

Crown Pastoral Land Tenure Review

Lease name: LAKE HAWEA

Lease number: PO 286

Public Submissions - Part 2

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

May

06



**FOREST
& BIRD**

ROYAL FOREST AND
BIRD PROTECTION
SOCIETY OF
NEW ZEALAND INC

25th November 2005

The Commissioner of Crown Lands
C/o DTZ NZ Ltd
Property Division
Box 27
ALEXANDRA

Dear Sir

Tenure Review - Part Run 263 and 263A - LAKE HAWEA - Preliminary Proposal

We thank you for sending us a copy of this proposal. The presentation of this proposal is very good, and we found the photographs and the various areas marked out on them useful in identifying them on the ground. It is gratifying to see the preliminary proposal reflects some of our earlier comments when we reported previously on this property in June 2003. We in our branch are very familiar with this property and have carried out an inspection of it, and wish to thank Mr Tom Rowley for allowing us to do so. We would be pleased if you would accept this submission from our branch.

Our branch of the Society has a membership of 160. We are very conscious of the importance of the Tenure Review process 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 around 38,000 members in 56 branches around 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:

- Lake Hawea lies midway between the high rainfall area just east of the Southern Alps and the drier inland area of Central Otago. Therefore its rainfall can at times vary considerably.
- It is a large property containing a large proportion of higher altitude country; the higher country carries much snow in the winter.
- The country behind the steep rugged western faces, approximately two thirds of the property, could be described as a plateau with deeply incised valleys.

ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND INC.

UPPER CLOUTHA BRANCH

SECRETARY

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-2-

Significant Inherent Conservation Values:

- Lake Hawea station occupies a prominent position on the south east corner of Lake Hawea, consequent to this position it has very significant inherent landscape values.
- The plateau behind the steep and rugged western faces gives a sense of remoteness for those who visit or pass through the area.
- The south branch of Breast Creek containing the diverse shrub and forest land also contains a significant population the endangered Otago Grand Skink.
- The several remnant patches of native beech on the property.

We submit as follows:

(Our desired outcomes are expressed in bold italics)

1. Area: CA1 - *Timaru River/Bushy Creek/Waterfall Creek.*

Area: Approximately 1000 ha.

We are fully supportive of this as it takes in most of the steep and rugged country facing Lake Hawea. It contains considerable areas of beech forest and a diverse range of other native vegetation. If this country is de-stocked it can only improve over time. This will enhance its significant landscape values - it is highly visible from SH6. Hawea township, Lake Hawea and other parts of the Upper Clutha Basin.

We do have some concern however with regard to the southern end of this block - the darker lying country to the west of Johns Creek Saddle (see map, photos 1 and 2). We cannot see that it can be ecologically sustainable to farm this land. It is very steep and rugged, with much rock outcrop. It has a cool southerly aspect and is of altitude 800m - 1300m asl. It is Class VII e land. Snow tussock grassland, rock scree and sub-alpine shrubs are its dominant vegetation cover providing little grazing value.

The area has considerable conservation values, similar to some of the gullies further to the north. It is an integral part of the dramatic and distinctive mountain range setting for Lake Hawea and viewed from SH6 - a major tourist route - and backdrop to the Upper Clutha basin. In clear late afternoon and evening light, the range from Corner Peak on Dingleburn to Grandview is as dramatic as any of Otago's mountains. The integrity of this range landscape, its natural character, is very deserving of protection as a whole. The proposal as it stands would fragment the range.

Joining up the upper range conservation areas so they become one continuous protected area is better from an ecological perspective. It will also allow for unimpeded foot access along the range crest from Grandview to Timaru Creek, with views out across the lake to the mountains to the west and north.

An easement for farm access to the interior country will need to be provided. A new fence will need to be constructed as shown on the map. This is a similar length of fence than O P (which will not be required) but does not pass through any scree.

The upper true right of Johns Creek valley should be conservation area, with a new fence as shown. A farm access easement will need to be provided. Thus CA3 will be connected to CA1.

2. Area: CA2 - Upper Timaru Creek and Breast Creek Catchments.

Area: Approximately 2535 ha.

We believe this will become a valuable area for conservation and recreation, and having the marginal strip continuing upstream from CC2 will be an added attraction for naturalists. We support this without reservation.

The proposed new fence line IJ must not be bladed or an access track put in in order to erect it. This would leave a visual scar and introduce weeds.

3. Area: CA3 - Breast Peak.

Area: Approximately 220ha.

We support this move to return this area to the Crown as we can see that it would never be ecologically sustainable, nor economically viable, to farm - and it has considerable inherent conservation values in its landscape, especially so as it is a very visible part of the eastern backdrop to Lake Hawea. If de-stocked it will eventually improve.

Fence line OP will not be required (see Point 1).

4. Area: CA4 - Breast Creek.

Area: Approximately 170 ha.

This is an important area for conservation and it is very pleasing to see it being retained to the Crown for conservation management. We are glad to see it is going to be fenced off. This will greatly improve survival chances for the Grand Skink.

5. Area: CA5 - Upper Grandview Creek.

Area: Approximately 350 ha.

We support this area being returned to the Crown for protection as half of it was recommended for protection under the PNA survey in the mid 1980s (RAP B4).

However we are concerned that another former RAP A7 at the head of Grandview Creek is not part of this conservation area; nor does the proposed area take in that part of RAP B4 on the east side of the range, in the area SMC/C.

The basin at the head of Grand View Creek, RAP A7, is very steep and rocky (see Photo 3 and 4). It too is Class VII e land and of southerly aspect, and altitude range from 600-1300m or more. Like Johns Creek in point 1, we cannot see it being ecologically sustainable to continue to farm this as it will not be economically viable. To satisfy the objectives of the CPLA, it needs be part of the conservation area CA5.

It also has similar landscape values to Johns Creek, deserving of protection in perpetuity.

Reasons for protecting the whole range including this area are given in Point 1.

There would also be better opportunity for the slow expansion of beech forest up the gullies - given time most of the gully could be re-clothed in beech.

The area should reach the end of the marginal strip in Grandview Creek, to enable public access up the creek and into the conservation area. At present the marginal strip is shown as terminating just short of the CA5 area. Fence AB can be re-located along the northwest rim of the basin (See map).

Include all of the upper Grandview Basin as conservation area, linking CA3 and CA5. Connect to marginal strip at downstream end. Fence along western rim.

6. Area CA6 - Little Waterfall

Area: Approximately 115 ha.

We fully support this area being returned to the Crown for full protection as it has considerable significant inherent values in its landscape - apart from the disfiguring wilding pines that are required to be removed before the area becomes conservation land.

Being so steep and rocky it is very unlikely to have much grazing pressure or suffered from fires greatly, and has thus been a haven for kowhais and other woody shrubs. Although very steep to start with, for the fit, and with a little engineering it will supply access to Conservation Area CA1 via access o-n.

Pine trees are to be removed prior to change in tenure.

7. Area: CA7 - Timaru River Mouth.

This is a very steep face with some diverse native vegetation which contains some kowhai. Returning it to the Crown for protection has our support.

8. Areas: R 1 & R 2 - Lake Hawea Eastern Shore.

Area: Approximately 3 ha.

We agree with the proposal that these areas be returned to the Crown and set aside for recreation. While R 2 may have been fenced into the lease prior to the raising of Lake Hawea, it has not been used by the lessee since the road was altered after the raising of the lake; it has since been used as a recreation area up until the present date. It is pleasing that the area is now to be formally recognised as a recreational area.

While R 1 is a valuable addition to the recreational areas in the Upper Clutha it would be far more valuable if it was considerably increased in size. After taking out the areas with the buildings on them, which are freehold, and also the operating easement, the true usable area is limited. As it has been a very popular spot for people who wish to recreate near a lake shore for many years, and, considering the increasing population of Central Otago and the Upper Clutha basin, there is a need for this type of reserve. Again, if the operating easement and the legal road (which is not on the present formation) are taken into consideration, not a great deal of land is involved by increasing the area available to the public.

The land between the road and the lake as far north as due west of Breast Hill, where the road diverges from the lake and climbs a slope, should be recreation reserve (see map). It should be fenced from cattle. Sheep grazing by arrangement with the Crown would maintain a grassy sward suitable for recreation activities.

9. Area: FH1 - *Johns Creek, Grand View Creek catchments:*

Area: Approximately 1675 ha.

We would agree with the designation that it become freehold; provided that the areas at the head of Johns Creek and Grandview Creek are retained by the Crown to join CA3, CA5 and CA1.

A further required action is to place a covenant over the land between the road and the lake to prevent subdivision and built development (refer Point 10, see Photo 5).

10. Area FH2 - *Lake Paddocks and Stag Gully:*

Area: Approximately 550 ha.

Apart from the northern end, which is to be fenced M-N, this area is mostly modified pasture country with considerable landscape value. The exception is the Timaru Creek corner where it has similarly high natural values to the rest of the range face, and there is important woody vegetation eg, kowhais near Peter Muir bridge.

