



Crown Pastoral Land Tenure Review

Lease name : Otamatapaio

Lease number : Po 343

Public submissions

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

August 03

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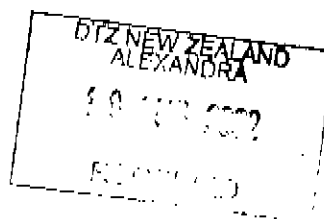


FOREST
& BIRD

ROYAL FOREST AND
BIRD PROTECTION
SOCIETY OF
NEW ZEALAND INC

16 August 2002

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SUBMISSION ON PRELIMINARY TENURE REVIEW PROPOSAL FOR OTAMATAPAIO, LAKE BENMORE, UPPER WAITAKI VALLEY

1. INTRODUCTION

The Royal Forest and Bird Protection Society (Forest and Bird) is New Zealand's oldest and most active voluntary conservation organisations. Formed in 1923 the Society has around 38,000 members in 56 branches around New Zealand. This evidence is on behalf of the Central Office. The Society's constitution requires it to:

"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."

"Protection of natural heritage includes indigenous forests, mountains, lakes, tussocklands, wetlands, coastline, marine areas, offshore islands and the plants and wildlife found in those areas."

The writer inspected the property in April 1995.

2. PRELIMINARY PROPOSAL

Forest and Bird understands Otamatapaio to comprise approx 7917 ha of pastoral lease land and the preliminary proposal to be:

1. The restoration to full Crown ownership and control as conservation land of:
 - a) 316 ha in the Glen Creek area to be designated as scenic reserve.
 - b) 2035 ha in the Range Block to be conservation area.
 - c) 4.8 ha on the shores of Lake Benmore to be recreation reserve.
2. The freeholding of 5561 ha of pastoral lease land.

3. SUMMARY OF CONCERNS

Changes required

Forest and Bird strongly opposes the preliminary proposal as failing to promote ecologically sustainable management and not adequately protecting inherent values. The proposal is contrary to section 24 of the Crown Pastoral Land Act 1998 (the Act or CPLA), in particular section 24(a)(i) and s24(b) because it proposes the freeholding of extensive areas of shrublands and tussock grassland with significant inherent values.

The proposal does not safeguard the public interest by allowing such a substantial area of Crown land to be freeholded and so little to be protected for conservation.

Forest and Bird is increasingly disturbed by the way in which Department of Conservation recommendations are being ignored and overridden by a desire to accommodate lessee's wishes to maximise the areas available for freeholding and farm development.

The parts of the proposal of concern where Forest and Bird believes changes are required are:

- 1) The proposal to freehold Section 5 and Section 11 Block II Gala Survey District on the shores of Lake Benmore instead of protecting them as recreation reserve.
- 2) The reduction in the proposed Glen Creek scenic reserve from the 520 ha area proposed by the Department of Conservation to the 316 ha area in the preliminary proposal and the exclusion of significant shrublands and tussock grassland.
- 3) The failure to protect extensive areas of tussock grassland between Mt Horrible and the Ewe Range and the Hawkdun Range in the Top Horbe, Middle I, Middle II and Lower Range blocks and the freeholding of lands above 1500 metres asl. DoC proposed that approx. 3300 ha be designated as conservation area. The area now being proposed for protection as conservation land is significantly less than this. It is even less than the 2635 ha of the Range Block and associated blocks which was supposed to be retired in the 1970s and for which the previous lessee received substantial grant funding.
- 4) The Commissioner's refusal to include Glenburn Swamp on freehold land as part of the tenure review.
- 5) The proposed freeholding of 18 ha of unoccupied Crown land on the floor of the Otamatapaio valley which has been fenced into the property and grazed without any rental agreement. This area on the banks of the Otamatapaio Valley has high natural character and recreational values and should become conservation land.
- 6) The absence of any covenant protecting the front faces of the property above Lake Benmore from subdivision and buildings.
- 7) The absence of any protection for uncommon totara forest on the southern faces of the tracked spur to the south of Mt Horrible.
- 8) The attempt to exclude public access from public legal road between the State Highway and the Otamatapaio homestead. The DoC report to Knight Frank (Conservation Resource Report) says "*Legal formed road extends from SH83 to the homestead, but the formed road beyond here is not a legal road.*"¹

Marginal strips

The Due Diligence report² notes that the Otamatapaio lease was renewed in 1992 and that the Chief Surveyor determined that an additional short section of marginal strip be created above the confluence of Alfred Creek and the Otamatapaio River. Map 1 attached to the Preliminary Proposal indicates that this appears to have been created.

The report also notes that no marginal strips were created on Glen Creek or Lake Benmore but gives no reasons why this did not occur.

¹ 1995? Department of Conservation to Knight Frank Ltd on Tenure Review of Otamatapaio Pastoral Lease.

² Due Diligence Report to the Commissioner of Crown lands Otamatapalo 22 November 1999.

Public Access New Zealand has raised concerns over DoC and the Commissioner's failure to lay off marginal strips, as section 24 of the Conservation Act requires, when Canterbury pastoral leases have been renewed.

While the marginal strips do not take effect until the freehold is transferred to the current lessee, identifying and mapping them on the preliminary proposal would assist submitters. It would enable gaps in public access to or along waterways to be determined and additional easements sought if necessary. It would also provide a check to ensure marginal strips are established.

There is no point in DoC and the Commissioner preparing and using voluminous SOPs for tenure review if these do not ensure that s24 of the Conservation Act is implemented and marginal strips are laid off as an integral part of the tenure review process. The field inspection, legal checking and survey costs should be a legitimate part of tenure review.

Decision sought

Mark proposed marginal strips on the Preliminary Proposal maps.

4. DETAILED COMMENTS

4.1 Lakeside areas on Lake Benmore

The freeholding of Section 5 and Section 11 Block II Gala Survey District on the shores of Lake Benmore is opposed because it does not protect significant inherent values as the CPLA requires. Inherent values includes recreational values. Lake shore areas are highly valued for public access and recreation and the Ahuriri Arm of Lake Benmore is popular with boat users and campers. At the Early Warning meeting NGOs highlighted the importance of foreshore reserves on Lake Benmore and public access to and use of the lake shore. This appears to have been ignored. Lakeside lands are strategically important and should be protected in public ownership wherever possible.

The lessee's response to the preliminary proposal claims that these two sections are "important to the ongoing operations of the station"³ but no reasons or details are given to substantiate this. It is inappropriate that the lessee's desire to retain these areas possibly to benefit from windfall gains through future subdivision and onselling them is given precedence over the strategic importance of restoring lakeside areas with demonstrated recreational use and value to protective public ownership.

The Resource Management Act makes recognising and providing for the protection of lakes, rivers, wetlands and their margins a matter of national importance. Allowing continued grazing and farming or facilitating future subdivision of these areas would degrade their inherent values. Stock trample and browse riparian vegetation and cattle especially pollute waterways and foul the shoreline with their dung. Stock also spread weeds.

Freeholding and the associated fencing out of the public would prevent public access to the shoreline at section 11.

Section 5 and section 11 are separated from the rest of the property by State Highway 83. The grazing value of these areas is minimal given their small size relative to the rest of the property. They have a much higher value for recreation and for protection of the natural

³ Report on Consultation for a Revised Draft Preliminary Proposal and Drafting Instructions for a Revised Draft Preliminary Proposal, Report AT1053, 8 October 2001 at p 3.

character of the lake margins than they do for grazing and farm use. In other tenure reviews where lakeside land has been freeholded (eg Bendigo) subsequent subdivision and house construction has degraded the open spacious and natural character of the landscape.

Sailors Cutting is a popular summer camping area. With lakeside sections on Lakes Wanaka, Hawea and Queenstown increasingly become the preserve of the wealthy it is important to provide for the needs of future generations for low key, lakeside camping. Section 5 is adjacent to the existing camping area and is appropriate for future expansion of the camp site. It would also allow toilet and shower block facilities to be sited further from the lake shore with less risk of seepage contaminating the lake.

Decision sought

Include section 5 Block II Gala Survey District and Section 11 Block II Gala Survey District in land to be restored to full Crown ownership as conservation land. DoC may subsequently decide to vest some or all of these areas in the local authority.

4.2 Glen Creek –larger area deserves protection

Section 24 of the CPLA only allows land to be freeholded provided this promotes land management which is ecologically sustainable. The DoC Conservation Report clearly describes the Glen Creek catchment as having high inherent values because:

- It supports species and remnants of formerly more widespread shrublands which are now much reduced in extent in the Waitaki catchment and Mackenzie Basin. In much of the Basin these areas have been converted to short tussock or exotic pasture.
- The shrublands contain two threatened species *Hebe cupressoides* and a native broom *Carmichaella kirkii* and an uncommon stinging nettle *Urtica aspersa*. The DoC report noted that the area should be further surveyed for threatened plants and it is possible that threatened species may occur within the area proposed for freeholding.
- The area has significant landscape values because of the impressive bluffs, rock outcrops, gorgy country in the east branch below Mt Horrible scree slopes, rock slides and landforms and the relatively high degree of intactness.
- The area is an important part of the landscape when viewed from State Highway 83.

In addition:

- The Glen Creek contains snow tussock *Chionochloa spp.* Tall tussocks have been extensively destroyed and modified throughout the high country so that less than 10 % of the original extent of tall tussock remains. Given this loss any remaining area of tall tussock should be protected.

Indigenous shrubland habitats which were once much more widespread and common throughout much of the Mackenzie Basin. Since European settlement, burning and pastoral farming has eliminated or modified extensive areas of dry shrublands (Rogers et al 1999).

"Grey scrub" is a term broadly used to describe these dry shrublands. They often include matagouri, small-leaved coprosma species, porcupine shrub, mountain wineberry, *Corokia* and vines etc. They can include a diversity of dry forest, scrub and shrubland.

Shrublands on lower slopes are ecologically important. They often form thickets joining the valley floors, and around bluffs and screes/talus. As such they are very important habitat, ecotones and faunal habitat, plus they offer hope for successional expansion and development of taller woody vegetation.

Table 1 below shows the original area, current area and percentage of a range of pre-human woody biomes (ie naturally occurring community of flora and fauna adapted to the particular conditions in which they occur) that are protected on conservation land in Central Otago (Walker et al 2002). The table highlights the very small extent of low altitude shrubland communities which are protected. No similar table is available for the Mackenzie Basin but the situation is likely to be similar, given that a recent study in the Basin shows that foothill and basin topography is under-represented on public conservation land.

Table 1. Woody biomes protected in conservation lands in Central Otago (from Walker et al 2002).

| Biome | Original area (km ²) | Current area (km ²) | Percent protected |
|--|----------------------------------|---------------------------------|-------------------|
| I: Kanuka-kowhai | 739 | 15 | 2.1% |
| II: Kowhai-kanuka savanna | 1011 | 3 | 0.3 |
| III: Kowhai savanna | 827 | 12 | 1.5 |
| IV: Kanuka-kowhai-Hall's totara | 1390 | 26 | 1.9 |
| V: Kowhai-Hall's totara | 722 | 8 | 1.1 |
| VI: Kowhai-beech-lancewood | 948 | 7 | 0.7 |
| VII: Beech-Hall's totara-snow totara | 2612 | 115 | 4.4 |
| VIII: Snow totara-mountain toatoa | 1148 | 71 | 6.2 |
| IX: Bog pine-snow totara-mountain toatoa | 1356 | 279 | 20.6 |
| X: Alpine heaths | 977 | 205 | 21.0 |

Dryland shrub communities contain many threatened plants. Rogers and Walker (2002) indicate that 28% of New Zealand's threatened plants are found in the ecosystem types of inland "cliff and talus", "braided riverbed, stony river terrace and fan" and "seral shrubland/scrub". These categories collectively account for nearly all dry shrubland in New Zealand.

Norton (2000a) noted in 1999, that 26% of threatened vascular plants are shrubs, with many having an eastern distribution in the lower rainfall areas of the South and southern North Islands. He noted that several threatened species appear to face similar threats of habitat loss, competition from invasive plants and predation.

While burning is less widespread now, burning still focuses on shrubland areas. Many habitats have lost the forest or scrub that regulated their external processes and internal functioning e.g. limestone cliffs, braided riverbeds, colluvial fans, ephemeral wetlands and lakes. Where burning does not occur semi-arid woodlands can spread e.g. the spread of kanuka at Bendigo since World War II.

