

Crown Pastoral Land Tenure Review

Lease name: LAKE HAWEA

Lease number: PO 286

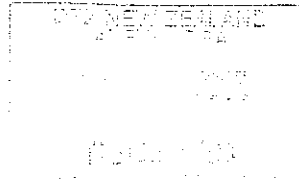
Public Submissions - Part 1

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

May

06

The Manager
DTZ New Zealand Ltd.
PO Box 27
Alexandra



29 October 2005

Land Tenure Review **Lake Hawea Station**

Water for domestic residences is drawn from Grandview Creek for households as listed:

- ✧ J & V Urquhart
2 houses plus 2 accommodation units.
- ✧ R & I Hewitt
- ✧ J & C Bercelli
- ✧ HW Urquhart
Household and 2 motel type units for a farm stay operation.
- ✧ Lake Hawea Station
Formerly the "Gray Residence" – son and partner
- ✧ Urquhart Families of Hawea Flat
2 house properties
- ✧ PJ McCarthy – Hawea Flat
- ✧ Colin Clark – Gladstone Road

All to my knowledge use the water in an untreated state as it comes from the creek.

Water intakes are situated from the end of the now surveyed legal road to about 1000m up the creek bed.

If recreational usage is to become frequent, there may be an increased risk of human faecal contamination of the water.

I have not noted in the review documents any reference to residents' water requirements nor to my knowledge have any persons been consulted other than Lake Hawea Station.

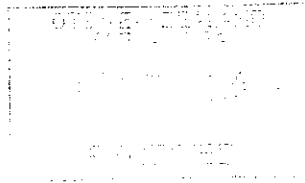
Please advise me what action, if any, you will undertake and advise by telephone at 03 443 8179 in the evenings or by writing to my residential address:

RI & IM Hewitt
Nook road
2RD
Wanaka

Sincerely,

RL Hewitt

The Te Araroa Trust and the
Te Araroa Otago Trust
C/- Michael Pullar
29 Lynwood Ave
Dunedin



9 November 2005

To: Commissioner of Crown Lands
C/- The Manager
DTZ New Zealand Limited
Land resources Division
PO Box 27
Alexandra

Lake Hawea Station Tenure Review

This submission is made on behalf of both the Te Araroa Trust and the Te Araroa Otago Trust ('the Trusts') following consultation with DoC, meetings with members of the Rowley family and a 3 day site visit that was carried out between 22 and 24 October 2005. We are grateful to the Rowley family for granting access and for the invaluable information they provided on the various routes that are the subject of this submission.

By way of background, the Trusts aim is to establish a tramping route from Lake Hawea to the Ahuriri River as part of the Hawea to Ohau section of an emerging national trail. The result of an investigation into this section was a clear preference for a route from Lake Hawea at Gladstone to Breast Hill and then Stodys Hut on Lake Hawea Station. From there we intend to take Te Araroa through existing conservation land to Top Timaru Hut, onto Birchwood Road via the easements on the Longslip Station designation plan and then over the Ahuriri Conservation Area to Ohau. The Lake Hawea Station portion aside, the entire Hawea to Ohau section has now been secured.

In terms of Lake Hawea Station's proposed designation plan easements h-f-g and the creation of CA2 suits us perfectly from Breast Hill to the eastern boundary of the station. This leaves Gladstone to Breast Hill as the only area of uncertainty and, as a result, is the focus of this submission. For the reasons expressed below we believe the route from the Gladstone Reserve up the southern ridge of the west (Lake Hawea) face to the Breast Hill summit ('ridge route') is the only practical option available. Before coming to this conclusion we investigated 3 routes. These were:

Valley Route

The route up the valley on easements a-h-f has obvious attraction but this was ruled out because of concern over the impact it could have on the Rowleys' privacy and farming operations.

Bushy Creek Route

This route runs from the Timaru River Rd over easement l-m and then through CA1 via Bushy Creek and the upper portion of the northern ridge of the west face of Breast Hill. This route falls entirely within what is envisaged in terms of public access on the proposed designation plan. I walked it on 22 October 2005. My notes are attached as **Appendix 1**

While viable, this route has its dangers and is very demanding. The dangers involve the need to traverse sections that are either treacherously steep and/or are loose under foot. By no means is the whole route like this but a fall on one of these tricky sections would be likely to result in serious injury or worse. I gave some thought as to whether track development could eliminate these problems and decided it was unlikely because of either the instability of the ground in question or the fact that the immediately adjacent land was even less hospitable than the relevant section. This left no scope to contour a trail.

I found both the ascent and descent of the Bushy Creek route quite exhausting. (And this was notwithstanding my reasonable level of fitness having tramped around 1000 km in the 10 weeks prior to this trip). After departing the creek on the ascent, the steepness is such that I was always either in oxygen debt or resting to recover my breath. On the descent careful concentration was required with foot placement and, even with hiking poles, the steepness caused the toes to get a painful bashing against the front of the shoes.

I have walked all of the Hawea to Ohau section and found the Bushy Creek route to be out of kilter, in terms of difficulty, with the rest of the section. If it formed part of Te Araroa it would reduce the whole section to one accessible only to very experienced trampers with a high level of fitness. This runs counter to Te Araroa's objective of linking sections of trail to provide viable tramping options for all able-bodied people with a degree of fitness and tenacity.

Ridge Route

The ridge route runs from Gladstone Reserve through FH1 along the boundary with CA6, up the hill behind the homestead and then along the ridgeline to the Breast Hill summit via the CA6 boundary, easement n-o and the CA1 boundary. I walked this route on 23 and 24 October 2005. My notes are at **Appendix 2**. For a number of reasons I found the ridge route superior to the Bushy Creek route. These are:

1. While demanding, the ridge route is not in the same league as the Bushy Creek route in terms of difficulty. It does have some steep sections, of which the initial portion to the ridge is the most sustained. However, these sections are interspersed with sections that are either less steep, level or down hill. This enabled me to walk comfortably for long periods. I would put the difference in degree of difficulty between the ridge route and the Bushy Creek route at 15 – 20%, which, for me, was the difference between a thoroughly enjoyable tramp and one where exertion was the dominant feature. More importantly, for a significant portion of the tramping public, this would be the difference between being capable of walking the section and it being beyond their reach.

If the ridge route was to form part of the Hawea – Ohau section it would still be the most demanding portion of the section. In my view, however, this would not be to the extent that it would change the section's difficulty classification

2. As far as safety is concerned, there are places where the ridge route is narrow with sides that drop away steeply. However, I had none of the uncertainty I experienced with the Bushy Creek route and I felt comfortable all the way up. The ridge route still goes to a high altitude and is exposed. Usual precautions and respect are required as a result.
3. In terms of scenic quality, the ridge route has expansive and spectacular views to the west across Lake Hawea and beyond to the Main Divide. To the southwest there are views of the Pisa Range, Wanaka, Lake Wanaka, and the Cadrona Range. The views are to the side so you get the full benefit when both ascending and descending. The Bushy Creek Route has similar views but they are not obtained until higher up and they are predominantly behind you when ascending. The difficult terrain on the Bushy Creek route demands concentration on foot placement. This limits the opportunity to enjoy the impressive views on the descent.
4. The ridge route provides direct access to Gladstone and avoids the 2 km dusty road walk need to get from there to the start of the Bushy Creek route.
5. Irrespective of Te Araroa's interests, there appears a general public interest in direct access to Breast Hill via the ridge route as it provides both a spectacular day walk and opens up the possibility of linkage to extended tramps through to Timaru Creek, Longslip, the Ahuriri Valley and Dingle Burn. As things currently stand, the proposed designation plan provides no opportunity for walkers of average ability to make the trip to Breast Hill at all. This is because the Bushy Creek route is too difficult and the only other way, via Hospital Creek and proposed easements k-j-I-c-b-f-h, is too far for a return day trip. There appears limited or no camping sites along the way.