The whole of the lake face is important as natural landscape, as the setting for Lake Hawea, as the rugged and impressive backdrop seen across the lake from SH6 and Hawea township and the foreshore. The lake side areas provide a natural lakeside setting for recreation, and an easily accessible 'backroad' experience, relatively free from prominent domestic development (see Photo 6). These are values that require and deserve protection. They are highly vulnerable to degradation by subdivision and residential development, which also effectively privatises the lake side areas.

The high terraces above Timaru Creek would make an excellent picnic area (apart from the sandflies!) with a wonderful elevated view of the lake (see Photo 7). Consideration should be given to allowing public use of this area and providing a grassy vehicle track into the area.

We see that it could be designated as suitable for freehold title to be given, provided that a landscape covenant be placed over the area to protect these important landscape values.

Extra access easements should be provided up the Timaru Creek corner ridge, and up the creek north of Bushy Creek, to provide ready access to the high point 1193 and thus up to Breast Hill (as shown on the map).

A covenant is to be placed over FH2 with the following conditions:

- *No subdivision and built development*
- *No further spraying or clearance of native shrubland on the Timaru Creek corner, between the road and the lake, and on Bushy Creek fan and the next smaller fan to the north, as shown on the map*
- *No earthworks, or cultivation below the road*
- *No exotic tree planting; existing exotic conifers to be removed, and any spread risk broadleaf trees eg, rowan, elderberry, hawthorn, buddlea*

Consider public picnicking use of the Timaru River terraces.

-6-

Provide additional public foot access easements from road to CA1.

Photo 8 shows the desired tenure review outcomes for the Hawea lake faces.

11. Area FH3 - *Timaru River Faces:*

Area: Approximately 1400 ha.

This area has significant inherent conservation values in its landscape, in its beech forests and grey shrubs in Timaru Creek and also the tussock at the higher levels.

As there is a similarity between the upper reaches of this block and the three areas designated to be freehold *SMC A, B and C* to the east; it is of concern to us that this high altitude exposed area is being proposed for unencumbered freehold.

The tussock and vegetative cover on the upper reaches of this block are of a similar standard or quality as those blocks to the east. This ridge is valuable however in that it is a north facing planar face, a different aspect to other parts of the run at this altitude. While *SMC, A, B and C* are of a consistently higher altitude, and facing more south and east, they are colder and will also carry much more snow in winter, the *Timaru River Faces* are vulnerable to damage due to the fact that they are northerly facing and extremely exposed to the wind from that direction. Also they are the area where sheep will camp and consequently there is a transference of fertility upwards which long term is detrimental to the tussock cover, and subsequently the landscape. The Conservation Resources Report has identified this tussock (*C. macra*) on the upper slopes as having significant value.

While the intention is to protect the forest and grey shrubs in the lower reaches of the block with a covenant "*CCI*", we are of the opinion that the upper reaches also require protection and believe this could be achieved by being protected in a manner similar to that to be adopted on *SMC, A, B and C*.

We note there is no provision in *Covenant CCI* to fence the area covenanted if the objectives of this covenant are not being achieved. We do not wholly agree with the statement in the proposal that the margins need not be fenced as the density of the shrub land is considered to provide adequate protection from grazing. At the very least wing fences might be practical in some places where stock can more readily push through into the lower slopes.

Therefore we are again of the opinion that the whole FH3 area should be treated in a similar manner as those blocks SMC A, B and C to the east. Provision should be made for monitoring of the shrublands and forest remnants, and if no regeneration and expansion across all the species is occurring then the area needs to be fenced, or the whole block retired if fencing is impractical. As the block is already fenced off this would be a simple option.

12. FH4 - *Breast Creek Sunny Faces:*

As this block is of lower altitude and has been top dressed and over sown it has become considerably modified, but if it is considered economically viable to apply fertiliser it could be proven ecologically sustainable: we would agree with the designation to freehold. As a comment: the area contains matagouri and if top dressed could become a problem in the future for farming.

13. CC2 - *Upper Breast Creek margin:*

-7-

We fully approve of this move.

14. Areas – SMC A, SMC B and SMC C - Head Waters of Breast Creek:

Area: SMC A - 370 ha
 SMC B - 480 ha
 SMC C - 1405ha
 Total - 2255 ha approximately.

We have visited these areas, and studied the reports and the preliminary proposal in respect to them. We are fully appreciative of how this type of country has evolved over time and are very well aware that in these sorts of areas there is a challenge to overcome when it comes into the tenure review arena.

As the Crown Pastoral Land Act 1998 does allow for Ecological Sustainable Covenants in the name of the Commissioner it is there as an alternative in appropriate circumstance.

If we accept there is a place for ecological covenants in the tenure review process and put them in place we must also accept responsibility for them being effective, if they are not effective we must also accept that responsibility.

After due consideration we believe we have an answer to the problem with this type of country.

ECOLOGICAL SUSTAINABILITY.

This is not defined in the CPL Act 1998. The Oxford English Dictionary states: “.....*Ecology (especially of development, exploitation, or agriculture) conserving an ecological balance by avoiding depletion of natural resources.....*”\

We quote the Covenant CC1: Introduction (C) “...*The parties have agreed to enter into a sustainable management covenant on the terms and conditions set out in this deed in order to better achieve ecologically sustainable land management.....*”

If grazing is to be undertaken especially at altitude there will be a “*depletion of natural resources*” in the shape of meat and wool going off the place. Unless there is some replacement of those resources by the application of fertiliser, we cannot see how the covenant is going to protect these resources; as we do not believe the application of fertiliser as being economically viable.

In this instance we are referring to ecological sustainability in an area which is carrying mostly depleted indigenous vegetation. Although somewhat modified, and the tussock somewhat sparse in many places, the area still has the appearance of an expansive natural high altitude tussock landscape, which gives it a significant inherent value. If these values are lost through even modest grazing, we cannot see the point of continuing grazing the area.

If the hope is to better achieve ecological sustainability it follows that there must be seen some improvement over a period of time, in mainly the tussock cover and the other vegetation and its associated ecology. This will also be important for ecosystem servicing – tall tussock is substantially better than other types of cover for water yield.

At the same time, the natural character must also be sustained, with no apparent loss of tall tussock cover to exotic cover and no additional prominent fencing or tracking. The challenge is to regain a healthy tall/short tussock and native woody shrub cover – not replace it with exotic pasture. That is not

ecologically sustainable use.

Notwithstanding the proposed SMC, we consider the area of the former RAP B4 and the full basin headwater of this area, including the spectacular rock outcrops on the large northeast running spur, should be part of CA5.

This area has high natural landscape values, and ecological values – with tall tussock cover (albeit in a degraded state) and various wetlands (see **Photo 9, 10**). The rock outcrops are spectacular and people will want to explore them, and should have the opportunity. Inclusion of this area with CA5 will protect the diversity of natural landscape – this area has a markedly different character to the steep and rugged western faces. The new fencing required is shown on the attached map. And in **Photo 10**.

- *It is probable the covenant as proposed may not give any improvement in the tussock cover and its ecosystems. Therefore until such time as an improvement that is measured by way of diligent monitoring over a period of 15 years can be ascertained, we do not believe “freehold title” should be given until it is proven that these areas can be managed in a way to properly achieve ecological sustainability.*
- *If it is not proven after that time that it can be managed in an ecologically sustainable manner then the land should be returned to Crown control to be managed as a Conservation Area. If it can be proven to be managed in a way to improve ecological health and return to an ecologically sustainable resource yet sustain existing landscape values as well, then it can be free held with waiver of any rent payable over the preceding 15 years.*
- *As already mentioned in 11. above, Timaru River Faces can be treated in a similar manner, as its circumstances and issues are of a similar nature.*

Basin at head of Breast Creek tributary including all of RAP B4 and the rock outcrops to be retained as conservation land and combined with CA5 etc. Fenced all round.

14. Access:

- This property is at the northern end of what is known as the Grandview Range therefore it is extremely important that reasonable and suitable access be provided through this property to that range - therefore access cannot be taken in isolation in this proposal. Also it is the starting point for the proposed Te Araroa route to the Ahuriri river - part of the New Zealand Walkway system from the North Cape to Bluff. The New Zealand Walkways Commission was set up to manage walkways throughout New Zealand, but that responsibility is now in the hands of the Department of Conservation.
- Although not marked on the proposal map as access as such, there is a legal road running from the Hawea Back Road into the marginal strip which goes up Grandview Creek. This should be secured and notified as having access into the head of Grand View Creek would be an important area for nature appreciation. It would also provide access to the main range.
- Access l-m will provide access to Bushy Creek and, for a start, very steep access to CA1, but mainly for the fit without bicycles.
- There will be access through CA6 Little Waterfall block. While being very steep for a start, and unsuitable for bicycles, it will provide access to CA1 via o-n
- If the map is to be read literally the only access being provided to the easement for walking on the

-9-

main ridge, and also through to the Ahuriri via the proposed Te Araroa walkway, is through CA1 and h-f. This is satisfactory if it is the intention only to climb Breast Peak, or then head towards the Ahuriri, but if heading south towards Sandy Point, the only known access or exit point to the south (also not suitable for cyclists), we see no reason as to why, walking if not cycling, cannot be provided down the ridge, from the end of the new fence L to the end of the new fence O. This would be catered for if Johns Creek basin was part of the conservation area as explained in Point 1.