Continued grazing of the shrublands and tussocklands does not promote ecologically sustainable management because of the deterioration which will occur in indigenous vegetation condition. Further farm development, as sought by the lessee, will see native species replaced by exotic. Given the presence of species threatened with extinction, the under representation of shrublands on the conservation estate, and their extensive depletion in the Mackenzie Basin and Otago, all of the area recommended by DoC should be protected.

The postage stamp scenic reserve proposed is insufficiently buffered and vulnerable to fragmentation, edge effects. It risks becoming an island of naturalness in a sea of highly modified farmland and degraded tussockland if current farming practices and grazing patterns continue. It would create a more viable area and better promote ecologically sustainable management if the reserve was connected to proposed conservation land on the Hawkdun Range. It would also create a continuous and more practical management area.

The report on consultation with the lessee suggests that the proposed 650 ha Glen Creek Reserve was halved in size because the holders believed that the proposed boundaries included "areas of significance for ongoing farm development."⁴ This is not a relevant matter for the Commissioner to take into account in terms of section 24, particularly where it is inconsistent with the protection of significant inherent values and ecologically sustainable management.

Decision sought

Increase the area of the Glen Creek catchment to be protected to include all 650 ha in the Glen Creek catchment recommended for protection by DoC and marked on Map 1 attached.

4.3 Hawkdun Range and leading spur from Ewe Range to Mt Horrible.

The draft preliminary proposal report notes that some 2030 ha nearly half of the 4390 ha originally proposed for freeholding⁵ (subsequently increased to 5561 ha) was fescue and snow tussock grassland which had not been developed by aerial oversowing and topdressing.⁶ Map 2 attached marks the approximate extent of over sowing and top dressing evident during a 1995 field inspection. This is confined to lower altitude areas.

Given the extensive loss tussock grasslands, particularly tall tussock grassland, all areas of predominantly indigenous vegetation have significant inherent values which deserve recognition and protection under the CPLA. LINZ and the Commissioner also have responsibilities under the New Zealand Biodiversity Strategy to halt the decline in indigenous biodiversity. This extensive area of indigenous vegetation proposed for freeholding and continued degradation by grazing does not do this.

A 1995 field inspection by Forest and Bird showed significant deterioration in vegetation condition with more extensive areas of bare ground between tussock plants on the Ewe Range tablelands and spur to Mt Horrible on Otamatapaio compared with the neighbouring Omarama pastoral lease. Grazing pressure appeared to be much heavier with seed heads being browsed, compromising tussock regeneration.

The tablelands of the leading spur from the Ewe Range to Mt Horrible on the property's north western boundary have high recreational values. The terrain is ideal for walking, cross country skiing and mountain biking. The area provides spectacular views in both directions of both Canterbury and Otago and the landform is dramatic. There is a mosaic of small cushion bogs and wetlands. Continued grazing and trampling will degrade these areas.

⁴ Ibid at p 3.

⁵ Recommendation for Draft Preliminary Proposal Incorporating Drafting Instructions. Submission No AT0087 6 June 2000

⁶ Ibid at p 5 "Approximately 2200 ha of this land has been developed by aerial oversowing and topdressing with a further 160 ha being in developed pasture (approximately half of which is irrigated) the remainder of the area is fescue and snowtussock grassland which is capable of sustaining continued pastoral use."

On the upper slopes, north facing slopes of Mt Horrible stock camps have reduced vegetation to cushion plants, mosses and scab weeds around the trig. In 1995 tussocks were heavily browsed down to stumps. Once dense snow tussocks were being replaced with a short tussock sward with up to 30-40 % bare ground around the trig area. Continued grazing at these stocking rates is not sustainable. The area should be retired and tussock cover allowed to regenerate.

Freeholding and continued grazing would also compromise the recreational experience for those walking the track and using the easement between the Glen Creek scenic reserve and the proposed conservation area.

The DoC Conservation Report identifies a 2,550 ha area for protection and lists 17 reasons why the area deserves protection on ecological, landscape and recreational grounds. See Appendix 1 attached. These significant inherent values appear to have been ignored with the agent's desire to accommodate the lessee's wish to maximise the area available for continued grazing.

Lands identified for retirement under previous surrender agreements should be protected not freeholded

A longstanding agreement with the former lessee Mr Wardell to retire the 2675 ha Range Block and surrender it from the pastoral leases was never implemented largely because of the lessee's resistance. Nor was under a Land Improvement Agreement (1981) with the former Waitaki Catchment Commission which also sought to retire this area. This is despite the lessee receiving substantial grant funding for soil conservation and related works. The Commissioner has indicated that actual implementation of these agreements is not his concern. That may be.

Given that previous agencies and the Canterbury Regional Council have over many years have clearly indicated the desirability of destocking and retiring the Range Block to protect vegetation and soil and water conservation values it does not promote ecologically sustainable management for the Commissioner to allow any of these lands to be freeholded as the preliminary proposal allows. That would be contrary to technical advice. Sustainable management involves protecting indigenous vegetation and tussock cover for and avoiding erosion. The current proposal fails to recognise the superior water holding capacity of tussock grasslands and their benefits in trapping fog and slowing run-off.

Decision sought

As a minimum, all 2,675 ha in the Range Block identified by previous agencies for surrender should be retired and restored to full Crown ownership and protective management by DoC. This area is assumed to comprise all of the land in the Range Block described as "Not useable above LRB - land retirement boundary" on Map 3 attached.

Protect the upper catchments of Alfred's Creek and significantly more of the high altitude snow tussock and silver and fescue tussock communities by redrawing the boundaries as outlined on Map 4 attached and transferring this land to DoC.

4.4 Glenburn Swamp

The Department of Conservation identified Glenburn Swamp at the head of Lake Benmore as a key habitat for marsh crane and brown bittern and noted that wetlands of this size are uncommon and rare in the South Island high country, not just the Mackenzie

Basin or Waitaki catchment. DoC identified a 150 ha of freehold land as deserving protection. It is extremely disappointing that the Commissioner vetoed this being included in tenure review. At least 90 % of freshwater wetlands have been destroyed. Wetlands are under represented on conservation lands and are a priority habitat for protection. The Commissioner should make every effort in tenure review to ensure their protection.

The wetland was also identified for protection by the former Wildlife Service. Stock access and grazing on its margins will lead to desiccation and degradation.

Decision sought

Approach the holder and the Nature Heritage Fund and seek the inclusion of Glenburn Swamp in the proposal or its purchase by the Nature Heritage Fund.

4.5 18 ha of UCL close to Otamatapaio River

The current and former lessee have derived financial and other benefits from fencing and using 18 ha of unoccupied Crown land close to the river without any rental or other legal agreement with the Crown since the late 1970s.

There is no legal or other basis for freeholding this area. This land close to the river contributes significantly to the natural character and landscape values of the river. Destocking is likely to have significant benefits for riparian vegetation, water quality and the health of the river system.

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Decision sought

Restore this 18 ha along the Otamatapaio River to full Crown ownership and management by the Department of Conservation.

4.6 Front faces

Land with views of the lake is likely to be highly desirable for subdivision for holiday homes. Buildings, tracking and the fragmentation of the front faces of the property would be a major disruption of the landscape values of the area. It would also create ribbon development which is not sustainable because of the poor quality of sewage and greywater treatment in small subdivisions. Such subdivision would introduce an urban built element into an open rural landscape.

The land is currently valued in terms of its capacity for pastoral farming. The Crown has taken no account of subdivision potential. It is inappropriate for the Crown to allow the tenure review process to be used to facilitate windfall profits for lessees. This is occurring through the Crown allowing lessee to acquire the freehold for minimal cost on the basis of the land's value for pastoral farming values and then subdividing and onselling this at considerable profit as has happened on Closeburn Station near Queenstown.

Exotic forestry would also affect the naturalness of the lakeside landscape and introduce a disruptive exotic element.

Decision sought

Make the freeholding subject to a sustainable management covenant under section 97 CPLA which prohibits exotic afforestation and subdivision and the construction of any non farm buildings on the front faces between knob 740 and State Highway 83 as parked on Map 4 attached.

4.7 Covenant on totara forest and river bluff shrublands needed

The totara communities on the true right of the Otamatapaio River in the middle of the property are remnants of once widespread woodlands. They are uncommon in the ecological district and are an obvious and distinctive landscape feature because of the absence of trees in the valley. Freeholding this area without a covenant would not protect significant inherent values as the CPLA requires.

The totara forest and shrublands deserve protection preferably by being restored to protective management by DoC. As a minimum they should be protected by a conservation covenant. The absence of any protection to date has resulted in a road being bulldozed relatively recently through the middle of the larger community. Without legal protection they may be cleared, sprayed or destroyed by farm development. Both communities should be fenced to allow regeneration to occur unhindered by browsing stock.

The talus and rock slopes in the area contribute to the area's landscape values.

The area is small and its grazing values are minimal. No substantive reasons are given as to why the area has not been protected.

Decision sought

Fence and protection two communities of totara and river bluff shrublands and a connecting area as identified by DoC in its conservation report on Map 1. The connecting area is needed so that it is a viable system long term and regeneration can occur.

E M Sage

Eugenie Sage
Regional field officer
For Conservation Manager

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Attachments

Appendix 1 Hawkdun Range and Mount Horrible - Extract from Department of Conservation Report (1995?) on values and recommended areas for protection.

Map 1 Otamatapaio recommendations, Department of Conservation.

Map 2 Approximate extent of oversowing and topdressing (1995)

Map 3 Grazing blocks with Land Retirement Boundary marked.

Map 4 Revised boundaries for conservation land and freehold land sought by Forest and Bird.

References

Norton DA 2000a. Conservation biology and private land: Shifting the focus. *Conservation Biology* 14:1221-1223.

Rogers G and Walker S (2002). Taxonomic and ecological profiles of rarity in the New Zealand vascular flora. *New Zealand Journal of Botany* 40: 73-93.

Rogers GM, Walker S and Lee WG (in prep). Tawhao rau-whaiti (narrow-leaved shrub) vegetation of dryland South Island, New Zealand: a cry to arms. Landcare Research, Dunedin.

Walker S, Lee WG and Rogers GM (2002). Woody biomes of Central Otago, New Zealand: the present, past and future distribution of woody vegetation and its relationship to the environment. Unpublished contract report. Landcare Research, Dunedin.

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Appendix One Extract from DOC
Conservation Resources Report

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- Mt Horrible and its slopes form part of the road corridor of SH83, and its protection will ensure the retention of its landscape values. The sparse snow tussock cover and rock outcrops create an impressive landscape.

Land Status Sought:

- A status of conservation area is proposed

Management/Boundary Notes:

- The proposed area's eastern boundary will need to be fenced to prevent stock grazing. This should link with the existing farm fence.
- Consideration should be given to changing the land tenure of the remainder of the ecological area (i.e. the remainder of the Hawkdun Range). A fenced boundary on the western side may be needed to prevent stock access from adjoining properties, though snow damage could be a problem. Promoting tenure review of the adjacent property may be the best option.
- For the Mt Horrible area, rabbit control is crucial for improving its conservation values, fire must be avoided at all costs, and permanent vegetation monitoring is needed to assess vegetation recovery.

3. Totara Communities and River Bluff Shrublands

Approximate Area:

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Vegetation:

There are two totara communities in the middle of the property. The largest of these occurs on talus slopes which have been bisected by a recently formed track. Approximately 70 individuals were counted, the largest being up to 10m high and about 0.75m dbh. Apart from totara, other plants typical of this community include *Coprosma* species, *Olearia odorata*, Porcupine shrub, sweet brier, matagouri and *Muehlenbeckia complexa*.

The smaller area of totara is surrounded by very modified narrow-leaved snow tussock and survives on a small bluff and apron of talus. Approximately 20 individuals were recorded, the tallest being 5-6m high. Associated scrub includes matagouri (3m), *Coprosma propinqua*, *C. cheesmanii*, mountain wineberry, *Carmichaelia petriei*, porcupine shrub, *Hebe traversii* and *H. subalpina*, *Olearia nummularifolia*, sweet brier, bush lawyer and *Muehlenbeckia complexa*.

Regeneration is occurring at both sites.

A prominent bluff adjoins the main totara community and overlooks the Otamatapaio River. An extensive talus apron lies at its base. Prominent species associated with the bluff include Matagouri, porcupine shrub, narrow-leaved snow tussock, *Helichrysum selago*, *Coprosma* sp, *Muehlenbeckia complexa*, *Anisotome haastii*, bush lawyer, blue tussock (*Poa colensoi*), *Hebe* sp, *Pimelea traversii*, Coral broom, *Clematis marata* and sweet brier.

