

Crown Pastoral Land Tenure Review

Lease name: MESOPOTAMIA

Lease number: PT 057

Final Report on Public Submissions

This document builds on the Preliminary Report on public submissions. The analysis determines if an issue that was allowed, and further consulted on, is accepted or not accepted for inclusion in the Substantive Proposal and to what extent. The report complies with the requirements of Section 45 Crown Pastoral Land Act 1998.

The report attached is released under the Official Information Act 1982.

April

08

Report in Accordance with Contract 50346

Final Analysis of Public Submissions for Preliminary Proposal

File Ref: PRY-C60-12695-TNR-PT057 Submission No: QVV 813 Submission Date: 5/6/2007 & 12/6/2007 & 3/7/2007

Office of Agent: Christchurch LINZ Case No: TR08/01 Date sent to LINZ: 5/6/2007 & 12/6/2007 & 3/7/2007

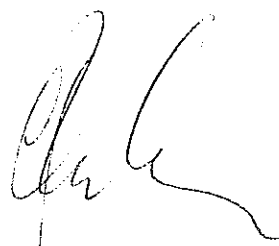
RECOMMENDATIONS

- (1) That the Commissioner of Crown Lands approves this report for tenure review of Pt 057 **Mesopotamia** Pastoral Lease.

Signed by Q V Valuations:

PP. 

Barry Dench
Team Leader for Tenure Review



Carlyne Latham
Tenure Review Consultant

Approved/Declined by:

Name:
Date of decision: / /

(1) Details of lease:

Lease Name: Mesopotamia
Location: Rangitata Gorge Road, Peel Forest, Geraldine
Lessee: Mesopotamia Station Ltd

(2) Public notice of preliminary proposal:

Date, publication and location advertised:

24th September 2005

- The Press Christchurch
- Otago Daily Times Dunedin

Closing date for submissions:

22nd November 2005

(3) Details of submissions received:

A total of twenty three submissions were received.

(4) Analysis of submission:

4.1 Introduction:

Explanation of Analysis:

This is a final analysis of submissions. The purpose of this final analysis is to determine whether to accept or not accept the points raised in submissions for inclusion in the substantive proposal.

Each of the submissions received has been reviewed in order to identify the points raised and these have been numbered accordingly. Where submitters have made similar points, these have been given the same number.

The following analysis:

- Summarises each of the points raised along with the submission number of those submitters making that point.
- Provides a discussion of the point.
- Records the CCL decision whether or not to allow/disallow the point for further consultation.
- Records the CCL decision whether to accept the point for inclusion in the proposal.

The following approach has been adopted when making the decision:

(i) To allow / disallow for further consultation:

The decision to “**Allow**” the point made by submitters is on the basis that the matter raised is a matter than can be dealt with under the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not a matter that can be dealt with under the Crown Pastoral Land Act, the decision is to “**Disallow**”. Those points that are ‘allowed’ will be given further consideration with respect to the proposal.

It should be noted that points relating to the Conservation Act, or any other statutory authority outside of the Crown Pastoral Land Act 1998 are not able to be considered by the Commissioner of Crown Lands.

(ii) To accept/ not accept:

The outcome of an “**Accept**” decision will be that the point is included in the draft Substantive Proposal. To arrive at this decision the point must be evaluated with respect to the following criteria:

- The objectives and matters to be taken into account in the Crown Pastoral Land Act (sections 24 & 25) and;
- The views of all parties consulted and any other matters relevant to the review, balanced against the objectives and matters to be taken into account in the Crown Pastoral Land Act 1998.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
1	Issues concerning public access.	Nos1,2,4, 5,6,7,8, 9,10,11, 12,13,14, 15,16,17, 18,19,20, 22 and 23	Allow in part.	Accept in part.

Twenty one submissions were received covering a range of access issues. The issues fell into the following main themes:

1. Access to CA3

Eleven of the submitters felt the proposed main access route to the boundary of CA3 and the Sinclair Range via Scour Stream marginal strips was inadequate due to the condition of the strips and deer fencing crossing the Scour Stream at several points. The majority urged that the DoC management easement 'a-b-c' be made available for public use on foot or mountain bike.

