

## **Crown Pastoral Land Tenure Review**

**Lease name: GEM LAKE**

**Lease number: PO 122**

### **Public Submissions**

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

**March**

**10**

114001

25 October 2009

Darroch  
Box 215  
Dunedin



## **Gem Lake Tenure Review Proposal**

Dear Sirs

I am familiar with this superb property following many visits over the years. I generally support all the land designations and access in the proposed plan.

### **One suggested change though:**

The area CA1 to be retained by Crown should be enlarged a little to encapsulate a native shrubland area upstream of Jordan Creek. I suggest an additional 200m further upstream of track crossing the creek, and of same width as that proposed below the crossing.

### **Reason:**

The extremely rare weevil *Megacolobus garviensis* has been found just upstream of the crossing on hard fern. I was with a Department of Conservation entomologist when this record was made by him. This is the only known record of this beetle outside of Waikaia Forest. Despite further searches, the weevil has not been found elsewhere in this valley system. This record is extremely important from both a conservation and biogeographical standpoint.

Thank you

Yours faithfully

A handwritten signature in black ink, appearing to be 'Brian Patrick', written in a cursive style.

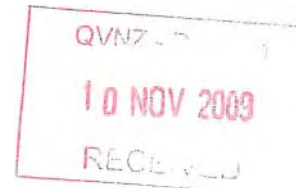
Brian Patrick

9 Mayfair Grove  
Alexandra 9320  
[bpatrick@xtra.co.nz](mailto:bpatrick@xtra.co.nz)



## Central Otago Four Wheel Drive Club

POBox 314  
ALEXANDRA



### Gem Lake TR Submission

Submitter: Central Otago Four Wheel Drive Club

The Central Otago Four Wheel Drive Club has been active in and around the Central Otago region, as well as much further afield, for the last twenty six years. We have a constitution and a set of club rules designed to look after ourselves, our roads and tracks (both public and private), and our environment. We pride ourselves on a knowledge base of the Central Otago region possibly unparalleled by any other club, organization, or governmental department.

It is for this reason as well as our practical ability, our equipment levels, and our community based attitude, that we are becoming more and more involved with Search and Rescue operations. We are the only organization who has any effective degree of value (barring weather dependant helicopter operations) for remote rescue or accident operations. In a natural disaster situation involving Civil Defence, we have the manpower, transport, communications, and contacts to make differences between life and death.

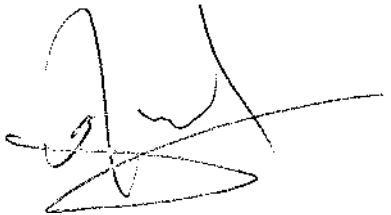
To this end, as well as our obvious love of four wheel drive activities, we see the degradation of access to any high country area as a negative value which may lead to disastrous consequences. If we are denied at least the status quo accesses we currently enjoy, our knowledge and understanding of the land will be degraded. It is specious to be allowing 'walking and horse access only' to many high country areas (as has been the general flavour of many Tenure Review proposals). Practically many of the areas involved are huge, there are very few horse travellers around to enjoy it, and the distances and land forms are such that no one - except perhaps an extreme minority - has ever or will ever 'tramp' or 'walk' in such areas.

The Gem Lake proposal exemplifies this attitude. I take immediate issue with the Proposal, paragraph (1), point (b), page 4. Quote:" The uplands provide and outstanding remote setting for recreational activities such as tramping and cross-country skiing". This statement denigrates the importance of our recreational activities (in that it is not mentioned), and by excluding it - along with water skiing, mountain biking, kite flying, etc., implies that this setting is not suitable for four wheel driving.

We have within our club members who know this area very well. Coming from the Roxburgh area they have known the Gem Lake catchment for many years – hunting, fishing, and owning or leasing land in the area. I am advised that apart from farm management activities the two main reasons for anyone to go to this area are hunting and four wheel driving. It is high, remote, barren, and big. If you are justifying this proposal based on tramping and cross country skiing, who are you thinking of, where do they come from, where will they shelter, and who will come and rescue them when they get lost or injured? It is totally fallacious to think that this area has been or will be used by such recreators.

It is, however, a wonderful four wheel drive trip that our club has enjoyed on a number of occasions over the years. Huge landscapes, wide, barren hills, views for many kilometers, and a 'focal point' (Gem Lake) to drive to. Whilst at the behest of landowners, we have shown that we are a responsible group who cause no intentional damage and, in fact, help to 'keep' the area by repairing or reporting track issues, reporting untoward behavior by others, and reporting any situation that may effect the management of the land. This area is not often visited by current managers, and I imagine as conservation land will have fewer management visits. This proposal will effectively deny public access and will become an area that will get no use – apart perhaps from hunting. In time the tracks will grow over and become impassable, effectively meaning that the land will be unenjoyed by all.

I see no good reason to justify denial of vehicle access to this proposed conservation area and ask that this aspect of the proposal be re-visited, perhaps with input from representatives of one of the two largest user groups. We would be happy to have further input and explain more fully the practicalities of our continued access.

A handwritten signature in black ink, appearing to read 'Alan Temple', with a long horizontal line extending to the right.

Alan Temple  
Secretary  
Central Otago Four Wheel Drive Club

## High Country Accord

Promoting Environmental, Economic and Social Sustainability in the South Island High Country

*Chair:* Jonathan Wallis, Minaret Station, POBox 218, Wanaka Airport, Wanaka.

Ph: 03443 6001 email: minaret@farmside.co.nz

*Project Manager:* Kit Mouat, POBox 442, Christchurch 8140.

Office: Goodman Tavendale Reid, Level 1, 96 Oxford Terrace, Christchurch.

Ph: 039638019 Fax: 033746888 email: kit.mouat@gtrlaw.co.nz

www.highcountryaccord.co.nz

24 November 2009

Commissioner of Crown Lands  
c/- David Patterson  
Darrock Valuations  
POBox 215  
Dunedin

Dear Sir

### GEM LAKE TENURE REVIEW

- Schedule 3 details of designation state that the Commissioner may decide not to proceed until the Director-General of Conservation has completed all actions required under Part 4A of the Conservation Act 1987. It is noted on the plan attached that there are streams through the property and some running parallel to the road. It is absolutely essential that the lessee is informed at this stage, or during negotiations of the preliminary proposal, as to whether or not there will be a minimum of 43 metres of Crown-owned land throughout its property. The Crown Pastoral Lands Act clearly states that all the land must be designated and if there is to be marginal strip then it must be designated as such. The Accord notes that although the plans are of a reasonably small scale where access is required by way of a 10 metre right of way in favour of the Crown, these are clearly shown. It is our view that the marginal strips could also be clearly shown. It may well be that the owner will seek an exemption or a requirement for legal access across the strips.
- 2 By way of example I am attaching for reference a copy of the diagram showing certain aspects of the easements in favour of DOC over the land to be freeholded. This clearly shows the poor thinking of the Crown in providing easements for itself but not providing access for the lessee upon freeholding. The inset diagram on that page clearly says it all. My understanding is that in this instance the marginal strip did not automatically take place upon renewal of the pastoral lease. There was no section 58 strip along the Jordon Creek. When you look at that inset you must ask yourself the question, how does the freehold owner get legal access from h to i? This clearly shows that there will be a marginal strip along both sides of the Jordon Creek. I wonder if there are any other creeks that may qualify for a marginal strip. Why is it not shown as a designation of marginal strip on this plan? The inset diagram clearly shows that the land is to be excluded from the freehold. Legal access will be required from h to the Jordon Creek from DOC then across the Jordon Creek from L1NZ and then from the Jordon Creek to i from DOC so that the freehold owner has legal access to the back part of the farm. This diagram graphically illustrates the non-sensible situation that arises when the Crown negotiators fail to understand that a marginal strip remains in Crown ownership and should be designated as such.
- 3 With regard to the strips the Land Status report signed by the Chief Surveyor on 19/12/2000, after the lease was renewed made these statements; *The Department of Conservation has been consulted and no conservation area status land has been identified within the boundary of this property.* There were therefore no marginal strips. *A field inspection may be required to ascertain if Gem Lake, Gem Creek, Jordan or Black Creek, Island Creek and other streams within this pastoral lease could be subject to Section 24 of the Conservation Act 1987. No evidence has been found that this aspect was considered on renewal of this lease on 1 January 1989.* Prior to renewal the Minister was required to determine if it would be fair and equitable to reserve a strip upon renewal-s 24B(3) Conservation Act 1987. The Conservation Resources Report said: *An existing marginal strip is located along the Pomahaka River throughout the frontage of the property. Jordan Creek and much of Island Creek would qualify*

*for marginal strips to be created on disposal.* That indicates there were no strips except for the fixed strip created under s 58 Land Act 1948.

- 4 It is noted that this particular property has been considered solely as a summer grazing block. This land is run in conjunction with other lands owned by the current lessees. It is also noted however that the area to be returned to the Crown contains plant species in their natural state. This state has been maintained under extensive grazing regime by the current owners as a summer run-off. It is felt that this land could still be utilised in such a manner. It is noted that the proposal is to add vast areas of land to the Umbrella Mountains proposed Conservation land.
- 5 It is noted that an area of 15 hectares is to be subject to the Conservation covenant with no right to graze animals on this land. The reason given, it is too small to be maintained by DOC. This however places the obligations on the owners to maintain this area including maintaining the fences around the area to be erected at the Crown's expense. If the owners cannot use this land in any way, shape or form then it should be returned to the Crown.
- 6 The Appendix 3 easement is in favour of DOC. upon freehold, the transferor will become the farmer. Clause 7 allows DOC to close the easement area, this power should not be given to a transferee. It is also noted that the transferee, which includes the public, has the right to walk, ride horses and mountain bikes over the easement area. Who is responsible for maintaining the easement for the use of mountain bikes? Once the public are aware of the fact that mountain bikes can use this easement area, then I believe that the obligations to maintain it in such a condition to allow mountain biking should be the responsibility of the Crown. The Crown should also indemnify the farmer for any damage that may occur to any user of the right of way. It is also noted that clause 15 requires the farmer to install gates where indicated by DOC. The matter of gates should be part of the tenure review process and installed where required at the Crown's expense rather than some future obligation on the farmer.
- 7 Appendix 4 is the easement from DOC to the farmer. In clause 10 of the easement it provides that DOC may close the easement for any period that is considered necessary. The easement in this instance is for farm access and should not be closed at all to the farmer.
- 8 Clause 13.1 prohibits the assignment unless DOC consents. This however is an easement of pertinent to the land forever and therefore the assignment provisions do not apply. DOC need to understand that easements run with the land and not with the person.
- 9 The easement granting the private owner a right over what will be DOC land seems to be rather lengthy when compared with the easement granted to the Crown over the farmer's land. I believe that both easement documents should be simplified. I also believe that the easement over the DOC land should be in the proper form of an easement rather than drafted as a concession. I recognise that under their Act the easement is in fact a concession but it is not defined in the Act the same as to the other concession documents, lease, licence and permit. The easement must therefore take on its standard meaning and be in the standard format. I think it is rather nonsensical to call it a concession and to call the grantee a concessionaire. It is also nonsense to define the terms such as "document" and "easement" when in fact they are talking about an easement in the true sense and not a document.
- 10 By way of example of a clause in an easement granting the farmer use of the DOC land, clause 12 provides for indemnities and assurance. In the easement over the farmer's land there is no reciprocal clause stating that the Crown will indemnify the farmer. I believe there should be consistency in this area.

Yours faithfully



Kit Mouat  
Project Manager

**Po 122 GEM LAKE TENURE REVIEW  
PROPOSED DESIGNATION**

- Pastoral lease land to be restored to or retained in Crown control, as conservation area CA1
- Pastoral lease land to be disposed of by freehold disposal to SR, BJ & KS Norman.
- Pastoral lease land to be disposed of by freehold disposal to SR, BJ & KS Norman, subject to a conservation covenant marked CC1.