- The higher altitude area could provide opportunities for tramping, and mountain biking on a farm track. At lower altitudes, easier walking and passive pursuits (picnicking, photography) could be undertaken.
- Using catchment boundaries, community diversity is increased by including silver tussock grassland and snow tussockland. While the silver tussock is very modified, at higher altitudes, the snow tussock is of moderate naturalness.

Land Status Sought:

- The catchment of Glen Creek should be retained in public ownership as a Scenic Reserve

Management/Boundary Notes:

- Additional fencing would be required to fully retire the area from grazing
- Rabbit control would also need to be undertaken
- The area should be further surveyed for threatened plants and monitoring of populations undertaken.

2. Hawkdun Range and Mount Horrible

Approx area 2550 ha

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Vegetation:

This area contains diverse alpine communities, including complete altitudinal sequences of tall tussockland in good condition, and the only substantial areas of slim leaved snow tussock on the property. Induced cushion communities contain a diversity of native species such as *Kelleria dieffenbachii*, *Dracophyllum muscoides* and *Raoulia youngii*. Associated with the rock outcrops along the summit and subsidiary ridges are communities containing native grasses and herbs, such as *Poa b Buchananii*, *Hebe epacridea* and *Agrostis subulata*. Wetland communities associated with creek banks and tarn edges have a high species diversity. Prominent plants include *Abrotanella caespitosa*, bog gentian (*Gentiana amabilis*), comb sedge (*Oreobolus pectinatus*), mosses, *Caltha obtusa* and sedges.

Shrubs are also found in this area. Within the Lone Totara RAP, lowland totara, mountain celery pine, and ferns are found. Mid altitude and lower slopes have a near continuous cover of narrow-leaved snow tussock.

At the head of the Otamatapaio Valley, snow tussock extends across the valley floor.

The narrow-leaved snow tussock communities around Mt Horrible are rather depleted with tussock cover varying from 10-40%. Much of the snow tussock has been replaced by hard tussock (*Festuca novae-zelandiae*) and alpine fescue (*F. mathewsii*). *Hieracium pilosella* varies from less than 5% cover to 30% and *Hieracium praealtum* 5 - 25%. Other

prominent species include golden Spaniard (*Aciphylla aurea*), catsear (*Hypochoeris radicata*), *Leucopogon fraseri* (a dwarf heath), sheep sorrel, *Poa lindsayi* and *Raoulia subsericea*.

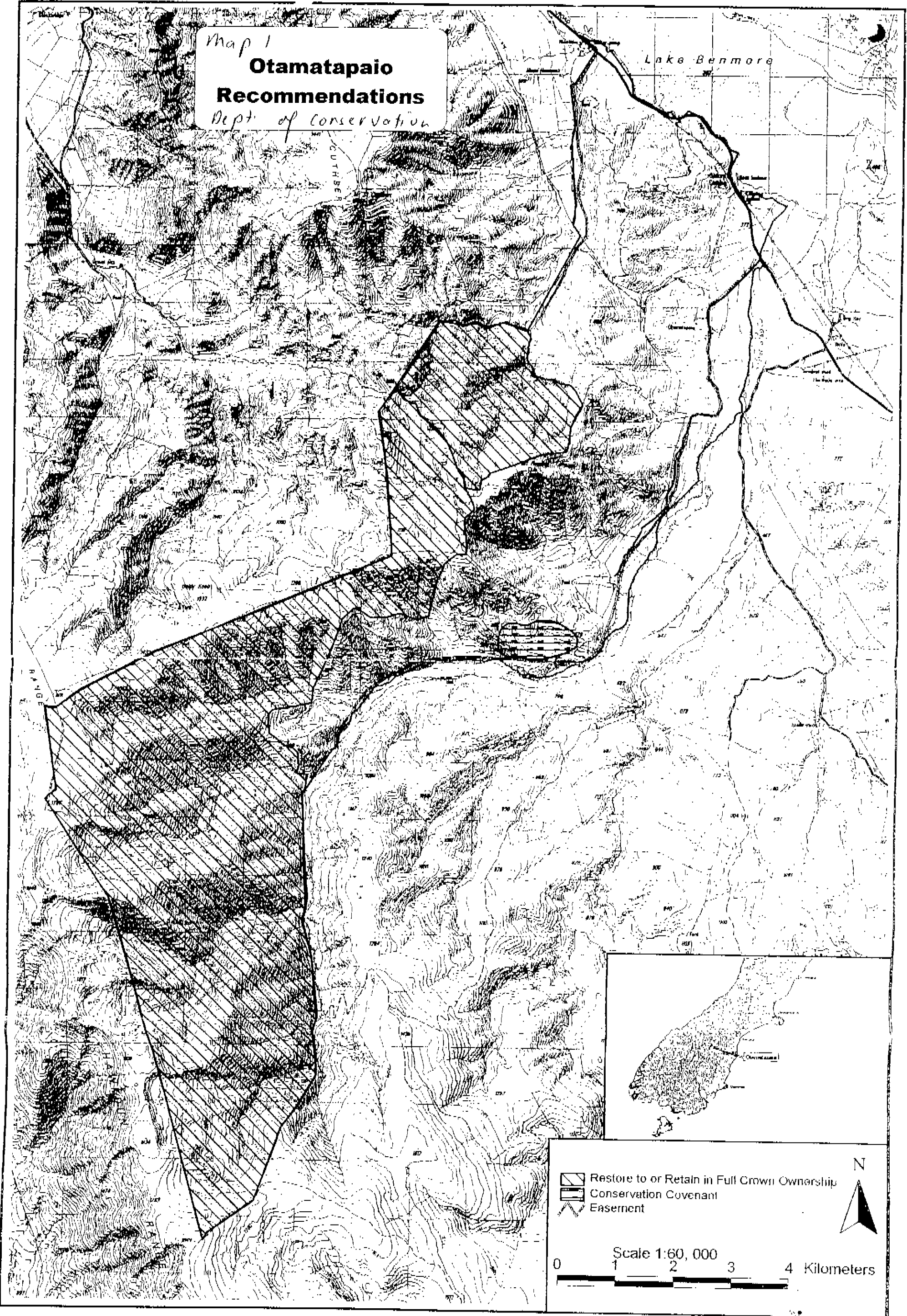
Rationale for Selection:




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- The eastern valleys, cirque basins and summit of the Hawkdun Range support a diversity of subalpine and alpine communities of moderate to high naturalness.
- The slim-leaved snow tussocklands on upper slopes, ridges and in basins are of medium to high naturalness and are representative of vegetation that was formerly much more widespread; the cessation of grazing should slow or stop the degradation of these communities.
- Relatively specialised communities are associated with blocky fellfields and bluff outcrops, typically characterised by indigenous species. They are arguably the most natural communities on the Hawkdun Range and are in excellent condition, being largely protected from grazing and earlier fires.
- A complete cover of snow tussock to and across the valley floor of the Otamatapaio is a special feature which is rather uncommon in Canterbury.
- The large size of the proposed area, together with the rest of the summit area not within this pastoral lease, and the adjacent proposed conservation land, would make a large, viable protected area and provide for buffering and ecosystem processes to continue. It also forms a continuous and practical management area.
- Recreationally the area is important for remote high country experiences. Vehicle access is proposed up the Otamatapaio River to the first river crossing and foot/mountainbike access further up the valley and along the northernmost spur adjoining the property boundary. Beyond the first river crossing, vehicle access would be by permission of the runholder. If vehicle access is not agreed to the river crossing, it will be promoted through use of the paper road east of the Otamatapaio River.
- Represents a transition between Otago and Canterbury with excellent views in both directions.
- Includes a substantial part of the Hawkdun Range which is a distinctive feature of the area.
- The sequence of four well-defined cirque basins to valley floor systems is spectacular
- It is a very dramatic landscape of huge scale, continuity and repeating systems.
- The degree of landform definition is highly expressive of formative processes.
- There is very little apparent human modification and a high degree of naturalness, resulting in a more remote landscape experience.
- Periglacial landforms and features are interesting and typically not well-developed in Canterbury, in comparison to Central Otago.
- While the vegetation of Mt Horrible is considerably modified, it has the potential to improve over time - in the absence of burning and grazing, the snow tussock should increase in stature and density as regeneration occurs.
- Mt Horrible links the important Glen Creek catchment (a proposed scenic reserve) with the Hawkdun Range.
- The area has potential for tramping, mountain biking and parapenting. 4WD access is proposed to the southern edge of the area, and beyond that foot and mountainbike access would be available.

Map 1
Otamatapaio
Recommendations
Dept. of Conservation

Lake Benmore



-  Restore to or Retain in Full Crown Ownership
-  Conservation Covenant
-  Easement

