

## **Crown Pastoral Land Tenure Review**

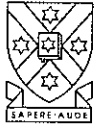
**Lease name: SANDY POINT**

**Lease number: PO 350**

**Public Submissions - Pt 1**

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

**January 06**



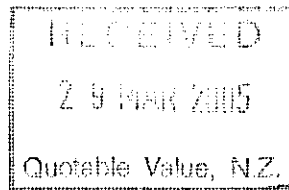
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University of Otago  
Te Whare Wananga o Otago

Team Leader: Tenure reviews,  
QV Valuations,  
P.O. Box 13 443,  
CHRISTCHURCH..



March 22, 2005.

### SUBMISSION ON PROPOSED TENURE REVIEW: SANDY POINT PASTORAL LEASE

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it, based on my knowledge of the area involved which has been gained over many years of ecological and botanical research on the tussock grasslands and associated mountain lands, particularly of the Central Otago high country.

I am fully conversant with the crown Pastoral land Act which drives the tenure review process and also of the more recently announced complementary government objectives and policy for the South Island high country which is relevant to the review of the Sandy Point Pastoral Lease.

This property is relatively simple ecologically and topographically, and appears substantially degraded. Nevertheless, it contains areas of high conservation value in relation to some aspects of biological diversity. The landscape of the front faces of the property, being the western slopes of the Grandview Range, is also an important and dominant feature, being visible from many quarters of the upper Clutha Valley, including the major tourist routes of SH6 (Cromwell to Wanaka) and SH8A (Luggate to Tarras).

The preliminary proposal for this property, being to allocate some 52.05 hectares to conservation in three parcels, and 1,745 ha for freehold disposal with one conservation covenant of 15 ha extent and a second one as a fishery habitat, represents a highly disproportionate land allocation between the two categories.

In this context, I believe there is strong justification in allocating the proposed 15 ha covenant which has the purpose of protecting an area of native broom, specifically the palatable *Carmichaelia petriei*, to full Crown ownership and control. This would provide the option of removal of grazing which is possible given its fenced boundary (as indicated on the 1:50,000 map; and which could be upgraded as necessary), and probably desirable in relation to the protection and conservation management of the area, specifically for a woody species known to be palatable to domestic stock. I note with concern that the proposal provides for the grazing of sheep as well as the owner exercising trespass rights to the area.

The proposals for the three conservation areas CA1 (50ha), CA2 (2ha) and CA3 (0.05ha, as a parking lot), are endorsed, as are the various easements.

In relation to access to the proposed covenant CC1 on the lower western-aspect slopes close to the highway (which I am recommending be designated a conservation area), much more direct (and shorter) walking access is recommended from the point where the leasehold property adjoins the highway where it makes a sharp bend. A walking track up the small canyon or alongside it would be less than 200m to the southwestern corner of the protected area and be much preferable to the easement of about one kilometre from point "f" near the proposed parking area CA3. The easements "a-b-c" and "b-d-e" to provide public foot or horse or mountain bike access and for conservation management access along the crest of the Grandview Range, are supported. These would be part of more extensive and important traverses to the east towards Lindis Peak. Public access from the Tarras - Luggate road to the crest of the Grandview Range is also important but the proposed route (easement "f-d") is of concern in terms of its length and steepness towards the upper

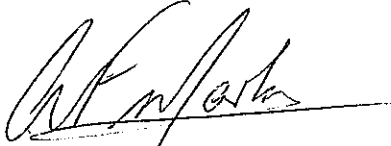
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slopes. Moreover, it does not appear to follow an existing track, so that presumably one would be formed along the most practicable alignment. The public foot (and mountain bike and horse) access from SH8A to Sandy Point on the Clutha River (easement "g-h") and along the Clutha River ("i-j" and "k-l") are all important and are endorsed.

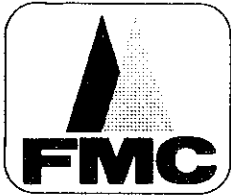
I trust that my recommendations will be seriously considered since they would achieve a balance of land allocation between freehold and conservation lands much closer to the principles outlined in the Crown Pastoral Land Act, particularly offering improved long-term protection of the important landscape values of this property as well as management of the 15 ha area containing native broom close to, and readily accessible from, a main highway.

I thank you for the opportunity to comment on this proposed tenure review.

Yours sincerely,

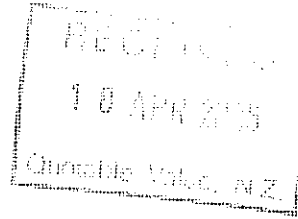
A handwritten signature in black ink, appearing to read 'Alan F Mark', written over a horizontal line.

Alan F Mark FRSNZ.  
Emeritus Professor.



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

2



13 April 2005

The Commissioner of Crown Lands  
C/- QV Valuations Ltd.  
PO Box 13 443  
CHRISTCHURCH  
ATTENTION: Tenure Review Team Leader

Dear Sir,

**Re: Preliminary Proposal for Tenure Review: Sandy Point**

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 15,000 members of tramping, mountaineering, climbing and other outdoor clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country.

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

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

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

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

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

**The Preliminary Proposal**

FMC notes that the proposal includes the following designations:-

1. An area of 50 ha approximately (CA 1) to be designated as land to be restored to or retained in full Crown ownership and control as conservation area.
2. An area of 2 ha approximately (CA 2) to be designated as land to be restored to or retained in full Crown ownership and control as conservation area.
3. An area of 0.050 ha approximately (CA 3) to be designated as land to be restored to or retained in full Crown ownership and control as conservation area.

4. An area of 1,745 ha approximately to be designated as land to be disposed of by freehold disposal to Glenfoyle Ltd., subject to protective mechanisms and qualified designations.

4.1 Qualified designations:

- An easement to provide public foot or horse or mountain bike access and for conservation management access mostly along the crest of the Grandview Range shown marked "a-b-c" and "b-d-e" on the plan.
- An easement to provide public foot or horse or mountain bike access and for conservation management access from the Luggate-Tarras Road (SH 8A) to the crest of the Grandview Range shown marked "d-f" on the plan.
- An easement to provide public foot or horse or mountain bike access to land adjacent to the Clutha River shown marked "g-h", "i-j", and "k-l" on the plan.