**Easement**

- Minister of Conservation management purposes easement in gross a-b, c-d, e-f, g-h and i-j

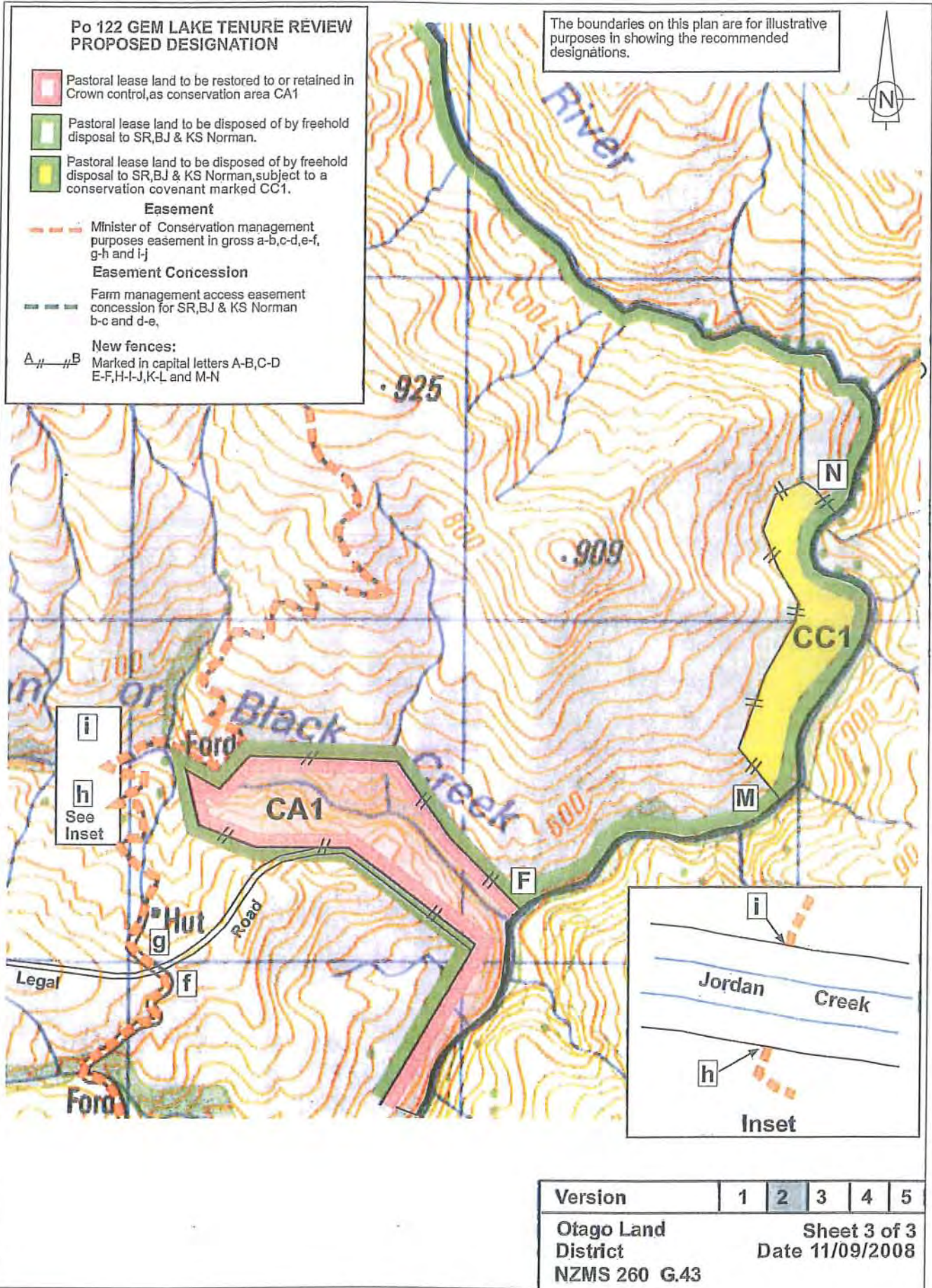
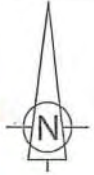
**Easement Concession**

- Farm management access easement concession for SR, BJ & KS Norman b-c and d-e,

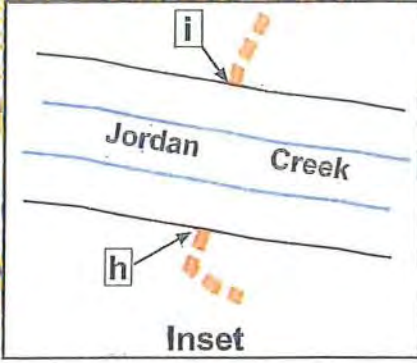
**New fences:**

- Marked in capital letters A-B, C-D, E-F, H-I, J, K-L and M-N

The boundaries on this plan are for illustrative purposes in showing the recommended designations.



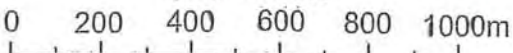
**i**  
**h**  
See  
Inset



<b>Version</b>	1	2	3	4	5
<b>Otago Land District</b>	<b>Sheet 3 of 3</b>				
<b>NZMS 260 G.43</b>	<b>Date 11/09/2008</b>				

**Gem Lake**

Scale 1 : 15000



Graphics by :  
TL Survey Services Ltd DUNEDIN

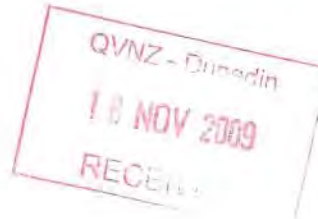
New Zealand Historic Places Trust  
Pouhere Taonga

**Our Ref: 22015-001**  
**Your Ref: PRY-C60-12465-TNR-Po 122**

*Patron:*  
*His Excellency The Hon*  
*Anand Satyanand, PCNZM*  
*Governor General of New Zealand*

16 November 2009

The Manager  
Darroch Valuations  
PO Box 215  
DUNEDIN



Attn.: David Paterson  
Tenure Review Consultant

Dear Mr Paterson

**RE: GEM LAKE PASTORAL LEASE TENURE REVIEW**

Thank you for your letter of 25 September 2009 concerning the above.

The NZHPT is a Crown Entity and is New Zealand's lead agency in historic heritage management. Its purpose is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand, as provided for in Section 4(1) of the Historic Places Act 1993. The NZHPT's powers and functions are set out in Section 39 of the Historic Places Act.

The NZHPT has developed guidelines based on internationally recognised best practice to assist in the identification and protection of historic heritage values. This includes guidelines on assessing impacts on historic heritage. NZHPT monitors 'one off' opportunities such as this to ensure that the Crown's commitment to the identification, recognition and protection of significant inherent historic heritage values on pastoral lease lands subject to the tenure review process, is adequately dealt with.

The NZHPT notes that Gem Lake Pastoral Lease was included in a survey of pastoral leases in the Umbrella Ecological District and part of the Old Man Range. It has studied the resultant report *Survey of the Historic and Cultural Values on Pastoral Leases in the Umbrella Ecological District and the Southern Tops of the Old Man Range* (May 1989), and discussed findings with the survey leader and author, Dr Jill Hamel. It believes that "Section 2.6: Historic" of the Conservation Resources Report is correct in its interpretation of Dr Hamel's findings. In other words, the NZHPT agrees that:

- The numerous archaeological sites along the Pomahaka River, principally relating to gold mining, are either on the true left bank (eastern/other side), in the River itself or within the Marginal Strip. It accepts that future management of those sites cannot be considered as part of the tenure review for Gem Lake Pastoral Lease; and
- Archaeological site G43/169 (Gold Mining – referred to as site 12 in the Hamel Report) does extend onto the Pastoral Lease. Indications are that this part of the site will be included within area CA 1 to be retained in Crown control as a conservation area under Department of Conservation management. The NZHPT supports this.

1



The NZHPT has drawn attention in previous tenure review submissions to the fact that Central Otago includes pastoral and other historic heritage values, besides gold mining. While the Hamel Report does note that the survey was not necessarily a complete one in terms of area, it does point out almost all early farm buildings were located on the front country of what were then fairly large runholdings. The NZHPT accepts, therefore, that the likely extent of other historic heritage on Gem Lake Pastoral Lease is not sufficient to warrant further assessment of such values as part of this tenure review.

Should you have any further queries, please address these in the first instance to:

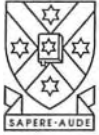
Doug Bray  
Heritage Adviser (Planning)  
DDI (03) 477-9819  
Mob (027) 241-3624  
Email: [dbray@historic.org.nz](mailto:dbray@historic.org.nz)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Owen Graham', with a long horizontal flourish extending to the right.

Owen Graham  
Area Manager (Otago/Southland)

CC Secretary, Central Otago Branch Committee, NZHPT

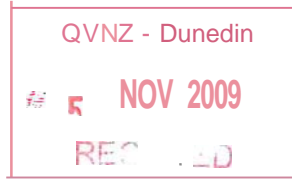


Department of Botany

University of Otago  
Te Whare Wananga o Otago

Division of Sciences  
PO Box 56, Dunedin  
NEW ZEALAND

Tel: National 03 4797573 International 64 3 4797573  
Fax: National 03 4797583 International 64 3 4797583  
Email: [amark@otago.ac.nz](mailto:amark@otago.ac.nz)



October 30, 2009.

Manager,  
c.lo Darroch Valuations,  
PO Box 215,  
DUNEDIN.

### SUBMISSION ON PROPOSED TENURE REVIEW: GEM LAKE PASTORAL LEASE

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it based on my very good knowledge of the general area, having been associated with over-viewing the vegetation of the property as part of the Protected Natural Areas survey of the Umbrella Ecological District by Dr Katharine Dickinson of the Botany Department here, in 1985-86.

The overall quality of the report as well as the general thrust of this preliminary proposal for this 5613 ha property, is very good, with a total of 3750 ha (~70%) to return to full Crown ownership and management control, with the balance, some 1863 ha, proposed freeholding.

As the report states, "the proposal ... contains a crucial part of the RAP Umbrella" and "the balance of the RAP is in adjoining pastoral leases." The upper catchments of Island Creek, Gem Creek and Jordan or Black Creek on the upper eastern slopes of the Whitecomb Range and the northern end of the Umbrella Range, comprises a most impressive alpine snow tussock grassland landscape, with a range of plant communities and altitudinal vegetation sequences, and several prominent glacial features, in addition to the impressive cirque basin containing Gem Lake itself. Small remnant areas of silver beech forest and localised wetlands both add significantly to the value of the altitudinal vegetation sequences present in this area. As the report also states, the area proposed as conservation land has a very high degree of naturalness with few exotic species present. The area also has a distinctive and important remote setting, which adds a valuable additional dimension to its obvious recreational values.

Although the shape of the proposed conservation area is highly irregular along the lower reaches, there is continuity throughout, which is a very important ecological feature of a normally protected area in planning for the predicted consequences of climatic warming, by providing continuous corridors for plant and animal adjustments and probable migratory adjustments. Certainly adequately protected (fenced) linkages and the inclusion of the valley and lower slope stands of *Olearia* spp. (*O. hectorii*, *O. fimbriata* and *O. lineata*) shrublands along the main Pomahaka watercourse, is a valuable feature of this proposal and one which has been rarely if ever proposed and achieved in the many previous tenure review exercises which I have been involved with, even where the opportunity was available.

The faunal values, both invertebrate and avifauna, of the area have also been recognised in the report and proposal, with special mention of the area being the recognised eastern limit for kea.

The proposed Conservation Covenant (under the Reserves Act s. 77) area of 15 ha along the Pomahaka warercourse upstrem of the CA1 area, to protect a range of botanical values, as proposed, with fencing to be provided to exclude stock access, is also endorsed.

The proposed new fencing on extensive sections of the lower boundary of the CA 1 area, is strongly supported, as are the range of proposed easements to provide for public access (on foot, horse, or non-motorised vehicle), and other forms of access for general management purposes, is also endorsed. It is assumed that the legal road will remain available for general vehicular access. Beyond the northern extent of the legal road, it is presumed that public vehicle access would be at the discretion of the then freehold owner, and beyond here, across the head of Jordan Stream on land proposed as CA 1, may be even more limited, but this should be outlined in some detail at this stage. This section of 4WD track is certainly much more vulnerable to damage under wet conditions, but it also provides valuable access for research and other valid purposes under dry conditions.

