



Crown Pastoral Land Tenure Review

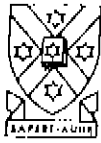
Lease name : West Wanaka

Lease number : Po 203

Public submissions

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

March 03



Department of Botany

Division of Sciences
PO Box 56, Dunedin
NEW ZEALAND

University of Otago
Te Whare Wananga o Otago

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

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May 14, 2002.



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

SUBMISSION ON PROPOSED TENURE REVIEW: WEST WANAKA 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 areas involved. This has been gained over many years of ecological research on the tussock grasslands and pastoral leases of Central and western Otago, including the nearby Mount Asspiring National Park where I conducted a vegetation survey in 1969-70 and have subsequently been monitoring representative areas in conjunction with the department of Conservation.

Although the separation of this pastoral lease into areas proposed for full Crown ownership (1189 ha) and freehold (5974 ha) appears to be highly in favour of freehold disposal, I am aware that a large area of higher elevation land (Buchanan Peaks and Mt Alta areas) from the original run was excised some time ago as an aspect, if I recall correctly, of a formal run conservation plan. This being the case, I believe the areas differentiated into these two management classes is not unreasonable. I support each of the ten areas (3.1.1 to 3.1.4 and 3.1.9 to 3.1.13), as shown on the plan (Schedule A), proposed as "conservation areas" and the remaining three (3.1.5 to 3.1.7) as "wildlife management areas." Areas 3.1.6, 3.1.7 and 3.1.8, however, should be combined as a single protected area, and also include the relatively small (<20 ha) intervening area, immediately downslope from area 3.1.8.

I am concerned, however, that seven (not six as on page 3) other areas of high conservation value (Areas "a" to "h" in the report) have been proposed as "conservation covenants" within land to be given freehold title. As stated in the proposal, these are mostly areas unsuited to grazing, including 813 ha of Class VII land (by definition "land with severe limitations for pastoral use"), but mostly with significant conservation values. Under the terms of the Crown Pastoral Land Act areas with "significant inherent values" should "preferably" revert to full Crown ownership. As stated in the report, two of these six areas (Areas a and b) are beech forest remnants which will probably eventually require fencing if regeneration (and thus their future) is to be assured, and this is unlikely to happen with freehold covenants. The area of about 50 ha between the two strips of Area "a" should also be included to constitute a single, somewhat larger (about 110 ha) larger Area "a" to provide some scope and opportunity to allow (and follow) forest encroachment and succession on to the intervening non-forested spur. Areas "c" of 290 ha and "d" of 110 ha are both described as "diverse mixed shrublands" which, similarly, may require fencing if their full ecological potential and value is ever to be achieved. Again, this is much more likely to occur on Crown-owned land. Area "e" is described as a 20 m riparian margin on each side of Station Creek, between Lake Wanaka and the upper boundary of the property. Its main purpose is stated as protection of the riparian vegetation as an aspect of security for a large population of koaro. Area "f" is described as a 10 ha "lakeside area" with a "mix of native species dominated by Kanuka" but which also contains southern rata (not

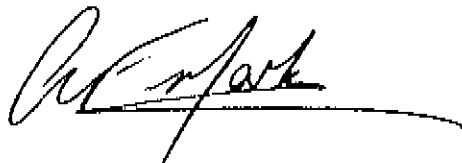
mentioned in the report), while Area "g" is 200 ha of mainly "tall tussock wetland with numerous ponds" which is "a breeding and feeding area for waterfowl." Area "h" which is listed in the summary and is shown on the map (Schedule A), has been omitted from the description at the bottom of page 14. It is a relatively large area (>300 ha) of mostly regenerating kanuka, but includes the extensive beech forest of Cox's Bush. This is an important area of mostly indigenous vegetation which certainly warrants formal reservation. Another important area in terms of conservation values, which appear to have been overlooked, is the area of mostly indigenous vegetation, predominantly kanuka, on and to the south of Coquhaun's Flat, as a lakeshore strip of about 200- 400 m width, extending to the local skyline. This area, which I recommend be covenanted as freehold land, also has significant landscape values, as do all of the other eight areas ("a" to "h") in this category.

Of these eight areas covered in the proposal, I recommend that only Areas "e" and "f" be considered for freeholding, with appropriate covenant conditions (no burning, plant removal or cutting, etc.) attached. I strongly recommend that all of the remaining six areas (a, b, c, d, g and h) should revert to full Crown ownership, with no licence to graze, so that they could be fenced out in future, to exclude domestic stock, if considered necessary to maintain or improve their ecological values.

The easements, as proposed, seem to be appropriate.

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

Yours sincerely,



Alan F. Mark FRSNZ DCNZM.
Professor Emeritus

WEST WANAKA TENURE REVIEW SUBMISSION

May 2002

Thank you for the opportunity to comment on this draft Tenure Review. I thank the CCL for a copy of the DoC Resources Report.

Global Issue

I would like to see the analysis of submissions for this and other Tenure Review Draft cases. Actually it would help all concerned in this important process if early drafts of the property proposals are presented and discussed at meetings of interested parties. Then the publicly advertised document has the benefit of more buy-in from groups and individuals that have an interest and specialised information that can add value to the process. This is all the more important given the lack of feed-back that regular submitters like myself receive.

This draft proposal exactly epitomises the direction Tenure Review is headed now. There is no positive sign of vision here. Just a simple exercise of putting rings around trees and shrubs and either proposing covenants or Crown Ownership. What and where is the future for the inherent values identified? Where is the room for low altitude grassland, which I know, exists on the lease? A brave author would consider seriously more innovative options which draw together rather than separate the identified values. This lease more than most others lends itself to complete retention by the Crown, in terms of geography and the scattering of proposed covenants and conservation areas.

West Wanaka

I was employed full-time by the Department of Conservation at the time of the original inspection for Tenure Review, and took part.

My overall comment is that because of both the extent and quality of the conservation values present on this property, a **whole property purchase** should be pursued in this case. In terms of reserve design, the draft proposals in the report are a mess! Both conservation values and the farming operation are severely compromised. I count 20 different areas proposed for some sort of protection! This is far from ideal and really more effort needs to be taken to link these areas in a forward thinking way that will allow them to be sustained long-term. Although I agree that the property contains large areas of exotic dominated grasses, these should not naturally be freeholded, especially if such pasture areas provide both linkage between areas of high intrinsic values and also provide areas which can be manipulated for future generations of rare flora.

I am concerned that putting rings, or fences in this case, around say *Olearia hectorii* groves is missing the point. These old trees are but a vestige of a former forest of these fine trees. These forests sustained a rich invertebrate and bird fauna. Where are the seedlings? Our only hope to conserve these small trees is to retain large areas with linkage to the riparian areas of the Matukituki River, a mix of drylands and wetlands,

DTZ NEW ZEALAND
ALEXANDRA
21 MAY 2002
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rocky ground and fertile soils, and manipulate them to attempt to encourage a new generation. That is the biggest challenge to management of these areas. How do we sustain these threatened trees? These 20 areas are full of "museum" specimens of rare and local trees, herbs and large shrubs.

If a whole property purchase is too difficult, then I would advocate hard for all the area from "c" and "J" northwards, including "a", "b", "G", "H", "g", "A", "B", to be protected in its entirety. Thirteen areas proposed for protection for their high inherent value are included in this larger protected area. In terms of reserve design, and I suspect the future farming operation, this is a much improved outcome for all concerned. This area must then be fenced from the farming operation.

Importantly the values identified and their relationship with the landforms will be better off long-term. We have to get it right in this Tenure Review process, and this proposal of mine would give us a much improved chance, given we do not have all the conservation answers right now.

Area "c" has important botanical and entomological values including the rare moths *Austrocidaria prionota* (note spelling) and *Gingidiobora subobscurata*. This area should clearly be retained in Crown ownership rather than covenanted. Its high inherent values are far better recognised and protected long-term in Crown ownership. I note that the DoC has also essentially proposed this also. I feel the same about area "h". It also has high inherent values on very steep and rough country in places.

I am also concerned that many of the proposed covenants such as "a" & "b" are not planned to be fenced. What possible gain are these areas to conservation. They will continue to be "museum" forests till the trees die and fall. We should aim to do considerably better than that!

For 3.1.8, mention is made of "an intact altitudinal sequence". I agree, but fail to see it in the proposals! This is exactly my point; we should be planning given this sort of opportunity. We must sustain these rare species rather than "fence them in"!

Similarly "L" & "h" and M & N should be joined and formal access for the farming operation made. Area "h" should be expanded southwest to include very steep slopes that I sampled and contain significant values. This makes much more sense for both reserve design and long-term planning. Larger reserve areas have fewer edges and therefore less management issues. Again this suggestion is close to the DoC recommendation.

Failing some of the above proposals, areas "H", "G", "I", "J", "c" and "b" should be joined to make one consolidated area. Also the two areas marked "a" should be linked. There is no future in isolated areas, especially when the long-term viability of the listed rare plants is in its infancy in terms of research. We must give these ecosystems a fair chance.

I support the recognition of area 3.1.10

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Summary of submission

- Seriously consider a whole property purchase as a mechanism to protect the extensive and important inherent values of this property
- Failing that, link the 20 discrete conservation areas, including proposed coverdents, into one much larger and more sustainable conservation area from "c" and north to "g" on the true left of the Matukituki River. The area should be fenced from the farming operation
- Failing that, group the two areas "a", and six areas "H", "b", "c", "G", "I" & "J" into linked conservation areas in crown ownership. The total area should be fenced from the farming operation
- Group and link physically the four areas "h" & "L" & "M", "N" in crown ownership and fenced. The easement for farm management need not be fenced separately

Yours faithfully

Y0203/1

DTZ NEVI ZEALAND
ALEXANDRA
- 5 JUN 2002
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UPPER CLUTHA ENVIRONMENTAL SOCIETY (INC.)

PO Box 443, Wanaka.
Tel/Fax (03) 443 7837
uces@xtra.co.nz

West Wanaka-Tenure Review Proposal

2nd June 2002

The Society has obtained a copy of the Notice of Preliminary Proposal-West Wanaka Tenure Review recently notified for public comment under the Crown Pastoral Land Act (1998).

In general the Society supports the proposal and is pleased with the access offered to the public. We believe other organizations are making detailed submissions on the proposal and so this Society will make only the following submission on the proposal:

1. Area between Matukituki River and Colquhoun's Flat.

We note that there will be public access between the Matukituki River/West Wanaka Station and Colquhoun's Flat. There is an interesting small knob to the east of this track, with a trig height of 525m, that would, in our opinion make an ideal day walk. I enclose a picture with the knob marked by red arrow to illustrate the point. We believe the view from the top of this knob, with its proximity to the lake, would be excellent and so request that the tenure review proposal be modified to include a public track to the top of this.

Please do not hesitate to contact the Society if any further information is required.

Yours faithfully,



Julian Haworth

Secretary

UCES

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Po 203/



OTAGO CONSERVATION BOARD

Our ref: OCB 34

5 June 2002

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

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- 7 JUN 2002
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Dear Sir

SUBMISSION ON TENURE REVIEW OF WEST WANAKA PASTORAL LEASE

Thank you for the opportunity to comment on the Notice of Preliminary Proposal for the tenure review of the West Wanaka Pastoral Lease.

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

- the creation of ten conservation areas covering about 1024 ha on the margins of the property (3.1.1 to 3.1.4 and 3.1.8 to 3.1.13 in Appendix 1);
- the creation of three wildlife management reserves covering about 165 ha beside the Matukituki River (3.1.5 to 3.1.7 in Appendix 1);
- the creation of several easements for public access;
- the retention of 0.5479 ha of the conservation area shown in Appendix 2;
- the freeholding of areas "e" and "f" in Appendix 1, subject to conservation covenants which prohibit burning, the cutting or removal of plants etc.

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

- Areas 3.1.6, 3.1.7 and 3.1.8 should be combined as a single protected area which includes the small area of proposed freehold land to the west of area 3.1.8;
- Areas "a", "b", "c", "d", "g" and "h" in Appendix 1 should be designated as land to be restored to Crown control as conservation areas with no grazing rights, so that they can be fenced out in future to exclude domestic stock (if this is considered necessary to maintain or improve the ecological values in them.) They all have "significant inherent values" and section 24 (b) of the Crown Pastoral Land Act 1998 makes it clear that preference should be given to the restoration of such areas to full Crown ownership and control. The question of whether or not fencing to prevent stock ingress is currently practical should not foreclose future options relating to their management as conservation areas;

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- an area of about 50 ha on Narrow Spur between the two strips of Area "a" should be included in Area "a" to allow natural forest encroachment and succession on the non-forested parts of the spur;
- the placement of a conservation covenant over an area of mostly indigenous wood vegetation (predominantly kanuka) on and to the south of Colquhoun's Flat, being a lakeshore strip of about 200-400 m in width extending to the local skyline;
- the creation of an additional easement from Area 3.1.5 up the 4WD track on Broad Spur to the conservation area above the fenceline.
(This will provide good alternative public recreational access to the southern part of the Mt Alta Conservation Area. The steep gullies proposed for covenanting that are marked as Areas "a" and "b" in Appendix 1, are not appropriate for use as public access routes in this area.)