- To us in view of the importance of the main ridge for walking and mountain biking, the access being proposed is not satisfactory. It does not satisfy the CPL Act 1998 which states an objective being to "...*make easier the securing of access for the public to enjoy...*". For the public to enjoy the access being provided, it must also be *reasonable* to use.

- As there is already a marginal strip running up Johns Creek - which by its nature the public already have access to - we see no reason why this route cannot be adopted. While it may pass within about 100 ms of the dwelling it will only take twenty minutes walk before it could then join up with the present dozed track up the valley to John Creek Saddle. This is the only route that is reasonable and suitable for cyclists. While this is the route being adopted for those managing the land being returned to the Crown, we see this as also the only "*reasonable route for the public to enjoy*".

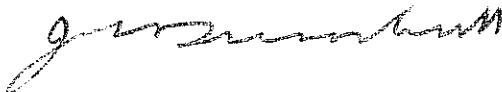
- It is also necessary to make secure the operating easement from the north end of Denniston Road in Johns Creek, westwards to the western boundary - this will finish up on the cliff top.

We thank you for the opportunity to make this submission. We believe that if alterations we have suggested in this submission are adopted the proposal will more fully meet with the requirements of the Crown Pastoral Lands Act 1998.

We attach photos and maps that will describe the points we have drawn your attention to.

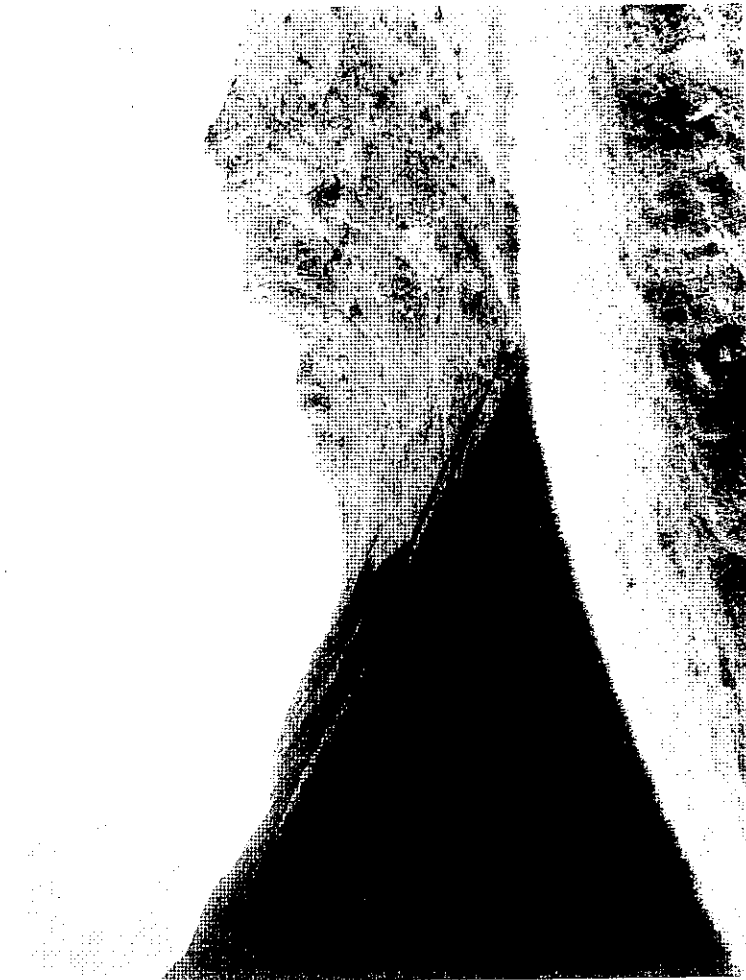
We await the outcome with interest.

Yours faithfully



John L. Turnbull and Anne Steven, landscape architect.

for and on behalf of Upper Clutha Branch of Forest and Bird.



Photos 1 and 2 True right of Johns Creek near Saddle

The area in the left photo, and the area above the black line in the right photo (taken further downstream) should be retained in Crown ownership as conservation land (for location of these areas please see Map). This is steep, rugged, high altitude (800-1300m asl) Class Vlle country of southerly aspect, with a predominance of (degraded) subalpine shrubland and tall tussock, and scree, with little value for pastoral use. It has high natural landscape value - it is an important part of the mountain range backdrop to the Upper Clutha Basin and Lake Hawea - an iconic view from SH6 and Hawea township and foreshore. Addition of this area to CA1 will enable a continuous conservation area to be achieved along the range together with the proposed retention of RAP A7 as conservation land. This is an important goal to achieve. Unimpeded public walking access will also now be possible right along the ridgeline between Grandview and Breast Hill, with spectacular views out over the lake to the western mountains. This is not possible from the existing 4WD track as it is east of and below the ridge in most places with no provision for access as of right between the tracks and the conservation areas.

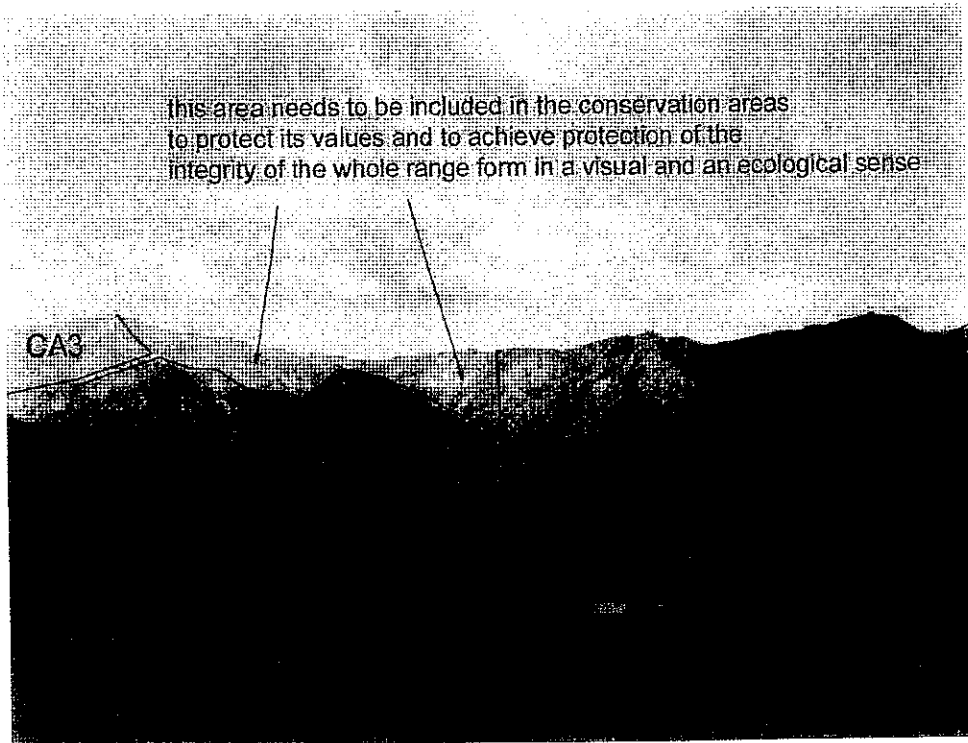


Photo 3 - looking up to the Grandview Creek Basin from the Hawea Back Road. The black line shows the desired limit to the freehold area. The middle area is of equitable character and altitude to Areas CA3 and CA5 which are proposed for Crown ownership as conservation land. To maintain the integrity of the range landscape and enable natural values to be protected from range top to valley floor, the land in between needs to be part of the conservation area too. This would achieve a continuous conservation area along the range from Grandview to Timaru Creek. \ Best practice in ecological design is achieved as well.

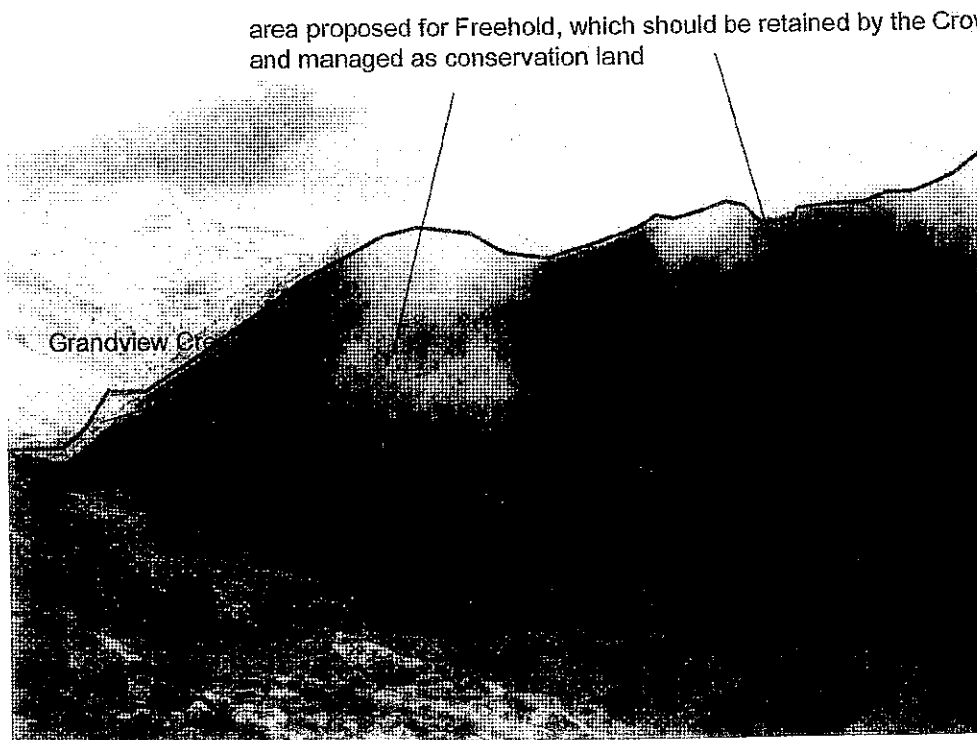


Photo 4
View looking down into the true right of the Grandview Basin, RAP A7 illustrating the steep and rugged topography with much rock outcrop