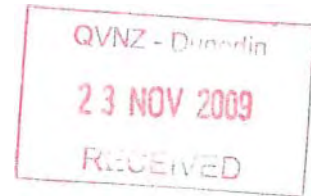
I trust that this response and its recommendations will be given serious consideration and I assume that any new government policy will not apply to this important exercise. I also thank you again for the opportunity to assess and comment on this proposal for tenure review.

Yours sincerely,

Alan F. Mark. FRSNZ Emeritus Professor.



114006



## Gem Lake Pastoral Lease Preliminary Proposal

Prepared by Otago Fish and Game Council

### 1. Introduction

The purpose of this report is to give further advice to the Commissioner of Crown Lands on the sports fish and game values present on the land included in the Gem Lake Crown pastoral lease and to recommend appropriate protection for those values.

Information for this report has been researched and prepared by Otago Fish and Game Council staff and now takes into account information released recently by LINZ. It also includes results of field observations and discussions with the leasee since the last edition of the Fish and Game Resource Report was submitted.

Fish and Game is concerned that the preliminary proposal may not meet the requirement for practical public access alongside the river and therefore the proposal may limit recreation angling opportunities in the Pomahaka River.

### 2. Recreational Values

The Sports Fish & Game Management Plan for Otago, a statutory plan approved under the provisions of the Conservation Act, classifies the Pomahaka River as a regionally important backcountry/wilderness fishery for both sea run and resident trout

The characteristics of backcountry fisheries are:

- Remote from centres of population
- Not easily accessible
- Low angler density
- Catch rate relatively high
- Large size of fish
- Largely unmodified catchment
- Highly scenic setting.

The protection of access to fisheries is a key objective of Sports Fisheries Management Plan.

### 3. Access

The designation plan notes the marginal strip along the Pomahaka River and areas that are to be restored to or retained in Crown control. It is our understanding that this was to provide for public access. However, the scale of the map and the wording in the preliminary proposal provide no certainty for public access.

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

Otago Region

Fish & Game note that there are areas where a twenty metre marginal strip may not provide for practical access along the river due to the topography. This observation is supported by the leasee who also suggests the marginal strip may not provide for practical public access, as was always the intent. The designation plan map does show a strip of conservation land alongside the marginal strip but due to the scale it is impossible to determine whether this will provide for public access.

Fish and Game wish to see wording in the preliminary proposal that outlines that there will be practical public access between the river and any fence that is created along route D-E-F.

In addition, if fence line D-E-F was benched in, where possible, it will allow for a greater range of anglers (with varying degree of fitness and mobility) and allow the upper reaches of the river, within the propeliy to be reached more easily (up to point F). This is needed as it is too great a distance to reach point 'F' via the riverbed or marginal strip in one days angling.

Upstream of Jordan Creek there tends to be less resident fish, paticularly late in the season and the marginal strip appears sufficient for public access in this stretch of flver.

We support the recognition of the need for Fish & Game employees to access and traverse areas of freehold land for sports fish and game Inanagement purposes.

#### **4. Conclusion**

1. The inclusion of access for management of the sports fishery by Fish & Game staff is supported.
2. The substantive proposal needs to be amended to provide for practical public access between the river and any fence that is created along route D-E-F.
3. The fence alignment D-E-F should be benched in where possible to allow for ease of access.



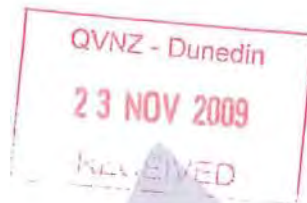
Dated: 19 Novelnber 2009

John Hollows  
**Environmental Officer**  
Otago Fish & Game Council



23 November 2009

David Paterson  
 Darroch Valuations  
 Box 215  
 Dunedin  
[david.paterson@darrochvaluations.co.nz](mailto:david.paterson@darrochvaluations.co.nz)



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

### **Submission: Gem Lake Tenure Review Preliminary Proposal**

This submission is by the Council of Outdoor Recreation Associations of New Zealand (CORANZ). CORANZ is the national association of seven major national outdoor recreation associations – New Zealand Deerstalkers' Association, New Zealand Federation of Freshwater Anglers, New Zealand Four Wheel Drive Association, Option4 – Recreational Sea Fishers' Trust, Public Access New Zealand, New Zealand Bowhunters Society, New Zealand Salmon Anglers Association; Jet Boating New Zealand, and the regional Marlborough Recreational Fishers Association.

CORANZ member associations have approximately 20,000 members in total, and represent one of the larger membership alliances of outdoor recreation associations in New Zealand. Many of our members can and do recreate in the South Island High Country.

#### **Summary of CORANZ submission:**

CORANZ strongly supports the Proposal, because of the significant amount of land being repurchased, the landscape and scenic qualities of the land being repurchased, and the range of outdoor recreation activities that can take place there.

**The Proposal:** Gem Lake (5,613 Ha) is a lease west of Roxburgh, with Glenaray Lease as its western boundary, and the upper Pomahaka River as its eastern boundary. The Umbrella Mountains run along its western boundary, becoming the Whitecoomb Range for much of the way.

An area CA1 of 3,750 Ha is to be repurchased as conservation area. This area is the high land of the middle and west of the lease rising to the Umbrella Mountains crest, including Gem Lake, the western boundary of the lease. The high point is 1,442m, on the cirque above Gem Lake. CA1 also runs round and up along the western edge of the Pomahaka River for a third of the lease's eastern side. A strip runs up the valley containing McEwan's Bush. The Whitecoomb Range is an

impressive and picturesque landscape. Much of CA1 is natural tussock and shrubs/bush, and the impressive bush-lined scenic gorge of the Pomahaka River.

**Recreational** values include tramping in the alpine natural environment, ski-touring in winter, fishing on the Pomahaka River and its tributaries, potentially recreational hunting, if the area is WARD (Wild animal helicopter recovery operations) free.

Overall this lease is considered summer grazing only, and needs additional offsite grazing.

Public access is provided by an easement for walking and human powered vehicles a-b, c-d, e-f, g-h, i-j which is a farm track, that finally climbs across CA1 to the high point behind Gem Lake. A legal road runs along the top of the Whitecoomb mountains.

**Conclusion:**

CORANZ strongly supports the Proposal. It provides for surrender of scenic and landscape areas with significant value also for outdoor recreational pursuits. Public access would be improved if some concession for 4WD vehicles to use the farm track in appropriate conditions was available, especially for recreational hunting.

Yours truly

Hugh Barr  
Secretary



20 November 2009

David Patterson  
Darroch Property Valuation  
PO Box 215  
Dunedin

QVNZ - Dunedin

24 NOV 2009

RECEIVED

Dear David,

**Re: Preliminary Proposal for Tenure Review: Gem Lake Pastoral Lease (Po 114)**

Thank you for providing the Walking Access Commission with the opportunity to comment on the preliminary proposal for the tenure review of the Gem Lake pastoral lease.

We have reviewed the document and maps and noted that the Federated Mountain Clubs in their submission have suggested that public access is proposed by way of easement "a-b" connecting the road end to McEwan's Bush. Access to the proposed conservation area CA1 (as referenced in the map) would be through a narrow corridor of rising ground from McEwan's Bush.

The Walking Access Commission interprets the document and the map legend to exclude the public from the route "b" (commencing from McEwan's Bush) through to "j" (in the McGregor Country) over which an easement for management purposes is proposed in favour of the Minister of Conservation. If this is correct we recommend that an easement in gross in favour of the public be granted over the access marked "a" though to "j". This is because an easement under the Conservation Act 1987 could have management of conservation values as a priority whereas our proposal focuses on walking access as a priority.

We note that part of the proposed fence line "D-F" runs along the Pomahaka River. John Hollows, Otago Fish and Game Council has recently inspected the site and spoken to the leasee regarding access along the river. We note that while a twenty meter marginal strip is in place on both sides of the river practical access is not always easy. The Walking Access Commission supports the submission of the Otago Fish and Game Council requesting that practical public access be provided between the river and any fence that is created along the fence line "D-F".

Yours sincerely

A handwritten signature in blue ink, appearing to read "Mark Neeson".

Mark Neeson  
Chief Executive



114009

25 November 2009

Darroch Valuations  
POBox 215  
DUNEDIN



Attention: David Paterson

Dear David

**GEM LAKE PASTORAL LEASE  
TENURE REVIEW SUBMISSION BY CROWN MINERALS**

The Commissioner of Crown Lands has invited public submissions on the tenure review of Gem Lake Pastoral Lease which occupies an area of some 5,613 hectares of land located off Aitchesons Run Road, near Ettrick in Otago

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

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

Yours sincerely

A handwritten signature in blue ink, appearing to read "Barry Winfield", with a horizontal line underneath.

Barry Winfield  
Senior Analyst, Petroleum and Minerals Policy

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

**Lease name: GEM LAKE**

**Lease number: PO 114**

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

**November 2009**

## **GEM LAKE PASTORAL LEASE PRELIMINARY PROPOSAL FOR TENURE REVIEW**

### **SUBMISSION BY CROWN MINERALS TO COMMISSIONER OF CROWN LANDS**

#### **BACKGROUND**

1. The Crown Pastoral Land Act 1998 provides a framework for the review of high country land in the South Island. In order to gain ownership of the all or part of the land leaseholders may request that their lease be considered for tenure review.
2. An invitation to undertake tenure review has been accepted for the Gem Lake pastoral lease and the review has reached the stage where the Commissioner of Crown Lands has put a preliminary proposal to the Norman family as lessees of this pastoral lease. The Commissioner of Crown Lands has invited public submissions on this preliminary proposal for tenure review.
3. Gem Lake comprises some 5,613 hectares of land located off Aitchesons Run Road in the upper catchment of the Pomahaka River some 32 km from Ettrick in Otago.
4. It is proposed that 3,750 ha be restored to Crown ownership/control (as conservation area) and 1,863 ha to be passed into freehold ownership (subject to a protective mechanisms and qualified designations).

#### **CROWN MINERALS**

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

#### **LAND TENURE REVIEW**

7. The Minister of Energy and Crown Minerals have previously registered their concern to both the Minister for Land Information and L1NZ officials that the land tenure review process gives little consideration to the land's mineral value and potential for mineral development and that it does not recognise existing mineral permit and licence holders interest in the land. As a consequence of the ongoing review of pastoral leases, some land that is highly prospective for mineral development is passing into the Conservation estate, or into private ownership, where it may become more difficult, if not impossible

in some cases, for individuals and companies to gain access to this land for the purpose of exploration and mining. This represents a significant loss of economic development opportunity.

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

## **GEOLOGY**

11. The Waikaia area is underlain by three northwest-southeast trending zones of schist, semi-schist and greywacke. Prospective Type III Otago Schist dominates the northeast portion of PP 39 320 (including the proposed pastoral lease area), whereas less prospective greywacke dominates the south. Quaternary fluvial and glacio-fluvial sediments up to 30 m thick are common, although confined within existing valley systems. These are mostly comprised of eroded schistose and greywacke material, and host much of the alluvial gold historically produced in the region

## **HISTORIC ACTIVITY**

12. The Waikaia Valley and some tributaries have been the focus of intensive alluvial mining and dredging operations in the early part of the 20<sup>th</sup> century. Exploration since this time has focused on known alluvial fields with some coverage of the wider area. Hard rock exploration has been sporadic.

## **PERMIT INTEREST IN THE LAND**

13. Prospecting Permit 39 320 covers 1,793 square kilometres over the upper Waikaia Valley and surrounding areas, including Gem Lake pastoral lease, refer to the attached map. The permit is held under joint venture by Glass Earth (New Zealand) Limited and New Zealand Minerals Limited. The objective of the permit is to investigate the economic hard rock gold mineralisation potential in outcropping and buried mesothermal systems.

## **CURRENT ACTIVITY**

14. The permit holder has researched a collection of mineral reports available in the public domain and compiled all available knowledge into a single Mapinfo database. In 2007, Glass Earth completed an airborne geophysical survey which included 2,121 line kilometres flown at 300m line spacing over PP 39 320, including the Gem Lake area.