Scale 1:60,000
0 1 2 3 4 Kilometers

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Pastoral Lease Boundaries

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Otamatapaio

H39/H40

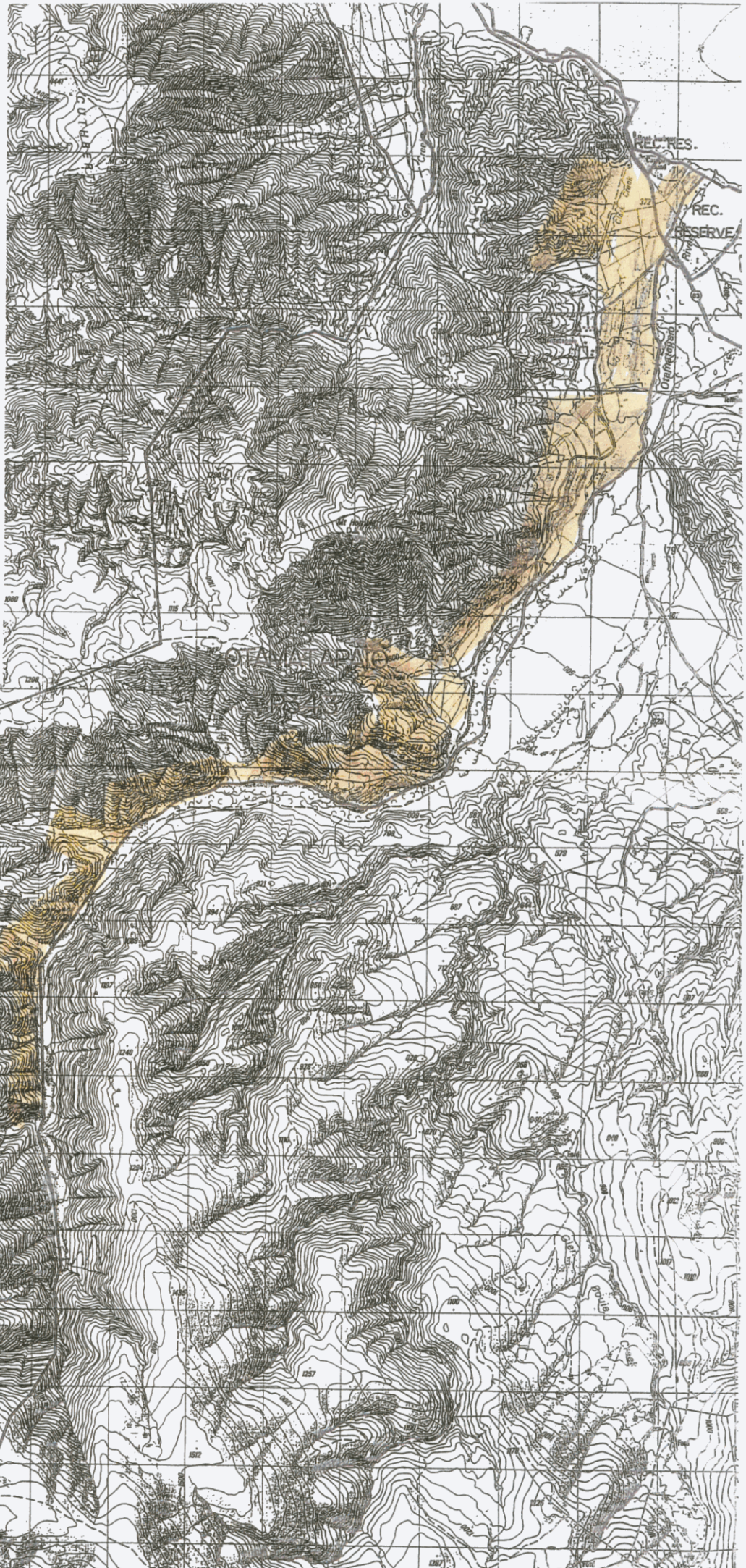
Map 2

 Oversown and
top dressed
& developed
pastures

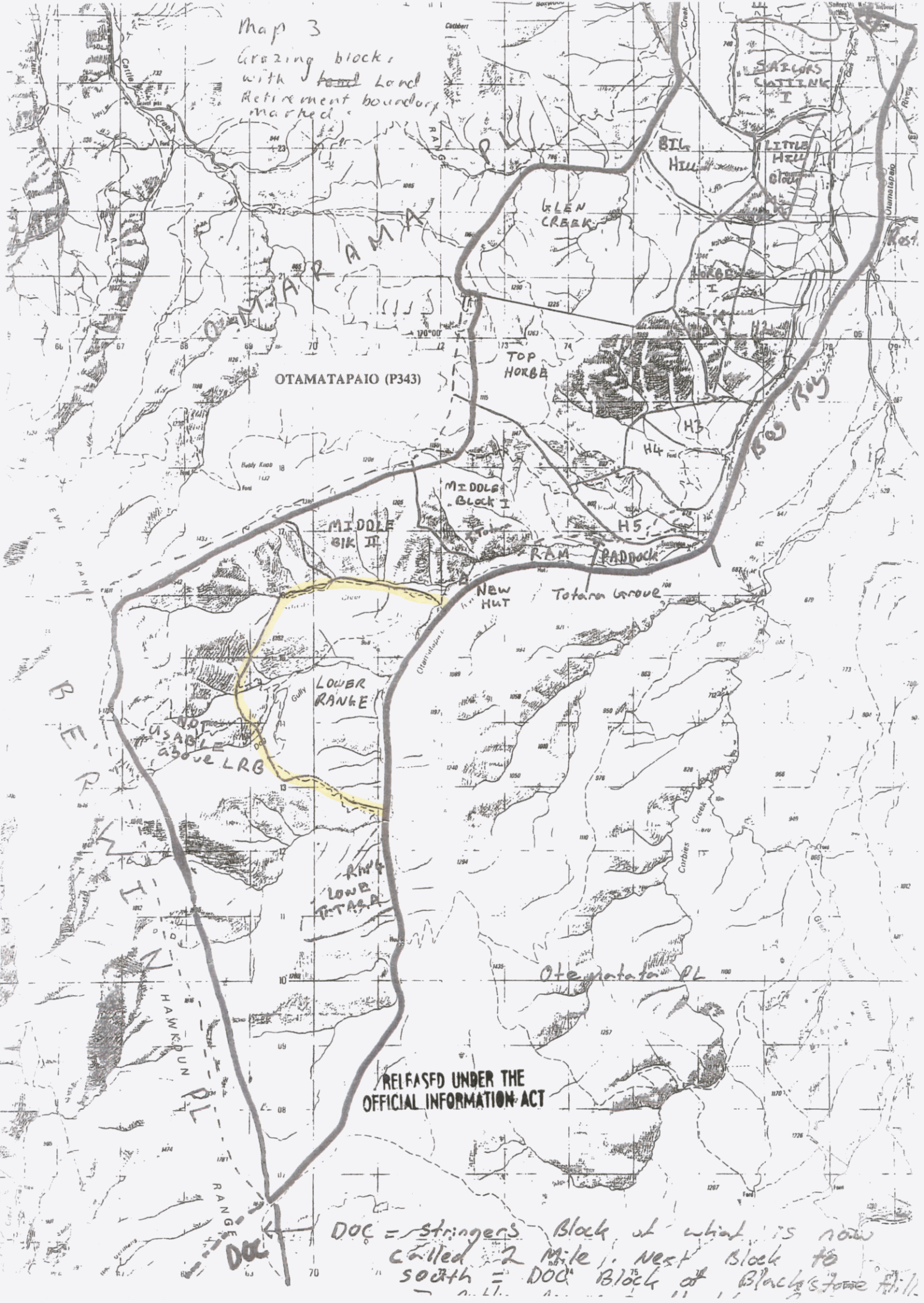
Key

—— Run boundary
- - - Freehold boundary

1 0 1 2 km



Map 3
 Grazing blocks
 with ~~land~~ Land
 Retirement boundary
 marked




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DOC = stringers Block at which is now
 called 2 mile. Next block to
 south = DOC Block at Blackstone Hill.


Revised
boundaries for
conservation
freehold land
Map 4.


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Otamatapaio

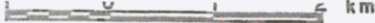
H39/H40

 Boundary
new fencing
required

 Lakeside areas to be
protected as conservation
land

 Covenant to protect
totara shrublands.

 Covenant with
prohibition on
subdivision non
farm buildings

 0 1 2 km



Ken Taylor

From: Bruce Mason [panz@es.co.nz]
Sent: Wednesday, August 28, 2002 1:55 PM
To: Ken Taylor
Subject: PANZ submissions - Obelisk Creek & Otamatapaio



Obelisk Ck PANZ
Submission



Obelisk Ck PANZ
Submission.pdf...



Otamatapalo PANZ
submiss.pdf



Otamatapalo PANZ
submission



ATT971B1.txt

Hi Ken

Attached as Word and pdf are the PANZ submissions on the Obelisk Creek and Otamatapaio tenure reviews. You should be able to open one or other formats.

Unfortunately to meet today's deadline, I am unable to include colour photos with the above submissions. If you are prepared to extend the deadlines I can forward such.

The submission on Stonehurst is going to be late - a continuing problem caused by your advertising too many reviews close together, with no allowance for season.

I note in LINZ's Land Information Update of May 2002 that DOC's 'outdoor surveys' "have to take place over the spring and summer months, October to March".

You may have noticed that it's actually winter out there - snow on the ground etc, including on Stonehurst. If LINZ is serious about the public participation process, perhaps you could persuade them to be more mindful of public needs, and not just DOC's.

Cheers

Bruce

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Public Access New Zealand

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28 August 2002

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

Submission on Otamatapaio Tenure Review Preliminary Proposal

Public Access New Zealand wishes to comment on the following aspects of the review-

- High country conservation area
- Unalienated Crown Land (UCL)
- Glen Creek Scenic Reserve
- Lakeshore recreation reserves
- Marginal strips
- Public access easements

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Proposed 'Range Block' Conservation Area

PANZ is most disappointed with the 2035ha area currently proposed for retention in Crown ownership, and the reasons officially advanced for the reduction in area from the 3300ha originally proposed by DOC. This conservation area was to extend from the crest of the Hawkdun Range to Mt Horrible.

We believe that, due to official evidence that this greater area contains significant inherent values deserving the protection of management either under the Conservation or Reserves Acts, to a degree far greater than its potential for ecologically sustainable farming, the reasoning for this reduction is flawed and therefore not in accordance with the objectives of Part 2 CPLA.

DOC's original proposal (*Conservation Resources Report*; proposed designations, Illustrative Map 5.2) included all the Range Block, most of the Lower Range Block, the upper halves of the Middle Blocks, and along the range crest to Mt Horrible. The case for this, in terms of meeting the criteria required by section 24 CPLA are well documented. DOC justified this reservation on the basis that there is "little apparent modification and a high degree of naturalness", DOC *Designations Report*, p3.

The only areas where we disagree with DOC's original recommendations are the steep southern faces of Mt Horrible. This was mapped by DOC as 'tall tussock' and due to its extremely steep, craggy nature, is inherently unsuitable for pastoral farming. Its prominence as an imposing landform should also have been taken into account in regard to the Crown's duty to make provision for the protection of landscape values. The latter is not reflected in the *Preliminary Proposal*.

DOC's original recommendations were in large part carried through into the *Draft Preliminary Proposal*.

"This is an extensive area of high altitude alpine land extending from Mt Horrible in the north to the crest of the Hawkdun Range in the south. This is a dry rugged semi-barren landscape and is particularly dramatic because of its huge scale, continuity and repeating land systems. Important natural features include the presence of *Chionochloa macra* tussock lands on the upper slopes which are representative of a type of vegetation which was formerly much more widely spread. There are also limited areas of shrublands containing species similar to that previously identified in the Glen Creek area".

Recommendations for Draft Preliminary Proposal.

"The dramatic landscape ... with a range of landscape features from the well-defined cirque basins in the upper altitudes to the tussock clad valley floor systems. This landscape includes periglacial features which are significant in this region".

Submission Draft Preliminary Proposal, p 5

The CCL's agent then recommended-

"This report generally supports the [DG Conservation] delegate's recommendation... An exception to this is noted in that it is proposed that an existing fenced block in the Alfred and Dog Gully area be freeholded... This area is largely oversown and topdressed and is currently fenced on a practical boundary".

Submission Draft Preliminary Proposal, p8

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In reference to the area now proposed for freeholding in Alfreds Creek, the agents considered practical fencelines as being the key determinant for boundaries between land designations. We agree with this approach, however we note the Agent's rejection of public submissions regarding fencelines in the Glen Nevis tenure view on a bureaucratic argument that 'fencing' is not expressly included in the objects of the CPLA. The Agent and the CCL cannot have it both ways.

We question the practicality of maintaining fencing at up to 1600m asl, as these slopes are heavily snow-bound during winter. The Agent's support for the currently proposed boundary claims to takes account of fencing considerations that they deemed important enough to colour their advice in the Alfreds Creek catchment at the *Draft Preliminary Proposal* stage. However the reality it that fencing at this high altitude cannot be kept stock proof without major maintenance every Spring to re-erect the fence after being flattened by the snow pack. Whereas the earlier recommended boundary, on existing fencelines, would not normally require such attention.

The object of fencing is not to erect steel and wire structures as works of art that serve no useful purpose, but to provide barriers to stock trespass onto adjoining land. There is no purpose to be served in attempting to protect significant inherent values by retaining areas in Crown ownership, when no practical means is provided for excluding the degradations of stock; i.e. matters of fencing along the boundaries of proposed designations are very relevant considerations for achieving the objects of the CPLA. Therefore our submission on these aspects must not be excluded from official consideration.

The new official position re the Range Block arose after consultation with the holder-

"It was recognised that the most significant inherent values lay in the area south of Alfreds Creek. ... The area removed from this designation was largely of mid altitude tussock grassland of importance to the farming operation. The particular values identified are adequately protected elsewhere on the property. A short length of new fencing is required to secure the proposed conservation area. The revised area for this designation is therefore supported". " (our emphasis).

Consultation Report, p5

"The area proposed for freeholding consists of a significant area of developed farmland plus other areas with considerable potential for development as farmland. While the upper levels are moderately high at an altitude of up to over 1500 metres. Most of the area is lower than this and the overall proposal provides an ecologically sustainable outcome" (our emphasis).

Consultation Report, pp. 8-9

This recent advice is seriously flawed and not in accordance with the requirements of the CPLA-

- The proposed freehold goes to over 1600m, not "up to over 1500 metres".
- There is no evidence presented that grazing can be "ecologically sustainable". Most credible scientific evidence would indicate otherwise.
- The upper Alfreds Creek catchment consists of a cirque basin with fragile periglacial features, flushes, and snowbank communities that cannot sustain stock presence. This is not "largely of mid altitude tussock grassland". Such a description appears deliberately misleading, given earlier more substantive descriptions of inherent values in the *Conservation Resources Report* and in the *Draft Preliminary Proposal*.

For example, in DOC's *Designations Report*-

"The sequence of four well-developed cirque basins to valley floor systems is spectacular", p14.

"This is a very dramatic landscape of huge scale, continuity and repeating systems.

"Periglacial landforms and features are interesting and typically not well-developed in Canterbury, in comparison to Central Otago", p14

"The slim-leaved snow-tussock grasslands on upper slopes, ridges and basins are of medium to high naturalness and are representative of vegetation that was formerly much more widespread; the cessation of grazing should slow or stop the degradation of these communities", p14.

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The converse of the latter statement is that continued grazing will cause further degradation - being completely contrary to the objects of the CPLA.

These are clearly very significant inherent values deserving the protection of Crown ownership. The presence of other similar values to the south as an excuse for freeholding and further degradation of these values in Alfreds Creek is not a valid consideration in terms of the requirements of s24 CPLA.