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



F.F.

Les Cleveland
Chairperson



**HIGH COUNTRY
CONSULTANCY**

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Dr Mike Floate
SH 8 Tarras, Central Otago New Zealand
Telephone 0-3-445 2829

New Fax Number (03) 445 2038

FROM	TO
Name... <u>MIKE FLOATE</u>	FAX No. <u>03-448-9099</u>
Date... <u>9 June 2002</u>	Name... <u>DTZ New Zealand</u>
Number of pages... <u>4</u>	Business.....
(including header sheet)	Address... <u>Alexandra</u>

If you do not receive all pages please phone (03) 445 2829 immediately

Sunday 9 June 2002

The Commissioner of Crown Lands
C/-DTZ New Zealand Ltd.
PO Box 27 Alexandra

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ALEXANDRA
10 JUN 2002
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Please find enclosed a submission from Federated Mountain Clubs of NZ Inc. (FMC) regarding the Preliminary Proposal for the Tenure Review of West Wanaka Station.

We hope you will accept this FAX version of our submission.

Hard Copy of this submission, together with a copy of the FMC Report (April 1997) on West Wanaka Station, will follow by surface mail

Dr Michael J S Floate
FMC Special Vice President. High Country Tenure Review



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

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OFFICIAL INFORMATION ACT

5 June, 2002

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

Dear Sir

Re: Preliminary Proposal for Tenure Review: West Wanaka Station

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 13,000 members of tramping, mountaineering, climbing and other outdoor 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 West Wanaka Station.

THE PRELIMINARY PROPOSAL

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

- (1) 1189 ha to be restored to full Crown ownership and control, of which 10 areas totalling 1024 ha are to become Conservation Areas, and 3 areas totalling 165 ha are to become Government Purpose Reserves for wildlife management.
- (2) 5974 ha to be disposed of by freehold disposal to the runholder, subject to Part IVA of the Conservation Act and subject to the following protective mechanisms:-
 - (a) Conservation Covenants over 8 areas totalling 1067 ha
 - (b) Easements for public foot access over two routes to proposed Conservation Areas
 - (c) Easements for public foot, horse and non-motorised vehicle access over 3 routes to existing and proposed Conservation Areas.

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- (d) An easements for public foot, horse and non-motorized vehicle access over and ~~over~~ from the end of the legal road at West Wanaka to Lake Wanaka
- (e) An easement for public foot access with guns and dogs over 2 routes to Wildlife Management Areas
- (f) An easement for access for conservation management purposes to proposed Conservation Areas.
- (g) An easement for access for Fish and Game management purposes to proposed Wildlife Management Areas.
- (3) 1 ha to be disposed of by way of exchange
- (4) 0.5479 ha to remain as Conservation area.

FMC POSITION

FMC supports the general principles of tenure review and also supports the general thrust of the changes proposed for West Wanaka Station. We are pleased to note that some of the items discussed at an Early Warning meeting in 1996 have been included in the Preliminary Proposal. We note that substantial areas adjacent to and at higher altitude than the pastoral lease had already been added to the conservation estate, and that the main thrust of the conservation and access aspects of this proposal involves additions to that land and improvements to access to it.

Land to be freeholded

As stated in our Early Warning Report, protection of the landscape values is considered to be essential. The landscape should be considered as one of the significant inherent values of the property, and should be protected by way of a landscape covenant over all parts of the freehold over 400m a.s.l.

The Draft CMS for Otago states that "*opportunities arising out of pastoral lease tenure reviews or other processes involving leasehold land will be taken to achieve negotiated protection of areas for their landscape or biological significance, or to achieve more efficient or integrated conservation management, or to secure access to recreational opportunities*". A landscape covenant would meet this objective.

We do not accept that landscape values are adequately protected under the Queenstown Lakes District Plan under the Resource Management Act. The provisions are neither sufficiently robust nor enduring to protect these very high natural values from the adverse effects of inappropriate subdivision and developments, afforestation or the erection of structures.

Transfer to Crown ownership and control

We see all the proposed conservation areas and reserves as being useful additions to the existing conservation areas and reserves in the vicinity.

Easements

We support all the proposals for easements in the preliminary proposal, but believe that there are two significant omissions:-

1. We strongly believe that the easement marked A-O, which is proposed to be for management access only, should be expanded to allow for foot and bicycle access. We also propose that, if a

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practical route exists, the easement be extended, at least for foot access, beyond point "g" to the southern corner of proposed conservation covenant area "g".

Under the terms of the Preliminary Proposal, access to the Mt Alta area and to the conservation areas on the true left of the Matukituki River is provided only by fording the Matukituki River. But this is only feasible when the river is moderately low, which only occurs for limited periods of time, and should only be attempted by competent tramping parties. While some trampers may prefer such access to a long walk up the farmed flats, it is unsatisfactory as a means of access for the general public. We understand that there is an obligation in tenure review to provide public access to newly created conservation land. We do not accept that the proposed access by fording the river satisfies this obligation. We strongly advocate the inclusion of a provision for foot and mountain bike use over the Easement A-O which is currently proposed for management purposes only. We do not envisage that large numbers of people would avail themselves of such an easement, and thus do not see any major inconvenience to farming operations.

2. We note that the legal foot access over the Station Creek - Soft Creek saddle proposed in the Conservation Resources Report is not included in the Proposal. We see this as a significant recreational opportunity for both walkers and mountain bikers, and therefore strongly advocate for its inclusion in the Proposal, extended to allow for bicycle access. A logical extension to this would be a further foot access easement from the saddle to the summit of the aptly named Lookout Hill.

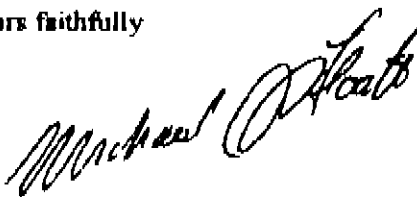
CONCLUSIONS

The Preliminary Proposal for the tenure review of West Wanaka Station contains many good clauses which will result in valuable gains for public recreation and conservation.

We urge that discussion be re-opened with the leasees to seek an improved arrangement which would include the matters we have detailed above.

Finally, we appreciate this opportunity to comment on the Preliminary Proposal for the tenure review of West Wanaka Station, 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.)

West Wanaka Station Early Warning Report April 1997

West Wanaka Station is situated on the shore of Lake Wanaka near the mouth of the Matukituki River and its lands are very prominent around the lake, and from the Mt Aspiring Road, providing a foreground to the mountains of Mount Aspiring National Park. Landscape issues must therefore be addressed during tenure review (Figs 1, 2 and 11). West Wanaka Station is also close to the Treble Cone Ski Field which lies behind it when seen from the lake (Fig 1). Both the visibility from the lake, and from the ski field add to the need to ensure that its landscape and natural values are protected.

Most of the eastern parts of West Wanaka Station are also very visible and accessible from Lake Wanaka. The lake is extensively used by local people, tourists and recreational visitors so the landscapes and natural values seen from the lake, and the recreational opportunities accessible from the lake are important public issues to be addressed during tenure review (Figs 3 and 4). For example, public foot access to the Buchanan Peaks via Daniels Spur and to Black Hill as day trips, and extended trips to Mt Alta and beyond on longer and more demanding expeditions all require access (Fig 3). This might be possible from the beach at Rumbling Bum which itself provides family picnic opportunities (Fig 4), but track access via the legal road to Colquhouns Flat and on through Cox Bush should also be available to increase the range of options available.

The Minaret Bum could provide access to Mt Alta and to the Minaret Peaks. The latter could arise through future tenure reviews and the foundations should be laid now by providing public access up the track, and public use of the huts at Minaret Bum beach and at the junction of the Minaret Burn and Slip Stream (Fig 5).

The steep lake faces are of very limited farming value but have high natural values (Fig 6). There is much scrub which, if grazing ceased, would revert to native bush in time. This is indicated by the very good example of native bush just south of the Minaret Bum which is naturally protected from both grazing and burning by its situation (Figs 7 and 8). This native forest is of particular interest as it is transitional between the beech forests of Central Otago and the rainforest of the west, and contains species which are characteristic of each.

Colquhouns Flat is a popular recreational area for locals and visitors (Fig 9) but access is not usually possible (except by boat) although there is a legal road from the homestead to the flat. The concordance of the alignment of the legal and actual roads, and improved access at the homestead end, should be negotiated during tenure review.

There are farm tracks linking Colquhouns Flat, Cox Bush, and the saddle between Station Creek and Soft Bum and the West Wanaka bridge which would provide an excellent round trip for walkers and mountain bike users (Fig 10). Access for foot and mountain bike over this route should also be negotiated.

Thousands of visitors to Mount Aspiring National Park travel via the Mt Aspiring Road and enjoy superb views across the lake and up the valley to the mountains of the National Park (Fig 11). Landscape protection should be a condition of freeholding West Wanaka Station. FMC does not accept that the landscape values are adequately protected by the Queenstown Lakes District Plan under the Resource Management Act. The provisions are neither sufficiently robust nor enduring to protect these very high natural values from the adverse effects of inappropriate developments, afforestation or the erection of structures.

The road up the Matukituki Valley also affords good views of the western parts of the station. These include the Buchanan Peaks, Mt Alta and the bush remnants on Round Hill Spur and in the valley of a creek running off Mt Alta (Fig 12). The natural values of these bush remnants should be protected (perhaps by Covenant).

Foot access to Mt Alta via Round Hill Spur (Fig 12), and linking with the alternative route from the Minaret Bum (Fig 5), should also be negotiated during the review.

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Supplementary commentary following a site visit with the lessee and his adviser:

There are extensive wetlands in the Matukituki valley which are still largely unmodified despite cattle grazing on the flats (Fig 13). Their good condition may be because of low grazing pressure and not all the wetlands are fenced, but their margins do not appear to be badly trampled. Protection mechanisms need to be put in place to guard against the adverse effects of any increase in grazing pressure.

There are very good and very old specimens of *Olearia* hectod scattered along the fans and flats. These old trees need protection, not only in their own right, but more particularly to allow seedlings to regenerate without being grazed (Fig 14). Protection in the form of reserve status or covenant is also needed for the bush remnants of beech, matagouri, and shrublands which provide much biodiversity on West Wanaka Station (Figs 15, 16, 17).

There is a track linking the Matukituki valley to Colquhouns Flat which passes over a saddle between the Soft Bum and Station Creek (Figs 10, 17, 18, 22). This makes an excellent round trip for trampers, mountain bike and 4WD enthusiasts. We understand that it is well used for day trips and especially by mountain bikers at present and it is important that public access be secured through tenure review (Figs 18, 19, 20). Over the saddle fine views are to be enjoyed both to the Matukituki (Fig 18) and to Lake Wanaka (Fig 19, 21, 22). There is also considerable natural biodiversity in the form of tussock grasslands and bush remnants which include species such as *Fuchsia* (Fig 20). Protection for these natural values is also required.

From the saddle, the track runs down and across Station Creek on its way to Cox Bush. This part of the track is part of the round trip but access for foot and mountain bike users is also needed beyond Cox Bush to the Rumbling Burn and to Minaret Bum and the trips which open up from those valleys (Figs 3, 4, 5, 22).

Royal Forest and Bird Protection Society of New Zealand Incorporated
Upper Clutha Branch
PO Box 38
Lake Hawca

10 June 2002

The Commissioner of Crown Lands
C/- DTZ
PO Box 27
ALEXANDRA

Dear Sir

WEST WANAKA - PRELIMINARY PROPOSAL FOR TENURE REVIEW

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 Forest and Bird.

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 society supports the aims of the Tenure Review process, and our branch takes particular interest in the process throughout Central Otago, the Upper Clutha and Wakatipu basins.

We have inspected the West Wanaka property with the kind permission of Mr and Mrs Cochrane. West Wanaka is a large property and very visible from Wanaka township and its surrounds. Seen from Wanaka, the Buchanan Peaks and Mt Alta make up the attractive northern backdrop to the lake.

We are pleased to see that most of the conservation values in the way of wet lands and indigenous vegetation on the true left of the Matukituki river from Round Hill Spur down to the mouth of the river are to be protected by being "*restored to full Crown ownership and control*".

On the eastern side of the property, as seen from the lake, the areas 3.1.12 and 3.1.13 (shown on the map, Appendix 1 of the proposal) are to be "*restored to full Crown ownership and control*". This is pleasing, as these two areas contain much in the way of regenerating podocarp and hardwood vegetation.

We are looking at a large and very important area of conservation land bounded in the northwest by Mt Aspiring Station and in the northeast by Minaret Station, neither of which has shown any inclination to enter the tenure review process. This large area of land may not at the moment be greatly visited - mainly through difficulty of access - but in years to come entry will be much sought after. We should be looking at the next century in this respect.

