Mountain, as high in coherence, distinctiveness, visibility and significance. The report also stated that *"the main focus of landscape interest in the property is in achieving some wider protection of the Lindis Pass landscape. The Pass is well known for its spectacular tussockland scenery and is widely recognised as a landscape of national significance. Its location forming part of the Lindis Pass highway corridor adds considerable weight to priority being given to this area. The Lindis Pass landscape is highly vulnerable to change. It is critical that formal protection is secured for an enlarged Lindis Pass representative landscape."* FMC recommends that all that land to the west of SH 8, which is visible from that road should be protected under a covenant whose terms and conditions are the same as that proposed for the 85 ha block in Upper Smiths Creek.

FMC urges the Commissioner of Crown Lands to reconsider these matters and incorporate appropriate provisions in the Substantive Proposal for the tenure review of Dalrachney.

## Report to FMC on Recreation and Related Public Interest Values on Alpha Burn Station

A report was commissioned by FMC in 1998 to assess the recreational and related public interest values of Dalrachney Station. The report concluded that there were potentially important recreational opportunities on Dalrachney Station which are presently little utilised, at least in part, because of land tenure.

We enclose a copy of the report for your information, because it presents an account of the recreational use and potential of Dalrachney, and because it details the arguments why these should be made available for public enjoyment.

### Conclusions from the FMC Report

We reproduce here the conclusions from the report (*in italics*) together with our commentary on how these conclusions relate to the recommendations in the Preliminary Proposal for tenure review of Dalrachney.

*Very significant conservation and recreation gains are possible outcomes of this tenure review.*

1. *Because of the internationally well known tourist and recreational attractions of the Queenstown-Wanaka area, increasing numbers of tourists and FIT travellers are coming to the area. This increase creates a need for a wider range of recreational opportunities (both summer and winter) than has been available hitherto. Not only do more people create a demand for more opportunities, but this also creates a need to ensure that the more traditional use of remote areas by New Zealanders is still catered for.*

The outcomes of this tenure review as indicated in the Preliminary Proposal will enhance the recreational opportunities available in the area and particularly in the vicinity of a popular tourist stopping place on Lindis Pass.

2. *With better known opportunities for public use of the extensive backcountry on Dalrachney Station, a range of recreational activities could become available. These would not only be possible, but would also be likely to become popular because of the recreational potential of the property, and its ease of access from a busy tourist route through the Lindis Pass. The kinds of back country recreational activities which Dalrachney could provide include: - opportunities for public walking to view points near the Lindis Pass, and more extended tramping, mountain bike and horse riding through to the Lindis River and beyond, and cross-country skiing on the higher backcountry.*

Through the provisions made in the Preliminary Proposal significant new opportunities for walking, tramping, mountain bike use and horse trekking will become available over the new conservation area and the route to the Lindis River and beyond.

3. *There is a large area of potential conservation land on Dalrachney Station. More than 3000ha of this mainly LUC Class VIIe land straddles the divide between the Clutha and Waitaki drainage systems and has high landscape, scenic and conservation values as well as providing the resources for the recreational opportunities described above. This includes the high country (above about 1000m) between Smiths Creek in the west and Longslip Creek in the east, and extends from the Lindis Pass to the Longslip Station boundary in the vicinity of Dromedary Hill. This area includes 3 RAPs which were identified in the PNAP surveys, and the whole area should become conservation land and be managed for conservation and recreational purposes.*

Although most of the RAPs in the Lindis Pass area are included in the proposed conservation area, there is a significant area in the Upper Smith Creek RAP (which includes the best shrublands) which has been omitted. This omission should be rectified in the Substantive Proposal for the tenure review of Dalrachney.

4. *No formal access without the lessee's permission has been available in the past and this has been a factor in the current low level of recreational activity on Dalrachney Station. A formal access easement for foot, mountain bike and horse access from State Highway 8 via Smiths Creek to the Lindis River (and beyond as opportunities arise) would provide considerably more variety in recreational opportunities. Access should also be provided from State Highway 8 to the*

*conservation land in the vicinity of Longslip Mountain.*

Both these requirements are satisfied by the Preliminary Proposal.

5. *It is understood that none of the waterways on the property currently have formally recognised marginal strips. There would appear to be several creeks and rivers whose margins should become marginal strips as a result of the tenure review process.*

There is no mention of marginal strips in the proposal and FMC seeks assurance that appropriate marginal strips will be laid off as an outcome of this tenure review. These are probably required on Smiths Creek, the Lindis River and Longslip Creek.

6. *There is a large area of land, rather more than half of the property, below about 1000m in the valleys of Longslip Creek and its tributaries, and in the large basin of Smiths Creek and its tributaries which appears to be suitable for freeholding.*

Over 5000 ha of land has been identified for disposal as freehold.

7. *The landscape values of the property are important for two reasons. Firstly, they underpin the recreational and public interests in the land itself, and secondly, as the scenic backdrop to the busy tourist route through the Lindis Pass. It can be argued that as such, it is most important that the natural values are protected under Crown ownership and conservation management. The most important area which should be considered for such protection is all that land which can be seen from State Highway 8 through the Lindis Pass. The higher land, above about 1000m, and which has been recognised as RAP B2, North Lindis Pass, and RAP 14 Lindis Pass, should be included in the area to become conservation land. The remaining visible landscapes at lower altitudes, which may become freehold require more secure protection against the adverse effects of inappropriate developments than is provided by the District Plan. A binding and secure covenant registered on the freehold title would be appropriate.*

In part these requirements have been met by the proposed new conservation area and by the conservation covenant over 85 ha in the Upper Smiths Creek area. However, a serious omission is the failure to provide any protection over the outstanding landscapes which comprise all the land visible from State Highway 8. Arguments are presented above as to why the same landscape protection should be provided for the Lindis Pass corridor as for the 85 ha in the Upper Smiths Creek area.

8. *The Draft CMS for Otago states that "opportunities arising out of pastoral lease tenure reviews or other processes involving leasehold land will be taken to achieve negotiated protection of areas for their landscape or biological significance, or to achieve more efficient or integrated conservation management, or to secure access to recreational opportunities." This objective, and the specific objectives and priorities for the Hawea/Lindis Special Place could be significantly advanced by negotiation of good recreation and conservation outcomes on Dalrachney Station.*

To a significant extent the objectives of the CMS for the Hawea/Lindis Special Place have been met by the Preliminary Proposal for the tenure review of Dalrachney. More would be achieved if the entire Lindis Pass landscape can be protected.

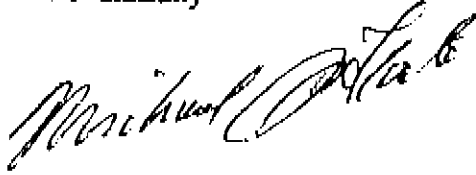
## **CONCLUSIONS**

The Preliminary Proposal for the tenure review of Dalrachney Station contains many good clauses which will result in valuable gains for public recreation and conservation.

We urge that discussion be re-opened with the lessees to seek an improved arrangement which would include the matters we have detailed above.

Finally, we appreciate this opportunity to comment on the Preliminary Proposal for the tenure review of Dalrachney Station, 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 discussed in this submission.

Yours faithfully



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



**DALRACHNEY STATION**

**Field Survey and Assessment of  
Recreational and Related Significant Inherent Values**

**MAY 1998**

**Compiled for Federated Mountain Clubs of NZ (Inc.)  
By Dr Michael J.S. Floate  
High Country Consultancy**

**Prepared for Federated Mountain Clubs of NZ (Inc.)  
With financial assistance from New Zealand Lottery Grants Board**

RECREATION AND RELATED SIGNIFICANT INHERENT VALUES ON DALRACHNEY STATION

A Report to EMC based on Field Inspections and other research to assist in the Crown Pastoral Lease Tenure Review Process

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Fig 1. The Dalrachney Homestead lies at the eastern end of the Station, close to the well used tourist highway from Christchurch to Queenstown via Mt Cook. Longship Mountain can be seen at the left, and the distant ridge separates the Waitaki and Clutha drainage systems.

Fig 2. The Lindis Pass, seen here from State Highway 8 on the Mackenzie side of the summit, is famous for its tussock grassland landscapes which should be protected as conservation land.

Fig 3. The Lindis Pass is renowned for its scenic and landscape qualities but has in the past been little used for recreational pursuits beyond sightseeing and photography. There is potential for much greater active recreational use by trampers, mountain bike enthusiasts and perhaps skiers.

Fig 4. There is very little land classified higher than LUC Class VI, and that is confined to alluvial soils on valley flats. Yellow-grey soils (LUC Class VI) occupy the lower slopes while there is a large area of LUC Class VIIe land, as for example seen here on the slopes leading to Longship Mountain.

Fig 5. The back country on Dalrachney Station is much more rugged than can be seen from the front country. The backcountry offers extended tramping opportunities into the upper Lindis catchment and beyond to Timaru River, Mt Melina, Mt Martha and the Ahuriri valley.

Fig 6. The long ridge leading from the Lindis Pass towards Longship Mountain and beyond offers easy access for tramping in summer, and in some seasons, for cross-country skiing in winter.

Fig 7. The wide open and very visible landscapes are highly vulnerable to the adverse effects of inappropriate development. Dalrachney exhibits some of the worst examples of the impact of track development. Measures must be taken to ensure that this does not happen in the future.

Fig 8. Reports are generally agreed that the Lindis Pass Scenic Reserve is too small to fulfil its intended purpose. Tenure review of Dalrachney Station is an ideal time to rectify this by including the adjoining RAPs (North Lindis Pass B2, and Lindis Pass 14) in the area to become conservation land.

## RECREATION AND RELATED SIGNIFICANT INHERENT VALUES ON DALRACHNEY STATION

### METHODS OF SURVEY AND ASSESSMENT

Preliminary reconnaissance inspections of Dalrachney station have been made from the Lindis Pass road on a number of occasions and a more comprehensive map and field study of the property was made on the basis of views from neighbouring properties. In part this report is based on that information, and in part it is based on information gathered from other sources. Those sources include both publications and accounts by members of local tramping and outdoor recreation groups that have been consulted about trips undertaken in the Lindis Pass area. A study of "Outdoor Recreation in Otago" was undertaken by Mason (1989) and published by the Federated Mountain Clubs of New Zealand (FMC). Reference is made to this recreation plan for Otago in the recreational opportunity discussion below. Land Use Capability (LUC) maps have been used to assess the extent of soil types, Land Use Capability (LUC) Classes and topographic areas and their significance with respect to sustainable pastoral use. The Conservation Management Strategy (Draft) for Otago, and the Conservation Resource Description of Dalrachney Station pastoral lease has also been used as sources of reference.

### GENERAL DESCRIPTION OF DALRACHNEY STATION

Dalrachney is a moderately sized high country pastoral lease (about 8000ha) which is situated immediately to the north and west of State Highway 8 over the Lindis Pass. The homestead is located at the eastern extremity of the property near the Dalrachney Bridge over Longslip Creek on State Highway 8 (Fig. 1). This highway forms the eastern boundary of the property and it is particularly well known for its scenic tussock landscapes through the high pass (almost 1000m) between the Mackenzie Country and Central Otago (Fig. 2). These tussock landscapes are enjoyed by thousands of tourists and international visitors every year, as this highway is the main tourist route from Christchurch (via Mt Cook) to Queenstown.

The property straddles the divide between the catchments of the Clutha and Waitaki Rivers (Fig. 1) and includes the headwaters of Smiths Creek (a tributary of the Lindis River) to the west and Longslip Creek (a tributary of the Ahuriri River) to the east.

Dalrachney Station extends from the Dalrachney Bridge on State Highway 8 in the east to the Lindis River in the west, and from about 600m at the homestead to over 1500m along the main ridge.

Parts of the property are located in both the Lindis and Ahuriri Ecological Districts. Included are 3 Recommended Areas for Protection (RAPs) identified during the surveys conducted under the Protected Natural Areas Programme (PNAP) in the mid 1980s. Both these ecological districts comprise folded mountains characterised by tussock grasslands with exotic pasture grasses on the lower slopes, and snow tussock grasslands on the higher slopes.

The landscapes of Dalrachney Station have been described in 2 units:- the Lindis Pass unit and the Smiths Creek unit, which will be described in more detail in the section on public interest values.

