



Crown Pastoral Land Tenure Review

Lease name : Longslip

Lease number : Po 020

Public submissions

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

March 03

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Longslip Station Limited
142 Glenstrae Road
Redcliffs
CHRISTCHURCH 8008

email Longslip@xtra.co.nz
Phone 03 3846002
Fax 03 3846009
Cell Phone 025 794297

04/06/02

The Commissioner of Crown Lands
C/- Ken Taylor
Knight Frank
Alexandra DTZ

DTZ NEW ZEALAND
ALEXANDRA
10 JUN 2002
RECEIVED

Dear David

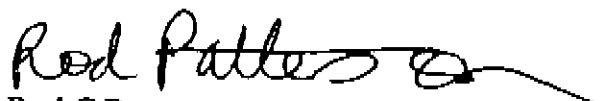
**Subject: Submission on "Crown Pastoral Land Act 1998
Longslip Station tenure review: Notice of preliminary proposal.**

Longslip Station Limited has an 8 km plus boundary with Breast Hill station. Longslip Station Limited submits that Breast Hill station, must have a formal access easement up through the track to the top of Mount Prospect, for mustering and fence maintenance purposes, on what will become "land returned to full crown ownership and control" on Longslip. Breast Hill and Longslip Stations jointly applied for consent from the Commissioner of Crown Lands, to build the Mt Prospect track and paid an equal share towards its cost of construction.

In fact the track was only constructed on Breast Hill land to provide a better line for the track and boundary fence (the legal boundary line was in fact a creek). This area only came into the Longslip Pastoral Lease title as a consequence of this and at the goodwill of the lessee of Breast Hill. It takes two people one day to walk the fence and maintain it in a stock proof condition each spring. So DoC will need to pay the lessee of Breast Hill 50% of - \$400 labour, \$100 travel and \$100 new maintenance materials per annum, being \$300.

In my view, ensuring that the objects of the "Crown Pastoral Land Act 1998" are going to be met in practice will require a lot of goodwill from the lessee, neighbouring lessee the Crown and DoC. So let's start off on the right foot, by ensuring that we have practical and workable legal boundaries and appropriate access easements on the ground.

Yours faithfully


Rod G Patterson MAgSc, MNZIPIM, CPAG
Director



Department of Botany

Division of Sciences
PO Box 56, Dunedin
NEW ZEALAND

Tel: National 03 479 7573 International 64 3 479 7573
Fax: National 03 479 7583 International 64 3 479 7583
Email: amark@otago.ac.nz

Manager,
DTZ NZ Ltd.,
PO Box 27,
ALEXANDRA.

DTZ NEW ZEALAND
ALEXANDRA
12 JUN 2002
RECEIVED

June 11, 2002.

SUBMISSION ON PROPOSED TENURE REVIEW OF LONGSLIP PASTORAL LEASE.

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it. Although I know less about this property than most others I have commented on in the past (not having had the opportunity to visit on the ground apart from the Hall's totara/celery pine stand close to the Lindis Pass highway), I have read several background papers on aspects of its intrinsic values and discussed them with several people who know them first hand.

Clearly this is an important property in relation to its intrinsic values yet highly complex to adequately partition between freehold and Crown-ownership in terms of the Crown Pastoral Land Act. The extensive and intricate network of 4WD vehicle tracks adds to this complexity but apparently has not been, and I feel, should not be, a major factor in dictating the separation of the property between the two types of future tenure.

The separation of the property, as proposed, clearly is disproportionately in favour of the freeholding option with 9392 ha (about 60%) being designated as land to be disposed of by freehold and 5667 ha to be restored to Crown control, with most of this (5550 ha) to be subject to easement concessions in favour of the holder. A more equitable division is justified on the basis of intrinsic values and conservation integrity, in some areas reinforced by high elevation, erodibility, and particularly the land capability classification of parts of the property.

To deal with specific issues and areas, it is recommended that:

1. The two areas identified as Recommended Areas for Protection in the Mackenzie PNA Survey report, both in the Avon Burn catchment, should be included in the land to revert to full Crown control. The Ahuriri 9 RAP, being a 23 ha area of shrubland dominated by turpentine scrub (*Dracophyllum uniflorum*) on a steep, cold, shaded face, should be included as an extension of the Crown area proposed as CA4. This area should also be extended downstream to the Ahuriri River flats, to take in the mostly indigenous shrublands between the property boundary along the valley of the Avon Burn stream and the road/4WD track along this valley (see attached map for details). The Ahuriri 10 RAP, being a 61 ha area of matagouri/ribbonwood shrub-woodland, containing in particular, mountain ribbonwood (*Hohertia lyallii*; described in the PNA report as being "somewhat localised in the district"), should also be transferred to Crown ownership, with the entire catchment included, to maintain ecological integrity (see map).
2. The area shown as CA5, being a 45 ha area of remnant but regenerating Hall's totara and celery pine woodland, should be extended about threefold so as to include the entire catchment and thus

provide ecological security and integrity for this very significant remnant forest stand. This would allow for future natural extension of the component indigenous species. This boundary could also be fenced.

REFUSED INFORMATION
OFFICIAL INFORMATION

3. The area shown as CA3, being 39 ha of Ahuriri River margin and being "a key breeding and feeding site of the threatened black stilt, black fronted tern and other wading birds" should be extended to the line of terraces closer to the road, with the road as the boundary in the southern half, as shown on the accompanying map.
4. The two large proposed conservation areas (CA1 and CA2) should be connected by an effective corridor on the south aspect slope of the main ridge that passes through Pavilion Peak (1632 m). The southern boundary to this corridor could be the 4W Drive track, as indicated on the accompanying map. An easement through this corridor for general farm access (as for the several other easements) could be provided along the existing 4W Drive track, as shown on the accompanying map. Ideally this corridor should also extend some distance down the opposite (north aspect) slope which, though being more eroded, has some complementary intrinsic values, and I emphasise the imperative of providing for representativeness while accepting the potential for restoration of degraded sites. Unfortunately, no practicable boundary appears to be available on this steep slope. Certainly land at this elevation, even on a north aspect slope, should not be considered for ecologically sustainable pastoral use (specified in Pt 2 of the CPL Act) but practicable alternatives are not readily apparent.
5. An eastward extension to the conservation area marked as CA2, along and to the south of the main (and roaded) spur at 1200-1350 m, and extending southwards down to the main creek bed (also roaded) is recommended because of the relatively good condition of the snow tussock grassland in this area and also because it would provide closer access for the public to the conservation areas from the Ahuriri Valley road, via either the track up the spur or up the valley. Both of these tracks should have easements provided, over the land to be freeholded, for public access. These should be additional to the other easements proposed to provide for public foot, mountain bike and horse access to proposed conservation areas.

The additions of the areas recommended above for full Crown ownership and control, would probably add a further 1500 ha to the 5667 ha outlined in the proposal, making a total of about 7200, while reducing the area to be freeholded to about 7900 ha. This would make for a much more equitable allocation of the total land area between freeholding and Crown ownership, as well as much more effectively protecting the many important areas with high intrinsic values currently on this property.

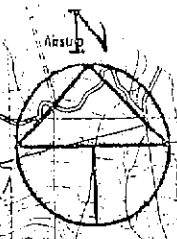
I trust that my recommendation will be given serious consideration and I thank you again for the opportunity to comment on this proposed tenure review.

Yours sincerely,



Alan F. Mark
Professor Emeritus

Encl.