4.2 Protective mechanisms:

- A conservation covenant over part of the proposed freehold land for the purpose of preserving the natural environment. Broom shrubland is a distinctive feature of botanical interest. This area is labelled "CC1" on the plan.
- A conservation covenant (fishery habitat) along West Coast Gully Creek for the purpose of maintaining the spawning and juvenile rearing grounds for brown and rainbow trout and to enhance the natural fishery values of the site. The area is labelled CC (Fishery) on the plan.

**FMC Submissions**

You will recall that in December 2001, FMC submitted a Preliminary Report on the "Recreational and Related Significant Inherent Values of Sandy Point." FMC is pleased to note that a significant number of our recommendations for the outcomes of tenure review are included in the current Preliminary Proposal. In particular we are pleased to note that provision is to be made for a future through route along the crest of the Grandview Range. We are however concerned that access to the range crest from State Highway 8A appears inadequate.

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

**Preliminary Proposal, Item 1.**

*An area of 50 ha approximately (CA 1) to be designated as land to be restored to or retained in full Crown ownership and control as conservation area.*

We note that there is an area of rocky bluffs with associated shrubland which is of significant landscape and natural value. This is situated in the headwaters of a small catchment draining into the Lindis River system. FMC agrees that this is an area worthy of protection and is pleased to support this proposal.

***FMC Submission***

*FMC strongly supports the proposal that 50 ha (CA 1) are returned to full Crown ownership and control as a conservation area.*

**Preliminary Proposal, Item 2.**

*An area of 2 ha approximately (CA 2) to be designated as land to be restored to or retained in full Crown ownership and control as conservation area.*

FMC notes that this proposal will protect a steep river scarp face and should also provide public access over an area where the marginal strip would of itself be inadequate for access purposes because of the steep terrain. This proposal partially implements a recommendation made in the FMC Report on Sandy Point (2001). A weakness however, is that the proposed conservation area will only provide a very narrow

accessway between the top of the scarp face and a fence bounding the proposed conservation area. Given that the steep scarp face above the river is steadily eroding, in time the accessway will be lost. It should be noted that this erosion loss was anticipated in the Scoping Report section 2.1.2. which recommended that the boundary should be at least 20m back from the scree face. FMC believes that the conservation area should be designated with a minimum width of 20m to cope with probable future erosion.

*FMC Submission*

*FMC strongly supports the proposal that 2 ha (CA 2) are returned to full Crown ownership and control as a conservation area, and to provide public access along the Clutha River, but we submit that the area should provide an accessway of at least 20m wide above the top of the scree face.*

**Preliminary Proposal, Item 3.**

*An area of 0.050 ha approximately (CA 3) to be designated as land to be restored to or retained in full Crown ownership and control as conservation area.*

FMC strongly supports the proposal to create a parking area adjacent to the Luggate-Tarras Road to serve the public access routes to the Clutha River and to the crest of the Grandview Range.

*FMC Submission*

*FMC supports the proposal that 0.05 ha (CA 3) are returned to full Crown ownership and control to be used as a public car parking area.*

**Preliminary Proposal, Item 4.**

*An area of 1,745 ha approximately to be designated as land to be disposed of by freehold disposal to Glenfoyle Ltd., subject to protective mechanisms and qualified designations.*

FMC considers that most of the land within the Sandy Point pastoral lease is capable of being managed in a way that is ecologically sustainable and is therefore suitable for disposal as freehold land. It is appropriate that the new freehold is subject to protective mechanisms and qualified designations as discussed below.

Our only reservation is that the landscapes of the front faces of the Grandview Range may not be adequately protected from the adverse effects of inappropriate developments such as subdivision, tracking, erection of structures, and afforestation as indicated in our earlier report. The Conservation Resources Report stated that "the range as a whole is significant and a dominant landscape feature within the context of the valley." ..... and that "the front faces of the range (ie Sandy Point) are visible over a wide area of the Upper Clutha including SH 6 (Cromwell to Wanaka) and SH 8A (Luggate to Tarras)". FMC argues that both these highways are important tourist routes used by local and overseas visitors so it is therefore important that landscape values are protected as was recommended in the FMC Report on Sandy Point (2001).

*FMC Submission*

*FMC is not opposed to the disposal as freehold of most of the Sandy Point pastoral lease land so long as provision is made to accommodate our submissions regarding access route(s). FMC also considers that because of the landscape significance of the front faces of the Grandview Range, and their visibility from important tourist routes, a landscape protection covenant over these front faces should be registered on the freehold title. The covenant should provide for the protection of landscape values from the adverse effects of inappropriate developments as indicated above.*

In the next few paragraphs we make comment on the proposed protective mechanisms and qualified designations:

#### 4.1 Qualified designations:

- *An easement to provide public foot or horse or mountain bike access and for conservation management access mostly along the crest of the Grandview Range shown marked "a-b-c" and "b-d-e" on the plan.*
- *An easement to provide public foot or horse or mountain bike access and for conservation management access from the Luggate-Tarras Road (SH 8A) to the crest of the Grandview Range shown marked "d-f" on the plan.*
- *An easement to provide public foot or horse or mountain bike access to land adjacent to the Clutha River shown marked "g-h", "i-j", and "k-l" on the plan.*

FMC strongly supports the first of these designations as this will provide for an important recreational route along the crest of the Grandview Range, and the start of a traverse eastwards towards Lindis Peak. This proposal implements a recommendation made in the FMC Report on Sandy Point (2001).

FMC also supports the principle of access from the Luggate-Tarras Road to the crest of the range but questions the suitability and practicability of the proposed route, especially for mountain bike use. This appears to be very steep as it approaches the crest of the range. The upper part of this route does not appear to follow any existing formed track. If there is no formed track, then either one should be formed as part of the tenure review agreement (as in the case of Dingleburn), or an alternative route should be used. The route proposed by FMC (2001) from a point on SH 8A a little south of the homestead, to the saddle on the range crest at about 900m would be suitable. This route might be modified slightly to provide public access from SH 8A at point "f" to the Covenant area CC1 and thence via an unnamed gully (on land just west of the pastoral lease boundary) and linking up to the main farm track from the airstrip to the crest of the range a little south of point 982m. FMC now believes that this is the preferred route as it would minimise disturbance for the Holder, while at the same time providing practicable and convenient public access for mountain bikes as well as walkers.

