

Crown Pastoral Land Tenure Review

Lease name: LONG GULLY

Lease number: PO 055

Public Submissions - Part 2

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

October 09



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)

P.O. Box 1604, Wellington



10 May 2009

The Commissioner of Crown Lands
C/- QV Valuations,
Dunedin Office,
PO Box 215
DUNEDIN.



Dear Sir,

Re: Preliminary Proposal for Tenure Review: Long Gully Pastoral Lease (Po 55)

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 clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country.

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

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

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

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

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

For your information we attach as an appendix to this submission, the report which FMC prepared on the tenure review of Long Gully and Deep Creek in 2003, at the 'Early Warning' stage of the tenure review process.

THE PRELIMINARY PROPOSAL

FMC notes that the proposed designations are described as follows:-

Proposal 1.1 An area of 150 hectares (approximately) to be designated as land to be restored to or retained in full Crown ownership and control, as Conservation Area labelled "CA 2" and "CA 3" on Plan under Section 35(2)(a)(i) Crown Pastoral Land Act 1998.

Proposal 1.2 An area of 165 hectares (approximately) to be designated as land to be restored to or retained in Crown control, as a Scientific Reserve labelled "R1(Scientific)" on the Plan under Section 35(2)(a)(ii) Crown Pastoral Land Act 1998.

Qualified Designation:

An easement concession under section 36(1)(a) Crown Pastoral Land Act to provide access for Bendigo Station Limited for farm management purposes and the right to convey water over that part of the land marked "i-j" in "R1(Scientific)" on the Plan.

Proposal 1.3 An area of 1,373 hectares (approximately) to be designated as land to be disposed of by freehold disposal to Bendigo Station Limited, subject to protective mechanisms and qualified designations under section 35(3), section 36(3)(b), section 36(3)(c) and section 40(1)(b) Crown Pastoral Land Act 1998.

Protective mechanisms pursuant to Section 40(1)(b) and Section 40(2)(a) and Section 40(2)(b) Crown Pastoral Land Act 1998.

1.3.1 Landscape Covenant.

A conservation covenant under Section 77 Reserves Act 1977 for the purposes of protecting the landscape values of the area marked "CC(Landscape)" on the Plan.

Qualified Designations pursuant to Section 36(3)(b) Crown Pastoral Land Act 1998.

1.3.2 Public Access and Minister of Conservation Management Purposes Easement in Gross.

(i) An easement under Section 7 Conservation Act 1987 to provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles powered by a person or persons, provided however that persons with guns and persons accompanied by dogs are permitted to use the easement area provided they have a hunting permit issued by the Department of Conservation over that part of the land shown marked as "a-ai-b-c-d-e-f-p" and "f-g" on the Plan attached in Schedule A.

(ii) To provide access for tenants, agents, contractors and invitees of the Minister and any employee or contractor of the Director-General of Conservation on foot, or on or accompanied by horses, or by motor vehicle, with or without machinery and implements of any kind, and with or without guns and dogs, for management purposes over that part of the land marked "a-ai-b-c-d-e-f-p" and "f-g", on the Plan attached in Schedule A.

1.3.3 Continuation in force of an existing right to convey water granted to Lindis Irrigation Limited.

The continuation in force of an existing registered right to convey water in favour of Lindis Irrigation Company marked in a bold blue line "q-r" on the attached plan, under Section 36(3)(c) Crown Pastoral Lands Act 1998.

1.3.4 Continuation in force of an existing right to convey electricity granted to Aurora Energy Limited.

The continuation in force of an existing registered right to convey electricity granted to Aurora Electricity Limited marked in a bold yellow line "x-y" on the attached plan, under Section 36(3)(c) Crown Pastoral Lands Act 1998.

1.3.5 Continuation in force of existing right of way granted to Telecom New Zealand Limited.

The continuation in force of an existing registered access easement marked in a dashed orange line "a-ai" on the attached plan, under Section 36(3)(c) Crown Pastoral Lands Act 1998. This is covered by Memorial 656247 Gazette Notice declaring 2.2 hectares and a right of way easement over part of Long Gully lease land to be acquired for Post Office purposes (microwave site).

1.3.6 Continuation in force of existing right of way granted to Vodafone New Zealand Limited.

The continuation in force of an existing registered access easement marked in a dashed blue line "g-f-e-d" on the attached plan, under Section 36(3)(c) Crown Pastoral Lands Act 1998.