A photograph of the initial part of the ridge route is shown at **Appendix 3**. (It's actually quite a bit steeper than it looks). This is the contentious area as it is the only part of the ridge route that is not within the terms of the public access that the proposed designation plan envisages. In this respect:

1. The initial level portion of the contentious area (shown as A-B on Appendix 3) could be walked on the CA6 side of the fence if the heavy bracken cover was cleared. I am unaware of the Crown's plans for CA6 so have prepared this submission on the assumption that it intends to leave it in its current state: hence an easement at A-B.
2. I started my ascent along a distinct sheep trail into the willow tree gully (refer B-C on Appendix 3) and then climbed up to rocky knob. From there, I went up to the left around the knob and then climbed onto the ridge via the slope with the easiest gradient. I deliberately kept left at the start of the climb to avoid coming into the line of sight of the homestead, though it did become visible

higher up - both a short distance before the rocky knob and when I emerged around the top of it. (I came up directly below the knob, which is to the right of the route marked on Appendix 3. I'm not sure whether the homestead is visible below the knob on the route I've marked). I would describe the views I had of the homestead as distant and the situation totally different from the valley route in terms of proximity to the homestead and the effect on privacy. That said, I appreciate there may still be some concern for the Rowleys as they will be used to the sense of isolation the homestead site has, being set well back from and out of sight of the nearest public road.

3. As with all of the proposed public access easements, the lower portion of the ridge route is through land subject to farming operations. It is suggested that the effect of this could be mitigated by the application of Cl 10.4.2 of the proposed transfer Grant of Easement in Gross to any additional public access easements granted. In the alternative, CA6 could be extended to include the contentious area. This would avoid the need for any additional easements.
4. I looked at the land further left (on CA6) but this is overgrown, steep and inhospitable. As a result I doubt there is any real alternative to the route I took to the ridge through the contentious area.

From the start of the ridgeline to the Breast Hill summit the ridge route is either on proposed conservation land or proposed easement n-o. This portion is accordingly uncontentious in terms of the proposed designation plan.

Requested amendments to designation plan

For all of these reasons we wish to pursue access to Breast Hill via the ridge route. We accordingly seek either:

1. additional public foot access easements as indicated on the photograph at Appendix 3; or
2. an extension of CA6 to incorporate the contentious area.

We also seek appropriate and reasonable access for DoC and the Trusts (for track development and marking purposes only) from the date of the signing of the substantive proposal.

If the easement option is considered the best way forward then we accept that further discussion may be required to settle the most appropriate location of the additional easements. We will make arrangements to enable participation in any consultative process required.

Yours sincerely,

Michael Pullar
Trustee
Te Araroa Otago Trust
(And as authorised agent of the Te Araroa Trust).

Appendix 1

Bushy Creek Notes – 22/10/05

I drove the 2 km from the Gladstone Reserve and parked at the roadside by the trig that marks the '1' end of the 1-m easement. It was a fine and warm spring day. I carried a pack fully equipped for a 3-day tramp. I walked up the easement over fairly level farmland with stock present, fences crossed as need be.

I reached Bushy Creek and then travelled up or beside the creek bed. Water levels were low and may be non-existent in summer. The creek bed was however gorged and quite broad indicating high flows after sustained rain.

I followed the creek up to the beech forest on the south (left hand) side then climb to the ridge above it ('approach ridge'). The terrain and travel was difficult, initially through dense beech forest and then steep and rocky tussock land. I followed sheep tracks across the steepest parts and avoided the matagouri (lower levels only) as I could. I reached the approach ridge in an hour. This was 35 minutes after reaching the beech forest.

I skirted below the pinnacle at 1059. The terrain was very steep in places. I wouldn't want to fall here. Occasional stops were needed to think a route through. I then proceeded with caution. I felt uncomfortable at times though not as though I was taking serious risks. My hiking poles helped a lot with stability. Frequent stops were required to catch my breath.

I climbed again to approach ridge. I reached the fence line on approach ridge after 1 hour 40 minutes. I continued up fence line for another 10 minutes until it headed off the left. I then continued straight up the approach ridge (very steep) to the main ridge leading to the Breast Hill summit, rejoining the fence line in the process.

I arrived on the main ridge after 2 hours and 10 minutes. There were views to Timaru Creek around the Junction Hut area and over Hawea region generally.

I continued up to Breast Hill summit on the CA1 side of the fence all the way up. It was steep but safe to do so. My total ascent time was 2 hours and 45 minutes. I arrived feeling tired. I had consumed all of the 1.8 litres of water I had started with. There was no water source available after leaving the creek. There were sweeping views of everywhere.

My decent took 2 hours and 10 minutes along a very similar route. I had some difficulties with steep terrain and the loose schist surface in the same places as with the ascent.

This route is viable for experienced and fit trampers but is difficult and exposed. There were some hazards as described.

Appendix 2

Ridge Route Notes – 23 & 24/10/05

I started at the vehicle bridge at the bottom of John's Creek and walked across FH1 to the CA6 boundary fence. I continued up that fence line on the FH1 side, as the CA6 side was overgrown with a thick bracken cover.

Upon reaching the first corner I stayed on FH1 and walked up the obvious sheep track into the willow tree gully. I continued up towards the rocky knob and crossed the fence on FH1 in the process. The homestead became visible below at a point about half way between this fence and the top of the knob.

I got around the knob up to the left, avoiding Matagouri along the way (some pruning required). The terrain is steep here but can be safely climbed mostly on sheep trails. The view of homestead is lost as you head up around the knob but is visible again once above it at a distance.

It took me one hour to get to the ridgeline. I then climbed the fence and continued all the way up on either proposed conservation land or easement n-o. Note there is an error on the proposed designation plan in that there is already a fence along L-K but none on the CA6 boundary from 'n' to the lake shore.

I reach 'o' and then continue up the ridge detouring a short distance twice to get around rock obstacles on the ridgeline. It was easy to do so on sheep tracks. I continued up the ridgeline, which was steep in places. There was some scope for a more contoured approach on occasion but I preferred the direct route. The ridge narrowed in places and fell away steeply at the sides. Notwithstanding, the ridge was always broad enough for what I felt was comfortable, low risk travel. I arrived at summit after 3 hours and 10 minutes.

Afterwards I walked on to Stodys Hut and stayed the night. I started with 3 litres of water and arrived at my destination with very little left. I was otherwise fully equipped for a 3-day tramp.

The descent the next day was without difficulty, although I slipped a couple of times coming down the final steep section on FH1 behind the Homestead (The part described as the 'contentious area' in the submission). There was little risk of tumbling down but, from a tramping point of view, it would be preferable to cut a switch-backed trail on this section rather than take the more direct approach I took. I looked closely at the land to the west to see if there was a practice way down within CA6 but couldn't see anything sensible. A route on or about the one I took seems the only realistic option.

Appendix 3



→ A
To boundary
fence at road

D
Homestead
Visible

Route subject to survey

10 Smacks Close
Papanui
Christchurch 8005
13 November

DTZ

Alexandra

LAKE HAUERA T.R.

Dear Sir,

I liked two parts of this proposal,

- 1 The photo's
- 2 The mention of recreation being important

The rest made dismal reading.

Could you not have blown the map up in size, so I could see exactly where the boundaries are, what ridge or valley they followed ?

CA3 a conservation area, fine. Highly visible from the surrounds, important yes, but where do you think it's going to go if placed in freehold ? It's a pile of rock !!!! yet CC1 which should be protected due to the stated -grey shrub land and beech forest remnants - and placed in a CA, becomes freehold. !!

CA1 has "...the special natural quality and integrity of the high country landscape..." why then don't you continue the boundary around the base of the hill from CA6 to the Timaru river ??? It's either important or it's not !!! Lack of vegetation is hardly important and would come over time anyway as in CA6 which has the terrain to protect it. To freehold only part of it and then over time the difference between FH2 and CA1 would become very noticeable due to the changing vegetation and destroy the special nature of the landscape that you're trying to protect. It would be better having CA1 following the base of the hill and the uniformity of the environment maintained. Why you don't follow the DOC report that you mention baffles me. You allude to the point that , ...these values are found elsewhere....vegetation, yes, but they, the DOC report , were also talking about the landscape values.

FH3 containing some class vii and viii land as well as vi"of moderate pastoral use" so it becomes freehold ?????? The land should be protected, if not because of it's values, because of the erosion potential. Being placed into a SMC is not going to achieve anything and over time cost the tax payer more through monitoring. Weeds are there now, while under management, so continuing this farming practice is pointless and only encourages further destruction. In the Molesworth station the land has been under management for, what, 70 years and the hill country has barely improved and probably got worse, the grazing taking place along the valley floors, which is not the case here. Other tenure reviews use erosion as a reason for placing land back in government hands. Kirkliston pastoral lease sets land aside under the Soil and Water Conservation plan, as well as others

in the Rakaia area. Further, part of the tenure review is to free up land supposedly from management restraints, well that's not happening here if a stock limit is placed on the property, and because of this how can grazing of this land be economically viable?