We see this as a good proposal for conservation and recreation, apart from three important matters; to which we now refer. Where reference is made to the CPL Act 1998, these are shown in "*italics*".

1 Proposed covenant area 'c'

Our first concern is that the area - 'c' - and the associated matagouri covered fan below it - which has very "*significant inherent conservation values*" is only afforded protection by way of a covenant. In our opinion 3.1.7, 3.1.9 and 'c' contain the best remaining altitudinal sequence of vegetation. Starting with river flat matagouri savannah to extensive shrubland of coprosmas, olearias, matagouri, fuchsia, broadleaf and a beech remnant with tall tussock coming well down the slopes. There appear to be no weedy species that would be a problem if the area were left to regenerate.

ROYAL FOREST AND
BIRD PROTECTION
SOCIETY OF
NEW ZEALAND INC

CENTRAL OFFICE
172 TARANAKI ST
PO BOX 631
WELLINGTON
PH 04 388 7374
FAX 04 388 7372
E M A I L
OFFICE@WN.FOREST
- BIRD.ORG.NZ

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It would be preferable that more of the matagouri fan be included in this area - see attached change to outline for 'c'. Shrublands are generally under-represented in conservation land so adding 'c' to the land to be "*restored to full Crown ownership and control*" would go some way to addressing this.

We realise that this would mean a stock access corridor would be needed for the owners to move stock between the west and east of this area - a suitable width strip between 3.1.7 and 3.1.9 along the existing farm track could be fenced to provide this.

If this area - c - were to be "*restored to full Crown ownership and control*" there would be another point of access to the conservation area, via areas 3.1.7 and 3.1.9.

2 Proposed access to conservation land

Our second concern is the access being considered in the proposal for people to visit the wetlands and the areas of rare vegetation, such as the O.Hectorii and the conservation land in behind - the Buchanan Peaks and Mt Alta. We believe this to be far from adequate; in fact at times it could be down right dangerous. If we are looking at crossing a major river, such as the Matukituki as the access, we must always remember:

- (i) That having crossed the river, dependant on the length of stay, you may not always be able to get back to the other side again.
- (ii) In this respect, it must be remembered that in the hot summer weather the river is always higher in the evening than in the morning.
- (iii) When the wetlands and the mountains above them in the conservation areas become well known less experienced and competent people will visit them.
- (iv) What do people do if caught on the wrong side of the river?

We propose that there be a public access up the true left bank from the Matukituki Bridge. The river comes in close to the true left bank above the bridge around the area 3.1.10 and the bank is steep and rocky so initially the marginal strip on the true left bank would not be easily negotiated. This could be accomplished by providing an easement over the land to be freeholded - see attached map - to allow suitable access to the marginal strip up the true left bank of the Matukituki. In our opinion this would provide much safer access to the valley and its hinterland

- (v) We note that proposed access to the conservation area on the east side of the property is via - K/L and M/N. At a first glance this would appear to be adequate, but it is still a long walk from the mouth of the Matukituki River. We believe there should be provision for access to the conservation area from further south. This could be accomplished if as suggested in Point 1 that 'c' was to be "*restored to full Crown ownership and control*".

3 Covenants

The areas shown as - f,e,h and l on the map - on the eastern, side are "*to be protected by way of covenants*" The landscape aspect of this property is of "*significant inherent value*" thus warrants a special covenant. The landscape as seen from the lake is of considerable importance. We believe the QLDC district plan is not sufficiently strong, or lasting enough, to protect these values - the "*substantive*" proposal should contain some mechanism to protect them.

Apart from the vegetation on these areas, or because of the vegetation, they have considerable landscape values. We feel the covenant proposed is not specific or strong enough in that no mention is made of burning. At present the issue of burning is only covered by way of a "Code of Practice" administered by the Otago Regional Council. Covenanted areas should be protected from deliberate burning.

The covenanted areas should also be protected from herbicide damage – a suitable margin to protect the vegetation inside the covenanted area from direct contact and spray drift should be employed.

We also note in the special conditions that 3.1.1 is to be deleted but that grazing is to be “consistent with objectives of this covenant”, ie to “preserve its natural environment and landscape amenity” as stated in C of the Conservation Covenant. There is no mention in the proposal of any regime for independent monitoring of the effect of grazing on the covenanted areas. We feel this must be addressed.

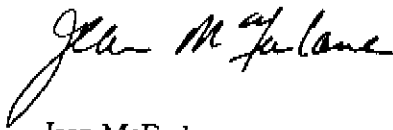
Conclusion:

We would see this as a good proposal:

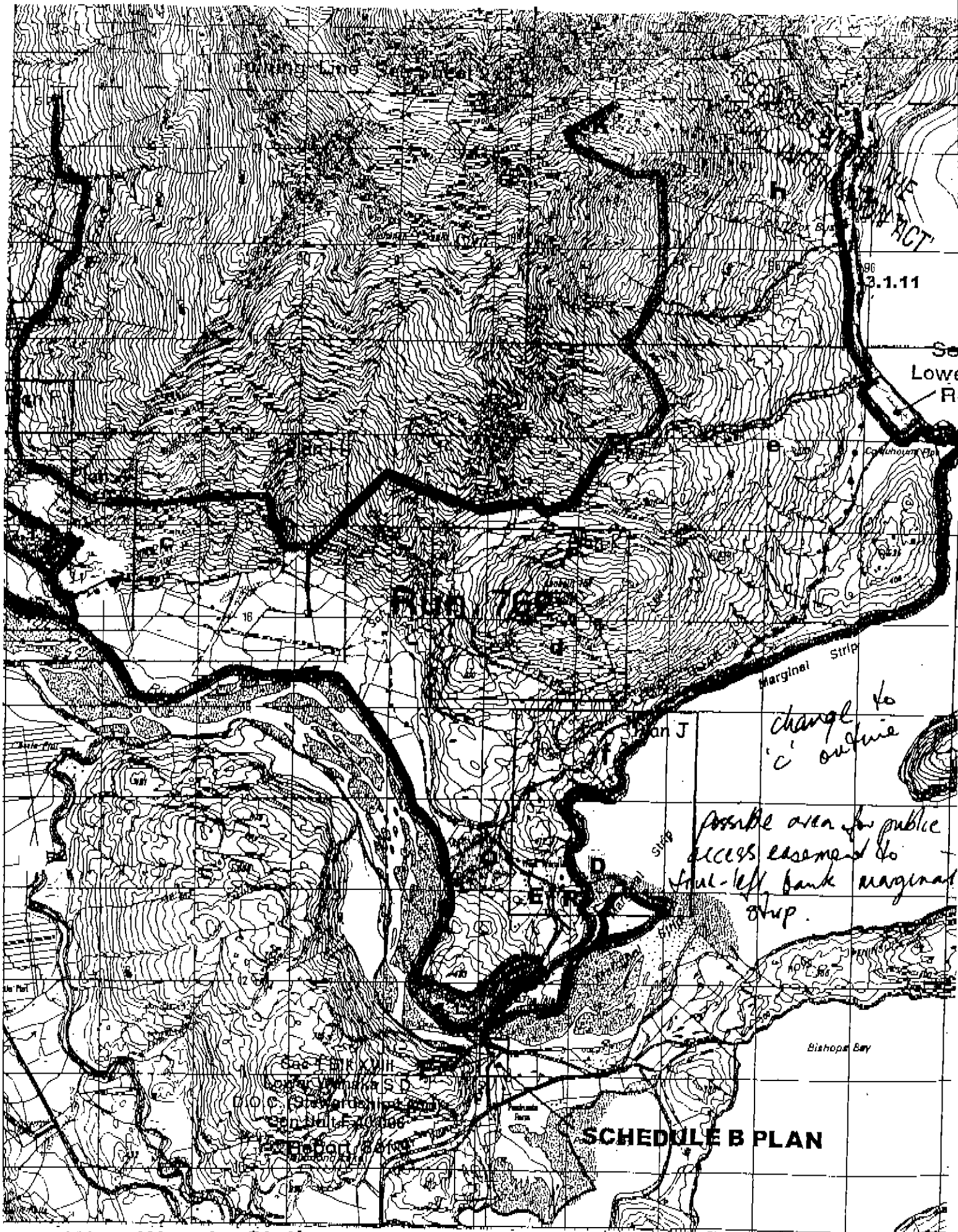
- 1 If the question of access were to be re-visited, remembering the CPL act 1998 - “(I) *The securing of public access to and enjoyment of revisable land*”:
- 2 If the area ‘c’ were to be “*restored to full Crown ownership and control*”
- 3 If the protection of the covenanted areas was made more stringent.

Thank you for the opportunity to make this submission.

Yours faithfully

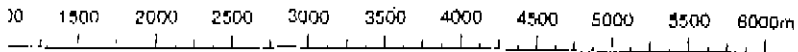


Jean McFarlane
Chairperson



West Wanaka Station

Scale 1:50000



Version	1	2	3	4	5
Otago Land District	Sheet 1 of 3				
NZMS 260 F39 & F40	Date 6/5/1999				

P0203/1

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9th June 2002

The Commissioner of Crown Lands
C/o Knight Frank
PO Box 27
ALEXANDRA

Dear Sir

WEST WANAKA – PRELIMINARY PROPOSAL FOR TENURE REVIEW.

I would be pleased if you would accept this submission on the above proposal.

I have visited the property, the eastern side of the Matukituki river by vehicle, and the lake side, by launch.

I comment as follows:

- (1) This area of land which is under review is a long narrow strip, starting at Mill Creek, which flows into the Matukituki river, then extends down to the mouth of that river and up to the Minaret Burn, which flows into lake Wanaka. This long narrow piece of land surrounds a very large area of much higher Conservation land; bounded in the north west by Mt Aspiring station and in the north east by Minaret station. Neither of which has applied for tenure review as far as I know.
- (2) The Matukituki river flats have been developed and farmed intensively.
- (3) What we have under consideration in this proposal are a number of small scattered areas to be returned to *"full Crown ownership and control"* or to be protected by some mechanism. Nevertheless these are extremely important areas ecologically if we are to retain some of the rarer indigenous vegetation and wet lands to add to the larger conservation area, to give balance and diversity to that larger, mainly tussock area above.
- (4) Apart from some matters that should and could be altered, I see this as a good proposal.
- (5) That areas 3.1.12 and 3.1.13 on the eastern lake side are to be retained by the Crown is excellent.
- (6) Also similarly the wetlands and shrub lands on the river side.
- (7) West Wanaka, Mt Alta and the Buchanan Peaks are the dominant back drop to the view obtained from Wanaka township and the surrounding countryside. I believe there should be some overriding covenant attached to any freehold title to protect this outstanding landscape other than the District Plan; which is inadequate in this respect. Indiscreet forestry and unsympathetic tracking are two matters that must be considered in this particular landscape. It must be remembered that a landscape not only belongs to the creator of that landscape, but also to those who behold it.
- (8) This large area of mountains, gullies, shrub lands and wet lands, once they become better known, together with a rapidly growing population in the area, are going to become the destination for many people interested in the environment, walking, climbing and skiing. This raises the matter of reasonable and adequate access. In which respect we must look not only at today but a hundred years ahead.

(9) The access being considered in the proposal on the Matukituki river side of the property is neither reasonable nor adequate. To say that access is there for the experienced, or the competent, does not comply with the intention of the CPL act PART 2, 24(c) - *“Subject to paragraphs (a) and (b), to make easier - (i) the securing of public access to and enjoyment of reviewable land; and (ii) The freehold disposable of reviewable land”*. In this particular instance reasonable access will in no way impinge on (a) or (b).

(10) At a minimum, further access should be available to the south west corner of the conservation area. This could be obtained if area “c”, together with the associated matagouri area on the fan below it (a covenant is insufficient to protect matagouri anyway) were to be *“returned to full Crown ownership and control”*; access could then be direct from the marginal strip on the Matukituki river, through areas 3.1.7 and 3.1.9 to the conservation area. Here a leading spur would give good access to the Buchanan Peaks. People who see these peaks from Wanaka will want to climb them. This would be a shorter and alternative route to that being considered via K-L; to reach this extremely important conservation area.

(11) If access were obtained to the conservation area by crossing the river at this point, and in this way, and were a party unable to return to the west bank of the river due to a higher river level, it would be possible to walk down the marginal strip to the bridge at the river mouth, taking about two to three hours. Entry could be made via this route also.

(12) The opportunity should also be taken through this review to secure access to the Bent Burn at the northern end of the run. A marginal strip up the Bent Burn should be laid off.

(13) The area “c” is a back face and contains considerable shrub and woody plants together, with tall tussock growing down almost to the flats - it has *“significant inherent conservation values”*. There is enough diversity to make it worthy of full protection.

(14) Area “c” and area 3.1.9 are virtually a corridor for farm management, and if access only is given through them, it should not in any way affect the management, or the ecological sustainability of the farm.