1.3.7 Continuation in force of existing right to convey electricity granted to Vodafone New Zealand Limited.

The continuation in force of an existing registered right to convey electricity granted to Vodafone New Zealand Limited marked with an orange dash and dot line "bi-b-c-d" on the attached plan, under Section 36(3)(c) Crown Pastoral Lands Act 1998.

1.3.8 Continuation in force of existing right of way granted to Team Talk Limited.

The continuation in force of an existing unregistered access easement marked in a dashed blue line "g-f-e-d-c" on the attached plan, under Section 36(3)(c) Crown Pastoral Lands Act 1998.

1.4 Marginal Strips.

Existing marginal strips are shown on the plan. A qualifying waterway report has confirmed the Clutha River is the only qualifying waterway.

FMC SUBMISSIONS

It should be noted that FMC provided a Report in February 2003, following the Early Warning meeting related to properties introduced in 2001. That Report was entitled "*Recreational and related Significant Inherent Values of Long Gully and Deep Creek*". For your information a copy of the text of that report is appended to this submission.

The details of FMC views on, and support for, or objections to, the Preliminary Proposal are presented below and are arranged in the same format as the Preliminary Proposal quoted above.

Proposal 1.1 An area of 150 hectares (approximately) to be designated as land to be restored to or retained in full Crown ownership and control, as Conservation Area labelled "CA 2" and "CA 3" on Plan under Section 35(2)(a)(i) Crown Pastoral Land Act 1998.

FMC notes that this proposal refers in the text to CA 2 and CA 3, but that the map in Appendix 2 only refers to CA 1 and CA 2. We hope that we are right in assuming that these actually refer to the same parcels of land on the ground.

FMC understands that this proposal includes the catchment north of high point 952m, and west of the ridge down to the bottom of the hill close to the Luggate – Tarras Road. The proposal contains a number of important vegetation communities including a number of threatened plant species.

The area ranks highly against the PNAP criteria for representativeness, diversity and rarity. It ranks moderately for buffering, size, naturalness, and long term viability. FMC appreciates that there are a number of threatened species in this proposal, and that this makes a strong case for designation of this area as a Conservation Area.

We note too that the native broom shrublands are a feature of this area and were recognized as part of RAP A13 (Long Gully). There are a number of other habitats within this proposal. These include the mid altitude grey scrub shrublands with the nationally endangered *Carex inopinata*, and the higher altitude kanuka shrubland associated with rock outcrops and colluvial slopes.

The PNA Report stated:- "*Shrubs, particularly native broom and matagouri with occasional kanuka, Melicytus alpinus, Coprosma parviflora and C. crassifolia are lightly scattered across most of these communities. Matagouri – Coprosma propinqua shrubland with a ground tier of exotic grasses occupies small sections of the lower fluvies. Native broom forms two concentrations, near the lower margin, and near the top of the area where cover is 15-30%*".

"Flora is more diverse than is typical for the District at this altitude, but no uncommon species are noted. This small RAP contains a good range of communities representative of lower altitude colluvial slopes, here in more natural condition than elsewhere at equivalent altitude, and with an unusually high diversity of native species. The only examples of native broom shrubland in the Lindis, Pisa and Dunstan Districts occur in this priority area and nearby".

RAP A13 (Long Gully) was ranked 'High' for representativeness on account of its "*important low altitude slope communities*".

FMC notes that CA 1 and CA 2 are only separated by a narrow corridor and were in fact not separated in this way on the original recommendations map (Area 2.1.2); similarly both CA 1 and CA 2 are included within the same landscape unit LU 2. FMC recommends that new conservation area should be as originally recommended and should include both CA 1 and CA 2, with an easement "f – g" as shown on the designation plan but crossing the combined

area of CA1 and CA 2.

All these features (including the common landscape designation, and PNAP recommendations) combine to support the proposal that CA 1 and CA 2 (referred to as CA 2 and CA 3 in the text) should be restored to full Crown ownership and control to be managed for conservation purposes. We submit that these two areas should be combined as proposed in the original recommendations.

FMC Submission

FMC endorses and fully supports the proposal that CA 1 and CA 2 (apparently referred to as CA 2 and CA 3 in the text) should be restored to full Crown ownership and control to be managed for conservation purposes. For reasons explained above we submit that areas CA 1 and CA 2 should be combined into one area with the proposed easement "f-g" crossing the combined area.