Looking at photo 18 and deciding that CA2 and CA4 should be separated (freehold and leasehold) ignores the landscape values, similarly, ignoring the plant community around the base of CA3 in photo 4 and placing it into freehold is unfathomable. So to is allowing further grazing as shown in photo's 20 and 21. You don't have to look at any of the photo's very long to see the poor vegetative cover and erosion occurring

FH4 has varying plant life, indigenous to exotic and heavily infested with Hieracium, but it still forms part of the total landscape, no different than the hills that face onto Lake Hawea. None of the conservation areas have vegetative cover of only one variety of plant so just because this area has some exotic vegetation and weeds, the landscape value still applies and so should be added to the total conservation area.

Which brings me to my point ,

The Conservation report recognises the Timaru valley faces and the whole area west of the main Breast Peak as important landscape values, as well as this you have the conservation areas of 2,3,4,5 and CC1 interspersed with land that should be protected or still holding significant areas of value of either visual or of plant communities, further you have an important tourist resort town nearby which will become more important in the future. You have a workforce and tourists requiring recreation facilities and here you have an easily accessible site.

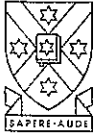
The placing of almost the entire property into DOC hands would help add to employment opportunities as well as sustain and enhance property values in the area. Lake Wanaka is after-all only a lake yet it enjoys great popularity, a lot due to it's visual impact.

I feel the only land that should be freehold is the absolute lower margins of FH1 and FH2 around the base of the hills.

This land is similar to that of the Molesworth station, which was placed in DOC hands in the past year or two, but which has been carefully managed for years with slow progress being made in it's protection. Failure to place this property in DOC hands is negligence both from a conservation and environmental protection point of view.

Regards,

A handwritten signature in cursive script, appearing to read "Geoff Cook".



Department of Botany

Division of Sciences
PO Box 56, Dunedin
NEW ZEALAND

University of Otago
Te Whare Wananga o Otago

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November 22, 2005.

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

**SUBMISSION ON PROPOSED TENURE REVIEW:
LAKE HAWEA PASTORAL LEASE**

Dear Sir,

Thank you for sending me a copy of this proposal and I appreciate the opportunity to comment on it, based on my knowledge of the area involved, gained over many years of ecological research on the tussock grasslands and pastoral leases of the Central Otago. I have not visited the property recently but am aware of most of the ecological/conservation issues and values there.

I have read the proposal for tenure review of the Lake Hawea Pastoral Lease very carefully and believe it is one of the most complex properties yet to come into the process, in relation to the Crown Pastoral Land Act, as well as the policy of the present government in relation to South Island high country matters. I congratulate your staff in relation to the clarity and overall quality of the report and particularly the inclusion of several photographs of critical areas for this exercise.

Referring to the details of this preliminary proposal, the overall distribution of the land between full Crown ownership and control, and freeholding, is commendable. Proposed Conservation Areas comprise 3042 ha (including five areas: CA2, CA3, CA4, CA6 and CA7), together with 1350 ha of Conservation Areas (comprising two areas subject to easement concessions for stock moving/farming purposes), and 3 ha comprising two Recreation Reserves on the Lake Hawea shoreline, give a total of 4357 ha proposed for general public use and enjoyment. Some 6930 ha is proposed for freeholding, but with two Conservation Covenants (CC1 and CC2, totalling 620 ha) and three Sustainable Management Covenants (SMC/A, SMC/B and SMC/C totalling 2255 ha), as well as some easements to provide for public foot, horse and non-motorised vehicle access plus access for management purposes.

I endorse most aspects of the proposal and will comment in some detail only on one minor and two major concerns. One of these involves two of the proposed conservation areas, the second concerns the three areas being proposed for freeholding with Sustainable Management Covenants attached. Both of these issues, I suggest, need to be addressed in terms of fulfilling the requirements of the CPLAct. These are as follows:

1. The land between CA3 and CA5 on the front (lake) face of the property (shown in Photo 12 and in the proposal as part of area FHI), should also be designated as a Conservation Area, given its generally similar and vulnerable nature, and particularly as it forms the major part of RAP A7, "Grandview Creek" of 310 ha, identified and recommended for protection in the Lindis Protected Natural Areas survey (Ward, et al., 1997, pp. 41-3). An extension based on this RAP, down a leading ridge into Grandview Creek would be preferable, with provision of an easement for stock movement included, assuming it would be necessary. A much more regular lower boundary to such an enlarged conservation area would thus be achieved and the need for the proposed new fence along part of the present very irregular eastern boundary of Conservation Area CA5 would also be eliminated.

The proposed Conservation Area CA5 in upper Grandview Creek should be extended northeastward into the head of the Breast Creek catchment (an area proposed as part of the SMC/C block), to conform with the boundary of the RAP B4 "Grandview Tops" of 310 ha, identified and recommended for protection in the Lindis PNA survey (Ward, et al., 1997, pp. 75-7).

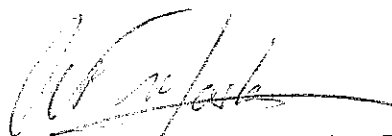
With these two additions to two proposed Conservation Areas (CA3 and CA5), a single enlarged conservation area of greater overall conservation value and management feasibility would be created.

2. The proposal for three relatively extensive areas (totalling some 2255 ha) of freehold, to be subject to "Sustainable Management Covenants" is proposed under S 97 of the CPL Act and is, I believe, unprecedented in the entire tenure review programme. All three areas, two contiguous with a fenceline boundary, comprise mostly severely degraded snow tussock grassland to over 1400m elevation. Parts of these areas have recognised "significant inherent", including landscape, values and it is also generally accepted that the achievement of ecologically sustainable management (an essential requirement of the CPL Act) must remain in doubt at this time. The necessity to monitor these areas "to ascertain whether restoration is in fact occurring and at what level pastoral farming is sustainable" confirms the prevailing uncertainty, even given the maximum grazing levels specified and the prohibition on burning throughout. This being the case, I strongly recommend that the formal transfer of these three blocks to freehold title be deferred for a period of at least ten years, and then be actioned, subject to land condition improvement being revealed by results of the ecological monitoring exercise which is proposed. The proposed monitoring, a total of 6 photo points and 6 transects, two of each per block, is I consider, grossly inadequate for blocks of this size. At least 6 carefully selected photo points per block, given their relative simplicity yet considerable value, as I revealed in my photo point monitoring (88 points in total) in Mt Aspiring National Park over 29 years from the early 1970s. Four line transects per block are recommended. Concerning other aspects of the Sustainable management Covenant, I am puzzled by Clause 2.5 which states "A rent charge of \$5000.00 shall be paid annually" And in Cl 2.7 it provides for a waiver of this "annual rent charge" subject to "no breach of any of the covenants contained in the deed..." Charging a formal "rent" ...payable to the Commissioner", on freehold land seems quite anomalous. I can only assume that these clauses have been included to provide an adequate penalty on the owner, should any of the covenant conditions be breached, but, if so, the wording of these clauses should be clarified. This same situation should apply if, as I have recommended, formal freeholding is deferred for ten years and the Crown meanwhile retains ownership of these three areas.

A more minor issue, I am also concerned with the small size of the two proposed Recreation Reserves (R1 of 2 ha, and R2 of 1 ha) between the Lake Hawea shoreline and the Timaru River Road, destined to provide for future needs of car parking, picnicing and informal camping along this section of the lakeshore. A minimum of 3 ha would be desirable for each location if the topography is suitable, although the presence of a "Crown land operating strip" between high lake level and the road may make the two proposed recreation reserves redundant. This aspect needs clarifying.

I thank you for the opportunity to comment on this proposal and trust that you will give my recommendations serious consideration.

Sincerely,

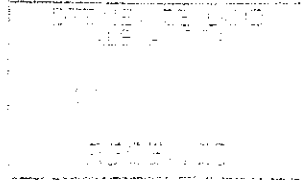


Alan F. Mark FRSNZ, Emeritus Professor.