Provision of good public access from SH 8A is particularly important on Sandy Point, in view of the statements in the review of Glenfoyle that better access could become available through tenure reviews on neighbouring properties. We do not accept that the proposed route up Deep Gully is better than the suggested route on Glenfoyle.

FMC strongly supports the proposed access easements on land adjacent to the Clutha River as this will provide a relatively easy and enjoyable walk for local use.

#### *FMC Submissions*

*FMC strongly supports the first and last of the three proposals for public access easements. We have reservations about the route to the range crest and submit that a practicable route should be designated as discussed above.*

#### 4.2 Protective mechanisms:

- *A conservation covenant over part of the proposed freehold land for the purpose of preserving the natural environment. Broom shrubland is a distinctive feature of botanical interest. This area is labelled "CC1" on the plan.*
- *A conservation covenant (fishery habitat) along West Coast Gully Creek for the purpose of maintaining the spawning and juvenile rearing grounds for brown and rainbow trout and to enhance the natural fishery values of the site. The area is labelled CC (Fishery) on the plan.*

FMC strongly supports both these proposed Conservation Covenants for the reasons explained in the Preliminary Proposal and in the Conservation Resources Report (2002).

FMC does however have reservation about the conditions of the Covenant over the area of native broom (CC. 1). We note that Condition 3.1.1 in Schedule 2 states that the owner may graze the land with sheep, but the Schedule also provides (in paragraphs 1.1 and 2.1) for the Minister to pay for the costs of new fencing and for work essential for preserving the values. We believe that the covenant will not fully serve its

purpose unless the values (notably native broom) are protected from any grazing or browsing by fencing. We also note that the Proposed Delegations Report stated that "This area will need fencing".

FMC supports the proposed covenant along West Coast Gully for the protection of maintaining the spawning and rearing grounds for brown and rainbow trout.

*FMC Submission*

*FMC supports the principle of the proposed Covenants, but submits that if the values of the covenant area (CC. 1) are to be properly protected, the area should be fenced as provided for in Schedule 2.*

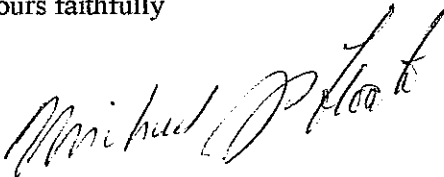
Conclusions

With respect to the tenure review of Sandy Point pastoral lease FMC concludes as follows:

1. It is pleasing to note that a significant number of the recommendations made in the FMC Report on Sandy Point (2001) have been adopted in the Preliminary Proposal.
2. Most of the provisions for public access are also in line with FMC recommendations but we have reservations about the practicability of the proposed access to the crest of the range. The access should be practicable for mountain bike use.
3. FMC supports the proposed Conservation Covenants, with the proviso that CC 1 should be fenced in order to properly protect the natural values of the area.

Finally, FMC thanks the Commissioner for Crown Lands for this opportunity to comment on the Preliminary Proposal for the tenure review of Sandy Point pastoral lease.

Yours faithfully



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

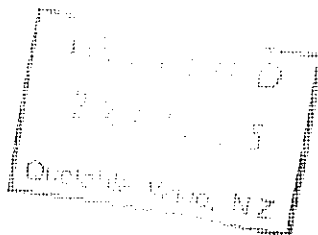


3



In reply please quote  
File Ref: 402007

20 April 2005



Commissioner of Crown Lands  
C/- Quotable Valuation Limited  
Barry Dench  
PO Box 13 443  
CHRISTCHURCH

Civic Corporation Limited  
Private Bag 50077,  
CivicCorp House, 74 Shotover Street  
Queenstown, New Zealand  
Tel. 64-3-442 4777  
Fax. 64-3-442 4778  
e-mail: [enquiries@civicc corp.co.nz](mailto:enquiries@civicc corp.co.nz)  
site: <http://www.civicc corp.co.nz>

Dear Barry

**SANDY POINT TENURE REVIEW**

Please find enclosed a submission on behalf of the Queenstown Lakes District Council.

Please do not hesitate to contact me for clarification of any matter raised in this submission.

Yours faithfully  
**CIVICCORP**

Andrew Bashford  
**Policy Planner**

**SUBMISSION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL ON THE SANDY POINT TENURE REVIEW PROPOSAL**

**DATE:** 1 April 2005

**SUBMITTER:**

Queenstown Lakes District Council

**ADDRESS FOR SERVICE:**

C/- Andrew Bashford  
CivicCorp  
Private Bag 50077  
QUEENSTOWN

Phone: (03) 450 0302

Dear Sir/Madam

This submission is lodged on behalf of the Queenstown Lakes District Council.

The Queenstown Lakes District Council appreciates the opportunity to submit on the Sandy Point tenure review proposal.

The Council has an interest in tenure review proposals within this District for five reasons:

- Ensuring sufficient public access is provided;
- Ensuring indigenous biodiversity values are identified and managed appropriately;
- Ensuring heritage values are recognised and provided for;
- Ensuring outstanding natural landscapes, outstanding natural features and other significant visual amenities are protected; and
- Ensuring ongoing economic interests such as mining are protected.

The council considers the Sandy Point tenure review to be a positive proposal both in terms of the public access that is proposed, and the protection of indigenous vegetation through conservation mechanisms, subject to the following:

**THE COUNCIL REQUESTS THAT THE ACCESS ROUTE LABELLED 'd-f' BE FORMED TO A SUITABLE STANDARD FOR ITS INTENDED PURPOSES**

**Reasons:**

1. The proposed access is currently unformed and contains parts that appear to be very steep. This would exclude most of the general public from being able to utilise the access, especially by mountain bike or horse.
2. The purpose of this access way is to provide access to the track on Grand View Range, which is already a formed track. Providing an access track that is unusable is effectively preventing access to a much wider area.
3. A well formed track would result in less degradation of the surrounding land by ensuring less erosion and ensuring users remain within the designated area.