Proposal 1.2 An area of 165 hectares (approximately) to be designated as land to be restored to or retained in Crown control, as a Scientific Reserve labelled "R1(Scientific)" on the Plan under Section 35(2)(a)(ii) Crown Pastoral Land Act 1998, subject to a qualified Designation.

FMC understands that this proposal comprises the majority of the native and semi native river terraces of Long Gully, between the Clutha River and the Luggate – Tarras Road. The proposal contains one of the few remaining areas of dryland valley terrace systems.

FMC is pleased that this area has been proposed for recognition as a Scientific Reserve because its values had previously been identified by PNAP Surveys and in the FMC Report (2003). It was recommended for protection as RAP A14 (Long Gully Terrace).

The PNAP Report on RAP A14 made the following point:- *"The distinctive shallow, stony and sandy soils combined with the representative insect fauna and vegetation make this RAP of considerable importance as the best example of a relatively natural Upper Clutha land system semi-arid terrace flats. Its size should allow sufficient buffering from outside influences"*.

The RAP was ranked 'High' for representativeness on account of its being a good *"example of semi-arid terrace flats flora and fauna"*.

We are aware that there is very little of this dryland vegetation in its natural state currently protected. We appreciate that the area is relatively free from the impacts of cultivation, horticulture and irrigation, and FMC is pleased that this area is proposed for protection as a Scientific Reserve which will contain a number of threatened species. Furthermore, the area retains significant natural character, with the potential to recover with appropriate management.

FMC agrees that semi-arid terrace vegetation has a restricted distribution in New Zealand, with most having been cultivated or heavily modified in some way. Valley floor ecosystems which have retained much of the natural character are rare in any New Zealand setting. This area is adjacent to a main road, well used by visitors to Wanaka and so is located where the general public will continue to be able to appreciate this increasingly rare part of the lowland landscape. Using the LENZ figures, only a very small area (2.6%) of this type of land is currently protected.

FMC Submission

FMC endorses and fully supports the proposal that some 165ha of semi-arid lowland terrace vegetation situated between the Tarras – Luggate road and the Clutha River should be designated as a Scientific Reserve.

Qualified Designation:

An easement concession under section 36(1)(a) Crown Pastoral Land Act to provide access for Bendigo Station Limited for farm management purposes and the right to convey water over that part of the land marked "i-j" in "R1(Scientific)" on the Plan.

FMC notes that it is proposed to create an easement concession to provide access for farm management purposes along the edge of the proposed Scientific Reserve. We appreciate that the proposed access easement concession will allow the holder to move stock along the route without taking stock onto the busy state highway. We note further that the concession will provide for the movement of water for irrigation purposes and that the concession area will be 20 metres wide from the road boundary. This seems reasonable to FMC.

FMC Submission

FMC has no objection to this proposed concession to allow for stock movement and the flow of irrigation water along the proposed easement.

Proposal 1.3 An area of 1,373 hectares (approximately) to be designated as land to be disposed of by freehold disposal to Bendigo Station Limited, subject to protective mechanisms and qualified designations under section 35(3), section 36(3)(b), section 36(3)(c) and section 40(1)(b) Crown Pastoral Land Act 1998.

The climate of this area is typical of Central Otago with warm dry summers and very cold, frosty winters. Snow rarely causes a problem. Rainfall averages around 450mm per annum at the homestead, rising to 760 mm on the upper slopes.

Much of the Long Gully pastoral leasehold land designated for freeholding, and marked as FH 1 on the map in Appendix 2, is characterised by Yellow Grey Earth Arrow Steepland soils. These soils have been classified Land Use Capability (LUC) Class VI which indicates medium suitability for pastoral farming.

The other areas FH 2 and FH 3 are separate lowland blocks which are relatively intensively farmed and should support ecologically sustainable farming.

Given the Central Otago climate briefly described above, the altitude range of FH 1 between about 400m and 1,100m and the LUC classification in Class VI, most of the area should therefore be capable of supporting ecologically sustainable pastoral use so long as nutrient removals in animal products and losses caused by burning, are replenished by regular maintenance fertiliser application.

Pastoral farming and oversowing and topdressing have significantly modified the vegetation in this area, with species dominated by exotic grasses, herbs clovers and short tussock. A small area of flats in the south east corner of the property has been cultivated. Hawkweed and rabbits have been significant problems over large areas of this property in the past.

