

Crown Pastoral Land Tenure Review

Lease name: HOME HILLS

Lease number: PO 383

Public Submissions - Part 2

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

October

06

(4)

Commissioner of Crown Lands,
C/o David Payton
Tenure Review Contract Manager,
Opus International Consultants Ltd,
Private Bag 1913,
Dunedin



**FOREST
& BIRD**
Dunedin Branch
PO Box 5793
Dunedin
21.6.06



Dear Sir,

Submission on the proposed outcomes from tenure review of Home Hills Pastoral Lease

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

This submission is written on behalf of the Dunedin Branch of the Forest and Bird Protection Society which has approximately 565 members with strong interests in botany and natural history in general and in the High Country. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

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

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

Introduction

Home Hills is approximately 24km from Ranfurly and is bounded by the Manuherikia River on the west. Falls Dam is partly located on the lease. The lease contains outstanding natural landscape and the Protected Natural Areas Programme identified two areas of interest within it.

The Proposal

1. **Conservation Area CA1** of approximately 1374 hectares to be designated as land to be restored to or retained in Crown control as Conservation Area under section 35 (2)(b) Crown Pastoral Land Act 1998.

This area is in the northern part of the lease and covers the Manuherikia Flats, the lower toe slopes of the Hawkdun Range and is dominated by alluvial fans of the Manuherikia River network. It includes the Mt Ida Water Race and adjoins Conservation Land (on the Hawkduns) to the east. The landscape values are outstanding. It contains a number of different tussockland species over the terraces, wetlands in seepage and flush zones, shrublands, herbfield communities, nationally significant invertebrate species as outlined in the background to the proposal and in the Conservation Report

Forest and Bird strongly support the creation of this Conservation area for the reasons listed in the proposal and note the particularly important altitudinal sequence within it.

We strongly suggest however that CA1 be extended at its southwest corner to include the small parcel of flat land bounded by the Falls Dam shore on the west, the lease boundary on the east and Johnstones Creek to the south to include the Conservation Covenant on Johnstones Creek. This could then include CA3 and would preserve the landscape across to the Falls Dam shore and thus the view from the Dam itself over to the Hawkduns and better provide for the recreational activities popular on the lakeshore and water. It would also protect the habitat of the nationally endangered *Lepidulum sisymbrioides* ssp. *Kawarau*.

Qualified designations .

- a. A grazing concession under Section 36(1)(a) of the Crown Pastoral Land Act 1998 in favour of Euan Sclater Johnstone to run for 10 years.

We believe there is a case for restricting the continued grazing period to 5 years rather than a 10 year term.

- b. Relating to continuation in force of an existing unregistered easement in favour of the Hawkdun Idaburn Irrigation Co. Ltd.

We have no objection to this designation

- c. Continuation in force of an existing easement in gross in favour of the Falls Dam Co. Ltd.

We have no objection to this designation.

2. **Conservation Area CA2** 138 ha (approximately) to be designated as land to be restored to or retained in Crown control as Conservation Area under section 35 (2)(b)(i) Crown Pastoral Land Act 1998 subject to one qualified designation.

This low-altitude area is along Fiddlers Flat Road on the true left of the Manuherikia River. It contains unique associations between native plants and fauna. It is characterised by tussocklands and herbfields associated with rock outcrops and scree slopes as well as the river terraces which include some wetlands. It includes the formed road up to Falls Dam. It provides opportunity for access to the river for recreation (eg, fishing, botanising, picnicking) and appreciation of the upper gorge area and associated landscape.

We strongly support the creation of CA2 but suggest that instead of the new fence from F to G, the existing fence a little further up the hill should be part of the eastern boundary.

We also suggest an easement to allow foot and non-motorised access up the hill from the gravel pit road to Trig F which would provide a not too onerous walk with wonderful views and would be appreciated and enjoyed by many people..

Qualified Designation:

a. Continuation in force of an existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Falls Dam Company Limited (Caveat registered as Transfer 5971197.1).

We have no objection to this designation

3. CA3 An area of 3 hectares (approximately) to be designated as land to be restored to or retained in Crown control as Conservation Area under section 35 (2)(b)(i) Crown Pastoral Land Act 1998 subject to one qualified designation.

We support this proposal referring to a small parcel of land covering the lakeshore and the area where the fishing huts are and also taking in an area where the endangered *Lepidulum sisymbrioides* ssp. *Kawarau* is found but suggest that it could well instead become a part of CA1 if our proposal to extend CA1 was accepted.

Conservation Covenant Proposal:

A Conservation Covenant is proposed over three areas totaling approximately 100 hectares under section 40(2)(a) and (b) Crown Pastoral Land Act 1998 for the purpose of preserving the native shrublands within the catchments of three creeks flowing into Falls Dam.

These shrublands can be accessed easily from the track round the side of Falls Dam from the dam to the fishing huts and their ecological values will be appreciated by many. Being able to view them as part of a very pleasant walk/mountain bike trip along the shore (suitable even for those with a low level of fitness), would be an added bonus.

We strongly support the creation of a Conservation Covenant over the above three areas and suggest they should extend right to the top of the steep faces and ideally be fenced off. We note there is an existing fence on the ridge above the true right of the unnamed Creek (south of Johnstones Creek), one of the proposed covenanted areas.

Access provisions

We note the existing access to the Fishing huts end of the dam is available via Home Hills road and as far as the dam along Fiddler's Flat road

An easement under section 40(2)(c) Crown Pastoral Land Act 1998 will provide public access by foot, horse and non-motorised vehicles from the Falls Dam structure to the top of the lake.

We strongly endorse this easement and suggest that the marginal strip to be created run from the existing access track down to the lakeshore along the length from the Dam through to the fishing hut area to allow access to the lake at any point along the shore.

An easement under section 40(2)(b) Crown Pastoral Land Act 1998 to provide conservation management access from the Falls Dam structure to the top of the lake.

We support this easement

Other designations

We have no objections to other designations which have not already been mentioned
Land proposed for freeholding

We support this, apart from the points mentioned in discussion of CA 1-3 and the Covenanted Areas. As LUC Class VI land it is likely to be able to be managed in an ecologically sustainable way.

Summary

We believe the proposal as a whole will add significantly to the Conservation Estate in the district and to the intrinsic values of the proposed Oteake/Hawkdun Conservation Park. It provides for much recreational activity by trampers, botanists, other lovers of natural history and landscapes and those who enjoy the access to Falls Dam itself and the Maunherikia River with their associated activities.

We strongly endorse all three proposals for Conservation Areas.

We suggest a small addition to CA1 and an easement to allow walking access to Trig F from Fiddlers Flat Road.

We endorse the proposal for a Conservation Covenant covering the shrublands in three streams flowing into the Dam, but recommend the protection be extended to the top of the face in each case and ideally fenced. We note there is no provision for fencing should the proposed photo-monitoring show deterioration of the shrublands has occurred.

Thankyou for the opportunity to make this submission on behalf of the Dunedin Branch of Forest and Bird.

We also wish to thank Mr Johnstone for allowing us to inspect the lease.