Reference:

Ward, C.M., Bruce, D.L., Rance, B.D., Roozen, D.A. 1994. Lindis, Pisa and Dunstan Ecological Districts: A survey report for the Protected Natural Areas Programme. Grove, P. (Ed.). Department of Conservation, Dunedin. 236 pp.

Commissioner of Crown Lands,
C/o DTZ NZ Ltd
Property Division
PO Box 27
Alexandra



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

23.11.05

Dear Sir,

Thankyou for the opportunity to comment on this proposal.

We commend Mr Phil Murray of DTZ for the Lake Hawea Station proposal layout and the accompanying photographs which have been a great help in understanding the proposal.

Submission on the preliminary proposal for tenure review outcome on Lake Hawea Station

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 made on the basis of an inspection trip to the property in October 2005 and on knowledge of the area. It 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.*

Lake Hawea Station has a very public face with its iconic steep western face dominating the shores of Lake Hawea as far up as the Timaru River and being a part of the special Central Otago landscape which is visible from a long distance, and is an integral part of the scene for the drive to the West Coast up the western shoreline.

The high plateau of high altitude tussock grassland, with beech forest remnants, some wetlands and accessed from the track up Johns Creek or from the southern end of the lease also has other botanical and landscape values and one area is home to the rare Grand Skink. The views from the ridge overlooking Timaru Creek are outstanding and the vegetation on the rocky tors a botanists paradise.

The Proposal

Proposed Conservation Areas

CA1 Timaru River-Bushy Creek-Waterfall Creek and including the summit of Breast Peak and its steep westerly facing slopes.

We strongly support the creation of this Conservation Area which includes diverse remnant beech forest adjacent to the Timaru River and in the Bushy Creek catchment (habitat for a rare mistletoe), diverse grey shrublands and overall contains at least ten nationally threatened plant species. It has high landscape values and includes the distinct eastern lake-face up as far as the Timaru River which can be seen for miles around, including from the Haast Pass Highway up the western side of the Lake. The deeply incised gorges and spectacular rock tors and their associated vegetation are of high value. The proposed access to Bushy Creek from the Timaru River road will be a welcome addition to the available day walks in the area.

- CA2** Upper Timaru Creek and Breast Creek,
- CA4** Breast Creek, Grand Skink habitat,
- CA6** Little Waterfall
- CA7** Mouth of Timaru River

We strongly support the return of these areas to the Crown as conservation areas for the reasons outlined in the proposal. We note the wilding tree problem to be addressed in CA6

CA3 Breast Peak and **CA5** Grandview Creek (upper catchments)

We support the creation of these conservation areas but submit that the steep tussock basin between them (part of area FH1), has been designated as a recommended area for protection, RAP A7, and should have been included to protect the values within it as outlined in the Conservation report. In addition we submit that CA5 should be extended to the upper catchments of Breast Creek so that it would then include all of RAP B4 and thus protect all the values within RAP B4 which have been confirmed by the more recent conservation report.

Conservation Covenants, CC1 and CC2

CC1 is a 600 hectare area on the steep slopes on the true right of the Timaru River.

We strongly support the creation of this covenant which contains grey scrubland and beech forest remnants.

CC2

This is a 20 hectare area in the Breast Creek catchments which has a population of galaxid and a stand of *Hebe cupressoides* within it.

We also strongly support this covenant.

Recreation Areas Eastern shore of Lake Hawea

R1 We support this proposal but suggest it be extended north to the next fence line to provide more space

R2 We support the creation of this recreation area

It may be that the creation of these recreation areas is redundant as I understood that the land from the roadline to the Lake was in fact already Crown Land. This point needs to be clarified.

Areas to be freeholded

We accept that the areas designated FH1, FH2 and FH4 are suitable for freeholding apart from the points raised above about extensions to CA3 and CA5 but suggest that FH3 seems little different from the three areas proposed for sustainable management covenants and should be treated in the same way as a fourth SMC area.

We note the idea of the sustainable management covenants proposed for three further areas to be freeholded, SMC/A, SMC/B and SMC/C (high altitude snow tussock grassland) and commend the lessees for an innovative approach to managing this sort of degraded land above 1000 metres and wish them well in this. However, since the land, classified as LUC Class VIIe, might not be able to be sustainably managed we submit that the land remain in Crown ownership for a period of perhaps 5-10 years by which time the success or otherwise of the sustainable management regime should be apparent. If the sustainable management is then proved these areas could then be freeholded at that time.

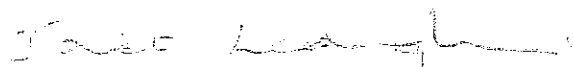
We suggest that as part of the monitoring regime the number of photo points needs to be increased from 2 to 6 per block and that there should be at least 4 line transects per block to give a reliable measure of ecological change.

Access provisions

These are acceptable in general but we would ask that consideration be given to provision of a mountain bike track from the lakeshore up the true left of Johns Creek to about GR 187 165 at a point where the creek and the existing vehicle track are very close. Access without such a track would be difficult for bikes over this section.

In general we think that the proposal is basically a good one, with the provisos detailed above. It protects important landscape, ecological values and provides recreational opportunities for botanists, trampers, bikers and others.

We wish to thank the Rowley family for access for inspection, hospitality and discussions.



Janet Ledingham

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

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

Home address

622 Highgate, Maori Hill, Dunedin. Phone 03 467 2960

Ken Taylor

From: Mike Floate [mike.floate@xtra.co.nz]
Sent: Sunday, 27 November 2005 7:41 a.m.
To: Ken Taylor
Cc: fmcsec@xtra.co.nz
Subject: Lake Hawea Tenure Review



Lake Hawea Station
Submission ...

Dear Ken

FMC has prepared a submission on the Preliminary Proposal for the tenure review of Lake Hawea Station. I am aware that the closing date for submissions is tomorrow but so far as I am aware there is no postal collection from Tarras on Sundays.

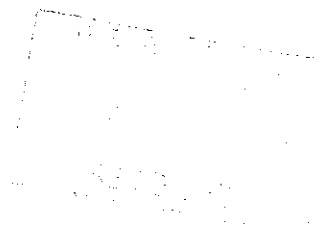
Assuming that this is the case, I am sending this submission by e-mail to meet your deadline and will put hard copy of the submission in the post today.

I hope this arrangement is satisfactory.

Yours truly

Dr Michael J S Floate
for Federated Mountain Clubs of NZ Inc.

FMC Letterhead



26 November 2005

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

Dear Sir,

Re: Preliminary Proposal for Tenure Review: Lake Hawea Station

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 13,000 members of tramping, mountaineering, climbing and other outdoor 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 Lake Hawea Station pastoral lease. We compliment DTZ New Zealand LTD on the very high quality of the proposal document and the most helpful illustrations in that document. This has certainly facilitated our understanding of a complex proposal and has enabled us to prepare a better submission than might otherwise have been the case.

The Preliminary Proposal

FMC notes that the proposed designations are described as follows:-

Proposed Designations

1. 3042 hectares approximately to be designated as land to be restored to full Crown ownership and control as conservation areas, comprising five areas (CA2, CA3, CA4, CA6 and CA7) in Timaru River, Breast and upper Johns Creeks.

2. 3 hectares approximately to be designated as land to be restored to full Crown ownership and control as recreation reserve comprising two areas (R1 and R2) on the shores of Lake Hawea.
3. 1350 hectares approximately to be restored to Crown control as conservation areas (CA1 and CA5) subject to an easement concession for droving stock along routes within the land comprising two areas in Bushy Creek and Grandview Creek.
4. 6,930 hectares approximately to be designated as land to be disposed of by freehold disposal to Lake Hawea Station Limited (FH1, FH2, FH3, FH4 and SMC/A, SMC/B and SMC/C) subject to the following:

Protective Mechanism:

- a. A Conservation Covenant over approximately 600 hectares in the Timaru River catchment (CC1) to protect the grey shrubland and beech forest remnants.
- b. A Conservation Covenant over approximately 20 hectares in the Breast Creek catchment (CC2) to protect a population of *Galaxiid* and stand of *Hebe cupressoides*.

Qualified designation:

- a. A sustainable management covenant (SMC/A, SMC/B and SMC/C) over approximately 2255 hectares of high altitude snow tussock at the headwaters of the Breast Creek catchment.
- b. An easement in gross for public foot, horse and non motorised vehicle access and access for management purposes over routes on existing vehicle tracks on the property to provide access to proposed conservation areas.
- c. An easement in gross for access for management purposes only over routes on existing vehicle tracks to provide access for management to proposed conservation areas.