15. Reconnaissance geological mapping was completed over the Bullock Creek area, situated to the northeast of Gem Lake, in preparation for a geochemical sampling programme commenced in October 2008. The sampling programme was designed to test regional structures made apparent in the airborne survey, considered to be potential sources for gold draining out of the Bullock Creek Stream. Crown Minerals is currently awaiting a report on further activity completed on the permit due in February 2010.

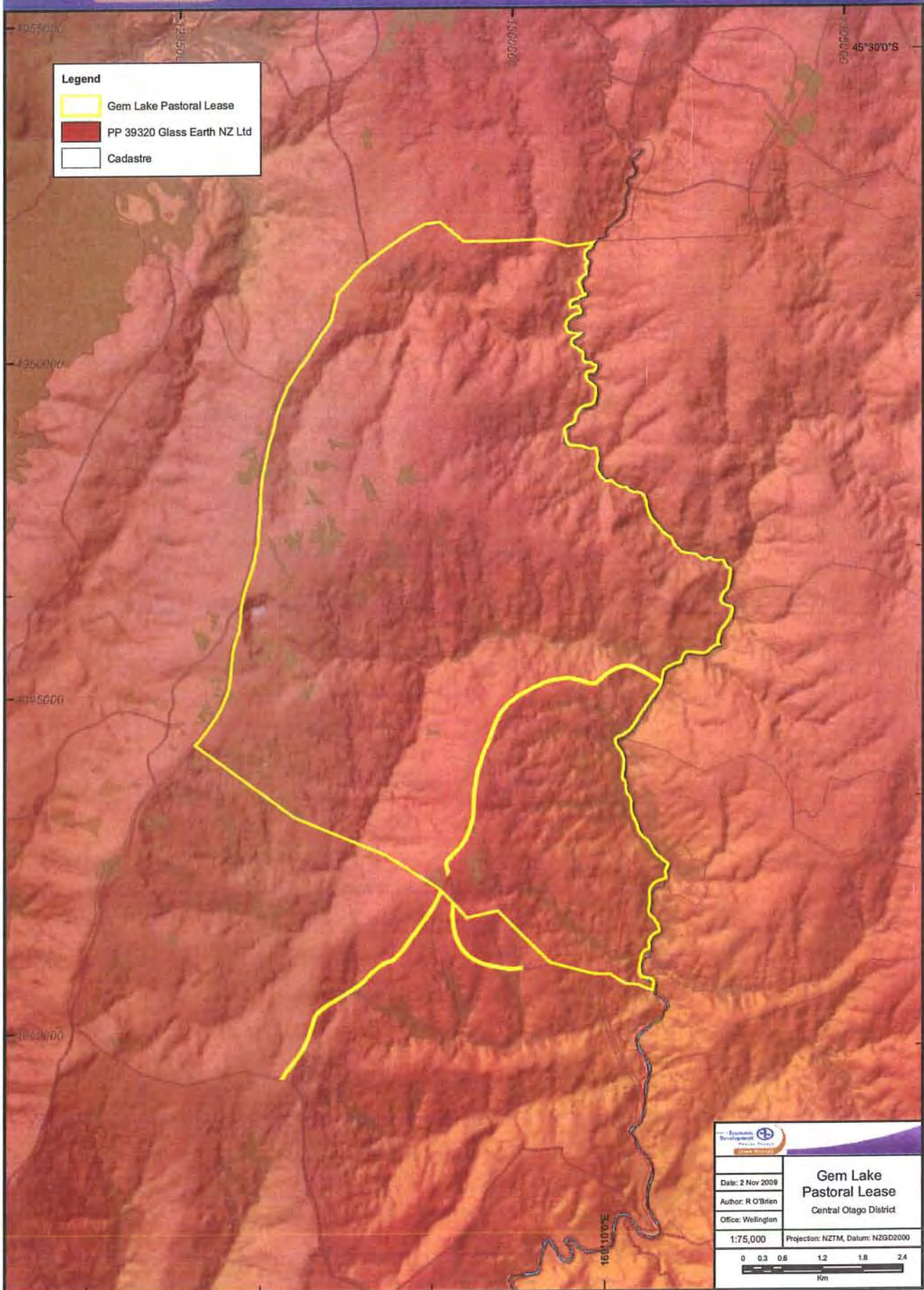
## **COMMENT**

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

## **CONCLUSION**

19. The current and proposed prospecting activity by Glass Earth and New Zealand Minerals Limited highlights the new interest being shown to assess the mineral potential of the Gem Lake lease area and the surrounding region, and testifies to the economic mineral potential of the area.
20. The Gem Lake pastoral lease area should be recognised as being prospective for minerals. To further assess the mineral potential of the area it is critical that exploration and mining companies get ongoing access to this land. Whatever the outcome of this review, Crown Minerals would want to see provision made to allow for mineral prospecting activities to continue to be undertaken.
21. Crown Minerals requests that the Commissioner of Crown Lands takes notice of the mineral potential of Gem Lake pastoral lease. Consideration should be given to some form of transitional provisions to ensure that future explorers and developers have a right to access to Crown and freehold land on reasonable terms for the purpose of carrying out prospecting and exploration activities and also any development activities under subsequent permits granted in accordance with section 32 of the Crown Minerals Act.

### Active Mineral Permits in the vicinity of Gem Lake Pastoral Lease



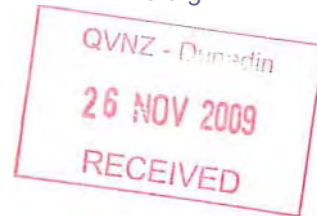


# Federated Mountain Clubs of NZ (Inc)

P.O. Box 1604  
WELLINGTON 6140  
www.fmc.org.nz

18 November 2009

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



Dear Sir,

## **Re: Preliminary Proposal for Tenure Review: Gem Lake Pastoral Lease (Po 233)**

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 13,000 members of tramping, mountaineering, climbing and other outdoor clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country.

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

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

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

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

FMC appreciates this opportunity to comment on the Preliminary Proposal for the review of Gem Lake Pastoral Lease.

### **THE PRELIMINARY PROPOSAL**

**1. An area of approximately 3,750 hectares to be restored to or retained in Crown control, as conservation area (labelled "CA1" on Plan attached) under Section 35(2)(b)(i) and Section 36(1)(a) Crown Pastoral Land Act 1998.**

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

An easement concession under Section 17Q(1) Conservation Act 1987 granted to provide access for Farm management purposes on foot, on or accompanied by horses or by motor vehicle, and with or without machinery and implements of any kind, and with or without domestic livestock and guns and farm dogs for farm management purposes over that part of the land shown marked “b-c” and “d-e” on the plan attached.

2. An area of approximately 1,863 hectares to be designated as land to be disposed of by freehold disposal to Stephen Ross Norman, Bryan John Norman and Katrina Susan Norman, subject to protective mechanisms and qualified designations (shown edged in green on Sheets 1, 2 and 3 attached) under section 35(3), section 36(3)(b), and section 40(1)(b) Crown Pastoral Land Act 1998.

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

A conservation covenant over approximately 15 hectares under Section 77 Reserves Act 1977 for the purposes of protecting the natural environment of the area marked “CCI” on the Plan attached.

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

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

An easement under Section 7 Conservation Act 1987.

i. . to provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles powered by a person or persons, over that part of the land shown marked as “a-b” on the Plan attached.

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

## INTRODUCTION

FMC representatives attended the 'Early Warning' in 2001 when the proposed review of Gem Lake was introduced but unfortunately permission was refused for us to inspect the property at that time. We are therefore particularly grateful for this opportunity to comment on the Preliminary Proposal for the review of Gem Lake pastoral lease. We also appreciate the opportunity to inspect the property and have a better chance to examine the details of the proposal on the ground.

The review of Gem Lake is an important one for FMC and for recreational users of the back country as the property occupies a strategic position on the Umbrella Range. It lies to the east of Argyle Station and south of the vast area occupied by Glenaray/Whitecoomb. We anticipate that there may be new public conservation lands emerging out of these neighbouring reviews and the review of Gem Lake needs to be considered in this wider context of recreational opportunities in the Otago/Southland borderland. It can provide access along the Whitecoomb Range to the upper part of the Whitecoomb Creek catchment and the Upper Pomahaka and thence to the Old Man Range. It opens up opportunities for a number of round trips crossing mountain ranges and linking several valley systems.



For high country recreational enjoyment landscape values are particularly important and Gem Lake is especially rich in including magnificent mountainous country typified by the Whitecoomb Range and the appropriately named Gem Lake. The Pomahaka River provides a variety of landscapes from relatively wide open valley to spectacular gorges.

There are two major reasons why FMC believes that significant areas of Gem Lake Station should be restored to Crown control. The first of these is the significant inherent value of the vegetation and landscapes and the potential of existing alpine and sub-alpine communities, tussock grasslands, herbfields and remnant shrublands and beech forest to recover from grazing and burning and regain their former ecological status. The second is that they cannot be managed in a way that is ecologically sustainable (as required by the Act) without nutrient maintenance. Any grazed pasture ecosystem subject to prolonged grazing and burning is being gradually depleted of its nutrient reserves and cannot be sustained indefinitely, unless those reserves are replenished. Although it is essential for long term sustainability that these nutrient reserves are replenished, above about 900 to 1000m the pasture growth response to applied fertilisers is small and not economically justified. Return to Crown ownership and management of such lands for conservation and recreational purposes is recommended.

### FMC SUBMISSIONS

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

1. **An area of approximately 3,750 hectares to be restored to or retained in Crown control, as conservation area (labelled "CA 1" on Plan attached) under Section 35(2)(b)(i) and Section 36(1)(a) Crown Pastoral Land Act 1998.**

FMC understands that this area takes in the major part of the pastoral lease, including all the land to the west of the Nobbies to the top of the Whitecoomb Range on its western boundary at the northern end of the Umbrella Mountains. The area excludes the McGregor Country and the lower country around the Pomahaka in the southern part of the Island Country. Of particular value to recreational users of the high country are the views of the surrounding district, especially towards the Waikaia Forest and the Garvie Mountains which are obtained from the summit of the Whitecoomb Range.

As stated above, landscapes are particularly important as they provide the settings for many recreational activities. Outstanding landscapes greatly enhance the value of settings for recreational enjoyment. Gem Lake pastoral lease includes a number of outstanding landscapes and FMC is delighted to note that most of the landscape units LU 2, LU 3, LU 4 and much of LU 5 (described in the Conservation Resources Report, CRR) are included within the proposed Conservation Area CA 1.

We note that LU 3 incorporates the crest of the Whitecoomb Range at the northern end of the Umbrella Mountains, and includes Gem Lake itself, just below the crest of the range. We agree with the CRR where it states that *"a notable feature along the crest of the Whitecoomb Range is the legible glacial activity, especially the cirque that penetrated into the eastern side of the crest. Enclosed within this cirque is Gem Lake, an alpine glacial lake formed by a terminal moraine that has created a natural dam to restrict the flow of melted snow water."* An important feature of high conservation value in LU 3 is the good condition of the tussock grasslands which dominate the vegetation which includes intact wetlands occupying the damp flushes. In short it is *"a memorable high country landscape"* well worthy of protection as a Conservation Area.

CA 1 also includes almost the entire area of that part of The Nobbies which lies within the pastoral lease and is described as LU 2. This landscape has high conservation value due to the large component of native ground cover with a continuous cover of tall tussock which is only broken intermittently by stock camping around rock tors.

Another landscape unit of high conservation value, and again almost wholly within CA 1 is LU 4. This unit incorporates the large dome shaped ridge that extends out towards the north from the Jordan Creek catchment. Vegetative cover in LU 4 is a mosaic of sedges and mosses in the inherently wet areas with red tussock around the margins while the drier areas are dominated by snow tussock in good condition. This landscape unit is reported to have relatively high value due to the overall impression of coherence of the vegetation.

The CRR states that the scenic Pomahaka River corridor is one of two significant landscape zones on the property. This is described as *"visually striking and memorable due to the presence of beech forest remnants contrasting with the adjacent grazing land, which creates a 'parkland' appearance"*. The other significant landscape zone is the extensive upland area extending to the Whitecoomb Range with its centrepiece being the appropriately named Gem Lake.