Janet Ledingham

On behalf of Forest and Bird, Dunedin Branch

Email janet.ledingham@stonebow.otago.ac.nz

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Dave Payton

From: Hugh Barr [hugh@infosmart.co.nz]
Sent: Thursday, 22 June 2006 18:15
To: Dave Payton Opus Dn
Subject: Home Hills Preliminary proposal
Attachments: HomeHills17Jun06.rtf

NZ Deerstalkers' Assn submission attached
Regards
Dr Hugh Barr
National Advocate, NZ Deerstalkers' Assn
Tel/Fax: 04 934 2244 Mob: 025 686 0063
hugh@infosmart.co.nz

New Zealand Deerstalkers' Association Incorporated
45 Rugby St P O Box 6514 Te Aro Wellington Tel 04 801 7367 Fax 04 801 7368
E-mail: office@deerstalkers.org.nz
Website: <http://www.deerstalkers.org.nz>

22 June 2006

Commissioner of Crown Lands
C/- Opus International Consultants Ltd
Private Bag 1913
Dunedin
Attn: Dave Payton
Fax (03) 474 8895 DD 03 471 5514
Email: dave.payton@opus.co.nz

Submission: Home Hills Tenure Review Preliminary Proposal

This submission is made on behalf of the New Zealand Deerstalkers' Association Incorporated (NZDA). NZDA is the national association of recreational deerstalkers and other big game hunters. We have 53 branches. A number of other hunting clubs throughout New Zealand are also members. We have 7200 individual members, and have been actively advocating for deerstalking and hunting and running training courses, trips, conferences etc since 1937. Branches and individuals of NZDA may also be making their own submissions.

NZDA has a longstanding interest in the surrender of wildlands unsuitable for grazing from pastoral leases and pastoral occupation licences. Under New Zealand trespass laws, recreational hunters have often been locked out of hunting deer on the wildland parts of these leases by the lessees, who keep the publicly owned wild big game for their own use or sale.

Summary of NZDA Position

NZDA strongly supports this Preliminary Proposal, as a valuable addition to the proposed Hawkdun Conservation Park, as the gateway to the Upper Manuherikia Valley, and to Falls Dam. Additionally we seek joining foot or preferably vehicle access from the south, from the top of Fiddlers Flat Road. **And legalising the alignment of parts of Home Hills Run Road.**

1 Summary of Proposal

The lease area is 3200 Ha. It is situated in the Upper Manuherikia Valley to the east of Falls Dam, 8km to the east of St Bathans, in Central Otago. The lease provides a gateway to the Upper Manuherikia Valley, via the metalled Home Hills Run Road. There is also public road access as far as Falls Dam, from the South via Fiddlers Flat Road.

To be surrendered are:

CA1 (1374 Ha), a lowish (600-800 m asl) flattish area of primarily alluvial fans, of the Manuherikia River, backing on to the bottom of the Hawkdun Range. It has tussocklands, wetlands and shrublands. It will complete an altitudinal sequence from the Manuherikia River to the top of the Dunstans. A dirt road at the south will provide public vehicle access to Falls Dam (lake). It contains a 10 year grazing phase-out concession.

CA2 (138 Ha) – protects various shrub and native grass associations alongside the Manuherikia River below Falls Dam.

2 Outdoor Recreational Value

In the only comprehensive assessment of outdoor recreational characteristics and value for Otago, Bruce Mason, in "Outdoor Recreation in Otago – A Conservation Plan Vol 1" (1988,

Federated Mountain Clubs) assessed part of CA1 as worthy of natural space protection. (Map, Page 36, text p 37-40).

Its main value to hunters is as a hunting access point to the Hawkduns. There is a possibility these flats could carry Red deer, a species present on the Hawkduns. The flatland nature of the block will be a welcome addition to the proposed Hawkduns Conservation Park.

3 Improved Public Access

We request there be a connecting public road or foot accessway from the top of Fiddlers Flat Road to the dirt road that is part of CA1, along or near the Falls Dam lake. There does not appear to be legal access along there at present. If a vehicular access, then round trips would be possible eg for picnics at the lake. It would also allow round trips between CA1 and CA2. Falls Dam is a major recreational feature in the area, with fishing and gamebird shooting, including Canada Geese, Paradise duck and mallard.

The issue of the Home Hills Run Road being off its legal alignment mentioned in the Conservation Resources Report, should be corrected as part of this Review proposal.

As well the term, **10 years, of the phase-out grazing lease on CA1 is too long.** We propose 3 years. This will assist faster tussock and shrubland recovery.

Please contact me if you require further information. Thanking you

Yours truly

Dr Hugh Barr
NZDA National Advocate

cc Department of Conservation, Dunedin

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Invercargill, New Zealand
 151 Spey Street, PO Box 1207, Phone +64 3 211 1370
 0800 100 151, Fax +64 3 214 4122, www.awslegal.com

Facsimile Transmission

If you do not receive all pages please call back as soon as possible

To: Opus International Consultants Attention: David Payton
 Fax No: (03) 474 8995 Date: 23 June 2006
 Sender: Lorne Singer Pages (including Header Page): 2

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TENURE REVIEW – HOME HILLS – OTAGONET LIMITED

We confirm that we act for OtagoNet Limited and refer to your letter to Otago Power Limited dated 19 June 2006, which has been forwarded to us for comment.

We confirm that OtagoNet Limited is expecting to be in a position to register a Deed of Easement with the Crown shortly, creating an Electricity Easement in Gross in favour of OtagoNet against the land comprised in Computer Interest Register OT15C/21. We attach a copy of Easement Plan (DP 340194) with the easement in question defined as "B".

The Deed is currently with Land Information New Zealand for execution by the Crown delegate. Please advise if you foresee any problems with regards to the registration of this Deed. We note that we have yet to obtain mortgagee consent and the consent of Falls Dam Company Limited as caveator, so it may still be several weeks before we are in a position to register the Deed.

We look forward to hearing from you.