In conclusion: I believe this to be an important tenure review for the farmer, conservation, recreation and the landscape, and if the suggestions I have put forward were to be adopted there would be a good outcome. Finally I would emphasize that crossing a large river such as the Matukituki to gain access to such a large conservation area is not really a good outcome. A better outcome would be to allow alternative foot access from A-O when the river is up. After all people walk up the West branch of the Matukituki, the Rees, the Dart and the Wilkin rivers.

I see these mountains being similar in many ways, as the Remarkables are to Queenstown.

I thank you

Yours faithfully



D.G. HATFIELD & ASSOCIATES

11 June 2002

DTZ New Zealand
P O Box 27
ALEXANDRA

Attention: Ken Taylor

Dear Sir

WEST WANAKA STATION TENURE REVIEW

I write on behalf of the Queenstown Lakes District Council who have in the past made several submissions and comments on the relationship of legal road to physical access as it affects the West Wanaka Station and have recently become aware that submissions, under the tenure review process, close on 11 June 2002.

My prime concern is that a portion of land on the right-bank of the Matukituki River and over which there is formed access, is proposed to remain in D.O.C. stewardship as Conservation Area.

This land is described as Section 1 Block XVIII Lower Wanaka Survey District and is shown as Schedule B on the West Wanaka Tenure Review as part to be disposed of to G C & J A Cochrane and part to be retained as Conservation Area. The portion to be retained as Conservation Area is clearly part of the southern approach to the Matukituki River bridge and should be set aside as road vested in the Queenstown Lakes District Council.

There has also been considerable correspondence between your Department, the Commissioner of Crown Lands, the Lake County Council and myself over the question of public access to Colquhoun's Flat and in particular, Section 1 Block XVII.

I copy my correspondence to you dated 15 June 1998 and submit that these matters should also be addressed as part of the tenure review process.

I will accordingly await your response and notification in due course.

Yours faithfully

D G Hatfield
Surveying Consultant
Email: don@hatfields.co.nz

End

1020.
CONSULTANTS IN:
SURVEYING & RESOURCE MANAGEMENT
PLANNING & LAND DEVELOPMENT
PROPERTY MANAGEMENT
LINZ ACCREDITED SUPPLIER

Partners

Geoff Bates -B. Surv. MNZIS

Paul Haddon -B. Surv. MNZIS

Consultant

Don Hatfield -Dip. Surv. FNZIS MNZP

PLEASE REPLY TO DUNEDIN
OUR REF: 3096



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DUNEDIN:

Highland House
100 Stuart Street
P.O. Box 235

Tel. (03) 477-4783

Fax. (03) 477-4293

Email: surveys@hatfields.co.nz

MOSGIEL:

NZ Post Building
107 Gordon Rd.
P.O. Box 235

Tel. (03) 489-7107

Fax. (03) 489-0034

BALCLUTHA:

17 John Street
P.O. Box 176

Tel. (03) 418-0470

Fax. (03) 418-0080



Members of the Consulting
Surveyors of New Zealand

In association with: G.P.B. SOUTH, Dunedin & C. HUGHES & ASSOCIATES, Christchurch



D.G. HATFIELD & ASSOCIATES

CONSULTANTS IN:
SURVEYING & LAND DEVELOPMENT
PLANNING & RESOURCE MANAGEMENT
CAD SERVICES
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Member of the Chartered
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PLEASE REPLY TO: DUNEDIN

OUR REF: 3095

15 June 1998

The Manager
Knight Frank N Z Ltd
P O Box 27
ALEXANDRA

Attention: Mr T J Whitaker

**COPY FOR YOUR
INFORMATION**

Dear Sir

**RE: WEST WANAKA STATION LEGAL ROAD ISSUES
YOUR REF: P0203/1**

Your correspondence of 3 April to the Queenstown Lakes District Council has been referred to us and we would respond as follows.

We would apologise for the delay in responding to you but it has been necessary to research through our files and Council's correspondence as far back as the early 1960s to ensure a consistency in a response on the West Wanaka Road issues.

An awareness of that background is essential in considering the issues which you raise and issues still to be confronted.

Late 1950s, Early 1960s

Crown Lands excluded a strip of land running through Run 333 which purported to provide legal access to Section 1 Block XVII Lower Wanaka S.D. The Lake County Council at that time were aware of the legal alignment of the West Wanaka Road and of the fact that the physical access differed from the legal alignment. Also at this time, the question of the liability for the Matukituki Bridge and legalising the bridge approaches were discussed.

October 1964

The Lake County Council accepted that the West Wanaka Road as defined on the record maps between the left-bank of the Matukituki River and Section 1 Block XVII Lower Wanaka S.D., colloquially known as Colquhouns Flat, was legal and that it had an interest in the existing Matukituki River Bridge. It is significant to note that Council did not accept that access beyond Section 1 was anything other than an internal access track and was not public road.

DUNEDIN:

Donald G. E. Hatfield Dip. Surv. MNZIS MPLEINZ
77 Stuart Street Tel. (03) 477-4783
P.O. Box 235 Fax. (03) 477-4283

BALCLUTHA:

Geoff W. Bates B. Surv. MNZIS
17 John Street Tel. (03) 418-0470
P.O. Box 178 Fax. (03) 418-0069

MOSGIEL:

Paul M. Haddon B. Surv. MNZIS
4 Glasgow Street Tel. (03) 489-7107
P.O. Box 235 Fax. (03) 489-0034



January 1980

The Commissioner of Crown Lands wrote to the Lake County Council as a result of an approach they had had from Mr G C Cochrane of West Wanaka Station requesting that Council legalise the access to the newly formed Matukituki River Bridge in order that existing unformed road could be resumed and included with Section 1 Block VIII Lower Wanaka S.D.

23 October 1980

Council advised the Commissioner of Crown Lands that it was not prepared to prioritise the legalisation of the new approaches to the recently completed Matukituki Bridge primarily on the basis that Mr Cochrane was not prepared to make a contribution towards those legalisation costs. Council indicated that at that time the work was some 3-4 years away from being included and prioritised along with other legalisation works to be undertaken by the County.

October 1980-October 1985

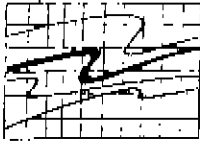
In this period there were a number of exchanges between the Commissioner of Crown Lands and my partnership on what progress had been made with regard to prioritising the legalising of the approaches and bridge for access to West Wanaka Station.

Post 1985

The works were in fact programmed by Council but unfortunately in the intervening time "The New Bridge" and approaches were washed out by a big flood on the Matukituki River. Since that time there has been no further action by either the Lake County Council or the Queenstown Lakes District Council to reactivate the legalisation procedures.

We can therefore summarise Council's current position as :

- i. Recognition that there is a legal road alignment between the left-bank of the Matukituki River and Section 1 Block XVII Lower Wanaka S.D. known as the West Wanaka Road in the location delineated on the Land Information New Zealand record maps (see attached plan).
- ii. That the physical formation of this access is not consistent with the legal alignment particularly as it relates to the Matukituki Bridge and its approaches and for at least four kilometres north from the left-bank of the Matukituki River.
- iii. Council in the past and in recognition of the major users of the Matukituki Bridge had repeatedly requested a contribution towards the cost of legalisation. To this point in time no contribution has been forthcoming. We suspect that the physical alignment and bridge location that was in existence in the early 1980s and on which we had topographical information, is now no longer relevant.



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In answer to the direct questions you ask of Council, we would respond as follows:

Question 1 - Does the Queenstown Lakes District Council recognise the road from the West Wanaka Bridge to Colquhouns Flat as legal road?

The Lake County Council and Queenstown Lakes District Council recognise that there is an alignment of legal road between the left-bank of the Matukituki Bridge and Section 1 Block XVII Lower Wanaka S.D.

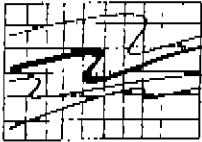
Question 2 - Would the Queenstown Lakes District Council be happy for the legal road line to be moved back to where we believe is the correct position?

There are two options open to the lessor. One is that suggested by yourself which we would suspect would be more costly than upgrading the existing alignment to Council's standards and legalising that formation as legal road. Council would further require that the alignment of the bridge and bridge approaches be followed through in a similar manner. Your proposal of forming the legal alignment of the West Wanaka Road may not be feasible, would certainly be costly and if it involved new construction works, would require resource consent.

Question 3 - Would the Queenstown Lakes District Council allow as part of the tenure review process for this roadway to be formed at least to allow public foot, bicycle and horse access?

The response to this question is embodied in our response to Question 2. The Queenstown Lakes District Council would likely require:

- (i) That the existing physical formation of the Matukituki Bridge approaches and the alignment to Colquhouns Flat be upgraded to meet Council's rural roading standards.
- (ii) That this alignment be surveyed and legalisation plans be prepared as part of the Tenure Review process.
- (iii) Similarly, legalisation plans should include the roads to be stopped in favour of this alternative access.
- (iv) The Queenstown Lakes District Council will then initiate procedures under Sections 114, 116 and 117 of the Public Works Act 1981 to legalise the new alignment and stop the unwanted roads.
- (v) Such action will be at cost to the Crown and proceed on the basis of Land for Road with no compensation.



- 4 -

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We trust that this is sufficient for you to proceed with the action required for the Tenure Review of West Wanaka Station and will await your confirmation in due course.

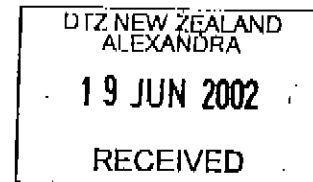
Yours faithfully
D G HATFIELD & ASSOCIATES

D G Hatfield
Surveying Consultant

Encl

Southern Office

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



ROYAL FOREST AND
BIRD PROTECTION
SOCIETY OF
NEW ZEALAND INC

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

Dear Sir

Re: Preliminary Proposal for Tenure Review: West Wanaka Station

Thank you for the opportunity to comment on this proposal.

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

This submission is based on an examination of the proposal in terms of its fulfillment of Part 2 of the Crown Pastoral Lands Act 1998, (CPLA), and an assessment using the guidelines for assessing areas of significant inherent values in the DOC Standard Operating Procedures.

The Preliminary Proposal As Presented

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

- (1) 1189 ha to be restored to full Crown ownership and control, of which 10 areas totaling 1024 ha are to become Conservation Areas, and 3 areas totaling 165 ha are to become Government Purpose Reserves for wildlife management.
- (2) 5974 ha to be disposed of by freehold disposal to the runholder, subject to Part IVA of the Conservation Act and subject to the following protective mechanisms:-
 - (a) Conservation Covenants over 8 areas totaling 1067 ha
 - (b) Easements for public foot access over two routes to proposed Conservation Areas

- (c) Easements for public foot, horse and non-motorised vehicle access over 2 routes to existing and proposed Conservation Areas.
 - (d) An easements for public foot, horse and non-motorised vehicle access over one routes from the end of the legal road at West Wanaka to Lake Wanaka
 - (e) An easement for public foot access with guns and dogs over 2 routes to Wildlife Management Areas
 - (f) An easement for access for conservation management purposes to proposed Conservation Areas.
 - (g) An easement for access for Fish and Game management purposes to proposed Wildlife Management Areas.
- (3) 1 ha to be disposed of by way of exchange
- (4) 0.5479 ha to remain as Conservation area.

Discrepancies in Areas

According to the advertised Notice of preliminary Proposal, 10 areas totaling 1024 ha are to be restored to full crown ownership and control as conservation areas and 3 areas (3.1.5, 3.1.6 3.1.7 totaling 165 ha are to be restored to full crown ownership and control as wildlife management areas.

The notified preliminary proposal does not give areas for each of the proposed conservation areas. Areas are given for 3.1.9 – 3.1.13 which amount to 940ha. Hectares are given for the remaining areas on page 4 of the Submission No: AT 1059, which add up to 385, which if they have not changed would give a total of 1325ha to be returned to full Crown ownership and control as conservation areas.

Page 6 of the proposal describes the proposed wildlife management areas - 3.1.5 as having 15ha, 3.1.6 has 50ha, 3.1.7 has 125 ha. These amount to 190ha, which concurs with the original proposal as described on page 4 of the Submission No: AT 1059, not the 165 ha as on page 1 of the advertised proposal. This report suggests that new boundaries were agreed upon and the areas remeasured, however the new measurements don't appear to be the ones that are described for each of the blocks in the advertised proposal.

The submission to the draft preliminary proposal, No: AT 1059, states that it was originally proposed that an area of 55ha on the Faces above West Wanaka Lagoons, 3.1.9, be returned to full Crown Ownership. However negotiations reduced this to 22ha and added the lost area to Covenant C. Page 14 of the Draft Preliminary proposal describes Covenant C as increasing from 290ha to 325ha. However page 13 of the advertised Preliminary proposal describes Covenant C as being 290ha.

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There are further confusing figures, as the Notice of Preliminary Proposal states on page 1 that there are 8 separate areas covenanted totaling 1067ha. Adding up the areas described for the Covenanted areas on pp12 - 14 of the Notice: a = 60, b=5, c=290,d=110, e=?, f= 10, g= 200, the total comes to 675 ha. Looking at the map it is hard to make the riparian margin of area e look like 392ha.