Please do not hesitate to contact the writer if you have any questions with respect to this submission.

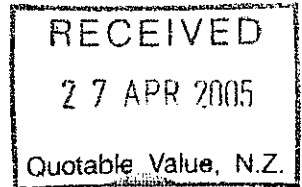
Yours faithfully

Andrew Bashford  
POLICY PLANNER

4

## P350 Sandy Point Pastoral Lease

Submission on Preliminary Proposal for Tenure Review



23 April 2005

Tenure Review Team Leader  
Quotable Value Ltd  
PO Box 13443  
Christchurch

Dear Sir/madam,

Generally I support the proposal and its aims to secure public access, strengthen the farming unit and protect some significant inherent conservation values.

However, I would like to see the following areas addressed:

**1. Public Access D-F**

The track marked "d-f" on the submitted plan is not shown on NZS 360 series map G40. A site inspection from the highway indicates that this is an unformed track. I believe the route choice can be suitable to provide access for walkers, mountain bikes and horses. For it to be suitable the track would need to be properly formed as part of the tenure review process.

The access is proposed to cater for multiple user groups including walking, horse riding and mountain biking. For mountain bikes particularly there are limitations to what can be negotiated. Mountain bikes cannot traverse steep terrain and cannot be ridden by most people (read: general public) up a track with an average gradient of more than 1:10(6 degrees). The alignment proposed includes sections that appear (hard to tell from the small scale of the proposal map) very steep and would not be practical for use by the general public, whom it is supposed to benefit, and would result in significantly higher maintenance costs (steep tracks erode more and bikes end up skidding) over the life of the track than a more gently graded one.

The International Mountain Bicycling Association (IMBA) has set an international standard for the design of "multiuse" trails that has been successfully adopted by the Christchurch City Council in the design and construction of their trail network on the Port Hills near Christchurch. These trails cater to a variety of users by using specific design principles that minimise conflict between user groups and maximise trail life. Designs following the IMBA guidelines create safe and enjoyable environments for all users, which would promote public use of this resource. This is surely the aim of public access. Further, such a design would be no more onerous to construct and should require less

ongoing maintenance costs. The IMBA and its resources can be reached at [www.imba.com](http://www.imba.com). The writer would be pleased to assist in any design phase if requested.

I would like the proposal to contain the following:

As part of the tenure review process the route marked "d-f" shall be designed and built in general accordance with the principles and concepts in the International Mountain Bicycling Association guide entitled "Trail Solutions".

## 2. Land Sustainability and Freehold Covenants

### 2.1 Sustainability

Section 24 a (i) of the Crown Pastoral Land Act 1998 reads: "promote the management of reviewable land in a way that is *ecologically sustainable*".

This preliminary proposal claims the achievement of this objective on Page 6, paragraph two with the following statement: "In terms of the proposal **all of the significant inherent values will be protected** by designating 52 hectares for restoration to Crown control as conservation area and a small area designated but subject to a conservation covenant".

I disagree with this statement and can find no supporting evidence in this proposal to justify it. Although the areas containing significant natural habitat (including exotic species) have been retained, **apparently the landscape is neither significant nor of inherent value**. I believe that the public deserves the landscape values to be taken into consideration and protected by way of covenant for future generations.

There is no support for the statement at the bottom of Page 5 that reads: "Ecologically sustainable management will be promoted.... by freeing the land from the management constraints as a result of its tenure as a pastoral lease...". How the change in tenure will achieve this is not remotely clear from the proposal.

I support the continued existence of the farming unit in an economic and profitable way, as historically farmers have been good stewards of the land. However freedom from constraints (as will occur under freehold title) leaves the general public accepting the inevitable rural residential development that has occurred on the opposite bank of the Clutha River at Queensbury Hills. This site went through tenure review some time ago and is now all but carved up for lifestyle blocks and no longer farmed.

Farming is **ecologically sustainable** whereas rural residential use is **economically sustainable**. These are two very different outcomes for the land and the public.

...2.2 Covenants

...2.2 Covenants

The preliminary proposal does not contain any protective mechanisms for the freehold land to be disposed of to the Lessee by freehold disposal. Past tenure review experience has shown that to ensure the viability of pastoral activities (over rural residential development) covenants need to be attached to the pertinent certificate of title for the continued use of the subject land for pastoral uses.

Clearly the land is productive and a covenant would not need to interfere with farming activities. It would simply protect it for future generations from residential development incompatible with the subject landscape. Reliance on the local authority's District Plan to protect the site is a deluded and impractical approach. Evidence is available at Queensbury Hills on the western bank of the Clutha River where once productive farmland has been subdivided for residential use and the landscape is being permanently altered. No mention was made of this outcome at the time of tenure review.

I would like the proposal to contain the following:

Protective covenants covering all freeholded land such that the land will be retained in pastoral use only (this could include tourism ventures), and any residential development would be a prohibited activity.

If you have any queries regarding the above recommendations please do not hesitate to contact the undersigned.

Regards



Tim Dennis  
Wanaka Community Board member  
40 Rata Street  
Wanaka

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# Public Access New Zealand

INCORPORATED

RD 1 Ormakau 9182 Central Otago New Zealand  
 www.publicaccessnewzealand.org

Phone & Fax 64-3-447 3554  
 panzes.co.nz

27 April 2005

Commissioner of Crown Lands  
 C/- Quotable Value Ltd  
 P O Box 13 443  
 Christchurch  
 Fax (03) 341 1635

## FAXED

1.30pm 27/4/05

### Submission: Sandy Point Tenure Review Preliminary Proposal

#### Summary of Proposal

- Three areas, totaling 52 hectares, of the 1797 ha property being retained in Crown ownership as conservation area.
  - One area consists of 50 ha of rock outcrop and shrubland in West Coast Gully which is Otago Skink habitat.
  - 2 ha of Sandy Point Clutha River escarpment which abuts existing marginal strip and facilitates practical public access.
  - A small car park adjacent to the Luggate-Tarras Road.
- The balance (1746 ha) being freeholded, subject to-
  - Two Conservation Covenants consisting of-
    - 15 ha of native broom overlooking the Luggate-Tarras Road.
    - A covenant along the banks and bed of West Coast Gully Creek for fishery habitat protection.
  - Three public access and management easements-
    - 'g-h' from a carpark beside the Luggate-Tarras Road to a new conservation area on the Clutha escarpment, with public access linking through the conservation area, existing marginal strip along the bank of the Clutha, and via easements 'i-j' and 'k-l' where passage is difficult through the adjoining marginal strip. For foot and mountain bike use only.
    - Easement 'f-d' from the Luggate-Tarras Road, near the above car park, to the crest of the Grandview Range via paddocks and a 4WD track. Foot, mountain bike, and horse use.
    - Easement 'a-b-d' along the crest of the Grandview Range on a 4WD track. Links to an agreed easement on Glenfoyle. Also side easement 'b-c' along ridge-top 4WD track to proposed 'West Coast Gully' conservation area, and link 'd-e' along southern boundary for possible future link to Lindis Peak. Foot, mountain bike, and horse use.