We note that the entire area of CA 1 will form an altitudinal sequence from about 400m at the Pomahaka River up to about 1100m on the Nobbies, before descending again to about 800m in Jordan creek, and finally climbing to about 1400m on the Whitecoomb Range. This sequence provides opportunities for ecological study and, with the advent of climate change, provides scope for ecological adaptation and observation. As such this is an important additional dimension of the conservation value of the area.

FMC recognises the high natural and landscape values of the area designated CA 1, and notes that it had earlier been identified in Protected Natural Area (PNA) surveys as a Recommended Area for Protection (RAP Umbrella 1) largely on the basis of landforms. By far the largest part of RAP Umbrella 1 lies within the boundaries of the Gem Lake property. We endorse the assessment of significant inherent values both in the PNAP survey and in the more recent CRR prepared by DOC. These values significantly enhance the recreational worth of this extensive upland area on Gem Lake Station.

For all the reasons given above, FMC is pleased to endorse and support the designation of the proposed area CA 1 as a Conservation Area to be restored to or retained in Crown control.

We do however, question whether it is appropriate to include the narrow riverside section of CA 1, or whether this might be better combined with the other part of the river corridor with high natural values in the area designated CC 1. The proposition that the riverside conservation in the Pomahaka Valley area might be designated CA 2 is discussed in more detail below.

#### FMC Submission

*FMC is convinced that the natural and landscape values of CA 1 which includes an important altitudinal sequence, are worthy of protection as a Conservation Area. In particular the landscape values will significantly enhance the value of the area as a setting for a variety of recreational activities. We are also pleased that the RAP recognised in earlier PNA surveys will also be included in this area. For all the reasons discussed above, and supported by the evidence presented in the CRR, FMC endorses and strongly supports the designation of CA 1 as a Conservation Area to be restored to or retained in Crown control. We do however question whether the River Corridor should be included here, or whether it would be better separated as CA 2, which might also include the proposed Covenant Area CC 1. See also Section 2 related to the Conservation Covenant CC 1, below.*

The above designation is subject to a Qualified Designation as follows:-

**Qualified designation** pursuant to Section 36(JI)(a) Crown Pastoral Land Act J1998

**An easement concession** under Section J17Q(JI) Conservation Act J1987 granted to provide access for farm management purposes on foot, on or accompanied by horses or by motor vehicle, and with or without machinery and implements of any kind, and with or without domestic livestock and guns and farm dogs for farm management purposes over that part of the land shown marked "b-c" and "d-e" on the plan attached.

FMC understands that the proposed access easement concession will allow farm management access through two small areas of bush on the farm track. This is the only available access to the freehold area. We also understand that the concession will be in perpetuity.

There is no mention in the Proposal as to how stock movement through these access corridors will be managed, and in particular how straying into the nearby bush will be prevented. FMC is concerned about possible stock damage to the bush adjacent to these accessways. We suspect that fencing may be needed and recommend that there should be provision for fencing in the terms and conditions of the Concession, should this prove to be necessary. There will be a need for monitoring to check regularly for possible stock damage adjacent to the access ways.

#### FMC Submission

*FMC understands the reason for this concession and has no objections to it being granted to the holders, so long as certain conditions are applied. Those conditions include regular monitoring to assess stock damage, and provision for protective fencing along the bush edge of the accessways, should this be shown to be necessary.*

2 An area of approximately 1,863 hectares to be designated as land to be disposed of by freehold disposal to Stephen Ross Norman, Bryan John Norman and Katrina Susan Norman, subject to protective mechanisms and qualified designations (shown edged in green on Sheets 1, 2 and 3 attached) under section 35(3), section 36(3)(b), and section 40(JI)(b) Crown Pastoral Land Act J1998.

FMC understands that the proposed freehold comprises the balance of the pastoral lease taking in the lower north and eastern slopes of the Nobbies down to the margins of the Pomahaka River. It also includes the lower land north of the Jordan Creek into what is called the McGregor Country and further North West to the lower part of the Island Country.

This area includes Landscape Unit LU 1 and the lower parts of LU 3 and LU 5. In LU 1, the proposed freehold is generally below about 900m, except for a small area at the northern end on the Nobbies 'dome', while in LU 5, the upper limit is somewhat higher and rises to about 1100m between the Pomahaka Valley and the upper catchment of Island Creek.

The lower parts of both LU 1 and LU 5 include some striking stretches of the Pomahaka River gorge and valley but these are excluded from the freehold as a narrow extension of CA 1 in the south and as Conservation Covenant CC 1 just south east of the McGregor Country. FMC is pleased to note that the significant inherent values of the special river corridor are thus intended for protection.

The proposal does not explain why the narrow riverside corridor is included as an extension of the McEwan Bush part of the main block. Nor does it really explain why that part of the river corridor designated CC 1 was not included with the river corridor part of CA 1. FMC notes that the Proposal admits that CC 1 warrants the protection of full Crown ownership, but actually recommends protection under covenant. FMC believes that a better solution would be to amalgamate CC 1 and the river corridor section of CA 1 as a separate Conservation Area which might be designated CA 2, with a split between CA 1 and CA 2 at the confluence of McEwens Bush Creek with the Pomahaka River. This suggestion will be revisited in the discussion of the proposed covenant area CC 1.

We note that there are only some 900ha of land classified Land Use Capability (LUC) Class VI, characterised by Tuapeka Lowland Yellow Brown Earth Hill soils. LUC Class VI soils are defined as having medium suitability for pastoral use which, with appropriate fertiliser maintenance should be capable of supporting ecologically sustainable pastoral use. We accept that this area could be designated for freehold disposal.

The remainder of the property, including some of the area proposed as freehold, is dominated by land in LUC Class VIIe or VIIc limited by climatic or erosional characteristics. This includes the McGregor Country and the mid altitude country running up to the Island Country. Such land is subject to severe limitations for pastoral use and it is doubtful if it could be managed in a way that is ecologically sustainable, especially if no maintenance fertiliser is applied. Nutrient reserves will be run down because the lessee has not maintained the original pasture development. Replenishment of nutrient reserves will be essential for ecologically sustainable long term production. It appears that extensive sheep or cattle grazing with minimal inputs is a more likely management regime and under these circumstances ecological sustainability will not be promoted as required under the Crown Pastoral Land (CPL) Act 1998. The right to freehold under these circumstances is questioned.

During our field inspection we observed some beech forest regeneration around the fringes of the beech forest tongues which occur in several minor tributary valleys. Based on this observation, we believe that the new fences A-B and C-D enclosing McEwens bush should be located in such a way as to allow space for beech regeneration around the edges of McEwens Bush.

#### FMC Submission

*FMC accepts that a significant part of the area proposed for freehold disposal is capable of supporting ecologically sustainable pastoral production. However we question whether those higher altitude parts classified LUC VIIe are capable of sustainable production without input of maintenance fertiliser. We therefore recommend that the designation of such areas should be reconsidered. Protection under a sustainable management covenant may be more appropriate.*

*We further submit that new fences around McEwens Bush should be located in such a way as to allow Beech regeneration around the margin of McEwens Bush.*

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

**A conservation covenant over approximately 15 hectares under Section 77 Reserves Act 1977 for the purposes of protecting the natural environment of the area marked "CCI" on the Plan attached.**

The Pomahaka faces are the east lying faces along the Pomahaka River and are part of an area that is highly representative of the Umbrella Ecological District, with samples of silver beech forest, mixed beech forest, *Olearia fimbriata* shrubland (serious decline), *Olearia hectori* (nationally vulnerable), *Olearia lineata* (sparse) and montane mixed shrubland. The area contains a rich diversity of woodland communities, a number of which are threatened or in decline.

A conservation covenant is proposed over an area of ISha of the Pomahaka faces on the eastern boundary just north of the confluence of the Jordon Creek and Pomahaka River, east of a cone shaped hill known as "Mt Buggery". The proposal document states that the covenant is designed to protect the botanical values in the area.

The Proposal document further states that it was considered that the values present did warrant the protection of full Crown ownership; however the location and size of the area involved made it difficult to justify the creation of a conservation area. We do not understand why location and size should have anything to do with designation as covenanted land as opposed to Crown ownership, especially when the area of CC 1 could easily be amalgamated with the riverside section of CA 1. We have earlier proposed that the riverside section of CA 1 (upstream of the McEwens Bush Creek confluence) would be better treated as a separate Conservation Area possibly designated CA 2. CA 2 could then include the area presently designated CC 1.

It is proposed that the covenant area will be fenced and stock excluded, thus protecting the values from farm use. If this area is to be fenced and grazing excluded, we believe it is more logical to include it within the area we propose as CA 2 than to designate it as a conservation covenant.

FMC Submission

*FMC is of the opinion that it is a wrong decision to designate CC 1 for protection under covenant when the proposal document itself recognises that "the values present did warrant the protection of full Crown ownership." The CPL Act also expresses a clear preference for Crown ownership or control. We do not accept that "the location and size of the area involved made it difficult to justify the creation of a conservation area." We submit that if the river corridor part of CA 1 is recognised as a separate entity (CA 2) separated from CA 1 at the confluence of the McEwan Bush Creek and the Pomahaka River, then the proposed covenant area could be incorporated into CA 2. This would be a preferable solution which we strongly recommend should be adopted.*

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

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

**i. . . to provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles powered by a person or persons, over that part of the land shown marked as "a-b" on the Plan attached.**

It appears that the intended public access route follows McEwans Bush to The Nobbies and thence to the high country in CA 1. However, we are yet to be convinced that this provides a practicable and secure public access route to the tops. It did not prove to be practicable to check this out during our inspection of the property as we were informed that the track was badly eroded.

FMC submits that there is an opportunity for a great round trip on the Gem Lake property which would be ideal for adventurous mountain bike enthusiasts. The route would be up the track south of McEwans Bush to the tops at Gem Lake and returning through the McGregor Country and down the zig zag track to the Jordan River ford on the main farm track.

We appreciate that the above submission would require additional easements as follows: (a) up the face of the Nobbies to point "A", and (b) including the sections of track "c-d", "e-f", "g-h", and "i-j" through the proposed freehold. We believe that there are the following good reasons why such public non-motorised access could be justified: (i) it would create an great round trip experience, taking in the best landscape views on the property, (ii) it would give access to the country within CA 1 overlooking Island Country and McGregor Country, (iii) it would provide much better access to the Upper Pomahaka area, and finally (iv) access to Mt Buggery and the area presently designated CC 1 in the Pomahaka gorge.

FMC Submission

*FMC submits that if the proposed public access via McEwans Bush does not turn out to be a feasible route, then an easement across the proposed freehold land to point "A" will be required.*

*We further submit that a round trip recreational experience should be created by designating additional easements for public foot and non-motorised access on sections of track labelled "c-d", "e-f", "g-h", and "i-j". These easements could be justified for a number of reasons listed above.*

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

This would appear to be the main farm access route to the Jordan River and beyond. It is also likely to be important for conservation management, and could be valuable for public walking and mountain bike access.

FMC Submission

*FMC has no objection to the use of this route for conservation management purposes. We recognise that it could also provide valuable public access to the Jordan River and beyond. FMC therefore submits that the possible use of this route for public walking and mountain bike use should be re-negotiated.*

Finally, FMC appreciates this opportunity to comment on the tenure review of Gem Lake Station, and is grateful to the agent, Darroch Valuations, for making appropriate arrangements for the inspection and to the lessees for permission to inspect the property.

Yours faithfully



Phil Glasson.

Hon Secretary, Federated Mountain Clubs of NZ Inc.