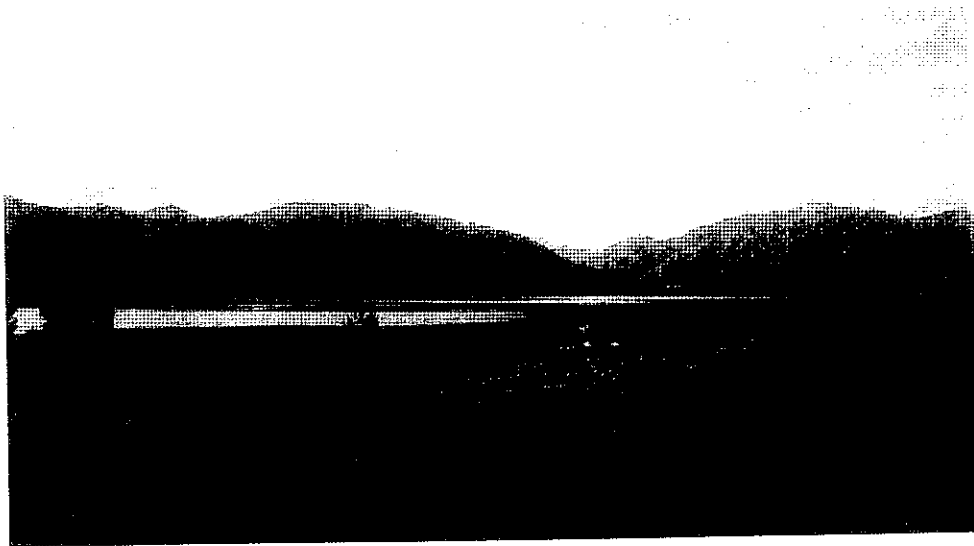


Photo 7. Looking over terraces on true left of Timaru Creek.
This would make a fine picnicking area, with great views out over the lake,
easy vehicle access and shelter provided by the kanuka.



Photo 5.

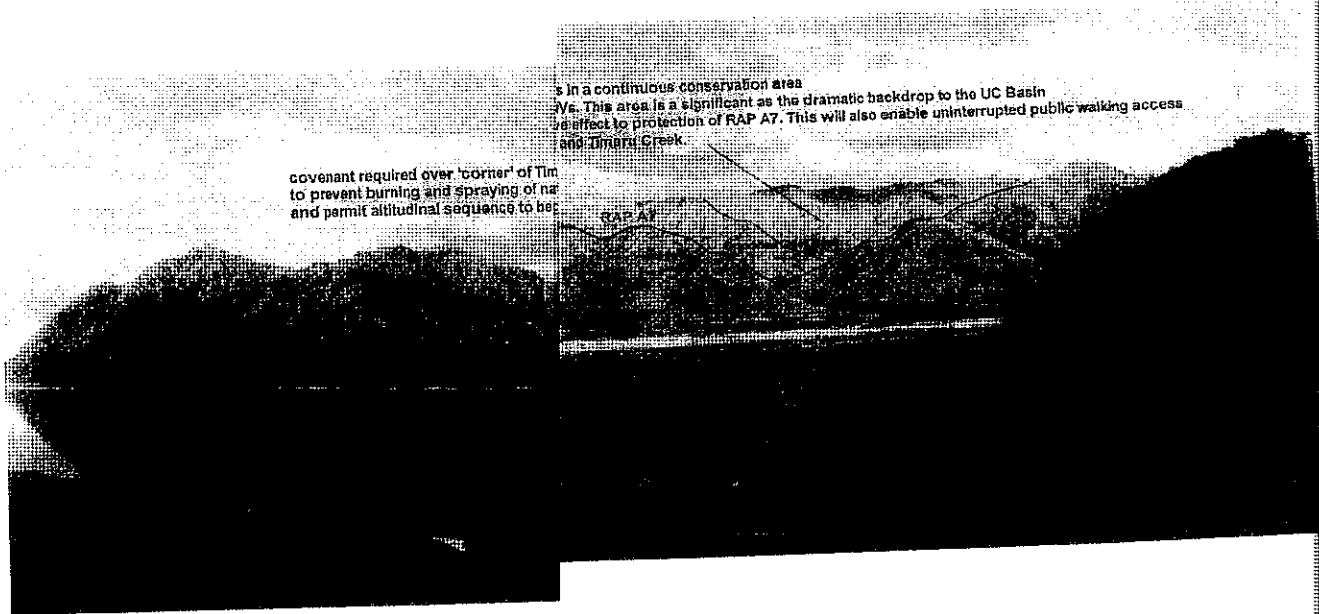
A covenant is required over this land between the road and the lake near the homestead, to prevent subdivision and built development. This would very likely destroy the valued open pastoral character which is particularly valued in the landscape between Johns Creek and Hawea township.

The district plan is not a secure 'backup' to prevent this, as the plan can be changed at any time, and already Council has permitted residential development on the land enclosing the lake, which will result in degradation of the open pastoral to natural character. The Lake Hawea Station land is particularly strategic in preventing urban sprawl - by securing a strong clean urban boundary to the settlement of Johns Creek.



Photo 6.

Lake shore lands between Timaru River Road and Lake Hawea have a strong open natural character (of a pastoral quality), contributing to the undeveloped character of Lake Hawea and to the 'back road' experience of Timaru River Road. A covenant is required to be placed over this land to protect it from subdivision and built development, as well as cultivation, further spraying or removal of native shrubland, and exotic tree planting



covenant required over 'corner' of Tin
to prevent burning and spraying of na
and permit altitudinal sequence to be

s in a continuous conservation area
Ve. This area is significant as the dramatic backdrop to the UC Basin
be effect to protection of RAP A7. This will also enable uninterrupted public walking access
and Dimara Creek.

RAP A7

ke Hawea Faces from SH6 on the opposite
e

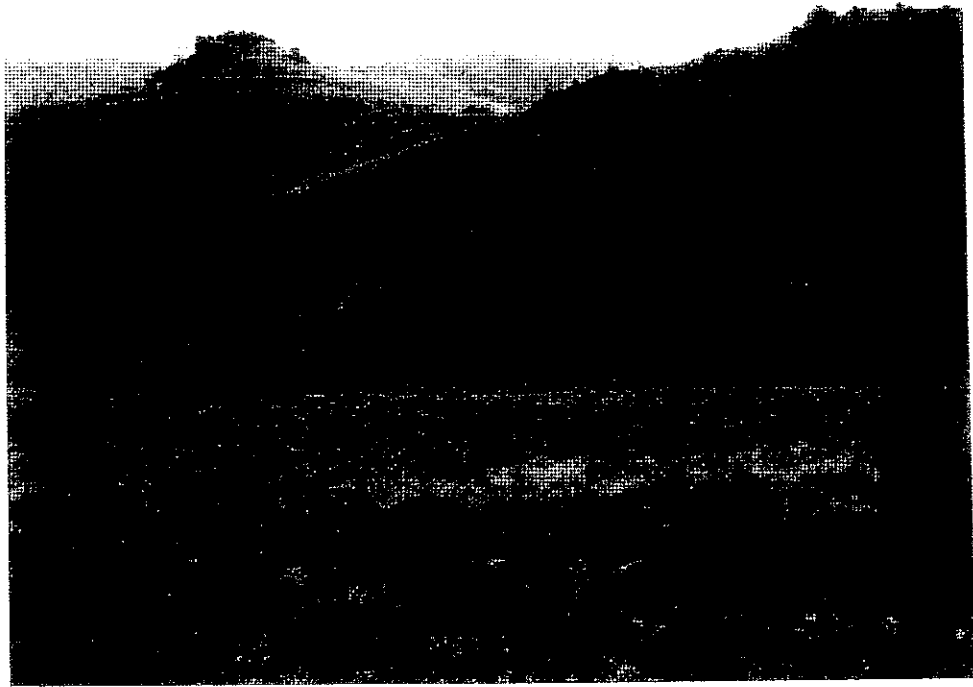


Photo 9 Looking down the headwater basin of south tributary of Breast Creek. Tall tussock grassland capable of recovery and numerous wet seeps characterise the area and are deserving of protection through Crown ownership as conservation land. This landscape has a very different character to CA5 and CA3, and when added to these, will provide for experience of a marked diversity of natural landscape.