**Po 020
LONGSLIP**

Map 2 of 2

Land to be Returned to Crown Control



Back Block
Dromedary

CA1
CA2

Land to be Returned to Full Crown
Ownership & Control



Ahuriri River Terraces
Avon Burn
Totara

CA3
CA4
CA5

Land to be disposed of to the holders



Easements for public & mgt access
a-b-c-d, b-e-f, e-g, c-h, i, k-l

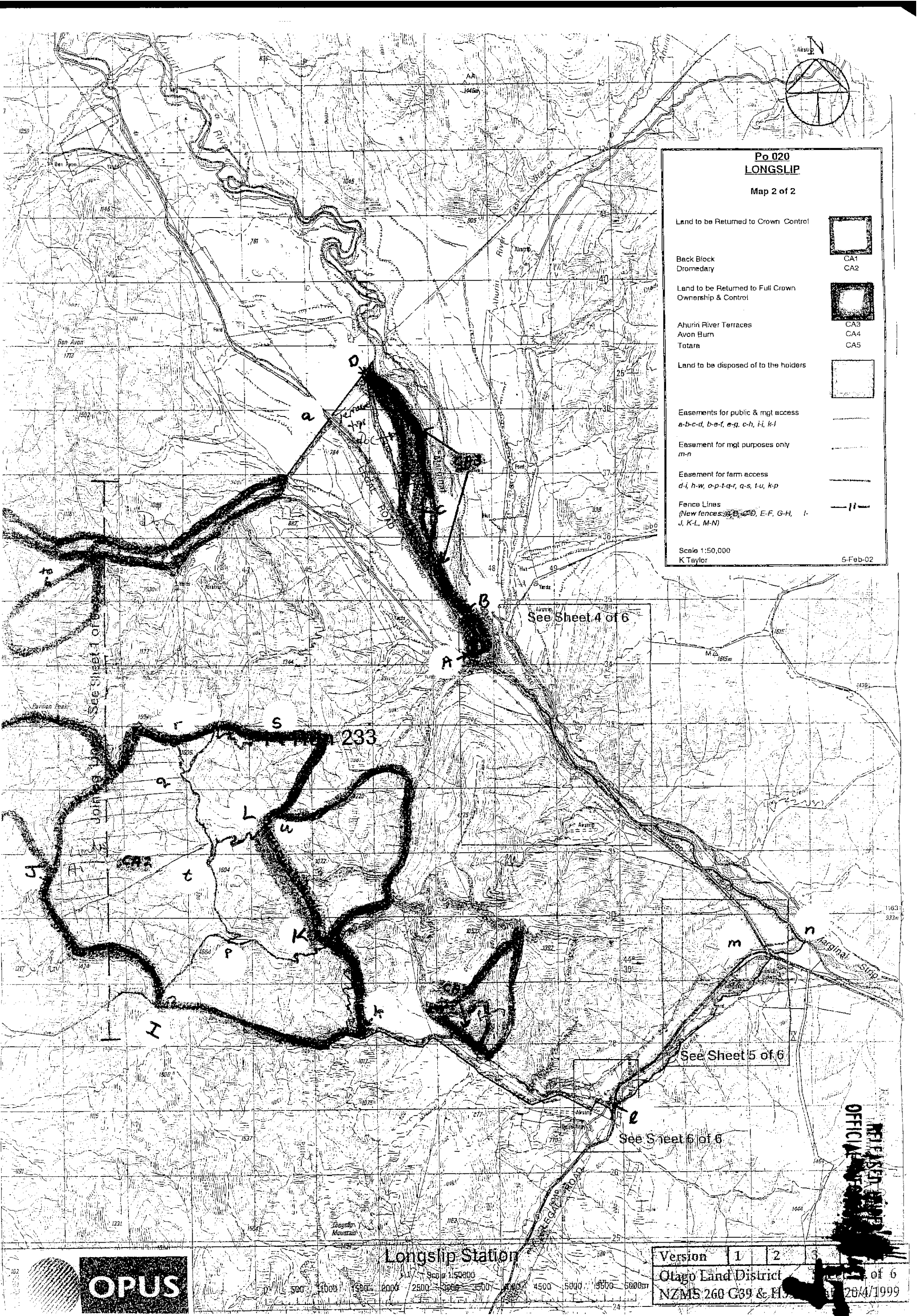
Easement for mgt purposes only
m-n

Easement for farm access
d-i, h-w, o-p-t-q-r, a-s, t-u, k-p

Fence Lines
(New fences: ~~Q-R, S-T, U-V, W-X, Y-Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YY, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ)~~

Scale 1:50,000
K Taylor

5-Feb-02



See Sheet 4 of 6

See Sheet 5 of 6

See Sheet 6 of 6

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Longslip Station

Version	1	2	3
Otago Land District			
NZMS 260 G39 & H39			
28/4/1999			



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LEASING INFORMATION

FOREST & BIRD

ROYAL FOREST & BIRD PROTECTION SOCIETY NEW ZEALAND

Southern Office

P.O. Box 6230
Dunedin
New Zealand
Ph (03) 477-9677
Fax (03) 477-5232
Email suem@earthlight.co.nz

18.6.02

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

DTZ NEW ZEALAND
ALEXANDRA
19 JUN 2002
RECEIVED

Dear Sir

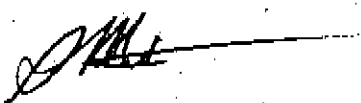
Re: Preliminary Proposal for Tenure Review: Longslip Station

Thank you for the opportunity to comment on this proposal.

I write on behalf of the Royal Forest and Bird Protection Society, which represents over 45,000 members nationwide in 56 branches. The Society has been an active advocate of the protection and conservation of New Zealand's natural and physical resources since 1923.

Please could you record that Forest and Bird supports the submissions of PANZ, Brian Patrick and Alan Mark.

Yours sincerely



Sue Maturin
Southern Conservation Officer

DTZ NEW ZEALAND
ALEXANDRA

25 JUN 2002

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Dear Sir,

Re: Longship Tenure Review.

Due to the bad weather over the last couple of weekends I have been unable to visit the Station. However there are some proposals that are not acceptable. These are:-

- 1) Concession easements.
- 2) Lack of protection for rivers.
- 3) CA 5 to include ~~to include~~ all of that catchment.
- 4) Farming history does not justify continued use.

1) Firstly, and it relates to everything, just because land is used for a particular reason at the moment, or in the past, does not justify its continued use this way.

The easement concessions if granted to the present farmer should then become available to every New Zealander. Just because the track is there now does not justify its continued use to this station. In the proposed reserve CA 2, the track follows the high hill top to enable the farmer to carry out farm practices in these catchments. If it becomes a reserve he doesn't need to go here. Easement d-i, not needed. If he can cut a track backwards and forwards up a hill, he can easily cut a track down the hillside spur directly to the east of this easement. The only reason he wants these tracks is because he doesn't want to cut new ones, which

will cost him money. This is a proposed reserve land — no one should be using it by vehicle. This is completely not negotiable!

Is there is a argument, why not include the complete catchment of the Hindus river in the reserve. i.e. from approximately point 'J' follow the track along along the ridge line down to the yards on the hindus river. The rivers should be protected as I'll state later. In the proposal you specifically mention the catchments several times and more thought should have been given to ~~them~~ to protecting the river and water in the hindus.

2) The river I'm more concerned about on this Station was the Avon Burn.

Putting a little circle around a tree or piece of swamp to protect it, is not nearly enough to ensure the species survival. The area is never going to get any bigger so plant or animal life is always going to be in danger. It is common to talk about "corridors" for birdlife to travel from one area to another to ensure its survival.

The proposal states that the areas are important for birdlife and possibly fish and plant (CA4 CA-)

I would like to see CA4 extended from its present position, down to the Ahuriri river. The reserve to cover the river bed up to the escarpments as shown on the plans. This would ^{help to} ensure a better chance of survival of plants and fish/insects etc.

In Canterbury our only 'wild' places are now our major rivers and little is

being done to protect these for our future. At the moment you have the chance to ensure this river some protection.

The lower hudson river I am also concerned about but this will be in another Station.

3) CAS is another small area which you have put a ring around. Why does it not include the Bull valley to the north-northeast. One side could wipe this area out again. There is also no area for expansion of the plant life which should be possible north of this reserve being south facing and therefore wetter.

4) "Farming history of this property and existing fence lines have been recognized"

What a shocking statement!

Even if someone thought this, to actually print it is unbelievable!

Part of the reason for these lease reviews is because the land is in such a shocking state and they have to be given back to the government because farmers haven't looked after the land.

To allow continued use along these lines is no longer acceptable. If the boundaries are higher than usual, bring the boundaries down. Your objective is the conservation of the land, or soil, to worry about the cost of fencing or whether new fencing is necessary is not of concern.

In summary I would just like to say that people seem to look at properties

when they're reviewing them, from the point of view of what's there at the moment.

What about thinking, "What could be here in the future?" Little rings are put around a few trees or shrubs. This land ^{threshold} will not be available to any New Zealanders in the future, (except over this is generations of people.

Pressure is going on all public land at present for recreational pursuits. You state "nature conservation is considered a suitable and ecologically sustainable land use. This land ~~is~~ ^{border} a major pass and pressure is going to come more and more onto this area for recreation, it is better to ensure land is made available now while it is possible to protect it, it and the rivers, than try to force laws later on.

I wish to be informed on any proposals for this property in the future.

Yours faithfully



Dunstan 4WD Club,
C/o 32 Clutha St,
Alexandra.

25 June 2002

The Commissioner of Crown Lands,
C/o DTZ New Zealand,
Land Resources Division,
PO Box 27,
Alexandra.

Dear Sir,

Subject: Crown Pastoral Land Act, Longlip Tenure Review, Preliminary Proposal.

We wish to see access provided for all New Zealanders, by foot and all modes of transport, both onto and through all high country areas reverting to Crown Land under the Tenure Review process.

To achieve this it is extremely important that suitable access for public 4WD vehicles be provided from public roads through areas of lands being Freeholded to all larger areas of Crown Land being withdrawn from the present lease. This is even more important where contiguous areas are to be the subject of Tenure Review at differing times and hence the most appropriate on / off routes at opposite ends of the greater area of Crown Land cannot be considered in relation to a single Pastoral Review Proposal.

The Dunstan 4WD Club has a current membership of approximately 60 and is itself a member of the international 'Tread Lightly' organisation. It organises for its members, some 20 - 4WD trips per year. These vary in difficulty and length from a half to three days with the majority of trips being located in Central Otago. Its trips are currently repeated every 1 to 4 years.

