



Crown Pastoral Land Tenure Review

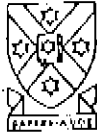
Lease name : Glen Dhu Station

Lease number : Po 379

Public submissions

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

March 03



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DTZ NEW ZEALAND
ALEXANDRA
- 9 SEP 2002
RECEIVED

September 6, 2002.

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

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**SUBMISSION ON PROPOSED TENURE REVIEW:
GLENDHU 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 knowledge of the areas involved, gained over many years of ecological research on the tussock grasslands and pastoral leases of Central Otago, as well as in the Matukituki-Aspiring area. I revisited part of the area again this week and was able to confirm and modify some earlier views.

I have read the proposal for tenure review of Glendhu Pastoral Lease very carefully and feel that the balance of the proposal is very strongly in favour of the freeholding option, with some 2880 ha to be freeholded, with some covenant provisions, and only 215 ha to be transferred to full Crown ownership and control. I believe such a division is unacceptable given the highly significant natural values that are present on this property.

I wish to emphasise at the outset that this is a very significant property in relation to both landscape and intrinsic values, particularly the land to the north of the Wanaka-Aspiring Road, with a high potential for the many areas of remnant woody vegetation there to recover under conservation management.

I fully support the portion of Area 1 to the north of the road (Diamond Lake area), with its many areas of important forest remnants and impressive glacial (roche moutonne) landscape being restored to full Crown ownership, as well as the Area 2 (Glendhu Bluff area), but I believe there are much greater intrinsic values in all of the land outlined in Areas A, B and C to the north of the road than on 'Area 1 (South)'.

I would therefore recommend these two blocks be exchanged in terms of their disposal. I would accept Area 1 (south) being freeholded on condition that all of Areas A, B and C to the north of the road were transferred to full Crown ownership and control, in relation to their very high intrinsic, including landscape, values, as well as the potential for inherent conservation values to greatly improve there. Such an area would also provide much greater integrity and security for future conservation management. In addition, a formal linkage in way of a corridor should be provided to link the two blocks of 'Area C' above the West Wanaka Road. I stress that this area has relatively limited production value but high intrinsic values and is readily accessible to the interested public

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

Yours sincerely,

Alan F. Mark FRSNZ DCNZM.
Professor Emeritus



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



12 September 2002

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

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Dear Sir

Re: Preliminary Proposal for Tenure Review: Glendhu Station Pastoral Lease.

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 13,000 members of tramping, mountaineering, climbing and other outdoor recreation clubs throughout NZ, and indirectly represents the interests and concerns of many thousands of private individuals who also enjoy recreation in the back country.

On their behalf, FMC aims to enhance and have formally recognised, the recreation opportunities on leases under review, to protect significant inherent values, and to ensure public access on high country pastoral leases through the tenure review process.

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

FMC is grateful for this opportunity to comment on the preliminary proposal for Glendhu Station Pastoral Lease.

THE PRELIMINARY PROPOSAL

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

- (1) The restoration to full Crown ownership and control as conservation land of 215ha, to become a Conservation Area
- (2) 2880ha to be disposed of by freehold disposal, subject to the following protective mechanisms:
 - (i) 340ha open space covenant on Rocky Hill
 - (ii) 55ha and 70ha Conservation Covenants to protect native vegetation
 - (iii) Easements for foot access at Hospital Flat and along the Motutapu River.
- (3) 9ha of existing conservation area to remain a conservation area
- (4) 11ha of existing conservation area to be disposed of to the Holder.

FMC POSITION

FMC supports the general principles of tenure review. We note that Glendhu Station is a relatively small property, being only just over 3000ha, and although low in altitude (entirely below 800m), it contains a number of features which give the property highly significant inherent and very high public values.

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We are concerned that a number of significant recommendations contained in the Conservation Resources Report, Proposed Designations Report, or our own report on Recreation And Related Significant Inherent Values have been omitted from the Preliminary Proposal. It is our view that these omissions are at odds with legislated preference in the Crown Pastoral Land Act 1998 for full Crown ownership and control rather than protective mechanisms.

We strongly *recommend* that the Preliminary Proposal's two proposed conservation covenant areas be transferred to full Crown ownership and control. The significant inherent values noted in the Proposed Designations Report include high landscape, biological and recreational values. These are best protected by full Crown ownership and control. The restrictions contained in the covenant document effectively prohibit grazing. This is obviously a necessary step for the protection of native flora, which is the primary objective of the covenant. Clearly, without grazing, the land is not "capable of economic use" (s24(a)(ii); Crown Pastoral Land Act 1998) and is therefore not suitable for freehold disposal. No justification has been given for taking the Crown Pastoral Land Act 1998's less preferred option of protective mechanisms rather than full Crown ownership and control.

The areas marked B on the Preliminary Proposal map should be combined, as there seems to be no benefit in retaining a narrow area of unprotected land between them. The areas marked C should be integrated into the proposed Diamond Lake/Rocky Hill conservation area.

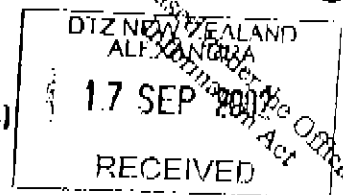
We further *recommend* that the proposed Diamond Lake/Rocky Hill conservation area be extended southward to encompass point 782m and the existing 4WD track that runs to near there from the Motutapu River. This would provide secure protection to the landscape, enhance species protection, and allow for foot and bicycle recreation encompassing a significant viewpoint.

We are extremely concerned to see that the recommendations in the Conservation Resources Report and Proposed Designations Report for a significant portion of the property to be subject to a landscape covenant has been reduced to a 340ha Open Space covenant. There is no doubt that the spectacular *roche moutonees* provide a key element of the Matukituki/Motutapu landscape, which the Queenstown Lakes district Council report described as a "heritage landscape". The landscape is in essence probably the most significant inherent value of the property, particularly given its position at the road entrance to the Matukituki valley. The long-term protection of this landscape should be a paramount objective of this tenure review. The Conservation Resources Report made the unusual but justifiable recommendation of a landscape covenant over the entire freehold area. This gives an indication of just how important this landscape is. In addition, its low altitude and proximity to roads make it particularly vulnerable to inappropriate development. We *recommend* that at an absolute minimum, the Proposed Designations Report's recommended 1300ha landscape covenant be incorporated in the final agreement, and that serious consideration be given to extending it to cover most of the remaining property to the south.

The Conservation Resources Report noted the desirability of extending the Diamond Lake/Rocky Hill track along the 650m contour. We support that suggestion, noting that the existing track, constructed as a result of local initiative, has rapidly become a highly significant recreational resource for the Wanaka area. We *recommend* that an easement be created to allow for the future development of the extension to the track.

We are concerned to note that the public access to Parkins Bay recommended in the Proposed Designations Report has been omitted. As noted there, there is very limited public access to Glendhu Bay, and that the area is likely to become more developed in future. Section 40 of the Crown Pastoral Land Act 1998 specifically provides for this situation when provides for land to be disposed of subject to protective mechanisms relating, *inter alia*, to "Public access across or to the land concerned" (emphasis added). We *recommend* that the Proposed Designations Report's proposals for the foot and carpark easements be incorporated in full. This would be a significant improvement to foot access to the lake.

The Conservation Resources Report recommended an easement up the Fern Burn to the Alpha Burn Station boundary. Tenure review proposals should not be considered in isolation, and this easement is necessary for access to a proposed conservation area which is a likely outcome of the Alpha Burn tenure review. It is also necessary to complete a round trip on Roy's Peak and thus provide or enhance another significant



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The Commissioner of Crown Lands,
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Land Resources Division
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ALEXANDRIA

12th September 2002

Dear Sir/Madam,

Glendhu Pastoral Lease-Tenure Review Proposal

The Society has studied a copy of the Notice of Preliminary Proposal-Glendhu Pastoral Lease Tenure Review recently notified for public comment under the Crown Pastoral Land Act (1998).

The Society has, respectfully, identified a number of deficiencies in the proposal as follows (reference should be made to Map A attached):

- **Area A** north of Diamond Lake has significant inherent values and considerable recreation potential and so we suggest should be retained in full Crown ownership rather than under an Open Space covenant with no public access as proposed
- **Conservation covenant Areas B and C** have significant inherent values and should be added to Area A to be retained in full Crown ownership and control rather than under a conservation covenant with public access as proposed. The narrow area of unprotected land between the two parts of Area C should also be protected; this appears only to have been left unprotected because the access track crossing it would be needed by the landowner if Area A were to be freeholded.
- The **782m trig** area above the Motatapu has significant inherent values and important recreation potential for walking and biking. It follows that the area above 600m (this being consistent with Area A) surrounding the 782m trig should be retained in full Crown ownership and control with public access from Mt. Aspiring Road, the Motatapu River area and/or the Motatapu Road (see map A).
- Public access from Mt Aspiring Road across to the **Parkins Bay** area should be included in the proposal. Easements for public walking tracks possibly starting in 2 places from the road should be provided and a public walkway along the lake shore clearly defined rather than relying on the marginal strip.

The proposal as it stands is, in the opinion of the Society, seriously deficient. Only by making the changes recommended in this submission will the proposal meet the Crown Pastoral Lease Act and the needs of the wider New Zealand community; this is discussed in section 3 below.

1. Significant Inherent Values

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The main evaluation criteria when assessing landscape for significant inherent values for signature review include:

- naturalness, particularly the naturalness of the character from the patterns, processes and elements of the abiotic and biotic dimensions, and, the indigenouness and intactness of that character
 - legibility, the clear evidence of natural formative processes, and their coherence.
 - aesthetic value, including scenic.
 - visible and accessible
 - distinctive, an identity and association
 - complementary context
 - lack of detractions.
- Plus, in recognition of the potential for change over time:
- vulnerable, sensitive
 - sustainable, and also
 - potential.

This submission will apply these criteria to Areas A, B and C and the 782m Trig area. In discussing these assessment criteria the Society will make reference to expert landscape evidence on this area presented for the Society by Ms. Di Lucas, landscape architect, at the July 2001 District Plan hearings in Wanaka. This will include reference to Ms. Lucas's photographs 2, 3 and 4 attached and her Land Types and Landform Components Map B attached.

It should be noted that the case for significant inherent values for areas A, B and C has already been accepted in the proposal where on page 8 it states:

"A portion of the reviewable land designated for disposal contains significant inherent values that arise from the landscape (areas A, B and C...)"

1.1 Naturalness

Ms. Lucas said in her evidence:

The ice-scoured, hard rock hills and mountains that back the lakeshore lands around the mouth of the Matukituki are substantial natural features that have determined the surrounding land patterns. Back behind Glendhu Bluff, the pass through this main block has perched above it Diamond Lake. This is an important natural local feature and attraction.

Ms. Lucas assesses the mountains at the mouth of the Matukituki, including Areas A, B and C and the 782m Trig area, not only as being natural, but as being "substantial natural features".

1.2 Legibility

Ms. Lucas states:

This "window" of the south-west corner to Lake Wanaka shows an extremely complex landscape. The dramatic ice-scoured mountain and hill slopes are clearly legible as defining the landscape pattern. These solid rock mountains and hills were shaped by and also shaped and directed the path of the glaciers. Today they shape and direct the path of the rivers, the Matukituki and its tributary the Motatapu.

Ms. Lucas assesses the hills and mountains in the Glendhu pastoral Lease area including Areas A, B and C and the 782m Trig area as being clearly legible.

1.3 Aesthetic Values

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Ms. Lucas states:

The dominant, distinctive and land-shaping isolated mountains that define and confine the paths of the lowest reaches of the Motatapu and the Matukituki have very important natural, legible, aesthetic and shared landscape values. Along with Diamond Lake perched in their centre pass, these isolated mountains and hills are categorised as ONL/ONF.

Ms. Lucas assesses the area as having important aesthetic values. The obvious aesthetic values of Areas A, B and C and the 782m Trig area are illustrated in the attached photos numbered 2, 3 and 4.

It should be noted that Ms. Lucas considers the ice-scoured mountains in the Glendhu Pastoral lease area as Outstanding Natural Features (ONF) in their own right. They are categorised as "Isolated Mountains" in map B.

Members of the Society are familiar with the Glendhu Pastoral Lease area as viewed from the Diamond Lake track, Wanaka, Mt. Aspiring Road, West Wanaka Road, Glendhu Bay, and Lake Wanaka. The feeling in the Society is that the ice sculptured hills in Areas A, B and C and the 782m trig area have major significant natural qualities. We agree with Ms. Lucas's expert advice that these hills should be regarded as outstanding natural features. The entire Glendhu Pastoral Lease area has great aesthetic beauty (photos 2, 3 and 4).

We note that on page 4 the preliminary proposal states:

"The Diamond Lake massif known as Rocky Hill is a spectacular roche moutonnee"

Other references to the Diamond Lake area on the same page refer to "spectacular bluffs" and "high schist cliffs". The Diamond Lake area is judged to:

"rank between medium and high for all six of the seven criteria used for assessing conservation value of a natural area"

The Society has difficulty with the way the proposal separates the area around Diamond Lake from the immediately adjacent Areas A, B and C which appear to have the same characteristics and are part of the same massif; Rocky Hill. In fact when viewed from Glendhu Bay the rocky bluffs in Area A are even more spectacular than those around Diamond Lake.

We believe that it would be far more logical, better satisfy the Act and greatly assist in the retention of the District's landscape integrity if Areas A, B and C and the area around the 782m trig above 600m were retained in full Crown ownership and control.

Area C is described on page 6 as "an integral landscape component of the adjacent proposed conservation area around Diamond Lake..". Surely this is a sound reason to add Area C, (including the gap between the 2 parts of Area C) to the area proposed for full Crown ownership around Diamond Lake.

1.4 Visibility and Accessibility

Ms. Lucas states:

Substantial numbers of visitors travel to Glendhu Bay as a destination to visit or to stay, particularly during summer. Many take boats. A drive to Glendhu Bay, and perhaps on to Diamond Lake, has long been a major recreational activity in itself. People also continue west of the Motatapu River to the Treble Cone Ski Field on the slopes above. A further destination is on up the Matukituki River to Mt. Aspiring National Park. In addition, there are other land-based attractions, particularly walks, and water-based attractions, around the south west of Lake Wanaka. The Wanaka-Mt. Aspiring Road is thus a major recreational route and the visual landscape is the primary resource. The journey around the lower western shores and slopes of Lake Wanaka is a major route for top-class landscape experience.

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It is clear that this area is easily accessible via Mt. Aspiring Road that bisects the Glendhu Pastoral lease area. The landscape is so visible from this road and from other locations that it is assessed by Ms. Lucas as a "primary resource". The proposal is correct where it says on page 4 that this area "forms a gateway to the Matukituki Valley and to Mount Aspiring National Park" and on page 5 where it says "parts of the property are highly visible from the road and popular recreation areas such as the Matukituki Valley and Treble Cone skifield." The views from the lake are also significant when assessing visibility of the landscape in the Glendhu Pastoral Lease area.

John Aspinall, a leaseholder in the Matukituki, stated at the July 2001 Court hearings that 50,000 people per annum travel down the Matukituki Valley road. The proposal is correct where it says on page 4 that "Tens of thousands of visitors drive through the proposed conservation area..."

The significant inherent values of the landscape in Areas A, B and C and the 782m Trig area are significantly increased because of their prominent and highly visible location.

1.5 Distinctiveness, Identity and Association

Ms. Lucas states:

The isolated mountains that control and define the lower reaches of the Motatapu and Matukituki are in mass a major landscape component. Their ice-scoured mountain slopes have steep to very steep bedrock slopes and extensive easier sloping benches.

The isolated mountains in the Glendhu Pastoral lease area are assessed as being of such a level of importance that they "define" the Glendhu Pastoral lease area. As such these mountains can be seen to be highly distinctive and form part of the ice-scoured identity associated with the landscape in this area. The distinctiveness of the Diamond Lake massif (including Areas A, B and C) is demonstrated in Photograph 2 and the distinctiveness of the 782m trig area is partly illustrated in Photograph 4.

1.6 Complementary Context

Ms. Lucas states:

It is clearly a dynamic, an ever-changing landscape, as the rivers respond variably to these defining elements. The path of the Motatapu, from first flowing directly down the glacier path into Glendhu Bay, now captured to run along behind the isolated mountains to join the Matukituki. The classic braided Matukituki runs swinging and along down the wide valley between the mountain slopes scoured by the glacier from Mt. Aspiring. The river is then pinched and confined by the scoured and sanded isolated mountains at its mouth to the lake. It then spills out to form a major delta that bridges to a true roche moutonnee, Roy's Peninsula.

Ms. Lucas describes wonderfully the overall context of the Glendhu Pastoral lease area and surrounding area and the complementary nature of each landform in the area. The ice-scoured mountains at Diamond Lake/Rocky Hill and in Areas A, B and C and the 782m Trig area form key elements of this landscape.

1.7 Lack of Distractions

Areas A, B and C and the 782m Trig area are almost completely undeveloped. There are some farm tracks and fences evident but no buildings and little other evidence of human impact is apparent on these ice-scoured hills. Much greater evidence of human modification can be seen in the lower, flatter areas surrounding the Motatapu River; the Society supports the freeholding of this area.

1.8 Vulnerability

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Areas A, B and C and the 782m trig area appear to be completely unmodified by buildings. The largely natural state of these areas, therefore, leaves them particularly vulnerable to development.

The preliminary proposal states on page 8 in relation to the landscape values in Areas A, B and C:

"These values can adequately be protected by covenant while existing and some potential other commercial uses can be carried out"

We find this difficult to accept. For instance under the QLDC's Proposed District Plan this area is zoned Rural General and categorised as Outstanding Natural Landscape-District-wide (ONL-DW). This is a categorisation of ONL that does not necessarily give protection to this area from development. The policies and assessment matters associated with ONL-DW categorisation do not require effects of developments to be "reasonably difficult to see" and certainly do not preclude development.

The Society assesses these natural features as being highly vulnerable and sensitive to change should farming practices change or inappropriate development be permitted on the freeholding of this land particularly where this occurs close to the public roads in the area.

In other words if this area is not retained in full Crown ownership under the provisions of the proposed District Plan it may be the subject of subdivision and development that, because of its vulnerability, will significantly reduce its naturalness and amenity.