Although the Lindis Pass is well known and much photographed because of its scenic qualities, little use has been made of the area in the past for recreational pursuits, apart from very short forays from the main highway to gain better views (Fig. 3). This is in part due to the pastoral lease tenure which discourages informal recreational use. Because of its ease of access from a major tourist highway, and because of its high natural, landscape and scenic qualities, there is potential for a marked increase in use by day walkers, trampers, mountain bike enthusiasts, horse riders and possibly by cross-country skiers in winter, in future. Tenure review could provide the public resources and access to allow that potential to be realised.

### Land resources of Dalrachney Station

There is only a small area (less than 100ha) of fertile, recent alluvial Tasman soils on the flats beside the Longlip Creek and its tributaries. There are larger areas (a few hundred ha) of less fertile yellow-brown earth, outwash Cass soils in valleys in the Lindis catchment. These soils are classified in Land Use Capability (LUC) Classes IV and VI, and are the best pastoral soils on the property.

The bulk of the property is divided more or less evenly between the drier yellow-grey Arrow, Arrow Hill and Blackstone Hill soils primarily in the Smiths Creek catchment (in LUC Class VI), and more strongly leached Dunstan and Kaikoura Steepland high country yellow-brown earth soils, which are almost entirely classified in LUC Class VIIa, subject to, or prone to erosion (Fig. 4). Class VIIa soils are unlikely to be able to support sustainable pastoral use.

The bulk of the LUC Class VI land has been oversown and topdressed and appears to be suitable for freeholding. On the other hand most of the LUC Class VIIa land lies at or above 1000m, is in a relatively natural state, or is likely to revert to a natural state, and should be protected as conservation land (Fig. 4).

### SIGNIFICANT INHERENT VALUES

FMC has researched the recreational and other significant inherent values on Dalrachney Station and its surrounding areas. This included the trips to neighbouring properties and both written and verbal accounts of tramping and climbing trips undertaken by members of recreation clubs in Otago and Canterbury. The following commentary and recommendations are based on this research.

#### Recreational use and opportunities

The recreational use of the Dalrachney Station should be considered in the wider context of public recreation in the Lindis Pass area, and within the catchments of the Lindis, Timaru and Ahuriri Rivers. Many thousands of tourists cross the Lindis Pass by car or coach every year, but very few currently venture further than a few hundred meters from the highway. There is potential for much greater use for day walking, tramping, mountain biking, horse riding and possibly cross-country skiing in winter, in future. Tenure review could provide the public resources and access to allow that potential to be realized.

There is a strong case for this potential to be made available because the increasing numbers of international visitors are putting increasing pressure on the more popular and better known recreational areas in Otago and Canterbury. Such visitors not only create a demand for more varied opportunities, including tramping and mountain biking, but they also create a need to ensure that the more traditional use of remote areas by New Zealanders is also still catered for.

Mason (1989) has considered the recreational opportunities on most of the upland areas of Otago. He discussed the recreational opportunities of the Lindis Pass area in association with the Grandview Range and the Timaru, Dingle and Ahuriri catchments (Fig. 5).

In the Grandview-Lindis-Timaru River area Mason (1989) considered that recreational use was almost entirely confined to the Hawea Flat approaches to the Grandview Range and Timaru River. The former Forest Service developed a network of tracks up the Timaru River valley connecting several huts and bivvies. There are half day and energetic day tramps between huts, with the option of a 1675m crossing into the Dingle Burn and a lower crossing into the upper Lindis. In order to take advantage of this as a through trip to the Lindis Pass, public access across Dalrachney Station via Smiths Creek and the Lindis River should be negotiated.

Public access via the Lindis River would also be valuable in providing an assured route to the more demanding mountainous country to the north which includes Mt. Melina and Mt. Martha (Fig. 5).

Mason (1989) also considered that there was scope for short walks in the vicinity of the Pass Burn and Lindis Pass. "A walkway up the Lindis and into Breast Creek would provide riverside and forest walking of a few hours duration. Camp Hill (1152m), immediately above the highway, provides a panoramic view of the Lindis headwaters." However, both these opportunities are on Breast Hill property and seem unlikely to become available through the tenure review process. There is more likely to be an opportunity to realise another of Mason's suggestions through tenure review of Dalrachney. That is for short walks to the hill tops above the pass to give the travelling public an additional perspective of the graphic forms of the tussock covered hills which dominate the Lindis landscape (Figs. 2 and 3).

Mason (1989) also believed that there was potential for ski touring and cross-country skiing in the area, although the area he considered suitable (the Breast Hill-Little Breast Hill ridge system) is not on the Dalrachney property. The ridge system leading from above Lindis Pass towards Longslip Mountain is however on Dalrachney, and would appear to offer some opportunities for skiing in some seasons, with the advantage of easy access from the highway (Fig. 6).

Thus, with better known opportunities for public use of the extensive backcountry on Dalrachney Station, a wider range of recreational activities would become available. These would not only be possible, but would also be likely to become popular because of the recreational potential of the property, and because of the ease of access from a major tourist highway. The kinds of back country recreational activities which Dalrachney could provide include: opportunities for public walking, mountain bike and horse riding, extended tramping over Dalrachney to the Lindis River and beyond, together with some cross-country skiing and more passive pursuits such as photographic and naturalist trips.

#### Related significant inherent values

A report by the Department of Conservation on the conservation resources of Dalrachney Station has been prepared. This report deals with: landscape, landform and geology, vegetation, (including RAPs), fauna and historic values, and issues such as public access and tourism. Many of the sections of this report are of interest and importance to recreational users of the area. Of particular note are the landscape, vegetation, and public access sections.

The landscapes of the property are most conveniently described as 2 units: The Lindis Pass area and the Smiths Creek catchment. The Lindis Pass area is very well known to the touring public because of its proximity to the Lindis Pass itself (Fig. 2). It encompasses the front ranges around Longslip Mountain (Fig. 4) and includes virtually all of the tussock landscapes to the north of State Highway 8 between the Dalrachney Homestead and Breast Hill on the Otago side of the Pass. Above about 1000m the vegetation is primarily homogeneous tall tussock grassland, while at lower altitudes tussock cover is more sparse and includes oversown pasture grasses. The characteristics of the Lindis Pass landscape include:

- The distinctive landform type and enclosure, ie. Smooth rounded low hills contrasting with distant, tall, angular hills and peaks.
- The distinctive colour and texture of the dominant tussock cover.
- The absence of woody vegetation.
- Perceptions associated with South Island high country: Lindis Pass is portrayed in folklore, legend, poetry, books, paintings and photography.

- Strong visual effects created by lighting on landforms and vegetation.

This landscape unit is considered to have high values of coherence, distinctiveness, visibility and significance.

The wide open, and very visible landscapes of the Lindis Pass are highly vulnerable to the adverse effects of inappropriate developments such as afforestation, tracking and the erection of structures. In fact, Dalrachney Station exhibits some of the worst examples of inappropriate tracking to be seen anywhere in the South Island. The development and placement of farm tracks across the hillsides high above the Lindis Pass highway stand out like sore thumbs, and greatly detract from the otherwise largely natural and dramatic landscape (Fig. 7). Every possible measure should be taken to ensure that such extreme adverse effects cannot be allowed to happen again in the future.

Most of the area, with the possible exception of the oversown pastureland, should therefore, be given full protection as conservation land through the tenure review process. The developed pasture land is also subject to the threat of adverse effects of inappropriate development (such as afforestation, tracking and structures) and the landscape should be protected under a binding covenant registered on the freehold title.

The Smiths Creek catchment has similar basic geological and landform characteristics as the Lindis Pass unit, but differs markedly in vegetation cover. The upper slopes generally have similar tall tussock communities but the lower slopes are more highly developed or carry more shrubland.

The conservation resources report concludes that *"the main focus of landscape interest is in achieving some wider protection for the Lindis Pass landscape. The Pass is well known for its spectacular tussockland scenery and is widely recognised as a landscape of national importance. In terms of landscape character and quality the area identified as priority for landscape protection represents the best example of the typical Lindis Pass landscape type. Its location forming part of the Lindis Pass highway corridor adds considerable weight to priority being given to this area. The Lindis Pass landscape is highly vulnerable to change. It is critical that formal protection is secured for an enlarged Lindis Pass representative landscape."*

Past experience has shown that District Plans and other RMA provisions are not sufficiently robust to protect these sorts of landscapes from the adverse effects of inappropriate developments and some form of more secure protection should be sought through tenure review. Retention of the land under full Crown ownership and control is preferred, but protection of the those parts which are likely to become freehold may have to depend on binding covenants written into the freehold title.

Five vegetation types have been recognised on Dalrachney Station. These are the Exotic Grasslands, Mixed Native/Exotic Grasslands, Snow Tussock Grasslands, Shrublands and Rock Bluffs/Rocky Ridges.

The exotic grasslands consist mainly of introduced grasses and herbs with occasional patches of native broom, and matagouri. This community has low conservation value and occurs primarily on areas that appear suitable for freeholding.

The mixed native/exotic grassland is similar to the community described above except that a higher proportion of native tussock grasses and shrubs may be present. The dominant appearance is that of developed pastureland, and most of this community also occurs in areas which are probably suitable for freeholding. It covers over half of the entire property and extends from valley floor to about 1000m.

Snow tussock grassland extends upwards from about 800m where it is quite sparse and mixed with exotic grasses. At higher elevations, above about 1000m narrow-leaved tussock is dominant while

above about 1200m there is a significant component of slim-leaved snow tussock. This community dominates the central part of the property along the ridge (above 900 to 1000m) between the Smiths Creek and Longslip Creek catchments. The snow tussock community also includes quite a wide range of native herbs and dwarf shrubs and there are 3 areas where the quality of vegetation was sufficiently high for these to be proposed as RAPs during the surveys conducted under the PNA Programme.

RAP B1 is located in upper Smiths Creek. This is a 630ha catchment which contains a mixture of shrubland communities in the lower reaches, extending to tall tussock grasslands on the upper colluvial slopes. The PNAP report rated this RAP as being second priority that was analogous to Lindis A1 on an adjoining property. Because the summary rated the representativeness, viability and buffering as high, and because the neighbouring Lindis A1 RAP may not become available to conservation through tenure review, it is recommended that this RAP be included in the area of Dalrachney to become conservation land.

RAP B2 occupies an area of 720ha in the Lindis Pass adjoining the Lindis Pass Scenic Reserve. Although somewhat modified at lower altitudes this area is still largely a natural community and would complement the Scenic Reserve. Red tussock is present in this area as a narrow band along the upper reaches of the Longslip Creek. It is recommended that this RAP area also be included in that part of Dalrachney Station to be set aside as a conservation area.

RAP 14 was identified during the Mackenzie PNAP survey and to a large extent coincides with RAP B2 above. The independent identification of this area during both the PNAP surveys of the Lindis/Pisa/Dunstan and the Mackenzie Ecological Districts strongly supports the recommendation that it be retained in Crown ownership as conservation land.

It should be noted that many reports have commented that the Lindis Pass Scenic Reserve is too small to serve its purpose and this opportunity should be taken during tenure review to secure an area of high conservation and scenic value (Fig. 8).

Shrublands occur on many of the narrow valley floors and this community is steadily revegetating some lower slopes, with matagouri being the main species, together with *Olearia* species, *Carmichaelia* and *Coprosma*. Even Manuka seems to be returning to some slopes near the Dalrachney/Breast Hill boundary where there are also a few isolated mountain beech trees. These signs of regeneration are important and protection from grazing will be important to allow regeneration of shrubland and even beech forest to proceed without the damage that would inevitably occur if grazing was allowed to continue.

Rock bluffs/Rocky ridges are important as refuges where these features offer protection from browsing and fire for those species which prefer these habitats. The plants which favour these environments include some *Hebes*, *Celmisias*, *Gaultheria* and a variety of ferns.

Although much of the lower country has been developed for farming, and is likely to be suitable for freeholding, the central spine of the property has a very high degree of naturalness and is worthy of protection as conservation land. The upper left branch of Smiths Creek has relatively intact shrubland growing along the creek margins. The shrubland edge is abrupt and marks the boundary to snow tussock grassland. As noted above, this community is still largely natural and includes 3 areas identified as RAPs during the PNAP surveys. These RAPs should be included in the area to become conservation land.

The conservation resources report confirms that there are at present no legal access points through Dalrachney Station for the public. It is therefore important that as part of the process of tenure review provision is made for public access beyond the Lindis Pass Scenic Reserve, to areas of recreation and conservation interest and via marginal strips which will need to be laid off alongside streams greater than 3m width.