The club reviews the following in scheduling and setting its quarterly Trip Calenders:

1. Is it within handy reach of its predominantly Queenstown-Alexandra membership?
2. What is the number of properties to be crossed en-route?
3. Is the route generally along an existing track?
4. What is the track difficulty rating?
5. Are there a variety of landform, vegetation, and riverscape for enjoyment and photostops?
6. Has it historical exploration, access, mining or early settlement areas to view?
7. Are there suitable smoko and lunchstops?
8. Has it an ability to be linked to another nearby route to provide for an optional weekend trip?
9. What is a suitable frequency for repeating the trip?

We the committee having read the "Proposal" consider that the objectives of the Crown Pastoral Land Act, Part 2, Tenure Reviews, General, Cl. 24 (c) Subject to paragraphs (a) & (b), to make easier - (i) "The securing public access to and enjoyment of reviewable land." will be severely compromised by the present proposal and as a result are unable to support it in full.

The Longlip review together with those of the adjoining Ben Avon & Dalrackney Stations will result in public access being provided to a major block of high country land which is not readily able to be visited at present. With suitable access to & from the area it would be possible for our club to traverse from south of the Lindis Pass into the headwaters of the Timaru R. to the west & north to the Ahuriri R. via its existing network of 4WD tracks. We further note that to not provide for the 4WD access we seek for our members would be to deny the majority of them the opportunity to ever visit & enjoy this area.

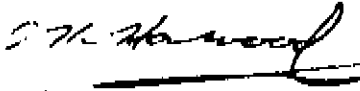
The Dunstan 4WD Club requests that changes to reflect the following, be incorporated into the easement documents to safeguard the interest of bone fide 4WD recreation groups and for those who wish to partake in organised events

on occasions in order to try their vehicles and / or experience the normally inaccessible back country in a controlled and safe manner:

- a) that easement documentation be required to provide for summer access to recognised 4WD Clubs affiliated to "Tread Lightly" and Community organisations running non profit fund raising events across the Freehold land on all alignments scheduling access for DoC 4WD vehicles.
- b) that permission for access be by a permit system administered by DoC (it is suggested that a maximum of 5 permits per year be granted)
- c) that such permission be required to be approved by the Freehold landowner whose permission for free access should not be unreasonable withheld but subject to normal high country and grazing considerations being respected, eg - track and weather conditions, lambing, gates, fires, rubbish removal.

The club wishes to be notified of any other access or 4WD type submissions to the Proposal and the dates of any hearings. We thank you for the opportunity to comment on the proposal.

Yours faithfully,

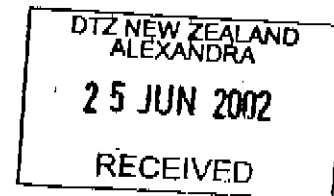


Gary Harwood,
President.



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

24 June 2002



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

Dear Sir

Longslip Pastoral Lease: Preliminary Proposal for Tenure Review

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

On their behalf, FMC advocates through the tenure review process for formalisation and enhancement of access and recreational opportunities, and protection of significant inherent values, on the high country lands that are presently under pastoral lease tenure.

FMC is grateful for the opportunity to comment on the preliminary proposal for tenure review of Longslip Pastoral Lease.

The Preliminary Proposal

- (1) 117 ha of land to be restored to full Crown ownership and control as a conservation area.
- (2) 5550 ha of land to be restored to full Crown ownership and control as a conservation area, subject to an easement concession in favour of the lessee.
- (3) 9392 ha of land to be disposed of by freehold disposal to the lessee, subject to easements to provide access by the public and for conservation management purposes, to the Ahuriri River and proposed conservation areas.

Crown Pastoral Land Act 1998

Part 2 of the Crown Pastoral Land Act 1998 (CPLA) created a specific process for tenure review of pastoral leases. Under Section 24 of the CPLA, these objects are:

- (a) To –
 - (i) Promote the management of reviewable land in a way that is ecologically sustainable;
 - (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 reviewable instrument; and
- (b) To enable the protection of the significant inherent values of reviewable land –
 - (i) By the creation of protective mechanisms; or (preferably)
 - (ii) By the restoration of the land concerned to full Crown ownership and control; and
- (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 pastoral leasehold land.

We note that the two objectives in (c) are subservient to the objectives in (a) and (b).

FMC Response to the preliminary proposal

FMC is very supportive of some aspects of the preliminary proposal for tenure review of Longslip Pastoral Lease. The return to full Crown ownership and control of the western range forming the backdrop of the property, and the public access provisions, will significantly enhance the availability of recreational opportunities in the area, and will result in greatly improved protection of substantial areas having significant inherent value. We have some concerns, however, about the area proposed for freehold disposal, and suggest that the proposed conservation land CA2 should be expanded to cover areas where continued pastoral use is unlikely to be ecologically sustainable, and where the inherent values of the indigenous vegetation are likely to improve under conservation management. We detail our concerns below, along with several other matters that we think would significantly improve the outcome of this tenure review.

Proposed freeholding contravenes ecological sustainability requirement

In the drier eastern uplands of the property much of the indigenous plant cover has been degraded through pastoral management. At higher altitudes (>1200 m) this land is clearly not suited to "...enhancement by oversowing and topdressing, cultivation or top-dressing", as the Preliminary Proposal suggests, and the ecological sustainability of continued pastoral use is highly doubtful. The Preliminary Proposal states, "It is considered that in the balance of the land uses proposed will be ecologically sustainable". This is clearly untrue for some areas that appear to have been justified for inclusion as land to be disposed of on the grounds of "... farming history and existing

fencelines ...". These characteristics are not relevant to the CPLA and cannot be used as justifications for contravening Section 24(a).

We suggest that the 1632 m Pavilion Peak and the upper Lindis River catchment on the south side of this peak would best be included in CA 2 as land to be restored to full Crown ownership and control. The Conservation Resources Report states that the south facing slopes below Pavilion Peak are "...characterised by steep colluvial slopes dissected by deep seated landslips, active gulley erosion and gully base fans." It is hard to see how continued pastoral use would be consistent with ecologically sustainable management here. Pavilion Peak also has outstanding inherent value as a recreational viewpoint and could be justified for designation as conservation land on this factor alone. The boundary for the area we propose for inclusion in CA 2 could run from point 1594 m in the Lindis A1 RAP along the north side of the ridge toward Pavilion Peak, taking in its northern spur then running back to its southwest ridge and dropping to the saddle between the Lindis River and the Avon Burn below point 1392 m. From here, the boundary would drop down to the Lindis River, up to the ridge on the other side, and move northeast along the ridge to meet the Lindis A1 RAP again. It appears that existing fencelines could be used along much of this proposed boundary.

Designating the high altitude (>1300 m) areas on the northern faces of point 1594 m and Pavilion Peak as conservation land would allow recovery of depleted *Chionochloa macra* grasslands, which are highly palatable to stock and cannot be sustainably grazed. The Conservation Resources Report notes that these high altitude communities retain an almost entirely indigenous vegetation, despite depletion of tall tussock cover by grazing.

It would also be desirable to designate a high altitude corridor as conservation land between the saddle west of Pavilion Peak and the boundary of CA1, for the same reasons as described above, but also to enhance the recreational potential of CA2. Under the current proposal, no legal public access is provided between CA1 and CA2 (see below).

Most of the east-facing high altitude land is included within CA2 apart from an anomaly where the boundary between proposed conservation and freehold land is placed at a higher elevation on the spur providing the best eastward access to CA2. FMC requests that the boundary be redrawn so that CA2 extends further eastward along the spur.

As the topography is complex and we have recommended many changes to the proposed boundaries, we have drawn our suggested changes onto the attached map.

It is notable that most of the east-facing high altitude land is proposed for inclusion in CA2 whereas similar land on north and west aspects is proposed for freehold disposal. We cannot see any good reason for this inconsistency and reiterate our belief that all the high altitude lands should be returned to full Crown ownership and control.

If the changes we suggest are adopted, easements to enable practical farm access to neighbouring land could be granted where appropriate.

Non-inclusion of RAPs

The Preliminary Proposal makes no consideration of two RAPs that have been identified on the property. No justification is given. Ahuriri RAP 9 is a diverse, south-facing *Dracophyllum uniflorum* stand located at the first major fork of the Avon Burn, while Ahuriri RAP 10 is located in a steep tributary of the Avon Burn approximately 2 km downstream. RAP 10 includes stands of mountain ribbonwood (*Hoheria lyallii*), which is localised in the Ahuriri Ecological District. The presence of these features is likely to enhance recreational enjoyment of the area. FMC requests that the outcome of the tenure review process protects these RAPs, preferably by restoration to full Crown ownership and control with secure fencing of boundaries. This is consistent with the hierarchy specified by Section 24 of the CPLA i.e. that freehold disposal is subservient to protection of significant inherent values. RAP 10 could in fact be connected to our revised CA2, as we show on the appended map.

Public access

The preliminary proposal provides for several easements to allow public access to the proposed conservation lands. FMC supports most of these access provisions but foresees some problems that need rectifying.