FMC Submissions

In February 2003, FMC submitted a report on the "Recreational and Related Significant Inherent Values of Lake Hawea Station". FMC is pleased to note that a significant number of our recommendations for the outcomes of tenure review are included in the current Preliminary Proposal for Lake Hawea. There are however, some features of the proposal which give us cause for concern especially the absence of practicable foot and mountain bike access to the very good high-level track network and the failure to include in the proposed conservation areas, areas previously identified as Recommended Areas for Protection.

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.

Preliminary Proposal. Proposed Designation 1.

3042 hectares approximately to be designated as land to be restored to full Crown ownership and control as conservation areas, comprising five areas (CA2, CA3, CA4, CA6 and CA7) in Timaru River, Breast and upper Johns Creeks.

We applaud the proposal that over 3,000ha of high country will be restored to full Crown ownership and control as Conservation Areas. FMC is pleased to note that this proposal is similar to the recommendations contained in the FMC Report (February 2003), and that proposed conservation area CA2 is actually larger than was envisaged in the FMC Report. That Report was however, concerned that much of the extensive rolling uplands above about 1,000 to 1,100m (classified LUC Class VIIe) was unlikely to be capable of being managed in a way that is ecologically sustainable. We note that much of this country is proposed for freeholding under Sustainable Management Covenant provisions about which we have some reservations (see discussion below on Qualified Designations).

The proposed protection of areas CA3 and CA5 is welcomed but we cannot understand why the intervening steep tussock basin between these two areas has been excluded from protection, especially as it was recognised for protection as RAP A7 by the PNA Survey. This area is illustrated in Photo 12 of the Preliminary Proposal document. This photo clearly shows the similarities and relationships between CA3, CA5 and the upper part of FH1 (ie RAP A7). It is most unlikely that this area is capable of supporting ecologically sustainable pastoral production for reasons explained in the FMC Report (2003). We therefore believe the two areas CA3 and CA5 should be linked by including the area identified as RAP A7 in the area proposed for protection as conservation area.

FMC fully supports the proposal that areas CA4, CA6 and CA 7 be returned to full Crown ownership and control.

FMC submission:

FMC fully supports the proposal that areas CA2, CA4, CA6 and CA 7 be returned to full Crown ownership and control. FMC submits that the proposal has failed to recognise the significant inherent values in RAP A7, and submits that the upper part of FH1 should be part of a continuous tract of conservation land including both areas CA3 and CA5.

Preliminary Proposal, Proposed Designation 2.

3 hectares approximately to be designated as land to be restored to full Crown ownership and control as recreation reserve comprising two areas (R1 and R2) on the shores of Lake Hawea.

FMC is pleased to note that the strategic location of these two small areas between the Timaru River Road and the shore of Lake Hawea has been recognised as an important public access to the lake shore, as an amenity area for picnics and informal camping and to provide parking space.

FMC submission:

FMC fully supports the proposal that two areas totalling approximately 3ha (R1 and R2) be designated as land to be restored to full Crown ownership and control as Recreation Reserve.

Preliminary Proposal, Proposed Designation 3.

1350 hectares approximately to be restored to Crown control as conservation areas (CA1 and CA5) subject to an easement concession for droving stock along routes within the land comprising two areas in Bushy Creek and Grandview Creek.

FMC is particularly pleased to note that the steep craggy faces below Breast Hill and indeed most of the lake faces of Lake Hawea Station are proposed for protection as CA1. FMC had indicated in the 2003 Report that we believed the front faces of the property are very important for their outstanding natural and landscape values which can be appreciated and enjoyed not only from the Timaru River Road, but also from across the lake by travellers on the World Heritage Highway (SH6) from Wanaka to the West Coast.

FMC is pleased to note that part of the RAP B4 in the upper part of Grandview Creek catchment, which was recognised by the PNA Survey, has been recommended for protection within the proposed conservation area CA5. We are also pleased to note that CA5 also includes shrublands and forest in the mid reaches of Grandview Creek.

We note however that the proposal fails to include that part of RAP B4 which is situated in the upper catchment of Breast Creek. FMC believes that the proposed area CA5 should be extended eastwards to include that part of RAP B4 which is proposed to be included in SMC/C. This area is adjacent to some outstanding top features (recognised in the Conservation Resources Report) which dominate the skyline landscape when traversing the proposed public

access route along the summit ridge to Mt Grand (b-c-i-j). On the basis of these outstanding landscape features and the previously recognised natural values of RAP B4, we propose that CA5 should be extended eastwards to include the whole of RAP B4 and the tor rocks in the vicinity of spot height 1405m.

FMC submission:

FMC strongly supports the proposal that the front faces below Breast Hill should be protected by return to full Crown ownership and control as conservation area CA1.

We also strongly support the proposal that the upper part of Grandview Creek catchment (including part of RAP B4) and the mid reaches of Grandview Creek including forest remnants and shrublands should be protected as conservation area CA5.

FMC however submits that on the basis of outstanding landscape features and the previously recognised significant inherent values of RAP B4, the area of CA5 should be extended eastwards into the upper Breast Creek catchment to include the whole of RAP B4 and the tor rocks in the vicinity of spot height 1405m.

Preliminary Proposal, Proposed Designation 4.

6,930 hectares approximately to be designated as land to be disposed of by freehold disposal to Lake Hawea Station Limited (FH1, FH2, FH3, FH4 and SMC/A, SMC/B and SMC/C) subject to protective mechanisms and qualified designations. :

FMC recognises that this is a difficult property to deal with in terms of the CPL Act because of its diversity and large area of land where it is difficult to anticipate how it might be managed in a way that would promote the ecological sustainability required by the Act.

Because the land has already been significantly modified, and has LUC classification that indicates that ecologically sustainable pastoral use should be possible, FMC has no problem with the proposal that areas FH2 and FH4 should become freehold. The same also applies to much of the area designated as FH1, except that we believe the upper part of the Grandview Creek catchment (between areas CA3 and CA5) should become conservation land. This was discussed under Designation 1 above and rests on the arguments that the area was earlier recognised as a Recommended Area for Protection (RAP A7) and is essentially the same as the ecosystems within CA3 and CA5. Furthermore, it is most unlikely that this area could be managed in such a way as to promote its ecologically sustainable land use as required by the CPL Act. It is therefore proposed that the area of FH1 should be reduced and that the area of RAP A7 should instead be included within an enlarged conservation area which also encompasses CA3 and CA5.

FMC notes that the proposed freehold area of 6,930ha includes three areas proposed to be subject to a Sustainable Management Covenant. FMC believes that this may be an innovative solution to the problem of what to do with lands above about 1,000m which have become degraded and invaded with Hieracium. Our views about the present state and proposed management of these areas will be discussed below (see discussion of Qualified Designations).

FMC does not believe that it is appropriate to propose designation as land to be disposed of by freehold disposal at this point in time because the promotion of ecologically sustainable land use (as required by the CPL Act) has not yet been demonstrated. Nor will it be demonstrated until the proposed management prescription of the affected area has been implemented for long enough to assess its effectiveness in achieving sustainability. FMC therefore proposes that transfer to freehold ownership should be postponed until such time as the promotion of ecologically sustainable land use has been demonstrated.

We cannot understand why area FH3 has been proposed for freehold disposal when to all intents and purposes that part of the area which has pastoral capability (ie not shrubland or scrub) appears essentially the same as the adjoining SMC/A and SMC/B. FMC therefore proposes that the area designated FH3 should instead be included within the area subject to the Sustainable Management Covenant and identified as SMC/D.

FMC submission:

FMC supports the proposal that FH2 and FH4 should be disposed as freehold to Hawea Station Ltd. FMC also partially supports the proposal that FH1 should become freehold but submits that the area should be reduced to the extent that an area between the proposed conservation areas CA3 and CA5 (previously identified as RAP A7) should be excluded from the freehold for reasons discussed above.

FMC does not believe that it is appropriate to propose designation of the three SMC areas as land to be disposed by freehold disposal at this point in time because the promotion of ecologically sustainable land use (as required by the CPL Act) has not yet been shown to be feasible. FMC therefore proposes that transfer to freehold ownership of the Covenanted areas should be postponed until such time as the promotion of ecologically sustainable land use has been demonstrated.