The *Due Diligence Report* discussed a *Land Improvement Agreement*, whereby all the Hawkdun tops, being the 2675 ha Range Block in its entirety, were to be retired and surrendered. However this was not implemented. The current official view is that surrender is unenforceable and a matter for the Regional Council rather than the CCL to pursue. We disagree. As Landcorp advised on 6 May 1988-

"Due to the large amount of public money involved there is clearly a large obligation for... resolution of the destocking/surrender issue on this property".

Also the Land Settlement Committee approved transfer of the lease to the Wardell family in 1978 subject to condition that they receive "a written undertaking ... to complete the retirement and surrender when required". This condition has not been complied with, despite the lease being transferred. The freeholding of the Alfreds Creek catchment right up to and including its cirque basin, as recommended in the *Preliminary Proposal*, presents a potential liability for the CCL, not only in terms of compliance with the objects of the CPLA but with the above unfulfilled surrender conditions.

We submit that all of the Range Block, the upper catchments of Dog Gully and Alfred Creek in the Lower Range Block, and part Middle II block be retained in full Crown ownership and control as depicted on the *Draft Illustrated Diagram* showing proposed designations in the *Draft Preliminary Proposal*.

None of this is 'new information' and therefore liable to be not accepted for consideration during analysis of this submission, on the specious reasoning that all official decisions to date have been made in full cognisance of information available and therefore in accordance with the objects of CPLA. However it is the legal validity of the CCL's decisions, in terms of their compliance with the Act, that must be the primary consideration. The matters we raise are relevant and must give rise to re-consideration of the boundaries for this proposed conservation area.

Non inclusion of adjoining UCL in tenure review

The *Due Diligence Report* identified 18ha of UCL in the bed of upper Otamatapaio River. This is fenced into Otamatapaio Station and with no tenancy over it.

This is in two parcels - above and below the Dog Gully confluence.

This matter was brought to the attention of the CCL in the *Submission on Draft Preliminary Proposal*.

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DoC recommended inclusion of this land in the review however the Agent's advice was-

"This is essentially riverbed and is unlikely to be available for disposal. Accordingly we do not recommend it be included in the review", *Report on Consultation*, p3.

Presumably on the basis of this advice, the CCL decided not to include this land in the review.

There is no reliable basis for assuming that because this is "essentially riverbed" that this area "is unlikely to be available for disposal". A major anomaly exists in law, in that unlike for adjoining marginal strips, there are no statutory prohibitions on disposal of riverbeds. Additionally, we are unaware of any Government policy that prohibits the disposal of riverbeds. Therefore the agent's advice to the CCL is ill founded. This area of UCL could easily have been included in the tenure review without any consequent delays to the review. The CCL's decision in this case is inconsistent with other decisions to include UCL in tenure reviews and should be reversed.

This land contains high inherent values (tall tussock grasslands in a valley floor) and should be added to the adjoining proposed conservation area.

We submit that the UCL be included in the review and added to the 'Range Block' Conservation Area.

Glen Creek Scenic Reserve

316 ha is currently proposed as scenic reserve, being the lower portion of the Glen Creek faces of Mt Horrible. Originally DOC and the *Draft Preliminary Proposal* proposed 520 ha, being all the northern faces of Mt Horrible to the summit.

"This area is recommended for return to full Crown ownership and control as it is a significant indigenous landscape and contains extensive and diverse shrubland..." (our emphasis).

Recommendations for Draft Preliminary Proposal.

There are two reasons for this scenic reserve - landscape: being "highly visible from the State Highway" with "tall tussock being relatively intact", and shrubland protection. It is a narrow focus on the latter is now being used to justify the reduced area.

This new position has been unduly influenced through consultation with the holder-

"...the holders believed that the proposed Glen Creek Scenic Reserve boundaries exceeded that necessary to protect the identified values. They believed that within the proposed boundaries were areas of significance for ongoing farm development.

Consultation Report, p3.

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"On 7 June 2001 Mike Clare and myself met with Ann Scanlan for a further ground inspection in relation to the proposed boundaries of the Glen Creek Scenic Reserve. This provided the opportunity for Ms Scanlan to clearly identify where she saw the boundary between significant inherent values or land more suited to farm development. General consensus was reached on the proposed boundaries during this meeting". *Consultation Report*, p4.

The Analysis of views of the holder stated:

"The revised boundaries as proposed by the holder incorporates the shrublands which were the most significant inherent values which led to the proposed designation. The reduced area does exclude some areas of tussock grassland, but these are represented elsewhere on the property. The converse of the protection of the significant inherent values relates to the economic use of the property and in this case the opportunity for farming outweighs the significance of the inherent values identified. The proposed reduced area is therefore supported" *Consultation Report*, p5.

Representation elsewhere of tussock grassland within proposed areas of Crown retention is not a valid reason for failing to protect the inherent values of these grasslands. The duties on the CCL under section 24 apply to all areas of significant inherent value. Economic use of the property is a relevant consideration only to the extent that this is ecologically sustainable. Continued development and intensified grazing can only destroy the tussock grasslands, with no assurance that this use can be sustained. It is sunny faces such as these that are particularly susceptible to degradation and loss of tall tussock, as evidenced by just about every other sunny face in this locality.

We take issue with the assertion that shrublands protection was the exclusive reason originally advanced for this scenic reserve. If it were for primarily botanical reasons, then scientific or nature reserve classifications would have been proposed rather than 'scenic'.

Section 19 of the Reserves Act sets out the applicable purpose of scenic reserves---(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as scenic reserves---

(a) "For the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the public, suitable areas possessing such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable in the public interest".

Landscape is a key consideration. The CCL is required to consider landscape as a natural resource, within the definition of inherent value, as applied to section 24(b) CPLA. The current proposal fails to do so. Because of the prominence of this catchment from the State Highway it was originally considered by DOC essential that the whole visual catchment be protected. The holder's stated intention of farm development over the area now excluded from the reserve, and associated fencing, is liable to introduce a highly discordant element into an otherwise natural setting. Dark, ~~tawny~~ tussock will be replaced by green pasture and/or depleted short tussock. This will be in marked contrast to the

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dark, craggy appearance of the scrub-covered reserve. The importance of landscape protection was stressed throughout the *Conservation Resources Report*. The currently confined area of reserve fails both the requirements of section 24 CPLA and the purposes of section 19 of the Reserves Act.

The confined area also fails to provide adequate "benefit, enjoyment, and use of the public", as required by section 19 Reserves Act, by excluding the summit of Mt Horrible. This is an impressive viewpoint which visitors to the reserve would naturally expect to visit. "On Mt Horrible there is the potential for parapenting and good views are also available from the summit", *Conservation Resources Report*, p8.

There would be very limited 'recreational' reasons for the public visiting the steep, craggy and difficult to traverse scrub-covered slopes that predominate within the 316 ha reserve. The CCL cannot rely on the currently advanced DOC and Agent views on the adequacy of this reserve as assurance that his legal obligations are being complied with.

We submit that all the Glen Creek catchment up to and including the Mt Horrible summit and leading ridges be designated scenic reserve.

Recreation reserves

We note the presence of seven small parcels of land between the State Highway and Lake Benmore. These were all proposed for public reservation in the *Draft Preliminary Proposal*, however the largest of these, Section 11, Block 2, Gala SD is now proposed for freeholding. The official explanation given for this change is that-

"Section 11 is isolated from the lake margins and is fenced with other land forming part of a small paddock... it does not provide access to Lake Benmore... The section concerned did not contain any specific inherent values and the re-designation of this area to proposed freehold is therefore supported".

Consultation Report, pp. 6, 8.

While this section is part of a fenced paddock, it would provide direct access to the lake if it were not for the fencing. Apparently, as 'fencing' is not a relevant consideration when analysing public submissions (c.f. *Glen Nevis Analysis Public Submissions*), the existing fence should have no bearing on official perceptions of inherent values. As such values are officially deemed to exist on the other lake-side parcels, and their character is very similar, it is not unreasonable to conclude that such values also exist on section 11. In any event, reservation of section 11 is warranted solely on the basis of the CCL's obligation under section 24(c) (i), "the securing of public access to and enjoyment of reviewable land". Securing access and enjoyment is not confined to providing access ways/easements but for making public reservations for recreational purposes when inherent (natural) values are insignificant or absent. All lakeside areas beside the State Highway are needed for recreation purposes, as the public pressure on these are intense over the summer and likely to increase greatly in the future.

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We submit that all of section 11 be designated for recreation reserve, if necessary with licensing for grazing.

We note from the official information supplied to us that no official consideration has been given to future needs on the Sailor's Cutting domain camping ground, when there is obvious room for expansion onto the adjoining Section 5 which is subject to this review. At times this camping ground is full and cannot meet demands. It would be negligent in the extreme for the Crown not to make provision for future expansion of camping, and for daytime picnickers and casual recreation. Further camping activity should be set well back from the lakeshore so as not to deter day use and public access along the shore margin.

We submit that an equivalent area to the existing camping ground be set aside from section 5, Block 2, Gala SD for future expansion of this domain.

Marginal strips

We are pleased to see that on this lease, at renewal in 1992, a marginal strip was reserved along the true left bank of the Otamatapaio River, however there were no reservations created along Glen Creek or the shores of Lake Benmore. For the latter at least, marginal strips are definitely required. The failure by LINZ and DOC to fulfil their legal obligations in this regard is most disappointing.

Land Settlement Board reclassification of this property in 1981 was conditional on s 58 strips being excluded from the lease along Lake Benmore (L&S to Wardell 30/4/81). However this not effected. This issue should have been identified in the *Due Diligence Report* for the attention of the CCL, but was not.

We are concerned about the quality of official advice to the CCL concerning marginal strips on this property. The first two paragraphs below are misleading due to inaccuracy, as we determined from inspection of SO 23835, title and other cadastral information-

Due Diligence Report, pg. 4

"DETAILS OF ANY NEIGHBOURING CROWN OR CONSERVATION LAND:

Marginal strips on the Otamatapaio River (*Sections 4 and 12 Block II Gala Survey District*), created under Section 58 of the 1948 Land Act, exist along the western boundary of the lease for 12 km from State Highway 83 to just above the entrance of Alfred Creek. The marginal strip varies from the actual river channel at State Highway 83 where the current channel diverts eastward.

In 1991 under Part IVA of the Conservation Act 1987 the Chief Surveyor determined that these are subject to Section 24 (9) and that an additional short section of marginal strip be created further up the river where it again enters the lease. The lease was renewed in 1992 (*see attachment 10*).

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"No marginal strips were created on Glen Creek or along the Lake Benmore Margin."

Our corrected version reads (deletions, additions)-

A marginal strip(s) on the Otamatapaio River (~~Sections 4 and 12 Block II Gala Survey District~~), created under Section 58 of the 1948 Land Act, exists along the ~~western~~ eastern boundary of the lease ~~for 12 km from State Highway 83 to just above the entrance of Alfred Creek~~ for a few hundred metres from State Highway 83 upstream of the road bridge on the Otamatapaio or true left bank (title diagram CT 12/342). The marginal strip varies from the actual river channel at State Highway 83 where the current channel diverts eastward. ~~Another section 58 strip exists along the true right or Bog Roy and Otematata banks of the river from the State Highway for approximately 13.5km to between Alfreds Creek and Dog Gully.~~

In 1991 under Part IVA of the Conservation Act 1987 the Chief Surveyor determined that ~~these are subject to Section 24 (9) a new marginal strip subject to section 24(9) be created upstream from the section 58 strip on the true left bank for a further 13.5km and that an additional short section of marginal strip be created further up the river where it again enters the lease.~~ The Chief Surveyor noted that when the lease of Pt Run 743 (Otematata Station) is renewed, marginal strips may apply further up the river on the true right or Otematata Station bank (SO 23835). The lease was renewed in 1992 (see attachment 10).

No marginal strips were created on Glen Creek or along the Lake Benmore Margin.

If the official advice above were accepted at face value, and the section 58 strip was now reserved under section 24(9), this would provide practical access as this would have been relocated to the new river margin and could move with any future changes to the river's alignment. No further action would be needed to secure practical public access. However in fact it remains fixed in position at its old position away from the river and further action is required to provide effective public access. We note that one of the key public access easement (discussed below) depends on connection to this marginal strip.