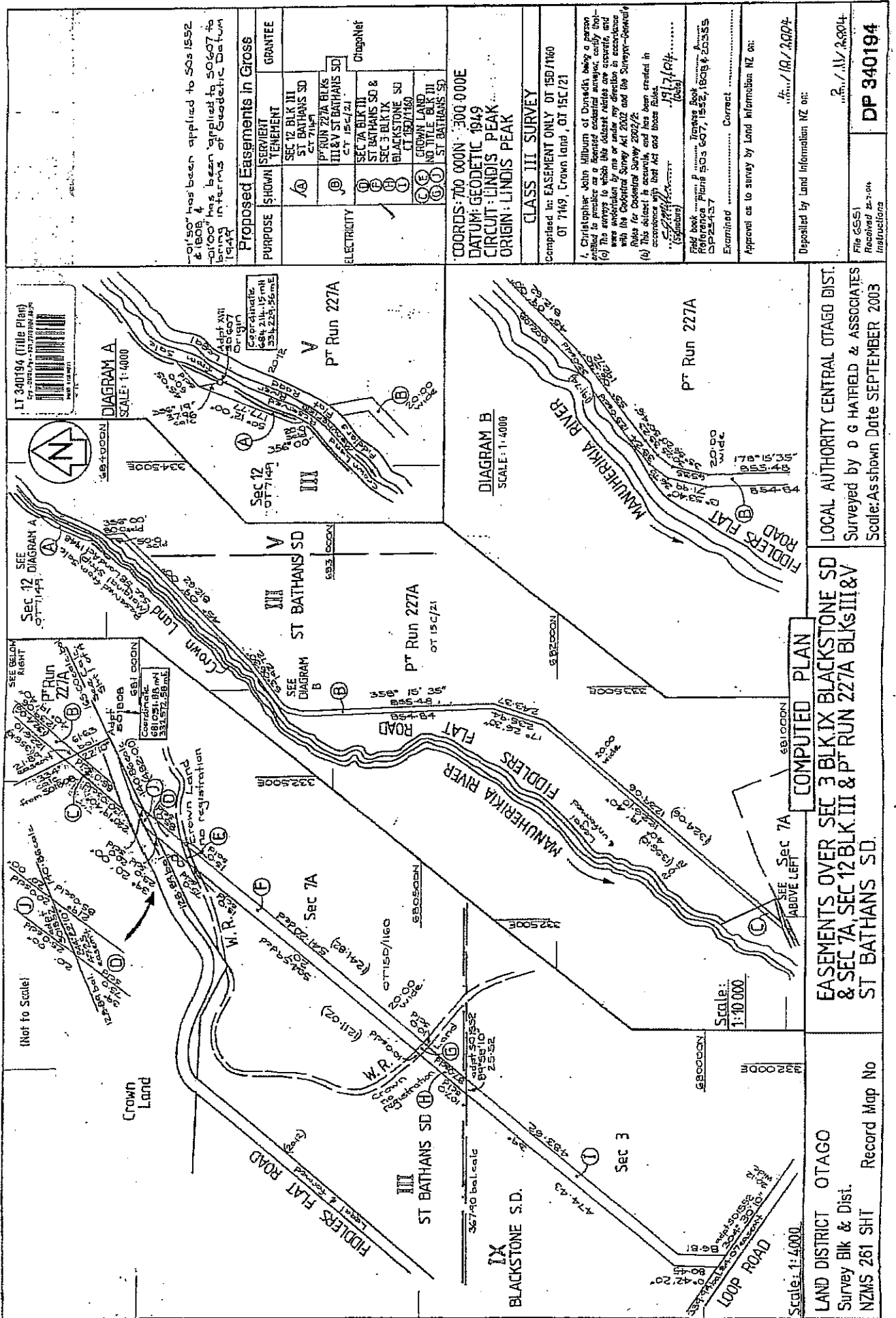


Lorne Singer
 Associate
 Invercargill Office

LCMS LAS

cc OtagoNet Ltd
 Fax 03 419 0141

Attention: Dave Dunlop



0.150' has been applied to S05 1552 & 1808 & 0.100' has been applied to S0607 to bring in terms of Geodetic Datum 1949

PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
ELECTRICITY	(A)	SEC 12 BLK III ST BATHANS SD CT 7/14/49	ChapelNet
	(B)	PT RUN 227A BLKS III & V ST BATHANS SD CT 15/4/21	
	(C)	SEC 7A BLK III ST BATHANS SD CT 15/4/21	
	(D)	SEC 3 BLK IX BLACKSTONE SD CT 15/4/21	
	(E)	CROWN LAND NO TITLE BLK III ST BATHANS SD	
	(F)	SEC 12 BLK III ST BATHANS SD CT 7/14/49	

COORDES: 700 000N : 300 000E
 DATUM: GEODETIC 1949
 CIRCUIT: LINDIS PEAK
 ORIGIN: LINDIS PEAK

CLASS III SURVEY
 Comprised in: EASEMENT ONLY DT 150/1160
 DT 7149, Crown Land, DT 15C/121

I, Christopher John Wilburn of Dunedin being a person capable of holding land, do hereby certify that the survey was conducted by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Survey-General Rules for Cadastral Survey 2002/2.

(b) This district is accurate, and has been created in accordance with that Act and those Rules.

19/12/04
 (Signature)
 (Date)

Field books: Plans S05 607, 1552, 1808 & S0607
 SP22437

Examined: Correct

Approval as to survey by Land Information NZ on: 18/10/2004

Deposited by Land Information NZ on: 18/10/2004

File G551
 Received 24-7-04
 Instructions

DP 340194

DIAGRAM A
 SCALE: 1:4000

DIAGRAM B
 SCALE: 1:4000

LOCAL AUTHORITY CENTRAL OTAGO DIST.
 Surveyed by O G HATFIELD & ASSOCIATES
 Scale: As shown Date SEPTEMBER 2003

COMPUTED PLAN

EASEMENTS OVER SEC 3 BLK IX BLACKSTONE SD & SEC 7A, SEC 12 BLK III & PT RUN 227A BLKS III & V ST BATHANS SD.

LAND DISTRICT OTAGO
 Survey Blk & Dist.
 NZMS 261 SH1 Record Map No

Scale: 1:4000

FALLS DAM HUTTIES INCORPORATED

LIAISON OFFICER
 Andrew P Hayes
 PO Box 168
 OAMARU

Telephone (03) 434-8593
 Fax (03) 434-8586

22 June 2006

The Tenure Review Contract Manager
 Opus International Consultants Ltd
 Private Bag 1913
 DUNEDIN

Dear Mr Payton,

Tenure Review Home Hills

Thank you for your letters of 13 and 27 April 2006. The society known as Falls Dam Hutties Incorporated (FDH) represents all of the hut occupiers within the upper Falls Dam area and appreciates you including it as an interested party. I am the society Liaison Officer.

This is the formal response from the society in regard to the various issues contained in the preliminary proposal.

Section 2.1.1

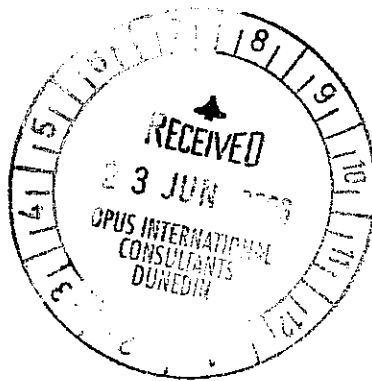
The last sentence of paragraph 3 confirms the existence of a "dirt track" and an expectation that continued vehicle access within the conservation designation "will" be provided.

1. FDH believes that the "dirt track" within the proposed designation needs formal and permanent definition as a road in the conservation plan for this area, and
2. That public access cannot be revoked at any time in the future within the terms of the designation, both during and after the period of the grazing concession.

Map area CA1 Appendix 2 Sheet 1 of 3

There are currently two unformed legal roads that lie within the proposed conservation area as marked.

3. FDH believes that all present legal road reservations (whether formed or otherwise) should remain unaltered as legal roads vested in the CODC as a consequence of the designation being granted.
4. That part of the (unformed) legal road that crosses east-west over the northern part of the area that is to be freeholded should also not be changed and that it should continue to be vested in the CODC notwithstanding that the surrounding land is to be freeholded.



CHAIRPERSON
 Roy Carson
 PO Box 8
 NASEBY

Telephone (03) 444-9981
 Fax (03) 444-9981

RELEASED UNDER THE OFFICIAL INFORMATION ACT

It is understood that at least part of the formed road known as "Home Hills Runs Rd" running generally north-south through the proposed designated area is not in fact a legal road.

5. Assuming this understanding is true FDH believes the final legal status for that "road" should be formalised as a legal road as part of the designation process.

Section 2.1.3 and Map area CA3 Appendix 2 Sheet 3 of 3

Sentence 1 of paragraph 2 in section 2.1.3 indicates that some of the existing huts would appear to be on the existing legal (but unformed) road, and others not (we believe this road is legally known as Fiddlers Flat Rd).