FMC does not understand why area FH3 has been proposed for freehold disposal when to all intents and purposes it appears essentially the same as the adjoining SMC/A and SMC/B. For reasons discussed above, FMC therefore submits that the area designated FH3 should instead be included within the area subject to the Sustainable Management Covenant and identified as SMC/D.

Protective Mechanisms

a. A Conservation Covenant over approximately 600 hectares in the Timaru River catchment (CC1) to protect the grey shrubland and beech forest remnants.

b. A Conservation Covenant over approximately 20 hectares in the Breast Creek catchment (CC2) to protect a population of Galaxiid and stand of Hebe cupressoides.

FMC notes that the values to be protected by Conservation Covenant CC1 are as follows:- *“Timaru River faces contain native shrublands and pockets of beech forest that need protection from grazing and fire. The shrublands also have a nursery role for the return of beech forest onto the slopes. These faces have high landscape values with their wild, rugged and steep character and together with the extensive shrublands, are important to the gorge landscape”.*

Given the significance of these values, and the stated intention of the proposed covenant *“to protect the Values,”* FMC believes that the proposed deletion of Clause 3.1.1 of the Covenant (stating that ‘the owner must not graze the land by livestock’) is inappropriate. We ask how then is it possible to protect the stated values when it is explicitly recognised that the values *“need protection from grazing and fire”.*

With respect to the Protective Mechanism (b), FMC supports this proposal.

FMC Submission

FMC submits that it is inappropriate to delete Clause 3.1.1 from the Covenant (covering proposed area CC1) when it is explicitly recognised that the values “need protection from grazing and fire”.

FMC supports the proposal to protect a population of Galaxiid and a stand of Hebe cupressoides in an area of approximately 20ha in the Breast Creek catchment.

Qualified Designations.

a. A sustainable management covenant (SMC/A, SMC/B and SMC/C) over approximately 2,255 hectares of high altitude snow tussock at the headwaters of the Breast Creek catchment.

b. An easement in gross for public foot, horse and non motorised vehicle access and access for management purposes over routes on existing vehicle tracks on the property to provide access to proposed conservation areas.

c. An easement in gross for access for management purposes only over routes on existing vehicle tracks to provide access for management to proposed conservation areas.

Sustainable Management Covenant

FMC is impressed by the proposal to implement a Sustainable Management Covenant over a large area (2,255ha) of high altitude snow tussock grassland in the headwaters of Breast Creek catchment. This area has problems due to its present degraded state which is, in turn, a reflection of current or past unsustainable management practices. We believe that this approach has merit but that it should not be prejudged by allowing freeholding at the outset.

What is certain about these lands is that the present or past management system is not sustainable as is evidenced by the degraded state of the ecosystem. FMC notes that there are significant differences in the present health and vigour (and degree of Hieracium invasion) between the three areas SMC/A, SMC/B and SMC/C. Among these we observed that SMC/C is in the most degraded state, and most severely invaded by *Hieracium lepidulum*. We believe these differences in the health and vigour of the existing ecosystem should be reflected in different management prescriptions appropriate for each of the three areas.

FMC is not in a position to recommend specific management prescriptions for each of the 3 SMC areas but we do recommend that a consultant be engaged to develop such management prescriptions, both at the outset of the new management regime, and to recommend changes as a result of the interpretation of monitoring results on a regular basis.

An easement in gross for public foot, horse and non motorised vehicle access..... over routes on existing vehicle tracks

FMC is very pleased to note that extensive provision is proposed for public foot, horse and mountain bike access over existing tracks across the high country to the southern boundary (with Mt Grand) and at two points on the eastern boundary (with Forest Range). These will provide first class recreational opportunities and spectacular views over the Lake Hawea hinterland and westwards to Mount Aspiring National Park and the Main Divide. Part of this high level track system is particularly important as the proposed route for the new NZ North-South Walkway (Te Araroa).

It appears however, that the only way for the recreational public to gain access to this impressive track system is via steep and difficult routes including easements 'l-m' or 'o-n'. These routes would provide interesting challenges for fit trampers but are certainly not practicable access for mountain bikes. This is a serious deficiency in this proposal because it is very likely that mountain bike use of the high country track system "over routes on existing vehicle tracks" will become the preferred recreational use. It is particularly disappointing that better access is not proposed given that Lake Hawea Station is the 'gateway' to a more extensive range of recreational routes over the Grandview Track and along the Grandview Range.

FMC believes that better and more practicable access could be provided up Johns Creek without intruding into the owners' privacy or interfering with farm operations. This practicable access could be achieved by providing a track (to mountain bike standards) close to or even within the marginal strip along the lower reaches of Johns Creek to the point where the creek and vehicle track come very close together at about map reference G40. 187.165. This would involve the cutting of just over one kilometre of track, for which a model is provided in the tenure review outcome of Dingleburn Station. From this point on to the junction marked as 'b' on the proposal map, public access could be provided by an easement (along the Johns Creek track) the same as for other existing vehicle tracks on the property.

An easement in gross for access for management purposes.

FMC has no objection to the proposed easement in gross for access for management purposes only over routes on existing vehicle tracks to provide access for management to proposed conservation areas.

FMC Submission

FMC makes the following submissions with respect to the proposed qualified designations (a), (b), and (c):- FMC is impressed by the proposal to implement a Sustainable Management Covenant over a large area (2,255ha) of high altitude snow tussock grassland. We believe that this approach has considerable merit but that it should not be prejudged by allowing freeholding at the outset. Instead, freeholding should be postponed until such time as the Sustainable Management Covenant has been shown to ensure the ecological sustainable use of the land. This would truly promote ecological sustainability as required by the CPL Act. FMC also proposes that a consultant should be engaged to draw up appropriate management prescriptions for each of the areas SMC/A, SMC/B and SMC/C. Such prescriptions should be reviewed regularly in the light of monitoring results. The failure to provide practicable public access for mountain bikes from the Timaru River Road to the point marked 'b' on the designations plan is a serious deficiency because it is very likely that mountain bike use of the high country track system "over routes on existing vehicle tracks" will become the preferred recreational use. FMC believes that practicable access could be provided up Johns Creek without intruding into the owners' privacy or interfering with farm operations. We submit that a track (to mountain bike standards) should be formed up the marginal strip along the lower reaches of Johns Creek to the point G40, 187.165. The outcome of the review of Dingleburn Station provides a model for such a track to be provided through tenure review. From point 187.165 to point 'b' an easement (the same as for other existing vehicle tracks on the property) should be provided.

FMC has no objection to the proposed easement in gross for access for management purposes only over routes on existing vehicle tracks to provide access for management to proposed conservation areas.

Otago Conservation Management Strategy

FMC is aware that important objectives and priorities for conservation and recreation were set in the Conservation Management Strategy (CMS) for Otago. The objectives and priority for the Hawea-Lindis Special Place are very relevant to the tenure review process and the outcomes of this tenure review can materially assist in the achievement of the objective.

The following is an extract from the FMC Report (2003) on Lake Hawea Station which deals with the section on the Hawea-Lindis Special Place in the Otago CMS

The objectives for this area, which includes Lake Hawea Station are:-

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

It is particularly important that these objectives will be implemented through:- *"Negotiation opportunities presented by pastoral lease tenure review or land exchanges on the large pastoral runs in the area or Crown land allocation opportunities will be taken with a view to:-protecting areas of significant nature conservation value; linking and buffering existing lands administered by the department; improving public access and recreational opportunities on lands administered by the department; and protecting landscape qualities in the area particularly those of the visual catchments visible from the state highways".*

These objectives and implementation statements accord very closely with the recommendations made in the FMC Report (2003). Furthermore, it should be noted that the priority for the Hawea-Lindis Special Place is:- *"Consolidation of protected areas and protection of key habitats through tenure review negotiations, improving public access and animal and plant pest control activities will be priorities in this Special Place".*

FMC recognises that opportunities presented by the tenure review of Lake Hawea Station have been taken to further these objectives.

Conclusions

There are many good features in this Preliminary Proposal for the tenure review of Lake Hawea Station. These features include the proposed new conservation areas CA1 to CA7, lakeside reserves R1 and R2, and public access over existing vehicle tracks across the high country to the eastern and southern boundaries. FMC strongly supports these proposals. We do however believe that previously recognised Recommended Areas for Protection should have been included within the area proposed for return to full Crown ownership and control.