### Otago Conservation Management (Draft) Strategy

The Otago Draft Conservation Management Strategy (CMS) states an intention "to seek opportunities arising out of pastoral lease tenure review negotiations to protect extensive high altitude areas of high landscape, nature conservation, historical, recreational and water and soil conservation significance".

The Lindis Pass area is included in the Hawea-Lindis Special Place (#23), and the CMS notes that "the area contains many magnificent landscapes able to be viewed by travellers on State Highways 6 and 8. The latter includes Okahu (the Lindis Pass), a journey through depleted short tussock and snow tussock covered hills which is renowned for its dramatic light and shadow effects on the subtly detailed terrain and vegetation. The Lindis Pass has been recognised as a nationally significant landscape."

The CMS recognises the need to preserve and rehabilitate the natural scenic values of the Lindis Pass highway corridor as a management issue. The objectives for the area include the following:-

- To manage and enhance recreational opportunities on lands administered by the department in the area to maintain the natural and historic resources of areas while providing an appropriate range of recreational activity of high quality.
- To achieve permanent protection for areas of significant nature conservation importance in the area.

The priorities for the area include:- Consolidation of protected areas and protection of key habitats, and improving public access through tenure review negotiations.

This recognition in the Draft Otago CMS of the significance of landscape values of the Lindis Pass highway corridor, the natural values of high altitude areas, and of the need for improved public access is important. It is also significant that the CMS recognises the opportunities provided through tenure reviews to achieve its objectives and priorities. This recognition in the CMS strengthens the case for seeking landscape protection, and the protection of natural values by retention of appropriate areas as conservation land, and the creation of new recreational opportunities on Dalrachney Station.

### Dalrachney Station in the context of the wider Lindis/Hawea/Ahuriri area

An important part of the tenure review process which is sometimes overlooked, is to consider the property in question in relation to recreational and other significant inherent values and accessways on neighbouring properties. Where neighbouring properties are also undergoing tenure review an overview should be taken of the outcomes over the entire geographic area.

In the case of Dalrachney Station, this is the first property in the Lindis/Ahuriri area to be considered for tenure review although there are others which are in the pipeline. It is therefore important that appropriate decisions are made with respect to the natural values and recreational opportunities on Dalrachney, so that these will mesh with other decisions to be taken at a later stage with respect to neighbouring properties.

In particular there are recreational opportunities for tramping and possibly mountain biking, horse riding and perhaps cross-country skiing which lead through Dalrachney Station to the upper Lindis, Timaru River, Dingle Burn, Avon Burn, the Ahuriri River catchments. It is therefore important that the foundations are laid during the Dalrachney tenure review for subsequent opportunities to be developed on properties such as Longslip, Ben Avon, and Dingleburn Stations. Access routes are required via Smiths Creek to the Lindis River and to the conservation area which is likely to be created along the dividing ridge between the Chutha and Waitaki drainage systems.

## CONCLUSIONS

Very significant conservation and recreation gains are possible outcomes of this tenure review.

1. Because of the internationally well known tourist and recreational attractions of the Queenstown-Wanaka area, increasing numbers of tourists and FIT travellers are coming to the area. This increase creates a need for a wider range of recreational opportunities (both summer and winter) than has been available hitherto. Not only do more people create a demand for more opportunities, but this also creates a need to ensure that the more traditional use of remote areas by New Zealanders is still catered for.
2. With better known opportunities for public use of the extensive backcountry on Dalrachney Station, a range of recreational activities could become available. These would not only be possible, but would also be likely to become popular because of the recreational potential of the property, and its ease of access from a busy tourist route through the Lindis Pass. The kinds of back country recreational activities which Dalrachney could provide include:- opportunities for public walking to view points near the Lindis Pass, and more extended tramping, mountain bike and horse riding through to the Lindis River and beyond, and cross-country skiing on the higher backcountry.
3. There is a large area of potential conservation land on Dalrachney Station. More than 3000ha of this mainly LUC Class VIIe land straddles the divide between the Clutha and Waitaki drainage systems and has high landscape, scenic and conservation values as well as providing the resources for the recreational opportunities described above. This includes the high country (above about 1000m) between Smiths Creek in the west and Longslip Creek in the east, and extends from the Lindis Pass to the Longslip Station boundary in the vicinity of Dromedary Hill. This area includes 3 RAPs which were identified in the PNAP surveys, and the whole area should become conservation land and be managed for conservation and recreational purposes.
4. No formal access without the lessee's permission has been available in the past and this has been a factor in the current low level of recreational activity on Dalrachney Station. A formal access easement for foot, mountain bike and horse access from State Highway 8 via Smiths Creek to the Lindis River (and beyond as opportunities arise) would provide considerably more variety in recreational opportunities. Access should also be provided from State Highway 8 to the conservation land in the vicinity of Longslip Mountain.
5. It is understood that none of the waterways on the property currently have formally recognised marginal strips. There would appear to be several creeks and rivers whose margins should become marginal strips as a result of the tenure review process.
6. There is a large area of land, rather more than half of the property, below about 1000m in the valleys of Longslip Creek and its tributaries, and in the large basin of Smiths Creek and its tributaries which appears to be suitable for freeholding.
7. The landscape values of the property are important for two reasons. Firstly, they underpin the recreational and public interests in the land itself, and secondly, as the scenic backdrop to the busy tourist route through the Lindis Pass. It can be argued that as such, it is most important that the natural values are protected under Crown ownership and conservation management. The most important area which should be considered for such protection is all that land which can be seen from State Highway 8 through the Lindis Pass. The higher land, above about 1000m, and which has been recognised as RAP B2, North Lindis Pass, and RAP 14 Lindis Pass, should be included in the area to become conservation land. The remaining visible landscapes at lower altitudes, which may become freehold require more secure protection against the adverse effects of inappropriate developments than is provided by the District Plan. A binding and secure covenant

registered on the freehold title would be appropriate.

8. The Draft CMS for Otago states that *"opportunities arising out of pastoral lease tenure reviews or other processes involving leasehold land will be taken to achieve negotiated protection of areas for their landscape or biological significance, or to achieve more efficient or integrated conservation management, or to secure access to recreational opportunities."* This objective, and the specific objectives and priorities for the Hawea/Lindis Special Place could be significantly advanced by negotiation of good recreation and conservation outcomes on Dalrachney Station.

It is recommended that negotiations be pursued to achieve these objectives.

#### **ACKNOWLEDGEMENTS**

Knight Frank provided access to LUC maps, and local tramping club members and others were helpful in providing accounts of trips undertaken in the area.

DTZ NEW ZEALAND  
ALEXANDRA

- 6 MAY 2002

RECEIVED

23<sup>rd</sup> April 2002

Commissioner of Crown Lands  
C/- DTZ New Zealand  
P O Box 27  
Alexandra

With reference to: Po292 Dalrathney Pastoral Lease - Preliminary Proposal for Tenure Review

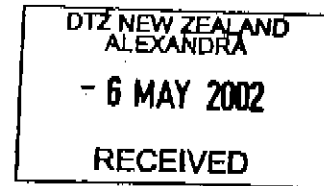
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I wish to see the proposal revised to allow vehicle access so that a greater number of New Zealanders are able to enjoy continued access to our heritage, and to see that well organized clubs, who by their rules seek permission to access landholders' properties and follow their directives, will continue to be included.

Yours sincerely

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

23<sup>rd</sup> April 2002



Commissioner of Crown Lands  
C/- DTZ New Zealand  
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DTZ NEW ZEALAND  
ALEXANDRA

- 7 MAY 2002

RECEIVED

23<sup>rd</sup> April 2002

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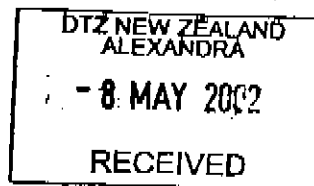
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Yours sincerely

08 May 2002.

The Commissioner of Crown Lands,  
C/o DTZ New Zealand,  
Land Resources Division,  
PO Box 27,  
Alexandra.

Dear Sir,

**Subject: Crown Pastoral Land Act, Dairackney Tenure Review, Preliminary Proposal.**

We wish to see access provided for all New Zealanders, by foot and all modes of transport, both onto and through all high country areas reverting to Crown Land under the Tenure Review process.

To achieve this it is extremely important that suitable access for public 4WD vehicles be provided from public roads through areas of lands being Freeholded to all large areas of Crown Land. This is even more important where contiguous areas are to be the subject of Tenure Review at differing times and hence the most appropriate on / off routes at opposite ends of the greater area of Crown Land cannot be considered in relation to a single Pastoral Review Proposal.

The Dunstan 4WD Club has a current membership of approximately 60 and is itself a member of the international "Tread Lightly" organisation. It organises for its members, some 20 - 4WD trips per year. These vary in difficulty and length from a half to three days with the majority of trips being located in Central Otago. Its trips are currently repeated every 1 to 4 years.

The club reviews the following in scheduling and setting its quarterly Trip Calendars:

1. Is it within handy reach of its predominantly Queenstown-Alexandra membership?
2. What is the number of properties to be crossed en-route?
3. Is the route generally along an existing track?
4. What is the track difficulty rating?
5. Are there a variety of landform, vegetation, and riverscape for enjoyment and photostops?
6. Has it historical exploration, access, mining or early settlement areas to view?
7. Are there suitable snacks and lunchstops?
8. Has it an ability to be linked to another nearby route to provide for an optional weekend trip?
9. What is a suitable frequency for a repeat trip?

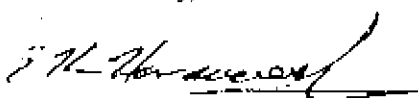
We the committee having read the "Proposal" consider that the objectives of "securing public access" and for "enjoyment of Crown Land" will be severely compromised by the present proposal and as a result are unable to support the proposal in full.

The Dunstan 4WD Club requests that changes to reflect the following, be incorporated into the easement documents to safeguard the interest of bona fide 4WD recreation groups and for those who wish to partake in organised events on occasions in order to try their vehicles and / or experience the normally inaccessible back country in a controlled and safe manner:

- a) that easement documentation be required to provide for summer access to recognised 4WD Clubs affiliated to "Tread Lightly" and Community organisations running non profit fund raising events across the Freehold on all alignments scheduling access for DoC 4WD vehicles.
- b) that permission for access be by a permit system administered by DoC (it is suggested that a maximum of 5 permits per year be granted)
- c) that such permission be required to be approved by the Freehold landowner whose permission for free access should not be unreasonably withheld but subject to normal high country and grazing considerations being respected, eg - track and weather conditions, lambing, gates, fires, rubbish removal.

The club wishes to be notified of any other access or 4WD type submissions to the Proposal and the dates of any hearings. We thank you for the opportunity to comment on the proposal.

Yours faithfully,



Garry Harwood,  
President.

The Land Rover Owners Club (Otago) Incorporated  
P O Box 47  
DUNEDIN

DTZ NEW ZEALAND  
ALEXANDRA

- 9 MAY 2002

RECEIVED

8<sup>th</sup> May 2002

DTZ New Zealand  
P O Box 27  
ALEXANDRA

Attention: K R Taylor

Dear Sir or Madam

Re: Tenure Review – Po 292 Dalrathney

In respect of the above Review we, the Submitters, would like to record the following submission.

1. Background
  - 1.1 The Submitters are comprised of the New Zealand Four Wheel Drive Association Incorporated, Land Rover Owners Club (Otago) Incorporated (LROC) and the Southland Land Rover Owners Club Incorporated. The members of these organisations have an active interest in outdoor pursuits which include tramping, climbing, hunting, camping and conservation. These factors were combined into a common interest in the use, maintenance and understanding of four wheel drive vehicles.
  - 1.2 It has always been an integral part of the Submitters activities that they are concerned about access to and the care and maintenance of tracks and evidence of land degradation. Stewardship of the land is important to the Submitters and this is demonstrated by the fact that both the New Zealand Four Wheel Drive Association and LROC are party to and supportive of the "Off Road Code of Ethics". Both the National Association and the Land Rover Owners Club (Otago) Incorporated are affiliated to the International "TREAD LIGHTLY" programme. The Southland Land Rover Owners Club Incorporated adheres to the principles of "TREAD LIGHTLY".
  - 1.3 "TREAD LIGHTLY" is an educative programme targeting all off road users. The purpose of the programme is to encourage and initiate awareness programmes to promote a responsible attitude to all those who participate in outdoor recreation. The rights of all those pursuing recreation to have access

to public areas pursue their legitimate rights provided that there is minimal impact on the environment is a foundation stone of the programme. Members of the Submitters have for many years had access to tracks on Dalrachney.