5. Please confirm whether it is your understanding that this existing legal (but unformed) road is located on the west of the old fence line, or to the east side.
6. Please advise specifically which huts are currently located on the existing legal (but unformed) road, and which ones are not, on the basis of the survey work that appears to have been undertaken to this time.
7. In the event that this designation proceeds FDH requests that the present legal status of that part of the existing legal (but unformed) road contained within this area (CA3) will remain as road reserve and not have that status revoked as part of the transfer to conservation area, and also that any area currently with huts on that is not a legal road, be designated as a legal road and vest in the CODC as part of the conservation area set up.
8. FDH believes that the formal western boundary of the area to be freeholded must be the "new" fence constructed by Mr Johnstone in the last two years on the eastern side of all of the existing huts. From the general appearance of the diagram of map area CA3 Appendix 2 Sheet 3 of 3 it would appear to be the "new" fence line but if not the position of FDH is as above and it should be incorporated into the plan irrespective of where the legal road lies.
9. On Sketch sheet 3 of 3 the pink lines delineating designated areas CA1 and CA3 do not join. It is the view of FDB that in reality they should be one area right through.
10. In terms of your planning and research to date please advise specific details of any current DOC thinking in relation to the present tenure of the huts within this area, or in the alternative, your advice of likely changes given your experience as a provider of services to the Crown in other tenure review processes.

Irrigation easements etc generally.

11. FDH believes that the preliminary proposal should not alter any of the legal protections currently enjoyed by the holders of the easements (i.e. both irrigation companies).
12. Please supply details of any proposals (either now or in the future) that may have been discussed as part of the planning for the preliminary document subsequent to finalisation of the tenure review, where those proposals would see further changes in the easements or

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conditions being attached by, or waived in favour of, the irrigation companies.

It is the formal position of the FDH that any changes arising from the finalising of the tenure review should only affect land that is to be contained in the freeholded area (including the retention of any roading reservations) and that no other changes to other proposed designated areas or present access rights should limit access and occupancy of the huts presently sited on the land as they are today.

The FDH appreciates being included as an interested party to these proposals and it reserves the right to make further responses during any stage of the proposal for tenure review. Thank you for continuing to keep FDH up to date on progress for the review C/- my address as above.

Yours faithfully
For Falls Dam Hutties Incorporated



Andrew P. Hayes - Liaison Officer

22 June 2006

David Payton
Tenure Review Contract Manager
Opus International Consultants
Private Bag 1913
Dunedin



Dear David

In respect of the Home Hills tenure review, we are very concerned with the access provisions that are provided in our easements and how D.O.C. are going to be able to provide for unimpeded access. Our experience with the X Ralph Hore block certainly has demonstrated to us that overgrowth of snow tussock and matagouri can make it very difficult and dangerous for us to access the race bench, not to mention the vastly increased fire risk during the summer months. We can not afford to have our access restricted by this overgrowth and would seek assurance from D.O.C. that they will control this overgrowth at their cost.

Mulching may give us access, but any mulched material must not be allowed to enter the race as it can cause blockages further down the system which can lead to overtopping and consequential damage. As I have suggested the only easy solution to our concerns would be to put any retirement fences above the race so that the race is within the grazed area.

We also have a concern that access may be open year round, or at times when the ground conditions make it unsuitable and inappropriate to be in that area. Our easement for access is for the Hawkdun/Idaburn Irrigation Company, as such we have built the race bench and would consider that this bench is for our use only. We do not access the race when conditions are unsuitable and we would expect D.O.C. to use the same commonsense and restrict access during winter and early spring, and also if there is a high fire risk, during the summer.

I trust our concerns will be taken in to account

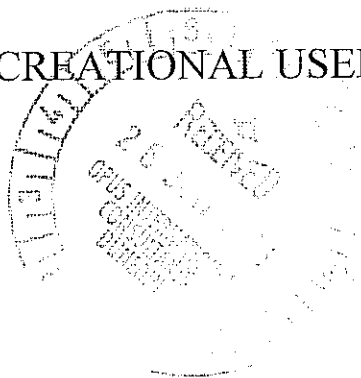
A handwritten signature in cursive script that reads "Ken Gillespie".

Yours sincerely
Ken Gillespie
Chairman
Hawkdun/Idaburn Irrigation Co.

CENTRAL OTAGO RECREATIONAL USERS FORUM

23 June 2006

The Commissioner of Crown Lands
c/o David Payton,
Tenure Review Contract Manager,
OPUS International Consultants Ltd.,
Private Bag 1913,
Dunedin



*Submission to Preliminary Proposal, Home Hills Pastoral Lease Po 383,
Land Registry Folio OT15C/21.*

Dear Sir,

We appreciate the opportunity given by yourselves and Mr. Johnstone to inspect the property in question, and to submit to the Review of the Home Hills Pastoral Lease.

SUBMISSION

The Central Otago Recreational Users Forum wishes to make the following submissions.

Conservation Area One, CA1 on plan in Appendix 2.

We fully support the retention of this upland grazing block, with its west-facing tussock slopes, below and including a section of the Mt Ida Water Race, as a Conservation Area. As tussock grassland with good native plant cover and extremely high landscape values, it is of interest to us for hiking and exploring.

We propose that the two tracks leading directly up-slope from the existing road to the Water Race, for the servicing of the Race, be retained as essential 4WD vehicle access to an appropriate parking area and to a safe foot-crossing of the Water Race, to enable walkers to access the slopes and summit of the Hawkdun Conservation Park being developed beyond. These two tracks, unnamed on the Plan but shown as dashed lines running from SW to NE across the block, are not mentioned in the Preliminary Proposal. The landowner confirms that they are easy tracks on dry ridges, and we believe that they provide a ready-made solution for providing a way into the proposed Hawkdun Conservation Park above.

A significant problem with the provision of access across Conservation Land is that limiting it to walkers only discriminates against the public who are less fit, older, or youthful, and denies to a great many people the right to get to some of New Zealand's most spectacular and interesting public lands. There is also a safety problem, when day-trekkers are placed in the position of needing too many hours to make a journey upward and back in daylight, or to return quickly in deteriorating weather. A parking area near the Mt Ida Water Race would open a significant area of high quality Conservation Park to people who would not otherwise be able to enjoy it in this superb location.

We do not seek public vehicle access to the Mt Ida Water Race Service road.

We also have no problem with the outlined agreement, that Mr Johnstone may graze the block lightly over the next ten years. But grazing should probably diminish and then cease towards the end of that time, to allow the native vegetation to develop unhindered.

Conservation Area Two, CA2 on plan in Appendix 2

We fully support the retention of these terraces, rocky hillsides, and bluffs above the Manuherikea River Gorge as a Conservation Area, for their natural and geological values, and for their dramatic landscapes. We see no need to provide track access into CA2.

Conservation Area Three, CA3 on plan in Appendix 2

*Between Johnstones Creek where it enters the Dam, and the Fishing huts to the north:
"continuation in force of an existing easement."*

We fully support the retention of this lakeshore strip as significant recreational access. The *status quo* for this strip is supported.

Easement a - b, Farm management easement concession, from the Falls dam to Johnstones Creek.

We request the retention of the *status quo* that allows this track to be used by vehicles, from time to time, with the permission of the land owner.

We also support general purpose non-motorised access, by foot, bicycle and horse along this 10 metre wide strip of lake-shore track, at all times, to join up with Conservation Area 3.

The Central Otago Recreational Users Forum is an organisation created to deal between the private persons, clubs and groups (non-commercial, non-urban) who use the public lands of Central Otago for outdoor recreation; and the managers of that land, being the Department of Conservation, the Central Otago District Council, and Land Information New Zealand.

We have 50 member groups comprising many hundreds of individuals and covering most types of outdoor recreation.

Because the organisation is a voice for a diverse group of user interests it has no single focus on issues, but rather attempts to provide a means of communication between the above interests. Reasonable access to public land is possibly the one unifying interest that we have, but given the diversity of types of recreation involved, is not in itself a single issue.