The primary land use is extensive grazing of breeding ewes primarily for fine wool production. The property is run with the adjoining Deep Creek Pastoral lease and associated freehold land.

FMC Submission

FMC considers that in view of the Central Otago climate, the altitude range and the LUC classification in Class VI, most of this area (FH 1) should be capable of supporting ecologically sustainable pastoral use, and therefore be suitable for freeholding. The other areas FH 2 and FH 3 are separate lowland blocks which are relatively intensively farmed and should support ecologically sustainable farming and therefore be suitable for freeholding.

Protective mechanisms pursuant to Section 40(1)(b) and Section 40(2)(a) and Section 40(2)(b) Crown Pastoral Land Act 1998.

1.3.1 Landscape Covenant:

A conservation covenant under Section 77 Reserves Act 1977 for the purposes of protecting the landscape values of the area marked "CC(Landscape)" on the Plan.

FMC notes that a landscape protection covenant is proposed over an area of 95ha at the north eastern corner of the proposed freehold. This is designed to protect the natural landscape values in the area. We note that the terms and conditions of the Covenant require Minister of Conservation consent for buildings, earthworks, exotic tree planting and burning or spraying of shrub lands. FMC submits that this is too weak and that instead these activities should be prohibited by the conditions of the Covenant.

FMC also notes that this area lies between about 900m and 1,100m elevation and corresponds to the landscape zone intended for protection from inappropriate subdivision, use and development in the Central Otago District Plan. We do not accept that the District Plan provides adequate landscape protection, so we support the creation of a Landscape covenant over this area.

The FMC Report (2003) stated *"The front faces of the Grandview Range, and its continuation eastwards to Lindis Peak, together form the backdrop to important tourist routes. These include SH 8 from Christchurch to Queenstown and SH 8a linking that route to Wanaka and the West Coast. The same backdrop is also a prominent but rather more distant part of the landscape viewed from another tourist route (SH 6) between Queenstown and Wanaka. As such, the landscape values of these faces are important. Landscape values should be protected from the adverse effects of inappropriate developments (such as afforestation, earthworks including roading, or the erection of structures).*

FMC therefore, recommends that the landscape unit LU 2 (Clutha Valley Faces) identified in the Conservation Resources Report (CRR) should be included in the area to be protected by the Landscape Protection Covenant.

FMC Submission

FMC endorses and fully supports the proposal that an area of some 95ha at the top of Long Gully pastoral lease should be protected under a Landscape Protection Covenant. However, we submit that buildings, earthworks, exotic tree planting and burning or spraying of shrub lands should be prohibited by the conditions of the Covenant.

Because of the high visibility of the 'Clutha Valley Faces' from important tourist routes to Wanaka and Queenstown, FMC submits that Landscape Unit LU 2 should be added to the area to be protected under the Landscape Protection Covenant.

Qualified Designations pursuant to Section 36(3)(b) Crown Pastoral Land Act 1998.

1.3.2 Public Access and Minister of Conservation Management Purposes Easement in Gross.

(i) An easement under Section 7 Conservation Act 1987 to provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles powered by a person or persons, provided however that persons with guns and persons accompanied by dogs are permitted to use the easement area provided they have a hunting permit issued by the Department of Conservation over that part of the land shown marked as "a-ai-b-c-d-e-f-p" and "f-g", on the Plan attached in Schedule A.

(ii) To provide access for tenants, agents, contractors and invitees of the Minister and any employee or contractor of the Director-General of Conservation on foot, or on or accompanied by horses, or by motor vehicle, with or without machinery and implements of any kind, and with or without guns and dogs, for management purposes over that part of the land marked "a-ai-b-c-d-e-f-p" and "f-g", on the Plan attached in Schedule A.

The FMC Report on Long Gully and Deep Creek (2003) stressed the significance of public access to the high ground on Long Gully and the track leading to Grandview to the north, and Lindis Peak to the east. It is therefore pleasing to note that public foot and mountain bike access to these routes is provided as a proposed outcome of this tenure review.

FMC understands that the easement will provide for public access on foot or horse or mountain bike to the proposed conservation area on Long Gully. The easement will join onto an existing easement running through Sandy Point and along the Grand View Range through Glenfoyle, Mt Grand and Lake Hawea Station should tenure review be successfully concluded on the latter two properties.