1.4 We have no problem with other user groups using the tracks on this property and see no reason why areas should exclude one group and encourage others. Indeed many of our members also use the area for recreational activities other than four wheel driving. We as a user group have never demanded large amounts of expenditure be spent exclusively for our particular interests and have always expected to most of the work required to make tracks passable for our vehicles.

2. What the Submitters Would Like to See Happen

- 2.1 The Submitters would like to see the continuation of vehicle access continued for the general public.
- 2.2 It is submitted that with clearly defined and well used tracks already in existence in the area this is an appropriate case for continued freedom of vehicle access.
- 2.3 It is further submitted that to allow continuation of the existing vehicle access is not incompatible with the retention and preservation of the natural or scenic value of the area.
- 2.4 There is a large number of people who have, or will have in the future, obtained benefit and enjoyment as a result of driving into the area by four-wheel drive vehicle.
- 2.5 Retaining the existing track system will not necessarily lead to an increase in numbers of vehicles using them but will simply retain status quo. If there are concerns about vehicle numbers increasing then it is submitted that rather than excluding vehicles per-se, a permit type system could be introduced. Whereby for a nominal fee permit holders could have vehicle access to the area.
- 2.6 In particular, there is a safety aspect in keeping tracks for four wheel drive vehicles available. In the past these vehicles have provided a search and rescue service to trampers, cyclists and hunters. Some of club members have provided transport for trampers, hunters and cyclists who had become lost, hurt and unable to ride and found while we have been on such tracks.
- 2.7 The area is not overused by four wheel drive vehicles. There will always be, in some people's minds, the view that there may be a conflict of use between vehicles and other visitors. Some may even have the opinion that some areas should be for their own private exclusive use, but to most enlightened reasonable users of this area, operating in a sensible and responsible manner,



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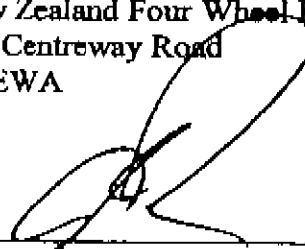
there should be no real unselfish conflict of use between the various user groups. If user numbers were to soar far beyond what they are now, then some directional controls may need to be proposed. Users should themselves be responsible to use this area in a safe and sensible manner.

This submission is made by:

The Land Rover Owners Club (Otago) Incorporated  
P O Box 47  
DUNEDIN

The Southland Land Rover Owners Club Incorporated  
C/- 31 Vernon Street  
INVERCARGILL

New Zealand Four Wheel Drive Association Incorporated  
187 Centreway Road  
OREWA



---

C A Paddon

Signature of person authorised to sign on behalf of the Submitters

8th May 2002  
Date

Address for Service of Submitters Lawyer

Craig Paddon  
P O Box 7123  
Dunedin

Telephone (03) 453 6999  
Fax (03) 453 6998

- protection of whole catchments in steep country in a more ecologically realistic way than drastically truncating the many sub-catchments of Smiths Creek as proposed

In summary, steep natural to semi-natural native grassland slopes dissected by small streams are immensely important for conserving New Zealand's contribution to global biodiversity for both flora and fauna. With each part of the South Island high-country containing a different mix of flora and faunal associations. From my experience approximately 90 moth and butterfly species, five grasshopper species and 15 stonefly species, to give some examples of diversity, will inhabit such slopes through the summer season.

Thank you for considering the above points.

Please give me feedback on the result of submissions to this and other Tenure Review cases.

regards

# Public Access New Zealand

INCORPORATED

R D 1 Omakau 9182 Central Otago New Zealand  
www.publicaccessnewzealand.org

Phone & Fax 64-3-447 3554  
panz@cs.co.nz

Thursday, 9 May 2002

Commissioner of Crown Lands  
C/- DTZ New Zealand Ltd  
P O Box 27  
Alexandra



## Submission on Preliminary Proposal Dalrachney Tenure Review

PANZ is pleased to support the broad thrust of the proposals, however better provision for landscape protection and public access is required before the objects of the Crown Pastoral Land Act (CPLA) are fulfilled.

PANZ has inspected the property and appreciates the cooperation of the lessee in granting access for this purpose. We have also analysed a range of official documents relating to the proposals. This has greatly assisted our understanding of issues.

We are pleased that the proposals are integrated with those on the adjoining Longlip Station. We note the intended provision of public access on Longlip up the true left bank of 'Dalrachney Creek' to a conservation area that abuts that proposed on Dalrachney. If this access were not to eventuate, it is essential that alternative provision is made on the other bank, on Dalrachney.

### Lindis Pass Landscape Zone

DOC concluded in their *Conservation Resources Report* that –

"The main focus of landscape interest in the property is in achieving some wider protection for the Lindis Pass landscape. The Pass is well known for its spectacular tussockland scenery and is widely recognised as a landscape of national significance".

I concluded the same in *Outdoor Recreation in Otago*, Vol. 2 (FMC, 1989) and recommended "as a matter of urgency a landscape protection corridor be established for approximately 5 km either side of the Lindis Pass".

---

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

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

---

The Lindis Pass landscape is highly vulnerable to change. It is critical that formal protection is secured for an enlarged Lindis Pass landscape zone as the present 'pocket handkerchief' scenic reserve bears no relationship to the overall landscape. The Pass environs are now at a critical point of depletion in tussock cover. Unless this is decisively protected from stock grazing, earth works and structures, future options for restoration will be lost.

To the shame of the district councils concerned, the notified District Plans do not identify any landscape values through the Lindis Pass that warrant protection. This reinforces the necessity for central government action. As the Commissioner of Crown Lands has previously recognised, his office has a duty under the CPLA to enable the protection of the significant inherent values over reviewable land, including landscape attributes.

We are pleased that this duty has been recognised in the Dalrachney review, however refinement of the boundaries for Crown retention is necessary to properly fulfil this duty.

Recent inspection of the Lindis Pass State Highway corridor has confirmed my 1989 recommendations as to desirable boundaries for protection (Appendix 1). I traversed the highway to view from both directions of travel, and also viewed from the small hilltop immediately to the north of the Pass. A well-worn track indicates that the public frequently uses this, although admittedly by a very small portion of road travelers. As a matter of priority, foot access to this viewpoint should be upgraded and signposted to encourage far greater visitation. It provides probably one of the most striking panoramas of high country landforms and tussock grassland in New Zealand, easily accessible from a main highway. This is a priceless treasure (Photographs 1-3).

It is unclear from official documents supplied to us what landscape criteria lie behind the official boundaries for Crown retention, as no landscape assessment was included in DOC's advice to the CCL. The choice of boundaries is an enlargement on the central core that is currently reserved, but with no apparent cognizance of the total traveler experience along the highway. Travelling up Longlip Creek the valley gradually encloses, however it is not until turning the acute corner at the 'holding paddock' that there is a marked narrowing of the valley, with the road confined by imposing valley walls. This is a natural gateway to the Lindis Pass. There is a strong sense of arrival due to the close confines, plus the first indication of the tall tussock grassland beyond. Because of the immediate proximity of these slopes, ANY development would be highly intrusive. For instance, forestry on these slopes would be overbearing and totally incongruous. This northern gateway is also partly visible from the Pass itself (Photographs 3-4). This area must be either included in the Crown retention area or some other form of open space protection implemented. The area concerned is highlighted in Appendix 1.

Another area that lies outside the area proposed for Crown retention is partly visible from the State Highway at the eastern boundary of Dalrachney (Photograph 5). It is also visible, if somewhat distant, from the hilltop above the Pass (Photograph 2, Appendix 1). If this hill were forested it would provide a highly discordant element in an otherwise tussock grassland landscape. This hill was originally proposed for reservation by DOC. My inspection confirms DOC's initial assessment that there are significant inherent values warranting Crown retention. An existing fenceline could be utilised as a boundary (Photograph 6). The current proposal for a new fence boundary would be highly visible, particularly if earth disturbance occurred in its construction, and/or as a result of continued grazing on one side and tussock regeneration in the absence of grazing on the other (Photograph 5).

For most motorists, the time lapsed in travel over the central core of the Pass could be measured in a few minutes. It is therefore critically important that the experience is maximised by active protection measures the

full extent between the natural 'gateways' of the 'holding paddock' corner and Mt Thomas. To achieve this will require negotiated reservations from adjoining pastoral leases, with Dalrachney providing the first substantial opportunity to do so. We believe that the boundaries shown in Appendix 1 provide the minimum area requiring landscape protection, on all the properties affected.

### Upper Smiths Creek face

This area, to the SW of point 1566m, is proposed for freeholding. *The Draft Preliminary Proposal: Report and Drafting Instructions*, claims that all 5166 ha recommended for freeholding, including this area, "does not contain significant inherent values". This is clearly not the case as in vegetative terms, the face is indistinguishable from adjoining lands to the south that are now planned for Crown retention (photograph 7). There is a marked altitudinal demarcation between depleted short grassland and tall tussock right along this face.

In March 1999 DOC recommended all this face for Crown retention. This face rises to 1500m asl and is all Land Use Capability Class VII, having severe limitations for pastoral use. In no way can freeholding without constraint on future use "promote the management of reviewable land in a way that is ecologically sustainable", being the primary requirement of s24 CPLA.

However we believe that protection of the Lindis Pass landscape must be the Crown priority on Dalrachney, ahead of additional reservations.

### Rest area

The *Due Diligence Report*, pp. 3-4 states that there is a "small reserve (Section 1 Block XVI Longslip SD) that is currently fenced into the property. This is alongside the State Highway 2 km south of the homestead and is held by DOC (stewardship area) ...no identified specified use was found for this reserve, but some file references suggest it may have been taken for roadside rest purposes. A similar area opposite the homestead adjacent to Longslip Creek is currently maintained for this purpose".

While we agree with recommendations that Section 1 should be excluded from tenure review, as it may have potential for future public use, the *Preliminary Proposal* does not deal with the current rest area "opposite the homestead adjacent to Longslip Creek". This is well developed with picnic tables and serviced rubbish bins and receives heavy public use. This is the only rest area between Omarama and Lindis Pass. It is a particularly attractive site beside the creek and is well sheltered by mature willows.

It appears that this area may be on Longslip pastoral leasehold, however this is uncertain. Whatever leasehold it is on, it is essential that this area be reserved for public purposes, either by addition to the road reserve or as a recreation reserve.

### Public access easements

We welcome the provision of public access between the State Highway and the upper Lindis River. With the proposed linkage to Longslip and Ben Avon, this will open up a substantial backcountry area this is currently inaccessible, legally.

There is however a significant alignment problem on the proposed easement 'b-c' that has the potential to thwart public use. We acknowledge that there is no necessity for an easement from the state highway from 'a' to 'b' because this part of the route will be on conservation area/reserve.

As the *Due Diligence Report* states, "the position of fence lines in relation to legal boundaries show a wide variation in many areas. Important differences, that could affect tenure review, exist along the full boundary with Mt Thomas and along the Lindis River".

2 km of the formed track, while inside the Dalrachney boundary fence, actually lies within Mt Thomas. While we appreciate that Mt Thomas is not subject to this tenure review, we believe that it is essential that some arrangement is made to secure the formed access for public use. The proposed legal alignment of the easement on the true right of the creek, as depicted on the *Preliminary Proposal* plans, is impractical. It is a steep, incised, scrub-covered slope with rock outcrops, which would be very difficult to traverse on foot, and impossible by horse or bicycle, being the other intended permitted users (Photograph 6).

It may well be that the 'legal' route is merely a fallback if for some reason access were denied over Mt Thomas, with an unspoken official expectation that users would be using the latter in the absence of express denial of public entry. We request that some form of 'licence' be obtained from Mt Thomas for public use over the section of formed track within their legal boundary. A clause should also be added to the proposed easement requiring an exchange of alignment to the formed track if and when a realignment of boundaries occurs between the two properties.