We submit that public access needs and the requirements of the CPL Act 1998 are not properly satisfied in that mountain bike access to the tops is not practicable. FMC has proposed an alternative and more practicable access up Johns Creek which we believe could be implemented without intruding into the owners' privacy or interfering with farm operations.

FMC is impressed by the proposal to place a Sustainable Management Covenant over 2,255ha of degraded high altitude snow tussock grassland. However, FMC asserts that freeholding is not appropriate at the present time because the CPL Act requirement to promote the ecological sustainability of the land has not yet been satisfied. Instead we propose that transfer to freehold ownership should be postponed until such time as the promotion of ecologically sustainable land use has been demonstrated.

We are concerned that the conditions attached to Conservation Covenant CC1 defeat its stated purpose. FMC submits that it is inappropriate to delete Clause 3.1.1 from the Covenant (covering proposed area CC1) when it is explicitly recognised that the values "*need protection from grazing and fire*".

FMC submissions have been set out in this letter in the same format as the Preliminary Proposal for the tenure review of Lake Hawea Station. Under each of the Proposed Designations we have summarised our recommendations under a subheading '*FMC Submission*'.

FMC believes that if these submissions are accepted and acted upon, the review would then be in accord with the Crown Pastoral Land Act 1998 and would assist in achieving the objectives stated both in that Act and the more recently declared government objectives for the South Island high country.

FMC believes that the outcomes of this tenure review could materially assist in achieving important objectives declared in the Otago Conservation Management Strategy.

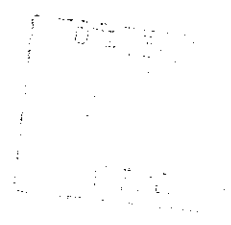
Finally, we thank you for this opportunity to comment on the Preliminary Proposal for the tenure review of Lake Hawea Station pastoral lease. We also thank the agents (DTZ New Zealand Ltd.) for arranging permission to visit Lake Hawea and the runholder for permission to inspect the property.

Yours faithfully,

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

23 November 2005

The Commissioner of Crown Lands
DTZ (NZ) Ltd
Land Resources Division
P O Box 27
Alexandra.



**CROWN PASTORAL LAND ACT
LAKE HAWEA TENURE REVIEW**

SUBMISSION ON PRELIMINARY PROPOSAL

INTRODUCTION:

We acknowledge and fully support the concept of the Review of Tenure under the Crown Pastoral Land Act 1998 being an entirely voluntary process.

We support and respect the needs and wishes of the individuals concerned to support the proposal for their personal reasons and agendas. In this submission these comments are from our personal view point, farming industry perspective, the perspective of a NZ taxpayer and rate payer, but also as a neighbouring property who will be both directly and indirectly affected by the Commissioner's approaches to tenure review and decisions in the future.

OUR SUBMISSION:

We totally oppose the terms and conditions of the Preliminary Proposal as it fails to meet the Objects of the Crown Pastoral Land Act and is an insult to the Rowley family personally and high country farmers generally as it completely overlooks the economic, cultural, historical and nature of pastoral lease farming.

The objects of Part 2 of the CPL Act are outlined in Section 24:

24 Objects of Part 2 – The objects of this part are:

(a) To:

(i) Promote the management of reviewable land in a way this is ecologically sustainable.

The objectives of the Act could be achieved by freeholding the property in its entirety with appropriate covenants and access easements. Your proposal suggests that designating land with significant inherent values to full Crown ownership and control as conservation areas will promote the management of the land in a way that is ecologically sustainable. However you fail to produce any evidence that the current land use is not ecologically sustainable. There is no indication that you have researched the considerable body of scientific evidence that argues to the contrary, or investigated neighbouring properties where this is not the case, or where oversowing and topdressing is financially viable and ecologically

sustainable up to over 1400m altitude. The assumptions that you are making in your current approach to the review of tenure maybe convenient and expedient, but are extremely unprofessional and completely inappropriate to be used in these circumstances. e.g.

- a) What published scientific (peer reviewed) papers support this theory?
- b) There is mounting evidence that all land requires hands on knowledge, management, and inputs of grazing by animals, to maintain the health and biodiversity of the land to ensure it is ecologically sustainable to support future generations. Some of the most productive areas of the world have been actively farmed by people and animals for more than 10,000 years and the conservation values are enhanced by this symbiotic relationship.
- c) The definition of "ecology" includes native and exotic flora and fauna (including people) and does not discriminate between native and exotic species.
- d) How do you explain the 140 plus years of successful farming enterprises that have occupied this property, farmed the land productively and contributed substantially to the culture and economy of New Zealand over this period? The conservation values that are inherent in the property are a result of its past management. If you change the management there will be significant changes to the conservation values, which may not necessarily be for the better and are in fact likely to hasten their decline.

24 (a) (ii) Subject to subparagraph (i), enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under a reviewable instrument; and

The entire property is "capable of economic use" and should be granted freehold disposal as in 24 (c) (ii).

The owners of the property have carried out a highly successful, financially, socially and ecologically sustainable farming operation for many years. It is also capable of expanding its operation into hunting, tourism, film making, nature and cultural heritage tours etc, utilising the property assets in an ecologically sustainable way at the same time generating income to benefit the physical demands of the property whilst enhancing the local community economy and retaining the high country farming culture.

- (b) To enable the protection of significant inherent values of reviewable land:**
 - (i) By the creation of protective mechanisms; or (preferably)**
 - (ii) By the restoration to full Crown ownership**

You propose restoring 3042 ha (approximately) of the property to full Crown ownership and control as a conservation area under Section 35(2)(a)(I) and 1350 ha (approximately) to Crown control as a conservation area under Section 35(2)(b)(I).

The CPL Act provides for the "creation of protective mechanisms" but there is no mention of you investigating the alternative option 24 (b) (i) for these areas.

- a) There are no published and peer reviewed scientific papers supporting the reasons for this proposal.
- b) There are no indications as to what significant inherent values occur in the reviewable land that are inseparable and exist only in those locations.
- c) There has been no risk assessment and analysis undertaken for the values or identification of what they require protection from.
- d) No publicly notified proposed management plan for the areas has been provided.
- e) No publicly notified proposed budget for on going management of these areas has been prepared
- f) No publicly notified impact study of the anticipated cost to the tax payer for assuming administration of this land has been carried out. The CPL Act was originally introduced because the Crown wished to remove itself from the cost of administering pastoral leases. By assuming full management of these areas they are exposing taxpayers to a huge increase in management and stewardship costs that were previously borne by pastoral lessees, with a rental received in addition.
- g) No publicly notified consideration of the likely impact on the local community, heritage, culture and business enterprises has been undertaken.
- h) No publicly notified assessment has been provided for the Commissioner to comment on the economic use of the lands designated to return to full Crown ownership and control. The Commissioner has a duty to consult with the Minister of Conservation on conservation issues, and it is contended that he should also consult with the Ministry of Agriculture, the Treasury Department and the Parliamentary Commissioner for the Environment (and others as necessary) to present a balanced assessment and a robust unchallengeable declaration on the reviewable lands in questions. It is simply not good enough to assess a conservation agenda, when the CPL Act clearly articulates other duties that have wider benefits to New Zealand than attempting pure clinical preservation in the name of conservation.
- i) There is no monitoring programme required to assess the impacts of this decision long term to ascertain if the "ecological sustainability" of the land is being accomplished. We note however that there is monitoring to be put in place over the proposed freehold land subject to Sustainable Management Covenants. Surely the same approach should be applied to the land being vested in the Crown and managed on behalf of the New Zealand taxpayer?

24 (c) Subject to paragraphs (a) and (b) to make easier:

- (i) The securing of public access to and enjoyment of reviewable land; and*
- (ii) The freehold disposal of reviewable land.*

- a) You have created various Right of Way easements and marginal strips to satisfy the public access requirements and demands. Public access is already in existence via paper roads and adjacent to water bodies. These are all set aside as a matter of course without the need to transfer the property to the Crown estate.
- 2b) If the proposal is accepted in its current form we serve notice that we will require the Crown to erect substantial boundary fences between the Forest Range and Breast Hill titles and the newly designated conservation land to clearly identify and prevent any confusion as to the boundaries between private land and conservation land. Signage, declarations and all necessary statutory requirements for these boundaries would be a pre-requisite of the tenure review being finalised.