FMC welcomes the provisions of this easement to gain access to the proposed new conservation area on Long Gully, and from point "f" down to the Tarras – Luggate road, as well as to make provision for access along the Grandview Range if other tenure review negotiations are successful.

FMC believes that there is a strong case for public vehicle (4WD) access as far as a parking place which would serve as a staging post for walkers to explore the new conservation areas in Camp Creek. We submit that there is a real need to provide public vehicle access because not everyone is capable of walking or mountain bike access to the ridge system, and that it would be discriminatory to deny access to everyone except the fittest and most able members of the public. We submit that public vehicle access should be reconsidered for the following reasons (a) no public vehicle access has yet been offered to any part of the Hawea-Grandview-Lindis high level ridge track system, (b) well formed tracks are available which are better able than most to withstand public vehicle use, and (c) it would be ideal to be able to make round trips on tracks where little environmental damage should occur. We submit that public vehicle access over the route "a-ai-b-c-d-e" should be reconsidered, at least as far as point "ai" or "e".

Given that there is legal road access to point "a" on the Long Gully boundary and that road maintenance is shared between Bendigo Station Ltd, and Telecom NZ Ltd., the preferred option for public vehicle access would be over the route "a-ai" and possibly a little further to a car park in the vicinity of the transmitter masts between "ai" and "e".

We note that persons with dogs and/or guns will be required to possess a hunting licence, and we consider this to be an appropriate requirement.

FMC has no objection to the use of the same routes for management purposes.

FMC Submission

FMC endorses and fully supports the proposed easement for public access on foot, horse or mountain bike to the new conservation land on Long Gully, from point "f" down to the Tarras – Luggate road, and pending the successful outcomes of tenure review on other properties, along the Grandview Range as far as Lake Hawea Station. We also support public access over the route "a-ai-b-c-d-e-f-p".

FMC supports the requirement for persons with guns or dogs to possess a hunting permit.

FMC has no objection to the use of the same routes for management purposes.

FMC believes that vehicle access to the Grandview-Lindis ridge track system is required at some point and we submit that such access over the route "a-ai-b-c-d-e" should be reconsidered for the reasons discussed above. The preferred public access would be from "a" to "ai" and possibly a little further, to a car park in the vicinity of the transmitter masts between "ai" and "e".

1.3.3 Continuation in force of an existing right to convey water granted to Lindis Irrigation Limited.

The continuation in force of an existing registered right to convey water in favour of Lindis Irrigation Company marked in a bold blue line "q-r" on the attached plan, under Section 36(3)(c) Crown Pastoral Lands Act 1998.

1.3.4 Continuation in force of an existing right to convey electricity granted to Aurora Energy Limited.

The continuation in force of an existing registered right to convey electricity granted to Aurora Electricity Limited marked in a bold yellow line "x-y" on the attached plan, under Section 36(3)(c) Crown Pastoral Lands Act 1998.

1.3.5 Continuation in force of existing right of way granted to Telecom New Zealand Limited.

The continuation in force of an existing registered access easement marked in a dashed orange line "a-ai" on the attached plan, under Section 36(3)(c) Crown Pastoral Lands Act 1998. This is covered by Memorial 656247 Gazette Notice declaring 2.2 hectares and a right of way easement over part of Long Gully lease land to be acquired for Post Office purposes (microwave site).

1.3.6 Continuation in force of existing right of way granted to Vodafone New Zealand Limited.

The continuation in force of an existing registered access easement marked in a dashed blue line "g-f-e-d" on the attached plan, under Section 36(3)(c) Crown Pastoral Lands Act 1998.

1.3.7 Continuation in force of existing right to convey electricity granted to Vodafone New Zealand Limited.

The continuation in force of an existing registered right to convey electricity granted to Vodafone New Zealand Limited marked with an orange dash and dot line "bi -b-c-d" on the attached plan, under Section 36(3)(c) Crown Pastoral Lands Act 1998.

1.3.8 Continuation in force of existing right of way granted to Team Talk Limited.

The continuation in force of an existing unregistered access easement marked in a dashed blue line "g-f-e-d-c" on the attached plan, under Section 36(3)(c) Crown Pastoral Lands Act 1998.

FMC notes that clauses 1.3.3 to 1.3.8 provide for the continuation in force of a number of existing rights. We have no objection to the continuation in force of the existing rights as detailed above.

FMC Submission

FMC has no objection to the continuation in force of the existing rights detailed in Clauses 3.1.3 to 3.1.8.