Submitter 2 asked incredulously "*Where is the public access to CA3???*"

Submitter 6 noted "*that the Sinclair Range is unique within the lease because it provides top quality tramping for visitors of medium fitness.*" However they felt the condition of the marginal strips along Bush Stream, Scour Stream and Moonlight Stream in terms of contour, vegetative cover and location (for the latter) effectively precluded the public from most of the Sinclair Range. They therefore submitted that "*a foot and mountain bike (non-motorised) access easement should additionally be provided for along the proposed management purposes easement a-b-c.*"

Submitters 7, 12, 13, 15, 18 and 23 pointed out the presence of a boundary deer fence on the Rangitata Gorge Road, several deer fences crossing the Scour Stream and the absence of stiles to negotiate these fences. Submitter 23 summarised "*The marginal strip up Scour Stream is unusable because of both dense scrub and several deer fences which cross it. A practicable alternative for foot and mountain bike access should be provided along the proposed management easement 'a-b-c'.*" Submitter 13 was also of the view that "*Mountain bike and walking access must be permitted on the existing farm track marked orange on the map*", and recommended further that "*The presence of deer in the marginal strip is not an acceptable farming practice, hence the deer fence needs to be re-aligned.*"

Submitter 10 sought an alteration to the DoC management easement "*to include from time to time other parties required to help control game on various areas that have been set aside, but where no mention of hunting has been made.*"

Submitter 17 erroneously pointed out that "*The Scour Stream has no marginal strip set aside to allow for public access over freehold land.*" They went on to recommend that "*A DoC easement along the Scour for management purposes should be redesignated to allow public access.*"

2. Access to and along Rangitata River and over adjacent lands

Eleven submitters felt that continuous four wheel drive access up the true right of the Rangitata River was essential.

Submitter 4, 11, 12, 13 and 16 shared submitter 22's opinion that *"There needs to be contiguous vehicular access to the end of area CA1."* Submitters 11 and 22 suggested *"This could be done by connecting the sections of existing public road, including any bridges and culverts (compensation for such may be appropriate), and the road vested in and maintained by the local authority."* However submitter 16 had some concerns regarding the ongoing safety and maintenance of the old iron bridge if utilised for public use and proposed two options *"Firstly some method of public funding may be needed to be considered for the ongoing public use of the bridge as it would seem unfair for the entire cost to fall on the run holder. Or secondly, the public access route may need to bypass the bridge and a track bulldozed down the shingle fan to the river would be sufficient to allow for ongoing public access on foot and motorised transport."* They went on to say that *"From there on we feel the public use will be predominantly for the more adventurous person and 4WD clubs, and as such these people are prepared to tackle a more difficult route rather than use the bridge, so this will not deter from ongoing public access."*

Submitters 6 and 7 supported use of the bridge and existing track to point "j", and the suggestion of submitter 6 that *"An easement for public access along the formed track at the northern end of CC3 would eliminate the need for new tracks to be cut to Black Mountain Hut."* They also had some concerns regarding access during times of flood as the channels of the Rangitata River run right against the bank at the foot of CC3, and submitter 7 proposed that *"a foot access easement be created along the existing farm track through CC3 to allow people to exit the valley in times of flood."*

Submitter 7 added another option for traversing Bush Stream in the event that the bridge and existing track were unavailable, suggesting that *"the legal road from point 'f' across Bush Stream to the legal road on the other side of the stream and then onto point 'j' should be made legal access for all vehicle, horse, mountain bike and foot traffic. This would need to be partly formed and marked, and a covenant or condition included that requires any river training work that could block this road to include reinstating or providing vehicle standard access to make the route viable."*

Submitter 14 had queries regarding the existing public roads and requested confirmation *"that the existing public roads marked 'legal roads', and Rangitata Gorge Rd remain public roads. Also that the three legal roads into the bed of Bush Stream, as well as the new route marked f-g-h, are all available to the public."* They also questioned *"Will the section of public legal access and the attached section j-k be maintained as a public road?"*

Submitter 17 made a more general statement that *"because of the highly mobile nature of the Rangitata riverbed and the lower reaches of the streams in this area, any provisions for access need to provide long-term security of access."*

Submitter 18 sought to *"Transfer ownership and maintenance responsibilities for the Bush Stream bridge to the Crown or the District Council."* They believed the preferred route was *"to extend the existing legal road for the Rangitata Gorge Road across Bush Stream to Brabazon Down, down the true left bank of Bush Stream (but set back far enough to prevent undercutting by the river) to connect with the existing legal road on Brabazon Down and to Black Birch Stream."* They also suggested that *"Providing a generous area of conservation land on Brabazon Downs at the road end with appropriate facilities eg toilets, may also reduce the intrusion on the landholder and prevent problems with inappropriate toileting and car parking on private land."* The reasoning for this request was that *"The PP fails to consider strategic importance of Brabazon Downs and Black Birch fan in controlling access further up the valley, and it also fails to provide any areas which are easily accessible by two wheel drive vehicles wanting to camp or picnic on a day trip."* They believed that alternative areas for stock shelter post shearing existed elsewhere on the proposed freehold, however it could be considered to *"allow seasonal grazing for a short period by a limited number of sheep through a concession with a term of 5 years."*

Two of the sub-points made by Submitter 18 in the previous paragraph are examined in other parts of this report. The suggestion regarding limiting stock numbers and length of term is discussed in more detail under Point 6- page 17/ paragraph 2, and the point regarding provision of public parking and other public facilities at Brabazon Downs is noted in Point 3 (page 15 under points for further consideration).