3.4 Land to be disposed of by freehold disposal to the holder

We support the disposal of this land to the holder and believe that the property should be freeholded in its entirety with covenants to promote the future active management of areas with significant inherent values.

3.4.5.1. Proposed Sustainable Management Covenant (*under Section 36 (3) (a) and Section 97 CPL Act*)

We support the proposed Sustainable Management Covenants and suggest that these could have been used more widely in the proposal. The monitoring programme will be a useful tool to establish the sustainable management requirements of the areas. Monitoring must also be undertaken on the land proposed to be designated as conservation land to ascertain the best management practices for the future, rather than leave the significant inherent values identified to their devices.

4. Discussion of proposed designations in relation to the objects of Part 2 CPL Act:

Areas CA 1 – 7

It is suggested that designating this land to full Crown ownership and control as conservation areas will promote the management of the land in a way that is ecologically sustainable. There is no discussion on how this decision has been reached or what management is to be applied, other than a change of ownership. In some cases the outdated Otago Catchment Board classifications (e.g. Class VIII) have been used as justification for unsuitability for grazing. These classifications were identified in the 1950s and technology has significantly changed the options for farming since then. One of the reasons suggested for Crown ownership is that the land needs to be protected from grazing and burning. This raises two important points:

- (i) There is no mention of rabbits, their impact on the land in the past or their likely impacts in the future, what controls will be used, if 1080 will be

dropped in our water shed etc. Grazing by other wild animals such as deer, pigs and goats is not accounted for.

- (ii) Tussock burning is now strictly controlled under District and Regional planning rules. Lessees are required to obtain a burning permit from both the District Council and the Commissioner of Crown Lands prior to burning tussock. If granted, the burning consent has a range of conditions and monitoring requirements. Protection from burning is not a legitimate reason for the need for Crown ownership and control.

With increased public access to the areas of conservation land there will be an increased risk of accidental and uncontrolled fires, most likely in mid summer when public access will be at its height. They have the potential to be hugely destructive and due to the nature of the country will be difficult to control because of the remoteness, terrain and prevailing nor west winds. As neighbours we are extremely concerned to be exposed to an increased fire risk resulting from these conservation areas. The Commissioner should note that if this tenure review proceeds in its current form we expect full compensation (alternative grazing, reinstatement of fences, replacement of animals, payment for fire fighting time etc) from the affects of any fires spreading from these areas into our property.

GENERAL:

Throughout the tenure review programme the Commissioner, by his actions and decisions, and without any legitimate scientific evidence or research, has supported the theory that land with significant inherent values should be transferred to the Crown and thus will "*Promote the management of reviewable land in a way that is ecologically sustainable.*" This approach is leading to the greatest scientific experiment applied to land in NZ since its settlement by Europeans. There are no monitoring requirements to ensure that this hypothesis is recorded to ensure that this decision is providing the best management regime for this land. History tells us that "a one size fits all approach" is doomed to failure.

The extraordinarily large area of land designated to be transferred to the Department of Conservation will now be at risk due to the removal of a livestock system that has the ability to enhance the dynamics of sustaining tussock grasslands. This symbiotic relationship, when removed, will accelerate the undesirable outcomes that society today is condemning.

This experiment is particularly dangerous in the Lindis-Hawea country where hieracium species have become dominant and are spreading so rapidly. There is convincing proven scientific evidence that Hieracium lepidulum can be controlled effectively with sheep grazing. Without control hieracium creates the mineral composition in the soil that enhances its growth and suppresses the growth of other species, especially native. There are huge areas where it is already proven that hieracium will kill out all competing growth – tussocks, inter-tussock species, briar, matagouri and even beech species. The Commissioner must consider the huge negative impacts of this weed in the area under review. If it is not managed and kept under control the areas returning to Crown ownership will become a solid

monoculture of hieracium (with the associated large areas of erodible bare ground) in the future and will have few significant inherent values from a nature conservation or recreation viewpoint. This is concerning for neighbouring lands especially in terms of the additional seed produced placing greater invasion pressure than would otherwise be the case.

Your continued support of this approach should be of grave concern to the Ministry for the Environment and all people concerned with the long term sustainable management of our natural capital and resources.

Additionally the large area removed from production will destabilise the complementarity aspect of the farming operation with a concentration of grazing pressure being applied to a significantly reduced area.

The Greer Report estimates that the loss of production to the nation through tenure review will be \$33 million at the farm gate with one third of the Merino flock removed from the industry. This will directly impact on the critical mass of this industry. These are social issues that must be considered when assessing ecological sustainability.

The tenure review process has led to continued erosion of the cultural and historic values of high country people and their properties. By being coerced into smaller uneconomic units without the seasonal balance of country provided in the original titles people are being forced to generate capital from sales of small parcels of land at high prices (usually to overseas owners) resulting in a carving up of the resource.

Furthermore we contend that the duty of the Commissioner has seriously compromised the intent of the CPL Act by concentrating on a conservation agenda, when the Select Committee findings and Hansard references clearly articulated the desire for a more balanced result.

SUMMARY:

When considering the Lake Hawea Tenure Review Preliminary Proposal please consider the following:

- We support freeholding of areas FH1 – 4.
- We support Areas CC1 – 2 Conservation Covenants.
- We support Sustainable Management Covenants SMC/A, B & C. This approach could be used more extensively in the proposal to allow more of the productive land to be freeholded.
- We oppose areas CA1 - 7 of land to be restored to full Crown ownership and control as Conservation Areas. Ecological sustainability of these areas could be achieved with the use of protective mechanisms, sustainable management covenants and / or restrictions under the District Plan. Easements for public access can be created as required.

- We require a realignment and an upgrade of the boundary fence between Breast Hill and Forest Range and the newly created conservation areas if this preliminary proposal proceeds in its current form.
- We require adequate signage and publicity to differentiate conservation land from private land on the Breast Hill and Forest Range boundaries with the conservation areas.
- We require an undertaking, in writing, that we will be adequately compensated in the event of fire spreading from the conservation areas across our property.
- Both before and during the survey of the legal boundaries we demand to be fully consulted.

Yours faithfully

Forest Range Ltd
R.S. Emmerson, director



Department of Conservation
Te Papa Atawhai

Our ref: SBC-08-34

25 November 2005

Commissioner of Crown Lands
c/- DTZ New Zealand Ltd
Land Resources Division
Box 27
ALEXANDRA

Dear Sir

SUBMISSION ON TENURE REVIEW OF LAKE HAWEA PASTORAL LEASE

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

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

- the designation of about 4395 ha as land to be restored to Crown control as conservation areas (CA1 / CA2 / CA3 / CA4 / CA5 / CA6 / CA7) or recreation reserve (R1 / R2);
- the proposed conservation covenant CC2 along the margin of Upper Breast Creek;
- the proposed public access easements. (In connection with this aspect, the board fully supports the efforts of the Te Araroa Trust to secure a practical route for public access through this property so that it becomes part of the Te Araroa walkway.)

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

- the area of about 600 ha on the Timaru River Faces subject to conservation covenant (CC1) should also be restored to Crown control as a conservation area. Not only do the shrublands within it have significant inherent values (i.e. indigenous vegetation, invertebrates, spectacular landscape), but there appears to be no intention to graze it anyway ("The margin of the covenant will not require fencing as the density of the shrubland is considered to provide adequate protection from grazing.");
- the proposed conservation covenant CC2 along the margin of Upper Breast Creek needs tighter requirements to ensure that the shrubland is not damaged (e.g. monitoring and the possibility of fencing if monitoring shows a deterioration);
- the sustainable management covenant applying to areas (SMC A / B / C) needs to include details on weed control and to specify what other uses are to be limited in these areas (e.g. no exotic woody plant introductions, limitations on earthworks and buildings). The area is degraded and requires special attention. The covenant should be initially for only seven years, say, with freeholding at that stage only if a satisfactory outcome is attained. This way there is an incentive for the owners to manage the area as proposed;

- on detailed maps there appears to be a large wetland in the northwest branch of Breast Creek. This is not mentioned in the report, and, if it is significant, it should be listed as requiring protection for both on-site (ecological) and off-site (water regulation) reasons.

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



FF

Fergus Sutherland
Chairperson