1.9 Potential

Outstanding natural features are landscapes of the highest order under the RMA and a key element of these features is their *naturalness*. If the Areas A, B and C and the 782m Trig area suggested for full Crown ownership on the Society's Map A are left to regenerate, with minimal management we believe Kanuka and other native species will dominate these areas in 20-30 years in a similar manner to the way Kanuka has regenerated on Mt. Iron near Wanaka. This will further enhance the natural values of these areas, already highly natural in their current state.

The fact that the areas on top of the ice-scoured hills have been somewhat modified, resulting in what we assess as low quality pasture, does not mean that these areas could not be regenerated with native vegetation in the foreseeable future.

1.10 Conclusion on Significant Inherent Values Analysis

In the discussion and evidence above we conclude that the seven evaluation criteria for significant inherent values are easily met in Areas A, B and C and in the 782m Trig area. The preliminary proposal accepts this on page 8.

2. Other Factors

2.1 Recreation and Access

The Society believes that Areas A, B and C and the 782m Trig area have major utility as recreation areas.

The Society supports the provision of a walkway along the Motatapu River as proposed by easement in this tenure review proposal, though it is noted that much of this is on marginal strip. We also support the retention of the Diamond Lake walkway on land in full Crown ownership.

The Society notes, however, the provisions of the Act in Section 24 (c) where it states (subject to Sections 24(a) and 24(b)):

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...to make easier

i) the securing of public access and the enjoyment of reviewable land.

Sections 24(a) and (b) of the Act are discussed below and that discussion is relevant to Section 24(c) of the Act. We submit that the limited access granted in the proposal does not satisfy the Act and the Objects of Part 2 of the Act, therefore, not met.

The Society believes that in the Glendhu Pastoral Lease area the Motatapu walkway and Diamond lake walkways as proposed will provide minimal access to this spectacular area. A number of additional public tracks accessible as of right are needed in order to "make easier" the "enjoyment" of this area per Part 2 of the Act. These include public access all over the top of the Diamond Lake/Rocky Hill massif above 600m (including Areas A, B and C) and public access to the top of the 782m trig and surrounding area above 600m, with access from the Motatapu, the Motatapu Road and/or from Mt. Aspiring Road (see Map A).

The Diamond Lake track has proven to be easily accessible and extremely popular. There is great potential for a loop track extending from the Diamond Lake track through Area A; this would add significantly to the recreational experience in this area. There is also a small tarn at the western end of Area A surrounded by fascinating ice scoured hills; this would represent a spectacular feature on the loop track. There are wonderful panoramic views up the Motatapu Valley from part way up the access track to the 782m trig and, though the writer has not been to the top of the 782m trig yet, the views from this must be stunning.

The Society notes that no access has been provided in the preliminary proposal across the Paddocks from Mt. Aspiring Road to the Parkins Bay lakeshore area between the Glendhu Bay Motor Camp and Glendhu Bluff. This is an error in the proposal. We recommend that public walking tracks from the road in 2 locations (see map) should be included in the proposal to remedy this, one approximately opposite Glendhu Station and the other close to Glendhu Bluff. Car parking facilities are also needed for this track.

We do not regard the 7% of land retained in full Crown ownership with public access as an adequate or a fair allocation of recreational resources to the community given the obvious value to the community of access to the spectacular landforms in this area. Views from the ice-scoured hills in the Glendhu Pastoral Lease area are spectacular, as can be seen from the Diamond Lake walkway, and public access to the tops of these hills, either on foot or by mountain-bike, will create an additional excellent recreational opportunity for locals and visitors. The Society does not support motorized access to any of the tracks recommended in this submission.

It is important to note that this area is only a few minutes drive from Wanaka town centre.

2.2 Lack of Public Land

There is very little public land in the Glendhu Bay area despite this being an area of Outstanding Natural Landscape of great interest to visitors and locals.

The only existing public land all the way from Wanaka to the Matukituki Valley is the narrow strip of Council reserve beside the lake containing the Warburton Walkway and Ironside Trig. (The Glendhu Bay Motor Camp is owned by Council but is leased to an operator who has trespass rights). Full Crown ownership and public access to the Glendhu Pastoral Lease area as suggested in this submission will help to correct the lack of public land and access in this area.

3. The Act

The Society believes that in its current form the proposal does not meet the objects of the Act.

It has been already established in this submission that in relation to Areas A, B and C and the 782m trig area:

- that significant inherent values exist, supported by
 - Lucas expert evidence
 - proposal (bottom of page 8)

-Conservation Resources report on the proposal

- the area is easily accessible and highly suitable for recreation purposes
- that there is a paucity of public land in the immediate vicinity of the reviewable land
- that the area is highly visible and vulnerable to development

3.1 Objects of Part 2

The key to tenure review in the Act is Part 2 where it states as the objects in Section 24:

(a) To-

- Promote the management of reviewable land in a way that is ecologically sustainable*
- enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument*

b) To enable the protection of significant inherent values of reviewable land:

- By the creation of protective mechanisms or (preferably)*
- by the restoration of the land concerned to full Crown ownership.*

Sections 24 a) and b) have equal weight in the Act.

The Society has difficulty with the way Sections 24a) and b) have been interpreted in this proposal with regard to Areas A, B and C and the 782m Trig area. Areas A, B and C and the 782m trig area are rugged terrain in the form of ice-scoured hills with marginal pasture. The proposal is correct on page 5 where it says that "the steeper and colder hill slopes are marginal for farming" We find it hard to see how such land will be able to be managed in an economic or ecologically sustainable manner.

The proposal proposes freeholding 93% of the land justifying this by (page 9):

"thus allowing alternative and more sustainable uses than the existing pastoral use should changing commodity prices make maintaining nutrient inputs into the farmed land uneconomic"

This statement comes very close to admitting that much of this land is unlikely to be of economic use in the current pastoral state. The Society doubts that "alternative and more sustainable" uses exist for the ice-scoured rocky hill slopes above 600m.

Areas A, B and C and the 782m trig area cannot be categorised as areas of farmland of national importance, in fact they are marginal farmland on rocky ice-scoured features very difficult to farm in an ecologically sustainable manner.

In these circumstances it is scarcely credible that 93% of the land in question can be judged capable of being managed in an ecologically sustainable manner and capable of economic use. In fact the QEII covenant attached to Area A effectively bans grazing because such a ban would be necessary to protect native flora as proposed in the covenant. Under the covenant Area A appears to become incapable of economic use.

On the other hand the landscape in this area is of national importance (especially in its current undeveloped state) and has been accepted as such by respected landscape architect Di Lucas and by the proposal itself. Much of the Glendhu Bay pastoral lease land has significant inherent values, is easily accessible and has major public recreation potential.

In these circumstances, where in Areas A, B and C and the 782m trig area, farming is marginal significant inherent values exist and obvious recreational opportunities have been identified we submit that the Commissioner for Crown Lands should, on weighing up Sections 24 (a) and (b), protect Areas A, B and C and the 782m trig area by using the mechanism preferred in the Act, that is retaining the area in full Crown ownership. As we said above, we cannot see how the proposal justifies separating the Diamond Lake area from Areas A, B and C and the 782m trig area that have similar significant inherent values.

In the proposal too much weight has been given to the farm value of the land in Area A and in the 782m Trig area; too little weight has been given to the protection of significant inherent values, access and recreation potential.

The proposal appears to largely ignore the wider economic benefit accruing to the Upper Clutha district if Areas A, B and C and the 782m Trig area were taken into full Crown ownership. The tourist industry, which is the mainstay of the Upper Clutha economy and brings in 90% of the Upper Clutha area's income, would benefit significantly by having a spectacular reserve created for recreation purposes that visitors have unfettered access to. This in itself is an "economic use" as envisaged in Section 24 (a); it is, however, an economic use the potential for which can only be realised by retaining the land in full Crown ownership or by permitting unfettered public access to it.

(It should be noted here that Section 24(a)(ii) does not specify that land has to be freehold in order to become of economic use; it can equally well become of economic use under DOC stewardship. In a similar vein restricting access to an area could be interpreted as a management constraint)

The Society believes that in order to achieve the balance required by Sections 24(a) and (b) of the Act Areas A, B and C and the 782m Trig area should be retained in full Crown ownership as recreation reserves administered by the Department of Conservation.

4. Conclusion

Ms. Lucas stated in her evidence at the May 2002 District Plan Environment Court hearings in Wanaka that:

"I consider it surprising the (tenure review) proposal currently out for comment proposes freehold tenure on the lands around Damper Bay and of Roy's Peak, given the important landscape values and the dearth of public land in the area."

The Society agrees with this statement and believes that it is also apposite to the tenure review proposal being discussed here. The Glendhu Pastoral Lease proposal as it stands is deficient in that it does not take the opportunity to retain land with significant inherent values, great recreational potential and limited farming potential in full Crown ownership.

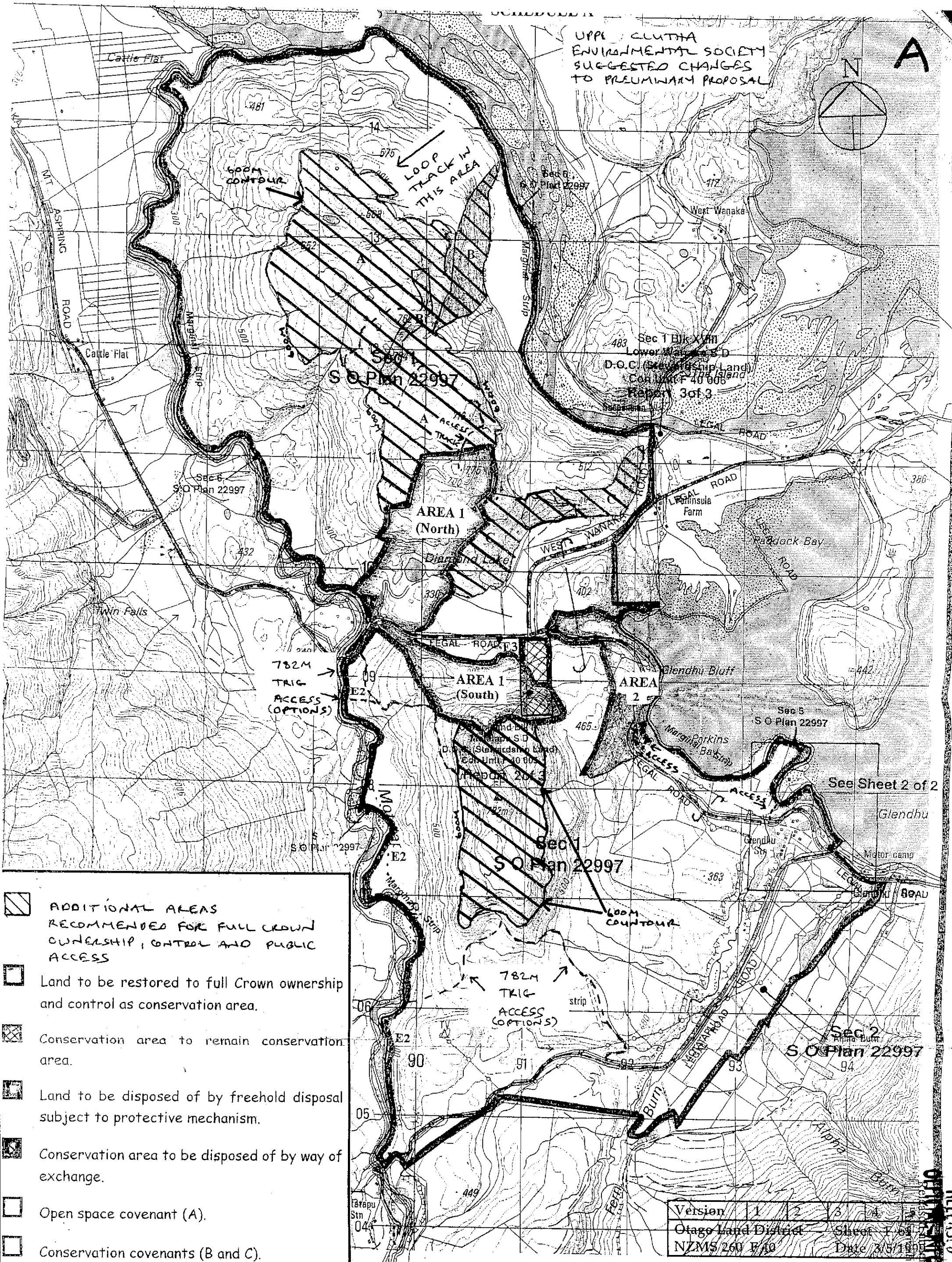
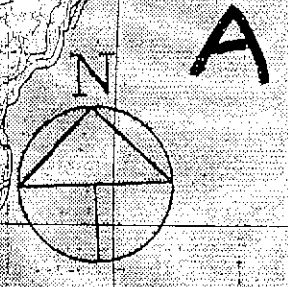
The Society believes the lack of public land and access in this area is a good reason to retain a much greater portion of the Glendhu Pastoral Lease area in full Crown ownership than is suggested in this proposal. The Society is disappointed with the proposal as it stands and feels it does not satisfy the Act or the long-term wishes of both the Upper Clutha community and the New Zealand population at large.










The Society is concerned that most of the recommendations made in the Conservation Resources Report and the Proposed Designations Report on this matter appear to have been ignored.

The area that the Society suggests be freeholded, consistent with the preliminary proposal, contains the most productive farming land on the Glendhu Pastoral lease and will we believe represent a viable farming unit. This area also has some potential for tourist developments and lifestyle subdivision.

The Society recommends that the proposal be changed to reflect this submission.

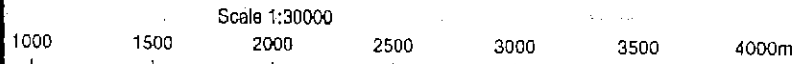
UPPER CLUTHA ENVIRONMENTAL SOCIETY SUGGESTED CHANGES TO PRELIMINARY PROPOSAL



-  ADDITIONAL AREAS RECOMMENDED FOR FULL CROWN OWNERSHIP, CONTROL AND PUBLIC ACCESS
-  Land to be restored to full Crown ownership and control as conservation area.
-  Conservation area to remain conservation area.
-  Land to be disposed of by freehold disposal subject to protective mechanism.
-  Conservation area to be disposed of by way of exchange.
-  Open space covenant (A).
-  Conservation covenants (B and C).
-  Easements to provide for public foot access and car parking.
-  Carparking.

Version	1	2	3	4
Otage Land District	Sheet 7 of 10			
NZMS 260 F40	Date 3/5/1999			

Glendhu Station



SEC 1 SO 22997
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Upper Clutha Environmental Society (Inc)

REFUSED UNDER THE OFFICIAL INFORMATION ACT



LAND TYPES & LANDFORM COMPONENTS

In the Upper Clutha (colour-coded map)
Queenstown Lakes District

Upper Clutha
Environmental Society
(Inc)

KEY

MOUNTAIN LAND TYPES

- 5. Pisa
- 7. Harris-Cardrona
- 9. Wanaka-Hawea

VALLEY FLOOR AND BASIN LAND TYPES

- 11. Major river, valley fill
- 11a=braided valley fill
- 11c=floodplain terraces
- 11d=fans, 280-700m.

13. Moraine and fluvial outwash

- 13a=extensive ablation and termin moraine fields;
- 13b=glacial outwash terraces, minor moraine dumps;
- 13c=fluvial valley terraces;
- 13d= moraine and terraces scarps;
- 13f= fans;
- 13g= meander floodplains;
- 13h= meander swamps;
- 13i= ice-scoured 'hard' rock hill slopes, roche moutonnee.

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14. Outwash plains

- 14a= fluvio-glacial outwash terraces and plain
- 14c= fans

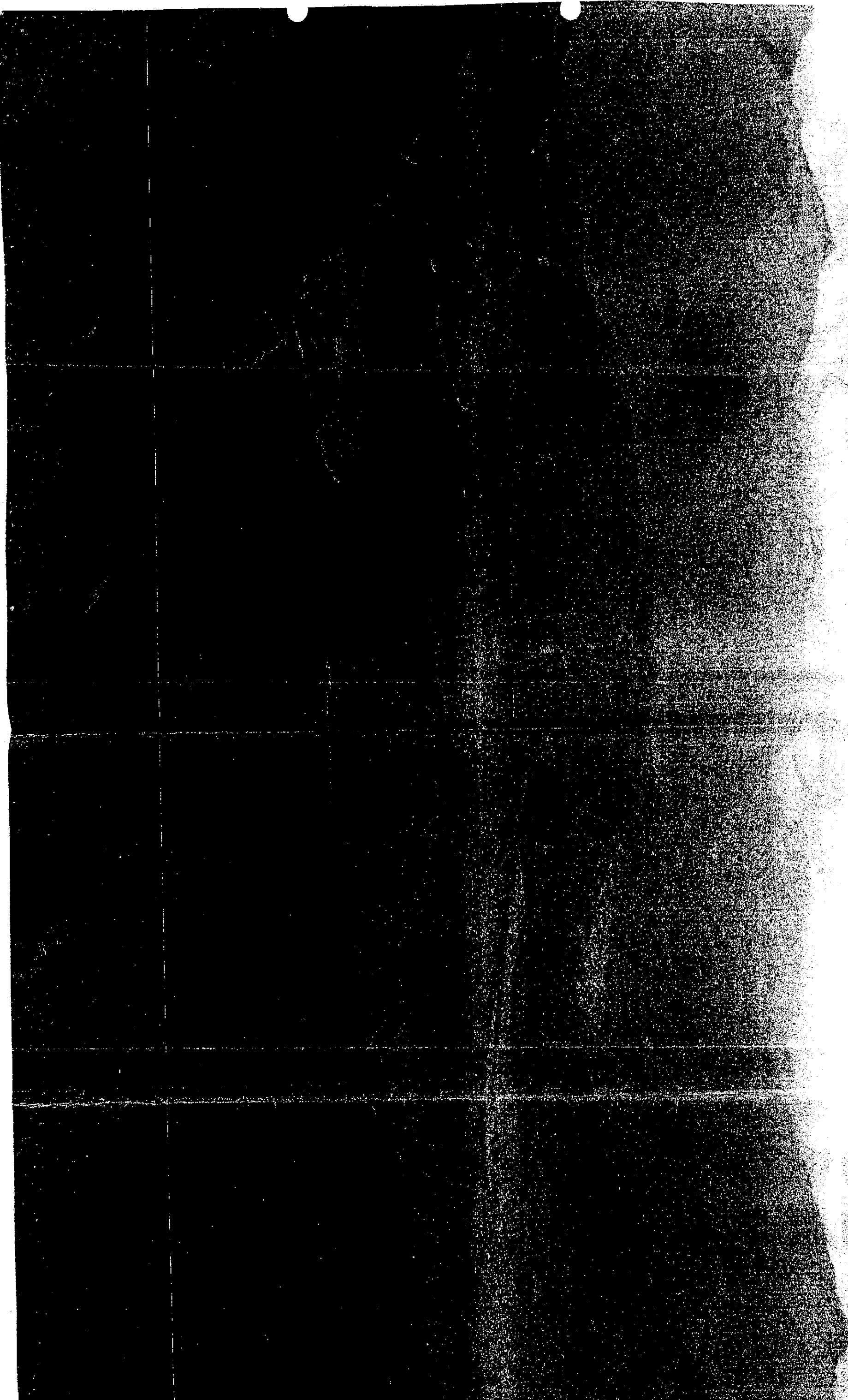
15. Isolated mountain

16. Major lake

- 16a= lakeshore rocks and beaches

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Photograph 2 View looking northwest over Glendhu Bay

Upper Clutha
Environmental Society

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Upper Ottawa
Environmental Society
(416) 291-1111



Photograph 3 View from Treble Cone ski field Glendhu Bay in middle dista

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Photograph 4 View from above Diamond Lake looking over Paddock E

Upper Clutha
Environmental Society
(Inc)



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In reply please quote
File Ref: 402007

DTZ NEW ZEALAND
ALEXANDRA
17 SEP 2002
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Civic Corporation Limited
Private Reg 30077,
CivicCorp House, 74 Stretton
Queenstown, New Zealand
Tel. 04 3-442 4777
Fax. 04 3-442 4778
e mail: enquiries@civiccorp.co.nz
site: http://www.civiccorp.co.nz

16 September 2002

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

Dear Sir/Madam

GLENDHU STATION TENURE REVIEW: SUBMISSION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

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

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

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

Yours faithfully
CIVICCORP

Jenny Parker
POLICY PLANNER

SUBMISSION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL ON THE
GLENDHU TENURE REVIEW PROPOSAL

DATE: 16 September 2002

SUBMITTER:
Queenstown Lakes District Council

ADDRESS FOR SERVICE:
C/- Jenny Parker
CivicCorp
Private Bag 50077
QUEENSTOWN

Phone:(03) 442 4777

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Dear Sir/Madam

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

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

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

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

The Glendhu tenure review is considered a positive proposal both in terms of the public access that is proposed, and the protection of indigenous vegetation through conservation mechanisms.