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Public Access New Zealand is a charitable trust formed in 1992. PANZ's 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 draws support from a diverse range of land, freshwater, marine, and conservation interests representing approximately 200,000 people from throughout New Zealand. We are committed to resist private predation of the public estate

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**Introduction**

We have not done any site survey to be able to comment on the adequacy of the the conservation area aspects of the proposals. Our general impression of the property from the air is that it is highly modified, and other than public access provision, including improved riparian access along the bank of the Clutha, there is little in the way of inherent values left that are worthy of Crown ownership or other forms of protection. We take it "as read" that the covenants will serve useful purposes. As no public access is intended we have not critically examined their terms.

**Marginal strips**

We note that this pastoral lease was renewed in 1994 by the highly questionable practice of variation of lease. Given that there are specific statutory provisions for renewal, as distinct from variation, we believe such a practice to be unlawful. The consequence is that if marginal strips were applicable to any water ways not already reserved from sale or other disposition, then "renewal" through variation avoids disposition of Crown land and the requirement to create marginal strips under Part 4A Conservation Act. There is no indication in the papers supplied to us that any marginal strips exist other than along the bank of the Clutha. This could either be because of the failure to create such in 1994 or that no other waterways other than the Clutha qualify. The Preliminary Proposal should set out the correct position in regard to existing marginal strips and other waterways that qualify for new strips.

In regard to the proposed covenant along West Coast Creek, we note that this is officially justified on the basis that "a marginal strip would not apply to this waterway". Therefore an alternative protective mechanism, without public access provision, has been devised. We take no issue with the absence of access as we see no necessity for this along this stream. We agree that, as Fish and Game see it as necessary for some alternative mechanism to protect fish spawning, that this tenure review provides such.

This particular proposal partly illustrates what PANZ has been advocating from the outset of the tenure review programme - that all existing marginal strips, and all waterways qualifying for new strips, be identified at an early stage so that in the absence of strips alternative mechanisms can be instigated where necessary for ether access or resource protection. Not to do so, as has been the standard approach to date, is illogical and wasteful of everyones' time and resources. It also potentially thwarts the object of the CPLA to secure public access and enjoyment of revisable land. We hope that the 'Sandy Point approach' now becomes the standard approach to waterways on all tenure reviews, although this review has failed to identify qualifying waterways, if any. These should be identified. If there are no qualifying waterways the Preliminary Proposal should say so.

**Clutha River access**

We believe the alignment and 10m width of these easements, and the position of the carpark are acceptable, however we question the necessity for three different tenures/mechanisms for public recreation along the banks of the Clutha. There will be marginal strip, conservation area, and two sections of easement over freehold. These provide different levels of protection for the environment, varying security for the public, and differing rights of use. As marginal strip is already established, we submit that instead of conservation area and easements 'i-j' and 'k-l', the existing marginal strip should be extended in width. This can be achieved by exercising the provisions of section 35(2)(a)(iii) CPLA - designation of land for specified Crown purposes - in this instance 'marginal strip'.



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**Crown Land (Mining Reserve)**

The Crown Cadastral Database shows a substantial area of Crown land along the bank of the Clutha immediately adjoining the marginal strip. This is 100-150 metres wide and extends upstream from a point approximately 900 metres north of the southern boundary of Sandy Point. The Due Diligence and DOC proposal maps exclude this area from the pastoral lease, whereas the certificate of title diagram and proposed designation plans show it within the leasehold.

The Due Diligence Report specifically itemises the Mining Reserve as "neighbouring land".

The status of this land has a direct bearing on the Clutha riverside proposals. If it is Crown land there is no necessity for easement 'k-1'. An extension to the marginal strip or other public reservation would achieve more secure public access than an easement.

**Easement 'd-f'**

We note that the upper section of this easement is unformed. This may make passage by mountain bike more difficult than the rest of the route. The grade may be too steep for many bikers to ascend without dismounting but probably a welcome challenge for downhill wheelers. It is short, depleted tussock grassland and provides no obstacle to public use. The route is most suitable for horse and foot use. We believe that it is desirable that a diversity of riding and walking experience is maintained by leaving this upper section undeveloped.

There is a potential obstacle to passage in the bottom section, adjoining the fence beside the paddocks fronting on to the Luggate-Tarras Road. There is a short section of scrub immediately adjacent to the fence. This will require clearance of a path. However there is no provision in the terms of the easement for this, or any other easement, for the Crown as Transferee to clear or form tracks as necessary for public passage (see more on this below).

The Proposed Designations Plan shows the easement leaving the road almost at right angles to ascend up a paddock to the continuation of the easement along the base of the hill. Our inspection reveals a pine plantation at this location, with a boundary with the open paddock at a far more acute angle than shown on the plan. What is proposed? An alignment along the boundary of the plantation or more directly across the paddock?

Utilising the route officially proposed does not provide the most direct access for the public however it should be suitable. We acknowledge that it is preferable to have the start-point close to the proposed car park. For horse-riders in particular there needs to be a reasonable sized horse float and departure/loading area free of traffic hazard.