Proposal 1.4 Marginal Strips

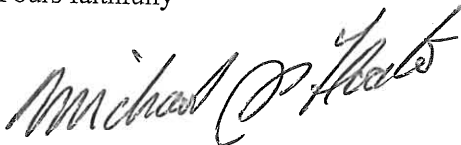
Existing marginal strips are shown on the plan. A qualifying waterways report has confirmed the Clutha River is the only qualifying waterway.

FMC Submission

FMC notes that the Clutha River is the only waterway on Long Gully which qualifies for the provision of marginal strips.

Finally, FMC is grateful to the agent, QV Valuations, for making arrangements for us to inspect the property, and the runholder for his continuing co-operation.

Yours faithfully



b/p
Phil Glasson
Secretary, Federated Mountain Clubs of NZ Inc.,

264-008

CENTRAL OTAGO RECREATIONAL USERS FORUM

11 May 2009

Address for Service

186 Faulks Road,
RD 2,
Wanaka 9382.

Name

Jan Kelly, Secretary of CORUF.



To

The Commissioner of Crown Lands
C/- David Paterson,
QV Valuations,
P. O. Box 215,
DUNEDIN.

**Submission to Preliminary Proposal, Long Gully Pastoral Lease Po 055 Deep Creek
Pastoral Lease Po 036**

Dear Sirs,

We appreciate the opportunity to submit to the review of Long Gully Pastoral Lease.

I have seen the Lease, taking the opportunity to inspect it by joining the visit arranged by Federated Mountain Clubs, Central Otago / Lakes Branch of Forest & Bird Society and Dunedin Forest & Bird Society, on April 24th 2009.

We thank QV Valuations and the Lessees Mr and Mrs Perriam for making this visit possible.

Central Otago Recreational Users Forum

The Central Otago Recreational Users Forum is a voice for a diverse group of user interests, representing about 60 recreational clubs and groups. A significant part of our brief is to represent recreation by the public to the statutory managers of public lands.

A fundamental principle guiding us is the belief that public lands should be accessible in some way to the general public, and not restricted only to the very fit and capable.

An associated principle is for due care and respect, to the land, the landscape, natural and historical values, and to the private landowners whose properties have easements on them giving us access to public conservation land.

The Central Otago Recreational Users Forum makes the following submission.

Long Gully Pastoral Lease Po 055. Preliminary Proposal for Tenure Review.

PROPOSAL

1.1 An area of 150 hectares (approximately) to be designated as land to be restored to or retained in full Crown ownership and control, as Conservation Area labelled "CA2" and "CA3" *-(presumably CA1 and CA2 as marked on the Plan in Appendix 2).*

1.3.2 **Qualified Designation:** the portion of this Public Access and Minister of Conservation Management Purposes Easement in Gross that includes the route "e-f-g" on the Plan attached in Appendix 2.

1.3.6 Continuation in force of existing right of way granted to Vodafone New Zealand Limited. The easement is marked with a blue dashed line "g-f-e-d" on the plan.

1.3.8 Continuation in force of existing right of way granted to Team Talk Limited: marked with a blue dashed line "g-f-e-d-c" on the attached plan.

We can see no reason why the two areas CA1 and CA2, as shown on the Plan, should be separated. A single landscape unit with the above easements running through it would logistically be much more reasonable, providing a coherent unit of natural protection on this prominent hill face.

1.2 An area of 165 hectares (approximately) to be designated as land to be restored to or retained in Crown control, as a Scientific Reserve labelled "R1 (Scientific)" on the plan in Appendix 2

We are very pleased to see this lowland unit on the Clutha River Terraces designated a Scientific Reserve. It has long been of interest to some of our members as a place to see plants that belong to the post glacial local environment, and as such the area is valued. The pillow plant *Pimelea pulvinaris* which is not endangered but is nevertheless only locally common (here along the river flats, and in the northern Mackenzie Country), shows as unusual greyish humps with massed creamy flowers, and can easily be seen from driving by on the road. Such sights are rapidly becoming a rarity on the Upper Clutha valley terraces.

The designation also allows for the visual cohesion of a natural glacial terrace alongside the river that made it, the Clutha Mata-au. We support the designation.

1.3 An area of 1373 hectares (approximately) to be designated as land to be disposed of by freehold disposal to Bendigo Station Limited, subject to protective mechanisms and qualified designations under section 35(3), section 36(3)(b), section 36(3)(c) and section 40(1)(b) Crown Pastoral Land Act 1998.