We are puzzled as to why the first part of access easement a-b takes a cross-country route from the Birchwood road, including crossings of two steep terrace scarps and the Avon Burn, when a much more practical access route is provided by the farm track that begins approximately 4 km further south near the Ahuriri River. This track passes no farm buildings so recreational use of it would be unlikely to cause any significant disturbance to the owner of the freehold. As it stands, the first part of a-b effectively bans mountain biking from the upper Avon Burn. One aspect of the extensive tracking developments on the property is that mountain biking is likely to be an important recreational activity in the future. Accordingly, we request that the whole of access easement a-b be aligned along the aforementioned farm track.

The proposed conservation area CA2 is not well served by public access easements. As the Preliminary Proposal stands, two additional easements would greatly improve the potential for recreation involving this area. Firstly, an access easement from the Birchwood Road is needed. We suggest that this could be most usefully aligned along the existing farm track that begins at the same point as the farm track described above (grid ref: G39: 473 341), and climbs the spur leading to and across points 1220 m and 1329 m before meeting the proposed CA2. Secondly, a public access easement is required to connect CA1 and CA2. The farm track along the ridge from CA2 through Pavilion Peak to the main spur of Mt Melina is the obvious location for such access, although an easement would be unnecessary if a high altitude corridor is designated as conservation land, as we propose above.

We include our suggestions for access on the attached map.

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Marginal strips

No marginal strips are indicated for the Avon Burn or Lindis River. FMC requests that marginal strips are laid off on parts of these waterways that lie within the property and meet the normal criteria.

Public use of huts

The proposed boundary of CA1 appears to include Burnt Bush Hut on land to be designated as conservation land, and thus the hut should be available for public use. This would significantly enhance the potential for overnight tramping trips in the area and allow people with less experience to safely enjoy area. Accordingly, the final proposal for tenure review should specify that this hut will revert to public ownership. FMC also requests that the hut in the upper Avon Burn (grid ref: G39: 386 342) is made available for public use in the event of an emergency. This could be simply achieved by specifying that the hut is not locked.

Landscape values

In many areas of the property extensive track developments have greatly disfigured the landscape values present (A saving grace is that these tracks will provide excellent mountain biking potential), and not much of the property is visible from State Highway 8, a major scenic route in the area. However, the hill faces on the true left of Longslip Creek, immediately above the confluence with the Ahuriri River and directly above SH 8, should have their landscape values protected by a binding covenant that precludes inappropriate development, such as further track construction or unsightly buildings.

Neighbouring UCL land

Tenure Review of Longslip Pastoral Lease provides an opportunity to formalise protection of the Dingle Burn UCL land adjoining the western boundary of property. FMC requests that consideration be given to designating the Dingle Burn UCL as conservation land as part of this tenure review outcome. We note that Section 29 of the CPLA allows the Commissioner to include in a review any neighbouring unused Crown land, and this is a clear and worthy opportunity to do so.

Conclusion

The properties adjoining the Ahuriri Valley have extremely high conservation, recreation and landscape value. Tenure review of Longslip Pastoral Lease provides a major opportunity to formalise recreational opportunities in the area and protect significant inherent values. FMC urges that the suggestions we have made in this submission are given sincere consideration, as we strongly believe their adoption would result in a much more balanced tenure review outcome that is more consistent with the CPLA.

FMC thanks DTZ New Zealand, acting on behalf of the Commissioner of Crown Lands,

for this opportunity to comment on the Longslip preliminary proposal. We request to be notified of the final outcome of tenure review of Longslip Pastoral Lease at the conclusion of the process.

Yours sincerely,

PP. 

Barbara Marshall, Secretary.

Land to be Returned to Crown Control

Back Block
Dromedary

Land to be Returned to Full Crown
Ownership & Control

Ahuriri River Terraces
Avon Burn
Totara

Land to be disposed of to the holders

Esasments for public & mgt access
a-b-c-d, b-e-f, e-g, c-h, h, k-l

Esasment for mgt purposes only
m-n

Esasment for farm access
d-l, h-w, o-p-q-r, q-s, t-u, k-p

Fence Lines
New fences: A-B, C-D, E-F, G-H, I
J, K-L, M-N

Scale 1:50,000
K Taylor
5-Feb-02

Dromedary
Land Owner

Ahuriri
Avon
Total
Land

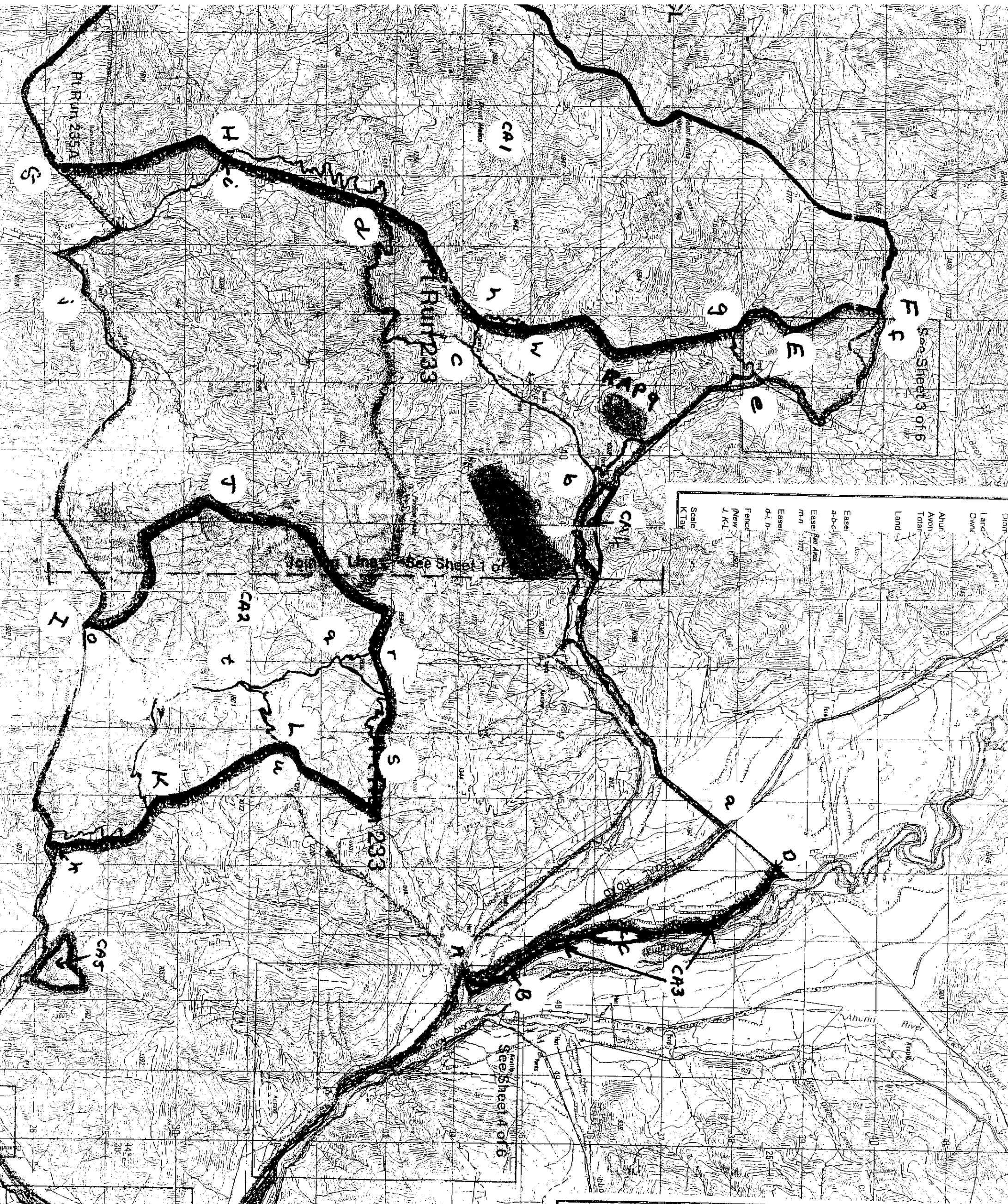
Esasment
a-b-c-d

Esasment for Avon
m-n

Esasment
d-l, h-w

Fence Lines
New
J, K-L

Scale
K Taylor



**RELEASED UNDER THE
OFFICIAL INFORMATION ACT**

Proposed additions to
conservation land

Important public access
routes

RAPs under PNA scheme

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



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

24th June 2002

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



RE Longslip Tenure Review

Dear sir

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

Our submission is made on behalf of Combined 4WD Clubs, a yet to be incorporated society who represent seven 4WD Clubs based in Canterbury.

We understand that public hearings will not be held, and we look forward to hearing from you in due course.

Yours faithfully

Paul A Dolheguy
Secretary

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

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

Dated 20th June 2002

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

Introduction:-

Combined 4WD Clubs is a society (to be incorporated) based in Canterbury and it represents its member Four Wheel Drive Clubs on access issues. The society has seven member four wheel drive Clubs, and that represents a total of 520 individual members and families. Member Clubs have in the past from time to time run off road 4WD trips on Longslip station. These trips have been run at irregular intervals and with the purpose of recreation and enjoying the driving and scenery, photography and other recreational values that the station has had to offer.