We note the provision to close access for 1.5 months for the purposes of lambing, if the owners so request. We prefer such discretion to close rather than mandatory closure over a set period, so as to take account of changing farming practices, for instance if lambing is not occurring. However we question the necessity for this provision, given that access has been routed along the 'top side' of the fence bordering the road-side paddocks. We presume lambing will be confined to the latter. If lambing is not going to occur on the hill paddocks, public users would be separated from this activity. A fenced lane could be provided from the road to ensure complete separation. This lane could either be "within" the open paddock or perhaps within the plantation. We submit that the latter option in particular be investigated to provide complete separation of the public from lambing and so remove

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any necessity for a closure provision. It is highly desirable that 'lambing' closures be avoided so that the whole Grandview route is available year-round. We note that there are no such closure provisions on the 'a-b-d' easement.

The start of the 'f-d' easement could be opposite the proposed car park and so minimise horse exposure to vehicular traffic. We note that there is a relatively large unplanted area on the west side of the road. This appears, from the air, to be level. It may be preferable to have the car park on this side of the road, avoiding any necessity for horse traffic to cross the road.

We note the proposal for keys to be available from DOC to enable horse access through potentially locked boundary gates. Unlike most forms of outdoor recreation, horse riding is less spontaneous in nature, with a fair degree of pre-planning and organisation required. Therefore, provided there is adequate sign posting and other information available locally concerning locked gates, and ease of obtaining keys from DOC in Wanaka, we believe this arrangement provides a practical outcome.

#### **Easements 'a-b-d', 'b-c', 'd-e'**

These provide strategic access for an eventual continuous route along the Grandview Range, and out to the Lindis Highway via Lindis Peak. In combination with what has been agreed on Glenfoyle this will provide a valuable recreational opportunity in the upper Clutha basin. Provision for all forms of non-motorised access, horses in particular, is most important. The latter are generally being poorly provided for out of tenure review, so the Sandy Point and Glenfoyle proposals are most welcome. Once a complete connection is negotiated along the Grandview Range this will provide outstanding recreational opportunities, with potential for high use. As part of an eventually much longer route we believe thought should be given to well-placed 'camping reserves'. Such may be unnecessary on Sandy Point or Glenfoyle however they should be considered on any future reviews to the north. We note that the easements in question specifically exclude camping.

#### **Specific terms of access easements**

We refer to the express terms of the draft easement documents-

There is no provision to clear or form paths if the Crown deems such work necessary. The Crown's powers are limited to marking and sign-posting.

#### *Exclusion of schedules.*

Whilst the Ninth Schedule of the Property Law Act 1952 is expressly excluded from the terms of the easements, section 126G of that Act is not. Section 126G allows modification or extinguishment of easements through the courts, at the initiative of either party to their creation or one alone. There is no ability for public notification or objection. This omission constitutes a fundamental failure to 'secure' public rights of passage, as required by the CPLA.

#### *Temporary suspension.*

Under the easements "the Transferee (not being a member of the Public) may, at any time in exercise of her/his powers, temporarily close all or part of the Easement Area for such period as she/he considers necessary".

The absence of any cited legal authority for closure is of great concern. If there are lawful powers of closure applicable they should be expressly cited. Without such there can be no accountability for DOC's future actions, and therefore no certainty of public access.

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We submit that these weaknesses must be removed to ensure greater compliance with the objects of the CPLA.

Yours faithfully

A handwritten signature in black ink, appearing to read "B. Mason". The signature is written in a cursive style with a large initial "B".

Bruce Mason  
Spokesman and Researcher

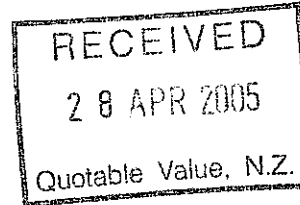
6



# OTAGO CONSERVATION BOARD

Our ref: SBC-08-34

26 April 2005



Commissioner of Crown Lands  
c/- Quotable Value New Zealand Ltd  
Box 13 443  
CHRISTCHURCH

Dear Sir

## SUBMISSION ON TENURE REVIEW OF SANDY POINT PASTORAL LEASE

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

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

- the designation of about 52 ha as land to be restored to Crown control as conservation areas;
- the proposed 15 ha covenant (CC1)
- the proposed easements.

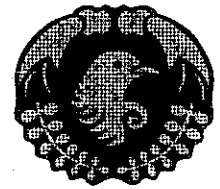
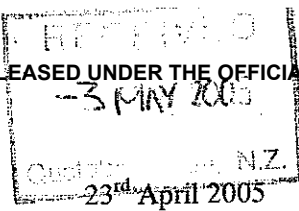
The board believes that the proposal should be changed as follows:

- There should be no grazing of the proposed 15 ha covenant (CC1) by animals other than sheep;
- There should be an easement up or beside the small canyon between the highway and the proposed 15 ha covenant (CC1), to allow more direct public walking access from the highway to the area. This would be far better than the much longer route from point "f" near the proposed parking area CA3.

We appreciate the opportunity to provide comment on this proposal and we are willing to elaborate on any of the issues we have raised.

Yours faithfully

Fergus Sutherland  
Chairperson



**FOREST  
& BIRD**

ROYAL FOREST AND  
BIRD PROTECTION  
SOCIETY OF  
NEW ZEALAND INC

The Commissioner of Crown Lands  
C/o Quotable Values Ltd  
62 Riccarton Road  
PO Box 13 443  
CHRISTCHURCH

Dear Sir

**SANDY POINT - Tenure Review Preliminary Proposal**

We thank you for forwarding to us a copy of this proposal. We in the Upper Clutha Branch of the Society are very conscious of the importance of the Tenure Review process and fully support the aims and objectives of Part 2 of the Crown Pastoral Lands Act 1988; also the more recently stated Government additional objectives for the South Island high country in the Cabinet Paper (EDC Min (03); CAB Min (03) 11/5) of August 2003; as per LINZ Website.

Our branch has a membership of approximately 170 members; the Society as a whole has a membership of approximately 40,000 and is well known for its work in protecting the environment throughout New Zealand.

We have inspected Sandy Point and wish to thank Mr A Kane for allowing us to do so. We also inspected this property, when it was leased by a previous occupier, following a meeting of stakeholders held on 8<sup>th</sup> October 2001. After which we made an earlier report (dated 29<sup>th</sup> May 2002) to the Department of Conservation in Dunedin.