PROTECTIVE MECHANISMS:

1.3.1 **Landscape Covenant.** A conservation covenant under Section 77 Reserves Act 1977 for the purposes of protecting the landscape values of the area marked "CC(Landscape)" on the Plan.

We feel that the landscape covenant should come much further down the headwaters of Long Gully Creek, it covers very little of this largely natural basin and because the vegetation cover is presently of uniform gradient, slowly changing from tussock to grey shrubs to over-sown farm land, it would be useful for visual landscape purposes to preserve that unity. If the small area of tussock tops gets "saved" and the rest developed for farming by over-sowing, spraying or other alteration, the tops will stand out as an aberration at the gully head, rather than as a natural feature. Since the purpose of the proposed Covenant is to protect landscape values, there is obvious logic in extending it to cover a more complete landscape unit. We note a cross-gully fence which could usefully be the proper boundary of CC(Landscape): on the Designation Plan it is shown crossing the Long Gully Creek more or less from south to north, starting just under the letter "A".

1.3.2 Qualified Designation: Public Access and Minister of Conservation Management Purposes Easement in Gross, over that part of the land shown marked "a-ai-b-c-d-e-f-p" and "f-g" on the Plan attached in Appendix 2.

(i) An easement under Section 7 Conservation Act 1987 to provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles powered by a person or persons, provided however that persons with guns and persons accompanied by dogs are permitted to use the easement area provided they have a hunting permit issued by the Department of Conservation.

(ii) An easement to provide access for tenants, agents, contractors and invitees of the Minister and any employee or contractor of the Director-General of Conservation on foot, or on or accompanied by horses, or by motor vehicle, with or without machinery and implements of any kind, and with or without guns and dogs, for management purposes.

We have a concern about the intention stated above, "To provide public access" that is limited to "persons on foot, or on or accompanied by horses, or by non-motorised vehicles". This section is repeated in our commentary on Deep Creek Lease Po 036.

The proposed Public Access route to CA1 on Deep Creek Lease combines the transmission track up through Long Gully Lease, *a-ai-b-c-d-e-f-p(g)*, and the farm road easement through Deep Creek Lease, *g(p)-b-c-e*, to reach CA1 on West Coast Gully / Camp Creek. The route is about 28 km long (more or less 14 km each way). It rises and drops over Lindis Ridge so that one has to climb twice, coming and going.

Mountain bike riders and trampers will appreciate the route, and we are pleased to see this accommodation being made to their needs and enjoyment. But there is a wider issue. The default arrangement in Tenure Review that allows access only to "persons on foot, or on or accompanied by horses, or by non-motorised vehicles" cuts out a substantial proportion of the populace, making the uplands accessible to only the specialised group, the "fit and capable".

For families with young children, and for the elderly (who love the high country as much as younger persons do), the conserved public land is being made inaccessible by the difficulty in getting to it.

Because only a tiny portion of the proposed Public Access route described above is within the proposed conservation land, walkers will spend most of their recreational day on Long Gully and Deep Creek farms, no doubt stopping at the top of the ridge for the splendid views. (The high points on the access easement "g-b-c" could well become a recreation destination in their own right.)

Certainly, the amount of time spent trailing along the easement through private farm land will be high, and the time spent at the destination, a conservation reserve, will be insignificant in comparison.

We use this example to reiterate that despite the statement made that the designated routes will "secure public access", for the majority of the public they don't in fact do so.

There are also good public tracks being registered on the adjacent Sandy Point and Glenfoyle Pastoral Leases, starting from the vicinity of Trig O No2 and leading in the general direction of Mt Grand on Lake Hawea Station. These too are for foot, horse or non motorised vehicle access. No vehicular access has been provided for, not even up to the edges of this massif.

While those tracks will make good walks, once again the lengthy business is to get onto them in the first place. On these two properties, Long Gully and Deep Creek, dry, drivable gravel roads already exist, and one of them could readily be adapted to public use for vehicles, to a parking area.

The road up through Long Gully will remain in good condition because it accesses the transmission facilities, and is also to be used for DOC management purposes, we understand that part of its upkeep is paid for by the concessionaires. Having a vehicle park near the top of the road will substantially reduce the elevation to be achieved, and so make the public enjoyment of the conservation land beyond more possible.