I have not had time to go through all the potential discrepancies but have highlighted the more obvious ones.

It is not abundantly clear which areas have been changed from the original proposal and why. It appears that they have been amended to facilitate negotiation rather than ensuring that significant inherent values are protected.

These discrepancies in areas to be protected, mean that it is impossible for the public to understand exactly how much land is being returned to full crown ownership and how much land is being covenanted or free held without protective mechanisms. As the discrepancies amount to 100's of ha, the public can not be certain if the proposed boundaries on the map are accurate. Unfortunately these inaccuracies cast doubt upon the reliability of the information in the whole proposal. We therefore believe this proposal should either be readvertised, or all submitters should be given an opportunity to comment on a corrected notice. We wish to reserve the opportunity to reassess the proposal once we are assured of the final boundaries and areas.

Summary

Forest and Bird welcomes the areas proposed to be returned to full crown ownership and control, and the principles of protecting regenerating shrublands, that are part of this proposal. However we believe that the majority of the proposed covenant areas should be retained in full crown ownership and control, and where ever feasible linked to adjacent areas proposed as conservation areas. The significant inherent values will only be maintained, and restored if they are fenced out and destocked.

Protection from burning is not enough to protect these areas. Grazing will prevent significant regeneration. Full protection is warranted in order to safeguard the options of future generations, S2 Conservation Act. We also consider that additional areas with significant landscape values and regenerating shrublands should be protected under the objects of the CPLA as follows.

Covenanted Areas Deserve to be Retained in Full Crown Ownership and Control

Narrow Spur Bush Remnants - Areas a on the map

The Submission No: AT 1059 describes these areas as approximately 60ha, and states that the *proposal includes an open spur between the two forest remnants*. The notified proposal describes the area as being 60ha, but separates them on the map into two areas.

Forest and Bird believes this will not achieve the objects of the CPLA, nor does it meet the standards that are to be applied in the assessment of significant inherent values in the DOC Standard Operating Procedures. We agree both areas have

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significant inherent values as they represent two relatively large forest remnants which are an important component of this landscape. They contain a representative diversity of shrubland remnants in this district and provide habitat for a range of bird species and no doubt insects. However unless they are fenced these values will not be secured as grazing and any stock intrusion will prevent regeneration. The two remnants should be linked, and the entire area returned to full crown ownership and control. As Submission No: AT 1059 noted retention of the spur area between the two forest remnants '... will facilitate the expansion and eventual linking of the area. Protection of this area is justified as it will make an important contribution to the overall quality, natural functioning and ecological integrity of the significant beech forest remnants, as it will enable restoration and eventual linkage of the two remnants.

Beech Forest Remnant in Unnamed Creek – Area b.

We agree that beech forest remnants are significant inherent values that warrant protection under the CPLA. The Preliminary Proposal notes that this catchment lies above an important stand of *Olearia hectori* which is proposed to be returned to full crown ownership and control and that survival of the rare shrub may depend on the retention of natural processes upstream. We consider this to be the case and that these two areas should be linked and fenced to allow for regeneration and expansion of both ecosystems and thus to safeguard these values for future generations. It is clear that the definition of significant inherent values includes areas, which will make an important contribution to the overall quality, natural functioning and ecological integrity of significant values (eg linkages and buffers) whether in their present or potential state. In our view the *Olearia* area 3.1.8 and proposed covenant area b have significant inherent values. The area in between also has significant inherent values as a linkage, and all 3 areas warrant retention into full crown ownership and control under the objects of the CPLA.

Faces above South Matukituki Wetland – Area c

As noted above I am unsure as to whether this area should be 290ha or 325ha.

We are especially pleased that the proposal recognises the significance and importance of mature matagouri and shrublands, but disappointed that these have not been proposed for full crown ownership and control.

It is clear from the Proposed Designations report, p28 that this area has significant inherent values. The Preliminary Proposal notes that this area in conjunction with the proposed conservation area of 3.1.9 and the existing Mt Alta Conservation Area will create an altitudinal sequence of protected land extending from valley floor to the nival zone. However it is not proposed that area c be protected from grazing, and thus the shrublands are likely to degrade over time. These shrublands warrant protection from stock. Removal of grazing is necessary to restore the shrublands from their present rather impoverished diversity to something more representative of their probable former state. Removal of stock is likely to significantly benefit understory and ground cover diversity. There is no doubt there would be more herbs and ferns if grazing was removed.

The CPLA makes a clear preference for return of significant inherent values to full crown ownership and control. Covenants were envisaged as being most appropriate

for discrete areas of land not adjacent to conservation or proposed conservation lands. Area c lies between an existing conservation area and a proposed conservation area and as such the objects of the CPLA would be more clearly met if this area was to be returned to full crown ownership and control.

Lookout Hill Shrublands – Area d

This area is described as being almost entirely native in composition, is one of the largest mixed hardwood shrubland remnant on the property and is highly visible. It is clear that this area has significant inherent values, for its diversity of shrubland species, and its landscape values. Although this area is discrete we believe it warrants retention in full crown ownership and control and it requires fencing for the same reasons outlined above.

Lakeside Area Smiths Bay – Area f to Area L

This area is very significant as it contains a diverse mix of native shrubs and trees including Halls totara and kowhai. This area is probably one of the closest to the former vegetation of much of the foreshore of Lake Wanaka.

Forest and Bird believes that the entire foreshore adjacent to the existing marginal strip between area f and L should be protected and returned to full crown ownership and control. The area qualifies as significant inherent values for its potential for restoration into native shrublands linking the foreshore of West Wanaka station to the adjacent foreshore forest (and potential conservation land) on Minaret Station. It has potential to become an even more significant landscape. Although much of this area is rough pasture and bracken now, if stock and fire are removed, it will rapidly develop into a mixed native shrubland. Within about 4 years this area is likely to become dominated by *Plttosporum*, *Coprosma lucida*, *C. llnarifolia*, *C. crassifolia*, *Pseudopanax colensoi* - three finger, lancewood, and matagouri. Rata which exists in places along the shore are also likely to spread. (See Johnson P.N., 1980: Shoreline Vegetation. In "The Resources of Lake Wanaka." ed. Robertson and Blair. Lincoln Papers in Resource Management. No 5. 1980.). This area is an important component of an outstanding landscape and contributes to the setting for lakeside recreation.

According to the Proposed Designations Report, part of this area from Station Creek extending approximately 3km along the shores of the lake above the existing marginal strip to the mouth of the Rumbling Burn was originally proposed to be designated as land to be restored to full crown ownership and control. The vegetation comprises a mix of native species including southern rata which the report notes is near its eastern distributional limit. This is recognised as being a factor, which supports an area being described as having significant inherent values.

Forest and Bird contends that this area can not be freeholded, as continued grazing of it, especially by cattle is not ecologically sustainable. This area abuts the riparian margin to Lake Wanaka. Continued stock access to this water, contributes to pollution of the lake and the foreshore and continued grazing degrades the riparian area so that it can not function as an ecological buffer zone to the Lake. The Ministry for the Environment's Guidelines for Managing Waterways on Farms makes it clear that livestock should be removed from having access to waterways, and that best

management practices involve the retirement of riparian areas. McKendry and O'Connor¹ state clearly that cattle should be excluded from wetlands and riparian margins at all times to control eutrophication, turbidity and trampling.

Lake Wanaka is the only remaining large lake in Otago that remains in its natural state. Its water levels are protected by its own Lake Wanaka Preservation Act. The tenure review process provides an opportunity to protect the riparian margin and significant inherent values, especially landscape values by fencing the riparian margin and siting it in a manner that will not compromise the landscape values of the Lake's foreshore. Freeholding this area without requiring riparian fencing to exclude stock and especially cattle is not ecologically sustainable, and therefore does not meet the objects of the CPLA.

Flats above Round Hill - Area g

This area is described as wetland, being mainly tall tussock wetland with numerous ponds. It is a breeding and feeding area for waterfowl. As noted on page 6 of the Preliminary Proposal, New Zealand is a signatory to the RAMSAR convention and has a duty to protect remaining viable wetlands. Unfortunately I have not been able to inspect this area, so I cannot verify the significance of the wetlands and have to rely on the Preliminary Proposal document. From the description in the Report it appears that this area is dominated by wetlands and therefore should be adequately protected. The proposed covenant provides for grazing, and does not exclude cattle. Protection of wetlands requires the exclusion of cattle especially. As noted above McKendry and O'Connor² state clearly that cattle should be excluded from wetlands and riparian margins at all times. Freeholding this area, without ensuring that cattle grazing is excluded is not ecologically sustainable and does not meet the CPLA objects.

Cox's Bush Covenant - Area h

I am uncertain as to what status the area h as marked on the map in the Preliminary Proposal is. The map describes it in yellow and suggests it is a covenant. However it is not listed in the descriptions of the areas in the Preliminary Proposal. Page 11 of the Preliminary Proposal describes area 3.1.13 as containing approximately 430 ha and lies between Cox Bush and North Branch of the Rumbling Burn. Area h is described on p17 of Submission No AT 1059. Here it states that this area was originally proposed to be designated as conservation area, subject to an easement in favor of the holder. The new area to be covenanted is 334 ha and is shown as L. The Proposed Designations Report describes this area as 465 ha on page 23, and states:

"Cox bush and environs support a sequence of vegetation extending from the lakeshore to the summit of Buchanan Peaks. Unless protected it is only a matter of time until the area is burnt, as it is of little grazing value in its current semi forested state. The area is an important component of an outstanding landscape and contributes to the setting for lakeside recreation."

¹ McKendry, P.J. and O'Connor, K.F. 1990. The Ecology of Tussockgrasslands for Production and Protection. Center for Resource Management - Lincoln University

² McKendry, P.J. and O'Connor, K.F. 1990. The Ecology of Tussockgrasslands for Production and Protection. Center for Resource Management - Lincoln University

As noted above with the removal of stock and fire this area will rapidly regenerate. The dry spurs are likely to be covered by 3m high manuka/kanuka, matahouri, mingimingi, *Corokia* and *Lophomyrtus* species. Beech forest is likely to invade and become prominent within 30 years.

Forest and Bird believes the whole area between Station Creek and the Rumbling Burn contains significant inherent values, including outstanding landscapes, which warrant retention in full crown ownership and control. This area is adjacent to both existing and proposed conservation areas – it is not a discrete block, thus it should not qualify as a Covenant area.

Conclusions

Forest and Bird appreciates that this tenure review is particularly complicated and that this may account for some of the problems in the Preliminary Proposal document. However this document needs to be legally correct and the public must have confidence in the accuracy of the proposals, as presented for submissions. Consequently this proposal should either be re advertised or all the submitters be given an opportunity to make submissions on a corrected document.

The Preliminary Proposal, while going some way towards protecting the significant inherent values remaining on this lease, do not in our view meet the objects of the CPLA in that there are some areas that have significant inherent values that are proposed to be freeholded some with covenants and others unencumbered.

Creating a series of isolated covenants is not in our view practical for management purposes nor is it effective in ensuring adequate protection for the significant inherent values. The majority of the covenants propose ongoing grazing which is not ecologically sustainable.

We recommend that in order to meet the Objects of the CPLA the following amendments be made to the Proposal.

1. Proposed covenant areas a,a be linked and returned to full crown ownership and control, and fenced.
2. Proposed covenant area b be linked to area 3.1.8 and returned to full crown ownership and control, and fenced.
3. Proposed covenant c be linked to area 3.1.9 and returned to full crown ownership and control, and fenced.
4. Proposed covenant d be fenced and returned to full crown ownership and control.
5. Area f to L be linked with an area to be returned to full crown ownership and control, between the existing riparian strip and the legal road, and fenced from f along the legal road to exclude stock from the Lake edge, upto Station Creek.

6. The whole area between Station Creek and area h be fenced and returned to full crown ownership and control.
7. Proposed covenant area h be fenced and returned to full crown ownership and control.
8. Proposed covenant over area g needs to ensure that cattle grazing is excluded and if this area contains significant wetlands, as is suggested in the Preliminary Proposal, it should be returned to full crown ownership and control.
9. We support PANZ's submission in relation to discussions on covenant provisions and all matters relating to recreational access.

Yours sincerely



Sue Maturin
Southern Conservation Officer



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

Po 203

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DTZ NEW ZEALAND
ALEXANDRA
27 JUN 2002
RECEIVED

Ph & Fax (04) 233-8244

24 June 2002

The Commissioner of Crown Lands
C/- DTZ NZ Ltd
PO Box 27
ALEXANDRA

Dear Sir

RE: **PRELIMINARY PROPOSAL FOR TENURE REVIEW:
WEST WANAKA STATION**

Since forwarding our submission dated 9 June 2002 on the Draft Preliminary Proposal, it has come to our attention that there are a number of discrepancies in the actual areas of land proposed for either full crown ownership or conservation covenant in the Notice of Preliminary Proposal and Submission No. AT1059. We write in full support of the submission by the Royal Forest & Bird Protection Society, where they state:

"It is not abundantly clear which areas have been changed from the original proposal and why. It appears they have been amended to facilitate negotiation, rather than to ensure that significant inherent values are protected.