We would be pleased if you would accept the following submission on behalf of our branch.

**1.0 General Description.**

- This property sits astride a range of hills, known locally as the Grandview Range, extending southward from Mt Grand. It is one of several on the eastern side of the Upper Clutha Basin at present in the tenure review process.
- These hills are perhaps not as high as others in the Upper Clutha region of Otago, but they form a prominent and therefore a very important part of the landscape.
- This is a property that has been considerably modified overall but there are still some significant stands of kanuka and charmichaelia present. Matagouri survives also because it is responsive to the phosphate fertiliser that is being applied. The taller (in name not stature) tussock is now somewhat sparse on the upper areas.
- The main pest plant is sweet briar which extends up to approximately 800 masl. Gorse is in evidence on the lower river terrace.
- Approximately half of the property lies on the eastern side of the range and drains into the Lindis river system while the other, western half, drains into the Clutha system.
- The smaller lower slopes and alluvial fans on the western side have been cultivated intensively wherever possible.

**UPPER CLUTHA BRANCH**

C/- PO BOX 38 · LAKE HAWEA · CENTRAL OTAGO 9192

- The escarpment on the property opposite Sandy Point is a significant geological feature.
- The main soil types on the hill are class VI and VII

## 2.0 The Proposal.

We consider this a relatively good proposal. However, there must be some adjustments which we believe are necessary to fully meet the requirements of the CPL Act 1998. We comment below, our comments and suggestion for improvements to the proposal are in *bold italics*:

2.1 An area of approximately 50 ha (Area CA1) to be returned to full Crown ownership and control as a conservation area.

This is an area in West Coast Gully in the north eastern corner of the property and contains shrubs on the threatened species list. It is also an area that is a known habitat of the endangered Otago Skink.

*We fully support this move and that it is to be fenced off is appropriate.*

2.2 An area of approximately 2 ha (Area CA2) is to be returned to full Crown ownership and control as a conservation area. The purpose of this is to provide walking access to, and join together, the existing marginal strips above and below the scarp.

*We comment: The property to the south, which is zoned Rural Residential, has a building platform constructed close to the escarpment which will prevent walking access further in that direction. Also this will no doubt be contrary to the aims and objectives of the Clutha River Parkway.*

*We support the idea that there should be an area for walking access but see this proposed arrangement as inadequate. The area should be much wider. The map gives the wrong impression and only tells half the story as the greater part of CA2 is a cliff face, or escarpment, liable to slip away at any time, and the available walking area only a few metres wide in places. The area should be at least doubled in width.*

2.3 An area of 0.05 ha (CA3) to returned to full Crown ownership and control as a car park for public use whilst visiting the area.

*We support this move but would doubt if the area is big enough to meet fully all future requirements. Tenure review is for ever, not just for the moment. (See also 3.2 (iv) below)*

2.4 An area of 1,745 approximately to be returned to full Crown ownership and control subject to mechanisms and qualified designations. This area is the bulk of the property after the above small areas have been taken out.

Section 24 of the CPL Act 1998 states that:

(a) To:

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

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

Above the alluvial fans on the western side, the land above SH8A is classed as VI and VII and if adequately top dressed might prove to be ecologically sustainable. There is no guarantee however that it will become ecologically sustainable just because it is to be freed from managerial constraints required by the previous type of tenure. The economic viability of the property will depend on a cheap and readily available supply of superphosphate from outside of New Zealand.

*We Comment: In this connection we would point out that there is no definition in the Act of ecological sustainability.*

2.5 No mention is made in this proposal with regards to the landscape. *It is our considered opinion that this is a mistake;* as this property is very visible from SH8A which runs through the lower cultivated area. Also from SH6 on the true right of the Clutha River. It is at the very entrance to the Upper Clutha basin and therefore seen by countless tourists. While the vegetation which supplies the colour and texture of a landscape has been heavily modified it still retains that open grassland appearance and is relative to the country to the north and south; which makes up the eastern background to the basin.

The relative district scheme is good for ten only years and can be altered at that time:

*Therefore, we consider there should be attached to any freehold title given, a covenant to prevent any undue alteration to the landscape from forestry, tracking or unseaming or unnecessary structures.*

### 3.0 Qualified Designations.

3.1 Easements for public access: a-b-d, e-d-b and d-f, for public access and for the purpose of conservation management:

This will supply good walking and biking access and form part of a link on the Grandview ridge for those wishing to traverse the skyline ridge, first in a southerly direction from Lake Hawea to Long Gully, and thence in a north easterly direction to Lindis Peak.

*We fully support this move.*

3.2 However, we wish to point out and make some comments on some shortcomings in this proposed skyline walk that are appearing out of the tenure review process:

(i) No access for the public to climb up to the skyline ridge came out of the Glenfoyle review. The only access allowed in that substantive proposal was for conservation management purposes; this is regrettable. It appears now that we will have to look to Mt Grand or Long Gully for another point of access/exit to this ridge, as "d-f" is not user friendly for cyclists.

(ii) **Appendix 6: There is an anomaly in the proposal at this point:** easement for Public access and for Conservation management, easement "d-f": This easement is to allow access to the main Grandview - Lindis Peak ridge from SH8A.

**Under:** "Standard Easement Terms", Access, 2.2 "To pass and re-pass at any time over and along the Easement on foot or on or accompanied by horses, or by motor vehicle, with or without machinery and any implements of any kind, or with or without guns and dogs, for management purposes".

This easement starts on a track going up Deep Gully on the true left and then comes out onto the ridge above, then ceases.

*There is no complete access for a vehicle to the main ridge, either up or down. To say there is, is a misnomer.*

(iii) We note under 10.4 of the easement that this easement may be closed between 15<sup>th</sup> September to 30<sup>th</sup> October, of any year.