**David Paterson**

**From:** Margaret [John-Margaret.Deans@xtra.co.nz]  
**Sent:** Thursday, 26 November 2009 7:37 a.m.  
**To:** David Paterson  
**Subject:** Gem Lake Tenure revie1 .doc copy 2.doc

**Gem Lake Tenure review**

To Darroch Valuations  
Dated 25 November 2009

Submission concerning the proposed Gem Lake Land being added to the DOC estate  
Submitted by J A Deans, R T Michelle [lessee of Moa Hills]

We wish to object to the area as shown in the tenure review map of Gem Lake being included in to the DOC estate

Our submission concerning the Gem Lake Tenure review is that as a lessee of Moa Hills an adjoining property, across the Pomahaka River, we foresee several situations that in our view would generate a lot of problems to our farming practice and program, such as the constant disturbance of stock,

We are very aware that once the stock are put on the summer country in January that if constantly disturbed by the activity of hunting, horse riders, 4 wheel drive vehicles and especially motor bikes, they will all drift home wards and hang around the nearest point to home and starve, waiting to return home, this makes the whole point of them being out there useless.

We are most concerned about the new DOC land, as shown in the map, been more accessible to the general public, as with the presents of hunters, there is a real possibility of poaching and trespassing of our stock and land. The uncontrolled presence of dogs on our grazing area could result in sheep measles infestation.

Another big concern is that with all the possible extra activity in this area, especially Motor bikes, the chances of escaped fires is a real threat to all our livestock, which would have little chance of survival in thick tussock country ..

We are already having a lot of trouble with the DOC block of 'Silver Birch' with hunters who go shooting up there but very conveniently get disorientated and wanders down on to our property which is much more inductive to deer hunting. Another problem that has arisen in this area is the releasing of wild pigs to breed up, which then also drift down to take up residence in our country, as again it is much more inviting. We feel that both of these problems would transpire again in this new proposed Gem Lake conservation estate and this is of great concern to us.

And in our past experience we have found DOC as a neighbor, a great inconvenience

Signed

J A Deans . [www.linz.govt.nz/crown-property/pastrol-land-tenure-reveiw/status-of-pastrol-land/gemlake](http://www.linz.govt.nz/crown-property/pastrol-land-tenure-reveiw/status-of-pastrol-land/gemlake)

Campbell Moore  
28 Golfers Drive  
Balclutha  
9230  
camlin@ xtra.co.nz

23 November 2009

Commissioner of Crown Lands C/-  
Darroch Valuations  
P.D.Box 215  
Dunedin.



Dear Sir/Madam

### **Submission on Gem Lake Tenure Review**

I support in principal the tenure review proposal for Gem Lake but I would like to comment on the following:

#### **Section 1**

##### **Proposal for the 3750 ha to be Conservation Area.**

- Excellent explanation of the landforms and flora and fauna making the area special
- Poor explanation of traditional and historic recreation uses of this area (1.4a has three lines mentioning recreation setting, tramping and cross country skiing)
- Proposal to lock out public motorized vehicle access.

I have been a periodic visitor to Gem Lake over the last 29 years for recreation and during employment as a pest control operator/contractor. In my experience the majority of people, including myself, use motorized transport to access the high country of Gem Lake for recreation purposes. Recreational activities people engage in, not mentioned in the proposal, are: Sightseeing/exploring/viewing historic sites while 4wding, hunting game, trailriding, snow play, gold panning, and fishing.

#### **Issues:**

Suddenly we are denied motorized vehicle access to an area where it has been traditional and the norm with the Runholder acting as the gatekeeper. The locking up of the Gem Lake area will disadvantage a lot of recreational users of this land.

If the area is so suitable for Conservation purposes then the past use cannot have been too harmful? In a country of an aging and time poor population recreation opportunities are of limited duration so we need effective access arrangements to recreation areas.

I acknowledge that without a gatekeeper greater public motorized vehicle access may cause problems with the farming operations on the freeholded land, erosion of tracks etc.

I would like to see some kind of compromise worked out.

#### **Solutions**

I realize the easy way out is to lock it up. Leave the back country to the young & fit or the unemployed who have the time to puff there way out there and back.

Some form of controlling motorized vehicle access would seem to fit the bill.

Having the users of these motorized vehicles trained to "Tread Lightly" on the environment would be desirable.



I think the system of the Runholder being the gate keeper is going to be hard to beat. They will become freehold neighbours and may have no interest in helping with access and monitoring it.

Pay them or another local to keep an eye on the place? Rangers?

A permit/key/registered approved user/vehicle/seasonal system might work. Maybe costly to implement & monitor. Who pays/ howl or user pays?

Open it up and put uP.signs? Not suitable? Neighbour issues and open to abuse.

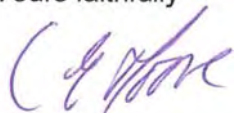
Status quo?

**Conclusion.**

As Taxpayers we are taking on this land from the Tenure Review process. Therefore it needs to be managed in a way suitable to the public's requirements.

If you need any further information or clarification of the above points please contact me as above.

Yours faithfully



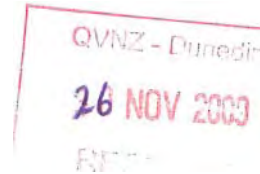
Campbell E. Moore.



**NEW ZEALAND FOUR WHEEL DRIVE ASSOCIATION INC.**  
PO Box 90960 Victoria Street West  
Auckland 1142, New Zealand

[www.NZFWDA.org.nz](http://www.NZFWDA.org.nz)

26<sup>th</sup> November 2009



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

Attention: David Paterson

Dear Commissioner,

I write to you on behalf of the New Zealand Four Wheel Drive Association (NZFWDA) in response to the request for submissions relating to the Tenure review of GEM LAKE PO 122.

The New Zealand Four Wheel Drive Association is the national body that represents a large proportion of the organised 4WD clubs around New Zealand. Individual NZFWDA memberships exceed 2100 people, within approximately 52 clubs. The number of member clubs throughout New Zealand continues to grow, especially in the South Island. These numbers do not include the families of the individual members, many of whom are often heavily involved in NZFWDA activities. The NZFWDA is completely volunteer managed, with a National Executive Council and three regional Zone Committees (Northern, Central and Southern).

The evolution of the four wheel drive (4WD) vehicle, and the number of such vehicles imported into New Zealand over recent years, has allowed a wide spectrum of the population to consider using 4WDs to travel to areas that may in the past only have been accessed by tramping club members. Those tramping clubs traditionally used modified trucks (often 4WD) to transport walkers as far as possible before they got out and walked to their intended destination. Today's families wish to access the same areas, but increasingly they choose to use the more flexible 4WD and remain in the company of other vehicles for safety. It is the children of today who will be the future guardians of our lands and unless they have experienced the variety and grandeur of our lands (and the easiest manner in which to ensure this experience is through the use of 4WDs) their enthusiasm to conserve and protect them is unlikely to be as passionate as their forebears. 4WD vehicles also allow those with limited mobility to gain access to those wilderness areas that would otherwise be out of their reach.

The NZFWDA wishes to make comment on the provision of public access through the section land proposed to be made Freehold. The NZFWDA feels that the proposed easements fall short of providing access for all New Zealanders to the High Country land to be restored to Crown ownership. By limiting the Easement "a-b" to foot, horse and non-motorised vehicles the proposal is discriminatory against those who wish to access the Back Country using motorised vehicle by choice or necessity. It is noted that there is an existing vehicle track that travels along the fence line marked A-B (obscured in the preliminary proposal maps) that would allow for the access of vehicles to the upper conservation area, however this vehicle track crosses the boundary into adjoining property in the vicinity of Jordan Creek. Without the securing of that property in the crown estate it would be necessary also to create an easement in gross over that section to provide

guaranteed access to the upper ranges. Furthermore by limiting the Easement c-d, e-f, g-h and i-j to management purposes only it is quite clear that the Crown has little regard for the public's access and is intent on limiting readily available public access to the conservation estate.

By not providing meaningful access and easements to the proposed conservation areas the Crown is effectively restricting the ability of, and discriminating against, those young and old who are physically unable to gain access to these areas without the assistance of motorised vehicles. Furthermore the high country contained within the proposed conservation area can be very inhospitable with rapidly changing weather patterns and limited access to cover. The vastness of the area makes it unsuitable and foolhardy for all but the most experienced of trampers or hunters to venture into on foot. Provision for access by motorised vehicles into the area provides for safe access for those less experienced or with limited time. It is probable that the most common visitors and users of the proposed conservation areas are in fact 4WD clubs and enthusiasts.

The area of the Umbrella and Whitcomb mountain ranges is extensively covered by vehicle tracks that have traditionally been used by 4WD enthusiasts to explore and enjoy the majesty of the area. Gem Lake is a well known destination and trip in the area. Traditionally these tracks have been used with the permission of the current stewards of the land.

Whilst the NZFWDA fully respects the rights of land owners and is fully aware that the current lease holders are willing to allow some vehicles and groups access to the route, we believe that this Tenure Review is the only opportunity available to guarantee the ongoing availability of access to the High Country for ALL New Zealanders. If this access is not grasped and held onto at this stage there is a possibility that future owners of the land to be made Freehold may be less open to access, and restrict New Zealanders their traditional rights to enjoy some of New Zealand's greatest countryside.

In summary, though the NZFWDA fully supports and endorses the intention of the preliminary proposal, we do however believe that the preliminary proposal is grossly inadequate in providing meaningful access to the general public and to the 4WD enthusiast, who are some of the major recreational users of the area. The NZFWDA believes that Easement "a-b" MUST be an easement in Gross providing full and unhindered public right of passage to the conservation area - "full and unhindered" must be understood as including motorized vehicles. The Easements c-d, e-f, g-h and i-j should also provide for public passage.

The NZFWDA would welcome and encourage direct communication with the Commissioner of Crown Lands to discuss any issues relating to 4WD access and recreation associated with any proposed Tenure Review and any other issues that may be relevant.

Yours faithfully

Tony Jack  
Southern Zone Public Relations Officer  
New Zealand Four Wheel Drive Association

The Commissioner of Crown Lands  
Co Darroch Valuations,  
PO Box 215  
DUNEDIN.  
Attn. David Paterson

QVNZ - *Dunedin*  
**26 NOV 2009**  
RECEIVED



**FOREST  
& BIRD**

**Dunedin Branch**

PO Box 5793  
Dunedin

**25.11.09**

Dear Sir,

I enclose these submissions on the preliminary proposal for Gem Lake Pastoral Lease on behalf of the Dunedin Branch of Forest and Bird.

Thankyou for the opportunity to make submissions on this proposal and for ananging permission for us to inspect the lease.

Yours sincerely

Janet Ledingham  
For the Management Committee of the Dunedin Branch, Forest and Bird Protection Society

Email [jledingham@xtra.co.nz](mailto:jledingham@xtra.co.nz)  
622 Highgate, Maori Hill, Dunedin 9010.  
Phone 03 467 2960

## **Submission on the Preliminary Proposal for Gem Lake Pastoral Lease**

### **On behalf of the Dunedin Branch Forest and Bird Management Committee.**

This submission is written on behalf of the Dunedin Branch of the Forest and Bird Protection Society which has approximately 1000 members, many with strong interests in the High Country values and recreational opportunities as well as in botany and natural history in general. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

The submission is written with reference to the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the recently stated government objectives for the South Island high country, especially the following:-

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

### **Introduction**

The Gem Lake lease is situated in the upper catchment of the Pomahaka River and extends up to high altitude country on the Nobbies and the Umbrella Range. The northern part of the RAP, Umbrella 1, Whitecoomb - Gem Lake - Argyll Burn is on the Gem lake lease. The lease is already popular with trampers and other recreationalists and has a diverse number of significant inherent values, well described in the Conservation Resources Report (CRR) and in the proposal.

### **The proposal:**

**Conservation Area CA1.** An area of approximately 3,750 hectares to be restored to or retained in Crown control

This area includes Gem Lake itself near the crest of the Whitecoomb Range. It contains a wide diversity of alpine, snow tussock and wetland communities at its highest level and lower down shrub tussock country and areas of beech forest. We note that the area contains at least 15 threatened and uncommon plant species and that the NZ falcon, kea, rifleman and morepork are present.

The altitudinal sequence from the summit of the Umbrella Mountains down to the Pomahaka River and including McEwans Bush is particularly important, but given the narrowness of the strip as it passes through McEwans Bush area we suggest that the CA boundary be extended to include the narrow freehold strip at the point of entry to the lease before the Bush is reached. This would then allow this significant area of beech forest a buffer area where perhaps some further regeneration could take place.