The Council supports the Glendhu Tenure review proposal for the following reasons:

- It provides for extensive public access through easements, ensuring public enjoyment of the land; and
- It recognises and provides for significant indigenous vegetation and habitats, through designating land for conservation purposes, and proposing protective covenants.

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

Yours faithfully



Jenny Parker
POLICY PLANNER

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16 September 2002

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ALEXANDRA

18 SEP 2002

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Commissioner of Crown Lands
c/o DTZ New Zealand Limited
Land Resources Division
PO Box 27
Alexandra

re Glendhu Tenure Review

I wish to make the following submission on the preliminary proposal for the tenure review of Glendhu Station. The issue over which I have concern is the land fronting Glendhu Bay

In Glendhu Bay there is a triangle of land facing the Bay, bounded to the east by the Motor Camp, a council reserve, to the south by the Mt Aspiring Road, and to the north by the beach. Under the preliminary proposal, this triangle of land is proposed to be freeholded. The land is shown outlined in red on the attached plan.

The land in question is effectively severed from the rest of the farming operation and is of little value to that farming operation. It would seem that if freeholded it will inevitably be sold and dwellings built on it. Glendhu Bay is one of the most beautiful, most useable and best loved bays on Lake Wanaka, and very likely New Zealand. It appears in countless photos and calendars. Houses backing the beach would detract from this very special character.

The rest of the land in Glendhu Bay between the road and the lake is reserve, and retains an open public aspect, and is used as a motor camp though the public have access. However, the motor camp is heavily used and is over crowded in the summer with sites needing to be booked months ahead. It could be valuable if there was lake access independent from the motor camp.

With the tenure review, the opportunity exists to hold back the northern part of the bay from probable housing development and retain the entire sweep of the beach together with the land between the road and the bay in public ownership. While a marginal strip is proposed on this land, for full public enjoyment of the beach, it is essential that there is land behind the marginal strip for access, parking, picnicking, and even perhaps boat launching. This very special piece of land should not be lost to public use or developed.

I would therefore request that the triangle of land as shown on the attached plan be retained in public ownership, both to ensure retention of the unspoiled character of the bay, and to provide enhanced opportunity for the public both now and in the future to enjoy this special beach and the lake.

[REDACTED]

Geospatial Information derived from LINZ's Digital Orthorectified Photograph (DOP),
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Plan
 Zoom
 To zoom in 2x...
 click on

Topographic Maps All

key Choose Map More Maps Find Place Search For

Last Updated: 13/09/2002

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PROPOSED DISTRICT PLAN MAPS include data after Council issued its decisions on submissions (September 1998). All final decisions of the Environment Court are added as received. For information on the Transitional District Plan, appeals to the Proposed District Plan, and the detailed provisions relating to each zone please contact CivicCorp, at Level 1 CivicCorp House, Shotover Street, Queenstown, or (03) 442 4777. WATER BORE INFORMATION has been collected and compiled from a variety of sources. In many instances the information may not reflect what is currently happening. It should be used as a guide only and you are advised to make your own investigations if you require substantial accuracy. The Otago Regional Council therefore does not guarantee the accuracy of the data and will not be responsible to any party for any loss or damage whatsoever caused by reliance on this information.

ROYAL FOREST AND PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED

Upper Clutha Branch
PO Box 38
LAKE HAWEA

19th September 2002

The Commissioner of Crown Lands
C/o DTZ New Zealand Ltd.
Land Resource Division
PO Box 27
ALEXANDRA

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Dear Sir

GLENDHU PASTORAL LEASE
TENURE REVIEW - PRELIMINARY PROPOSAL

We thank you for sending us a copy of this preliminary proposal. We would be pleased if you would accept this submission from our branch of the Society.

Forest and Bird is well known throughout New Zealand for its work in protecting the environment, and the interests of the public in this respect. Our branch takes a particular interest in Central Otago, the Upper Clutha and Wakatipu basins. Our branch fully supports the aims of Part II of the CPL Act 1998 - Tenure Review.

We have visited the property with the kind permission of Mr R I and Mrs P J McRae. Our members made the inspection on foot. Dr Susan Walker of Landcare Research, Dunedin, was (in a private capacity) able to advise us, and help us on the ground.

THE PROPOSAL:

Glendhu Station, situated on the south west corner of Lake Wanaka is the third and central pastoral lease in a group of three (West Wanaka to the north and Alpha Burn to the south) that have entered the tenure review process. This group is located in perhaps one of the most scenic and very much visited parts of New Zealand. It is of particular significance to the tourist and the recreational industries. Glendhu in the centre of the group is very visible: this placing emphasis on its landscape values.

Designations:

- (1) 215 ha (*approximately*) to be designated as land to be restored to full Crown ownership and control under Section 35 (2) (a) (i) of the CPL Act as Conservation areas.
- (2) 2880 ha (*approximately*) to be designated as land to be disposed of by freehold disposal to the holders under Section 35 (3) of the CPL Act subject to part IVA of the Conservation Act 1987, and Section 11 of the Crown Minerals Act 1991 and the following protective mechanisms under Section 40 (1) (b), Section 40 (2) and Section 40 (2) (c) CPL Act.

Protective mechanisms:

- (a) 340 ha (*approximately*) subject to Open Space Covenant under Section 22 QEII National Trust Act 1987 to protect landscape and amenity values of Rocky Hill.
- (b) 55 ha (*approximately*) Conservation Covenant under Section 77 Reserves Act 1977 to protect mixed native shrubland/forest.

- (c) 70 ha (approximately) Conservation Covenant under Section 77 Reserves Act 1977, to protect fixed native shrubland/forest,
- (d) An easement to provide for public foot access along the true right of the Motatapu River.
- (e) An easement to provide public foot access from the Wanaka Mount Aspiring road to proposed conservation area at Hospital Flat.
- (3) 9 ha (approximately) to be designated to remain as conservation area under section 37 (1) (a) CPL Act.
- (4) 11 ha (approximately) to be disposed of by way of exchange to the holders under section 37 (1) (c) CPL Act.

GENERAL ISSUES:

1. We see that, and fully approve of, the Areas 1 North and 1 South, and Area 2 are to be "... returned to full Crown ownership and control..." as conservation areas
2. That consideration has been given to "...the protection of the significant inherent values ..." of the landscape and the remnant native shrub/forests outside conservation AREA 1 (North) by way of covenants, is also positive.
3. This review is not about what is generally known as "High Country", (all of it being under 800 m.a.s.l). It is about "...ecologically sustainable management..." of land of an altitude that should allow of ecologically sustainable farming. It has however sunny country and shady country, which will affect any farming operation. It only has very small patches of tall tussock remaining in safe refuges.
4. The inherent landscape values and the total environment are probably the main issues of this review; we list some of these.
 - (a) The impressive landscape with its outstanding geological formations are Glendhu Station's foundation,
 - (b) Its tussock and bracken grasslands are its primary cover. Although most of the tussock has been modified to the extent that exotic grasses dominate the pasture, it is still an attractive outstanding landscape.
 - (c) The shrub/forests under the cliffs and on the ledges have significant inherent values.
 - (d) Its rivers, streams, lakes and wetlands.
5. The inherent recreational values are also most important and have to be taken into consideration. Some of these activities are
 - (a) Walking and tramping.
 - (b) Canoeing or kayaking.
 - (c) Rock climbing.
 - (d) Tubing and rafting.
 - (e) Swimming and fishing.
 - (f) Botany and photography

Out of the above activities comes the need of secure public access. It is of extreme importance -
"...The securing of public access to and enjoyment of reviewable land..."
6. The centre of this property, situated on the Wanaka Mt Aspiring road, will at present see most people passing through on their way skiing to Treble Cone, or to Mt Aspiring National park. However this is rapidly changing; it is increasingly becoming a destination in its own right, as it has so much to offer for those interested in the recreational activities we have mentioned above in a very special setting..

7. This preliminary proposal has been publicly notified at a time when Wanaka is going through an unprecedented period of growth. At the Wanaka 2020 meetings held just recently it became evident that there was a lack of, and therefore a demand for, walks for both the resident population and for visitors to the area.
8. We note that there is to be an exchange of conservation land at the east end of Hospital Flat.
9. We approve of the access being made available at Hospital Flat - E3.
10. That the marginal strip down the true right bank of the Motatapu river is to be adjusted to avoid obstacles is good.

With some changes to the proposal we believe the objects of Part 2 (Tenure Reviews) Section 24 of the CPL Act 1988 can be met.

OUR CONCERNS ARE :

1. **Landscape:** While the present farming pattern sits quite comfortably within the landscape, any changes to this landscape brought about by such activities as forestry, buildings or excessive earthworks would upset this pattern immensely. We believe there should be a landscape protection covenant over the whole property (as recommended by the Department of Conservation in their recommendations) to prevent this happening; with special emphasis on the Mt Aspiring road corridor. The district plan is not very strong on landscape issues, nor is it guaranteed to be permanent, as it is reviewed and can change every ten years.

Such a covenant could be designed to also help protect some of the smaller but exceedingly important smaller shrub/forest remnants on the proposed freehold. We would mention here, the kowhai high on the bluffs to the south of the bridge crossing the Matukituki river, the kowhai remnants and shrub/forest on the north west ridge and below trig FF. Also the shrubland on the shady side of the un-named creek coming off the high point of Rocky Hill below 784. to the Motatapu river.

2. Wetlands:

We are gravely concerned that the significant wetlands below the proposed eastern-most covenant B, are not to be offered any protection whatsoever. There is a small lagoon at the very top of the river flat below B. The flow then tends to follow the toe of the slope and eventually makes its way towards the bottom end of the flat. These wet areas are extremely important as there are now very few wetlands of this nature left for wildlife. The whole flat is important, as it is this type of flood plain country that will allow the species *Olearia hectorii* (which is on the endangered list) to survive and recover. We only saw one old *O hectorii* in the centre of the plain. However there is a grove, and a scattering, of much younger trees at the toe of the slope, partly protected by large blocks of rock. This protection will not last as stock are finding their way in, in places, and will eventually destroy the inherent values this particular area has. Most of the taller *carex* has been crushed around the edges of the lagoon and elsewhere.

We had been given to understand that the Department of Conservation reports and recommendations on properties under tenure review were to be made available on Lnz website. We have not been able to locate any, and would point out that the one we have been consulting is at least 7 years old - it does not make any reference to wetlands in it.

3. Fencing:

No mention at all is made of fencing in the proposal. It is absolutely vital that the conservation areas being created be adequately fenced. This is particularly so around the top side of Area 1 (South). This fence should also encompass all the trees and shrubs around its perimeter, including the two areas of shrub/forest we have already mentioned above, in the vicinity of trig FF.

Good use can be made of the rocky bluffs and cliffs as natural boundaries wherever they occur. If there is adequate fencing between the cliffs on the top edges of these shrub/forest refuges we see no problem. However, it is the lower margins of these areas where they come down on to the ledges that are at great risk: especially from cattle. It is essential that these also be fenced where required. (It was noted that cattle are browsing coprosma)

4. Covenants, and Areas to be protected by them:

We submit that it is only necessary to have one covenant on this property. That is the one mentioned above to protect the overall landscape values of the whole property.

We are concerned that area "A" is to be protected by a covenant under the QEII trust (appendix 4). Clause 8 (ii) and (iii) of the proposed QEII presented in the proposal, gives the owner the sole right as to who may enter, and at what price. If it has to be covenanted it would be better under the control of the Department of Conservation the same as the two covenants "B". This would allow for uniform decisions being made on all the conservation areas, as these three areas overlap physically on the ground and in values in several places. Also access would be more assured.

The two areas "C" proposed for covenanting should be included in AREA 1 (North)

Rocky Hill is an outstanding feature. It has considerable inherent conservation values in its shrub/forest remnants - these have survived grazing and burning, in the main, because of their position between inaccessible rocky bluffs. Its landscape and recreational values are extremely high.

We do not believe the proposed patchwork of covenants is necessary, or the correct way, to go about protecting all the significant inherent values this outstanding area has to offer.

It would be a far better proposal *"...To enable the protection of the significant inherent values of reviewable land -*

- (i) By the creation of protective mechanisms; or (preferably)*
- (ii) By the restoration of the land concerned to full Crown ownership and control..."*

We supply a map showing a considerably enlarged AREA 1 (North) which will do away with the covenants altogether. The advantages of this are:-

- It will give the very necessary real protection for the significant wetlands.
- The area concerned is the eastern-most limit of matai and rata. Also it is probably the western-most area for *Camichaelia kiriki* and some important varieties of *clematis*.
- Given a little time the area will compliment the shrubland/forest on the true left side of the river just north of the bridge over the Matukituki river.
- It will give the endangered *O hectorii* a chance to survive in its natural habitat.
- Protecting the river flat will give the bottom level of an altitudinal sequence of vegetation up to app. 800 m.a.s.l
- It will give far better access for the public: allowing for walking up the river and out via a climb over the top of the plateau. Secure freedom for the public to enjoy and "roam at will" on the plateau.
- The economic gains by freeholding the property will be far greater than any loss sustained by not grazing the area we are suggesting be retired.
- It is a very easy and pleasant walk up the marginal strip alongside the river.

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5. Access:

To a certain extent Otago was founded on pastoralism. Over the years, due to cultural changes and the process of evolution, this extensive pastoral regime has changed from extensive to intensive farming, and the original, more liberal, approach to access to the open country that people came to New Zealand for in the first place, has changed. The Tenure Review process allows for rectifying this change in "...to *make easier - (f) The securing of public access to and enjoyment of reviewable land...*". We are greatly concerned that in this proposal the last opportunity available to us is not being taken to secure the access required for New Zealand's future needs.

We liken this lower Matukituki landscape as akin to that of Scotland or the Lake District of England where much cross country walking is done. We see the question of access as being crucial to the successful outcome of this important review. Public access should be secured as follows:-

(a) There should be provision for public access from the Mt Aspiring road to the Marginal strip on the shore of Lake Wanaka at Parkins Bay. That no access is being provided in the proposal is a serious omission and must be rectified. It is also necessary that there be a recreation area reserved for day picnicking, swimming and other passive activities, on the area just west of the mouth of the Fern Burn.

(b) There should be provision for the parking of cars at the top end of the marginal strip (E2) where the Motatapu river comes out of the gorge.

(c) There should be public access to the Alpha Burn Station boundary from the road to Motatapu Station, where it crosses the Fern Burn. This would link up with the marginal strip to be created out of the Alfaburn tenure review, and allow a crossing of Roys Peak for those inclined.

(d) Walking access to the top of trig FF should be available. This hill is as important as the hill to the north of Diamond Lake from a viewing of the landscape point of view.

TO MEET OUR CONCERNS;

1. We submit that the proposed areas A, B and C to be covenanted, be not proceeded with, together with all the land between B and C "...be returned to full Crown ownership and control..." as per our enclosed plan.
2. There must be adequate public access made available to Parkins Bay from the Mt Aspiring road. Also a recreation area must be provided west of the mouth of the Fernburn.
3. Access be made available from the Motatapu road to the Alfaburn Station boundary via the marginal strip on the Fernburn.
4. That there be walking access to, and over trig FF.
5. All the conservation areas and the lower margins of the shrub/forests must be adequately fenced from stock.
6. The outstanding landscape of Glendhu Station must be protected by a suitable overall covenant.
7. A car park must be provided at the top end of the marginal strip E2

CONCLUSIONS;

It is been often said that Tenure Review is a "win - win" situation. If our concerns, which we have drawn to your attention, were to be fully met, we would consider this preliminary proposal to be a good one. To help in this direction we strongly believe that if the advice given, after consultation with the Director

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General of Conservation and his departmental officers, were to be acted upon (Section 26 Consultation (3) of Part II of the CPL Act 1998) and the public submissions be heeded, a successful outcome would be achieved.

Attached:-

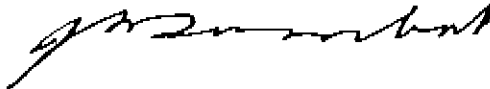
A map showing the boundaries between the land to be designated freehold and that to be returned to full Crown ownership and control as we have described above. Also showing additional access required.