We recommend that a public car park for 4WD vehicles, for seasonal use, be developed in the vicinity of the upper transmission towers on Long Gully Lease, to give recreationists an even chance of getting to the proposed conservation land, and to provide an alternative, higher start point for walks on the public tracks on this and adjacent properties.

None of us would argue that all land should be made available to all people, remoteness is a quality in itself. But the current scheme is so limiting that it has become undemocratic. We believe that providing access to only a small, select portion of the populace is in the wider sense a failure to provide "public access" to public land, and is not the intention of the Crown Pastoral Land Act.

Jan Kelly,
Secretary,
Central Otago Recreational Users Forum
11 May 2009.



photo: *Pimelea pulvinaris*, Silky Pillow Pimelea



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Deep Creek & Long Gully Crown Pastoral Lease Tenure Review

Submission from Otago Fish & Game

The Otago Fish & Game Council (Fish & Game) wish to make the following submission on the Deep Creek and Long Gully Properties. We are writing a joint submission for these properties as they are adjoining and have values that relate to both.

Since our initial resources report in 2003 upland game bird numbers in Central Otago have increased markedly, particularly in the Tarras area. We attribute this to intensive possum control work undertaken and the associated reduced mortality in avifauna. As both the Deep Creek and Long Gully properties have habitat that is ideal for upland game birds, and that migration of game birds into the area is likely, we suggest covenanted areas for upland game bird hunting need set aside.

We realise this was not in our initial submission but we have only recently become aware of the increase in game bird numbers. This is of importance as access for recreational upland game bird hunting is becoming harder to obtain due partly to changes in land owners and lessees of crown land. Therefore, opportunities to secure upland game bird hunting areas on public land through the Tenure Review process should be taken at every opportunity. A conservation covenant for hunting purposes over some of the land to be freeholded would be sufficient for upland game bird hunting purposes.

In addition public vehicle access is needed to areas of game bird habitat as the distances involved are too great to realistically to expect the public to walk, especially when there are good roads within the property. We do not see public vehicle access as needed for the entire year but merely during the upland game bird hunting which starts at Queens Birthday weekend and extends until the end of August. This would not interfere with the peak time of farming activity (lambing, weaning etc).

Fish & Game have been advocating for the inclusion of hunting dogs and guns over the easement to conservation land on many properties as this will facilitate a larger range of recreational opportunities. It is outlined in 1.2.5(i) in the Deep Creek preliminary proposal and 1.3.2(i) over easements provided a hunting permit from the Department of Conservation is held of the Long Gully preliminary proposal that access for firearms and dogs will be provided for. However, the wording in the Transfer Grant of Easement in Gross for public access appears contradictory to this and precludes public use of dogs or the carrying of guns. This wording should be amended to allow the transportation of guns and dogs over the easement to conservation land.

Fish & Game may on occasions need to access land for the management of sports fish and game bird species. There is a conservation covenant agreement between ourselves

Statutory managers of freshwater sports fish, game birds and their habitats

Otago Region

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and the commissioner of Crown lands in the Deep Creek property preliminary proposal. We request clarification that this agreement will now continue between ourselves and the landowner.

With regard to the Long Gully property we understand that we have the same access rights for management as the Department of Conservation although this has not been formally confirmed. In the interim we request that wording be added to the proposal which confers the same access rights to Fish & Game as the Department of Conservation with regard to management access. Alternately a letter from the Department of Conservation or LINZ confirming that Fish & Game have the same management rights would meet our concerns.

Fish & Game would like to see the above points included in the final proposal and can meet at your convenience to discuss the above points.

Yours sincerely

A handwritten signature in blue ink, appearing to read "John Hollows".

John Hollows
Environmental Officer

15 April 2009



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Combined 4WD Clubs Inc.

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Papanui
Christchurch 8542

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15th May 2009

Mr David Paterson
Quotable Value Limited
P O Box 215
Dunedin

RE Deep Creek & Long Gully Tenure Review

Dear David

Many thanks for forwarding to us details on the above mentioned Tenure Reviews.

We have gone over the reviews and from our perspective (that is vehicle access & 4WD recreation aspects) we have no submission to make on both of these properties.

We support them as they are presented, and believe that as offered they need no further comments by or from us.

Please maintain us on your data base as an interested party to Land Tenure Reviews.

Many thanks

Yours faithfully

Paul A Dolheguy
Access Officer

e-mail:- pauldol@xtra.co.nz

By Fax