The *Fish and Game Resources Report* recommended all land west of Sailor's Cutting and bounded by State Highway 83 and Lake Benmore be retained and recommended a marginal strip not less than 50 metres wide and preferably 100m from the operating level between the Sailors Cutting reserve and the mouth of the Otamatapaio River. *Submission Draft Preliminary Proposal*, p9

There is no discussion of this recommendation in the official papers supplied to us, merely deferring consideration of this and other marginal strip matters -

"Exemption or variation of width of marginal strip will be further investigated when CCL gives notice under Part VIA Cons Act", *Designations Report*, DOC, p8

Deferment of these matters until the CCL decides on designations under this tenure review, is entirely inappropriate - there is no transparency in decision making and therefore no public scrutiny, and a

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lack of integration with Crown land retentions and access provisions from this review. This submission has identified at least two areas where integration is essential if the CCL is to fulfil his obligations to secure public access. Besides the matter of Otamatapaio River access and consideration of the Fish and Game proposal above, there should be clear statements of intent re marginal strips ex section 11 and along Glen Creek at the time of this review.

This case demonstrates yet again the idiocy of the CCL's stance that marginal strips have nothing to do with him during tenure review, despite such reviews triggering strip creation. All such matters should be dealt with as integrated package, and publicly notified so that deficiencies are identified and remedies able to be suggested. Continuation of the current blinkered and needlessly bureaucratic mess not only brings the Commissioner's office into disrepute, but also the entire tenure review programme.

Easements

Two key public access easements are proposed in the *Preliminary Proposal*.

There are considerable distances involved in gaining access from State Highway 83 to the Hawkdun Range back country, and it was for this reason that horse use was proposed for in the *Draft Preliminary Proposal*-

"Given the distances involved it is important that the public have access on mountain bike or horse..." *Submission Draft Preliminary Proposal*, p7

However, after consultation with the holders, use of both easements is now to be confined to foot and mountain bike. However mountain bike use is not practical or even feasible on the routes now proposed, meaning that there is sole reliance on foot access to the back country. Contrary to official advice there is not "good public access available throughout the property and onto the key recreational areas in the ranges", as claimed in the *Consultation Report*, p9.

Otamatapaio River access

While we accept that public passage through the homestead area would be inappropriate, the 'alternative' presented in the *Preliminary Proposal* is unworkable.

As public access could not be agreed to on the existing farm track upvalley on Otamatapaio, access is now utterly dependent on traversing marginal strips approximately 13 km from the state highway to an easement commencing at the mouth of Alfreds Creek. This leads up a farm track for another 5km to the proposed conservation area boundary.

The current official advice is that "a legal road on the southern side of the river provided good access to the marginal strip and hence public access over the river via the marginal strip". *Consultation Report*, p4

However this advice is wrong, as confirmed by inspection of cadastral plans. The road referred to traverses across the 'Bog Roy' flats however it stops at the Otamatata Station boundary, approximately

100-200m short of the marginal strip on that bank of the Otamatapaio River. There is therefore no legal connection onto the marginal strip. If there were a connection it would provide good access to the upper valley by reducing the access distance by approximately 8km.

In regard to travel along the marginal strip on either bank of the river, our inspection has confirmed that this would only be feasible by foot, as much of its length is scrub covered. Traversing 13 km in such conditions is not "good access". The issue of the location of the section 58 strip discussed above would also need to be resolved. In the absence of an alternative legal route being provided such as through Otematata Station, we conclude that the *Preliminary Proposal* fails to secure practical access up the Otamatapaio valley. The 'notional' access provided via marginal strip and easement is so long and arduous, that it is unlikely that members of the public will ever use it. This is hardly an acceptable outcome for the Crown, given the duty under section 24 (c) (i) to "secure public access to and enjoyment of reviewable land". There would be no "enjoyment" in using this route.

We submit that public access from the end of the legal road over Otematata Station and up the Otamatapaio Valley is negotiated as a matter of priority. The terms of use should include horses as well as foot and cycle use, as this route would be well suited for these activities.

Glen Creek access

The selected easement route a-b does provide practical foot, and possibly bike access from the State Highway to the lower boundary of the proposed scenic reserve. However access through the reserve depends on scrambling up steep scrubby slopes and ridges with bluffs to gain the leading ridges and the continuation of the easements along the range crest to the Hawkdun crest. Extension of the reserve along the leading ridges to the summit of Mt Horrible would provide far superior access. If this were achieved the whole route would be suitable for horse as well as foot access, and for the really keen bike rider. The current provision is only suitable for foot access.

Unlike for the Otamatapaio easement, and other public easements established elsewhere through tenure review, this easement is to be under section 12 of the Reserves Act rather than section 7(2) of the Conservation Act. Section 7 Conservation Act provides a measure of security against extinguishment of an easement, as such easements are deemed to be interests in the land over what they pass. Unlike the Reserves Act, the Conservation Act requires public notification and objection procedures whenever such interests are proposed for disposal. We note that DOC recommended a section 7 Conservation Act easement in their *Designations Report*, however this is not reflected by the *Preliminary Proposal*. The reason may be that it is considered that because the easement is appurtenant to a reserve then the easement must also be subject to the Reserves Act. However we see no necessity for this. The easement could and should be subject to section 7(2) Conservation Act to provide a measure of security for public rights of use, something lacking under the proposed arrangements.

We submit that, to provide practical public access, the proposed scenic reserve be extended to include the whole of the Glen Creek catchment to the summit of Mt Horrible, and the easements outside of the reserve be subject to section 7(2) Conservation Act.

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Terms of easements

Dispute resolution

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

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 public access easements.

Temporary closures/suspension

We are concerned about the 'temporary suspension' provisions of the draft easement documents. These state in the case of the Otamatapaio easement –

"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".

For the Glen Creek easements-

"The Transferee may close all or part of the Easement Area and suspend public access to it under section 12 of the Reserves Act 1977 if it is necessary for the protection and wellbeing of the Dominant Land or Easement Area, or for the protection and control of the public".

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.

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 scenic reserves and could easily be subject to misuse.

These provisions reinforce the insecure nature of easements, and their failure to properly comply with "the securing of public access to and enjoyment of reviewable land" as required by section 24 (c)(i) CPLA.

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OSH and ACC

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

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

We submit that, to provide security of public access, as required by section 24(c) (i) CPLA, all the proposed public easements instead be dedicated as public roads for pedestrian, cycle and horse passage.

DOC management easement

We note an intention to overlay a DOC management access easement over public road from the State Highway to the Otamatapaio homestead. Such an instrument would be unlawful, with the potential to extinguish the legal road. As there would be no effect on the public, the impact of this does not worry us at all, however the CCL should be concerned about the legality of his actions.

Yours faithfully

Bruce Mason
Researcher and Co-spokesman

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.

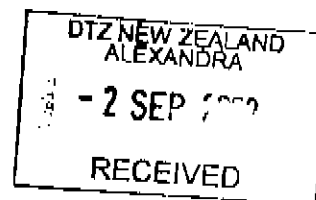
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ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED

Upper Clutha Branch
PO Box 38
LAKE HAWEA

31st August 2002

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



Dear Sir

OTAMATAPAIO - TENURE REVIEW - PRELIMINARY PROPOSAL

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

Forest and Bird is well known throughout New Zealand for its work in protecting the environment, and the interests of the public in this respect. Our branch takes a particular interest in the process throughout Central Otago, the Upper Clutha and Wakatipu basins.

We are making this submission on this particular proposal as it covers part of the Hawkdun Ecological District, where we have already made submissions on proposals on the Western side of the Hawkdun range.

We have been on the property with the kind permission of Ma Ann Scanlan and Mr J Perlam.

We have studied the "DEPARTMENT OF CONSERVATION REPORT TO KNIGHT FRANK LTD ON TENURE REVIEW OF OTAMATAPAIO PASTORAL LEASE" which they supplied after their survey in 1995. We are expecting you to refer to this.

From this report we noted that a soil and water conservation plan under "The Soil Conservation and Rivers Control Act 1941" was approved in 1988.

OUR CONCERNS REGARDING THE PROPOSAL:

- (1) One of our main concerns and disappointments with this proposal, is the boundary proposed between that land to be "returned to full Crown ownership and control" and that "to be designated as land to be freeholded and disposed of to the present lessee". This is not consistent nor in keeping with the intentions of Part II of the CPL Act 1998 in that it is intended to freehold land above 1000 m.a.s.l., and even up to 1500 m.a.s.l. which have significant inherent conservation values without any protective mechanism, and, more importantly; allowing the farming of this higher country, which is not economically viable, therefore not ecologically sustainable.
- (2) We believe this proposal is in no way doing justice to the future management of this section of the South Island high country of New Zealand.
- (3) In this respect we find some statements in the document not worthy of a preliminary tenure review proposal. We quote from the proposal:-

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"....(4) Discussions of proposed designations in relation to the Objects of part 2 of the CPL Act.."

We do not agree with the statements (last para. page 6, and all paras on page 7).

....."The areas as proposed for freehold disposal are generally capable of a sustainable future in pastoral use".....

This is far too vague a statement when a considerable proportion of this land is between 1100-1500 m.a.s.l. Certainly unsustainable above 1200 ms.

...."Some of the higher altitude areas will be less sustainable, but with appropriate management the current vegetative regime should be capable of being maintained" ... and again"further development of the lower altitude lands will be further encouraged"...

This we believe is just wishful thinking: depletion of vegetation is inevitable long term.

(a) The land is either ecologically sustainable or it is not, there is no in between. Grazing all the high ground - extending in a south westerly direction from Mt Horrible towards the Ewe Range - is not economically viable; therefore it cannot be ecologically sustainable and should not be disposed of on a freehold basis to the holder. (Objects of Part 2 (a) (i) CPL act)

(b) How do you define appropriate management? Grazing sheep on land above 1000 m.a.s.l. and taking the nutrient out of the soil (in the shape of meat and wool) without adequately replenishing it on a regular basis, will cause it to be degraded. Then, the inherent conservation values in the remaining tussock cover, and its associated landscape values, and also the enjoyment derived by the public when passing through it, will be lost very quickly. (It must be noted that after 50 or more years of aerial top dressing and over sowing of tussock country above 1000 m.a.s.l. in the dryer inland areas of Otago it has been found to be of very doubtful value. It must be remembered also that fine woolled sheep invariably camp on the highest points of land available to them and destroy or degrade the natural vegetation and other inherent conservation values).

(4) *...."Some of these lands have been included for the practicalities of identifying manageable boundaries".....*

The question has to be asked as to what criteria was used to identify the boundaries for the required fencing? Was it the cost, or an easy line suitable for mustering? The conservation area being created and to be protected, should be the first and only consideration. (It must be remembered fences are never really permanent, they depreciate and have to be replaced from time to time - they are only the life of the material and workmanship used in their construction).

(5) It is a serious omission that the grove of totara trees and other woody shrubs on the true left of the Otamatapalo river south of the footbridge, and the spectacular rock formations on the banks of the river in their vicinity, are not to be protected in any way. We submit that this must be rectified.

(6) The proposed scenic reserve at the top of Glen Creek will be appreciated but is not large enough to encompass all the inherent botanical values in the vicinity. This reserve should be extended in a south westerly direction towards the Ewe Range taking in all the high tableland country we have mentioned above. Also the top of Mt Horrible and its eastern faces should be included in the area as they have inherent conservation values and will only deteriorate if grazing continues, and they are ecologically unsustainable to farm.

(7) On this property there is not much land capable of being cultivated in proportion to the hill country; so we see the land east of SH83 and south of Sailors Cutting (Sec 5 Blk II Gala SD) as necessary for the running of the farm. However there must be an enlarged marginal strip of at least 100 metres on the lake shore around it, to cater for public recreation purposes.

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(8) The small area at the north end of the proposed Recreation Reserves (Coloured green on the Designation map - Sec 11 Blk II Gals SD) on the shores of Lake Benmore at the mouth of the Glen Creek will be of no great benefit to the farming operation and should be returned to Crown ownership for the benefit of the public.

(9) On the true right side of the lower part of Glen Creek, on the north side of the spur running down towards SH83 there is an impressive area of woody shrubs. We see this as a good example of what was once typical of the Ahuriri basin and yet no attempt has been made to protect them.

(10) Also going around the face of the spur mentioned above towards Sailors Cutting, above SH83, the perhaps arid landscape, but very typical of the whole area, should be protected by a covenant that recognises these landscape values, from any inappropriate development.