Photos:

1. A view of the lagoon at the top end of the wetland, Matukituki river.
2. A view looking down the river flat showing wetlands and the shrub/forest on the toe to the slopes down river from the lagoon.
3. A general view of the section of the plateau which we submit should be returned to the Crown for its significant landscape and recreational values..

We thank you for allowing us to make this submission. We will await the outcome with interest.

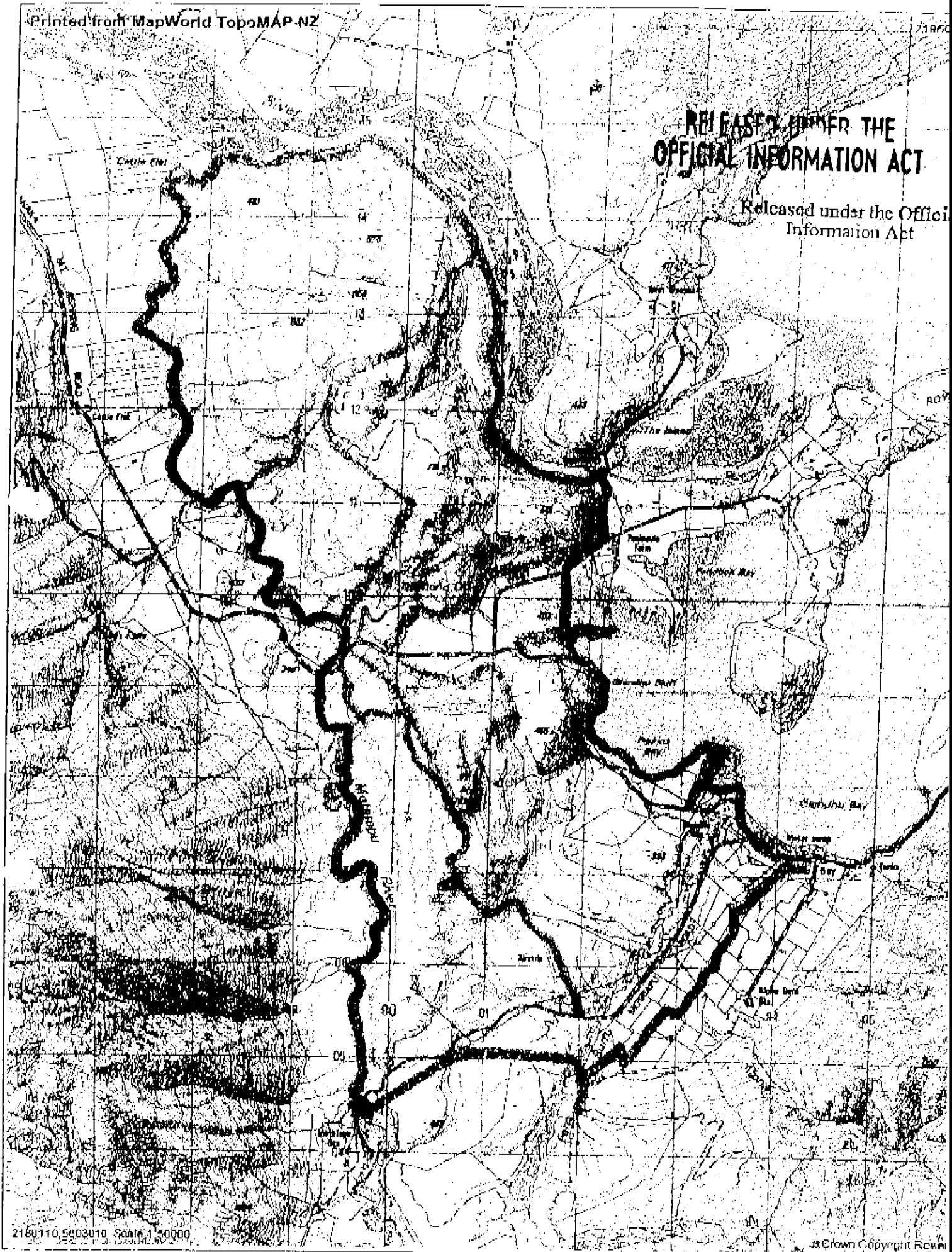
Yours faithfully



John L Turnbull
For Upper Clutha Branch

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**COMBINED
4WD CLUBS**
P O BOX 13 275
CHRISTCHURCH

18th September 2002

The Manager
DTZ New Zealand Ltd
Land Resources Division
P O Box 27
ALEXANDRA

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NEW ZEALAND
ALEXANDRA
19 SEP 2002
RECEIVED

RE Glendhu Tenure Review

Dear sir

Please find enclosed our submission relating to the Crown Pastoral Land Act 1998, Tenure review Glendhu

Our submission is made on behalf of Combined 4WD Clubs Inc a duly incorporated society who represents the seven 4WD Clubs based in Canterbury.

We support the proposal, and our detailed submission is attached. We look forward to hearing from you in due course.

Yours faithfully

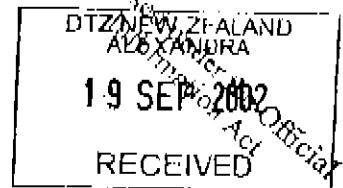
Paul A Dolheguy
Secretary

INCORPORATING
CANTERBURY LAND ROVER OWNERS CLUB - CHRISTCHURCH 4 WHEEL DRIVE CLUB - CANTERBURY JEEP CLUB
NORTH CANTERBURY FOUR WHEEL DRIVE CLUB - PEGASUS BAY LAND ROVER OWNERS CLUB - SUZUKI 4WD CLUB
SOUTH ISLAND NIVA DRIVERS ASSOCIATION

Submission to the Commissioner of Crown Lands
Regarding Tenure Review of Glendhu Lease
Under Crown Pastoral Act 1998

Dated 18th September 2002

A Submission By:- Combined 4WD Clubs Inc
P O Box 13275 Christchurch



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OFFICIAL INFORMATION ACT

Introduction:-

Combined 4WD Clubs is a duly incorporated society based in Canterbury and it represents its member Four Wheel Drive Clubs on access issues. The society has seven member four Wheel drive Clubs, and that represents a total of 550 individual members and families. Member Clubs in the main run 4WD off road back country trips for their members, these trips normally being run over weekends, and some of a single day or two day with a camp over. These trips have been run at irregular intervals and with the purpose of recreation and enjoying the driving and scenery, photography and other recreational values that the station has had to offer.

Land Tenure

Our organization supports the Commissioner of Crown Lands actions and intentions in securing additional lands to be secured under Crown ownership, and its use as a conservation area. However we regard that public owned Crown Land should be held for the benefit of all of our countries citizens to enjoy and view, other wise there is little purpose in the public of New Zealand owning unproductive lands as a capital asset. It must be held as an asset for its other purpose, land as used for, scenic, preservation of animals and species and for its recreational and historic values.

Access

We believe that all Crown Land that is held for Conservation purposes must have preserved in it access as a protective mechanism. Where there are existing 4WD tracks on a property, and there is the topography allows for vehicular access we believe that all easements should allow for continued vehicle use on these tracks. In this case there is a 4WD track from West Wanaka Road by Area C, that leads to Area A. However we are not sure on the status of that track, nor have we had the time to check it out. We would request that a check be made (we are prepared to do that check if required) and if a suitable track, then that track be added as an access easement for vehicular use. It appears that it would give good access to Area A in particular, and we believe that there is on that areas good for photography, landscape views and rock climbing.

Our submission

1. We support the plan as outlined in the documentation. We also add the following points:-
2. That the status of a public road be upheld along the Motatar that runs along the true left of the river. This will allow for vehicle access along the river.
3. We support the easement for foot access along the true right of Motatar River
4. We support the plan to allow the establishment of conservation areas in Area 1 and 2 as outlined, and that the Department of Conservation maintain the legal road into Diamond lake, and the walking tracks that have been established there.
5. That sufficient car parking areas are established at both areas so that people can park close to Diamond Lake in Area 1 and off the legal road at Area 2. This will

- allow for vehicles to be safely parked so that people can partake in the recreational activities that are available, ice skating, walks rock climbing etc.
6. We support the covenants for areas A, B & C and support their importance as open space
 7. We request that the 4WD Track mentioned running from Area C through to Area A be surveyed and if a suitable track then it be protected under an easement

All of these preserve the recreational value of the area.

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Protective Mechanisms

If the track as we have mentioned above is suitable access for vehicles, then we would request it be added as vehicle mountain bike and foot access. We support the other protective mechanisms, and as part of our submission additional areas will need to be added to allow for our suggested Car Parking areas.

Thank you for the opportunity to make a submission, and we hope our submission is helpful in the creation of another successful conservation area. The area is popular in many aspects, and from our point of view with vehicle access at the rivers, the foot access tracks the area will develop into a popular area for recreation. Whilst our organisation is not directly a rock climbing club, we do appreciate that there are good rock climbing attractions in the area, and we support the easements and car parking to allow those interested to carry out their climbing activities in the area.

Submission signed on behalf of Combined 4WD Clubs



Paul A Dolheguy
Secretary
18th September 2002

[REDACTED]

[REDACTED]

DTZ NEW ZEALAND
ALEXANDRA
20 SEP 2002
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Official Information Act

To/

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

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From/

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Commissioner of Crown Lands
c/o DTZ New Zealand Limited
Land Resources Division
P.O. Box 27
Alexandra

Ref: DTZ NEW ZEALAND
ALEXANDRA
20 SEP 2002
RECEIVED
Official Information Act

20 September 2002

Dear Sir

Submission on preliminary proposal for tenure review of Glendhu Pastoral Lease

[REDACTED] and an interested member of the public in regards to the tenure review process and the conservation of the vegetation communities in the [REDACTED] area of Otago in particular.

[REDACTED] and I am very familiar with the ecology of, and issues surrounding this and other ecosystems present in the rainshadow area of Otago. I support the objectives of the Crown Pastoral Lands Act 1998 (CPLA) as they relate to management and tenure review of pastoral land, and appreciate the opportunity to comment on this preliminary proposal. In this submission, I wish to highlight highly significant and substantial new information that has just become available in regards to the Glendhu Pastoral Lease that warrants a revisit and review of the preliminary proposal.

Dr. Susan Walker informs me that on a very recent visit to the Glendhu Pastoral Lease, a highly significant new site containing apparently viable populations of rare and threatened plant species was discovered on an alluvial flat on the true right of the Matukituki. The following discoveries were made in a hasty inspection of this site which has apparently not been surveyed by the Department of Conservation:

- 1. *Olearia hectorii*, a 'nationally vulnerable' ranked threatened plant species. Possibly 50 plants exist at this site and regeneration of the species was noted. This is highly significant as *Olearia hectorii* is only known to be regenerating at 3 other sites in the country, despite having 24 known extant populations (Rogers, 1996).
- 2. *Carmichaelia kirkii*, a 'nationally endangered' ranked threatened plant species. This species was found as a dense understorey to the shrublands at the site, and may be present in higher numbers than at any of the other sites from where it is known. This discovery also represents a significant westward extension of the known range of this plant.
- 3. *Olearia litorea*, a 'nationally sparse' ranked threatened plant species.
- 4. A comparatively unmodified wetland system which helps protect the plant species mentioned above and may also contain threatened species (it is as yet unsurveyed).

Lowland shrublands and woody vegetation in general is particularly rare in Otago despite being the dominant low and mid altitude vegetation of the region in pre-human times (Walker, 2002). Currently such vegetation communities (or remnants of) are severely under-represented in the conservation estate and are among the most threatened and highly modified areas of indigenous biodiversity nationwide. Such ecosystems are known to harbour high endemic invertebrate diversity (Derraik et al. 2001), with *Olearia* species being rich in insect diversity including as yet undescribed species (Poal and Parfick, 1999). This emphasises the importance of such remnant habitats for the protection of New Zealand's biodiversity.

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This lowland shrubland must be protected if tenure review of Glendhu Pastoral Lease is to be consistent with the requirements of the Crown Pastoral Land Act, i.e. to protect significant inherent values. The fact that at least three of the species found are on the threatened plant list also requires a much higher conservation status than a mere covenant. As the regeneration and maintenance of the plants in these shrublands are vulnerable to grazing (Rogers, 1996; Walker et al, 2002) I advocate that protection would be best achieved by return to full Crown ownership and control with secure fencing of boundaries and absolutely no grazing at the site.

In conclusion, the very recent discovery of new and viable populations of several species of plants on the threatened species list in a severely under-represented and highly modified lowland ecosystem on the Glendhu Pastoral Lease requires a revisit and review of the preliminary proposal for tenure review in light of this new information. I advocate that the site in question be assessed by the Department of Conservation after which a new preliminary proposal be drawn up, or their current recommendations modified accordingly. In my opinion, to ignore this new information on highly significant vegetation and proceed with the current preliminary proposal would be contrary to the requirements of the Crown Pastoral Lands Act and would be as to mock the public consultation process.

I am grateful for the opportunity to comment on the preliminary proposal for tenure review of Glendhu Pastoral Lease, and trust that you will seize this opportunity to help protect some of New Zealand's rare and threatened species, and remnant ecosystems.

Yours sincerely,

[Redacted Signature]

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OTAGO CONSERVATION BOARD

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OFFICIAL INFORMATION ACT

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Information Act

Our ref: OCB 34

18 September 2002

Commissioner of Crown Lands
c/o DTZ New Zealand Limited
Land Resources Division
Box 27
ALEXANDRA



Dear Sir

SUBMISSION ON THE GLENDHU TENURE REVIEW

Thank you for the opportunity to comment on the Notice of Preliminary Proposal for the tenure review of the Glendhu pastoral lease.

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

- the designation of about 215 ha as land to be restored to Crown control as a conservation area (viz. Areas 1 and 2).

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

- All of the Areas A, B and C to the north of the road should be transferred to full Crown ownership and control because of their very high inherent values (including landscape values), as well as the potential for inherent conservation values to improve significantly within these areas over time. The combination of Areas A, B and C with Area 1 (North) would also provide much greater integrity and security for future conservation management. The board would be willing to accept the freeholding of Area 1 (South) to achieve this outcome if it was necessary.
- The two blocks of Area C should be formally linked with an easement to provide public foot access.
- Recently-discovered populations of *Olearia hectorii* (Nationally Vulnerable), *Carmichaelia kirkiti* (Nationally Endangered) and *Olearia lineata* (Nationally Threatened) on the alluvial flat on the true right of the Matukituki River within the Glendhu pastoral lease, should be properly assessed and given a high level of protection. The board believes that the whole proposal should be reviewed in the light of this significant new information and that there should be a further opportunity for submissions on an amended proposal.

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

Yours faithfully

Maclark

F. F.
Les Cleveland
Chairperson

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Information Act

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

19th September 2002

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

Dear Sir

GLENDHU PASTORAL LEASE TENURE REVIEW - PRELIMINARY PROPOSAL

I thank you for sending me a copy of this preliminary proposal and that you accept this submission from me.

THE PROPOSAL

Glendhu Station, situated on the south west corner of Lake Wanaka is the third and central pastoral lease in a group of three - West Wanaka to the north and Alpha Burn to the south, that have entered the tenure review process. This group is located in perhaps one of the most scenic and very much visited parts of New Zealand. It is of particular significance to the tourist and the recreational industries. Glendhu in the centre of the group is very visible and places much emphasis on its landscape values.

Designations

(1) 215 ha (*approximately*) to be designated as land to be restored to full Crown ownership and control under Section 35 (2) (a) (i) of the CPL Act as Conservation areas.

(2) 2880 ha (*approximately*) to be designated as land to be disposed of by freehold disposal to the holders under Section 35 (3) of the CPL Act subject to part IVA of the Conservation Act 1987, and Section 11 of the Crown Minerals Act 1991 and the following protective mechanisms under Section 40 (1) (b), Section 40 (2) and Section 40 (2) (c) CPL Act.

Protective mechanisms

(a) 340 ha (*approximately*) subject to Open Space Covenant under Section 22 QEII National Trust Act 1997, to protect landscape and amenity values of Rocky Hill.

(b) 55 ha (*approximately*) Conservation Covenant under Section 77 Reserves Act 1977 to protect mixed native shrubland / forest.

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- (c) 70 ha (*approximately*) Conservation Covenant under Section 77 Reserves Act to protect mixed native shrubland / forest.
- (d) An easement to provide for public foot access along the true right of the Motatapu River.
- (e) An easement to provide public foot access from the Wanaka Mount Aspiring Road to proposed conservation area at Hospital Flat.
- (3) 9 ha (*approximately*) to be designated to remain as conservation area under section 37 (1) (a) CPL Act.
- (4) 11 ha (*approximately*) to be disposed of by way of exchange to the holders under section 37 (1) (c) CPL Act.

GENERAL ISSUES

1. I see and fully approve of the Areas 1 North and 1 South, and Area 2 are to be "**... returned to full Crown ownership and control...**" as conservation areas.
2. That consideration has been given to "**...the protection of the significant inherent values ..**" of the landscape and the remnant native shrub / forests outside conservation AREA 1 (North) by way of covenants, is also positive.
3. This review is not about what is generally known as "High Country", (all of it being under 800m ASL). It is about "**...ecologically sustainable management...**" of land of an altitude that should allow of ecologically sustainable farming. It has however sunny country and shady country, which will affect any farming operation. It only has small patches of tall tussock remaining in safe refuges.
4. The inherent landscape values and the total environment are probably the main issues of this review. I list some of these.
 - (a) The impressive landscape with its outstanding geological formations.
 - (b) Its tussock and bracken grasslands are its primary cover. Although most of the tussock has been modified to the extent that exotic grasses dominate the pasture, it still makes for an attractive outstanding landscape.
 - (c) The shrub / forests under the cliffs and on the ledges have significant inherent values.
 - (d) Its rivers, streams, lakes and wetlands.
5. The inherent recreational values are also most important and have to be taken into consideration. Some of these activities are;
 - (a) Walking and tramping;
 - (b) Canoeing or kayaking;
 - (c) Rock climbing;
 - (d) Tubing and rafting'

- (e) Swimming and fishing;
- (f) Botany, geology and photography

Out of the above activities comes the need of secure public access. It is of extreme importance - "... **The securing of public access to and enjoyment of reviewable land...**"

6. The centre of this property situated on the Wanaka Mt Aspiring Road, will at present see most people passing through on their way skiing to Treble Cone, or to Mt Aspiring National Park. However this is rapidly changing. It's increasingly becoming a destination, as it has so much to offer for those interested in the recreational activities as I have mentioned above.