Photo 10. Headwater basin of south tributary of Breast Creek. Black line is the proposed boundary between conservation land and freehold land under sustainable management covenant. Rock outcrops are a major landscape feature and should be publicly accessible and protected within an appropriate natural landscape setting.

LEGEND

areas sought to be included as conservation land

areas requiring a covenant over them to protect their value under freehold tenure

proposed new fence

public foot access easements sought

proposed farm access easement

marginal strip

access up Timaru Creek is not shown in the proposal and needs to be confirmed

covenant needed on the corner hill to prevent burning and spraying and allow regeneration of shrubland

public access required up Timaru Creek corner

covenant required over land between lake and road to prevent subdivision and development, earthworks, exotic tree planting, spraying of remaining native shrubland

this strip of land should be retained as public land additional access required across the FH into CA1

this area needs a covenant to protect the shrubland, retain altitudinal sequence

public access is sought up the 4WD track instead of the creek bed, as more practical

the whole of the Timaru Creek faces up the gully should apply

the gully should be bladed

inclusion of these areas as conservation land sought, to achieve protection of landscape integrity of rugged mountain range, and better ecological design

headwater basin of Breast Creek is sought to be included as part of the conservation area. Has distinctive natural landscape character, tall tussock grassland and wetlands, and spectacular rock outcrop

Grandview catchment

Johns Creek Saddle

Breast

CA1

CA2

CA3

CA4

CA5

CA6

CA7

CA8

CA9

CA10

CA11

CA12

CA13

CA14

CA15

CA16

CA17

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41 Glencarron St
ALEXANDRA
Phone 03 448 7474
E-mail john.douglas@alexandra.govt.nz



24 November 2005

The Commissioner of Crown Lands
C/o DTZ (NZ) Ltd
Lands Resources Division
PO Box 27
ALEXANDRA

Dear Sir

LAKE HAWEA TENURE REVIEW – PRELIMINARY PROPOSAL

I would be pleased if you would accept this submission.
There was no physical inspection of the station as the opportunity to have a look over the land the land with its owner, clashed with a prior invite.

The proposal is generally a good one as it allows the general public of New Zealand to have access to areas of Lake Hawea Station, not only with of its outstanding landscape features overlooking Lake Hawea with potential recreation values, but also some very significant botany inherent values which I hope will be a valuable asset as an addition to the Conservation Estate.

1. GENERAL DESCRIPTION OF THE PROPOSAL – Part Run 236, Part Run 236A and section 3, Block XV Lower Hawea Survey District

The present proposal is for some 4395 ha of the approx. 11,325 ha of Lake Hawea Station lease to be freeholded to the owners with the remainder to Crown control though most of this is subject to easement concessions for access for farm management.

The blocks returned to the Crown have a good representation of native flora, including remnants of beech forest and habitat for native flora

2. CONCERNS:

1) Access to John's Creek, Grand View catchment

The marginal strip along beside the creek to the airstrip to be improved for public access for both walkers and mountain bikers

I thank you for the opportunity to make this submission.

Yours faithfully


John Douglas

Joan Gallagher

From: Peter & Angela Stupples [pams@actrix.co.nz]
Sent: Monday, 28 November 2005 10:16 a.m.
To: Joan Gallagher
Subject: Hawea Station Tenure Review

Attention Phil Murray

A hard copy of the following submission is in the mail today.

27 November 2005

Submission on Preliminary Proposal for the Lake Hawea Station Tenure Review

Peter and Angela Stupples, 85 Timaru River Road, Johns Creek, Lake Hawea
pams@actrix.co.nz

Submission:

We have lived in Johns Creek since 1989. The quality of life in the settlement has been stable for all those years but is under threat by the developments in the area over the last five years. Four-wheel drive traffic has raised the noise levels at weekends over the summer. The number of people on the beach at Johns Creek at that time also threatens the amenity value of the site. The Ngai Tahu settlement has meant a change in the way Willow Bay is used. It was for many years a public amenity but that public facility has been eroded by the private developments that have taken place since. The settlement was made to Ngai Tahu as part of their heritage. They immediately sold that heritage and the amenity has been spoiled.

We do not want to see the creeping erosion of amenities as in these examples. The reason people come is because of the unspoiled lake foreshore, not for tourist facilities. Tourism is the death of the very amenities tourists were first attracted to a facility.

It is for these reasons that we would urge caution in the Lake Hawea Station tenure review.

The mountains surrounding Lake Hawea and the lake shore itself are considered as Outstanding Natural Landscape in the QLDC District Plans. It is essential that access is available to all areas of Crown land in the future, particularly the areas adjacent to the lake.

1. As stated in the Hawea 2020 QLDC community workshop document, a wish of the community is for a non-vehicular walkway / track to be created around the entire shore of Lake Hawea. This is a long term vision and may take many years to achieve, but provision for it needs

28/11/2005

to made in any tenure review process, in this case Lake Hawea Station.

The walkway should be on the Crown marginal strip / operating easement or as close as possible to the lake shore. The Guardians therefore ask that a condition of granting freehold land out of this tenure review process be that the freehold landowner agrees to provide easements across their land for this walkway where it cannot reasonably or safely be provided for on the Crown owned marginal strip / operating easement. This is particularly crucial over the headland on the western side of Denniston Road as it is not possible to use the lake foreshore when the lake is at its upper operating level. Provision for the walkway needs to be made through the entire area of R1.

2. Reserve areas:

At present the area designated as R2 is used as a public picnicking and parking area. The sign stating 'no camping' should remain but public toilets are required for the very large numbers of visitors.

We believe that the area designated as R1 is too small to adequately cater for the public's access to and enjoyment of the shores of Lake Hawea.

We submit that R1 should extend beyond the freehold sections of Willow Bay / Lake Camp to the approximate grid reference of 170214 on topographical map 260G39. Vehicle access from the public road should be provided to the lake shore in this area at approximately 174208 on Map 260G39.

We do not agree with suggested camping on R1 but we desire picnicking, swimming, walking and biking. For reasons of biosecurity we dislike the notion of freedom camping around the lakeshore; there are designated camp grounds in the district.

Removal of wilding trees, plants and shrubs such as buddleia, gorse and broom should take place on all Reserve areas.

3. The Guardians of Lake Hawea have initiated a Biosecurity Management Plan for the control of wilding trees and plants around the southern foreshore of Lake Hawea. Ultimately it is intended that such a plan should exist for the entire lake shore. WE support the Guardians' request action to eradicate the wilding trees and shrubs in CA6 before the completion of this Tenure Review process.
4. The hills and mountain slopes provide a setting for the lakes of the district. While area FH6 has been modified by farming practices over a long period, we do not wish to see it modified to

RELEASED UNDER THE OFFICIAL INFORMATION ACT

become a 'built' landscape. One of the major appeals of the area is the present open, non-built vista up Lake Hawea; we would like to see a condition of freeholding of this area that it remain unbuilt.

We also request that indigenous vegetation not be burnt and that wilding trees and shrubs be eradicated.

5. It is not clear from the Preliminary Proposal how public access is to be made to the area at Point k. Is it to be available through the Mt Grand track? If not, why have the public access track start there and move North and North East from point k? How is it proposed that the public reach Point k?

If there is not guaranteed access up the Mt Grand farm track to Point k then it is reasonable to expect non-motorised vehicular and walking access up the Johns Creek track.

Thank you for this opportunity to make a submission on this important local tenure review proposal.

Guardians of Lake Hawea

27 November 2005

Commissioner Of Crown Lands
C/- DTZ New Zealand Ltd
43 Tarbert Street
Alexandra

Attn P Murray

Dear Mr Murray

Submission on Preliminary Proposal for the Lake Hawea Station Tenure Review

The following submission is made on behalf of the Guardians of Lake Hawea and the Hawea Community Association Inc.

The Guardians of Lake Hawea are a community based group, elected at the AGM of the Hawea Community Association Incorporated, and formed to ensure that Lake Hawea, its waters and its surrounds are managed wisely for the benefit of all, both now and in the future. The Guardians have no statutory obligations or formal responsibilities. The Group enjoys the support of the local community and it has recognition from the district and regional authorities for its work in respect of the welfare of the Lake.

The Hawea Community Association Incorporated is a community based incorporated society. Its membership is made up of residents and property owners living in the Central Otago townships of Lake Hawea, Hawea Flat and Johns Creek, as well as the farming areas of Hawea Flat, Maungawera Valley and the surrounding high country stations. The association is accepted by the Queenstown Lakes District Council as representing the interests of the residents of Hawea where there are matters of community interest and concern.

Submission:

The mountains surrounding Lake Hawea and the lake shore itself are considered as Outstanding Natural Landscape in the QLDC District Plans. It is essential that access is available to all areas of Crown land in the future, particularly the areas adjacent to the lake.

1. As stated in the Hawea 2020 QLDC community workshop document, a wish of the community is for a non-vehicular walkway / track to be created around the entire shore of Lake Hawea. This is a long term vision and may take many years to achieve, but provision for it needs to be made in any tenure review process, in this case Lake Hawea Station.