We note and support the extension of CA1 up the Pomahaka at river level and including three tongues of beech forest up as far as the Jordan but would comment on the difficulty of access to some of this area along the river.

We also note the narrowness of the forest tongues and suggest their fencing needs to allow for some regeneration and spread to occur since those forest remnants are of high ecological importance .

We feel that values within CC1 as detailed in the CRR and in the proposal mean it should rather be a CA and connected to that part of CA1 that stops at the Jordan - Pomahaka confluence.

*We fully support the proposal for CA1 for all the values as detailed in the CRR and in the proposal but suggest that :-*

1. *The CA boundary be extended to include the narrow freehold strip at the point of entry to the lease before McEwans Bush is reached.*
2. *CCI be added to CA1*
- 3" *That the fencing around the three tongues of forest allow for a buffer zone so that some regeneration can occur*

#### Easement Concession:

An easement concession to provide access for Farm management purposes on foot, on or accompanied by horses or by motor vehicle, and with or without machinery and implements of any kind, and with or without domestic livestock and guns and farm dogs for farm management purposes over that part of the land shown marked "b-c" and "d-e" on the plan attached.

***We do not object to this concession but suggest that fencing at these corridor points is desirable to prevent incursions into the forest areas"***

#### **Land to be freeholded**

We have no objection to the proposal to freehold 1863ha, but suggest that that should be a landscape covenant over the area extending from points 'I', 'J' and 'K' over to the Pomahaka River to protect the landscape values as they now exist in this isolated and scenic place.

**A conservation covenant, CC1 over approximately 15 hectares for the purposes of protecting the natural environment of the area marked "CCI" on the Plan attached.**

From the description of the significant values within this proposed covenant it is abundantly clear that it should be a Conservation Area in full Crown ownership and ideally joined to the CA that runs up the Pomahaka. We realise that fencing above the Jordan round to the CCI would be difficult but this could be done if the fence was at a higher level and this would then provide a buffer area to allow for spread and regeneration of the important CC1 vegetation containing as it does a number of rare and endangered species.

If the area were to remain as a CC we would argue that an easement for foot access to it is important so that the public who wished to do so could enjoy the botanical values of the rare species.

#### **Public Access and Minister of Conservation Management purposes Easement in Gross. An easement under Section 7 Conservation Act 1987.**

- to provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles powered by a person or persons, over that part of the land shown marked as "a-b" on the Plan attached.

We support the above easement, but additions are needed for public access, foot and non-motorised, to allow a circuit to be made taking in Gem Lake and returning over the track down to point J and then using the existing track from 'j' back to 'c'. This access is important to allow full enjoyment and appreciation of the high values and wonderful landscapes within the CA.

*To gain acceptable public access to CA1 the following easement will also be required:- "c-d", "e-f", "g-h" and "i-j"*

*Thankyou for the opportunity to comment on this proposal.*

Janet Ledingham,

For the Management Committee of the Dunedin Branch, Royal Forest and Bird Protection Society.



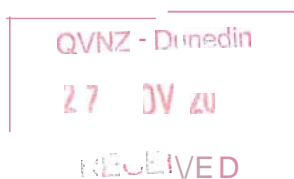
**Figure 1.** The upper section of McEwans bush. Any fencing should have a buffer zone to allow for regeneration.



Figure 2. The Mt Buggery end of the section of the CA which is close to the river and including three tongues of forest. It illustrates the difficulty of access to the river section. This would be helped if the fencing allowed buffer zones around the beech tongues and they could then be accessed from the track - "*c-d*", "*e-f*", "*g-h*" and "*i-j*".



14015



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



**FOREST  
& BIRD**

Royal Forest and Bird  
Protection Society  
of New Zealand Inc

25<sup>th</sup> November 2009

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

(david.paterson@darrochvalues.co.nz)

Dear Sir

**Po 114 Gem Lake - Tenure Review - Preliminary Proposal**

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

Our branch of the society fully supports the aims and objectives of the Crown Pastoral Lands Act 1998. We have been involved in the process of tenure review and the making submissions on tenure review proposals for many years now.

We have read and studied the Conservation Resources Reports. In our branch with a membership of 171 there are some members who are familiar with the Pomahaka Valley having visited it from time to time; we also draw on their knowledge in making this submission.

The land being returned to the Crown out of this proposal will be a fine addition to the conservation land further north; the Old Man Range and other land to the west. Therefore this review should also be conducted with that in mind. It will give protection for all time those significant inherent values present on Gem Lake; a large part of the Umbrella Mountains. It will be of benefit to those who recreate there both in winter and in summer.

However there will have to be some modifications made to the proposal to fully protect more of the significant inherent values on the property, and also, importantly, *"to make easier the securing of access for the public to enjoy"* as required by the (CPL) Act 1998.

1.0 We wish to comment on the various designations, easements and covenants as follows.

1.1 The area of approximately 3,750 hectares to be restored to or retained in Crown control, as conservation land, designated CA1 on the plan.

*Firstly, the upper portion of CA1 containing Gem Lake itself.*

This area of land above the proposed freehold on Gem Lake, although modified over time to some extent, still retains much of its original landscape character and vegetation as described in the proposal and is well worthy of being returned to the Crown for protection and recreation. We fully approve of this designation.

-2-

However we would like to see the fence K - L lifted out of the creek and shifted on to the ridge south of the proposed line. Fencing on a ridge is far more secure and easier to maintain.

*Secondly, the portion of CA1 below the farm track and just above the true right of the Pomohaka River.*

We note that the southern, or lower part of this area is already fenced - approximately 2ks - between the proposed freehold; the new fencing starts at E and continues right through to F on this portion of CA1. We fully endorse this designation; having the remnant bush areas and riparian strip beside the Pomohaka River protected up as far as the mouth of Jordon or Black Creek is a positive move.

**1.2 The area of approximately 1863 hectares to be designated as land to become freehold to be disposed of to Stephen Ross Norman, Bryan John Norman and Katrina Susan Norman.**

Gem Lake pastoral lease faces mostly east, rising from about 400ms at the Pomohaka River to 1442ms. at the crest of the Umbrella Mountains just above Gem Lake itself. It is relatively cold country and can carry much snow at times in the winter.

We note in the proposal that the land north of the Jordon Creek in the McGregor Country as is described as being less modified than that to the south; to this we would agree; in our opinion and from observation it is luore akin in appearance, and cover, to the land across the river on MoaHills.

While the preliminary proposal and the reports indicate that the land to be disposed of as freehold has been fertilized in the past, it is obvious that the area has not been fertilized in recent years; the pasture being mostly sweet vernal and brown-top, with very little clover present. Up to about the 700ms contour the tall tussock has virtually disappeared, and there is only a smattering of short tussock in evidence below that level south of the McGregor Country. The area could be classed as Class VI merging into Class VII.

That the dividing line between the land to be returned to the Crown for protection CA1, and this land to become freehold has been settled at about the 1000m contour, is good. Over time and experience in Otago this level has proved to be generally acceptable, as the land above that level cannot be farmed in an ecologically sustainable manner without the application of heavy inputs of fertilizer to replace the nutrients taken off in the way of meat and wool; nor is it economically viable to do so. As it is also the general level up to which ecological sustainability can be continued under good farm management practices we would approve of it becoming freehold to the holders, but at the same time would like to see the north-east lying land in the McGregor Country given some form of protection by way of a covenant to retain its somewhat less modified character and to be more in keeping with the land further to the north.

**1.3 A Conservation Covenant over approximately 15 hectares "CC1" for purposes of protecting the natural environment of the area.**

-3-

We cannot see the logic in using a covenant to protect the values in this particular area (especially so when it had already been identified as warranting being returned to the Crown for protection) because the area is considered to be too small. More so when the act clearly states that returning it to the crown is the *preferred* method of protection. In our opinion this area should be connected to CAI. This would then also give protection to the riparian strip between M and F and so ensure protection of the riparian strip from damage by cattle. Protecting the riparian strip is as equally important as protecting the shrubs contained in CC1. In fact a very good case could be made to protect the riparian strip well north of the proposed CC1. We ask that there be further investigation into this aspect of the proposal.

#### 1.4 Public Access and Minister of Conservation Management purposes Easement in gross.

We have no objection to this route being used for conservation management purposes as described in the proposal: a-b, c-d, e-f, g-h and i-j.

We have no objection that the route b-c and d-e be used for stock movement by the occupiers. However where it passes through the bush in CAI at d-e, the route/track should be fenced to avoid cattle damaging the bush in transit.

We approve of public foot and non motorized vehicles access being provided to CAI via a-b through the narrow strip of freehold in the vicinity of McEwens Bush. We note that the formed track going up the slope above McEwans Bush, and after it goes over The Nobbies, appears to enter the neighbouring property to the south, and re-enters CAI after it has crosses the Jordan stream. Time did not permit us to investigate this route during our inspection.

It is important that public access to the Umbrella Range, and beyond, should be both reasonable and practicable. If this route is not very practical we would suggest that another alternative route be found. We see no reason as to why the route being used for conservation management purposes, c-j, not be used. This would then allow the public to make a grand circuit which could be completed in a day by walkers or cyclists. Again, access is for " *.the public to enjoy* "

#### 2.0 To Summarize:

We see this as a good proposal that could be improved on, as below.

2.1. The fence K - L should be re-sited on the ridge to the south.

2.2 There should be a conservation covenant over all the land known as the McGregor Country to protect the landscape and keep it in harmony with the land to the north and east. Such a covenant should prevent: the building of structure, earth works and forestry. The riparian strip should also be protected in such a covenant. This would of course require adequate monitoring.

2.3 The proposal should be re-visited and eC1 be added to the lower portion of CAL

2.4 The public access should be re-designed to allow for a circuit of the property on the formed tracks already present.

-4-

3.0 In Conclusion:

3.1 If the alternatives we have suggested were to be adopted we would see this as a good proposal which would more fully meet the requirements of the Crown Pastoral Land Act 1998.

3.2 We thank you for the opportunity to make this submission.

Yours faithfully

A handwritten signature in black ink, appearing to read "Denise Bruns". The signature is written in a cursive style with a large initial "D".

Denise Bruns (Secretary)  
Central Otago-Lakes Branch  
Forest and Bird.

114016



## New Zealand Deerstalkers' Association Incorporated

Level 1 45 - 51 Rugby Street POBox 6514 Wellington  
 Phone: 04 801 7367 Fax: 04 801 7368  
 Email: deerstalkers.org.nz  
 Website: <http://www.deerstalkers.org.nz>

26 November 2009

David Paterson  
 Darroch Valuations  
 Box 215  
 Dunedin  
[david.paterson@darrochvaluations.co.nz](mailto:david.paterson@darrochvaluations.co.nz)



### Submission V2: Gem Lake Tenure Review Preliminary Proposal

This submission is by the New Zealand Deerstalkers' Association (NZDA). NZDA is the national body of recreational deerstalkers and other big game hunters. We have 52 branches and a number of hunting clubs throughout New Zealand. We have 7800 members, and have been actively advocating for deerstalking and recreational hunting, and running deerstalker training courses, trips, conferences etc since 1937. NZDA also maintains the ethical side of hunting by maintaining ethics for hunting, including fair chase, and strongly encouraging harvesting of animals taken.

There are a significant number of NZDA branches who can hunt in the Central Otago area, including: Southern Lakes, South Otago, Southland, Gore, Otago, and North Otago, who would be interested in hunting this area should it be allowed to carry big game. There are many other recreational hunters who would also be interested.

#### Summary of the NZDA submission:

NZDA strongly supports the Proposal, because of the significant amount of land being repurchased, the landscape and scenic qualities of the land being repurchased, and its ability to support big game hunting (deer, possibly wild pigs) should WARO operations be prohibited, as they usually are on open uplands in Central Otago.

#### The Proposal:

Gem Lake (5,613 Ha) is a pastoral lease west of Roxburgh, with Glenaray Lease as its western boundary, and the upper Pomahaka River as its eastern boundary. The crest of the Umbrella Mountains (also called at this place the Whitecoomb Range) runs along its western boundary.