#### Side easement required

A potentially significant recreational attraction of the proposed conservation area north of Lindis Pass, will be the opportunity to wander along the leading ridge north of the pass. This would be within the ability of most active walkers, as well as fitter trampers. If there were provision for return to the road via the 'Smiths Creek saddle' this would make round trip day walks possible. It is highly desirable that a short side easement be created along the track below and west of the saddle to link into the conservation area (Photograph 6). This would allow returns trips as described above and direct access to the Longslip Mountain area for ski touring in winter. It appears that the intended northern boundary for the holding paddock is the existing fence downslope of this track 'f' - 'e'. Presumably this would exclude public access unless provision is made for this by way of an easement to the conservation area boundary. If inclusion of an easement along the inside of the holding paddock would be disruptive to farming operations, we request that the fenced boundary be realigned above the track in this section and an easement provided over the track.

While we greatly appreciate the creation of a new access route through Smiths Creek to the Lindis River and beyond, this easement does not service any land intended for Crown retention on Dalrachney. It is critically important that public access is also secured to provide practical access to public lands as a result of this review. A short side easement as we suggest, would provide the most practical public access to the central and western portions of the proposed conservation area. We presume that DOC would also want management access over this route, and not have to walk all the way along the tops from Lindis Pass to reach Longslip Mountain and beyond.

#### Easement terms

The draft easement is for "Public Access to Conservation Area", as well as for vehicles for management purposes. However, without the additional side easement we suggest, the former description is incorrect.

We applaud the provision for horse and cycle use, in addition to walking. The distance involved for access to the upper Lindis makes the former options very attractive.

We are concerned about the 'temporary suspension' provisions of the draft easement document. These state the—

"The transferee may close all or part of the Easement Area and suspend public access to it under section 7 Conservation Act 1987 if reasons of public safety or emergency require closure, or otherwise in accordance with the provisions of section 13 of the Conservation Act 1987".

Section 7 Conservation Act is entitled 'land may be acquired and held for conservation purposes', and contains no powers of closure.

Section 13 Conservation Act only applies to conservation areas. The easement area will be private freehold. If there are genuine reasons for closure of the conservation area, that is where closures should apply. Notifying closure of the conservation area at the commencement of the easement is acceptable, however we believe that the easement itself cannot be closed under the Conservation Act.

The special terms of the easement authorise the Crown to mark the easement as appropriate but not to form. Given that a section is unformed, and on very difficult terrain, there should also be powers for the Crown to form sections of the easement if necessary for foot, cycle and horse passage.

#### **Marginal strip provision**

We are most disappointed with the lengthy history of suspect dealings over marginal strips on this property. This is revealed by the official information released to us. Consequently the public has been repeatedly cheated out of the creation of marginal strips.

The *Due Diligence Report* states that "no marginal strips shown as existing along any of the major waterways on the property (Longallip and Smiths Creeks, Lindis River)" (our emphasis).

At p 5 the report also states that "at lease renewal in 1961 a full investigation was undertaken into marginal strip requirements on the property. From initially recommending reserves on parts of Smiths Creek and the east branch of the Lindis River, it was eventually concluded that none were required".

The above advice is incorrect in regard to claiming that no strips were required. This position was based on irrelevant considerations by the then Commissioner of Crown Lands, and faulty advice from the Chief Surveyor—

"C. C. L. Dunedin      5 July 1963  
P. L. O. Timaru.

#### **DALRACHNEY STATION LTD**

The Chief Surveyor submits, however, that from his knowledge of the locality the average width of the streams would probably be less than 10 feet. Also he submits that it may possibly not be in the public's interest to provide for Riverbank Reserves as the streams would hardly be fishing streams and to lay of the 1 chain strips may simply be a nuisance to (the) lessee in creating a fire risk and stock disturbance

should the public have rights to access. The other point the Chief Surveyor raised was that no immediate practical purpose would be served if reserves were provided over some portions of the recommended streams as the public at present would have no access to get on to the reserves.

...if in fact the streams have an average width of more than 10 feet it is necessary for me to obtain the consent of the Minister to waive the provision of the reserve should you consider riverbank reserves unnecessary.

C K Eville  
Commissioner of, Crown Lands"

The Chief Surveyor's 'knowledge' was grossly in error because my inspection of the Lindis River in particular shows this to be many times the minimum of "an average width of 3 metres". There was doubt in his advice by adding a cautionary 'probably'. If so, if a "full investigation" was done, why wasn't a field inspection undertaken and reported on in the advice to the CCL? If one was conducted why did his advice remain vague as to width?

Matters of fishability, nuisance to the lessee etc., have nothing to do with the Chief Surveyor's statutory duties, but probably indicate the prevailing motivation for the advice. Also the no-access-to-the-reserves-if-created argument negates the intent behind the legislation - for the Crown to progressively create a continuous Queen's Chain over time, when Crown land disposition occurs. If these officials' advice were accepted as general practice there would never be a Queen's Chain created, anywhere.

The last paragraph of the Commissioner's letter indicates the likely reason for these faulty and erroneous considerations - to avoid having to get ministerial approval to waiver the creation of these reserves.

So the public was cheated out of marginal strips at the second to last pastoral lease renewal (renewal deemed to be a 'disposition' requiring strip creation). 33 years later, at the next renewal, cheated again.

*The Due Diligence Report*, p4, reports that there was a "variation and extension of the [lease] term to 1 July 2030 (renewal with no additional covenant conditions)" (our emphasis).

The practice for varying existing leases, rather than renewal, appears to have been a generic practice in recent years within the Canterbury Land District. This practice has resulted in no marginal strips being laid off on lease renewal - a practice clearly contrary to the intent of s 24 of the Conservation Act whereby marginal strip provisions apply -

24(8) Except as otherwise expressly provided, this section shall apply to the disposition of any land by the Crown under the provisions of any enactment.

24(9) For the purposes of this section, a disposition by the Crown in relation to any land, includes--

(b) The grant or renewal of a lease or licence under the Land Act 1948

Clearly, the variation above (under s 170 Land Act 'registration of memorandum of renewal or variation instead of renewal or new lease or licence') was intended as a renewal, with the variation, for whatever reason for its use, amounting to a device that had the effect of avoiding the marginal strip requirements in the Conservation Act.



A variation entails a "deeming" to be a renewal of the lease (s 170(3) LA). In legalese this means that something does not mean to say that it is what it is deemed to be. Therefore a legal fiction is created whereby renewal has occurred through extension of the term, but it hasn't.

As this practice appears to have been a result of an official policy applied throughout Canterbury, and as a consequence potentially hundreds of kilometers of marginal strips have been denied to the public, we call for a Ministerial inquiry into such practices.

The public is now dependent on past omissions being rectified through this tenure review (disposition of land should again trigger the creation of marginal strips along qualifying water ways). However, there is no assurance that this will be the case. The CCL has decided (17 November 1999), as a matter of policy, despite marginal strips being a direct consequence of tenure review, that all decisions relating to them are left to DOC and are outside the formal review process.

Consequently, with all marginal strip decisions internalised within DoC, and Chief Surveyors' offices, there is no public accountability for official performance. This is despite marginal strips often being intimately related to public access easements being proposed through the advertised tenure review process. It is a nonsense, when it is the disposition of Crown land through tenure review that is the trigger for creating marginal strips, that these actions are arbitrarily divorced from the public arena.

There is a popular myth that decisions relating to the creation of marginal strips are merely 'technical' in nature; that there is no room for official discretion. After all, anyone can use a tape measure and read off 3 metres. Unfortunately the official information supplied to PANZ on tenure reviews so far conducted under the CPLA reveal a 'variable' bordering on appalling official performance. Rarely do any official comments on marginal strip requirements correctly cite the Conservation Act in this regard.

Section 24 requires strips along any river or stream of an average width (bank crest to bank crest) of 3 metres or more. Invariable this requirement is corrupted into "3 metres or more", with it uncertain what the official doing a field inspection, if at all, is measuring - beds from bank to bank, or the width of the wet watercourse? The result of this 'confusion' can be huge discrepancies in the reaches determined to require strips.

It appears that normal practice is to extend strips only as far upstream to where it first appears to narrow to 3 metres. Such a practice is of course not an average width. An average width would extend further upstream and include reaches narrower than 3 metres. There is a classic case that PANZ is shortly to comment on nearly Ben Avon. A Chief Surveyor apparently made a '3 metres or greater' decision (in error, both in law and in fact), and now DoC has to rectify this error by extending the strip further upstream. This is essential for access to a proposed conservation area beyond. Conversely, I believe that if such judgements are being left to DoC, that different officers will be making vastly different decisions. This is why these decisions must be made an integral part of the public tenure review process and open to submission.

We therefore submit that-

- An indicative plan is prepared showing the location and width of existing marginal strips, if any, and of all additional strips required by the Conservation Act including bank to bank distances of rivers and streams and the position of such field measurements. This plan to be accompanied by statements of any intention to waive, reduce or increase the width, or appoint managers over marginal strips.
- This plan is made available for public submission prior to the CCL adopting any Substantive Proposal for Dalrathney.

- The Standard Operating Procedures for both LINZ and DOC be amended to require on all future tenure reviews the release of the indicative plans and any statements of an intention to waive etc., for public submission at the same time as Preliminary Proposals are advertised.

Please note that on 23 March 2002 I made an official information request to LINZ for a copy of the CCL's instructions referred to above so that this information could be drawn upon for this submission. As I have yet to receive this, PANZ reserves the right to make further comment on this aspect on this and other tenure reviews.