Land Tenure

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

Access

We believe that all Crown Land that is held for Conservation purposes must have preserved in it access as a protective mechanism. We further believe that this access protective mechanism must also include motor vehicle access as well as foot access.

Our submission

Under the preliminary proposal for land tenure at Longslip, there is allowance for a Protective Mechanism, Clause 3.8. The first sentence of this clause should read:-

'An easement to provide public foot, mountain bike, motor vehicle and horse access to the proposed conservation area together with conservation management access. In the case of motor vehicle access this is restricted to groups of recreational users on organised recreational visits. Clause continues as per proposal'

Logic of submission

1. The proposed conservation land is vast in size, (total 5550 ha) Area CA1 is 13 kilometres long by 5 kilometres wide, Area CA2 5 kilometres long by 5 kilometres wide, other areas CA4 and CA5 are separated by an addition 2 and 1 kilometre respectively, such a large land mass is hard to access by mountain bike, foot or horse alone.
2. Allowing public access by foot, mountain bike and horse in themselves is to deprive a large number of the public fair and equal access.
3. The number of New Zealanders who own or can ride a horse is relatively few.

4. Older people and persons with a basic physical handicap will not be able to ride a mountain bike, walk nor ride a horse on the land. Hence without motor vehicle access there ability to recreate and view the land would not be possible.
5. Access should not discriminate people by age or physical inability.
6. There exist on the land good quality and easily driven farm tracks. These tracks when liked with the easements provide a good network for vehicle access.
7. Many tracks in forests, recreational reserves, parks and the like have currently access by way of foot, horse, mountain bike and motor vehicle, and all forms of transport co-operate well. Many forest owners currently operate booking systems for all of these types of access and report no problems in management or other issues relating to public access in their forests.
8. Many potential recreational users to this area would prefer to drive a vehicle to the conservation land, then once on the conservation land then choose to walk, or mountain bike. The recreational value of mountain biking and tramping is greatly enhanced without the long ride or walk into the conservation land. Additionally the distances involved on this particular land would mean many users having to overnight, and no campsites or facilities are offered in the proposal.
9. We would suggest that no camping be offered, as this requires support of extra toileting and other facilities, and day use only of the land could be possible under our submission and this would eliminate the need for additional public facilities.
10. Our submission for motor vehicles to have access in groups would mean that the access easements do not become a public highway for vehicles, but would allow organised groups with the sole intent of recreating on this particular land access to the conservation land
11. Fire fighting on Crown Land is a key issue, and for fire appliances, and fire fighting teams to be able to access the fires, a network of usable tracks are paramount. By allowing controlled vehicular access this ensures tracks are kept open and in a usable state. *As an example the NSW Rural Fire Authority suffered in the 2001 fires in NSW as a result of tracks being over grown and in an unusable state. As a direct result they endorse increased public use of off road tracks so that this ensures they are kept in a usable condition.*
12. Access by way of groups means that there will be more than one vehicle partaking in the trip. Our belief is that 3 vehicles should be a minimum group when travelling off road in remote areas. This enables the group to have security in numbers and should one vehicle break down or suffer a mishap, then the remaining vehicles can get the vehicle safely out, and or go for help.
13. Organised Clubs and or groups also allow for discipline and control within the group, and any incorrect behaviour by any one individual in the group can be minimised, resulting in low or no impact to the recreational or conservational values of the conservation area. Basically strength in numbers.

Submission signed on behalf of Combined 4WD Clubs



Paul A Dolheguy
Secretary

20th June 2002



Central Otago Four Wheel Drive Club
P.O. Box 314
Alexandra.

24 June, 2002

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

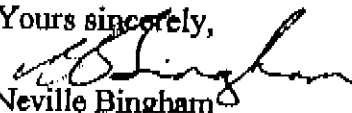


With reference to: Longslip Pastoral Lease - Preliminary Proposal for Tenure Review.

The Notice of Preliminary Proposal for the Longslip Pastoral Lease gives members of the Central Otago Four Wheel Drive Club very great concern. This is the type of area to which the club has had traditional access, and we object to the easement concessions excluding Four Wheel Drive Vehicles of members of the public over existing tracks (especially d - i, h - w, o - p - t - q - r, q - s, t - u, k - p) which are linking tracks enabling access through the area, and especially in the listing of methods of recreation which can be carried out on existing farm management tracks. Not everyone is able to tramp and cycle great distances, and changed social demands on our workforce restrict recreation time. Our vehicles are often used as a means of access to areas in which we can walk. Our organised club practises care and respect for the land, has traditionally helped to keep tracks open in the area, and our vehicles are an important means of allowing families, including the young and elderly, to appreciate, respect and enjoy the wonderful high country of this nation with its tradition of access to public lands. We support conservation in High Country areas.

We hope that your proposal will be revised to allow a greater number of New Zealanders to enjoy continued access to our heritage, and to see that well organised clubs, who by their rules seek permission to access landholders' properties and follow their directives, will continue to be included.

Yours sincerely,


Neville Bingham

Secretary.

24 June 2002

The Commissioner of Crown Lands
DTZ New Zealand Ltd
Land Resources Division
P O Box 27
Alexandra.



**CROWN PASTORAL LAND ACT
LONGSLIP TENURE REVIEW**

SUBMISSION ON PRELIMINARY PROPOSAL

INTRODUCTION:

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

We support and respect the needs and wishes of the farmers concerned to agree to the proposal for their own personal reasons and wish to make our comments from our personal viewpoint, our perspective as a NZ taxpayer and local ratepayer, but specifically as a neighbouring property that will be affected by the Commissioner's decision.

OUR SUBMISSION IS IN ITALICS FOLLOWING EACH SECTION

(2) Proposal:

-
- 2.1 Land to be designated to be restored to full Crown ownership and control as a conservation area (under Section 35 (2) (a) (i) Crown Pastoral Land Act 1998).**

Area: 117 ha (approximately) shown as Areas CA3, CA4, and CA5 edged pink on the plan attached as Appendix 1.

We acknowledge that restoration to full Crown ownership may have the desired affect to provide protection of the significant inherent values.

We submit that the protection could also be achieved by the freehold disposal of the land with the long term protection of these areas guaranteed by legally binding Covenants (QEII Trust Open Space Covenants) clearly setting out the conditions of management that are needed to ensure the long term ecological sustainability of each of these very special areas. The Covenant would establish a partnership approach between the on farm managers and conservation experts in the various fields required. Regular monitoring

would be a condition of the covenant to ensure the management programme was ecologically sustainable, and if not, be adjusted accordingly. This would ensure the management of each of the areas was immune from budget constraints and the political influences of the day.

In relation particularly to CA3 (39 ha) we oppose the recreation access along the banks of the Ahuriri River. The site has been identified as a key breeding and feeding site of the threatened black stilt, and other important birds. Public access should be excluded from such a significant nature protection area. This should be enforced at least in the short term until the black stilt programme has been declared a success and the birds no longer at risk of extinction. A Covenant would be the best mechanism to ensure these values were protected, or the area could be given reserve status for the express purpose of protecting the breeding sites.

2.2 Land to be designated to be restored to full Crown ownership and control as a conservation area (under Section 35 (2) (b) (i) and Section 36 (1)(a) of the Crown Pastoral Land Act 1998).

Area: 5550 ha (approximately) shown as Areas CA1 and CA2 edged pink on the plan attached as Appendix 1.

As submitted in 2.1 above the Objects of the Act can be achieved by freehold disposal of the area with the use of Conservation Covenants to protect the significant inherent values.

We oppose the proposal to restore the 5550 ha area to the Crown for the following reasons:

- 1. The description of the inherent values does not prove they are of such significance as to require Crown ownership, or are more significant than any other areas nearby.*
- 2. The proposal contains no Risk Analysis:*

We would expect a comprehensive Risk Analysis to be carried out to identify the anticipated risks that the area is likely to be subject to, the various ways these risks can be mitigated, and decide the most desirable way to protect the inherent values.

From our family's long term (since 1910) farming experience in this area we identify the main risks as:

- decline in biodiversity*
- invasion from weeds, especially hieracium, wilding trees, woody weeds*
- decline in the biological health of the soil.*

- declining water, mineral and carbon cycles
- pest damage (rabbits, hares and possums)
- damage to flora and fauna as a result of public access pressure
- uncontrolled fires,
- introduction of Giardia and other health risks
- political interference in management decisions

Many of these risks (described above) can be controlled and enhanced by the strategic management of livestock. By removing the use of animals as a management tool there will be a rapid decline in fertility, increase in weed invasion and continued biodiversity loss. This fact is accepted scientific knowledge overseas in many areas, where the experience of excluding animals from conservation areas that require protection has been a total disaster and not achieved the desired outcomes.

Continued hieracium invasion into this area will destroy the very values that the conservation designation desires to protect. This is a major problem in all the Lindis country as recent evidence proves. The Lindis Pass Reserve is now severely affected and there is growing encroachment from briar, with the occasional broom bush appearing. There is no evidence of any agency attempting to manage these problems. If left unmanaged, as at present, it will shortly become an outstanding example of what happens when you lock an area up for "protection", to the great loss of all NZers, when this scenic area becomes an ecological disaster.