Submitter 10 in commenting on needs of recreational hunters noted they *"would prefer the easements made more liberal to allow our members to reach the upper limits of some of these areas in the top of the Black Mountain Range, Alma Spur, the Growler, Big Spur, Camp Creek and Carneys Creek"*.

Submitter 12 was specifically concerned with public access to and across Conservation Covenanted areas and proposed that *"In all future Tenure reviews, that the option of public access to and across protective mechanisms be positively considered, especially where the covenants protect significant inherent values."* Concerning Mesopotamia they sought *"public access to and across CC3, if it is kept as freeholdable land."*

3. Access to High Terrace, Moonlight Valley, Angel Spur, Felt Hut (and on to Bullock Bow Saddle) along with other parts of the Sinclair Range (eastern and southern parts)

Ten submissions were received concerning access to High Terrace, Moonlight Valley, Angel Spur, Felt Hut and on to the Bullock Bow Saddle in CA2. The majority of the submitters proposed public foot and mountain bike access along the DoC management easement track from 'b-d'

Submitters 4, 5, 7, 9 and 23 shared the view of submitter 6 who summarised *"The vehicular track b-d has long been a traditional and significant foot access route from the Rangitata Gorge Road to Bullock Bow Saddle. The Forest Creek marginal strip route is slower, more difficult and less scenic than the vehicular track. We submit that a foot and mountain bike access easement should additionally be provided along the proposed management easement a-b-d."*

Submitter 6 in advocating for public access along route "a-b-d" mentioned that *"the only practical routes for short stay visits on the range (Sinclair) are directly from the Rangitata Gorge Road to the east. However the three access routes closest to the road are all marginal strips and none are suitable,"* naming *"Bush Stream because of the very steep and bluffy northern and north-western aspects of the range, Scour Stream is unsuitable because the margins are thick with scrub including matagouri and Moonlight Stream because it is a long way up Forest Creek and travel in the stream margins is difficult"*.

Submitter 10 sought an alteration to the DoC management easement *"to include from time to time other parties required to help control game on various areas that have been set aside, but where no mention of hunting has been made."*

Submitter 13 observed *"Public walking and mountain bike access has been strategically blocked off for access over Bullock Saddle from Forest Creek to Royal Hut"* and asked for the proposal to *"Please include appropriate public access."* They noted further that *"access from Forest Creek to Angel Spur is difficult due to the landform, steep escarpments prevent reasonable access"* and requested that *"reasonable foot access is available."*

Submitter 14 was unsure whether the finger of land bound by the new fenceline 'N-O' on one side and Forest Creek on the other side, and outlined in pink on the plan, is CA2 or CA3. However the plan clearly shows this area falls within Conservation Area 2.

Submitter 18 pointed out that *"Forest Creek is not a viable alternative because while it has a broad stream bed, access from stream bed up onto Angel Spur involves steep escarpments which are very difficult for anyone but very agile trampers to climb up."* Their recommendation was to *"Create an easement or preferably a legal road to allow foot and mountain bike access up the current farm track beside Scour Stream as far as Felt Hut."*

Submitter 12 sought public motorised access in addition to foot access. They noted that *"Even for walking access up Forest Creek, the little bit of freehold that blocks access up the next stream west of Moonlight Stream looks like a device to stop walking access, and stop Felt Hut being available to the public"*. They asked for *"public vehicular and foot access via a-b-d to Bullock Bow Saddle."*

4. General Access Issues

Eleven submissions were received concerning miscellaneous access issues.

One submission was received from submitter 12 with support from submitter 19, concerning marginal strips. They wanted to see *"all future tenure reviews include all fixed marginal strips, so that they can be swapped for movable marginal strips via tenure review. There is also the opportunity for movable marginal strips that are wider than 20 metres, where this would help get round cliffs or bluffs."* This subject is covered in further detail under point 14 which deals specifically with marginal strip issues.

Submitter 23 was concerned with the wording of the concession over access for hunters to CA1 and CA2 and commented that *"Access for hunters to conservation areas 1 and 2 is also conditional on access being granted by the concessionaire. This is a most unsatisfactory situation. This is to be public, not private land, for which access permission should be vested in the Crown."* Submitters 7, 12 and 19 made similar objections.