*We believe this is too long a closure for lambing. A month should be sufficient for this activity.*

(iv) *In total we see the issue of walkers and cyclists obtaining access to the main Grandview ridge, "d-f" as unreasonable - the public are being poorly served. After the formed track going up Deep Gully ceases on the spur, or ridge, above, the final climb to the top on to the main spur would be far from suitable for a non motorised vehicle. Another route should be investigated.*

*Our Suggestion: We see no reason why the zig zag route on the face, slightly south and above the airstrip, could not be used. This could be accessed from SH8, where a very good parking area could be created opposite CC1 where the Deep Gully culvert goes under the road formation. A marked polled route could be up to the charmicaelia reserve then around the base of the hill to get on to the very long spur below the face on which the zig zag climbs. This would also have the advantage of shortening the distance between Mt Grand and Long Gully for an emergency exit (see attached map). We wish to point out that access also means exit to any walker caught out in a storm on the Grandview Ridge. This point is being overlooked from the public's point of view.*

*In the gully below the Culvert there is a substantial stand of kanuka. We see this could be an excellent walking access route to the river terrace and the marginal strip on the river if a rack were to be formed through the kanuka..*

#### 4.0 Protective Mechanisms.

4.1 Covenant CC1 is an area of approximately 15 ha and is to protect a stand of native broom. It appears that this area is already fenced off. However we see that permission can be granted to graze this area - "Schedule 2, Special Conditions 3.1.1" of the document.

This small area is quite unusual in that the most dominant plant is the native broom. This uniqueness should be made known to the public by suitable signage. As grazing the area is permitted, this will negate any effort to save the broom. If the broom is to be saved from extinction it should never be grazed at all, as with grazing there will never be any chance for self regeneration of the stand; as soon as a seedling emerges from the ground it will immediately be eaten down.

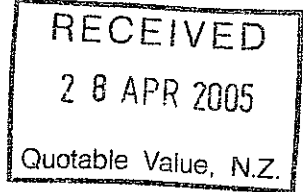
*If the native broom is to be properly protected for all time "for the public to enjoy" it*



25.4.05

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The Commissioner of Crown Lands  
c/- Quotable Values  
P O Box 13 - 443  
Christchurch.

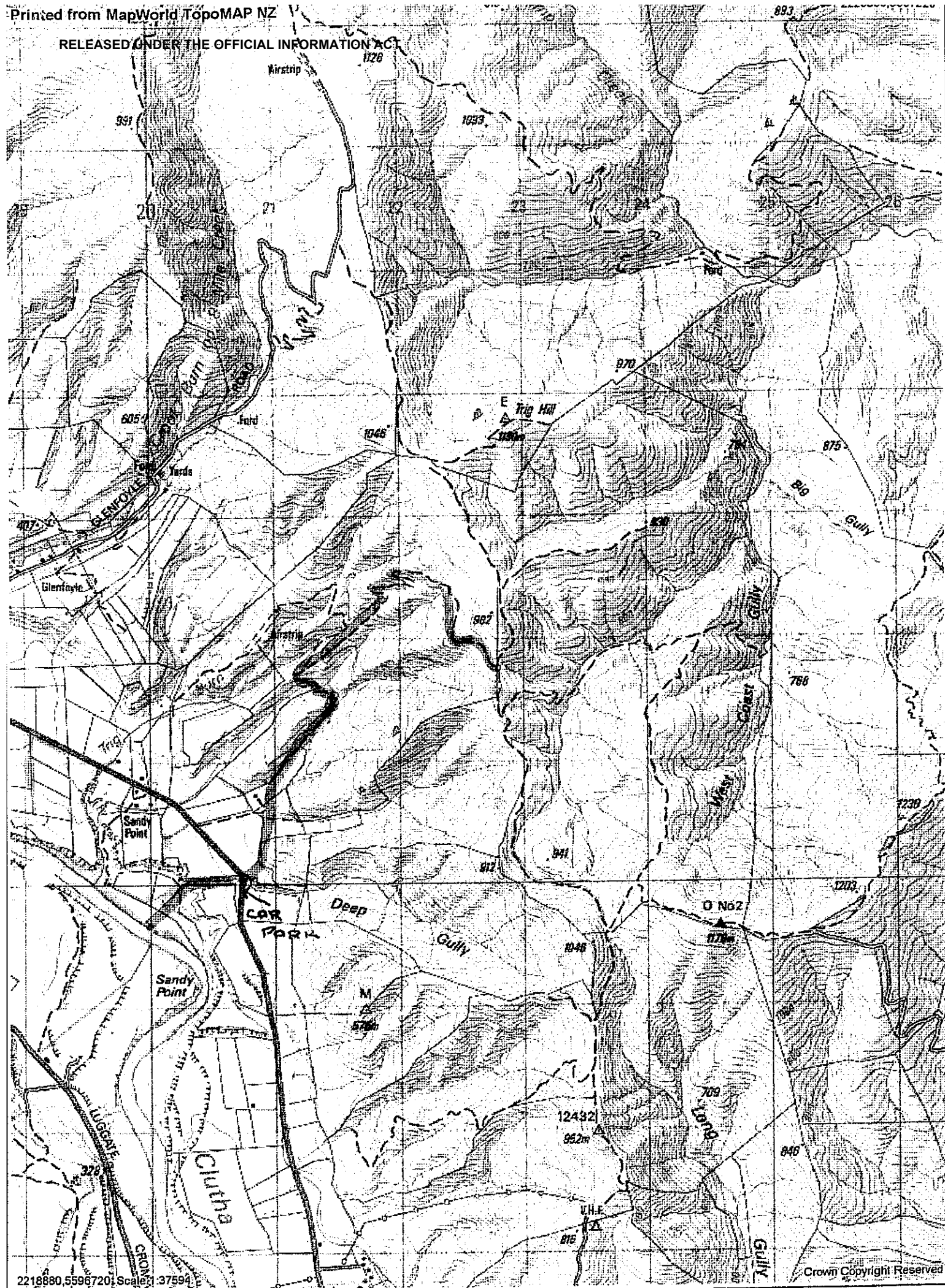


Dear Sir

The enclosed map is to accompany  
the submission regarding the  
Tenure Review of Sandy Point,  
Upper Clutha, which was  
prepared for the Upper Clutha  
branches of Forest & Bird, by  
Mr J. I. Turnbull.

Mr Turnbull is currently in  
hospital, and was unable  
to include the map with his  
submission.

Yours sincerely  
Barbara Chin, Chairperson



2218880,5596720, Scale: 1:37594

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*Walking Areas & Cycle Areas*