3. *There is no Conservation Management Strategy for these areas:*

A Conservation Management Strategy would detail:

- goals and desired future outcomes for this area
- possible strategies that could be adopted
- best proposed future management practices
- a full cost analysis, especially in relation to the effects / benefits to the community / nation
- a thorough investigation into the range of methods available to achieve the desired outcomes
- health and safety issues in relation to public access
- ways to mitigate the affects of public access on the flora and fauna values

4. *The reviewable land in this area is capable of economic use (a) (ii):*

This has been demonstrated by its continual pastoral use for the past 140 years.

The significant inherent values in this area have been identified to include landscape, flora and fauna and ecological integrity, which are still present today because of the knowledgeable and daily management practices of

generations of farmers. The economic benefits of a viable farming property have contributed to the local and national community and have the ability to continue to do so into the future, even more so under freehold tenure.

5. **On farm impact:**

This area is capable of multiple uses e.g. nature conservation, landscape protection, and productive farming. The removal from the property of a significant area with good pastoral grazing opportunities is likely to affect the long-term commercial viability of the property. As this area would be used for summer grazing purposes, its removal increases the grazing pressure and risk to the lower areas and will substantially reduce stock numbers.

As the proposed reduction in stock unit information is unavailable it is difficult to comment on the economic impact, but the long-term trend always indicates the need for properties to become larger and more efficient over time to remain financially viable.

There is potential for increased productivity by over sowing and top dressing this area, which would have the added benefit of enhancing the biological diversity and improving soil health. If global warming is a reality the loss of the potential production from this area for the nation will be quite significant in the future.

There is little likelihood of commercial gain being derived from subdivision and the sale of freehold land in this area due to District Plan rules.

Conclusion:

The Objects of the Act can be achieved by freehold disposal of the area with the use of a Conservation Covenant to protect the inherent values

It is essential that this area is transferred into private ownership with its long term protection guaranteed by a written, legal and binding Covenant clearly setting out the conditions of management that are needed to ensure the long term ecological sustainability of this area. The Covenant would encourage a partnership approach between the on farm managers and conservation experts in the various fields required.

We believe that the ecological sustainability of this area has been forfeited because of a desire for public access due to its handy proximity to State Highway 8 and the proposed recreation areas created in the Dairachney and Ben Avon Tenure Review proposals. We are not opposed to public access in this region as long as it is provided in a safe and controlled matter and not to the detriment of the ecological assets.

If the Commissioner proceeds with the Conservation area as proposed it is essential that the formal agreement contains a cast iron guarantee in perpetuity that grants exclusive restoration of grazing rights to the reviewed

lessee or his successors in the event of the Crown managed lands being identified as degrading and becoming ecologically unsustainable under their management regime.

- 2.3 To be designated as land to be disposed of by freehold disposal to Longslip Station Ltd (Under Section 35 (3) of the Crown Pastoral Land Act 1998) subject to Part IVA of the Conservation Act 1987, Section 11 of the Crown Minerals Act 1991 and a protective mechanism:

Area: 9392 ha (approximately) edged green on the plan attached as Appendix 1.

We support the free holding of 9392 ha.

This area is capable of economic use (as is the entire property) and free holding will promote the management in a way that is ecologically sustainable.

- 2.4 Protective Mechanism:

Easements over the routes marked on the plan in Appendix 1 for public access by persons on foot, on or accompanied by horses, or by non-motorised vehicle powered by a person or persons. Also to provide access for conservation purposes (terms and conditions of this easement as per draft easement document Appendix 2).

We oppose the unrestricted public access easements to provide access to CA1

For the following reasons:

- *Risks associated with the nature and remoteness of the country.*
- *climatic dangers*
- *health and safety issues*
- *public impact on us and our business as neighbours adjoining CA1.*
- *Boundary fence implications*

Access into the headwaters of the Lindis catchment is over a long difficult track and with foot, horse or bike traffic is likely to take a considerable time. People will need to stay out overnight in many cases, either by choice or necessity. What provision will be made for camping facilities and toilets? It would be extremely irresponsible from a health and safety issue to grant this easement without providing for camping and toilets.

An intentions system needs to be in place to monitor the entry and exit of people to ensure the safe passage and return of all using the track.

Restrictions would need to be in place to ensure the track was not used in winter, because of the dangers from rapid changes in weather and extreme climate in the area.

We presume there will be restrictions to ensure no dogs are permitted, no firearms are allowed, and fires will be banned at all times.

The liability on all users should be established and guaranteed in advance.

As neighbours we are extremely concerned at the additional risk to our property from unrestricted public access into this area. It is remote from any homestead and we will come under increased pressure to supply search and rescue facilities unless the Department of Conservation intend taking responsibility for this in some way and have a strategy in place that is not outlined in the proposal.

Signs will need to be erected to ensure that the public do not trespass onto our private property by crossing over the boundary. If they do it would put us under increased risk from disease (especially footrot) in our sheep, and fire. Large numbers of stock are grazed adjacent to this area of the Lindis in the summer time when there is likely to be the heaviest demands for access. We are extremely concerned about the increased risk of stock disturbance, possible smothers and general disruption to our right to 'peaceful enjoyment', an essential aspect of a pastoral lease.

At present any public access onto our property (including into this area) is by prior arrangement only, but granted freely to the public. They are allowed to use farm tracks for 4WDing, farm facilities plus have a safety back up service including search and rescue. This way we take full responsibility for people accessing our business premises. We know who is out there, their intentions and can advise them of stock movements, safety issues, other people present, poisoning or shooting operations, and monitor their return. We also provide them with information to make their visit enjoyable, the use of huts and toilets to protect the environment.

We have deliberately resisted the many opportunities offered to us to turn this into a commercial operation as we believe that the public should have the right to enjoy the back country values on our property, free of charge.

However we believe this has to be managed and controlled, in exactly the same way as all other aspects of a business operation

If this easement is granted what guarantee can the Commissioner give us, as neighbours that the public gaining access to the area (CA1) adjoining our

property will remain in the conservation area designated, and have no impact on our property or its healthy environment?

Can he guarantee that we will be absolved from responsibility and fully compensated for any accidental fires or other safety issues arising from public use?

Will we be guaranteed that the 'quiet enjoyment' of our property will not be destroyed by Giardia, drug growers, and increased pressure to deal with accidents or search and rescue operations?

Will there be a guarantee that there will be no adverse affects on stock movements / stock health?

Boundary Fence Issue:

We submit that an additional access easement must be included in the proposal to provide for the holders of Breast Hill Station to have access through the track to the top of Mount Prospect for general farming activities and fence maintenance purposes on the land proposed to come under full Crown Ownership and control (CAI).

Breast Hill and Longslip Stations jointly applied for consent from the Commissioner of Crown Lands to build the Mt Prospect track, meeting the costs of construction equally. The track was constructed on Breast Hill Station to provide a better line for it and the fence line. As a consequence of this the area was transferred into the Longslip Pastoral Lease title (at the goodwill of the Breast Hill lessee). The fence requires maintenance of at least two people and one day's work to check the fence and repair to stock proof condition each spring.

The Crown will need to either provide the labour for this work annually or reimburse us for the cost of carrying out the entire operation ourselves. An estimated total cost is \$600 per annum; \$300 each property. This agreement would need to be formalised and apply in perpetuity.

2.5 Concession Mechanism:

An easement under Section 36 (1)(a) of the Crown Pastoral Land Act over the routes marked on the plan attached as Appendix 1 to provide access for the holder by motor vehicle and with or without horses, machinery and implements of any kind, farm dogs and farm stock for management purposes.

We support the Concession Mechanism.

CONCLUSION:

We ask the Commissioner to consider carefully the issues we have raised in our submission.

We request that he amend the proposal to achieve the objects of Part 2 of the Crown Pastoral Land Act 1998 whereby he is required to

promote the 'management of reviewable land in a way that is ecologically sustainable'; enabling 'reviewable land capable of economic use to be freed from the management constraints resulting from its tenure under reviewable instrument' and enabling the 'protection of the significant inherent values of the reviewable land by the creation of protective mechanisms' and secure 'public access to and enjoyment of reviewable land'.

These objects can best be achieved by:

- *The freehold disposal of the entire parcel of reviewable land (14942 ha). This would alleviate the need for the extensive fencing programme required under the existing proposal and the ongoing cost of maintenance. The lengthy tenure review process would be effectively speeded up if the need for additional fencing were eliminated.*
- *Establishing Protective Mechanisms over 5550 ha (being the two areas shown as CA1 and CA2 edged pink on the plan in Appendix 1) as a superior option to that proposed, (restoring the areas to Crown control as Conservation areas) to ensure the long term ecological sustainability of these areas guaranteed by a written, legal and binding Covenant clearly setting out the conditions of management (including public access arrangements) in a partnership agreement between*
 - *the property owners for productive farming use,*
 - *scientific experts to protect the significant inherent values, and*
 - *public access agencies to effectively manage the public access requirements.*

This solution would provide for multiple use of the land. The Protective Mechanism could be a Conservation Covenant or Queen Elisabeth II Trust Open Space Covenant.