These discrepancies in areas to be protected, mean that it is impossible for the public to understand exactly how much land is being returned to full crown ownership and how much land is being covenanted or freeholded without protective mechanisms. As the discrepancies amount to a large area, the public cannot be certain if the proposed boundaries on the map are accurate. Unfortunately, these inaccuracies cast doubt upon the reliability of information in the proposal. We therefore believe this proposal should either be readvertised, or all submitters should be given an opportunity to comment on a corrected notice.

We wish to receive the right to reassess the proposal once we are assured of the final boundaries and areas.

Yours sincerely

Barbara Marshall
Secretary

114 R203/1

Public Access New Zealand

INCORPORATED

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

Phone & Fax 64-3-447 3534
panz@es.co.nz

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Tuesday, 9 July 2002

DTZ NEW ZEALAND
ALEXANDRA
10 JUL 2002
RECEIVED

Commissioner of Crown lands
C/- DTZ New Zealand Ltd
P O Box 27
Alexandra

West Wanaka Tenure Review Submission

PANZ wishes to make comment on the following aspects of the West Wanaka Preliminary Proposal.

- Recreational Characteristics
- Public access easements
- Other access needed
- Terms of public access easements
- Marginal strips

Despite the pastoral lease being the residue of a much larger holding, the balance being surrendered to the Crown as a result of a Soil and Water Conservation Plan, the review is complex and requires considerably more investigation than we were able to achieve. The time constraints imposed by official decisions to advertise a large number of tenure reviews in short succession, has prevented PANZ from undertaking adequate inspection and consideration of this proposal. In particular, we have not been able to consider the adequacy of proposed reserves and covenants. Therefore we reserve the right for further commentary.

Recreational Characteristics

We endorse the description of recreational characteristics, public access and activities contained in DOC's *Conservation Resources Report*, p 33, but not necessarily the report's recreational recommendations.

As the above report notes, the "distinctive recreational feature of the property is that it forms a horse shoe shape around the West Wanaka Conservation Area, meaning that practical overland routes onto the southern section of the Buchanan Mountains traverse the property". This large, mountainous conservation area is effectively land-locked, with minimal practical legal access from Lake Wanaka or the Matukituki River, being the boundaries of the property.

To-date, recreational attention has been focused either on the mountains outside of the leasehold, or the Lake shores or Matukituki River mouth. In the latter case existing marginal strips have been utilised. Therefore most recreational activity on the present-day leasehold has been focused on crossing it to reach adjoining public lands. Long term provision of safe, convenient public access has to be a primary outcome of this review.

One area we feel the DOC report is deficient in is in regard to river-based recreation. The Matukituki is popular for kayaking and other boating. Many participants would land on the banks, and assume that marginal strips are

in place for their use. However, as these particular strips are fixed in position, and the river is not, this may not be the case (further comment below).

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Public access easements

The Summary of the Preliminary Proposal lists the following proposals—

(B - C) Round Hill Spur - public access

It is proposed that an easement be created for public foot access over a farm track up Round Hill Spur to the boundary of land proposed as conservation area. This route is accessed from a marginal strip on an unnamed stream that enters the Matukituki Valley at the base of Round Hill Spur.

This route provides direct access to a proposed conservation area on Tongue Spur and beyond to the West Wanaka conservation area. It is stated that "competent parties can easily gain access to the easement from the Wanaka - Mount Aspiring road when river conditions are average to low".

This description differs from that contained in DOC's description of recreational characteristics (*Conservation Resources Report*, p 34). —

"Access to the Round Hill Spur track can be gained by crossing the Matukituki River on foot from the Wanaka Mount Aspiring Road when river levels are low" (our emphasis).

Our experience of the Matukituki River leads us to believe that the early statement is more accurate than the justification advanced in the *Preliminary Proposal*. Rarely are there prolonged periods when this major river, draining the main divide, is low enough for easy crossing on foot. Most of the time it is either a serious barrier for competent parties, or impassible. With rain in the upper catchment, the river is liable to rise rapidly at any time and cut off return by the same route.

Often the West Matukituki is difficult enough to cross to gain access to the East Branch. A major suspension bridge in the lower West Branch provides a safe alternative to fording if required. The proposed crossing to Round Hill Spur involves crossing the combined flows of the East and West Branches of the Matukituki. Despite a braided channel, it is normally a formidable river. There is no bridge alternative available.

DOC cites the following as an objective for tenure review—

"Legal and practical public access through land being freeholded should be secured to existing reserves, conservation areas or national parks where this would enhance reasonably convenient public access to such areas".

The proposal fails the 'practical' and 'convenient' tests, and therefore the duty to secure public access under the Crown Pastoral Land Act (CPLA). It also fails as a legal fact, as no legal access exists from the Mount Aspiring Road to the riverside marginal strip and riverbed. There is a gap between the two, the entire length of the lower valley. Unless provision is made now for access across the Matukituki pastoral lease, it is beyond official ability to 'secure' public access to the currently reviewable land. Alternative access provision must be made to fulfil the objects of the CPLA.

As DOC states in the *Proposed Designations Report*, p 31, of the *Conservation Resource Report*, "this route provides an important linkage to reviewable land on the western slopes of the Buchanan Mountains. From the route spectacular views of the Matukituki Valley and high peaks of Mount Aspiring National Park and

surrounds can be enjoyed". Without practical public access provision in this locality, a huge block of public lands will remain 'landlocked' and out of bounds to the public. That would be an entirely unacceptable outcome.

Alternative access up true left bank essential

On Map 2b, of DOC's *Conservation Resources Report*, the existing farm track from the West Wanaka homestead to the foot of Round Hill Spur is depicted as an "access route of recreational utility". In justification of a DOC management purposes easement over the same farm track it is stated that "DOC will regularly require access up the Matukituki Valley". However in regard to public access, the department's advice is that "it is not considered reasonable to attempt to attain as of right, public access over this route as it is located within the heart of an intensive farming operation". It appears that no official effort was made to raise the possibility of public access along this track during negotiations with the lessee.

We ask why it should be 'reasonable' to provide for 'regular' DOC access and not for the public, given that "the securing of public access to and enjoyment of reviewable land" is an object of the CPLA, but securing DOC access is not?

We submit that public foot and bicycle access along the farm road be proposed to the lessees. We realise that there may be objections to this, however reliance on fording the Matukituki is impractical and potentially dangerous. The reality is that parties coming out of the mountains will find the river unfordable and will, by necessity, have to exit via the farm road. It would be better to formalise public use. Because of the distance involved (in excess of 15 km) foot access only would be unacceptable. We would appreciate further consultation on our proposal and would like to assist to make this a reality.

Provision should also be made for practical public access beyond the foot of Round Hill Spur. Although there is a marginal strip further up-river this may not provide practical access when the riverbed cannot be traversed. A farm track around the base of this steep promontory could be utilised (PHOTO 1).

Without securing practical public access up the true left bank of the Matukituki, a huge area of mountain land will remain inaccessible to the general public. A major Crown objective for tenure review over pastoral leasehold would then be unfulfilled.

(D - E) Smiths Bay - public access

It is proposed that an easement for public foot, horse and vehicle access be created over a short stretch of road which links the West Wanaka Road end to an existing lakeside marginal strip at Smiths Bay.

The road currently receives a quite high level of use. Smith's Bay is a tranquil part of the lake. Mature willow and poplar trees on the foreshore provide a pleasant picnic site.

PANZ fully supports this access provision and appreciates the lessees' willingness to accommodate this. (PHOTO 2).

(R- F) West Wanaka Station to Minaret Burn

The proposals state that "south of Colquhoun's Flat most of this formed track appears to lie on legal road line. It is proposed that legal public foot, mountain bike and horse access be secured over sections which do not

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correspond with the legal road line. Beyond Colquhouns Flat the easement corresponds with a formed track which provides access to the Minaret Burn and beyond to the boundary of the Mount Alta conservation area.

PANZ supports this key access as an interim step towards realigning the legal road alignment to that of the currently utilised formation.

It appears from inspection from the air of the first section of easement from Smith's Bay that this is unformed and would require routing through heavily glaciated rock benches to provide practical access above the shoreline. This may require formation to be suitable for cycle and horse use, in addition to frequent route marking. Any formation and marking should be a priority. (PHOTOS 1, 3).

(G - H) Public access from Matukituki River to mid Matukituki wetland

It is proposed that legal public foot access be secured to this wetland which is proposed for Reserve status (3.1.6). Guns and dogs to be permitted subject to holding a hunting permit for the mid Matukituki wetland. The easement includes all land lying between the marginal strip and the wetland. Access is required as the wetland is used for game bird hunting and fishing.

PANZ supports this provision, however there will still be need for reliable access via the true left bank of the Matukituki.

(J- I) Access from Matukituki River to South Matukituki wetland

It is proposed that legal public foot access be secured to this wetland which is proposed for Reserve status. Guns and dogs to be permitted subject to holding a hunting permit for the South Matukituki wetland. The easement includes all land lying between the marginal strip and the wetland. Access is required as the area is used for game bird hunting and fishing.

PANZ supports this provision, however there will still be need for reliable access via the true left bank of the Matukituki.

(K- L) Access - Upper Rumbling Burn (West Wanaka conservation area) via Daniels Spur

It is proposed that legal public foot access be secured over that part of the track which lies between the proposed Cox Bush-shoreline conservation area and the Mount Alta conservation area. The lower part of this track is within proposed conservation lands.

This route will provide important access into the Rumbling Burn, as far as Mt Alta. However it does not provide convenient access to the Buchanan Peaks. An offshoot easement should extend up the crest of Daniels Spur to the conservation area boundary. Without this additional route, the Buchanan massif remains cut-off due to a lack of convenient access and unavailable to all but commercial heliskiers. (PHOTO 4).

(N-M) Public access - Mouth of Minaret Burn from proposed Minaret Burn access easement

It is proposed that legal public foot access be secured over that part of the formed track (approximately 500 metres) which lies outside of the proposed conservation area 3.1.12. The route itself is a valuable recreational opportunity as it affords magnificent views of the lower Minaret Burn, Lake Wanaka and surrounds and an important link for boat access to the mouth of the Burn.

PANZ supports this easement.

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Matukituki Bridge approaches

We support the proposed action of retaining in Crown ownership the alignment of the formed road for future 'legalisation' by the district council. We point out however that the formed road may already be a legal road through either express or implied dedication by the Crown and the lessee, and acceptance by the district council or through public user. Refer to the PANZ web site for the recently determined Stony Batter case concerning dedication of public roads (*Privy Council Appeal No. 21 of 2001 Man O'War Station Limited and Huruhe Station Limited Appellants v. Auckland City Council (formerly Waiheke County Council) and H. M. Attorney General for New Zealand Respondents*).

Other access needed

The following proposals are to ensure better compliance with Section 24(c) CPLA -- the securing of public access to and enjoyment of reviewable land. 'Revisable land' includes land proposed for freeholding, and is not confined to proposed or existing conservation areas.

Soft Burn - Station Creek

DOC, in their original *Conservation Resource Report* recommendations, proposed a West Wanaka Station - Soft Burn - Station Creek public easement over a farm track which ascends into the Soft Burn from the Matukituki Valley, traverses behind Lookout Hill, crosses the headwaters of Station Creek and descends to Lake Wanaka at Cox Bush. This was seen as providing an interesting round trip with spectacular views of Lake Wanaka and surrounding mountains. DOC notes that this enters the West Wanaka Conservation Area at a point which would provide a feasible route to the Buchanan Peaks.

This route was also recorded as an "access route of recreational utility" on DOC's map 2B.

In our view, securing convenient access to the Buchanan Peaks is of primary importance. This route would provide the most direct access to this mountain massif. Without such access this area will remain the preserve of commercial heli operators. It is ideal for summer tramping and winter ski mountaineering. The south-facing slopes and basins best suited for the latter activity could be reached directly from near the Soft Burn-Station Creek saddle (PHOTO 5).

We submit that an access easement be created from the West Wanaka homestead over this saddle for foot, cycle and horse access to connect onto the Minaret Burn access.

Lookout Hill

At an "early warning" meeting held in Alexandra in April 1997, NGOs, including PANZ, recommended public foot access up Lookout Hill. This was identified as a possible viewpoint. This has not been incorporated into the Preliminary Proposals.

This would provide a potentially popular day-trip that provides excellent views of Lake Wanaka and surrounds. It is not a strenuous climb.

We submit that foot and horse access easements be created up the east ridge from easement R-F, to the summit, and down to our proposed easement through the Soft Burn (PHOTOS 5, 6).

Terms of public access easements

Public notification required

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

Exclusion of schedules

We note an express exclusion of the rights and powers contained in the Ninth Schedule of the Property Law Act, but not of those in section 126G which enable modification or extinguishment of easements through the Courts. We submit that section 126G of the Property Law Act be expressly excluded from the terms of public access easements.