Yours faithfully



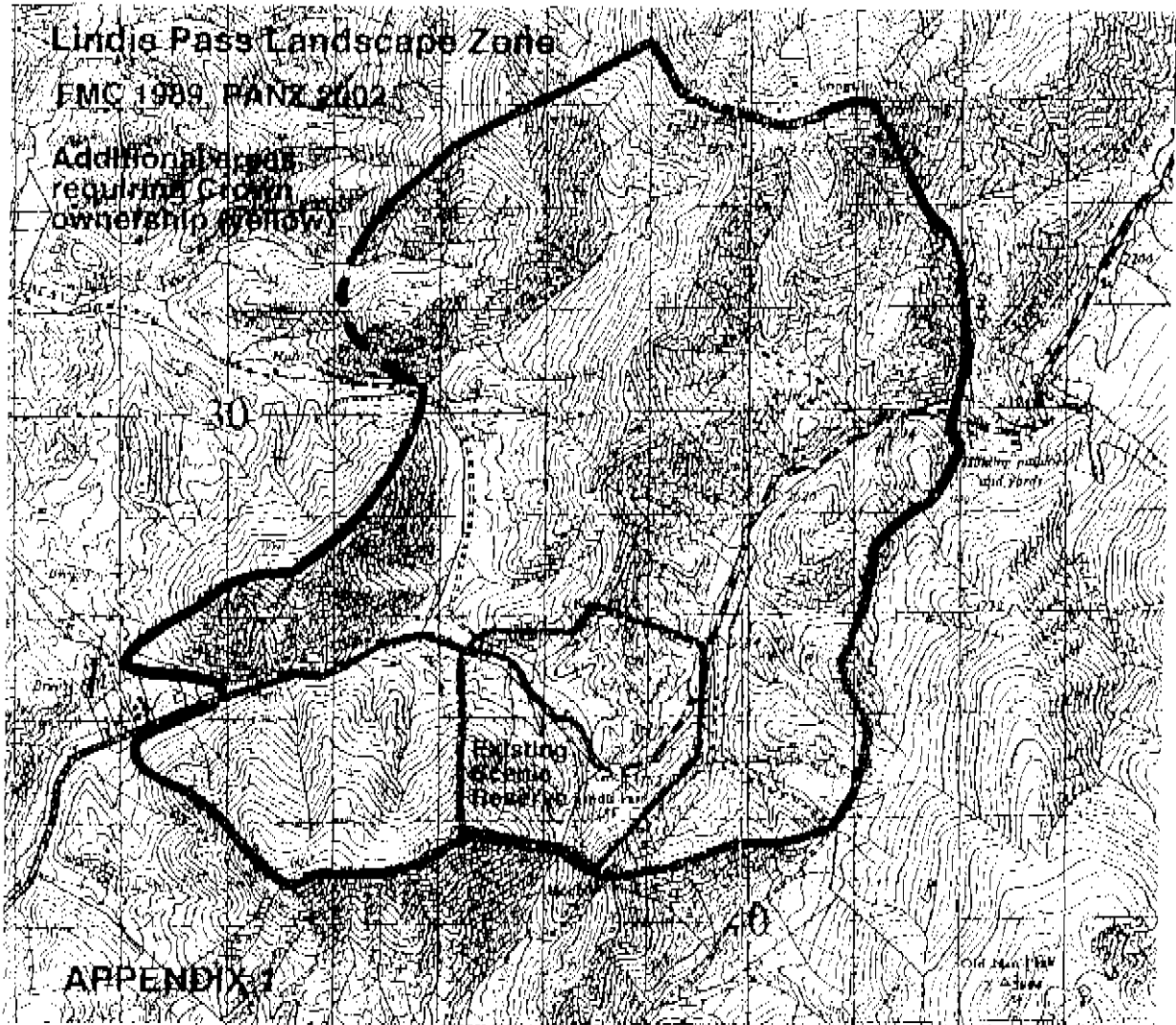
Bruce Mason  
Researcher & Co-Spokesman

Appendices

Appendix 1: Lindis Pass landscape zone  
7 A4 colour photographs

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

Released under the Official  
Information Act



Panorama from above  
Lindis Pass  
1 of 3

Proposed  
freehold



Dalrachney Tenure Review

PHOTO

Panorama from above  
Lindis Pass  
2 of 3

Longslip  
Mountain

Proposed  
freehold



PHOTO 2

Dalrachney Tenure Review

Dalrachney Tenure Review

Panorama from above  
Lindis Pass  
Sheet 3

Proposed  
freehold



PHOTO 3

Dalrachney Tenure Review

Proposed  
freehold



PHOTO

Dalrachney Tenure Review

Proposed  
new fence



20.4.2002



Dalrachney Tenure Review



12

Dalrachney Tenure Review

1586m

Proposed  
conservation area

Proposed  
firehair

Upper Smiths Creek

PHOTO

102





5<sup>th</sup> May 2002

The Manager  
Knight Frank  
Box 27  
Alexandra

**Submission: Dalrachney Tenure Review**

Thank you for the opportunity to comment on the proposed Tenure Review.

**Access**

My main argument with the present document centre around the poor or impractical provisions for access to the proposed Public Estate, or access to conservation lands that should become available in the future.

Specific examples include:

1/ No access up the track 4km north of Lindis Pass (beginning from the main highway 500m East of point 942m). There either needs to be Public access up this track to the Public Estate or (preferably) the one-square km surrounding this track should added to the adjacent Estate. This track provides the only practical access to the bush remnants in the head of the creek. For most of the Public a traverse along the Estate boundary is totally impractical.

2/ No Queen's Chain over Lindis, Smiths or Longslip creeks (to my knowledge). Surely this is an error of the past, and it is this review process that it should be addressed.

3/ In the vicinity of "Lindis hut" there is a 200m section of existing track excluded from the Public access easement. This needs to be secured so that future Reviews (on Breast Hill?) allow contiguous travel over this track continuing down Smiths creek.

**Landscape Protection**

No one doubts the landscape values of the tussock hills surrounding the Lindis Pass. I do hope that some mechanism is in place to prevent such activities as erecting buildings or the planting Pine trees.

Thank you again for the opportunity to comment.

Kind Regards

Longslip Station Limited  
142 Glenstrae Road  
Redcliffs  
CHRISTCHURCH 8008

email Longslip@xtra.co.nz  
Phone 03 3846002  
Fax 03 3846009  
Cell Phone 025 794297

08/05/02

The Commissioner of Crown Lands  
C/- Ken Taylor  
Knight Frank  
Alexandra



Dear David

**Subject: Submission on "Crown Pastoral Land Act 1998"  
Dalrachney tenure review: Notice of preliminary proposal.**

Longslip Station Limited has a 14 km plus boundary with Dalrachney station. Longslip Station Limited supports the Dalrachney tenure review as advertised with three exceptions. I have been of the firm understanding that each proposal for tenure review has to stand on its own merits in regard to providing public access under the objects of section 24 of the Crown Pastoral Land Act 1998. However the objects of section 24 of the Crown Pastoral Land Act 1998, in relation to the Dalrachney tenure review, will be enhanced by the tenure review proposed for Longslip. In recognition of the fact that the public and DoC's access easements on Longslip Station Limited land, (which is also proposed to be freeholded under the tenure review process) will bear a lot of additional traffic. By virtue of the fact that a similar comprehensive public access network to the one proposed for the Longslip tenure review, is conspicuous by its absence in the Dalrachney preliminary proposal as advertised. For example there is no access easement on Dalrachney up the west branch of the Longslip creek by the Dalrachney homestead. Clearly for the public's and DoC's management, preferred access route to the North Eastern end of the Conservation area on Dalrachney, will be via the easement to be created on Longslip freehold land under the tenure review process, as shown on the attached map "s - t" (in orange). It is only fair, equitable and reasonable that this access easement must be 50% on "longslip land" and 50% on "Dalrachney land". If this access easement remains as proposed in the Dalrachney preliminary proposal as advertised (100% on Longslip Station), then under the compensation proposal for the Longslip tenure review, the level of compensation for public access must be increased on a pro rata basis.

In fact the only point of access to the "conservation area" on Dalrachney station is from State Highway 8.

Longslip Station Limited submits that the legal boundary with Dalrachney must be altered as follows at the time of issuing the Dalrachney "freehold title: that the legal boundary follow the present fenced boundary line in the upper reaches of the Lindis river as marked "V - X" on the attached map (which is part of the

Dalrachney preliminary proposal) in the colour orange. The balance of the boundary to follow the legal boundary as defined on the attached map.

Longslip Station paid for 50% of the new boundary fence about 15 years ago, with the undertaking from the lessee of Dalrachney, that it would become the legal boundary between the two Stations. This new boundary fence was constructed and the boundary change implications were pointed out in discussions with the CCL representative at the time.

Under section 21 of the Crown Pastoral Land Act 1998, the Commissioner of Crown Lands has the power to change the boundaries between adjoining pastoral leases. Just as the lessee(s) has one opportunity to get it right under tenure review, so does the Commissioner of Crown Lands.

Longslip Station Ltd (or its successor in title) submits, that it should be granted an access easement for four wheel drive vehicles from point "a" to "b" (from the Department of Conservation) to facilitate the negotiation with Dalrachney for 4WD access easement from "b" to "c", as defined on the map accompanying the Dalrachney tenure review: notice of preliminary proposal. So that access from SH 8 to the Lindis catchment i.e. the "back" of Longslip Station will be legal for four wheel drive vehicles from "Longslip Station" and not just "for persons on foot, on or accompanied by horses, or by non-motorised vehicle powered by a person or persons" as is proposed. Longslip Station vehicles have used this route for access out to the Lindis catchment ("back") for over 30 years. Longslip has helped to maintain (on some occasions Longslip has paid for 100% of the cost, especially for flood damage to the "Smiths Saddle track") and improve the track at considerable expense. I also understand that the construction of this track through Dalrachney, qualified for a subsidy as a "fire break access track" from the Waitaki Catchment Commission", because it also provided access to the back of Longslip and Breast Hill Stations. For over 50 years, prior to this 4wd track being constructed the "Longslip packhorse team (fencing materials and provisions) and musterer's" used most of this track for access to the "back of Longslip". Including a hand cut packhorse track over "Smiths Saddle".

Under the Dalrachney and Longslip proposals for tenure review as advertised, DoC will have continuous management access, by 4WD from the Lindis Pass highway to the Birchwood road and the public will enjoy access: "for persons on foot, on or accompanied by horses, or by non-motorised vehicle powered by a person or persons" along the same route. All that Longslip Station Ltd asks, is that this long established, traditional and vital access route, is available to be used in the future as it has in the past with 4WD vehicles.

You will know only all too well from your files the great lengths that I went to as the pastoral lessee of Longslip to ensure that I knew where the legal boundary was and that the actual fences were on this line. All this in order to avoid future complications!

I attach copies of the letters from SM Williams Chief Surveyor dated 11/05/1984 and 13/03/1985, which indicates that the advice I received was less than helpful. If I had

received the correct advice from the Chief Surveyor, this situation would have been resolved at the time before the construction of the boundary fence was undertaken.

The third exception follows. In the Dalrachney tenure review: Notice of preliminary proposal the Dalrachney Pastoral Lease title is incorrectly described as to include Section 2 Block VI Ahuriri Survey District. The Pastoral Lease title, 1C/1066 includes section 1-2 in the Lindis Survey District.

Section 2 Block VI Ahuriri Survey District with an area of 4.6539 ha, is contained in CT 155/13 with Her Majesty the Queen is the Proprietor. This area was part of the original Longslip property, only being granted to John McLean later (23 November 1867). This fact is also evidenced by the common construction of the original boundary fence between Longslip and Dalrachney being a straight line marked in orange on the attached diagram.

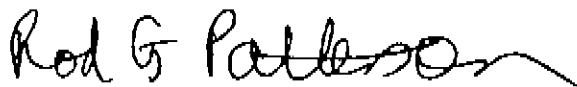
The area of 4.6539 Hectares, being CT 155/13 juts out into Longslip which is on three sides. The Crown has unlawfully occupied part of the Longslip property for a long number of years with a "Roadmans Camp" and currently a "roadside rest area for SH 8 motorists", marked green on the attached diagram.

Immediately north of Section 2 Block VI Ahuriri Survey District, the former Ministry of Works and its predecessor organisations have left a disused shingle pit for Longslip a lone to rehabilitate.

In view of the above facts it is only fair, equitable and reasonable that the area of 4.6539 Hectares, being CT 155/13, Section 2 Block VI Ahuriri Survey District is given to Longslip by Her Majesty the Queen, by its inclusion in the tenure review for Longslip.

In my view, ensuring that the objects of the "Crown Pastoral Land Act 1998" are going to be met in practice, will require a lot of goodwill from the lessee, the Crown and DoC. So let's start off on the right foot, by ensuring that we have practical and workable legal boundaries on the ground.

Yours faithfully



Rod G Patterson MAgSc, MNZIPM, CPAG  
Director

Encs.

Run 233  
Single pit.

Sec 2 Blk VI  
Ahuriri S D

Sec 2 Blk VI  
Ahuriri S D

Pt Run 732

LEGAL ROAD

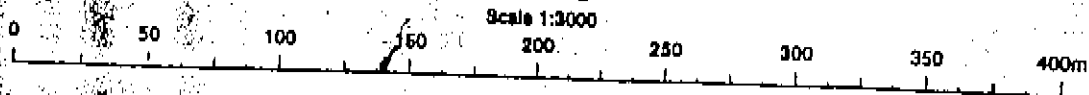
Longellip

STATE HIGHWAY No 8 OMARAMA

LEGAL ROAD

Version	1	2	3	4	5
Otago Land District			Sheet 2 of 6		
NZMS 260 G39 & G40			Date 14/4/1995		

Dalrachney Station



## DEPARTMENT OF LANDS AND SURVEY

TELEGRAPHIC ADDRESS: 'LANDS'

OUR REFERENCE: P 20

FOR VERBAL INQUIRIES  
PLEASE ASK FOR M R Brash

YOUR REFERENCE:

TELEPHONE No. 770 650



DISTRICT OFFICE,

P.O. BOX 896  
DUNEDIN

11 May 1984

Mr R G Patterson  
Longlip Station  
Private Bag  
OMARAMA

Dear Mr Patterson

Thank you for your letter of 6 May.

I regret that there is no modern boundary information available covering the land in your Pastoral Lease (Run 233, Longlip and Ahuriri Survey Districts).

Boundaries of your run, along with those adjoining were derived from topographical sketches of the area carried out over a century ago.

If you care to call at the office of the Chief Surveyor an attempt could be made to interpret the Run boundaries onto a modern topographical map.

Should all or part of your lease be reclassified as farm land at some future time, this Department would be responsible for carrying out any necessary survey.

Yours faithfully

W N Brash  
for Chief Surveyor



DEPARTMENT OF LANDS AND SURVEY

TELEGRAPHIC ADDRESS: 'LANDS'

FOR VERBAL INQUIRIES  
PLEASE ASK FOR Mr Williams

TELEPHONE No. 770 650



OUR REFERENCE: P 20

YOUR REFERENCE:

DISTRICT OFFICE,

P.O. BOX 896

DUNEDIN

13 March 1985

Mr R G Patterson  
Longslip Station  
Private Bag  
DMARAMA

Dear Mr Patterson

SURVEY DEFINITION : LONGSLIP STATION

Our meeting at this Department on 7 March 1985 refers.