The walkway should be on the Crown marginal strip / operating easement or as close as possible to the lake shore. The Guardians and the HCA therefore ask that a condition of granting freehold land out of this tenure review process be that the freehold landowner agrees to provide easements across their land for this walkway where it cannot reasonably or safely be provided for on the Crown owned marginal strip / operating easement. This is particularly crucial over the headland on the western side of Denniston Road as it is not possible to use the lake foreshore when the lake is at its upper operating level. Provision for the walkway needs to be made through the entire area of R1.

2. Reserve areas:

At present the area designated as R2 is used as a public picnicking and parking area. The sign stating 'no camping' should remain but public toilets are required for the very large numbers of visitors.

The Guardians and the HCA believe that the area designated as R1 is too small to adequately cater for the public's access to and enjoyment of the shores of Lake Hawea.

We submit that R1 should extend beyond the freehold sections of Willow Bay / Lake Camp to the approximate grid reference of 170214 on topographical map 260G39. Vehicle access from the public road should be provided to the lake shore in this area at approximately 174208 on Map 260G39.

We do not agree with suggested camping on R1 but we desire picnicking, swimming, walking and biking. For reasons of biosecurity we dislike the notion of freedom camping around the lakeshore; there are designated camp grounds in the district.

Removal of wilding trees, plants and shrubs such as buddleia, gorse and broom should take place on all Reserve areas. We note the removal of the pines at the edge of the area adjacent to the first freehold section at Willow Bay.

3. The Guardians of Lake Hawea have initiated a Biosecurity Management Plan (in conjunction with Linz, local authorities, other groups and adjacent landholders) for the control of wilding trees and plants around the southern foreshore of Lake Hawea. Ultimately it is intended that such a plan should exist for the entire lake shore. For this reason action to eradicate the wilding trees and shrubs in CA6 before the completion of this Tenure Review process is requested.
4. The hills and mountain slopes provide a setting for the lakes of the district. While area FH6 has been modified by farming practices over a long period, the Guardians and the HCA do not wish to see it modified to become a 'built' landscape. One of the major appeals of the area is the present open, non-built vista up Lake Hawea. We would like to see a condition of freeholding of this area that it remain unbuilt.

5. While the Guardians area of interest is the lake and its margins we would like to make one comment that endorses the HCA view about access to the proposed higher level conservation areas:

It is not clear from the Preliminary Proposal how public access is to be made to the area at Point k. Is it to be available through the Mt Grand track? If not, why have the public access track start there and move North and North East from point k? How is it proposed that the public reach Point k?

If there is not guaranteed access up the Mt Grand farm track to Point k then it is reasonable to expect non-motorised vehicular and walking access up the Johns Creek track.

Thank you for this opportunity to make a submission on this important local tenure review proposal.

Yours sincerely



Alison Brown
Secretary Guardians of Lake Hawea and authorised signatory for the Hawea
Community Association Inc.

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RD2
Wanaka
Ph 03 443 1044
Email brown.hawea@actrix.co.nz

Neal and Alison Brown
83 Timaru Creek Road
RD2,
Wanaka
Ph 03 443 1044

27 November 2005

The Commissioner of Crown Lands
C/- DTZ New Zealand Ltd
43 Tarbert Street
Alexandra

Attn Phil Murray

Dear Mr Murray

The Lake Hawea Station landscape is a very dominant part of the view from our house at Johns Creek in the South East corner of Lake Hawea; part of the station is like our 'backyard' and lessees are our neighbours since we shifted here permanently nearly five years ago. We appreciate, therefore, the opportunity to comment on the future uses of this piece of Crown land in the South Island High country as per the aims and objectives set out in the Crown Pastoral Land Act of 1998 and 2003.

A major part of our enjoyment of the area is access to the lake and the land nearest to it, hence most of our submission focuses on this.

1. Walkway:

A long term vision of the local community, including us is for a walkway around the whole of Lake Hawea. It would be created along the marginal strip or operating easement of the lake, as close as possible to the water but in places this would not be possible because of the terrain. We ask that a condition of the freeholding of land beside the lake be that the land holders would provide access across their property, if necessary, for the creation of the walkway.

The creation of such a walkway would be a major recreational amenity for the local community and for the increasing number of visitors to the area. The walkway would also mean for us that the lakeside could be enjoyed over the months when the traffic up Timaru Creek Road is greatest and the dust is also the greatest.

2. Public access to and along Lake Hawea is a key issue.

The Proposal suggests two Reserve areas: R2 which is already in use and R1 beyond the cattle stop to the beginning of the freehold sections at Willow Bay.

We would like to see the reserve area (R1) continue along the lakeside on the north side of Willow Bay, and up through a strip in FH2 which is currently well-used by walkers, bikers and people picnicking. A natural sheltered area exists in this area and we consider it should be part of R1.

Vehicle access should be available from the road to this area beside the lake.

Provision of toilets in the Reserve areas should be made to stop the increasing amount of human waste appearing around the lake shore.

3. Vegetation

i. wilding vegetation

We appreciate that the issue of wilding vegetation is becoming a vexed issue and acknowledge the removal of the pines on the edge of R1 beside the first freehold section. Unfortunately wilding pines are part of the view from our house onto the area designated as CA6. We'd like to see some action taken to eradicate these as soon as possible as they seem to be doubling in size and number about every 5-6 years.

ii Indigenous vegetation

We consider the stand of kanuka along the eastern fence line of FH1 to be very significant and would like to see formal protection of this as it will be outside of the conservation area CA6.

4. Inherent landscape values

One of the major appeals of the area alongside the lake is the present open and non-built vistas. This openness allows us to increasingly appreciate the inherent landscape values of the area.

We acknowledge that 'built' landscapes are part of the function of the local district authority under the Resource Management Act, but we would hope that the area FH2 remains uncluttered by buildings.

5. Access to higher level conservation areas

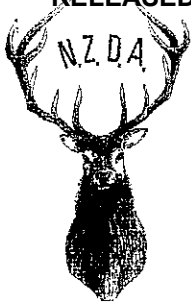
We would like to see the margins of Johns Creek slightly modified to provide non-motorised vehicle access to these areas as it does not seem possible to us to gain access by bike via Point m or Point k.

Conclusion:

The landscapes of Lake Hawea Station are a dominating and valued part of the Hawea area, part of the reason people choose to live in this area; they deserve protection, and we know that this is also one of the aims of the lessees. Lake Hawea Station, in particular the area adjacent to the lake, has high recreation and amenity values so access is important for visitors and members of the local communities. We ask that our submission be considered.

Yours sincerely

Alison and Neal Brown



New Zealand Deerstalkers' Association Incorporated

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

28 November 2005

The Manager
 DTZ New Zealand Ltd
 Land Resources Division
 Box 27
 Alexandra
 Tel 03 448 6935
alexandra@dtz.co.nz

Dear Sir

Tenure Review: Preliminary Proposal - Lake Hawea Pastoral Lease

This submission is made on behalf of the New Zealand Deerstalkers' Association Incorporated (NZDA).

NZDA is the only national body of recreational deerstalkers and other big game hunters. We have 57 branches and, as well, a number of hunting clubs throughout New Zealand. We have 7200 members, and have been actively advocating for deerstalking and recreational hunting, and running training courses, trips, conferences etc since 1937. NZDA also maintains ethical standards for hunting and for animal welfare for its members to abide by.

Summary: NZDA is concerned at the scattered nature (dotted postage stamps) of the land surrendered for public use in this preliminary proposal. It causes two major problems – lengthy and indirect access ie inadequate public access has been provided. Second, much expensive new fencing is required.

Specific recommendations are:

1 NZDA does not support proposed Covenant CC1: This is because greater benefits would result by instead restoring it to conservation land. No public access is envisaged to CC1. This denies the benefit of public access to and enjoyment of this reviewable land (S 24 (c) (i)) including the ability to hunt big game animals on this land. If the land was restored, a significant public access benefit would result.

2 NZDA does not support the sustainable management Covenants SMC: It is clear from the description that this proposed area has not been managed ecologically sustainably. As well, no public access is envisaged, so denying the benefit of public access to and enjoyment of this reviewable land (S 24 (c) (i))

3 NZDA supports better public access to CA3 and CA5 and over c-d. Current foot access is very roundabout. We request direct foot access from the front of the Property, on the accessways assigned for DOC (s-v-t and a-b). This would also give the benefit of better public foot access to and enjoyment of the land, by both a more direct route, and by allowing round trips. Also adding public foot access to c-d would give more direct access.

4 NZDA supports a landscape covenant on FH2

5 NZDA supports larger areas of lakeshore reserve

1 Public Access Inadequacies, and High Fencing Costs:

1.1 There are significant fencing lengths and costs eg AB (CA5-FH1), DE (CA4-(SMC/C & FH4)), EF (CA4-FH4), I GH (CA2-FH4), J (CA2-SMC/B), KL (CA1-SMC/A), MN (CA1-FH2), OP (CA3-FH1). Yet the land proposed for the sustainable management covenant (SMC) has a minimal number of annual grazing stock units. Why is LINZ, on behalf of the taxpayer, entering into such expensive fencing contracts?

NZDA recommends that fenceline BA instead go to the south east tip of CA3, and that the rugged country between them be added to CA3 and CA5.