7. This preliminary proposal has been publicly notified at a time when Wanaka is going through an unprecedented period of growth. At the Wanaka 2020 meetings held just recently, it became evident that there was a lack of, and therefore a demand for, walks / tramping for both the resident population and for visitors to the area.

8. I note that there is to be an exchange of conservation land at the east end of Hospital Flat.

9. I approve of the access being made available at Hospital Flat - E3

10. That the marginal strip down the true right bank of the Motatapu River is to be adjusted to accommodate obstacles is good.

With some changes to the proposal, I believe the objects of Part 2 (Tenure Reviews) Section 24 of the CPL Act 1998 can be met.

MY CONCERNS

1) Landscape

While the present farming pattern sits quite comfortably within the landscape, any changes to this landscape brought about by such activities as forestry, buildings or excessive earthworks, would upset this pattern immensely. I believe there should be a landscape protection covenant over the whole property to prevent this happening, with special emphasis on the Mt Aspiring Road corridor. The district plan is not very strong on landscape issues, nor is it guaranteed to be permanent, as it is reviewed and can change every ten years.

Such a covenant could be designed to also help protect some of the smaller but exceedingly important smaller shrub / forest remnants on the proposed freehold. I would mention here, the kowhai high on the bluffs to the south of the bridge crossing the Matukituki river, the kowhai remnants and shrub / forest on the northwest ridge and below Trig FF. Also the shrubland on the shady side of the un-named creek coming off the high point of Rocky Hill below 784 to the Motatapu River.

2) Wetlands

I am gravely concerned that the significant wetlands below the proposed easternmost covenant B, are not to be offered any protection whatsoever. These are extremely important as there are now very few wetlands of this nature left for wildlife. The whole flat is important, as it is this type of flood plain country that will allow the species *Olearia Hectorii* that is on the endangered plant list, to survive and recover. There is at least one *O. Hectorii* in the centre of the plain. There is a grove of these younger trees at the toe of the slope, but stock will soon find these and destroy them.

3) Fencing

No mention at all is made of fencing in the proposal. It is absolutely essential that the conservation areas being created be adequately fenced. This is particularly so around the topside of Area 1 (South). This fence should also encompass all the trees and shrubs around its perimeter, including the two areas of shrub / forest I have already mentioned above, in the vicinity of Trig FF.

Good use can be made of the rocky bluffs and cliffs as natural boundaries wherever they occur. If there is adequate fencing between the cliffs on the top edges of these shrub / forest refuges I see no problem. However, it is the lower margins of these areas where they come down on to the ledges that are at great risk - especially from cattle. It is essential that these be also being fenced, where required.

4) Covenants and Areas to be protected by them

I believe that it is only necessary to have one covenant on this property. That is the one mentioned above to protect the overall landscape values of the whole property.

Rocky Hill is a significant outstanding feature. It has considerable inherent conservation values in its shrub / forest remnants. These have survived grazing and burning, in the main, because of their position between in-accessible rocky bluffs. However I do not believe the proposed arrangement of covenants is necessary, or the correct way, to go about protecting all the significant inherent values of the area.

It would be a far better proposal *"...To enable the protection of the significant inherent values of reviewable land -*

- (i) By the creation of protective mechanisms; or (preferably)*
- (ii) By the restoration of the land concerned to full Crown ownership and control..."*

The advantages of this are: -

- It will give the very necessary real protection for the significant wetlands.
- The area concerned is the eastern most limits of matai and rata. Also it is probably the western most area for *carmichaella kirkii* and some varieties of clematis.
- Given a little time the area will compliment the shrubland / forest on the true left side of the river just north of the bridge over the Matukituki River.

- It will give the endangered *O Hectorli* a chance to survive in its natural habitat.
- Having the river flat protected will give the bottom level of an altitudinal sequence of vegetation to approximately 800m ASL.
- It will give far better access for the public to allow for walking up the river and out via a climb over the top of the plateau. Secure freedom for the public to enjoy and "roam at will" on the plateau.
- The economic gains by freeholding the property will be far greater than any loss sustained by not grazing the area I am suggesting to be retired.

5) Access

To a certain extent Otago was founded on pastoralism. Over the years, due to cultural changes and the process of evolution, this extensive pastoral regime has changed from extensive to intensive farming, and the original, more liberal approach to access to the open country that people came to New Zealand for in the first place, has changed. The Tenure Review process allows for rectifying this change in "...to make easier - (f) *The securing of public access to and enjoyment of reviewable land...*". I am greatly concerned that in this proposal the opportunity is not being taken to secure the access required for New Zealand's future needs.

I liken this lower Matukituki landscape close to that of Scotland or the Lakes District of England where lots of cross-country walking is done. I see the question of access as being crucial to the successful outcome of this important review. Public access should be secured as follows: -

(a) There should be provision for public access from the Mt Aspiring Road to the Marginal strip on the shore of Lake Wanaka at Perkins Bay. That no access is being provided in the proposal is a serious omission and must be rectified. It is also necessary that there be a recreation area reserved for day picnicking, swimming and other passive activities, on the area just west of the mouth of the Fern Burn.

(b) There should be provision for the parking of cars at the top end of the marginal strip (E2) where the Motatapu River comes out of the gorge.

(c) There should be public access to the Alpha Burn Station boundary from the road to Motatapu Station, where it crosses the Fern Burn. This would link up with the marginal strip to be created out of the Alphaburn tenure review.

(d) Walking access to the top of Trig FF should be available. This hill is as important as the hill to the north of Diamond Lake from a viewing of the landscape point of view.

TO MEET MY CONCERNS

- 1) I submit that the proposed areas A, B and C to be covenanted, be not proceeded with, but together with all the land between B and C "...be returned to full Crown ownership and control...".
- 2) There must be adequate public access made available to Parkins Bay from the Mt Aspiring Road. Also a recreation area must be provided west of the mouth of the Fernburn.
- 3) Access is made available from the Motatapu Road to the Alhamburn Station boundary via the marginal strip on the Fernburn.
- 4) That there be walking access to, and over Trig FF.
- 5) All the conservation areas and the lower margins of the shrub / forests must be adequately fenced from stock.
- 6) The outstanding landscape of Glendhu Station must be protected by a suitable overall covenant.
- 7) A car park must be provided at the top end of the marginal strip E2.

CONCLUSIONS

It is been often said that Tenure Review is a "win - win" situation. If my concerns, which I have drawn to your attention, were to be fully met, I would then consider this preliminary proposal to be a good one. To help in this direction, I strongly believe that if the advice given, after consultation with the Director General of Conservation and his departmental officers were to be acted upon (Section 26. Consultation (3) of Part II of the CPL Act 1998) and the public submissions be heeded, a successful outcome would then be achieved.

I thank you for allowing me to make this submission. I await the outcome with interest.

Yours faithfully



John Douglas
Manager / Chief Guides

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23 SEP 2002

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Thursday, September 19, 2002

The Commissioner of Crown Lands
C/o DTZ New Zealand Ltd.
Land Resource Division
PO Box 27
ALEXANDRA

Dear Sir

GLENDHU PASTORAL LEASE : TENURE REVIEW - PRELIMINARY PROPOSAL

I would be pleased if you would accept this letter as a personal submission on the above proposal.

I am by profession an ecologist and botanist, [REDACTED] with nine years cumulative experience in the botany and ecology of rainshadow South Island New Zealand east of the Main Divide. I have researched vegetation and succession in eastern South Island intermontane valleys and basins, and have catalogued, described and modelled the potential past and future extents of woody vegetation in Central Otago. I have publications in national peer-reviewed journals in these areas, and on the rare plants and rare ecosystems of this zone. [REDACTED]

In a private capacity, I have a small holiday home in the Upper Clutha, am a recreational walker and trumper, and am concerned that the natural values of the area be managed sustainably. Also in a private capacity, I have read the preliminary proposal for Glendhu Pastoral lease, and visited the property twice with the permission of Mr R I and Mrs P J McRae, on foot, in the company of John L. Turnbull of the Upper Clutha branch of the Royal Forest and Bird Society.

THE PROPOSAL:

Designations:

- (1) 215 ha (approximately) to be designated as land to be restored to full Crown ownership and control under Section 35 (2) (a) (I) of the CPL Act as Conservation areas.
- (2) 2880 ha (approximately) to be designated as land to be disposed of by freehold disposal to the holders under Section 35 (3) of the CPL Act subject to part IVA of the Conservation Act

1987, and Section 11 of the Crown Minerals Act 1991 and the following protective mechanisms under Section 40 (1) (b), Section 40 (2) and Section 40 (2) (c) CPL Act.

Protective mechanisms:

- (a) 340 ha (*approximately*) subject to Open Space Covenant under Section 22 QEII National Trust Act 1997 to protect landscape and amenity values of Rocky Hill.
 - (b) 55 ha (*approximately*) Conservation Covenant under Section 77 Reserves Act 1977 to protect mixed native shrubland/forest.
 - (c) 70 ha (*approximately*) Conservation Covenant under Section 77 Reserves Act 1977 to protect mixed native shrubland/forest.
 - (d) An easement to provide for public foot access along the true right of the Motatapu River.
 - (e) An easement to provide public foot access from the Wanaka Mount Aspiring road to proposed conservation area at Hospital Flat.
- (3) 9 ha (*approximately*) to be designated to remain as conservation area under section 37 (1) (a) CPL Act.
- (4) 11 ha (*approximately*) to be disposed of by way of exchange to the holders under section 37 (1) (c) CPL Act.

GENERAL ISSUES:

- I fully approve that the Areas 1 North and 1 South, and Area 2 are to be "... returned to full Crown ownership and control..." as conservation areas.
- I see that consideration has been given to "...the protection of the significant inherent values..." of the landscape and the remnant native shrublands and forests outside conservation AREA 1 (North) by way of covenants. The motivation and goal is positive, but the proposed covenants are insufficient as protection measures to sustain the significant inherent values in perpetuity, in particular to ensure the regeneration of the shrub species in the future. Fencing to exclude grazing from all shrublands will be a minimum requirement for their protection. I cite recent peer-reviewed references to substantiate this, below. I suggest that all of the significant shrublands be "... returned to full Crown ownership and control..." as part of a compact, single conservation area that extends from Area 1 North to the Matukituki River. This will prevent ongoing fragmentation and allow the shrublands to expand into the present anthropogenic bracken and grassland matrix and allow the populations of plants therein to survive in perpetuity.

- I fully approve that the marginal strip down the true right bank of the Motatapu river will be adjusted to accommodate obstacles.
- The need for "...The securing of public access to and enjoyment of reviewable land..." is of great importance here, given the unprecedented period of growth in Wanaka tourist and resident numbers. The area offers excellent opportunities for recreation, is much used at present, and this demand is sure to increase. The present proposal does not take enough account of this, or make adequate provision.

MY SUBSTANTIAL CONCERNS ARE:

1. **New information on an area of exceptionally high biological significance**
My recent visits to Glendhu have uncovered significant inherent values on the property, which, as I have confirmed verbally with botanical experts within DoC, Universities and my own CRI, are previously unknown from this property. They were not discovered in DoC's initial inspection of this property several years ago¹, or more recently.

In brief, my visit revealed that an area designated for freehold in the preliminary proposal (marked A on my appended map; Appendix 1) includes substantial populations of at least two nationally threatened plant species (*Olearia hectorii*, ranked Nationally Vulnerable, and *Carmichaelia kirkii*, ranked Nationally Endangered). Both appear on the list of New Zealand's most endangered plants (The State of New Zealand's Environment, MfE 1997, Table 9.5 pp 9, 54-55). Of great significance is the number of relatively young plants of both species, suggesting that both populations are viable, and that the ecosystem functions here are substantially intact. For one of these plants (*C. kirkii*), the discovery represents a significant extension in known range. The area also contains a large, previously undescribed wetland system, which is relatively unmodified, with potential to contain other threatened species; the values of this wetland were not assessed in any detail by me in my visit. I believe the area to be of national significance for conservation, given the sequence of ecosystems and vegetation represented, the presence of lowland ecosystem types that are strongly under-represented in conservation lands, the rarely-found unmodified condition of parts of the sequence, the endangered status of the plant species there, and the high potential for their continued existence in the wild, and for fuller ecosystem restoration. Protection from grazing will be vital to protect these values and I suggest that "... the restoration of the land concerned to full Crown ownership and control..." under Section 35 (2)(a)(i) of the CPL Act would be appropriate.

¹ I wish to emphasise that I do not present this information as a criticism of DoC. Properties with great topographic variation such as this one are difficult and time-consuming to cover thoroughly, and, even with a team of people, areas will be missed. The area in question is hidden from view from most other parts of the property, and it is largely by a combination of a particular interest and experience in ecosystems such as these (i.e. it is vital to know where to look and what for) that we uncovered some of these new values. Moreover, scientific understanding and appreciation of some of these inherent values is increasing rapidly (though perhaps not rapidly enough!). I understand that the initial biological survey was undertaken some years ago, before the rare plant biodiversity and landscape/ecological values of this area had received much research attention, had become better understood, and so looked and advocated for (see Rogers 1996, Rogers & Walker 2002; Walker et al. 2002 a,b).

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I therefore recommend that the conservation values of this area should be thoroughly assessed by Department of Conservation scientists and/or specialist advisors, and that the Tenure Review proposal pertaining to the pastoral lease as a whole be revised in the light of both this and other new information and advice (see 2. below). I append fuller field notes from my visit to the area to this submission (Appendix 2).

2. New information on the sustainable management of seral shrublands

It is absolutely essential that areas set aside on this property "To enable the protection of the significant inherent values" of the highly significant woody communities (shrublands and forests) be totally fenced against stock. The grazing and browsing of shrubland fragments, even on their margins, relegates them to biological hospices, where the non-viable, senile relicts of formerly diverse woodlands will continue to decline.

The majority of New Zealand native woody species are intolerant of grazing and browsing as a consequence of their evolution in ecosystems with avian but not mammalian predators. Since they produce palatable seedlings, they will not recruit new generations under grazing or browsing by cattle, sheep, rabbits, deer and possums. A few grazing-tolerant native and exotic species better adapted to browsing may recruit slowly under grazing, with the net result being a loss of palatable species and a change in composition towards more depauperate, artificial communities. Prior to the arrival of humans in New Zealand, species such as *Olearia hectorii* and *Carmichaelia kirkii* were more widespread, and stock grazing is one of the suite of factors that has fragmented and degraded their habitat and so made them rare. Therefore, allowing for grazing in such shrublands will not "... enable the protection of the significant inherent values" but will continue their degradation. Both removal of mammalian herbivores and exotic grass control are necessary to achieve recruitment. Last year, a significant methodological advance was made by local DoC staff, that shows it may be possible to do just this for *O. hectorii* populations in situ.

DoC has specifically sought research advice on the management of seral shrublands, and on postpastoral succession in intermontane valleys and basins, which has been completed only very recently (Walker & Lee 1999; 2000; Walker et al. 2000a,b). In both of their reports, Walker et al. (2000a,b) advise that browsing is incompatible with the sustainable management of shrublands for conservation purposes. Both reports are relevant to the conservation management of the shrub and forest remnants on Glendhu Station. An recent extensive review of lowland ecological research is also relevant and presents the same conclusions and recommendations (Perley et al. 2001; see especially p4: *Special features of New Zealand's biota and conservation predicament* 4th bullet point, and p26 *Control of mammalian browsers is particularly important in New Zealand* 1st paragraph). It is important that the tenure review proposal should be revised in the light of this recent advice.

MY OTHER CONCERNS ARE:

Evolving recognition of the particular need for greater protection of lowland biodiversity

In New Zealand as elsewhere in the world, past ecological research has focused on areas that are more unmodified; this has meant forests and alpine areas. However there is gathering recognition that the protection and restoration of lowland ecosystems is our most urgent priority if we are to "Maintain and restore a full range of remaining natural habitats and ecosystems to a healthy functioning state..." (Goal 3, New Zealand Biodiversity Strategy). Much research is currently being directed at lowland biodiversity in response to this recognition, with a significant proportion of it funded by DoC S&R and FRS&T. This work is of exceptionally high relevance to Tenure Review, which in eastern South Island provides the greatest opportunity to meet the goals set out in the New Zealand Biodiversity Strategy and our international biodiversity commitments (e.g. the Convention on Biological Diversity). I am gravely concerned that the pace of Tenure Review has so far provided little chance for research such as this to feed back into perceptions of conservation value, and to influence the resultant trade-offs between biodiversity protection and pastoral production, an exchange which is of national importance now and in the future.

In the context of the national priority for lowland biodiversity conservation, I suggest that the "significant inherent values" that should be accorded protection by "... the restoration of the land concerned to full Crown ownership and control..." from the Tenure Review Glendhu Pastoral Lease include the full range of shrublands and forest remnants. Their values are as follows:

1. they comprise an area of high intrinsic biological diversity in terms of New Zealand biogeography, due to their position straddling an ecological boundary between dry eastern and wet western regions
2. they contain environments and ecosystems that are critically under-represented in public conservation lands
3. they contain nationally significant and apparently viable populations of at least three nationally endangered, declining plant species
4. there is high potential for native shrubland regeneration and ecosystem restoration through natural succession, with minimal management input, given freedom from grazing and browsing
5. if an appropriate area is set aside and managed for conservation, this will extend the potential habitat for the threatened plant species, which may be expected to spread into areas that are presently somewhat degraded
6. vegetation regeneration under conservation management will extend the present habitat for native fauna in the Wanaka environs, which has suffered from the fragmentation and depletion of the lowland shrublands and forests (native birds such as kereru, warbler, tomtit, falcon, will benefit, as well as invertebrates). Low altitude shrublands are known to harbour high invertebrate diversity in Otago (Derraik et al. 2001).

I note that New Zealand Biodiversity Strategy Objective 1.1 a) is to "...enhance the existing network of protected areas to secure a full range of remaining indigenous habitats and

ecosystems" and Action b) of Objective 1.1. is to "Add to public conservation lands those habitats and ecosystems important for biodiversity that are not represented within the protected area network or that are at significant risk of irreversible loss or decline, or in situations where public ownership is needed for effective management". The shrublands and forest remnants on Glendhu Pastoral Lease are good opportunities to meet this objective, and to implement this action.