We are also interested in treating with respect the needs of farmers and other private landowners who are caught up in the equation of access and potential use.

Yours faithfully,
Jan Kelly

Secretary

Central Otago Recreational Users Forum
186 Faulks Road, RD 2, Wanaka 9382



Dave Payton

From: Errol & Jan Kelly [ejkelly@clear.net.nz]
Sent: Friday, 23 June 2006 16:44
To: dave.payton@opus.co.nz
Subject: Home Hills Review

Attachments: Home Hills.doc



Home Hills.doc (31
KB)

Dear Dave Payton,

herewith the submission from the Central Otago Recreational Users Forum.
I believe that you met our chairperson Jenny Simmons last week when she came to
introduce herself to you in the Dunedin office, and that you also know our friend and
ex committee member John Mackenzie.

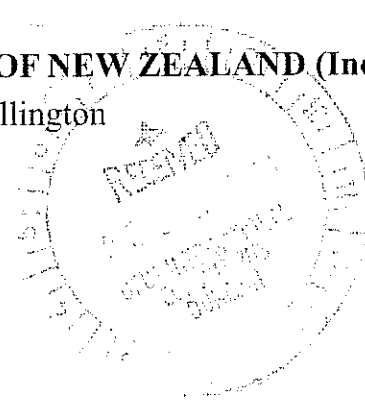
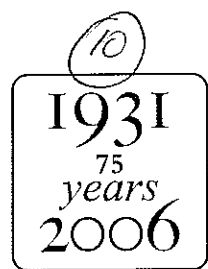
We are learning our way through this process, and are pleased to be involved.

With regards,
Jan Kelly
secretary



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)

P.O. Box 1604, Wellington



22 June 2006

The Commissioner of Crown Lands
 C/- Opus International Consultants Ltd.
 197 Rattray Street
 PO Box 1913
 DUNEDIN

Dear Sir,

Re: Preliminary Proposals for Tenure Review: Home Hills 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 clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country.

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

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

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

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

FMC appreciates this opportunity to comment on the Preliminary Proposal for the review of Home Hills pastoral lease.

THE PRELIMINARY PROPOSALS

FMC reproduces below the advertised descriptions of the proposals for Home Hills pastoral lease. We will present in the next section our submissions on these proposals following the same format.

General description of the proposal:

1. 1374 ha (approximately) to be designated as land to be restored to or retained in Crown control as Conservation Area under section 35 (2)(b)(i) Crown Pastoral Land Act 1998 subject to the following qualified designations. Shown as CA 1 on the Plan.

Qualified Designations:

- (a) A grazing concession under Section 36(1)(a) of the Crown Pastoral Land Act 1998 in favour of Euan Sclater Johnstone.
- (b) Continuation in force of the existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Hawkdun Idaburn Irrigation Company Limited.

(c) Continuation in force of an existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Falls Dam Company Limited (Caveat registered as Transfer 5971197.1).

2. 138 ha (approximately) to be designated as land to be restored to or retained in Crown control as Conservation Area under section 35 (2)(b)(i) Crown Pastoral Land Act 1998 subject to the following qualified designation. Shown as CA 2 on the Plan.

Qualified Designation:

Continuation in force of an existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Falls Dam Company Limited (Caveat registered as Transfer 5971197.1).

3. 3 ha (approximately) to be designated as land to be restored to or retained in Crown control as Conservation Area under section 35 (2)(b)(i) Crown Pastoral Land Act 1998 subject to the following qualified designation. Shown as CA 3 on the Plan.

Qualified Designation:

Continuation in force of an existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Falls Dam Company Limited (Caveat registered as Transfer 5971197.1).

4. 27 ha (approximately) to be designated as land to be restored to or retained in full Crown ownership and control as Crown land for the purpose of lake bed under the Land Act 1948 subject to section 35 (2)(a)(iii) Crown Pastoral Land Act 1998 and the following qualified designations.

Qualified Designations:

- (a) A farm management easement under section 60 (1) Land Act 1948 for 30 years in favour of Euan Sclater Johnstone where the existing track crosses this land under Section 36(3)(b) of the Crown Pastoral Land Act 1998.
- (b) Continuation in force of the existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Omakau Area Irrigation Company Limited.
- (c) Continuation in force of an existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Falls Dam Company Limited (Caveat registered as Transfer 5971197.1).

5. Farm Management Easement Concession in favour of Euan Sclater Johnstone as a Qualified Designation where the track is located on the marginal strip expected to be created upon disposition, subject to continuation in force of an existing easement in favour of the Falls Dam Company Limited (Caveat registered as Transfer 5971197.1) under Section 36(1)(a) and 35(2)(b)(i) of the Crown Pastoral Land Act 1998.

6. 1658 ha (approximately) to be designated as land to be disposed of by freehold disposal to the holder under section 35(3) Crown Pastoral Land Act 1998 subject to Part IVA Conservation Act 1987, Section 11 Crown Minerals Act 1991, the following qualified designations, and the following protective mechanisms:

Qualified Designations:

- (a) Continuation in force of an existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Falls Dam Company Limited (Caveat registered as Transfer 5971197.1).

Protective Mechanisms:

- (a) A Conservation Covenant over four areas totalling approximately 100 hectares under section 40(2)(a) and (b) Crown Pastoral Land Act 1998 for the purpose of preserving the native shrublands within the catchments of the creeks flowing into Falls Dam.
- (b) An easement under section 40(2)(c) Crown Pastoral Land Act 1998 to provide public access by foot, horse and non-motorised vehicles from the Falls Dam structure to the top of the lake.
- (c) An easement under section 40(2)(b) Crown Pastoral Land Act 1998 to provide conservation management access from the Falls Dam structure to the top of the lake.

FMC SUBMISSIONS

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

PROPOSAL 1 1374 ha (approximately) to be designated as land to be restored to or retained in Crown control as Conservation Area under section 35 (2)(b)(i) Crown Pastoral Land Act 1998 subject to the following qualified designations. Shown as CA 1 on the Plan.

FMC is pleased to note that 1374ha of land at the northern end of the property, including the Manuherikia flats extending almost to the river, the Mt Ida Water Race and the lower toe slopes of the Hawkdun foothills are proposed to become conservation land.

We believe however, that the landscape integrity of the upper Manuherikia would be much better protected if CA1 was enlarged to include the small area of flats between the proposed boundary and the fenceline running more or less east-west between Gate Creek and Johnstones Creek (map reference H41 665.901 to 679.898). This area of about 100 ha was identified in the Conservation Resources Report as containing significant inherent natural values and significant features. The fenceline would provide a much more logical boundary between freehold and conservation land and the fishing huts would then be included within the conservation area as would also be the farm track leading to the top of the lake, providing better access to the huts.

We also note that the land to the east (on the Hawkdun Range) is already public conservation land (Hawkdun [Oteake] Conservation Area) originating from an earlier tenure review. The new proposal, together with the existing Hawkdun (Oteake) Conservation Area, will greatly assist in the development of the Oteake Conservation Park, foreshadowed in the Conservation Management Strategy (CMS) for Otago.

FMC Submission

FMC fully supports this proposal, but submits that the area should be enlarged to include the flats as far south as the fenceline (running more or less east-west between Gate Creek and Johnstones Creek) for reasons discussed above.