1.2 Large numbers and lengths of access covenant required across proposed freeholded land. There are already b-c-i-j (links CA3, CA5); e-d-r-j-k (links CA2, CA4, CA5); l-m (access from the lake road to CA1); n-o (links CA1 and CA6); h-f-g (links CA1 and CA2); b-f (links CA1 to CA3). These lengthy tracks are likely to cost a significant amount in maintenance. This is a direct consequence of the patchwork quilt approach to protection.

But there are still a number of areas of proposed public land that are **very difficult to access** eg

a) CA3 – which either has to be accessed via l-m, CA1, h-f-b, or via k-j-l-b (assuming there is public access to k, which at present there does not appear to be.

b) CA5 – ik cannot be readily accessed, then this can only be accessed via the lengthy access to CA3, and then continuing along b-l.

Recommendation: Public access to CA3 and CA5 is better served by allowing foot access along the tracks presently only reserved for DOC ie s-v-t and a-b. Also, ability of the public to walk over c-d would greatly assist public access to CA4 and CA2. It would also allow more options for round trips, without having to retrace one's steps.

2 Proposed Land Classification:

Lake Hawea lease area is 11,326 Ha.

Proposed restored to full Crown ownership under S 35 (2) (a) (i) of the CPL Act – 3,042 Ha in 5 parcels:

2.1 CA2: 2,535 ha, Mid Timaru River & Breast Creek Catchments: Eastern part of the lease, including southern watershed of Timaru River, and Upper and Lower catchments of Breast Creek on the property.

We agree this be fully restored to conservation land. Much of the land is high, eg above 1100 m to a high point of 1461 m. Much of the lower land is steep, and/or covered with regenerating bush eg the Stoatshit block (incl Waterfall Ck) above the Timaru, and the area at the south across Breast Creek. We note the presence of Red deer in the Timaru Catchment part of this block, and agree that this is a valued recreational resource. We believe it is accessed far more broadly than just from the Upper Clutha population.

The land being mostly high, and steep, and of LUC primarily VII and VIII, is not capable of ecologically sustainable agricultural management, or is economically viable, and therefore cannot be freeholded.

NZDA consequently strongly supports its surrender to conservation land, especially because of the presence of Red deer in the northern part of the block.

2.2 CA3: Breast Peak - (220 ha):

Very steep western faces from Breast Peak (1,456 m) into John Stream. We wonder why this area and CA5 are not joined by including surrender of the similarly steep shingle/bluff land in between them, eg realign fence AB along the ridge between CA3 and CA5.

NZDA agrees that CA3 cannot be freeholded. Neither should the steepland between CA3 and CA5, which is also not capable of production.

2.3 CA4: Breast Creek – 170 Ha: Steep gully best retained as conservation land for its water and soil and forest values. NZDA supports its surrender.

2.4 CA5: Upper Grandview Ck – 350 Ha: This is also very steep shingle/bluff headwaters, rising to a ridgeline mainly above 1400 m. NZDA agrees this cannot be freeholded. See also our comments on CA3, and fencing the ridge.

2.5 CA6: Little Waterfall – 115 Ha: This area has nationally important wild landscape values, of the view of Lake Hawea from SH 6, and complementing the landscape protection provided by CA1. These are best protected by return to full Crown ownership and control as conservation land.

NZDA supports this surrender, as the land is certainly not capable of sustainable agricultural production. We wonder why more of this Class VIII land is not being surrendered.

2.6 CA7: Timaru River mouth – 2 Ha: Support. It would be better to have some flatter land here where fishers could camp.

2.7 Areas R1 (Lake Hawea Lakefront) and R2 (Gladstone picnic area): These proposed (Recreation) Reserve areas are miniscule, and should be at least doubled in size, to allow for picnicking, boat launching, etc. To have piddling amenity reserves of this minute size is inadequate to protect the amenity and recreation value of this great southern lake. This reserve is far too small.

2.8 Areas to be restored to full Crown control as conservation area under S 36 (1) (a) of the CPL Act:

CA1: Timaru River/Bushy Creek/Waterfall Creek – 1,000 Ha: This rises to 1,578 m at Breast Hill, and much of its spine is above 1100 m. **NZDA Support.** Provides nationally important landscape protection to these Lake Wanaka frontage and views. Also recreational value via the proposed access l-m. This must provide access to CA1. It does not appear to in the Map (Appendix 1).

2.9 Easement Concession 30 years - p-q and u-v:

4 Areas proposed for Freeholding:

4.1 FH1: John's Creek, Grand View Creek Catchments: Lower altitude Class VI country. We do not support the higher part of this block, between CA3 and CA5 being freeholded. It is very high – to 1400 m, and does not appear capable of sustainable production.

4.2 FH2: Lake Paddocks and Stag Gully – 550 ha: NZDA supports freeholding of thee area, for grazing, subject to the steeper parts of it being protected by a landscape covenant to protect important wild landscape values. The area is very visible from SH6 on the west side of the lake which is the route many tourist visitors enter or leave the Upper Clutha basin.

Such a covenant must be designed to prevent any change eg by preventing the planting of any exotic trees, undue earth works or the placing of structure on or in the area.

4.3 FH3: Timaru River Faces – 1400 Ha:

NZDA's major concern here is with CC1 (600 Ha), a conservation covenant to protect the regenerating beech and shrublands at lower altitude. From the photo, these appear too rocky and steep to farm. The assessment says no fence is required because of the density of the shrubland. There would be no grazing of the area.

NZDA requests that this regenerating shrubland be protected more **preferably** (S 24 (b) (i) by restoration to full Crown ownership and control. This would have the added advantage of allowing public recreational use of the land, eg for deerstalking, tramping etc. This does not appear to be provided under the proposed Covenant, even though it requires the protection of "amenity" vales. These are public use and enjoyment values.

From a recreational user view, this covenant locks the public out eg proposed Covenant clause 8.2 – Trespass Act applies. Given it has no grazing value, there is no economic value to its freeholding. The Act prefers restoration. So do recreational users, especially recreational hunters. They provide a public service of keeping wild animal numbers down, but neither they, or the general public, are not guaranteed access to a private covenant. As well, a small portion of the track up the Timaru River cuts across this covenant – see MS260 G39, or Moir's Guide North, 1998 edition, page 183.

According to the Report, there are Red deer on CA1, and so, also in this area. Consequently **NZDA requests that, for the above reasons, the Covenant area be restored to conservation land, because of the added recreational benefit.**

We support the freeholding of the remainder of the block, but ask that it be added to sustainable management covenant SMC A/B/C, as it is of similar high altitude, though of a better north facing aspect.

4.4 Sustainable Management Covenants SMCA (370 Ha; SMCB (480 Ha); SMCC (1405 Ha) Total 2255 Ha:

The commentary in the PP highlights that the soil is poor and subject to erosion (Class VIIe2). The photos and the commentary confirm that "Cover on these blocks is dominated by snow tussocks in variable condition, depending on aspect and moisture. in the main they are severely degraded, with snow tussocks covering only 10-30% of ground cover - " etc. It is clear the area of the proposed SMC area has not been managed ecologically sustainably, but has been overgrazed.

So it cannot be freeholded, under S 24 of the CPLA. A more sustainable solution would be to return the land to conservation with a limited grazing permit over it, and conditions that allowed it to recover. If it recovered, the grazing permit could be renewed subject to the same conditions. If not, the permit would not be renewed. This approach would have the additional benefit of allowing the public to use the land, and enjoy its inherent values, something not the case with this SMC.

Thanking you

Yours truly

Dr Hugh Barr
National Advocate
For NZDA

Joan Gallagher

From: John Taylor [jstaylorhawe@hotmaill.com]
Sent: Monday, 28 November 2005 6:23 p.m.
To: Joan Gallagher
Subject: Submission to the Lake Hawea Station Tenure Review

Commissioner of Crown Lands
c/- DTZ New Zealand Ltd
43 Tarbert Street
Alexandra

Attention Mr Phil Murray

Dear Mr Murray

My Submission is one in support of that of the Guardians of Lake Hawea and the Hawea Community Assn Inc (attached).

Could I add comment to their submission in reference to their point 5. Perhaps there is thinking that access to Point K is by way of the surveyed legal road up what may be called Bracken Ridge? Anyway, this legal road runs parallel to Rowleys south west boundary approx east/west. I would suggest this legal road is a 'stiff hike' up this ridge, but not accessible by mountain bikes. I am suggesting therefore that it would be desirable to have an access to Point K which is appropriate for walkers and bikers.

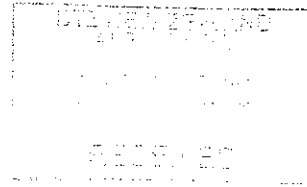
Yours faithfully

John Taylor
286 Lakeview Terrace
Lake Hawea
RD2 Wanaka
Ph 03 443 1605

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Phil Murray

From: Ken Taylor
Sent: Tuesday, 29 November 2005 11:02 a.m.
To: Phil Murray
Subject: FW: Submission to Lake Hawea



Ken Taylor
Manager, Alexandra
DTZ New Zealand Limited MREINZ
p.+64 3 448 6935 f.+64 448 9099 m.027 436 7728

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-----Original Message-----

From: Sue Maturin [mailto:s.maturin@forestandbird.org.nz]
Sent: Monday, 28 November 2005 2:45 p.m.
To: Ken Taylor
Subject: Submission to Lake Hawea

Dear ken
Please find attached the Society's submission to Lake Hawea. A hard copy and map will be in the mail.