GENERAL:

(1) Tenure review is for ever. Although the present lessees may initiate the process of tenure review any future occupier of the farm may have a totally different concept and method of managing the property. This is a fact that should not be lost sight of. The public of New Zealand are part of the tenure review equation, and should expect to be satisfied with the outcome of any review.

(2) The CPL Act 1998 requires that the CCL consults with the Director General of Conservation on matters pertaining to conservation. We would draw your attention to the report that his department produced after the survey conducted by that department in February 1995 on all matters relevant to the Tenure Review of this run. It is our considered opinion that that document, its maps, and its conclusions, are far more relevant to the conservation and recreational values of Otamatapu than the preliminary proposal that has been presented to the public.

(3) Under the heading Sustainability, the report states that sustainability is significant in the Department's view. "*... Beyond the areas proposed for protection, there are areas of insufficient conservation value which have little ability to sustain grazing. The vegetation of those areas is very depleted and further grazing can be expected to cause further depletion...*" We fully concur with this statement.

(4) The report states that under the heading Retirement of Range Block "*...In 1988 a soil and water conservation plan (under The Soil Conservation and Rivers Control Act 1941) was approved which entailed the retirement of the Range Block (2675 h.)...*" While the plan may not have been implemented at that time, the need to protect the inherent conservation values, the vegetation and the soil on the higher land that had been intended for retirement then, is still very real today. Under the newer CPL Act of 1998 the conservation of the high country is still paramount, only the emphasis might have changed slightly.

(5) Due to the size and great distance to be walked or cycled between where the public can leave their vehicles and the conservation areas coming out of this review, the access available should be improved upon. There should be walking access from "h" on the map to join up (via the track on the adjacent spur) with that between "c" and "d" at about ".1147". This would avoid the very steep climb from Glen Creek to Mt Horrible.

OUR CONCLUSIONS AND OUTCOME DESIRED:

It is pleasing that this property is going through the tenure review process and the conservation area coming out of it will be a valuable addition to the other areas on the Hawkdun Range of mountains. However, to satisfy our concerns and to meet the needs of the public of New Zealand we would expect the following issues to be fully addressed.

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To illustrate the points we have raised we attach:-

- (a) The map DOC produced showing their recommendations on the land to be freeholded and that to be retained by the Crown
- (b) Our map giving our Interpretation of the same issue.

The following photographs:-

- (A) A view of the land between Alfred Creek and Dog Gully - The high land with the snow cover to be retained by the Crown; the clear country in the middle distance to be disposed of as freehold.
- (B) The totara and the rock bluffs to be protected.
- (C) and (D) Showing the east faces of Mt Horrible and the higher land to the south west to be returned to full Crown ownership and control.

(1) We submit that as a minimum the land recommended to be retired by previous agencies in the Range Block, plus all the higher ground running north east towards Mt Horrible, as recommended in the Department of Conservation's report and indicated on their map, be returned to **"full Crown ownership and control"** as a conservation area. To this should be added the east faces of Mt Horrible as being necessary to meet the conservation requirements of the CPL Act 1998.

(2) The totara grove and its associated woody species, plus the unusual rock formation in the vicinity, should be protected by a covenant. This covenant to prevent top dressing in the vicinity of the trees, burning in the vicinity or the removal of the woody vegetation in any way.

(13) A covenant is required to protect the landscape on the faces of the spur above SH83 from Glen Creek around to Sailors Cutting from any development; it should be left as is. This covenant to also include the woody shrublands on the north side of the spur on the true right side of Glen Creek to protect them from burning or damage in any other way.

(4) The small area of land at the mouth of Glen Creek to be included with the other small areas in the proposed recreation reserve on the shores of Lake Benmore.

(5) That access be made more user friendly by allowing walking, or cycling, up the track from "h" to the table land above.

If these concerns of ours are fully met we would consider the outcome of this tenure review to be advantageous to the lessee and the public of New Zealand.

We thank you for the opportunity to make this submission.

Yours faithfully



John L. Turnbull

for Upper Clutha Branch

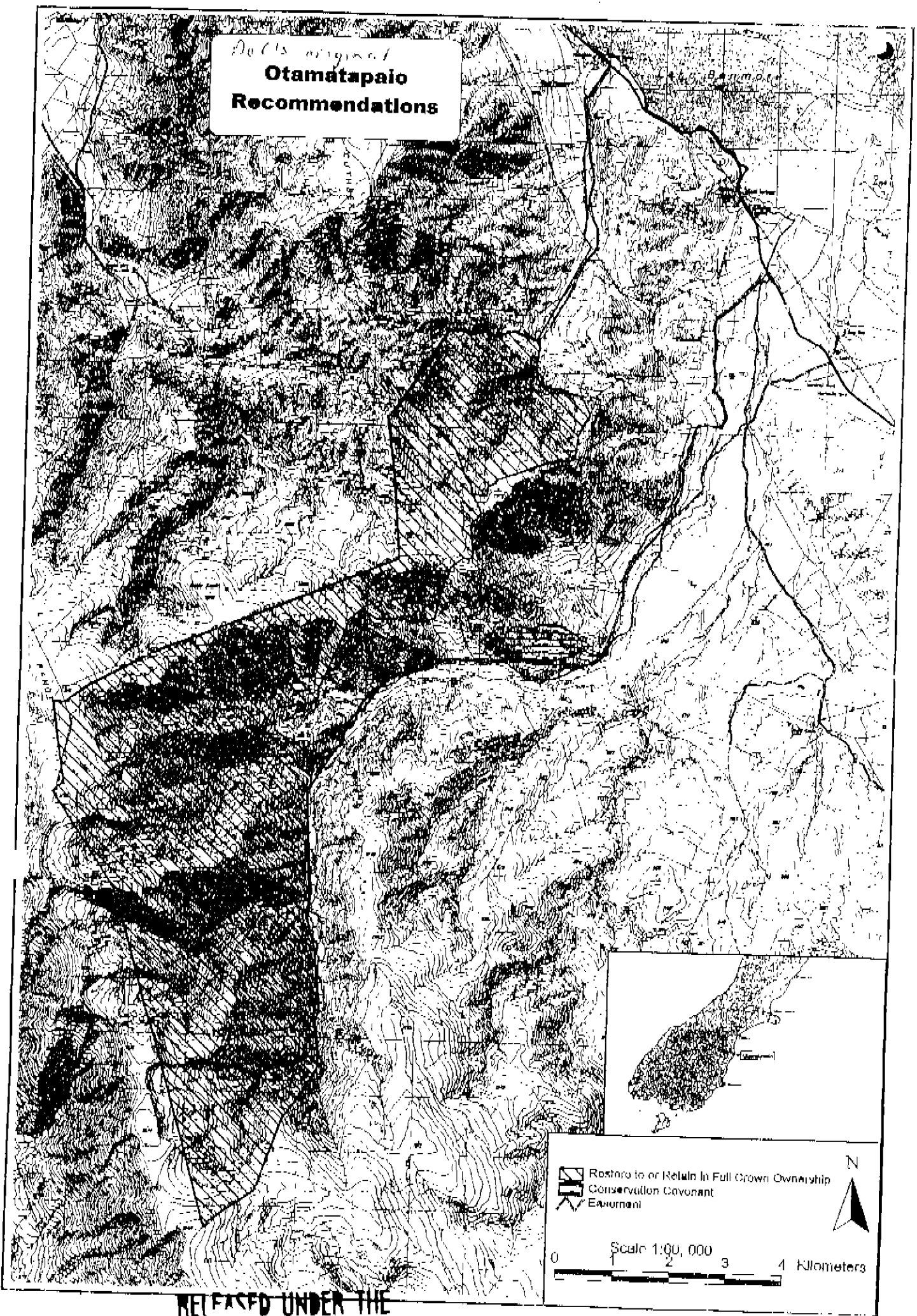
Tomato pie



*conservation over
conservation sovereign
Extra access*

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Doll's original
**Otamatapaio
Recommendations**



Restored to or Retain in Full Crown Ownership
Conservation Covenant
Easement

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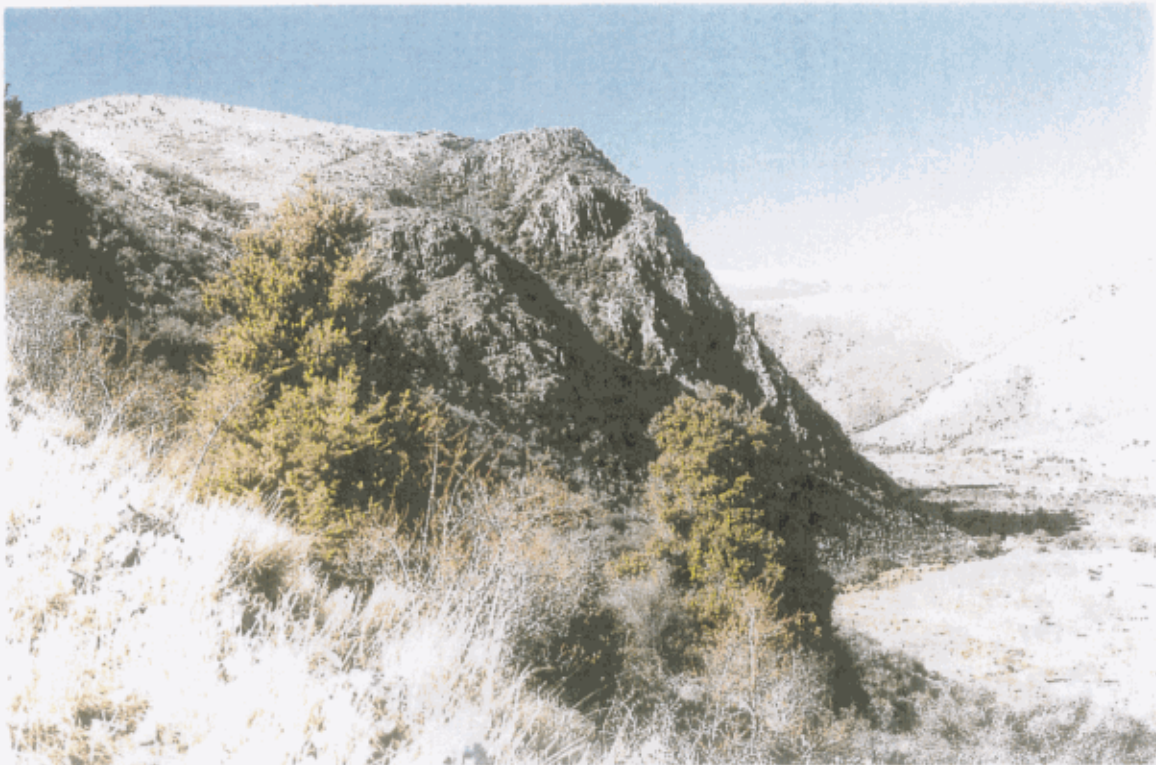
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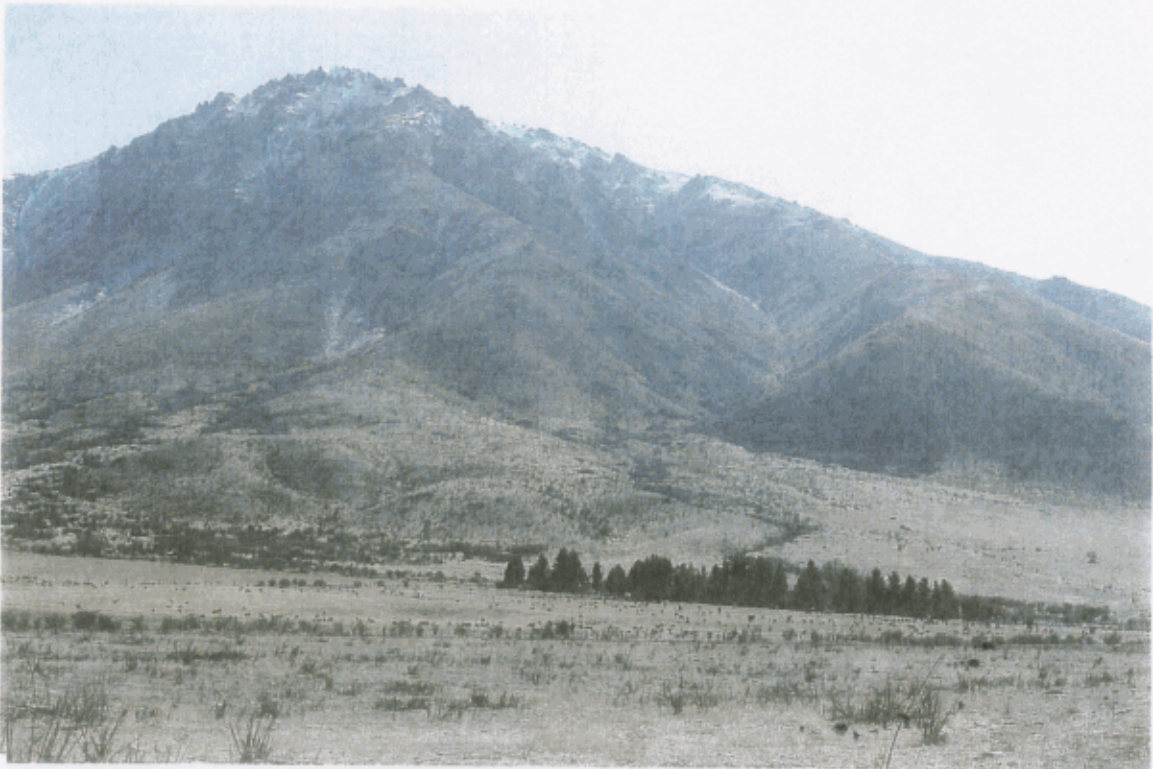


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(C)



(D)



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

28 August 2002

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

*Otamatapaio
Submission
provided
Mike F.*



Dear Sir

Re: Preliminary Proposal for Tenure Review: Otamatapaio Pastoral Lease.