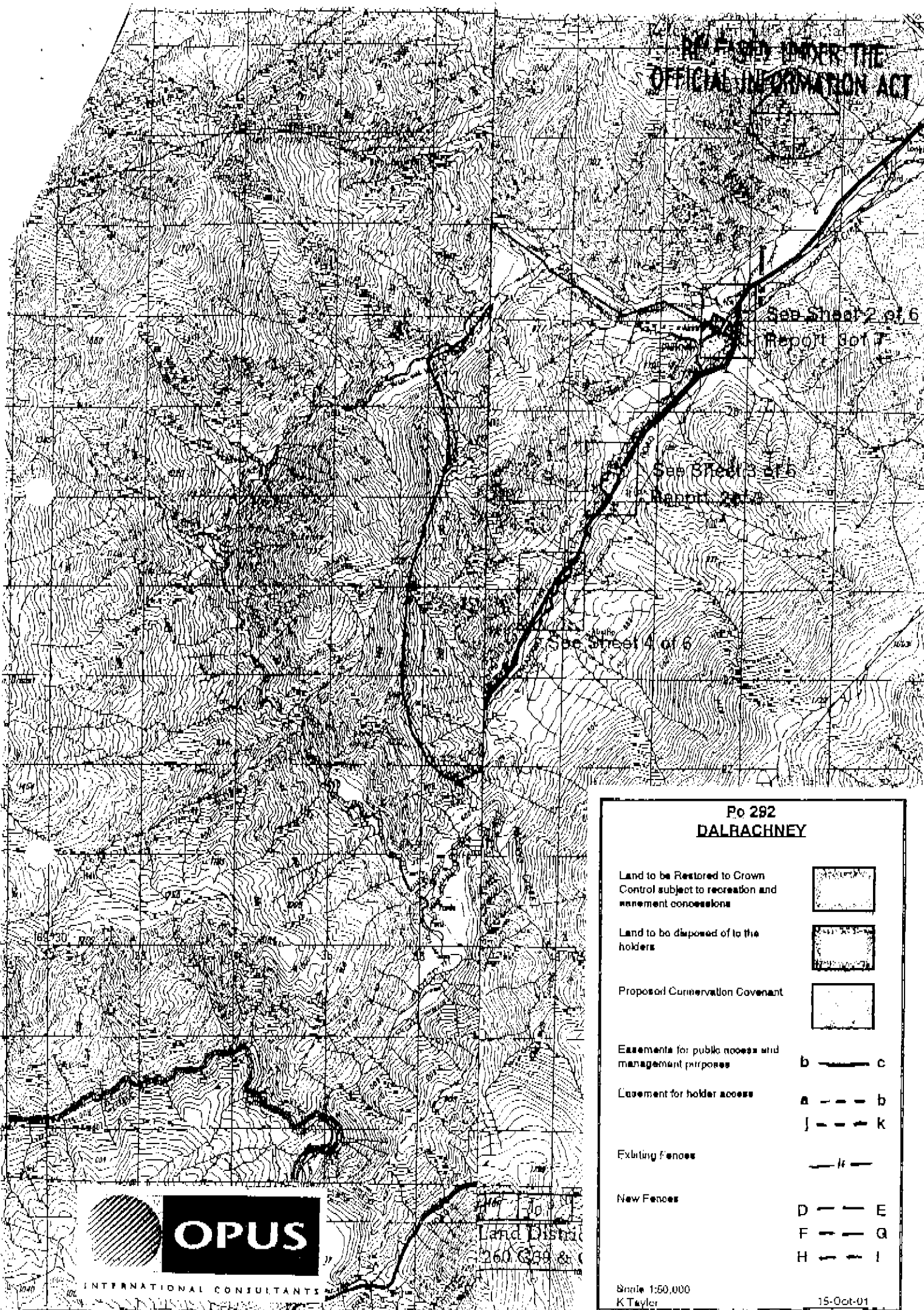
Further investigation has failed to locate any plan defining your southern boundary by survey. Because of the very approximate portrayal of this boundary on the original Run Plan, and the small differences you pointed out on NZMS 1 S116 Lindis, the position of the original fence on the ground should be accepted as the boundary between Longslip and Dalrachney Stations.

You mentioned that this fence was reported to be old and broken about 40 years ago, so it is good evidence of the boundary position.



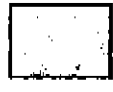



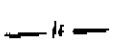
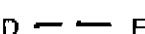
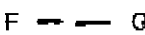

This letter really confirms our discussion of last week. If you require any further information, please contact this office.

Yours faithfully

S M Williams  
Chief Surveyor



**Po 292  
DALRACHNEY**

- Land to be Restored to Crown Control subject to recreation and amenement concessions 
- Land to be disposed of to the holders 
- Proposed Conservation Covenant 
- Easements for public access and management purposes  b — c
- Easement for holder access  a - - b  
 j - - k
- Existing Fences  — h —
- New Fences  D - - E  
 F - - G  
 H - - I



Land District  
260 689 & C



# OTAGO CONSERVATION BOARD

Our ref: OCB 34

8 May 2002

Commissioner of Crown Lands  
c/- Knight Frank (NZ) Ltd.  
Land Resources Division  
PO Box 27  
ALEXANDRA



Dear Sir

## SUBMISSION ON TENURE REVIEW OF DALRACHNEY PASTORAL LEASE

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

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

- the creation of a conservation area covering about 2594 ha on the upper slopes and crest of the main range running north from the Lindis Pass;
- the creation of an easement for walkers, horse riders and non-motorised vehicles from State Highway 8 through land to be freeholded to the Lindis River catchment.

The board believes that the following areas should also be designated as land to be restored to Crown control as conservation areas:

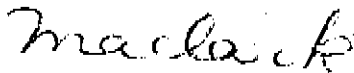
- the north-eastern part (i.e. the summit and eastern slopes) of the proposed area of 85 ha to be covenanted, since it is dominated by snow tussock grassland and it is not needed for access to the rear portion of the property;
- an area of about 50 ha of grey shrubland, dominated by *Olearia bullata* and *Discaria toumatou* (matagouri) about 2 m tall, which occupies a strip parallel with the southern boundary of the property but on the northern side of the track along the boundary, for a distance of about 2 km to the west of the proposed covenant area;
- an enclave of land to be freeholded to the north-west of the area currently proposed for Crown ownership. The boundary of this area should run from the site marked "G" on the map, westward along the creek to the track shown on the map, down this track to the "Fords" shown on the map, then up the track running to the northern boundary of the property. This area contains significant inherent values and it would add about 400 ha of snow tussockland, scree and matagouri shrubland to the area already proposed for transfer to Crown ownership.

The net result of the changes suggested above would be that the land to be freeholded would decrease to about 4880 ha, and the land to be restored to Crown control as a conservation area would increase to about 3086 ha. Such a division would still be clearly weighted in favour of the freeholding option and would not threaten the viability of the farming operation.

Finally, the board believes that the proposed concession for 10 years should not have a right of renewal, and that mountain biking and horse trekking should be restricted to formed tracks or routes approved by the Department of Conservation.

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



Les Cleveland  
Chairperson

ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INC

UPPER CLUTHA BRANCH

PO BOX 38  
LAKE HAWEA

7<sup>th</sup> May 2002

The Commissioner of Crown Lands  
C/o Knight Frank  
PO Box 27  
ALEXANDRA



Dear Sir

DALRACHNEY STATION - TENURE REVIEW PROPOSAL

We thank you for forwarding to us a copy of this proposal.

We have inspected the property with the kind permission of Mr Aubrey.

We would be pleased if you would accept this submission from our branch of the society.

Our society is well known for its work in protecting the environment throughout New Zealand, and the interests of the public in this respect. We are in support of the aims of the Tenure Review process.

- (1) Dalrachney station is a very visible property, sited as it is on the north side of State Highway 8 to the north of the Lindis pass. State Highway 8 is a very busy tourist route between Canterbury and Otago. It is also a very scenic route; therefore the landscape values are of considerable significance and have to be given full and careful thought when developing a proposal.
- (2) This particular proposal is different from most others, in that the land to be... "returned to full Crown ownership and control" (2594 has approximately) sits in the very middle of the property and astride the watershed between one of the headwaters of the Waitaki river system and the Clutha river system. It virtually cuts the farm in half and will cause certain major changes in farm management.
- (3) To us the proposed boundary in the east, between the land to be disposed of to the holder and that to be... "returned to full Crown ownership and control" follows a reasonable line.
- (4) The proposed boundary in the west follows a much higher line which we consider is too high at the northern end, as it allows the freeholding of the basins to the west of spot height 1505. We would doubt if this area is ecologically sustainable to farm. In our opinion another line should be found lower down, even if it does require more fencing. We enclose a photo (1) to illustrate this point.
- (5) The proposed easements a-b and b-c could perhaps be a little clearer. While the intention, and the wording of the document, is to give public access to the head of the Lindis river, this is via Smiths creek, which is in fact part of the Lindis catchment.
- (6) The proposed conservation covenant to protect the landscape values, (hatched green on the map - appendix 5) is critical to the whole proposal. This area is extremely visible for those travelling into Central Otago from the Lindis Pass. It will be essential that any wool shed or other building be so designed and constructed that they will be very difficult to see. We enclose photo (2) to illustrate this particular point.

-2-

We wonder in fact why the wool shed and yards cannot be situated 2 ks, or even further west, on the floor of the valley in this easterly branch of Smiths creek. It would certainly be nearer the centre of farming activity. The road appears to be off sufficient standard to enable this to be done. If this alternative was adopted there would be no need for the covenant.

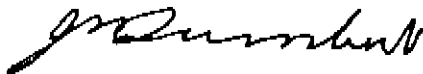
(7) The proposed recreation concession is quite appropriate.

(8) The landscape values on the land to be disposed of to the holder, on the eastern side (or half), of the property are also high and will require protection, by way of a covenant, from any undue development, such as tracking or forestry, if the integrity of the landscape on this important tourist route is to be preserved.

(9) In conclusion: we believe this will be a good tenure review if the suggestions we have made are acted upon. It has to be appreciated that in this proposal a run is being cut into two farms. However, when the river flats in Smiths creek on the western side are developed, together with further over sowing and top dressing, we believe there will still be an ecologically sustainable farm.

We thank you.

Yours faithfully



John L. Turnbull

For Upper Clutha Branch

Encl - photos



(1)



(2)

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15 May 2002

The Manager  
Knight Frank (NZ) Ltd  
Land Resources Division  
P O Box 27  
Alexandra.