Sue Maturin

Southern Office
Forest and Bird
Box 6230
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28th November 2005

The Commissioner of Crown Lands
C/o DTZ NZ Ltd
Property Division
Box 27
ALEXANDRA

Dear Sir

Tenure Review - Part Run 263 and 263A - LAKE HAWEA - Preliminary Proposal

1.0 Introduction

The Society welcomes many of the proposals in the Notice of Preliminary Proposal for Lake Hawea Station. We also appreciate the welcome and generosity we received from the Lessee's on our inspection. At the time we could not discuss our response in detail as we needed more time. We have made a number of changes which we believe are needed to adequately implement the CPLA requirements. We are happy to have further discussions with the Lessee's now that we have finalised our response to the Preliminary Proposal, should that be desired in order to facilitate this tenure review.

2.0 Forest and Bird Submissions

2.1 CA 1 Timaru River/Bushy creek/Waterfall Creek – 1000ha

The Society endorses this proposal with the exception of amending the fence line so that CA 1 and CA3 are joined. The land between the two proposed conservation areas is high altitude, and steep, being up to 1376m. This area is not in our opinion able to be ecologically sustainably managed, as it exhibits similar characteristics to the areas proposed as Sustainable Management Covenant.

Outcome

The new fence O-P should be slewed to join the south eastern corner of CA1 at L

2.2 CA 2 – Upper Timaru Creek and Breast Creek Catchments – 2535ha

The Society strongly endorses this proposal.

2.3 CA 3 – Breast Peak – 220 ha

The Society supports this proposal, with the exception that this area should be linked to CA5. CA3 and CA5 contain parts of RAPs A7 and B4. The Proposed Designations Report (PDR) states that the most recent evaluation of these areas confirms that the inherent values identified in 1983-84 remain. Our albeit brief inspection endorses the presence of SIV's, including priority 1 landscape values as identified in the Conservation Resources Report, (CRR). The area includes rocky bluff habitats, and remnant areas of slim snow tussock. We did not have time to identify any threatened species, but we note from the reports that they are likely to be present. It is apparent that the area proposed for freeholding contains SIV's which require protection under the CPLA. The most suitable tool for this is return to full crown ownership.

Outcome

Return to full crown ownership the land between CA3 and CA5 by re-aligning the fence line AB.

2.4 CA 4 – Breast Creek – 170 ha

The Society supports this proposal. We note that it is a compromise as it would make for better reserve design and better ecological sense if CA 4 was to be joined to CA2.

2.5 CA 5 – Upper Grandview Creek – 350 ha

The Society supports this area being returned to full crown ownership. The Society believes that the rock tors and the top half of RAP B4 must be included in this proposed Conservation Area, as they contain SIVs as noted in the CRR.



These rock tors are an obvious place for recreationalists to explore and should be included in CA 5

Outcome

Return to full crown ownership the land including the rock tors at 1405m within the proposed SMC/C

2.6 CA 6 – Little Waterfall – 115ha
The Society endorses this proposal.

2.7 CA 7- Timaru River Mouth
The Society endorses this proposal.

2.8 R1 & R2 – Lake Hawea Eastern Shore
Foreshore areas such as this is highly valued for public recreation, access and landscape setting. The proposed area needs to be extended to the north to the Cattle stop, in order to provide adequate useable land, access to the lake shore and to protect the values between the road and the lake.

Outcome

Return to full crown ownership the land below the road between the Gladstone settlement in the South to the cattle stop approximately 3km to the north.

2.9 Freehold 2 – Lake Paddocks and Stag Gully
This land has extensive SIV's for both vegetation and landscape values as identified in the CRR and the PDR. It is a highly distinctive landscape, visible from one of New Zealand's major tourist scenic highways. It contains habitats of threatened species. Existing plans under the Resource Management Act are not an appropriate tool for tenure review under the CPLA. Current plan provisions can not be relied upon to protect SIV – landscape. Plans have 10 year time frames, and can be changed by variations. Tenure review involves the permanent alienation of 'crown land' which will effect all future generations. Areas that have been identified as having SIV's are required to be protected under the CPLA. The current proposal to freehold this area does not meet CPLA requirements.

Outcome

Create a protective Covenant to protect the landscape values, and ensure no plantings of exotic species, no tracking, structures, no vegetation clearance, or earthworks.

2.10 CC 2- Upper Breast Creek Margin

The Society endorses this proposal.

2.11 Areas SMC/A, B, and C, Breast Creek Headwaters proposed Sustainable Management Covenant

The Society agrees that this area is not suitable for unencumbered freeholding, as noted in the PDR this area contains large areas of severely degraded vegetation. We note that the PDR makes it clear that it is unlikely that these areas can or will be restored through topdressing and or over sowing. Given this statement any on going grazing is also unlikely to lead to its restoration as grazing will continue to deplete nutrients. The Society does not believe that this land should be freeholded, until there has been adequate restoration. There is no evidence that grazing will reduce the presence of Hieracium, nor that in the long term it can control it. Continued grazing may prevent revegetation occurring. Consequently we submit that this area be retained as crown land, to be managed in an ecologically sustainable manner. If after 15 years it is proven that the land can be grazed/managed in an ecologically sustainable manner, it may then be considered for freeholding with the proposed or an improved SMC. If management fails to adequately restore the vegetation cover, this area should be returned to full crown ownership as a conservation area.

Outcome

Retain this area as pastoral lease, or Crown Land, managed under a sustainable management covenant, for at least 15 years. Provided there is evidence of adequate restoration then it maybe freeholded but remain under a sustainable management covenant.

2.12 Sustainable Mangement Covenant Details

The society has a number of specific concerns with the wording of the proposed sustainable management covenant and submits that the Covenant document be amended as detailed below.

a. Paragraph C in the introduction appears to set the purpose of this covenant, to be to *'better achieve ecologically sustainable land management.'* This is not defined, nor is it clear what it means. The Society has not seen any definition of *ecologically sustainable land management*. All parties to the Covenant need to know what this term means. The introduction should specify a purpose of the covenant.

The purpose should be to enhance the vegetation cover (excluding weeds) and including revegetation and restoration of the extensive areas of bare soils.

b. The proposed rent charge is fixed forever \$5,000.00. The effectiveness of this amount to act as a deterrent will be reduced overtime. There needs to be an ability for the rent charge to be increased every three to five years to keep up with inflation. If this is not done than over time the covenant to will effectively become null and void as there will be not be sufficient incentive for the owner to continue their obligations.

c. The term commit waste, in the Second Schedule is not defined. I understand that it means the grantor should not *deplete the soil*. If this is the case then this should be spelt out in the covenant eg. *The Grantor shall not in anyway deplete or degrade soil or water quality within and emanating from the SMC area.*

d. Clause 7 refers to the Soil Conservation and Rivers Control Act of 1941. The specific sections of this act should be spelled out in the covenant document as most of this act has been repealed by the Resource Management Act.

e. Clause 9 refers to vermin – this is not defined. Vermin should be defined to include, deer, possums, rabbits, pigs, goats, thar, chamois, and possibly hares.

f. Trees with potential for wilding spread are not restricted to conifers and may not all be covered by a territorial weed and pest management strategy. Remove *confers* replace with *trees with the potential for wilding spread* in clause 9.

g. The ability to vary the deed appears to be restricted to there having been a general deterioration in the ecological health of the soil/vegetation caused by grazing, in clause 18. This should be broadened to include no improvement to the existing soil/vegetation and it should not be limited to that caused by grazing.

h. The CCL can only ever restrict grazing. The CCL must have the ability to cause the permanent or temporary cessation of grazing. This document is forever and has to weather the potential effects of climate change and other unforeseen future events. It may be that grazing will not result in the sustainable management of this land.

3.0 Access

The Society supports the proposed access routes with the proviso that without the additions described below we do not believe that they are adequate to meet the CPLA requirements.

3.1 Access along ridge between L-O

Our recommendation includes linking CA 3 and CA1 which would automatically provide for the necessary access between CA1 and CA3. However should this not succeed then there is a need to create an easement along L-O. The proposed easement along the track through the SMCA is not a logical alternative, for people walking along the ridge. Without a direct route

linking CA1 and CA 3 people are likely to stray and thus be at risk of trespass. This would be an undesirable outcome of tenure review.

3.2 Access up Johns Creek Easement

Provision for public walking access up the formed track a-p is necessary in order to provide a reasonable route up St Johns Creek to access the proposed public access easement. This is the most practical and logical entry point. The proposed easement g-e will be a valuable mountain biking and walking opportunity, however the marginal strip up St Johns Creek, or from R 1 to M, is far from the most practical access. We appreciate that for the current lessee's public access up the proposed management purposes easement up St Johns Creek would be an unwelcome change to their existing life style. However they are also securing considerable benefit through tenure review. As mentioned above the decisions of tenure review will affect future generations ad infinitum. We are aware that other lessee's through dint of past history have public access even closer to their houses than would occur for Lake Hawea Station, if this route was made publicly available.

Thank you for the opportunity to make this submission.

Yours sincerely

Sue Maturin
Southern Conservation Officer