Temporary closures

We are perturbed by DOC's fixation with frustrating public recreation through provision for temporary suspension of access.

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

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

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

Closure of easements I - J and G - H under section 12 Reserves Act for "for the protection and control of the public" is ultra vires the Minister's powers. There is no need for such paternalistic authority over the public. If public activities exceed beyond those granted by these easements, there are legal remedies open to the Transferor. Section 12 relates to acquiring interests over private land "for the purposes of a reserve or for the improvement, protection, or extension of or access to an existing reserve". What is proposed is inconsistent with section 12 and CPLA objectives in regard to securing public access, and must be deleted.

Horse passage

We welcome the provision for as-of-right horse passage along easement R-N-F, and appreciate the willingness to accommodate this. We note that a 2-gate system is being devised for pedestrian and cycle passage through deer fences, but not for horses. We have discussed with riding club representatives what might be required for horses and they advise that vehicle size gates are unnecessary. Only one horse needs to pass through a gate/enclosure structure at a time.

An assumption appears to have arisen during official consideration of horses and gates, that because horses can and do use vehicle-size gates and these will be present at each fence, than they MUST use these. This is not the case.

We believe that it should be possible to design an unlocked 2-gate system suitable for horse, pedestrian, and cycle passage, without deer escaping. It would just need to be larger version of what is envisaged for pedestrians and cycles. A successful design could have wide application throughout the high country.

There are disadvantages in having to obtain keys to locked gates, as this would normally necessitate prior contact with the owner and making arrangements for uplifting keys, assuming owner availability at the time of intended arrival. Such a system would require substantial goodwill for it to work without visitors being disadvantaged. Another consideration is that present and future landowners' privacy and time will be continually impinged upon. What we suggest above would eliminate the disadvantages for both parties.

Tenants and licensees of DOC

We welcome the exclusion of tenants and licensees of DOC from the definitions of 'Transferee' and the related express prohibition of DOC concession holders from easement L- K. This should ensure that public recreationists will not in future be displaced by ground-travelling guided tourists. This may mitigate to a small degree aerial hordes flying directly to conservation areas.

We submit that all future tenure review easement documents make these exclusions standard throughout the South Island high country.

Locking of gates

We note that on easements I-J and G-H, gates are not deemed to be obstructions. However locked gates would be "unreasonable impediments" to the use of easement areas. We submit that Clause 10 should be amended to read -

"the Transferor shall not obstruct the easement Area by parked vehicles, deposit of materials or unreasonable impediment to the use of the easement Area. Unlocked gates are not deemed an instruction" (our emphasis).

We are perturbed that in the vehicular access D - E to Smiths Bay, that clause 12.4 provides an ability to lock gates. If exercised, this would defeat the purpose of the easement to permit access at any time. No justification is provided for this discretion, with no criterion to judge the necessity of particular closures. As pedestrians, cyclists and gate-jumping horses can continue to access and enjoy the beach, why not vehicle users?

We object to such arbitrary powers over a public easement to a marginal strip, and submit that these be deleted.

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Marginal strips

SO 23827 records former section 58 Land Act strips along the bank of the Matukituki and the shores of Wanaka. These are now reserved under section 24(3) Conservation Act. Section 24G(7) precludes these pre-1990 strips from being movable.

Overlay of NZMS 260 and 261 series maps shows significant misalignment between riverbanks and these fixed position marginal strips; something to be expected of a major braided river. The dynamic nature of the river banks are confirmed by DOC's revised recommendations at 2.5.5 and 2.5.6 which state, in regard to these easements, "sign posting this access is not practical due to the dynamic nature of the Matukituki River". The *Conservation Resources Report (2.7.2)* further states that "marginal strips at the mouth of the Matukituki River do not appear to reflect the current location of river channels and islands" (PHOTO 7).

The CCL has decided that marginal strips shall not be dealt with during tenure review; that these should be dealt with independently by DOC. PANZ vigorously rejects such unwarranted inaction by the CCL as this fails to advance the Crown's legitimate interests, and the public interest, on pastoral lands.

If the CCL's narrow view is applied to this case, on new sections of river bank (i.e. in a new position, away from an existing strip) there will remain a duty under a 24 Conservation Act to provide new, movable strips, whereas historical strips that remain along banks would be fixed in position. With further shifting of the river, both new and old strips will become disconnected and therefore unusable.

Failure to rationalise marginal strips as part of tenure review will only serve to compound the problem. If tenure review does not provide an incentive to permanently rectify the situation, it is highly unlikely that any other opportunity will arise in the future. There certainly will not be further 'dispositions' of Crown land to trigger the marginal strip provisions of the Conservation Act - this tenure review will be the last Crown disposition.

We submit that, as a condition of CCL approval for tenure review, the leasee's approval be obtained to exchange the existing marginal strip the length of the river for a new movable strip. Authority for such action is provided by s24E Conservation Act.

The public credibility of the tenure review programme will be in large part hinge on official willingness to accommodate well-aired public aspirations for assured access to and along waterways.

S 24E. Exchange of marginal strips---

- (1) The Minister may, by notice in the Gazette, authorise the exchange of any marginal strip for another strip of land.
- (2) The Minister shall not authorise the exchange of any marginal strip unless the Minister is satisfied that the exchange will better achieve the purposes specified in section 24C of this Act.
- (3) The land taken by the Crown in exchange for any marginal strip shall be deemed to be reserved as marginal strip.
- (4) The Minister may authorise the payment or receipt by the Crown of money by way of equality of exchange in any case under this section; and all money so received shall be paid into the Department of Conservation Grants and Gifts Trust Account, and shall be applied, without further appropriation than this section, for the purposes of this Act.
- (5) The Minister or the Director-General may, on behalf of the Crown, do all such things as may be necessary to effect any exchange authorised under this section.

(6) District Land Registrars are hereby authorized and directed to make such entries in registers and do all such other things as may be necessary to give effect to exchanges authorised under this section.

This is an express provision that over-rides the general prohibition of "sale or other disposition" under section 24. Section 24E was specifically designed for the purpose of making fixed strips movable or in other situations where relocation is desirable.

Another fixed-position marginal strip along the shore of Lake Wanaka does not present a moveability problem, and is unlikely to do so unless the lake outlet is dammed or there is another ice age.

Because of the deeply incised nature of this stream, a fixed-position strip up the Minaret Burn may not present a problem, however this should be investigated and this opportunity taken to negotiate its exchange for a movable strip if that is required to ensure practical legal access along the banks.

SO 23827 records marginal strips created at the last lease renewal. These are along McGills Creek, the unnamed creek below Round Hill Spur, a short section of a Matukituki River channel west of The Island, and the Rumbling Burn part way up both branches. These are all subject to section 24F and are automatically movable with changes to banks.

We are concerned that not all qualifying streams have marginal strips. The Soft Burn and an unnamed creek, approximately 1.5 km to the west, exceed the minimum bed width of an average of 3 metres from bank crest to bank crest, however no strips exist. The unnamed creek would provide practical access to the existing conservation area (PHOTO 8). These deficiencies must be rectified during tenure review.