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

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

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

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

THE PRELIMINARY PROPOSAL

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

- (1) 316ha (*approximately*) to be designated as land to be restored to full Crown ownership and control as a scenic reserve under Section 35 (2) (a) (ii) Crown Pastoral Land Act 1998.
- (2) 2035ha (*approximately*) to be designated as land to be restored to full Crown ownership and control as a conservation area under Section 35 (2) (a) (i) Crown Pastoral Land Act 1998.
- (3) 4.8186ha (*approximately*) to be designated as land to be restored to full Crown ownership and control as a recreation reserve under Section 35 (2) (a) (ii) Crown Pastoral Land Act 1998.
- (4) 5561 ha (*approximately*) to be disposed of by freehold disposal to Otamatapaio Station Ltd under Section 35 (3) Crown Pastoral Land Act 199 subject to protective mechanisms:
 - (i) An easement under Section 40(2)(c) Crown Pastoral Land Act 1998 to provide for public access by foot or non-motorised vehicle powered by a person and conservation management access to the proposed scenic reserve.
 - (ii) An easement [presumably also under Section 40(2)(c) Crown Pastoral Land Act, 1998] to provide for public access by foot or non-motorised vehicle powered by a person and conservation management access to the proposed conservation area.

FMC POSITION

FMC supports the general principles of tenure review. We note that this property is noted for its landscape values due to its proximity to State Highway 83 and Lake Benmore, and that its upper reaches are adjacent to land that is, or is proposed for addition to, conservation land on the Hawkdun and Ewe Ranges.

FMC carried out an on site inspection of much the property on Wednesday 28 August 2002 and this submission is largely based on our observations during that inspection.

We believe that the general thrust of the proposal would see gains from a conservation and recreation perspective. However, FMC is concerned about the failure to adopt all the recommendations made by the Department of Conservation (DOC) regarding protection of significant inherent values on Otamatapaio. Tenure review is a consultative process. The DOC recommendations are a statutory part of that consultation and there is an obligation to act on those recommendations. This concern leads to a number of issues which need to be addressed. There are as follows:-

- The small size of the proposed scenic reserve;
- The absence of landscape protection over the proposed freehold land seen from SH 83;
- The absence of full protection for the totara community;
- Inadequate provision for public recreation along the lake frontage.
- The proposed freehold disposal of land above 1000m between the proposed scenic reserve and the proposed conservation area;

We provide more detailed commentary on our concerns in the submissions below.

Proposed scenic reserve

We note that the proposed Scenic Reserve is significantly smaller than that proposed in the Proposed Designations Report. The omission is largely the steep and bluffed slopes of Mt Horrible that drain into Glen Creek. This area is mainly above 1000m. In the "Upper Slopes" section below, we discuss the conservation values and unsustainability of pastoral farming on such lands. Our comments below regarding landscape, ecological values and sustainability apply equally to areas adjoining the proposed Scenic Reserve. Our interpretation is that the proposed Scenic Reserve would have to be significantly larger if this logic was heeded. We also note that the recommendations and justifications regarding the protection of this area, which were given in the Conservation Resources Report, appear to have been disregarded.

We *recommend* that the proposed Scenic Reserve be extended to include the whole area recommended in the Proposed Designations Report, together with the southeast face of Mt Horrible.

Landscape protection

As previously noted, the landscape values of this lease are highly significant, particularly in relation to SH 83 (which is an important tourist route from the coast to the McKenzie Basin and Mt Cook), and in relation to public use and enjoyment of Lake Benmore.

For this reason we *recommend* a landscape protection covenant be applied to the area identified in the Conservation Resources Report. This is the area generally to the north of the proposed scenic reserve and above approximately 500m.

Halls Totara Community

An area of Halls Totara has been identified in the Conservation Resources Report and the Proposed Designations Report as meriting protection. While the two reports propose differing areas (100ha v 50ha), we believe the reports establish sound ecological grounds for protection. Based on field inspection, we believe that the entire area of mixed grey shrubland on the bluffs just west of the stockbridge over the Otamatapaio River, and including the grove of Halls Totara on the slopes to the west of the bluffs, have significant inherent values which are worthy of protection. The preferred mechanism for protection is return to full Crown ownership and control.

We *recommend* the return to full Crown ownership and control of an area including the bluffs to the west of the stockbridge referred to above, together with the slopes which carry the grove of Totara.

Proposed recreation reserve

The proposal to freehold Sections 5 and 11 Block II Gala Survey District, and to only propose 4.8 ha as Recreation Reserve does not adequately provide for the important public recreational use of the lake frontage of Otamatapaio.

FMC argues that with the diminishing lakeside recreational opportunities around Lakes Wanaka, Hawea, and Wakatipu, due to rapidly encroaching subdivision and development, there is an urgent need to protect as much as possible of other lake shores for public recreational use. We believe that public use of the lake side for informal camping and picnicing would be best catered for by returning the entire area of lake frontage (except for the paddocks near the mouth of the Otamatapaio River) to full Crown ownership and control as a Recreation Reserve. The paddocks could become freehold as they can almost certainly be managed in a way that is ecologically sustainable. If necessary, an easement for public access down the side of one of these paddocks might be included. Alternatively, the public interest might be satisfied by the creation of an extended marginal strip. This strip should include all the Otamatapaio land between SH 83 and the lake shore, except for the paddocks near the mouth of the Otamatapaio River.

FMC *recommends* the protection of the public recreational interests along the entire lake frontage of Otamatapaio by the return of this land to full Crown ownership as a Recreation Reserve.

Upper slopes between proposed scenic reserve and the proposed conservation area

FMC notes that the Proposed Designations Report has identified the land above 1000m between the proposed scenic reserve and the proposed conservation area as warranting protection as part of the proposed conservation area. We support fully its justifications. Notable amongst these is the contribution that this area makes to the nationally significant Mackenzie-Upper Waitaki basin landscape, with its huge scale, continuity and repeating systems. The area has also been identified as having significant ecological values, particularly from a botanical perspective. Of particular interest to us is the contribution that this area would make to the possible Oteake Conservation Park on the Hawkdun Range. This area would be the northernmost recreational link to the range, and its contiguity with the proposed Glen Creek Scenic Reserve would mean that there was continuous conservation land from close to State Highway 83 to the crest of the Hawkdun Range.

We believe that land of this altitude is unlikely to be able to support ecologically sustainable pastoral farming. The reason for this is that without inputs to replenish nutrients removed in animal products (meat and wool) the system is progressively depleted. Replenishment with fertiliser application is technically possible but probably not economically justifiable because of the climatic limits on pasture response above about 1,000 - 1,200m. It is significant that the high country south of Alfreds Creek was marked "not usable above LRB" (Land Retirement Boundary) on maps prepared at the time retirement and surrender were being proposed. Freeholding this land therefore does not meet the objectives of the Crown Pastoral Land Act 1998.

In our opinion the recommendations of the Conservation Resources Report should have been implemented in full, and at the very least all that land intended to be retired and surrendered in the 1970s should now become

Conservation Land. We also believe there is a strong case for returning the southeast face of Mt Horrible to full Crown ownership. This case is based on the significant natural and landscape values of this face, its low value for grazing, and the probability that it could not be managed in a way that is ecologically sustainable.

Field inspection suggested that an existing fenceline above, and to the west of the paddocks (H3 and H4) in the southeast corner of the property might conveniently be used to contain at least part of this area.

We *recommend* that the proposed conservation area be extended to include all the area recommended in the DOC Conservation Resources report, together with the bluffy southeast face of Mt Horrible.

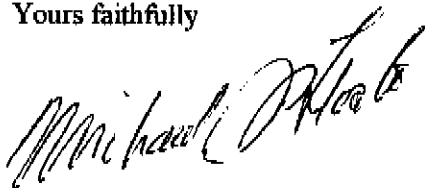
CONCLUSIONS

The tenure review of Otamatapaio pastoral lease provides an ideal opportunity to progress the objective of establishment of the Hawkdun (Oteake) Conservation Park, and to enhance the protection of the Mackenzie-Upper Waitaki landscape. FMC strongly urges that appropriate action be taken to achieve these objectives.

In additions to our submissions made in detail above, we attach some photographs taken during the field inspection on 28 August 2002, which support the case for implementing our recommendations. These are attached as Appendix 1.

We appreciate this opportunity to comment on the Preliminary Proposal for the tenure review of Otamatapaio pastoral lease, and wish to be heard in support of this submission if a hearing is held. We would be happy to be involved in further discussions regarding any of the issues discussed in this submission.

Yours faithfully



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



Fig. 1 Showing the north face of Mt Horrible as seen from Glen Creek. This is proposed as Scenic Reserve, but this does not include the summit plateau (1366m) or the south-east face.



Fig. 2 The southeast face of Mt Horrible has equally outstanding landscape and scenic values and should be included in the Scenic Reserve. Its grazing value is very low and the land probably cannot be managed in a way which is ecologically sustainable so it should not be disposed as freehold.

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Fig. 3 The landscape of Otamatapaio, alongside Lake Benmore and up to Mt Horrible can be enjoyed from the lake and from the tourist highway leading to the Mackenzie country and Mt Cook. It should be protected under a landscape covenant.



Fig. 4 There is a small grove of Halls Totara which represents the pre-Polynesian vegetation pattern. These are situated on a steep face above the Otamatapaio River, some 10km upstream from its mouth. These, together with an impressive bluff with mixed grey shrubland should be protected by return to full Crown ownership.

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Fig. 5 The lake frontage of Otamatapaio provides excellent opportunities for informal camping and picnics as well as fishing and boat launching. With rapidly increasing subdivision and development around Lakes Wanaka, Hawea and Wakatipu, it is becoming increasingly urgent to protect such resources for the enjoyment of future generations. The entire lakefront should become a Recreation Reserve.



Fig 6. The high country, above about 1000m between Mt Horrible and the Ewe and Hawkdun Ranges (seen in the distance in this view) has high natural, landscape and recreation values, but low grazing value and should be restored to full Crown ownership and be managed for conservation and recreation purposes. The mixed grey shrublands in the gullies also have high conservation values, and could be considered for inclusion in the Conservation Reserve.

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Fig. 7 The high country tussocklands cannot be managed in a way that is ecologically sustainable. This is because nutrients are removed in animal products but are not replenished unless fertiliser is applied. Above about 1000 - 1100m this cannot be economically justified because pasture response is severely limited. Such areas are therefore unsuitable for freeholding. Much of this area could be isolated utilising existing fence-lines. Certainly the land which was intended for retirement and surrender in the 1970s should now become Conservation Land.



Fig. 8 The southern tip of Otamatapaio pastoral lease adjoins the former Stringers Block, now part of the Oteake (Hawkdun) Conservation area. It is intended that this should become a Conservation Park, and addition of high country ex Otamatapaio and Berwen leases would significantly advance this objective. Access could be gained from the Otamatapaio valley up spurs between Alfreds Creek and Dog Gully. This addition to public conservation land will greatly increase the recreational opportunities in the