Submitters 4 and 10 were concerned with the practicability of public access routes. Submitter 10 pointed out that *"it should be borne in mind that these marked routes are not always available due to the physical problems of floods and washouts."* Likewise, submitter 4 stressed *"that wherever access is specified it needs to be practical. Often 'paper roads' or 'legal roads' may not be practical due to impassable creeks, wash outs or steep banks etc. In these cases there is usually an alternative that has been developed by use, and this should be part of the Tenure Review document."*

Submitters 1 and 8 specifically requested increased vehicular access. Submitter 1 stated *"the tenure review should also include provision for managed public access by horse and motorised vehicles over all tracks, paths and roadways in proposed conservation and freehold areas (including the areas covered by conservation covenants)."* Submitter 8 believed *"The process of the Pastoral Lease reviews is shifting the management of many traditional routes, or sections of them, to the Department of Conservation along with policies of minimising or eliminating the use of public vehicles on these lands."*

This is a major waste of a tremendous and unique asset and an imposition on those who may not be able to walk these areas. Any plan for Mesopotamia lands must include provision for continued and future possible use of all existing vehicle routes by vehicles, including private vehicles."

Submitters 11 and 22 believed that *"Public land should have the automatic presumption of unfettered access on foot, vehicle, air, boat or whatever means is necessary to practically access the land or water in question. From there, any restrictions should be on the provision of an identified and quantifiable need for restriction."* They also specified *"All access easements and public roads should specifically be designated as including the carriage of firearms."*

Submitter 13 noted that previous tenure review documents specified the type of public access and requested *"Please specify the type of public access."*

Submitter 14 noted that Forest Creek would obviously be a main access way into the back of Mesopotamia and was concerned about access to the huts along this valley. *"The huts should be treated as future public assets and be discussed with the run-holders on that basis."* The submitter did not specifically mention Felt Hut that is located on land designated for freehold disposal. The matter of the ownership of land and the hut at Felt Stream, that is linked to public access, is discussed in more detail under Point 8.

Submitter 17 repeatedly called for further investigation into access routes, recommending *"That a more comprehensive assessment of public access and public recreational values for land within the Mesopotamia lease is undertaken and that the objective of providing practical and secure access to Crown Land and to and along waterways be afforded priority."*

5. Support for proposed access routes

Submitter 16 was satisfied with the proposed access to the Rangitata and Havelock Rivers, *"The public access provisions in the proposal do allow in our view good on going public access by motor vehicle (4WD). In the main this access is through to the rivers using either easement 'f-g-h' or 'j-k' as per the plan."*

Submitter 20 believed *"the proposed easements together with the existing marginal strips provide suitable access for the public to the conservation land."*

In summary the submissions outlined above covered a range of issues some of which did not meet the criteria for being 'allowed' for further consideration.

Submissions which proposed actions that are not achievable within the Crown Pastoral Land Act 1998, or where the submitter has made comments based on an apparent misunderstanding of the designations, designation maps and conditions that have already been included in the preliminary proposal could not be allowed for further consideration within this tenure review and will not be included in the proposal.

Submitter 13's sub-point concerning the presence of deer in marginal strips appeared to relate to the potential for degradation of water quality and damage to stream boundaries. As this is a matter for Department of Conservation management post-tenure review, it was disallowed for further consideration in this analysis and therefore no changes have been made to the proposal for this particular item.

Concern has been expressed regarding ownership of huts in the 'back of Mesopotamia'. Assuming the submitter was referring to the huts located along Bush Stream, this area is designated for retention in Crown control as conservation area and the huts will therefore come under the stewardship and management of Department of Conservation at the conclusion of tenure review. The same will apply to the submitter's further query regarding the Growler Hut. Therefore this sub-point was not accepted and no change is required to the proposal.

Suggestions to realign, maintain and/or extend legal roads, and transfer ownership of the bridge would involve the local authority and would take the process outside the ambit of the Crown Pastoral Lands Act. In that respect this sub-point was not accepted and no action will be taken.

There is no provision in the Act for the creation or surveying of roads, or acquiring of roading infrastructure and thus this sub-point was not accepted. There seemed to be a common misperception amongst the submitters that part of the road marked Rangitata Gorge Road on the designations plan is a legal road when in fact it is not. The submitters were referring to a gravelled lane track running immediately north of the homestead freehold area (north side of RS 2750) shown on Plan Sheet 2 of 3. This is a farm track leading to the leaseholder-owned old iron bridge crossing Bush Stream where it fans out to meet the Rangitata River, and continues across the Brabazon Downs to CC2 where it meets the proposed easement which starts at point "j" on the plan. All other legal roads shown, whether formed or unformed, are available for public use.