## CROWN PASTORAL LAND ACT DALRACHNEY TENURE REVIEW

### SUBMISSION ON PRELIMINARY PROPOSAL

#### INTRODUCTION:

*We acknowledge and fully support the concept of Tenure Reviews under the Crown Pastoral Land Act being an entirely voluntary process.*

*We support and respect the needs and wishes of the farmers concerned to agree to the proposal for their own personal reasons and wish to make our comments from a personal view point, the perspective of a NZ taxpayer and rate payer, but also a neighbouring property who will be affected by whatever decision the Commissioner choses to make.*

#### *OUR SUBMISSION IS IN ITALICS FOLLOWING EACH SECTION*

*There is some confusion regarding the closing date for this submission but we confirm that The Christchurch Press advertised this as being 19<sup>th</sup> May 2002.*

- 
1. 2594 ha (approximately) to be designated as land to be restored to Crown control as a conservation area under Section 35 (2) (b) (i) and Section 36 (1) (a) of the Crown Pastoral Land Act subject to the granting of an easement concession and a recreation concession.
- 

*The Crown Pastoral Land Act 1998 Section 24 Objects of Part 2 are to promote the management of reviewable land in a way that is ecologically sustainable (a) (i)*

*Therefore it is necessary to prove how this will be achieved.*



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*We oppose the proposal to restore the 2594 ha area to the Crown for the following reasons:*

**1. The proposal contains no Risk Analysis:**

*We would expect a comprehensive Risk Analysis to be carried out to identify the anticipated risks that the area is likely to be subject to, the various ways these risks can be mitigated, and decide the most desirable way to do this.*

*From our family's long term (since 1910) farming experience in this area we identify the main risks as:*

- *decline in biodiversity*
- *invasion from weeds, especially hieracium, wilding trees, woody weeds*
- *decline in the biological health of the soil,*
- *declining water, mineral and carbon cycles.*
- *pest damage (rabbits, hares and possums)*
- *Damage to flora and fauna as a result of public access pressure*
- *uncontrolled fires,*
- *Introduction of Giardia and other health risks*
- *Political interference in management decisions*

*Many of these risks can be controlled and enhanced by the strategic management of livestock. By removing the use of animals as a management tool there will be a rapid decline in fertility, increase in weed invasion and continued biodiversity loss. This fact is accepted scientific knowledge overseas in many areas, where the experience of excluding animals from conservation areas that require protection has been a total disaster and not achieved the desired outcomes.*

*Continued hieracium invasion into this area will destroy the very values that the conservation designation desires to protect. This is a major problem in all the Lindis country as recent evidence proves. The Lindis Pass Reserve is now severely affected and there is growing encroachment from briar, with the occasional broom bush appearing. There is no evidence of any agency attempting to manage these problems. If left unmanaged as at present it will be an outstanding example of what happens when you lock an area up for protection, to the great loss of all Nzers, when this scenic area becomes an ecological disaster.*

**2. There is no Conservation Management Strategy:**

*A Conservation Management Strategy would detail:*

- *goals and desired future outcomes for this area*
- *possible strategies that could be adopted*
- *best proposed future management practices*

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- a full cost analysis, especially in relation to the effects / benefits to the community / nation
- a thorough investigation into the range of methods available to achieve the desired outcomes
- health and safety issues in relation to public access
- ways to mitigate the affects of public access on the flora and fauna values

3. **The reviewable land in this area is capable of economic use (a) (ii):**

*This has been demonstrated by its continual pastoral use for the past 140 years. Also the agreement to issue the Recreation Concession demonstrates that other economic uses exist.*

*The significant inherent values in this area have been identified to include landscape, flora and fauna and ecological integrity, which are still present today because of the knowledgeable and daily management practices of generations of farmers. The economic benefits of a viable farming property have contributed to the local and national community and has the ability to continue to do so into the future, especially if under freehold tenure.*

4. **On farm impact:**

*From a practical view point the proposal to completely separate the two freehold areas with the conservation area in between is impractical and will be unlikely to promote ecological sustainability for either area. The logistics from a farming view point would be a nightmare.*

*It appears that it is proposed that for stock to travel to and from the back block they will be required to be driven along the easement a - b then driven or trucked along State Highway 8 or the scenic reserve. Surely the practice of driving stock on state highways should be discouraged as traffic volumes increase, especially at the present rate on this State Highway due to the increasing tourist volumes. If trucking is a preferred option, a substantial compensation would be required to allow for the long term impact of trucking costs on farm financial returns.*

*The removal from the property of a significant area with good pastoral grazing opportunities is likely to affect the long term commercial viability of the property. (Page 6 admits that 'the loss of these lower altitude lands may affect the sustainable use of the property for pastoral purposes'). As this area would be used for summer grazing purposes, its removal increases the grazing pressure and risk to the lower areas and will substantially reduce stock numbers.*

*As the proposed reduction in stock unit information is unavailable it is difficult to comment on the economic impact, but the long term trend always indicates the need for properties to become larger and more efficient over time to remain financially viable.*

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*There is potential for increased productivity by over sowing and top dressing this area, which would have the added benefit of enhancing the biological diversity and improving soil health.*

*There is little likelihood of commercial gain being derived from subdivision and the sale of freehold land in this area due to District Plan rules.*

## **Conclusion:**

*The Objects of the Act can be achieved by freehold disposal of the area with the use of a Conservation Covenant to protect the inherent values (as also proposed for the 85 ha).*

*It is essential that this area is transferred into private ownership with its long term protection guaranteed by a written, legal and binding Covenant clearly setting out the conditions of management that are needed to ensure the long term ecological sustainability of this very special area. The Covenant would encourage a partnership approach between the on farm managers and conservation experts in the various fields required.*

*We believe that the ecological sustainability of this area has been forfeited because of a desire for public access due to its handy proximity to State Highway 8. We are not opposed to public access in this region as long as it is provided in a safe and controlled matter and not to the detriment of the ecological assets. Dalrachney Station has already relinquished a significant area adjacent to the summit of the Lindis Pass as a Reserve that is suitable for public access and enjoyment.*

*If the Commissioner proceeds with the Conservation area as proposed it is essential that the formal agreement contains a cast iron guarantee in perpetuity that grants exclusive restoration of grazing rights to the reviewed lessee or his successors in the event of the Crown managed lands being identified as degrading and becoming ecologically unsustainable under their management regime.*

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## **Concession:**

- (a) Easement concession a – b:

To provide farm access by foot or with vehicles or livestock for farm management purposes over an existing track

---

*We support this but subject to comments about stock movements above. Also note that if the entire property was freeholded this easement would only be required for public access.*

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(b) Easement concession j - k:

To provide farm access by foot or with vehicles for farm management purposes over an existing track.

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*This easement concession should include livestock movement to simplify farming operations.*

---

(c) Recreation concession:

A recreation concession to be granted over the conservation land to provide access for guided walks, mountain biking and horse trekking.

---

*We support the recreation concession but suggest the right of renewal should be longer than the proposed 20 years.*

---

(2) 5372 ha (approximately) to be designated as land to be disposed of by freehold disposal to the holder under Section 35 (3) of the Crown Pastoral Land Act 1998 subject to:

Part IVA of the Conservation Act 1987, Section 11 of the Crown Minerals Act 1991, an easement, and a covenant.

Protective Mechanisms:

- (a) An easement to provide public access for persons on foot, on or accompanied by horses, or by non motorised vehicle powered by a person or persons over a route leading from State Highway 8 to the Lindis catchment. The easement also provides for access for management purposes.

---

*We SUPPORT the freeholding of 5372 ha.*

*This area is capable of economic use (as is the entire property) and freeholding will promote the management in a way that is ecologically sustainable.*

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We ~~propose~~ an unrestricted access covenant.

For the following reasons:

- Risks associated with the nature and remoteness of the country,
- climatic dangers
- health and safety issues
- impact on ourselves as neighbours.

Access into the headwaters of the Lindis catchment is over a long difficult track and with foot, horse or bike traffic is likely to take a considerable time. People will need to stay out overnight in many cases, either by choice or necessity. What provision will be made for camping facilities and toilets at the river and along the way? It would be extremely irresponsible from a health and safety issue to grant this easement without providing for camping and toilets.

An intentions system needs to be in place to monitor the entry and exit of people to ensure the safe passage and return of all using the track.

Restrictions would need to be in place to ensure the track was not used in winter, because of the dangers from rapid changes in weather and extreme climate in the area.

We presume there will be restrictions to ensure no dogs are permitted, no firearms are allowed, fires will be banned at all times.

The liability on all users should be established and guaranteed in advance.

As neighbours we are extremely concerned at the additional risk to our property from unrestricted public access into this area. It is remote from any homestead and we will come under increased pressure to supply search and rescue facilities unless the Department of Conservation intend taking responsibility for this in some way.

Signs will need to be erected to ensure that the public do not trespass onto our private property by crossing over the boundary, which is approximately 100 metres from the river, to get to the river itself and onto the marginal strip. This would put us under increased risk from disease (especially footrot) in our sheep, and fire. Large numbers of stock are grazed adjacent to this area of the Lindis in the summer time when there is likely to be the heaviest demands for access. We are extremely concerned about the increased risk of stock disturbance, possible smothers and general disruption to our right to 'peaceful enjoyment', an essential aspect of a pastoral lease.

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*At present any public access onto our property (including into this area) is by prior arrangement only, but granted freely to the public. They are allowed to use farm tracks for 4WDing, farm facilities plus have a safety back up service including search and rescue. This way we take full responsibility for people accessing our business premises. We know who is out there, their intentions and can advise them of stock movements, safety issues, other people present, poisoning or shooting operations, and monitor their return. We also provide them with information to make their visit enjoyable, the use of huts and toilets to protect the environment.*

*We have deliberately resisted the many opportunities offered to us to turn this into a commercial operation as we believe that the public should have the right to enjoy the back country values on our property for free.*

*However we believe this has to be managed and controlled, in exactly the same way as all other aspects of a business operation*

*If this easement is granted what guarantee can we be given as neighbours that the public gaining access to the back of our property will remain in the area designated to them and have no impact on our property or its healthy environment?*

*Can we be guaranteed that we will be absolved from responsibility and fully compensated for any accidental fires or other safety issues arising from public use.*

*Will we be guaranteed that the 'quiet enjoyment' of our property will not be destroyed by Giardia, drug growers, increased pressure to deal with accidents or search and rescue operations?*

*Will there be a guarantee that there will be no adverse affects on stock movements / stock health?*

- 
- (b) A covenant under Section 40 (1) (c) of the Crown Pastoral Land Act, for the purpose of preserving significant landscape and natural environment over approximately 85 ha of the proposed freehold.
- 

*We support the use of the covenant to preserve the inherent values over land proposed for freehold. This is the mechanism that should be used for the 2594 ha proposed to be restored to Crown control, as already outlined above.*

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## CONCLUSION:

*We ask the Commissioner to consider carefully the issues we have raised in our submission.*

*We request that he amend the proposal to achieve the objects of Part 2 of the Crown Pastoral Land Act 1998 whereby he is required to*

*promote the 'management of reviewable land in a way that is ecologically sustainable'; enabling 'reviewable land capable of economic use to be freed from the management constraints resulting from its tenure under reviewable instrument' and enabling the 'protection of the significant inherent values of the reviewable land by the creation of protective mechanisms' and secure 'public access to and enjoyment of reviewable land'.*

*These objects can best be achieved by:*

- *the freehold disposal of the entire parcel of reviewable land (7966 ha)*
- *establishing a Protective Mechanism over 2679 ha (being the two areas of 2594 ha proposed to be restored Crown control and 85 ha proposed to be covenanted under the Crown Pastoral Land Act as described in the Preliminary Proposal) to ensure the long term ecological sustainability of this very special area guaranteed by a written, legal and binding Covenant clearly setting out the conditions of management (including public access arrangements) in a partnership arrangement between the property owners and scientific experts. The Protective Mechanism could be a Conservation Covenant or Queen Elisabeth II Trust Open Space Covenant.*
- *An easement to allow controlled public access over the freehold from State Highway 8 to the Lindis Catchment (a)-(b) on the Plan, to be administered jointly by the land owners and Department of Conservation or a nominated authority (e.g. NGO group).*

*We believe this is a simpler arrangement and meets all the requirements of the Objects of the Crown Pastoral Land Act 1998 in the tenure review of the Dalrachney property.*

*Signed:*



*R/S Emmerson Trust and Forest Range Ltd  
Forest Range Station, Private Bag, Tarras.  
Phone 03 4452833, Fax 03 4452834, Email [rsemerson@xtra.co.nz](mailto:rsemerson@xtra.co.nz)*

*CC: Commissioner of Crown Lands, Wellington*

FOREST  
& BIRD

ROYAL FOREST AND  
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The Commissioner of Crown Lands,  
C/- DTZ New Zealand Ltd.  
Land Resources Division  
PO Box 27  
ALEXANDRA

Dear Sir

**Re: Preliminary Proposal for Tenure Review: Dalrachney**

Due to large amounts of work, and not enough hours in the day or week, I have been unable to submit a comprehensive submission on this tenure review. I would be pleased if you could please record Forest and Bird as supporting the PANZ submission in its entirety.

We are especially concerned that all the significant landscape values of the Lindis Pass be fully protected and returned to full crown ownership and control. In particular we do not believe that area c should be freeholded.

**Area of Shrubland Warrants a Covenant**

In addition to the PANZ submission Forest and Bird believes that an extensive area of shrublands, adjacent to the track from f towards Smiths Creek qualify as significant inherent values. This shrubland contains a diversity of *Olearia* species, some of which are quite large shrubs and matagouri. This area also forms a riparian margin along the creek. This is the most extensive area of shrubland on the property and contributes to the special natural quality of this landscape. It is also important in maintaining the ecological functioning of the stream. As it is a small discrete area we accept that it is appropriate that this area be covenanted. However it will need fencing at least along the track margin, in order to prevent stock access. See attached photograph.

Yours sincerely

Sue Maturin  
Southern Conservation Officer



Photographs of *Olearia* Shrublands that Warrant a Covenant



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