Fragmentation should be reversed, not entrenched

The high edge to interior ratios of the proposed shrubland covenants in the preliminary proposal would only entrench the state of fragmentation in this landscape, and ensure that the processes of ecological degradation that arise from fragmentation will continue. A revised proposal for conservation lands on Glendhu should heed the first principles of reserve design, which call for low ratios of boundary to internal area, and for allowance to be made for the coalescing of fragmented habitats.

The summary of issues for Biodiversity on Land (New Zealand Biodiversity Strategy PART THREE: Theme 1: *Habitat fragmentation*, p. 38) states that "There is a need for greater recognition and action to restore fragmented, degraded or scarce natural habitat, halt declining ecological condition, restore essential ecosystem functions, and extend the area of particular habitat types". The Glendhu Pastoral Lease Tenure Review provides a wonderful opportunity for this to be actioned.

Public access and landscape protection

I have focused my submission on ecological concerns, since this is my area of expertise. However, I am also aware that the public interest in access for recreation, and in landscape protection on this property is considerable, and that these are not adequately catered for in the preliminary proposal. I suggest that recent information and community concerns relating to unprecedented growth in residential and visitor numbers in the Wanaka environs must be taken into account in a thorough re-think of this tenure review proposal. I understand that similar concerns may be conveyed to you in other submissions, with suggestions for a number of additional provisions for public access and landscape protection. I strongly endorse these.

I have found that public education on, and advocacy for, the protection of rare plants and rare ecosystems in the New Zealand high country (such as those on Glendhu) is presently hamstrung by access restrictions. Most New Zealanders have no knowledge of their inherent natural values of our rarest ecosystems and plants since they have had little or no opportunity to see them. I believe that right of public access and direct experience of these plants and ecosystems may be the only means by which the New Zealand Biodiversity Strategy's (MfE/DoC 2000) Objective 8.1 may be met, i.e. to "Enhance and broaden individual and community understanding about biodiversity... and increase community involvement in the conservation and sustainable use of New Zealand's biodiversity". Glendhu Pastoral Lease presents wonderful opportunities for this, within easy reach of Wanaka.

TO MEET THESE CONCERNS:

I suggest that the conservation values be reassessed and that a new preliminary proposal be put forward, which takes the issues above into account.

I believe there is a strong case for the entire area of Glendhu Pastoral Lease that lies north of the Mt Aspiring Road to be "... returned to full Crown ownership and control..." as a single conservation area. However, on the appended map (Appendix 1), I mark a smaller area that I suggest would be the minimum to allow the "significant inherent values" of the area to be protected in perpetuity. I also mark the area for which there is new information (Area A; cf SUBSTANTIAL CONCERNS 1.) and my field notes thereon (Appendix 2).

I thank you for accepting this submission. I ask that you inform me of the outcome, which I await with interest.

Yours faithfully

[REDACTED]

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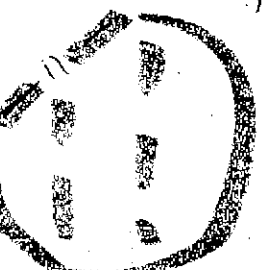
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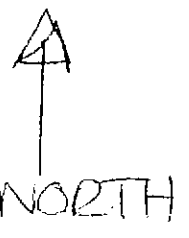


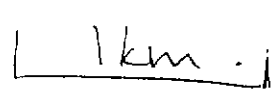
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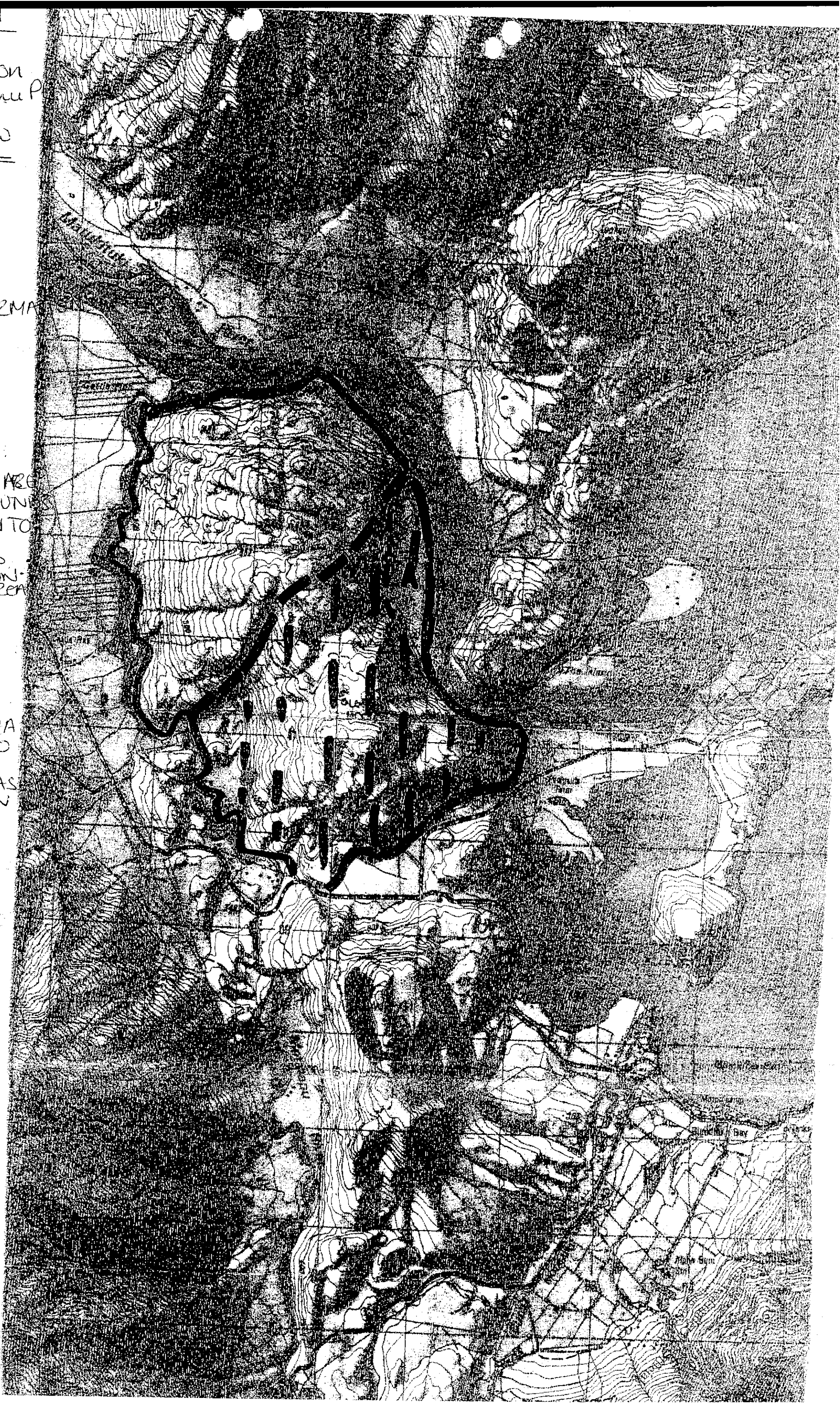
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Appendix 2

Description of Area A, September 2002, field notes by

A brief visit, without any attempt at a thorough examination of the vegetation, revealed the following features;

- 1) A considerably intact wetland system runs along the foot of the roche moutonee, in the backswamp of the broad alluvial flat, including a large pond at the northern end. The wetland has the potential to contain significant and endangered species, and I examined it only briefly. I am not an expert on wetland species and ecology, and I strongly recommend that its biological values be examined by wetland specialists. The locations of the pond and wetland are not marked on the topomap.
- 2) A strip of massive talus (some 400m by 50m wide) at the foot of the slope, which has been partly protected from stock and fire by the wetland system, and partly by its physical blocky characteristics, contains large populations of two of New Zealand's most threatened plants. *Olearia hectorii*, a small deciduous tree, is ranked Nationally Vulnerable and the liane *Carmichaelia kirkii* is Nationally Endangered. Of great significance is the number of relatively young plants of both *Olearia hectorii* and *Carmichaelia kirkii* seen, suggesting that both populations are viable, and that the ecosystem functions here are substantially intact, despite modification of the vegetation upslope.
 - a. I briefly estimated that the *Olearia hectorii* population numbers around 50 trees, but a thorough search was not made. It is exceptionally rare and important that the plants included a range of size and age-classes, suggesting that natural recruitment has been taking place in the last decades. This is not the case in most if not all other known populations, which characteristically comprise large adult trees to >100 years of age, often singly or in small groves in pasture, with no recruitment. Protection of this site as an ungrazed conservation reserve would offer a rare opportunity to ensure the survival of this species in the wild.
 - b. *Carmichaelia kirkii*, a palatable liane, grows here as an understorey to mixed, semi-deciduous shrubland of *Aristotelia*, *Coprosma*, *Griselinia*, *Muehlenbeckia* spp. and *Olearia avicennifolia*, *O. lineata* (also on the threatened plant list as ranked as Sparse) and *Olearia hectorii*. This represents a major westward extension of its known range of *C. kirkii* - a plant more characteristic of rainshadow inland basins. Its presence here underlines the interest of this site which straddles an ecological transition zone between the wet west and dry east. Populations of *C. kirkii* previously known in the Cardrona Valley have been searched for in recent years, and I understand a decline has been reported, apparently due to the loss of shrubland habitat and grazing. The sustainability and viability of the few other Central Otago populations, which largely exist outside Department of Conservation lands, is unknown, and probably poor. I am familiar a number of the known locations of *C. kirkii*, and have seen no population of plants as large, or where it is so locally abundant.
- 3) On the alluvial terrace of the Matukituki River, between the wetland and the river bank, which is fringed by willow, are many mature trees of *Olearia lineata*, a single old *Olearia hectorii*, and extensive woodlands of "old man" matagouri (*Discaria toumatou*). These are not presently regenerating due to grazing of seedlings and competition from

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exotic grasses. In my view the alluvial terrace may offer a window onto a formerly extensive but now effectively vanished intermontane ecosystem, in which rapidly-growing *Olearia* tree-daisies and matagouri may have been the principal stabilisers of river terraces and adjacent landforms. I therefore see these relicts as extremely significant. With the removal of grazing and restoration management aimed at encouraging recruitment, it may be possible to substantially restore original vegetation in this nationally under-represented ecosystem.

- 4) A functionally intact ecosystem sequence is represented, with bluffs at highest elevations, planar and concave midslopes, toeslopes talus in a range of block sizes, wetlands in the backswamps of the alluvial terrace, the alluvial terrace flats themselves, complete with old river channels and meanders, and the most recent alluvial floodplains and levees and the river channel (the latter fringed with willows which may provide some stabilisation). The natural disturbances (i.e. periodic large floods, rock falls) that are vital to maintaining this ecosystem sequence will continue to operate here.

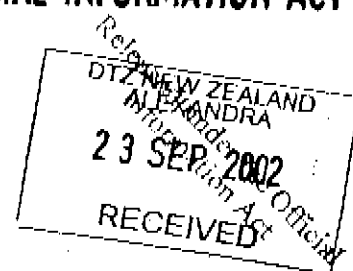
The continued existence of many of the natural values at this site is due in part to the protection offered by natural topographic features; e.g. its physical isolation from other parts of the farm, and the coarse blocky talus and wetland offering some disincentive or barrier to stock in the areas of *Olearia* and *Carmichaella*. Grazing pressure appears to have been relatively modest in recent years, although it has modified the wetland and shrubland margins, and maintains a substantially altered vegetation physiognomy on the alluvial terrace. If continued, it will degrade and ultimately eliminate the remaining biological values of the site.

Our ref: OCB 34

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18 September 2002

Commissioner of Crown Lands
c/o DTZ New Zealand Limited
Land Resources Division
Box 27
ALEXANDRA



Dear Sir

SUBMISSION ON THE GLENDHU TENURE REVIEW

Thank you for the opportunity to comment on the Notice of Preliminary Proposal for the tenure review of the Glendhu pastoral lease.

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

- the designation of about 215 ha as land to be restored to Crown control as a conservation area (viz. Areas 1 and 2).

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

- All of the Areas A, B and C to the north of the road should be transferred to full Crown ownership and control because of their very high inherent values (including landscape values), as well as the potential for inherent conservation values to improve significantly within these areas over time. The combination of Areas A, B and C with Area 1 (North) would also provide much greater integrity and security for future conservation management. The board would be willing to accept the freeholding of Area 1 (South) to achieve this outcome if it was necessary.
- The two blocks of Area C should be formally linked with an easement to provide public foot access.
- Recently-discovered populations of *Olearia hectorii* (Nationally Vulnerable), *Carmichaelia kirkii* (Nationally Endangered) and *Olearia lineata* (Nationally Threatened) on the alluvial flat on the true right of the Matukituki River within the Glendhu pastoral lease, should be properly assessed and given a high level of protection. The board believes that the whole proposal should be reviewed in the light of this significant new information and that there should be a further opportunity for submissions on an amended proposal.

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

Yours faithfully

Les Cleveland
Chairperson

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Dunedin Branch
Forest & Bird
P.O. Box 5793
Dunedin

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Commissioner of Crown Lands
c/o DTZ New Zealand Limited
Land Resources Division
P.O. Box 27
Alexandra

20 September 2002

Submission on tenure review proposal for Glendhu Pastoral Lease

Dear Sir

I make this submission on behalf of the Dunedin Branch of the New Zealand Royal Forest & Bird Protection Society, representing about 700 members who have a strong interest in the conservation of New Zealand's natural heritage.

Members of the Dunedin Branch have learned of the recent discovery of a shrubland containing populations of rare and endangered plants on the Glendhu Pastoral Lease. The site is on an alluvial flat at the base of a talus slope on the true right of the Matukituki River (approximate grid reference F40 906 135), on land to be disposed of by freeholding under the preliminary proposal.

The site is significant because it contains viable populations of the shrub *Olearia hectorii* and of the liane *Carmichaelia kirkii*. *Olearia hectorii* is listed as 'Nationally Vulnerable' by the Department of Conservation, and is listed as Endangered by the IUCN. *Carmichaelia kirkii* is listed as 'Nationally Endangered' by the Department of Conservation. The shrub *Olearia lineata*, which is listed as 'Nationally Sparse' by DOC, also occurs in the vicinity. Furthermore, the adjacent wetland is comparatively unmodified and may also contain threatened plant species.

The shrubland is evidently an important stronghold for *O. hectorii*, as previously only three of 24 known extant populations were reported to occur in self-maintaining habitats (Rogers 1996). The thriving population of *Carmichaelia kirkii* represents a significant westward extension of the known range of that species, and perhaps the largest population yet found.

In light of this discovery, we request that the above-mentioned site be investigated by the Department of Conservation, and that the preliminary proposal be redrafted or amended to take the results of such investigation into account. We submit that both the shrubland and the wetland merit protection as conservation land under full Crown ownership and

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control. A covenant such as those included in the preliminary proposal, which do not preclude grazing by stock, is insufficient protection for shrublands.

We appreciate the opportunity to comment on the preliminary proposal for tenure review of Glendhu Pastoral Lease, and your consideration of our submission. We request notice of the final outcome when this becomes available.

Yours sincerely,

P.P. 

Paul Star
Secretary, Dunedin Branch Forest & Bird

Reference

Rogers, G.M. 1996. Aspects of the ecology and conservation of the threatened tree *Olearia Hectorii* in New Zealand. *New Zealand Journal of Botany* 34(2): 227-240.



OTAGO CONSERVATION BOARD

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Our ref: OCB 34

24 September 2002

Commissioner of Crown Lands
c/o DTZ New Zealand Limited
Land Resources Division
Box 27
ALEXANDRA

DTZ NEW ZEALAND
ALEXANDRA
25 SEP 2002
RECEIVED

Dear Sir

SUBMISSION ON THE GLENDHU TENURE REVIEW

I refer to the board submission of 18 September 2002 on the above.

During discussion of its submission on 20 September, the board became aware that a small area within Area 1 (South) is valued highly for recreational rock climbing. Accordingly, the board wishes to qualify its previous statement about the possible freeholding of Area 1 (South) in exchange for the transfer of Areas A, B and C to full Crown ownership and control. If such an exchange was going to be considered, the board believes that the small area within Area 1 (South) which is used for recreational rock climbing, should be restored to Crown control as a conservation area, and that an easement should be created to guarantee free public access to that small area.

Yours faithfully

P P

Fergus Sutherland
Acting Chairperson

Public Access New Zealand

INCORPORATED

R D 1 Omakau 9182 Central Otago New Zealand Phone & Fax 64-3-447 3554
www.publicaccessnewzealand.org panz@es.co.nz

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26 September 2002

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



Submission on Glendhu Tenure Review Preliminary Proposal

PANZ wishes to comment on the following aspects of the review -

Area 1 North (Diamond Lake)

We welcome the proposed reservation of this area. Through the development of a walking track network from Diamond Lake to the summit of Rocky Mount, this area has become the primary focus for public recreational activity on the property. A spectacular panorama of the southern Lake Wanaka basin and the glaciated forms of the lower Matukituki valley is available from the summit - in a little over an hour's walk from the Wanaka-Mt Aspiring Road. This has proved to be extremely popular.

The boundaries selected for this conservation area appear appropriate, with the exception of the SW corner. The proposed boundary excludes a triangular area fronting onto the Motatapu River. DOC's original recommendations (*Conservation Resources Report, Executive Summary*) stated that "a small flat near the Diamond Lake turnoff through to the Motatapu River should also be managed for conservation purposes as it is part of the total landscape of the area and will allow for recreation use to be catered for". This area was mapped for Crown retention at that time. However this recommendation was inexplicably dropped from DOC's revised recommendations and was not pursued through preparation of the *Preliminary Proposal*. This omission exacerbates a fundamental weakness in the proposal from a recreational perspective. There is minimal provision for water-based recreation along rivers, and a total absence of new usable reserves, despite a pressing need, along the shores of Lake Wanaka.

In this particular reach of the Motatapu, DOC's initial proposal for a walking access easement down the true right bank to the West Wanaka bridge has also been dropped. There are major doubts that much of the existing marginal strip is still aligned with the riverbank and whether this serves any public purpose. There is at times intense recreational pressure on the marginal strip a few hundred metres away, either side of the lower Motatapu bridge. The narrow 20 metre wide strip can hardly cope with the demand for parking, picnicking and other activities, yet there are no plans to increase

the area available for recreational use. The triangular area between the river and the Diamond Lake car park provides an opportunity for ample car parking and convenient access to a larger reach of the river than is currently available. Failure to make provision for such an obvious public need is inconsistent with the duty under section 24(c)(i) Crown Pastoral Land Act (CPLA) "to secure public access to and enjoyment of reviewable land".