- *Establishing Conservation areas for 117ha shown as areas CA3, CA4 and CA5 on the plan in Appendix 1, either by restoring to full Crown ownership and control under Section 35(2)(i) of the Crown Pastoral Land Act, or Queen Elizabeth II Trust Open Space Covenants. The Covenants should be written in such a way as to ensure that the extremely significant nature conservation values are guaranteed protection and not prejudiced by the granting of public access rights.*

- *The easement documents be amended to allow for controlled public access over the freehold to be administered jointly by the landowners and Department of Conservation or a nominated authority (e.g. NGO group).*
- *If the Commissioner intends to proceed with this proposal without amendment we require that an access easement be formalised with the Breast Hill Station owners (Forest Range Ltd) to guarantee in perpetuity the right to access for the purposes of carrying out general farm activities and maintenance to the boundary fence between Breast Hill and CA. Also a formal, legal agreement in perpetuity be drawn up to establish the annual maintenance costs and responsibilities for fence maintenance between the Department of Conservation and the Breast Hill landowner.*

We believe our ideas for the Longslip tenure review present a simpler arrangement that meets all the requirements of the Objects of the Crown Pastoral Land Act 1998 at a greatly reduced cost to the Crown.

Signed:

*R S Emmerson Trust and Forest Range Ltd
Forest Range Station, Private Bag, Tarras.
Phone 03 4452833, Fax 03 4452834, Email rsemmerson@xtra.co.nz*

CC: Commissioner of Crown Lands, Wellington

Public Access New Zealand

INCORPORATED

R D 1 Omakau 9182 Central Otago New Zealand
www.publicaccessnewzealand.org

Phone & Fax 64-3-447 3554
panz@as.co.nz

8 August 2002

Commissioner of Crown Lands
CI- DTZ New Zealand Ltd
P O Box 27
Alexandra



Submission on Longlip Tenure Review Preliminary Proposal

PANZ wishes to make comment on the following aspects of the Preliminary Proposal--

We have just obtained the official analysis of public submissions on Glen Nevis, the first we have seen under the standards that are supposed to be in conformity with the Crown Pastoral Land Act (CPLA). The dismissal of public comment about fences (i.e. boundaries) because the word 'fence' does not appear in the objects of the CPLA is ludicrous, and ignores the Crown agents' pivotal role in defining fence lines (existing and new) as an integral part of the tenure review process. In fact, without definition of boundaries, which entail in most cases the determination of practical fence lines, tenure review could not proceed. We therefore submit that the following comments about Crown area boundary fence lines not be disallowed from consideration. Failure to reconsider decisions to date, on the above specious grounds, or because the content of submissions is not considered to be 'new information', would indicate that the 'Preliminary Proposals' are in effect 'Substantive Proposals', due to official unwillingness to reconsider the validity of decisions already made. This would be in breach of the CCL's legal duty under common law to exhibit an open mind and a willingness to reconsider PROPOSALS when inviting public consultation. If current procedures continue, this would indicate that calling public submissions is both a waste of time and a subversion of the scheme of the CPLA.

Back Block

We welcome this substantial area being publicly reserved. It is a great pity that the Crown, as lessor, allowed this mountain landscape to be desecrated by the lessee's wanton bulldozing of vehicle tracks over alpine crests in excess of 1700m asl into the upper Timaru River catchment, including trespass over Unalienated Crown land. In the absence of another ice age, the scars will be there forever, whereas the intended intensification of pastoral use, being the purpose of this misconceived development, will have been extremely short and now about to be terminated.

We note that most of the proposed eastern boundary, in the headwaters of the Lindis River and Avon Burn, will utilise existing fences. The majority of this is accompanied by bulldozed benches and

vehicle trucking. Given the past failings of the CCL to control or prohibit illegal earth disturbance and that the CCL has a duty under the CPLA to enable the protection of the significant inherent values, including landscape values, we submit that new boundaries and fence lines only be adopted if these can be erected and maintained without mechanical earth disturbance. There are two sections of new fencing proposed - at the north and south ends of the eastern boundary. If these routes are bulldozed, they would be needless eyesores, in particular the southern section (photos 1, 2), that would be widely visible in the upper Lindis catchment, and from the Dalrachney easement approach.

If the proposed new fence lines cannot be constructed without earth disturbance, then alternative alignments along the toe of the valley wall should be used.

We note that the proposed boundary excludes the lower catchment of the east face of Mt Prospect, including Burnt Bush Hut. We submit that the boundary in this vicinity be amended as depicted on our photo 1, so as to provide suitable camping areas in this valley. A side easement also needs to be provided from the main Dalrachney - Ben Avon easement up the bank of this stream if a marginal strip is not provided. Whilst three side easements are proposed to the eastern boundary of the Back Block, there is no such provision to Mt Prospect up the southern boundary. As this route provides the main access to the upper Dingle, there is a pressing need for formal public access. This locality is a full day's walk from the Lindis Pass and there also needs to be provision for suitable overnight camping areas. The officially proposed boundaries are all around faces or up spurs, with no obvious sheltered, level sites with access to water. The vicinity of Burnt Bush Hut would provide camping sites. Section 24(c) CPLA requires the securing of public access to *and enjoyment* of reviewable land. The absence of provision for suitable camping sites from land to be retained in Crown ownership, in a remote area, with no alternative provision, would be a failure to fulfil the second requirement of s24 (c).

Dromedary Block

In addition to the area now proposed for reservation around and north of Dromedary Hill, the DOC *Conservation Resources Report* recommended a linkage to the Back Block through Pavilion Peak. This consists mainly of south-facing slopes that are considerably less modified than their northern, sunny counterparts. DOC stated that these slopes contained "significant inherent values". The drafting instructions of 20 March 2000 for the Preliminary Proposal contained the same recommendations. Such a linkage, in addition to providing the best assurance of ecologically sustainable management, as required by section 24, would have provided continuous public access along the tops from Longslip Creek to the Dingle. This ridge is highly suitable for summer and winter tramping, also with potential for ski traverses.

Inexplicably, despite these values having not evaporated overnight, these slopes are now proposed for freeholding, with no assurance that the primary requirement under the CPLA of ecologically sustainable management being fulfilled. It is difficult to see how pastoral farming over steep, cold faces and screes up to 1600m asl. can continue without jeopardising ecologically sustainable management (photo 3). These slopes are all Land Use Capability Class VII, with severe limitations to pastoral production and exhibit moderate to severe sheet and scree erosion (note: these are

categorisations of inherent values, being reflections of altitude, aspect, poor or non-existent soils - not to be dismissed from consideration because someone simplistically labels these as 'soil and water' matters which are not expressly cited in section 24 CPLA).

All credible scientific evidence, as submitted for instance by Forest and Bird on Glen Nevis, would strongly refute the wisdom of the current official proposals. Contrary evidence, for instance by the lessee, has to be dismissed in light of the failure of his grand experiment in low country farming techniques (with falling stock numbers and production) over the Longslip high country. What we submit is not 'new information' but nevertheless demands reappraisal of this aspect of the Longslip Preliminary Proposal, notwithstanding arbitrary 'standards' for assessing public submissions; standards we suggest that are contrary to the objects and purposes of the CPLA. It is the latter that the CCL must give primacy to in his decision-making.

In the absence of the public land linkage we recommend, there must be a public access linkage E-W along the Pavilion Peak ridge to connect onto the Lindis - Avon Burn easement. The summary of the Preliminary Proposal describes this as "a potential link". We don't want potential, we want reality. Now is the only time to negotiate for that reality. This would provide better recreational utilisation of the Dromedary block, round trips north or south, and connection to the central Back Block at Mt Melina. Our proposals are consistent with section 24 (c) "the securing of public access to and enjoyment of reviewable land" subject to ecologically sustainable management s. 24 (a), whereas farming is not.

Halls totara area

We welcome the reservation of this area in Longslip creek. We note the provision of a short side easement from the State Highway to Dromedary Hill easement. This is the only short walk provision in the Preliminary Proposals, and with signposting, could become popular.

Ahuriri River Conservation Area

There is already a fixed-position marginal strip along the banks of the Ahuriri, however additional reservation back to the toe of the terraces will provide more assured public access and recreational opportunities. This additional reservation should mean that, despite erosion of the river margins and strips, public access would be able to continue along the riverbank north of the Avon Burn confluence.

Rest area required

As submitted on the Dalrachney Preliminary Proposal, the existing roadside rest area near the Dalrachney homestead appears to part of Longslip Station. This is extremely popular and provides the only stopping area between Omarama and the Lindis Pass. It is essential that this be retained in public ownership. We recommend transferring it to Transit NZ and designating it road or recreation reserve.

Terms of public access easements

We welcome the provision for horse, as well as foot and cycle access and that access is to be "at any time".