PROPOSAL 1 Qualified Designations:

- (a) A grazing concession under Section 36(1)(a) of the Crown Pastoral Land Act 1998 in favour of Euan Sclater Johnstone.
- (b) Continuation in force of the existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Hawkdun Idaburn Irrigation Company Limited.
- (c) Continuation in force of an existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Falls Dam Company Limited (Caveat registered as Transfer 5971197.1).

FMC notes that the grazing concession permits the Concessionaire to graze no more than 1400 SU in the first 5 years, and no more than 1100 SU in the second 5 years of the licence period on the area designated CA 1. We further note that no renewal period is proposed, and the Concessionaire is obliged to ensure that grazing is not having an adverse impact on indigenous vegetation. It is our belief that this level of grazing (approx 1 sheep per ha in the first 5 years) is unlikely to have serious adverse effects on the indigenous vegetation. However we consider that a 5-year term would be sufficient to allow for farm management adjustment, and would allow vegetative recovery after grazing to commence at an earlier stage than would be the case with a 10-year term. FMC would have no objection to a 5-year grazing concession so long as all the proposed conditions are fulfilled.

FMC has no objection to the continuation in force of existing easements in favour of the Hawkdun Idaburn Irrigation Company, and the Falls Dam Company.

FMC Submissions

FMC would have no objection to a 5-year grazing concession so long as all the stated conditions are fulfilled, and we have no objection to the continuation in force of the existing easements in favour of the Hawkdun Idaburn Irrigation Company and the Falls Dam Company.

PROPOSAL 2 138 ha (approximately) to be designated as land to be restored to or retained in Crown control as Conservation Area under section 35 (2)(b)(i) Crown Pastoral Land Act 1998 subject to the following qualified designation. Shown as CA 2 on the Plan.

FMC is pleased to see that 138 ha of land alongside the Manuherikia River and Fiddlers Flat Road, and on the flats and lower slopes of Home Hills to the south of Falls Dam, are proposed as Conservation Area. This low altitude area contains a variety of vegetation types including shrublands, tussocklands and herbfields associated with the scree slopes and rock outcrops, as well as the terraces along the river. We see the area immediately adjacent to the Manuherikia River as particularly important for recreation (botanising and photography as well as fishing) so we are pleased that this area is proposed as Conservation Area CA 2.

FMC is aware that the lower (west-facing) slopes of Home Hills to the north of CA2 up to about 800 m, were identified in the Conservation Resources Report (CRR) as containing significant natural values. We are also aware that a discretionary consent for pasture improvement works over this area was granted and may have been subsequently implemented. This could mean that the significant natural values of those slopes may have been modified. However, if the original values identified in the CRR are still present, (and the onus should be on the LINZ contractors to establish this fact) FMC submits that the area shown on the map in the CRR should be revisited and reconsidered for addition to CA2.

FMC Submission

FMC fully supports this proposal, but also believes there may be a case to extend CA2 northwards to include significant natural values on the lower (west facing) slopes of Home Hills, identified in the Conservation Resources Report.

PROPOSAL 2 Qualified Designation:

Continuation in force of an existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Falls Dam Company Limited (Caveat registered as Transfer 5971197.1).

FMC Submissions

FMC has no objection to the continuation in force of the existing easement in favour of the Falls Dam Company.

PROPOSAL 3 3 ha (approximately) to be designated as land to be restored to or retained in Crown control as Conservation Area under section 35 (2)(b)(i) Crown Pastoral Land Act 1998 subject to the following qualified designation. Shown as CA 3 on the Plan.

FMC understands that this small area is proposed as Conservation Area mainly as a means of resolving the problems associated with the existing fishing huts which are not located on Road Reserve. This seems to us to be a sensible proposal. We might have considered Recreation Reserve as an appropriate designation but understand that the land also has significant inherent natural values. The area is important as the habitat of a nationally endangered species of Lepidium which occurs near the lake margin. We therefore accept Conservation Area as the appropriate designation. It may be appropriate to add this area to CA 1 if our proposal to enlarge the area of CA 1 is accepted.

FMC Submission

FMC fully supports this proposal. Please note that it may be appropriate to add this area (CA 3) to CA 1 if our proposal to enlarge the area of CA 1 is accepted.

PROPOSAL 3 Qualified Designation:

Continuation in force of an existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Falls Dam Company Limited (Caveat registered as Transfer 5971197.1).

FMC Submissions

FMC has no objection to the continuation in force of the existing easement in favour of the the Falls Dam Company.

PROPOSAL 4 27 ha (approximately) to be designated as land to be restored to or retained in full Crown ownership and control as Crown land for the purpose of lake bed under the Land Act 1948 subject to section 35 (2)(a)(iii) Crown Pastoral Land Act 1998 and the following qualified designations.

FMC understands that this part of the proposal is related to the inundation of part of the original pastoral lease which happened when the waters of the Manuherikia River to be impounded behind the Falls Dam. FMC therefore recognises the need to rationalise the boundaries of the pastoral lease to exclude that part now under water, and to propose appropriate tenure for the riparian margin of the lake. We therefore consider that the proposed designation is appropriate.

FMC Submission

FMC has no objection to this proposal.

PROPOSAL 4 Qualified Designations:

- (a) A farm management easement under section 60 (1) Land Act 1948 for 30 years in favour of Euan Sclater Johnstone where the existing track crosses this land under Section 36(3)(b) of the Crown Pastoral Land Act 1998.
- (b) Continuation in force of the existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Omakau Area Irrigation Company Limited.
- (c) Continuation in force of an existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Falls Dam Company Limited (Caveat registered as Transfer 5971197.1).

FMC Submission

FMC has no objection to the proposed qualified designations.

PROPOSAL 5 Farm Management Easement Concession in favour of Euan Sclater Johnstone as a Qualified Designation where the track is located on the marginal strip expected to be created upon disposition, subject to continuation in force of an existing easement in favour of the Falls Dam Company Limited (Caveat registered as Transfer 5971197.1) under Section 36(1)(a) and 35(2)(b)(i) of the Crown Pastoral Land Act 1998.

FMC considers it important that the public should have access rights over this section of track close to the shore of the Falls Dam Reservoir. It is not clear whether the proposed designation does in fact provide for public access as it appears that the track is likely to be within the marginal strip to be created upon disposition.

The reasons why public access (for foot, horse and non-motorised vehicle use, as well as vehicle use) is required are as follows:-

- This is a scenic route which could provide much public enjoyment for passive recreational activities as well as access for fishing.
- The route is the easiest and most convenient access to the fishing huts located at the northern end of Falls Dam Reservoir in the area to be designated CA 3.
- The proposed easement is only about 2 km long between the Dam and Johnstones Creek and we do not believe public usage would cause damage to the track, nor should it be an inconvenience for farming operations.

FMC Submission

FMC is not clear if the proposal makes provision for public access along the section of track from the Dam to Johnstones Creek (labelled "a-b" on the designations plan). In case it does not make such provision, we submit that negotiations should be reopened to make provision for public foot, horse, bike and vehicle access over the said portion of track for the reasons explained above.

PROPOSAL 6 1658 ha (approximately) to be designated as land to be disposed of by freehold disposal to the holder under section 35(3) Crown Pastoral Land Act 1998 subject to Part IVA Conservation Act 1987, Section 11 Crown Minerals Act 1991, the following qualified designations, and the following protective mechanisms:

FMC is largely supportive of the proposal to dispose of the balance of the property as freehold, with a Conservation Covenant over 4 areas totalling about 100 ha of shrublands in the catchments of tributary creeks flowing into the Falls Dam Reservoir. It would appear that most of the pastoral land, with appropriate pasture improvement and maintenance, should be capable of being managed in a way that is ecologically sustainable, as it has been classified LUC Class VI.