An area CA1 of 3,750 Ha is to be repurchased as conservation area. This area is the high land of the middle and west of the lease rising to the Umbrella Mountains crest, including Gem Lake, the western boundary of the lease. The high point is 1,442m, on the cirque above Gem Lake.

CA1 also runs round and up along the western edge of the Pomahaka River for a third of the lease's eastern side. A strip runs up the valley containing McEwan's Bush. The Whitecoomb Range is an impressive and picturesque landscape. Much of CA1 is natural tussock and shrubs/bush, and the impressive bush-lined scenic gorge of the Pomahaka River.

**Recreational values** include potentially recreational hunting, if the area is WARO (Wild Animal helicopter Recovery Operations) free. Also tramping in the alpine natural environment, ski-touring in winter, and fishing on the Pomahaka River and its tributaries. Though this last is relatively strenuous because of the gorged nature of the river beside the lease.

**Public access** difficult: Access is provided by an easement for walking and human powered vehicles a-b, c-d, e-f, g-h, i-j. This is a slow and lengthy farm track, that finally reaches the re-purchased land at "j". It then climbs across CA1 to the high point behind Gem Lake. A legal road runs along the top of the Whitecomb mountains.

Because of the time-consuming distance to get to the repurchased land beyond the McGregor Country, point "j", NZDA requests that the easement allow public mechanised access as far as point "h" (Jordan Creek crossing) on the easement. This would encourage recreational hunters to hunt the re-purchased tops. This could be dependent on the party having hunting permits.

**Conclusions:**

- 1) NZDA strongly supports the Proposal. It provides for repurchase of scenic and landscape areas with significant value also for recreational hunting (deer and wild pigs) and other outdoor recreational pursuits.
- 2) Public access would be improved if some concession for 4WD vehicles to use the farm track in appropriate conditions was available, say to point "h", as discussed, especially for recreational hunting.

Yours truly

Hugh Barr  
National Advocate

**New Zealand Deerstalkers' Association Incorporated (NZDA)** is the national body of recreational deerstalkers and other big game hunters. We have 50 branches and hunting member clubs throughout New Zealand. We have 7600 members, and have been actively advocating for recreational deerstalking and hunting, running hunter training courses, trips, conferences etc since 1937. NZDA maintains ethical standards for hunting.

114017

CENTRAL OTAGO RECREATIONAL USERS FORUM  
(CORUF)

Address for secretary:

186 Faulks Road,  
RD 2,  
Wanaka 9382.

26 November 2009



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

Dear Sir,

**Preliminary Proposal for Tenure Review - Gem Lake Pastoral Lease - PO 122**

We appreciate the opportunity to submit to the Review of the Pastoral Lease (the Proposal).

We have not had the opportunity to inspect the property, but are relying on information provided in the preliminary proposal, and in the inspections and reports by colleagues, notably those of Federated Mountain Clubs of New Zealand (FMC), whose submission we support.

We wish to submit in particular on two of the proposed access easements, and how these seem to fit into one of two worrying patterns of access provision we have observed in other recent tenure review proposals on which we have had the opportunity to comment.

**The Easements**

The Proposal includes three easements, two of which, set out below, provide public and management access -

- i. to provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles powered by a person or persons, over that part of the land shown marked as "a-b" on the Plan attached (the Public Easement).
- ii. to provide access for tenants, agents, contractors and invitees of the Minister and any employee or contractor of the Director-General of Conservation on foot, or on or accompanied by horses, or by motor vehicle, with or without machinery and implements of any kind, and with or without guns and dogs, for management purposes over that part of the land marked "a-b", "c-d", "e-f", "g-h" and "i-j" on the Plan attached (the DOC Easement).

The third, with which we are not concerned, provides for farm management access across proposed conservation land.

All three easements concern the use of a formed track which appears on atlases and the latest edition Top050 map series which roughly follows the line of the Pomahaka River to McEwen's Bush, thence to McGregor Country and over point 1030 to point "j" where it enters the upper proposed conservation area CA1. Thereafter the track continues across proposed conservation land to Gem Lake itself, nestling in a cirque beneath the tops at point 1442.

## **The issue**

The point at issue is that the Public Easement allows access to the south eastern tip of the conservation area, essentially on foot, bike or horse, while the DOC Easement provides access across the newly freeholded land and then across CA1 all the way to Gem Lake, using vehicles if need be. So for most of its length DOC can use the farm track, and in vehicles, but the public can't use most of it at all.

## **The patterns**

CORUF is a voice for a diverse group of user interests, representing about 60 recreational clubs and groups. A significant part of our brief is to represent recreation by the public to the statutory managers of public lands.

A fundamental principle guiding us is the belief that public lands should be accessible in some way to the general public, and not restricted only to the very fit and capable.

We have observed two worrying patterns of public access provision in recent tenure reviews on which we have commented.

The first is that access is provided on foot, rather than by vehicle, over such long stretches of country in order to reach conservation land that the access is totally impractical for all but the very fit and young. So it is not "public access". It is access for some (a very few) of the public. An example on which we submitted was the proposed access on Long Gully (Grandview Terrace).

The second and related pattern, which we have observed in our involvement recently in the Larches (Criffel Range), Cambrian Hills (Dunstan Peak) and now Gem Lake, is that sub-optimal public access is provided on foot, while the use of much better access along a formed farm track is denied to the public but provided for DOC.

## **Our concerns**

Our concerns about these patterns of access are twofold.

Firstly, restricting the use of existing farm tracks at all, and of the public using vehicles along them, denies a big section of the public the opportunity to enjoy much of the high country to which they might otherwise have had access. These restrictive arrangements are biased towards the fit, young and capable.

Secondly, agreeing to sub-optimal access as in Gem Lake, and so restricting the opportunity for round trips taking in the tops and returning to the start point close to the valley floors, whether on foot or cycle, and whether a vehicle is used for part of the route or not, is selling the public short.

These considerations matter greatly. The process of tenure review provides a unique opportunity for New Zealand to improve its access provision to recreational areas in the high country. There is fierce international competition for high country recreational tourism, and we are already hampered by being one of the world's most remote countries. Added to this we have poor and uncertain access arrangements which fall well short of world-class, despite our potential advantages of wonderful landscape, a secure political environment, and generally benign climate.

We get only one chance at this. Once tenure review is completed the access arrangements are set in concrete for a long time to come. If we do not ensure they are the best arrangements possible, for as wide a section of the potential public users as possible, we will have done the public a bad turn in regard to the requirement of the Crown Pastoral Land Act 1998 that the Review -

*"make easier the securing of public access to and enjoyment of reviewable land."*



**Our submission**

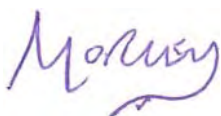
Accordingly, we submit that public access by vehicle on Gem Lake be permitted along the farm track from point "a" at least as far as points "f:l"g", in the vicinity of the Hut and very near where the legal road travelling east-west intersects the track. Thereafter, access would be on foot, cycle, or horse to point "j".

We further submit that public access by vehicle on Gem Lake be permitted along the farm track from point "a" at least as far as points "j", should the track beyond points "f:l"g" be suitable. As we have not inspected the property, we are unable to offer an opinion as to the practicability of this further proposal.

FMC submitted that there is an opportunity for a great round trip on the Gem Lake property which would be ideal for adventurous mountain bike enthusiasts. The route would be up the track south of McEwen's Bush to the tops at Gem Lake and returning through the McGregor Country and down the zig zag track to the Jordan River ford on the main farm track.

We fully support the FMC submission in this regard; and their proposals regarding the additional easements which would be required. With the opportunity to pre-position vehicles or cycles, the route would also be a great one for walkers.

Yours faithfully



Morley Williams

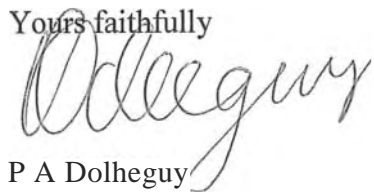
for the Central Otago Recreational Users Forum.

26 November 2009

Bye-mail - Hard copy posted

Our submission in this case we think is a form of appropriate use when all aspects of this review are considered. Therefore our submission is some form of motorised vehicle access as appropriate.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P A Dolheguy', written in a cursive style.

P A Dolheguy  
Access coordinator



24<sup>th</sup> November 2009

Darroch Valuations  
POB<sub>OX</sub> 215  
DUNEDIN

Dear sir

**Re Gem Lake Land Tenure Review**

Combined 4WD Clubs Inc represents over 600 family members of our 9 member clubs. Our member clubs, being separately incorporated societies, are situated in Christchurch, and Timaru and are formed for the purpose of running outdoor 4WD recreational activities for their members, and in the main these are 4WD trips into the out of doors. Family membership of our member clubs is made up of a good cross section of people of our society, including both able and in some cases disabled or less able people of our community. Predominantly, Combined 4WD Clubs Inc represents the Clubs on issues of public access, and on going access to remote areas, and as such we also form a single point contact that allows for better communication between land managers and our members, and we are pleased to make our submissions to the Gem Lake Tenure Review.

In general we support the overall review proposal however we are concerned over easement conditions for "a-b, c-d, e-f, g-h, i-j" as it does not provide for public use with motorised vehicles.

We recommend that the easement conditions be altered to allow for controlled motorised vehicle access through the Department of Conservation.

The easement allows good access for reasonable experienced 4WD drivers to access the tops of the Whitecomb Range and as a possible loop track to the Nobbies and back to the public road by North Twin Creek. This circuit will allow a good day trip for 4WD recreational groups (be they Clubs or organised groups) and an ability to enjoy the total scenic and landscape values of the area and its surrounds. Controlled access is required as motorised vehicle access will need to be undertaken in dry conditions in the main. We have considered open public access in motor vehicles on this route, but we believe that controlled access should be used as the track is open to being dangerous in the wet and the safety of users needs to be considered, but however as a managed group use under a permit or controlled base with DOC as a workable solution to allow good access to the conservation area.

Additionally, consideration needs to be made of the fact that many people are not able to walk and or bike as a result of disabilities and or due to health and or age to see the view, and therefore may be disadvantaged in not being able to experience the landscape values as we describe.

We also have looked at the ecology, sustainability, and other aspects of land use, and in this case by making a recommendation for motorised vehicle access on the easement we believe will not detract or negatively impact on the other values of the property.

Southern Lakes Deerstalkers Club  
SLNZDA  
c/o Alan Mackie  
30 Earnscleugh rd.  
Alexandra  
23 / 10/09

David Paterson  
Darroch Valuations  
Box 215  
Dunedin

RE: Gem Lake Tenure Review

Submission on preliminary proposal



Dear Sir,

The Southern Lakes Deerstalkers club is a local member of New Zealand Deerstalkers Association NZDA with numerous members throughout Central Otago. Another club the Central Otago Deerstalkers Club whose main membership is local to this area is affiliated to NZDA

### Summary

Southern Lakes Deerstalkers Club supports the proposal because of the amount of land being made available in a very valuable open area which has historically contained a number of red deer. Interest in open country hunting has been rising with the Tenure Reviews throughout Central Otago. Over many years this type of hunting has been lost because of helicopter deer recovery. As long as WARO licencing remains closed in Central, interest in open country hunting will continue to grow.

### Recreational Values

There will be many recreational values in this area.

Open country hunting is one of them. There are only small pockets of red deer through Central Otago and we consider this will become a very important addition to local Conservation areas.

### Public Access

a-h. Is not enough vehicle access. Gem Lake is going to be the carrot drawing a lot of differing groups to a very high exposed area.

The nature of this area and the proposed access will leave those endeavouring to get to the back of this block at the mercy of the weather. It changes as quickly here as it does in any other part of the South Island..

4WD access to Jordan creek would at least allow recreational groups to drop down off the tops to a vehicle much quicker. This would be mostly down hill, a very different option from the proposed one.

The road is in very good condition and I see it being of a satisfactory standard for public 4WD use.

### Conclusion

1. We support the addition of this area to the Conservation estate
2. The proposed vehicle access will present a big challenge for those recreationalist wishing to retire quickly at the onset of foul weather .We recommend that vehicle access be to Jordan creek.

Thank You for the chance to submit.

Alan Mackie