Public notification required

We note mechanisms for resolving disputes between the Transferor and the Transferee, but there is no provision for public notification or objection to any changes to the terms of the easement. We welcome the easement being pursuant to section 7(2) Conservation Act, which should require section 49 public notice procedures if any disposition of the Crown's interest in the easement is proposed. However there is too much scope for official discretion as to whether or not a change that may be detrimental to public access is deemed to be a disposition. Given that "any member of the public" is included within the definition of 'Transferee', but excluded from any settlement of disputes, we think it only proper that there be an express requirement for s49 Conservation Act procedures whenever any change, or extinguishment, to the terms of public easements are proposed.

Exclusion of schedules

We note an express exclusion of the rights and powers contained in the Ninth Schedule of the Property Law Act, but not of those in section 126G which enable modification or extinguishment of easements through the Courts, without public process. We submit that section 126G of the Property Law Act be expressly excluded from the terms of the public access easement.

Temporary closures

We are concerned about the 'temporary suspension' provisions of the draft easement document. This states the—

"The Transferee may close all or part of the Easement Area and suspend public access to it under section 7 Conservation Act 1987 if reasons of public safety or emergency require closure, or otherwise in accordance with the provisions of section 13 of the Conservation Act 1987".

Section 7 Conservation Act is entitled 'land may be acquired and held for conservation purposes', and contains no powers of closure.

Section 13 Conservation Act only applies to conservation areas. The easement area will be private freehold. If there are genuine reasons for closure of the conservation area, that is where closures should apply. Notifying closure of the conservation area at the commencement of the easement is acceptable, however the easement itself cannot be closed under the Conservation Act.

There is no statutory authority cited for closure for public safety or emergency. Emergency powers should be exercised either by the Police or Rural Fire controlling authority for genuine emergencies only. In view of DOC's partiality towards tourism and other commercial interests at the expense of public recreation, we do not trust the department with powers of considerable discretion and vagueness such as "public safety". Such powers are contrary to public rights of access and recreation over conservation areas and could easily be subject to misuse. DOC's powers over Easement Areas should be no greater than over the land the easements are appurtenant to. If there are no express

authorities under the Conservation Act for closure of conservation areas for "public safety" reasons, we submit that there should be no such provisions over this easement.

The Transferor's obligation to keep the easement area clear of obstructions should contain an express prohibition on locked gates which would prohibit horse passage.

Insecurity of public access

We note that in official papers supplied to us the lessee raised concerns about OSH and ACC liabilities in regard to easements over freehold. This is a generic issue that has not been dealt with in this or any other tenure review involving public access easements. The CCL's failure to deal with these issues potentially undermines all easement provisions arising from tenure review. There is no assurance, despite the express terms of these easements, that the public right to pass and repass at all times will prevail over land holder taking actions to remove liabilities that may arise from formally agreeing to members of the public on their freehold. The holder's only solution may be to bar public passage, notwithstanding the terms of this or other easements in favour of the public.

For this, and other well documented reasons of lack of security and certainty of public access, PANZ submits that public access provision, outside of areas returned to Crown ownership under DOC administration, be by dedication of public paths rather than the creation of public easements. Such paths would be public rather than private property, and unable to be deemed places of work or employment for the purposes of OSH or ACC.

Refer to the PANZ submission on Double Hill for detail as to requirements for dedication of public road/paths. Note that dedication can be for specified classes of user, e.g. foot, foot and cycle, foot and cycle and horse, or all of these and motor vehicles. There is no requirement to create roads or paths for vehicles. There is also no necessity for survey action, although as this was contemplated for the easements, it might as well be done for substitute 'paths'.

The insecurity of easements over freehold amount to a failure in "the securing of public access to and enjoyment of reviewable land" as required by section 24 (c) CPLA.

Marginal strips

We are most disappointed that yet again, marginal strips are officially off-limits during tenure review. This is a ludicrous situation that is unsustainable. The official information supplied to us records past failure to establish marginal strips on lease renewal, uncertainty as to what exists now, and what will be provided on disposition of this Crown land as freehold. How these matters are inseparable from tenure review is indicated by the assurance (which technically the CCL has prohibited his agents from giving) that "public access [to the Ahuriri River] will be available via a marginal strip on [along the banks of] Longslip Creek" (*Summary of Preliminary Proposal*, pg. 6). This was necessary explanation for the lack of public provision on the nearby DOC management easement m-n. If such a strip were not created it would be necessary to also provide for public access over m-n. Given past official failings in regard to marginal strips, there is no assurance that this, and other strips, will be created as a consequence of tenure review.

We would like assurance that marginal strips, 20 metres wide, will be provided along the Avon Burn, Longslip Creek, and the Lindis River and information as to the extent of anticipated coverage.

We would also like existing s24 (3) marginal strips along the Ahuriri River exchanged for movable strips as part of this tenure review, in the manner outlined in our Ben Avon submission.

Yours faithfully



Bruce Mason
Researcher and Co-spokesman

Appendices: 3 colour photographs

Public Access New Zealand is a charitable trust formed in 1992. Objects are the preservation and improvement of public access to public lands, waters, and the countryside, through retention in public ownership of resources of value for recreation. PANZ is supported by a diverse range of land, freshwater, marine, and conservation groups and individuals.

PANZ is committed to resist private predation of the public estate.

Longship Tenure Review
East face Mt Prospect

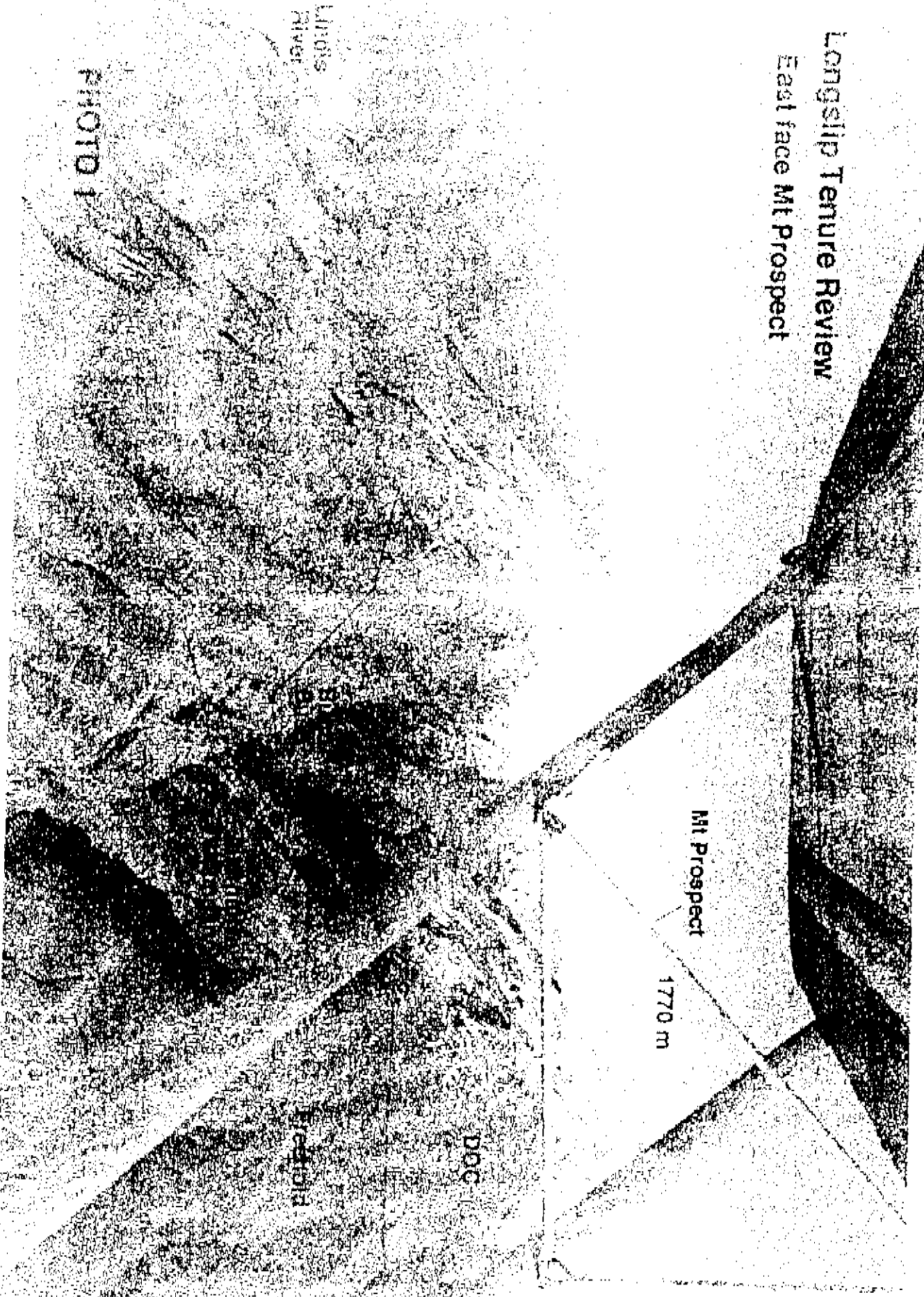


PHOTO 1

Linnis
River

Mt Prospect

1770 m

DOC

Linnis

Longship Tenure Review
East Face Mt Prospect
from hill 1085 m

Mt Prospect

Lipids Ridge

Prehorn

PHOTO 2