We do believe however that there is significant recreation potential in the track leading to Trig F on the crest of the Home Hills. In the FMC Report on the Recreational and Related Significant Inherent Values of Home Hills (February 2002) the recommendation was made that the farm track from Fiddlers Flat Road to Trig F at the top of Home Hills should be made available for public foot and mountain bike use byway of an easement. We still believe that this would be appropriate as the perspective of the Manuherikia Valley and the Hawkdun Range from Trig F is magnificent and a truly significant natural landscape value.

Following our submission (above) that the area of CA1 should be enlarged to include the small area of flats between the proposed boundary and the fenceline running east-west between Gate Creek and Johnstones Creek (map reference H41 665.901 to 679.898), there would need to be a corresponding reduction in the proposed freehold area. This is an area of about 100 ha.

We are also aware that the lower (west-facing) slopes of Home Hills to the north of CA2 up to about 800 m, were identified in the Conservation Resources Report (CRR) as containing significant natural values. We are also aware that a discretionary consent for pasture improvement works over this area was granted and may have been subsequently implemented. This could mean that the significant natural values of those slopes may have been modified. However, if the original values identified in the CRR are still present, (and the onus should be

on the LINZ contractors to establish this fact) FMC submits that the area shown on the map in the CRR should be revisited and reconsidered for addition to CA2.

FMC Submission

FMC accepts that most of the land proposed for freehold disposal is capable of being managed in a way that is ecologically sustainable, and that freehold disposal is therefore appropriate. We strongly recommend however, that an easement should be negotiated for public foot and mountain bike access from Fiddlers Flat Road to Trig F on the crest of Home Hills. We further recommend that the proposed freehold area should be reduced to allow the small area of flats (about 100 ha between the proposed boundary and the east-west fenceline between Gate Creek and Johnstones Creek) to be added to CA1.

FMC also believes there may be a case to extend CA2 northwards to include significant natural values on the lower (west facing) slopes of Home Hills, identified in the Conservation Resources Report. If this recommendation is adopted the proposed freehold area will need to be reduced by a corresponding area.

PROPOSAL 6 Qualified Designation

- (a) Continuation in force of an existing easement under Section 36(3)(c) of the Crown Pastoral Land Act 1998 in favour of the Falls Dam Company Limited (Caveat registered as Transfer 5971197.1).

FMC Submission

FMC has no objection to the proposed qualified designation.

PROPOSAL 6 Protective Mechanisms:

- (a) A Conservation Covenant over four areas totalling approximately 100 hectares under section 40(2)(a) and (b) Crown Pastoral Land Act 1998 for the purpose of preserving the native shrublands within the catchments of the creeks flowing into Falls Dam.
- (b) An easement under section 40(2)(c) Crown Pastoral Land Act 1998 to provide public access by foot, horse and non-motorised vehicles from the Falls Dam structure to the top of the lake.
- (c) An easement under section 40(2)(b) Crown Pastoral Land Act 1998 to provide conservation management access from the Falls Dam structure to the top of the lake.

Commentary:

(a) FMC notes that the objective of the proposed Covenant is "to preserve the values". We also note in Schedule 1 of the Covenant that the nature of the values is much more clearly spelled out than in other similar documents. FMC is appreciative of this greater detail. This knowledge should enable the more effective implementation of Condition 3 in Schedule 2 that "Sheep and cattle may be grazed in a way that, in the opinion of the Minister, does not adversely affect the values being protected". We would hope that this, together with the monitoring required under Condition 4 should establish whether or not the values are being "adversely affected" and therefore help to ensure the protection of the native shrublands.

(b) While FMC endorses the establishment of an easement over the track from Falls Dam to the top of the lake for foot non-motorised vehicle use, we argue that vehicle access to the existing fishing huts would be appropriate.

(c) We do not oppose conservation management use of the track from Falls Dam to the head of the lake. We do however, consider that if it is appropriate to make provision for conservation management use, then vehicle use by users of the fishing huts and by the public would also be appropriate.

FMC Submission

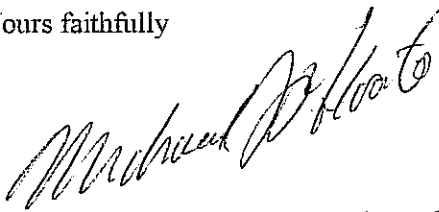
(a) FMC fully supports the proposal to designate a Conservation Covenant over some 100 ha in the catchments of tributary creeks which flow into the Falls Dam reservoir. We appreciate the fuller than usual description of the values which it is the intention to protect, and believe that the imposed Conditions should be effective in this regard.

(b) FMC submits that vehicle access to the existing fishing huts is appropriate and that an easement for public vehicle use of the track from Falls Dam to the head of the lake should be included in the final tenure review agreement.

(c) FMC submits that if it is appropriate to make provision for conservation management use of the track from Falls Dam to the fishing huts, then vehicle use by users of the huts and by the general public would also be appropriate and that a suitable easement should be included in the final tenure review designations.

Finally, FMC is grateful to the Commissioner of Crown Lands for this opportunity to comment on the Preliminary Proposal for the tenure review of Home Hills pastoral lease.

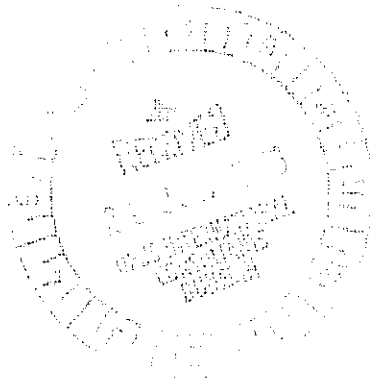
Yours faithfully



bp Barbara Marshall, Secretary, Federated Mountain Clubs of NZ, Inc.

23rd June 2006.

The Commissioner of Crown Lands
C/o Opus International
Private Bag 1913
DUNEDIN



**FOREST
& BIRD**

Royal Forest and Bird
Protection Society
of New Zealand Inc

Dear Sir

Tenure Review - Pastoral Lease Po 383 - HOME HILLS - Preliminary Proposal

We thank you for sending us a copy of this proposal. We would be pleased if you would accept this submission on it from our branch. We in our branch are familiar with this property and carried out an inspection of it in 2002 in conjunction with a Federated Mountain Clubs of New Zealand representative, and are again appreciative of Mr Johnstone allowing us to do so as part of the tenure review process.

We in the Upper Clutha Branch of the Society with a membership of 150 members are very conscious of the importance of tenure review and fully support the aims and objectives of Part 2 of the Crown Pastoral Lands Act 1988. Also the more recently stated Government additional objectives for the South Island high country in the Cabinet Paper (EDC Min (03); CAB Min (03) 11/5) of August 2003; as per LINZ Website.

The Royal Forest and Bird Protection Society (Forest and Bird) as a whole is New Zealand's oldest and most active voluntary conservation organisation. Formed in 1923 the Society has 56 branches throughout New Zealand.

The Society's constitution requires it to:

1. "Take all reasonable steps within the power of the Society for the preservation and protection of indigenous flora and fauna and natural features of New Zealand for the benefit of the public including future generations."
2. "Protection of natural heritage includes indigenous forests, mountains, lakes, tussock-lands, wetlands, coastline, marine areas, offshore islands and the plants and wildlife found in those areas."