Yours faithfully

Bruce Mason
Researcher & Co-Spokesman

Appendices: 8 photographs

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

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

West Wanaka Tenure Review



Found Hill

Maitai Strip

Maitai Strip

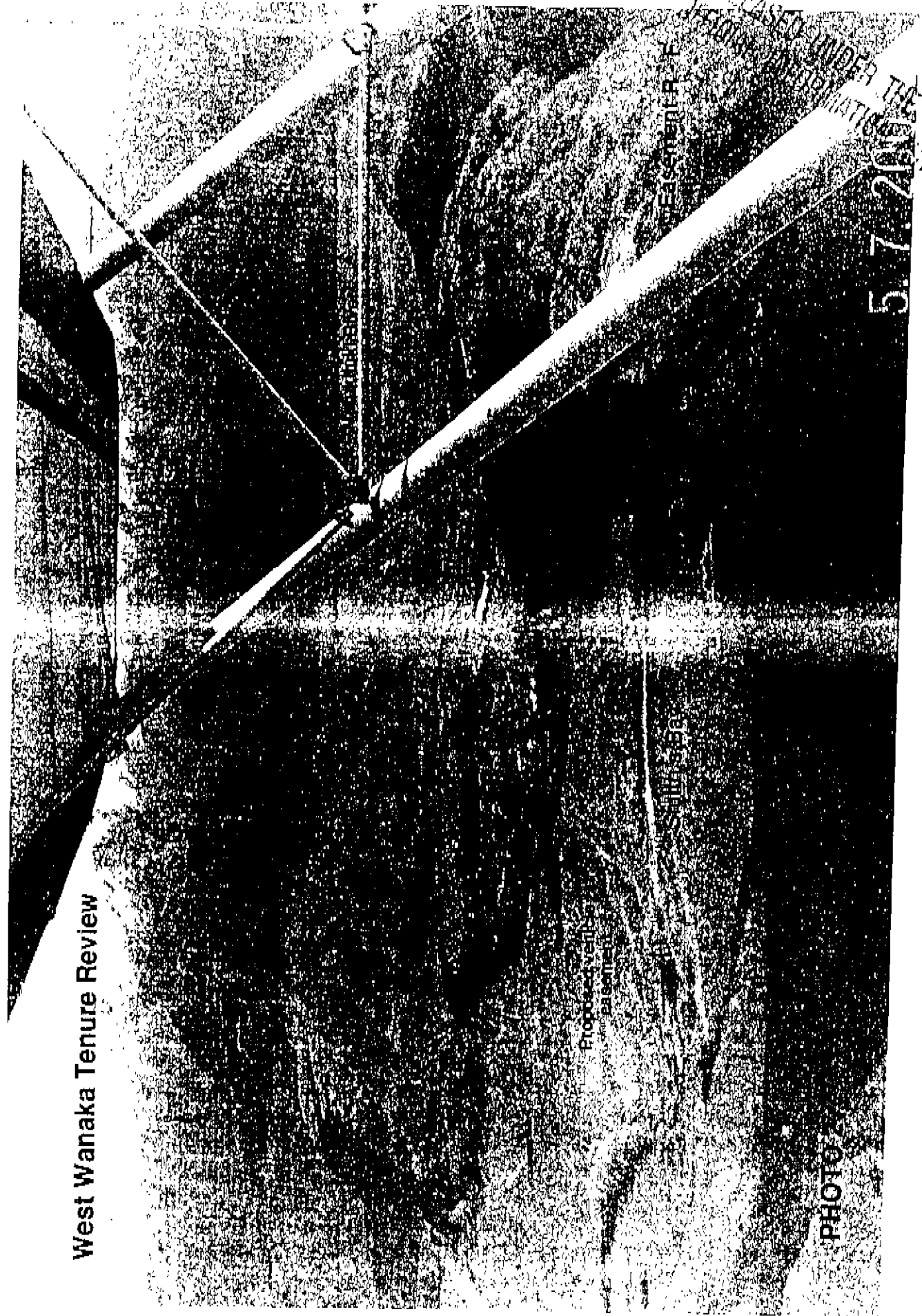
Maitai Strip

Maitai Strip

PHOTO 1

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West Wanaka Tenure Review



Produced jointly
by Environment
and Heritage
New Zealand

1000 5000

PHOTO

ESSENTIAL

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5.7.2007

West Wanaka Tenure Review



PHOTO

5.7.20

FOR THE
NATION

1971

West Wanaka Tenure Review

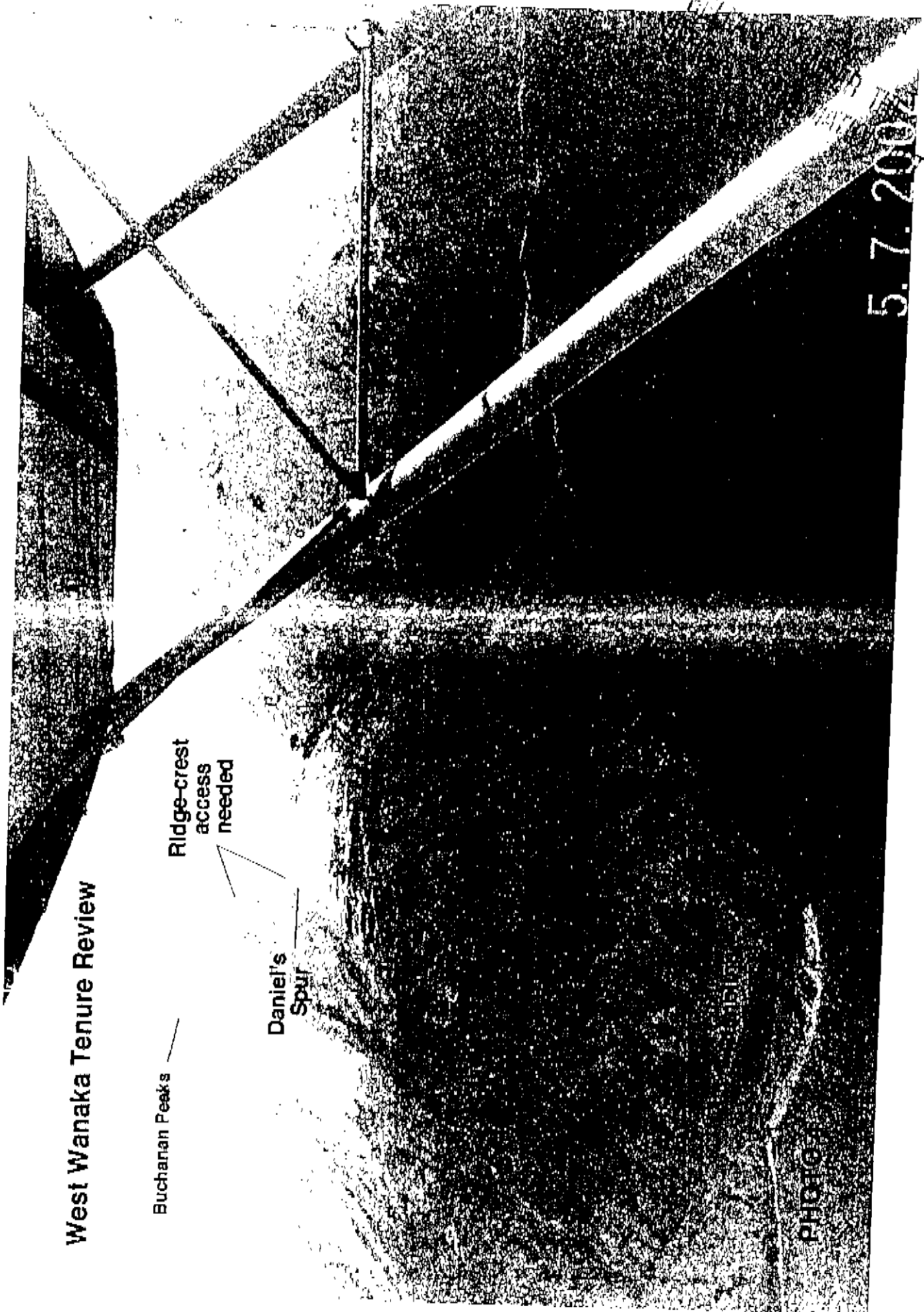
Buchanan Peaks

Ridge-crest
access
needed

Daniel's
Spur

PHOTO

5.7.2007

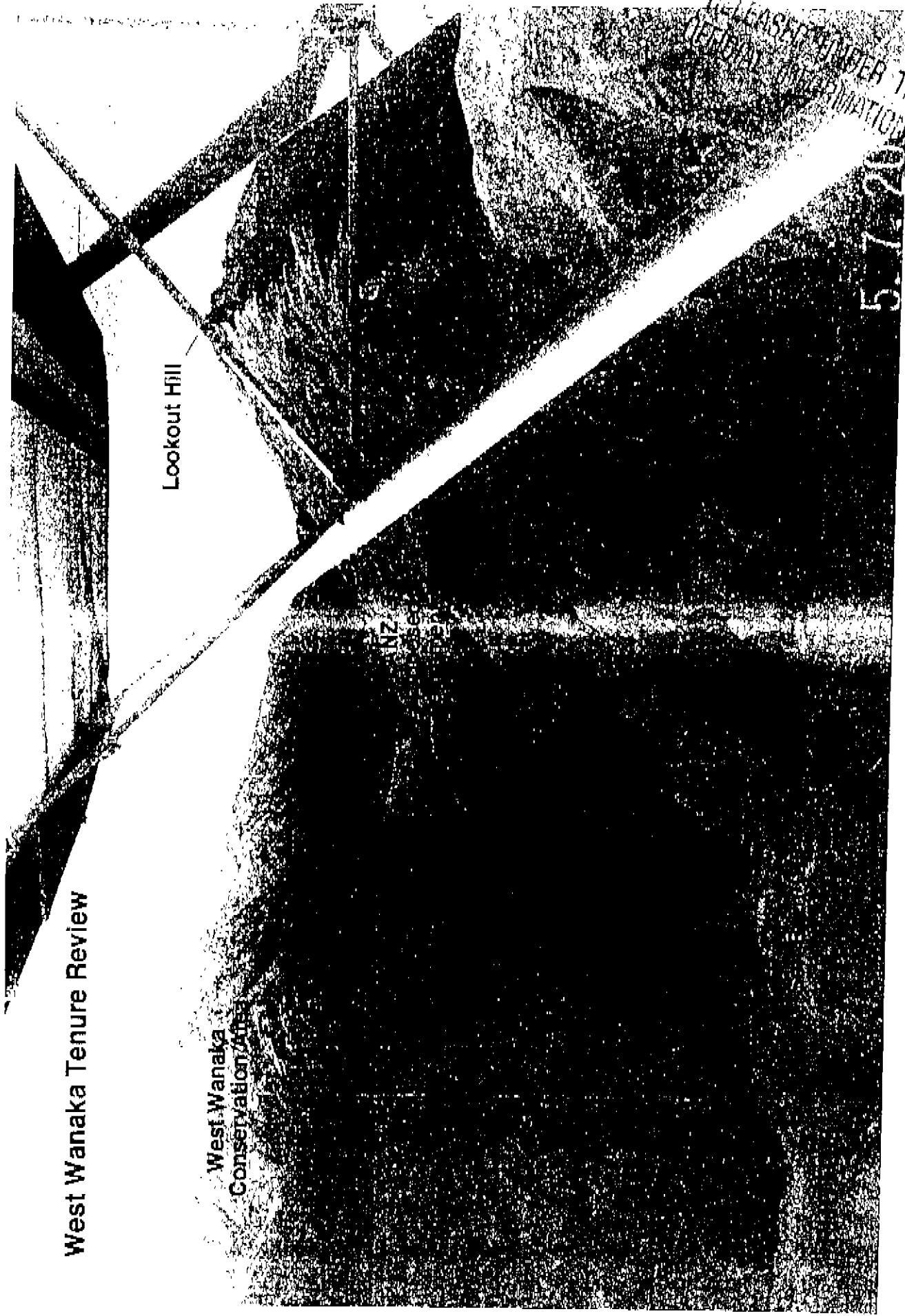


West Wanaka Tenure Review

West Wanaka
Conservation Area

Lookout Hill

PLEASE REMEMBER THE
GENERAL INFORMATION ACT



1975

West Wairaka Tenure Review

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5.7.2002

West Wanaka Tenure Review

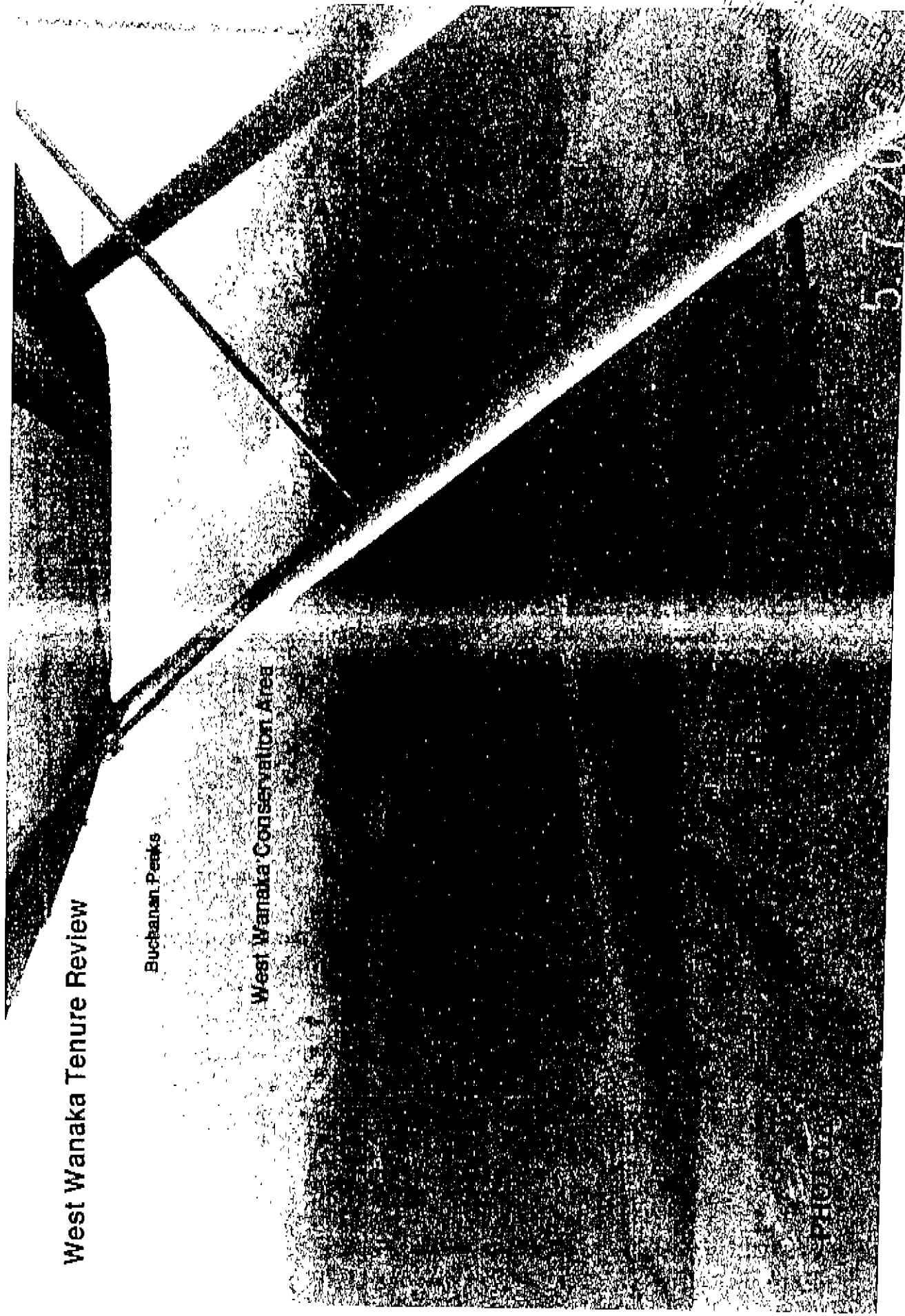
RELEASED UNDER THE
OFFICIAL INFORMATION ACT
5.7.2009

West Wanaka Tenure Review

Buchanan Peaks

West Wanaka Conservation Area

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OFFICIAL INFORMATION ACT



K6203/11

Civic Corp
Civic Corporation Limited
Private Bag 20077
Civic Corp House, 74 Showers Street
Queensland, New Zealand
Tel: 04-3-442 4771
Fax: 04-3-442 4770
e-mail: enquiries@civiccorp.co.nz
site: http://www.civiccorp.co.nz

In reply please quote
File Ref:

DTZ NEW ZEALAND
ALEXANDRA
15 JUL 2002
RECEIVED

11 July 2002

The Manager
DTZ New Zealand Limited
Land Resources Division
PO Box 27
ALEXANDRA

Dear Sir/Madam

WEST WANAKA TENURE REVIEW: SUBMISSION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

Please find enclosed the submission of the Queenstown Lakes District Council to the West Wanaka Tenure Review.

I apologise for the lateness of this submission, and hope that it can be accepted at such a late stage. The reasons for its lateness are that the application was not received until 12 June 2002, then had to be reported to the Strategy Committee of the Council.

If you have any queries with respect to the submission, please do not hesitate to call.

Please note that the Queenstown Lakes District Council wishes to be notified of any future tenure review proposals occurring in the Queenstown Lakes District so that submissions can be lodged.

Yours faithfully
CIVICCORP

Jenny Parker
POLICY PLANNER

SUBMISSION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL ON THE
WEST WANAKA TENURE REVIEW PROPOSAL

"RELEASED UNDER THE
OFFICIAL INFORMATION ACT"

DATE: 9 July 2002

SUBMITTER:

Queenstown Lakes District Council

ADDRESS FOR SERVICE:

C/- Jenny Parker
CivicCorp
Private Bag 50077
QUEENSTOWN

Phone: (03) 442 4777

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 West Wanaka Tenure review proposal.

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

- ensuring sufficient public access is provided; and
- ensuring indigenous biodiversity values are identified and managed appropriately.

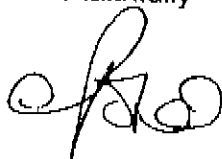
The West Wanaka tenure review is considered a positive proposal both in terms of the public access that is proposed, and the protection of indigenous vegetation through conservation mechanisms.

The Council supports the West Wanaka Tenure review proposal for the following reasons:

- It provides for extensive public access through easements, ensuring public enjoyment of the land; and
- It recognises and provides for significant indigenous vegetation and habitats, through designating land for conservation purposes, and proposing protective covenants.

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

Yours faithfully



Jenny Parker
POLICY PLANNER