WE SUBMIT THAT the triangular flat and terrace between the Diamond Lake car park and the Motatapu River be retained in Crown ownership and managed for landscape protection and recreational use.

Area 1 South

The proposed reservation of the heavily bluffed northerly faces of hill 'FF' is welcome. As the DOC *Conservation Resources Report* documents, this has become an important rock climbing Mecca but more significantly, this area along with its northern counterpart centred on Diamond Lake, provides a natural gateway to the Matukituki valley and the Mount Aspiring National Park. It is important that this receives permanent protection.

Unfortunately it appears that the potential for recreational use, other than rock climbing, has been overlooked in the design of the boundaries. The proposed upper boundary is on the lip of the crest and does not go to the summit further the south where far more extensive views can be obtained. We note that the initial DOC recommendations were for a conservation area to include the summit of 'FF', however this was dropped from the revised recommendations and therefore did not carry forward into the *Preliminary Proposal*. Considerably better views of Glendhu Bay can be obtained from 'FF' (Photo 1) than from Rocky Mount, while most of the lower Motatapu valley is also visible.

What has been overlooked in the *Preliminary Proposal* is the potential for a walking track from the Diamond Lake car park up the leading western ridge to the summit of 'FF' returning via the eastern ridge and easement E3, or along the base of the hill. However the proposed western and eastern ridge boundaries need review to ensure that practical, convenient access can be constructed within a future conservation area. There are small bluffs that need to be bypassed (Photo 2). Any difficulties in route-finding and construction would be considerably less than that experienced on the Rocky Mount track.

The conservation area should be extended to include the summit of 'FF' as originally proposed (Photo 3). This would provide assured public access, and protection of the summit ridge from inappropriate development. There is also a spectacular bluff along the western lip below the summit, with forest remnants supporting native bird populations. It is unusual to hear bellbirds from open grassland (Photo 4). These features, and the walking experience with panoramic views, qualify as 'significant inherent values'.

It is worthwhile to reflect that Area 1 North would probably not have been identified as being so important for Crown retention if it were not for the vision of a few locals developing a walking track network to the top of Rocky Mount. Prior to their initiative there was no public demand for walking access to this summit. Extension of Area 1 South to the summit of 'FF' would create potential for a

complimentary walking track, with the bonus of panoramic views of the Motatapu valley, which are unobtainable from Rocky Mount. Both track networks would be centred on the existing 'Diamond Lake' car park. In combination with additional public reservation, as we suggest along the banks of the Motatapu River, this would make this area a hub of public activity, greatly extending recreational opportunities in the Wanaka district. This would be for the 'price' of very little extra reservation of land additional to what is currently proposed.

WE SUBMIT THAT Area 1 South is extended southwards along the leading ridge to include the summit of 'FF'.

Area 2 (Glendhu Bluff)

The selection of boundaries don't appear to take account of landscape considerations – a natural resource component of 'inherent values' requiring the Crown to protect during tenure review. The upper boundary selected is below the crest of point 465m and visible from Glendhu Bay. Without any other protective mechanisms over the upper part of this hill, there is a risk of incompatible land management or development occurring immediately above the proposed conservation area. This would be visible from the bay and to everyone travelling west along the Mt Aspiring Road. There are already power poles on the skyline. Further structures could be more intrusive.

WE SUBMIT THAT the upper boundary of Area 2 be the ridge crest as viewed from Glendhu and Parkins Bays.

We note that DOC's revised recommendations for reservation included a finger of land pointing towards Paddock Bay. The *Drafting Instructions for the Draft Preliminary Proposal* included this area, however this has subsequently been dropped from the proposals.

In the official commentary, in the analysis of amendments to the *Draft Preliminary Proposal* proposed by the holder, it was stated—

"The area proposed to be excluded from proposed reserve has a predominant cover of wilding pines. This portion was originally included on the basis of reserve design. An alternative boundary was arrived at in consultation with the holder which protects the significant inherent values identified, being a hardwood forest/shrubland remnant uncommon and endemic in the ecological district and being an important backdrop to Glendhu Bay".

"It is agreed that fencing this area is unnecessary and undesirable as stock are naturally excluded from this area by nature of the terrain and a fence would create an unnatural line on the landscape" (our emphasis).

Our photograph (Photo 5) of the slopes to be excluded from the Area 2 indicates that, on an area basis, the predominant cover is not wilding pines, but hardwood forest/shrubland. The pines are largely confined to the ridge crest and part of a gully. These could easily be removed and regeneration of native species encouraged. The boundary selected up one gully within this bay "would create an unnatural line on the landscape", which would result if there were clearance of native cover on the freehold side. No practical farming purpose is served by freeholding this area, however the potential

detriment to landscape and recreational values from a lack of protection of this slope could be severe. This is a very enclosed bay. Artificial subdivision of its slopes is not supported by objective assessment of its inherent values and is inconsistent with official advice to avoid unnatural lines on the landscape. 'Landscape' is a natural resource component of inherent values requiring protection under section 24(b) CPLA.

An aspect that appears not to have been considered, is the need for practical public access along this shore. There is a sheer rock face blocking any prospect of access along the existing marginal strip. However inclusion of this slope in Area 2 would facilitate alternative access along the ridge and to the legal road along the shoreline of Paddock Bay. Given other failures to facilitate practical access and recreation along the shores of Lake Wanaka, it must be a priority to secure this access whilst protecting the setting for lake recreation.

WE SUBMIT THAT all the visual catchment of this bay be retained in Crown ownership, out to the point at the eastern extremity of the property in this locality.

Lakeshore recreation reserves

"The foreshore of Lake Wanaka is popular over the summer months with boaties and picnickers utilising the area. Glendhu Bay Recreation Reserve is an extremely popular camping ground and is full to capacity over the peak holiday times. On these occasions public day access to the foreshore is difficult because vehicle access is controlled by staff manning the entry/exit gates to the area".

"The Wanaka foreshore between Glendhu and Parkins Bay requires better public access and opportunities for extending the public reserves in this area are required".

Conservation Resources Report, pp. 4-5)

We fully concur with the above and DOC's original recommendations (*Executive Summary*) which stated—

"Provision for future recreation reserves along the Lake Wanaka foreshore is desirable. Ideally this would result in land north of Glendhu camping ground becoming a reserve for day use only, and another area in Parkins Bay under the Glendhu bluffs near the poplars should also cater for recreational use. Also an extended area near the mouth of the Fern Burn is desirable".

However these recommendation were inexplicably dropped from DOC's revised recommendations. Consequently they were not included in the *Drafting Instructions for the Draft Preliminary Proposal*. We believe that this is a major failure to provide the CCL with proper advice on inherent values, including recreational values. This must be rectified. **We believe that unless there is greater provision for public recreation on the shores of Lake Wanaka, and related access, then this tenure review should not proceed.** Provision for public recreational access to lakes and rivers is a matter of national importance. No responsible government can afford to ignore such needs.

The Glendhu camping ground (domain) is effectively privatised and unavailable for non-campers. Other than a very limited roadside area at the eastern end of the bay, there is no other provision for public day access and enjoyment on the shore. There is only one locality with potential to provide for

open public access and use of the remaining shore. This is immediately northwest of the camping ground and within the pastoral lease (Photos 6 & 7). It appears to be partly developed for recreational use with amenity plantings, and has dinghies present. It consists of a narrow ribbon about 300m long between the camp ground and a bend in the road below the homestead. Much of this would be marginal strip if the current shoreline is the legal boundary. However there is doubt about this, as overlay of cadastral and topographic information indicates the existing strip to be off-shore.

There is no public access to the strip through the privatised domain or directly from the road. It is essential that all the land between the lake and road in this locality become public reserve and be managed for public day use, as per DOC's original recommendations. The alternative, as currently proposed, is freehold possibly with lakeshore development. Retaining as public open space would not only satisfy a pressing need for further recreational opportunities in this region, but also provide some private benefit by maintaining unrestricted views of the lake from the homestead.

WE SUBMIT THAT all the ribbon of land between the Mt Aspiring Road and Lake Wanaka, immediately north west of the Glendhu Bay camping ground, become recreation reserve and be managed for public recreation other than camping.

Parkins Bay access

DOC's *Conservation Resources Report, Revised Recommendations*, recommended a public access easement to Parkins Bay and a car parking easement to allow use of proposed marginal strips down the Fern Burn to the lake shore. These recommendations were reflected in the *Drafting Instructions for the Draft Preliminary Proposal (Photos 8 & 9)*.

However during consultation with the holder, the latter objected to the proposed Parkins Bay easement on the grounds that it would change the character of the lakefront and would interfere with farming operations. Both DOC and the CCL's agent objected to removal of this access easement from the proposal for the following reasons—

- Easement provides the most practical route to Parkins Bay.
 - Does not agree that public access will change the character of the lakefront.
 - Easement is consistent with Sections 40 (c) and 40 (d) CPLA. Access is consistent with DOC's Standard Operating Procedure for Tenure Review.
 - Very important as limited practical legal access from the road to Lake Wanaka anywhere north of Lake Wanaka township.
 - Parkins Bay presently has no practical legal public access from the road.
 - The recreation opportunity is of significant inherent value.
 - An alternative route proposed by the holder has been inspected and found to be unsuitable.
 - Refers to media article indicating high level of community interest in tenure review in this area and importance of formalising practical public access to Lake Wanaka.
- Report on Consultation, p 7.*

The agents further commented that—

"This easement provides convenient practical public access from Wanaka Mount Aspiring Road to scenic Parkins Bay. It has particular importance due to the general limited number of public access points available from public road around Lake Wanaka to the lakeshore. We believe the matter of the provision of such public access in this tenure review will be of considerable public interest. We do not agree with the holder's contention that such an access would change the character of the lakefront. We are of the view that this access is necessary to provide an alternative to lake access via the privately run motor camp at Glendhu Bay. We concur with the DGC delegate's view that the alternative route suggested by the holder is unsuitable for the purpose sought by the Crown".

In the "interests of compromise" DOC and the CCL's agent recommended that, although the holders have not rejected a car parking easement at the Fern Burn, provided the Parkins Bay easement can be secured, it would be acceptable to delete the Fern Burn carpark from the proposal as legal access is provided along the margin of the Fern Burn within the marginal strip.

However BOTH proposals have been deleted from the advertised *Preliminary Proposal*. There are no provisions for alternative public reserves or access to the Lake. The case for these is well set out above. As far as we are aware no contrary arguments or explanations have been made to the CCL to justify these major omissions. In our view, failure to provide practical public access to Lake Wanaka is also a failure to act consistently with the objects of the CPLA. These deficiencies must be remedied before tenure review proceeds further.

Clearly, none of what we have stated above is "new information". However, given the divergence between official advice and official action, the issue of public access and reserves provision around Lake Wanaka must be revisited. A failure to do so, with open minds and a willingness to alter the current proposals, would be in breach of the CCL's legal obligations in regard to consultation, as summarised in *Crown Pastoral Land Standard 8, Appendix D*. See Photo 10 for overview of lakeshore reserves and access.

WE SUBMIT THAT a public foot access easement be created from the Wanaka-Mt Aspiring Road to Parkins Bay, and an area for carparking be reserved at the Fern Burn Bridge (there being insufficient road-side area for parking) so that any future marginal strip can be utilised for access to the lake.

WE SUBMIT THAT an extended area at the Fern Burn be reserved for recreation purposes, as per DOC's original recommendations.

Marginal strips

The fallaciousness of the LINZ's 'nothing-to-do-with-me' stance on marginal strips is yet again demonstrated by this case. Their head-in-the-sand posture will have to change if Government's presumed objectives for public recreation are to be satisfied by tenure review.

We note that there are former Section 58 Land Act, now section 24(3) Conservation Act marginal strips, along the Motatapu and Matukituki Rivers, and the Lake Wanaka shoreline. However these are

fixed-position strips that do not move with changes to watercourses. The *Designations Plan* for the *Preliminary Proposal* overlays the position of these strips with the topographic database. This reveals substantial lack of coincidence between legal boundaries and riverbanks along the Motatapu, in particular the reach between the upper and lower Motatapu bridges. There is a lesser degree of divergence between strips and the banks of the Matukituki, however the lack of practical linear access necessitated initial proposals for public easements their full lengths. This solution would become unnecessary if, as an integrated part of tenure review, existing fixed strips were exchanged for new movable strips.

As noted earlier, the marginal strip along Lake Wanaka appears to be off-shore. If this is the case, Part IVA Conservation Act will necessitate the creation of new strips along a redefined shoreline at the time of disposition. Also new strips will be required along river banks where these deviate from the existing strip. This will create a very messy legacy that, with further inevitable river realignment, will end up with disconnecting fixed and movable sections of marginal strip. The situation would be better dealt with as follows—

WE SUBMIT THAT all existing marginal strips be exchanged for movable strips utilising the provisions of section 24E Conservation Act.

The above strips were created in 1989 at the time of the issue of this lease. This was a consequence of subdivision from Alphaburn. There are no other marginal strips on this property. We wonder why strips were not also created along the Fern Burn when the legal obligation to do so (at a time of 'disposition') was the same for the above rivers and lake. Casual inspection reveals that the bed of this strip is far in excess of the minimum of "an average of 3 metres". The absence of strips along the Fern Burn creates uncertainties for tenure review.

Whilst the *Due Diligence Report*, p 2, states that the Fern Burn was "assessed by the Chief Surveyor in 1998 (for tenure review purposes) as being over 3 metres in width its full length of the lease", going by past official performance, there can be no assurance that strips will in fact be created during this current final act of disposition. Yet the tenure review proposals on this property, and the neighbouring Alphaburn, depend on marginal strips being created. Access to and over Alphaburn is necessary for access into the upper Fern Burn and proposed conservation areas, as well as to Lake Wanaka—the latter being the only such provision that may result from tenure review if the *Preliminary Proposal* is adopted. If marginal strips are not created then alternative public access will be necessary.

If provision of marginal strips really has nothing to do with the CCL's decisions on tenure review, then he should take no account of what DOC may or may not do in regard to creating marginal strips. There is a clear public need for access up and down the Fern Burn. That need must be satisfied under the objects of the CPLA. To be consistent with a 'nothing-to-do-with-me' stance, no unspoken reliance can be placed on other agencies creating public access along this stream. Therefore the sole responsibility for fulfilling the objectives of the CPLA, in regard to securing public access and enjoyment of reviewable land, falls on the CCL and his delegates.

WE SUBMIT that, unless the CCL ensures that marginal strips will be created, public foot access easements be created either side of the Fern Burn, the full length of the property, of sufficient width to secure practical access even when the Burn changes course.

Motatapu and Matukituki River access (including Easement E2)

We welcome the intention of creating public access part way down the true right bank of the Motatapu River between the upper and lower bridges, however we believe that due to the ongoing process of river meandering, fixed position easements fail to "secure public access and enjoyment of reviewable land" as required by section 24(c)(i) CPLA. Only movable marginal strips will achieve this objective.

We note that easement E2 was proposed from the outset of DOC's initial recommendations as part of a more extensive proposal for access the full length of the Motatapu and Matukituki to the West Wanaka bridge. This is what DOC had to say in the *Conservation Resources Report*, p4 - "Extended walking access is also desirable from the Motatapu Gorge bridge along the full length of the Motatapu River to its confluence with the Matukituki River. From here the route would go down the Matukituki River to the West Wanaka bridge. While most of this route could be catered for within the [existing] marginal strips, extensions to this strip or easements will be required in some areas".

However, despite there being a clear recreational need for this access, DOC's revised recommendations inexplicably dropped access the full length of the Motatapu and Matukituki.

Fish & Game also recommended that access should be provided along the Motatapu to the Matukituki, however, "they also advised that in their view the marginal strip which will deem to exist along the Motatapu River on disposition of this land will satisfy their requirements" (our emphasis), *Submission Draft Preliminary Proposal*, p 12. However the above conclusion was based on an erroneous assumption that there are no existing fixed strips and consequently new, movable marginal strips are yet to be created. If the latter were the case, this would be adequate and additional easements unnecessary. However as discussed earlier, the existing marginal strip is fixed in position and does not coincide with current river banks its full length. Its existence, along current sections of river bank, precludes the creation of new movable strips, unless the CCL and DOC make a policy change to deal with marginal strips as part of tenure review, involving the use of section 24E Conservation Act. Either the existing fixed strip needs to be exchanged for a movable strip so as to accommodate the reasonable anticipation of further changes to the river course, or other access arrangements made over those sections where the marginal strip is impractical for access.

The case for practical public access the full length of the Motatapu and Matukituki River banks has already been made. This is stated to be in accord with the objects of the CPLA. The *Preliminary Proposal* of only partial riverbank access is therefore not in accord with the Act's requirements.

The proposed fixed-position easement, as depicted on *Schedule G to the Drafting Instructions*, shows the alignment crossing two river flats that are subject to periodic meandering by the river. The easement alignment is apparently based on two erroneous assumptions. The first is that the easement is secure from further attack and interruption by the river. Both topographic record and evidence on

the ground (old channels), demonstrate that this is far from being the case. It is almost certain that the chosen alignment will be interrupted in the future (Photo 11).

The duty under section 24(c)(i) CPLA to secure public access, along the banks of actively meandering waterways, cannot be satisfied by an immovable easement. 'Secure' is defined as—

'Secure': Safe against attack, impregnable, reliable, certain not to fail or give way, having sure prospect... from interruption. *Concise Oxford, Seventh Edition.*

An alternative mechanism is required. The only alternative mechanism available under relevant law are moveable marginal strips. Section 24E Conservation Act provides a means of creating such when existing fixed strips are already in place. The creation of movable strips along these riverbanks provides the only obvious means of compliance with the CCL's duties under section 24(c)(i) CPLA.

The second erroneous assumption behind this easement is that the duty to secure public access and enjoyment is confined to providing a means of travel just between start and finish points. The proposed alignment appears to be outside of the probable location of the existing 20 m wide marginal strip for much of its distance. The easement will therefore not provide legal rights of access to the riverbank and riverbed — which is the primary recreational attraction. The *Conservation Resources Report* records the river as being the focus of existing recreational activity, yet the current proposal makes only incidental provision for river access, in possibly only a few places where easement and marginal strip boundaries coincide. It also takes no account of river users, whom commence their downstream journey either by foot or floatation at the upper Motatapu bridge, from exiting via the easement wherever river conditions may force them to do so. In effect, the provision of a public access way parallel to but distant from the river and the marginal strip will create a necessity to trespass across intervening freehold land. Creating such an avoidable violation of private property rights is not an action of responsible Government.