General: Although we see this as a very good proposal it does need some modification to fully meet the requirements of the CPL Act of 1998. It is very pleasing to see that some regard has been given to our early report of 29th May 2002 and that the land above the water race is to be returned to the Crown for full protection.

Home Hills forms a dominant part of the landscape at the entrance to the upper Manuherikia basin. The upper Manuherikia basin is one of the last remaining areas of lowland tussock country remaining in New Zealand and its landscape with the Hawkdun Range and Mt St Bathans in the background is extremely significant.

Upper Clutha Branch PO Box 38 LAKE HAWEA

We would be pleased if you would accept this submission, our comments on it, together with some suggested alterations as follows:

1. **CA1** - An area of approximately 1374 hectares to be returned to the Crown for Protection. We fully approve of this designation as it will be a valuable addition to, and form part of the proposed Oteake Conservation Area, as it takes in an important and representative area of foothill country containing alluvial fans at the base of the Hawkdun Range. As this area adjoins the area of conservation land to the east it will give an altitudinal continuity of vegetation, and the eco systems it contains, from the valley floor to the crest of the Range - it will complete the landscape.

It is pleasing to see that the woody vegetation above the water race will be protected.

(a) **Grazing Concession.** We see this as acceptable.

(b) **Continuation in force of an existing unregistered easement in gross in favour of the Hawkdun Idaburn Irrigation Company Limited.** We see this as acceptable provided that the company places no restriction on people walking on the track alongside the race.

(c) **Continuation of an existing easement in gross in favour of the Falls Dam Limited.** We also see this as acceptable.

We believe however that this proposal would more fully comply with the intentions of CPLAct 1998 and the whole area CA1 would be greatly enhanced if it were to be slightly enlarged to also encompass the flat land down to as far south as Gate Creek at the base of the hills to the south. If this were done it would give greater continuity and integrity to the landscape of the valley floor and similarly to the vegetation it contains. The proposal as it stands would result in an unnatural division. While the area in the vicinity of Ten Chain Creek is in better order than that above the huts, if destocked it will recover. Whereas if this area were to be cultivated it would ruin for all time the intrinsic landscape of the valley floor. Shifting the boundary would also create a more natural margin between the Crown held land and the proposed freehold land. According to the map (Appendix 2) there is a fence running from just south of spot height .631 down towards the head of the lake behind the dam; this would be an ideal and less obtrusive boundary. See our attached map and photos # 1-4.

2. **CA2** - An area of approximately 138 hectares to be returned to the Crown as a Conservation Area. We fully approve of this as the area contains shrub lands, some tussock lands and herb fields peculiar to the area. The rocky face below the road down to the Manuherikia river is particularly worthy of protection for the flora and fauna it contains. We see no reason for the new fence F - G when some metres above it there is a fence already running down a spur from spot height 888 to just north of the dam.

Continuation of an existing easement. We see no reason why the easement in the name of the Falls Dam Company Limited in this area cannot continue.

3. **CA3** - An area of approximately 3 hectares to be returned to the Crown as a Conservation Area. We approve of this but at the same time wonder why it could not become a Recreation

Reserve as that will be mainly its purpose. Or, we see no reason why CA3 could not be incorporated in an enlarged CA1. See photo # 1

Continuation in force of an existing easement. We see no reason why the present easement in gross in the name of the Falls Dam Limited cannot continue.

4. An area of approximately 27 hectares to remain as Crown land under the Land Act for the specified purpose of lake bed. We approve of this as it will tidy up the legal status of the bed of the lake and dam.

We see no reason why an easement cannot be created and the present easements continue.

(a) Farm Management Easement. There is no reason why an easement for farm management purposes cannot be created for the use of Euan Sclater Johnstone.

(b) Continuation of an existing easement. There is no reason why the existing easement in the name of Omakau Area Irrigation Company Limited cannot continue.

(c) Continuation of an existing easement. There is no reason why the existing easement in the name of Falls Dam Company Limited cannot continue.

5. An area of approximately 1658 hectares to be designated freehold and disposed of to Euan Sclater Johnstone. While this property is situated between 500 and 991 ms above sea level and has almost a continental climate we believe it can be ecologically sustainable if farmed in an appropriate manner. It is classified as Class VI land which places certain restrictions on its use. While if it is over sown and regularly top dressed it should hold its own; if however the land were to be cultivated in an endeavour to improve or renew pasture, this could not be done on a regular basis as it would not be ecologically sustainable, let alone economically viable.

(a) This area is subject to Conservation Covenants being created over approximately 100 has (marked in yellow on the map) to protect the shrubby vegetation in three streams. We would approve of this although we do note in the proposed covenant SCHEDULE 2, clause 3 that "cattle may be grazed". Cattle in our opinion under some circumstances would have a detrimental effect on the shrubs it is intended to protect, e.g. being forced into the gullies because of snow or shortage of feed. It is now common practice for cattle to be excluded from the edges of streams. Therefore there should be in place a clause in the covenant for cattle to be removed if damage to the shrubs and the streams were to become evident during monitoring, or better still the areas fenced.

(b) A public Access Easement is to be created to allow public foot, horse and non-motorised vehicle access between "a-b" on the plan. We approve of this provided that the public are allowed the use of the road formation as an alternative to the marginal strip as described in (c) below.

(c) Management Purpose Easement is to be created to allow property being returned to the Crown being managed in a proper manner by the Department of Conservation. We approve of

-4-

this, although at a loss however as to why the two easements (b) and (c) cannot cater for both the public use of 4WD vehicles as well as the Department's use. Access easements (b) and (c) could be combined.

In our early report we recommended that walking access be permitted via the 4WD track from the gravel pit above Fiddlers Flat to the top of the hill at Trig F. That this is not included in the proposal is most disappointing. We believe that the views obtained of the head of the Manuherikia Basin and surrounding mountains from the top of the hill in the vicinity of Trig F would give joy to any person or persons who were to make the climb. It would be a walk which would suit many age groups and standards of fitness as it is at the most only 3ks. After climbing the hill an exit could be made via CA2. See photos # 5 & 6

Conclusions:

The property has been put under the microscope by experts in various fields and reports compiled by the Conservation Department to put to the Commissioner of Crown Lands; which includes of course the important Conservation Resources Report. We believe that this reports should be heeded in every respect in the process of Tenure Review for the benefit of the public of the country. If the applicant is not happy with this, he or she, is at liberty to withdraw from the process. It must also be remembered that the Crown is also at liberty to withdraw from the process if it thinks fit.

With alterations we believe this would be a good proposal. Alterations we seek, are:

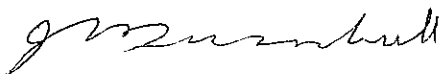
(a) The area CA1 should be extended south to take in all the lower land down as far south as the fence to the south of Gate Creek to give continuity and integrity to a very important landscape

(b) The provision of walking access to Trig F: Part 2(c)(i) Objectives of the CPLAct 1998 - to make easier "The securing of public access to and enjoyment of reviewable land". People do appreciate climbing hills to see the surrounding country and the opportunity must be taken in this review to meet the needs of the public. Access is an important part of Tenure Review; particularly easier and shorter lower altitude tracks.

(c) The conservation covenant to be amended to exclude cattle if necessary to prevent damage being done by cattle to the shrub lands and the stream beds

We thank you for the opportunity to make these comments and suggestions.

Yours faithfully



John L Turnbull

For Upper Clutha Branch

Map of CA1 Attached:

Photos # 1-4 show the lower corner of the flats to be added to CA1.

Photos # 5-6 show the extensive view to be obtained from the hill containing Trig F.