Currently there is minimal public foot-orientated use of most of the lower Motatapu and Matukituki riverbeds and banks because there is no provision for access, except near road bridges. With the provision of a marked, and where necessary formed, route this situation would change dramatically. There are very limited opportunities for riverside walks in the Wanaka region. In combination with other opportunities at Diamond Lake, a walking route allowing through access between the West Wanaka and Motatapu bridges, with ease of access to and from these rivers, would become extremely popular (Photo 12). We believe that the Crown has a major obligation to ensure that this opportunity is secured, now. It is most unlikely that any official moves will be made to do so subsequent to tenure review, as there will be no incentives for future freehold owners to agree to such, and probably plenty of contrary reasons. Action to create movable marginal strips as part of tenure review, would provide secure, long-term access without the additional time and expense of creating a flawed and inadequate easement.

WE SUBMIT THAT, using the provisions of section 24E Conservation Act, existing marginal strips along the banks of the Motatapu and Matukituki Rivers be replaced their full length with movable strips of sufficient width to ensure uninterrupted practical foot access now and in the future.

Loop Track at 650m north from Rocky Mount

DOC original recommendations included a circuit easement north from Rocky Mount, however this was reduced to a short return track to a proposed reserve, now to be a covenant. This track has now been dropped completely from the *Preliminary Proposal*. DOC stated that "the (circuit) route is likely to be very popular", *Drafting Instructions for Draft Preliminary Proposal*.

However after consultation with the holder it was recommended that this easement be deleted from the proposals. The official justification was—

"It is accepted that this easement traverses a wide area of proposed freehold land which will be subject to grazing by domestic animals which may conflict with public access. Also the route is likely to receive only moderate public demand. In light of these factors we support this easement being deleted from the proposal" (our emphasis).

The above instance is an example of all too prevalent tailoring of advice to advance current proposals, rather than reliable professional guidance to the CCL.

A full circuit easement would provide outstanding views of the mountains surrounding the lower Matukituki valley and of the river itself. Such views are partly obscured from Rocky Mount. The initial advice that this route "is likely to be very popular" is the more reliable, given that an estimated 150,000 people have enjoyed the Diamond Lake-Rocky Mount walking track over the last 10 years (*Otago Daily Times*, 16/9/02), and that the proposed northern circuit would directly link on to this. How such heavy use can be officially downplayed to "only moderate" should be cause for inquiry by the CCL, given his reliance on such advice for his decision making.

Terms of easements E2 & E3

Dispute resolution

We note mechanisms for resolving disputes between the Transferor and the Transferee, but there is no provision for public involvement. Given that "any member of the public" is included within the definition of 'Transferee', but excluded from any settlement of disputes, we think it only proper that there be an express requirement for s49 Conservation Act procedures whenever any change, or extinguishment, to the terms of public easements is proposed, or if protracted obstruction or closure of public access occurs. WE SO SUBMIT.

Exclusion of schedules

We note an express exclusion of the rights and powers contained in the Ninth Schedule of the Property Law Act, but not of those in section 126G which enable modification or extinguishment of easements through the Courts, without public process. Such a provision undermines the legislative intent of section 24(c)(i) CPLA to secure access. WE SUBMIT THAT section 126G of the Property Law Act be expressly excluded from the terms of the public access easement.

Temporary closures/suspension

We are concerned about the 'temporary suspension' provisions of the draft easement. "The Transferee may close all or part of the Easement Area and suspend public access to it if reasons of public safety or emergency require closure, or otherwise in accordance with the provisions of section 13 of the Conservation Act 1987".

Section 13 Conservation Act only applies to conservation areas. The easement areas will be private freehold. Therefore including the above provision in the terms of the easement cannot be in accord with the Conservation Act and must be deleted.

There is no statutory authority cited for closure for public safety or emergency. Emergency powers should be exercised either by the Police or Rural Fire controlling authority for genuine emergencies only. In view of DOC's partiality towards private sector interests at the expense of public recreation, we do not trust the department with powers of considerable discretion and vagueness such as "public safety". Such powers could easily be subject to misuse.

These provisions fail to properly comply with "the securing of public access to and enjoyment of reviewable land" as required by section 24(c)(i) CPLA.

WE SUBMIT THAT the temporary closure provisions be deleted.

OSH and ACC

We note that in official papers supplied to us in regard to the Longslip tenure review, the holder raised concerns about Occupational Safety and Health, and Accident Compensation Commission liabilities arising from public easements over freehold. As far as we are aware, this is a generic issue that has not been dealt with in this or any other tenure review. The CCL's failure to deal with these issues potentially undermines all easement provisions arising from tenure review. There is no assurance, despite the express terms of these easements, that the public right to pass and repass at all times will prevail over land holders taking action to remove liabilities that may arise from having members of the public on their freehold. The holders' solution may be to bar public passage, notwithstanding the terms of this or other easements.

The dedication of public paths/roads, rather than the creation of easements, would avoid such difficulties. Paths would be public rather than private property, and unable to be deemed places of work or employment for the purposes of OSH or ACC.

WE SUBMIT THAT, to provide security of public access, as required by section 24(c)(i) CPLA, the proposed public easements instead be dedicated as a public roads-paths for pedestrian passage.

Yours faithfully



Bruce Mason

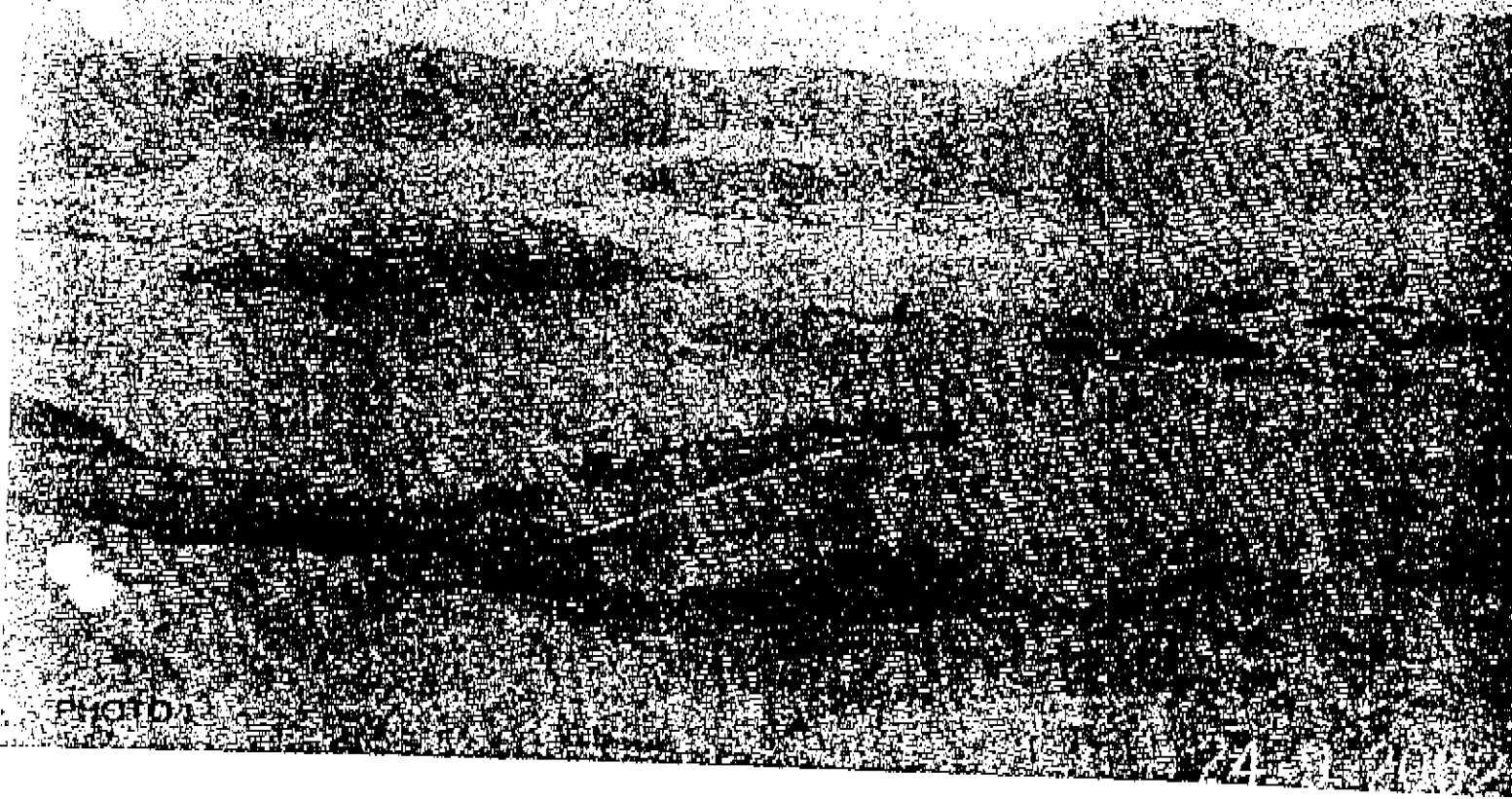
Researcher & Co-Spokesman

Appendices: 12 photographs (on CD)

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Information Act

Glendhu Tenure Review



Standard Torture Review

Area 1 South
from Rocky Mount



10702

Glendhu Tenure Review

Hill 'PF'

from above Area 1 South upper
boundary

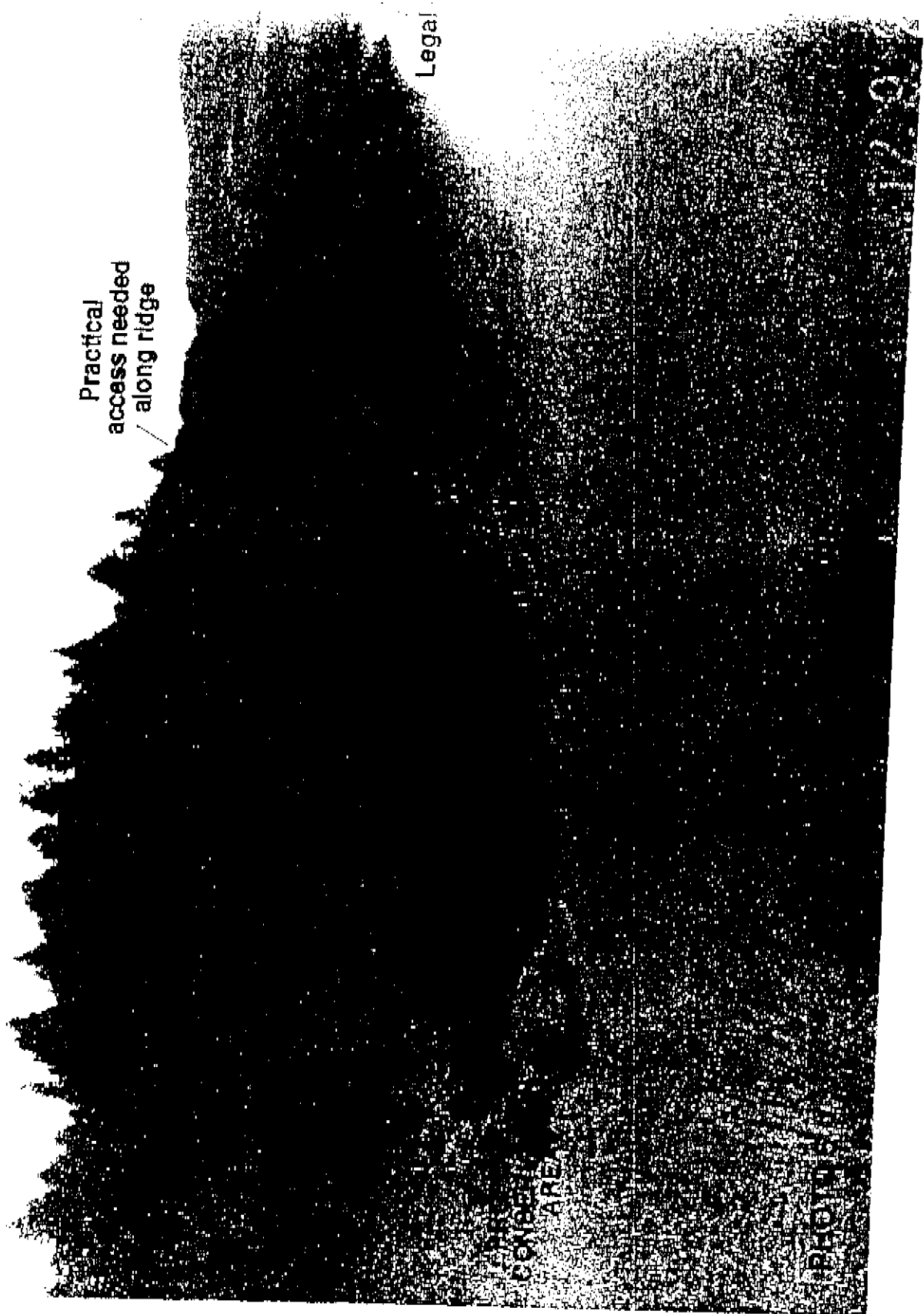
Summit ridge should be added
to conservation area



Sorry, Printer packed a load. Photos 1-5 say he printed 74
Jpg files on CD 'Glendhu PAND submission' 2/19/00

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Glendhu Tenure Review



Practical
access needed
along ridge

Legal

AREA

1900

Glendhu Tenure Review



Marginal strip

Area north-west of
motor camp

PANZ proposed
recreation reserve

PHOTO 6-1

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Official Information Act

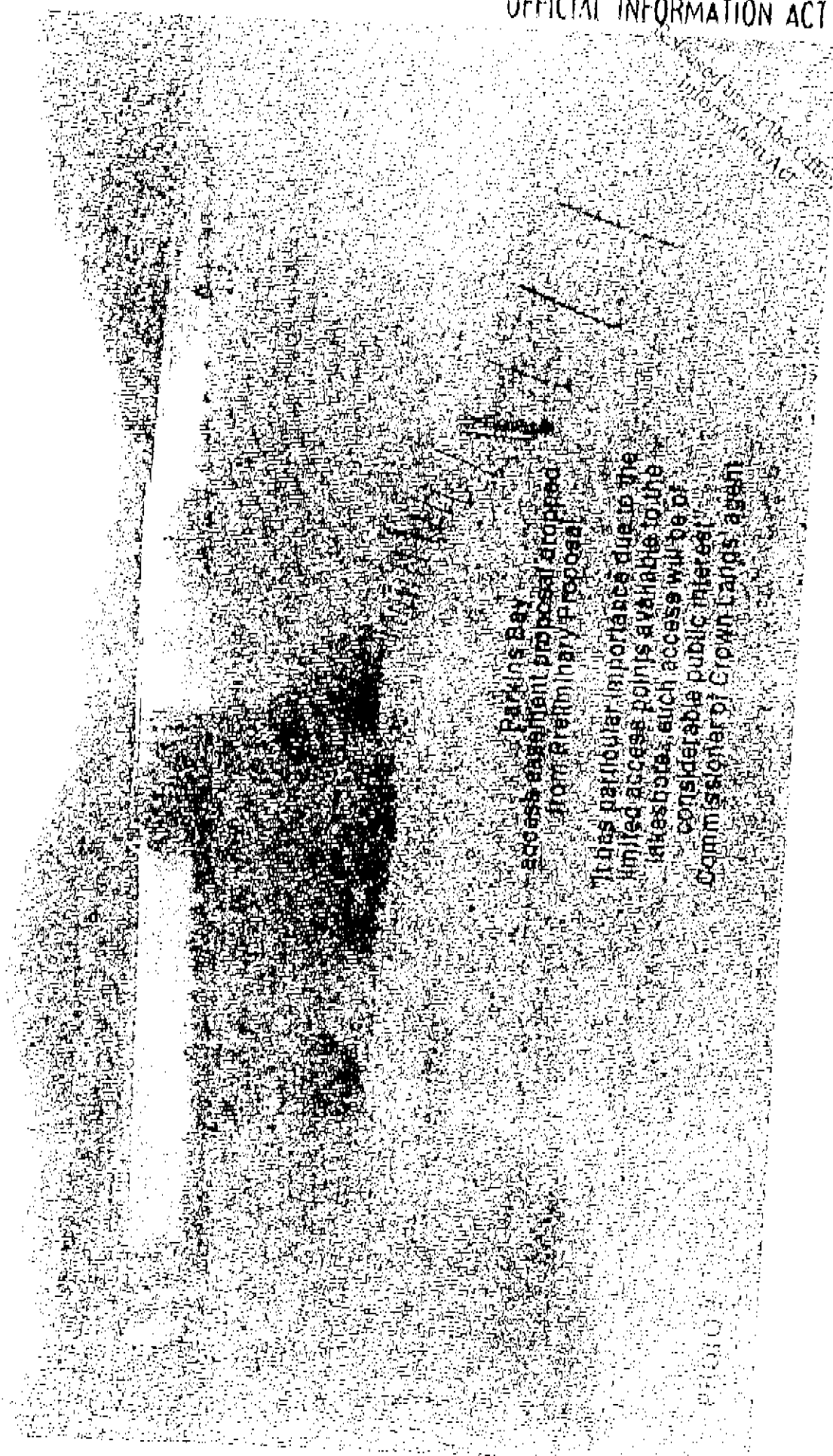
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Glendhu Tenure Review



PHOTO 7

Glenside Tenure Review



Parkins Bay
access easement proposal dropped
from preliminary proposal

It has particular importance due to the
unfired access points available to the
lakeshore, such access will be of
considerable public interest.
Commissioner of Crown Lands agent

PHOTO

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OFFICIAL INFORMATION ACT

Access to Information Act
Révisé sous la Loi sur l'accès à l'information

Standard Tenure Review

Rankins Bay

Without practical
access
forbidden territory?

Released Under the Official
Information Act

Information under the
Official Information Act

Geothermal Tenture Review

Lakeshore recreation requirements



Calluna Bay

PHOTO 10

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Glenchu Tenure Review

Motatapu River
ACCESS

River
channels

Fixed
marginal
strips

Easement
(approx)

Critical
river
position
(approx)

Moveable marginal strips,
not fixed easements,
are needed to secure
public access

011

Giordano Tenure Review

Rocky Mount

Walking track
needed along
marginal strip

Moveable silo needed

Manukiri River
from
West Wairaka Bridge

PHOTO 12