Whilst one of the submitters was of the belief there was no marginal strip identified on Scour Stream (this related to public access), the plan does in fact clearly show that the marginal strip is already set off, therefore this point was not allowed for further consideration. In addition to this, the Qualifying Waterways Report has since identified an un-named tributary on the northern side of lower Scour Stream which will also qualify for marginal strips.

The submission querying the lack of specification of mode of public access should be referred to the easement document forming part of the proposal (Appendix 4 of the public information pack) which provided these details. Therefore this sub-point was not accepted.

One sub-point querying the type of access related to the easements being 'in gross' under section 36(3)(b) Crown Pastoral Land Act. Under this method the easements are not described as for example "public access to Conservation Area", this description would apply to an appurtenant easement where the instrument could be registered against both the "dominant" and the "servient" tenements. As future conservation land will probably not have a Certificate of Title an appurtenant easement is not appropriate. This sub-point was therefore not accepted and changes will not be made for this particular sub-point.

Suggestions have been made seeking easements over conservation lands subject to minor restrictions. These were not valid as conservation land has a general right of access the mode of which is subject to Department of Conservations management strategy, therefore the sub-point was not accepted .

One sub-point queried whether the easement section "j-k" would be maintained as a public road. This route has now been redefined and designated as "j-j1", "j2-j3" and "j4-k" and is an easement in gross for use by the Minister of Conservation for management purposes, Central South Island Fish and Game Council for management purposes, and public for access purposes. Whilst it crosses legal road at two points, "j1" and "j3", it is not designated as a legal road which in any case would then involve the local authority and take the process outside of the ambit of tenure review. As the maintenance of the easement is a matter for the holder and Department of Conservation post-tenure review and does not involve the local authority, this sub-point was not accepted and will not be included in the proposal.

A valid sub-point was raised concerning the wording of the grazing, tourism activities and commercial filming and photography concession (Appendix 6 of the public information pack), Schedule 2, Part (B) Tourism Activities, where it was not clear under which circumstances hunters will be responsible for obtaining access permission from the Concessionaire. This sub-point was allowed for further consideration and consultation into the exact intent of this clause.

Submitter 10 made a valid sub-point regarding access for Association members called upon by Department of Conservation to assist in wild animal control, however this may be able to be catered for under the present easement terms and conditions for designated control operations. Therefore this sub-point was allowed for further consultation and consideration, and is dealt with under the next heading in this report.

Sub-points allowed for further consideration and outcome of further consultation

- The intent of the wording of Schedule 2, Part (B) Tourism Activities, in the concession document.

The submitter was rightly concerned that the wording of the concession erroneously indicated that access for hunters to CA1 and CA2 was to be conditional on access being granted by the concessionaire.

However, as a result of further consultation over the designation of CA3 to conservation area subject to a tourism activities concession restricting public hunting access, this area comprising the front faces of the Sinclair Range and Mt Sinclair has now been merged into CA2. The wetland down on the flats adjacent to Rangitata River near the eastern boundary of the property has accordingly been re-designated from CA4 to CA3.

The outcome of this is that the front faces of the Sinclair Range and Mt Sinclair are no longer subject to an exclusive tourism and hunting concession and have been merged with CA2 which is subject to a non-exclusive tourism activities and commercial filming and photography concession. Furthermore, the term of this concession has been reduced from 30 years to 20 years.

Access to CA1 and CA2 for the purposes of public hunting is subject to the usual DoC permitting system.

- Easement conditions to allow hunters to traverse Department of Conservation management purposes easement, and provision to carry firearms.

The submitter sought a condition in the easement which would allow hunters to traverse the DoC management purposes easement for the purposes of game control.

The holder rejected this suggestion for the reasons outlined in the next sub-point, but noted that the public can always request permission for access along this track directly from the holder.

- Foot, mountain bike and vehicular access over "a-b-d".

The majority of the submitters were strongly in favour of foot and mountain bike access over the DoC management purposes easement "a-b-d", and some submitters also supported public vehicular access over this route.

The holder's major concern with as of right public access along the "a-b" section of this route was that it would pass right through the deer unit, posing difficulties for farm management and presenting a hazard to public safety, particularly during the 'roar'. On further inspection of Scour Stream it was established that access is possible via the marginal strips although personnel gates would be required through the deer fences that currently cross the stream, and there would still be an element of risk to the public.

Concerning the section of the DoC management purposes easement "b-d", the holder rejected public access along this route and also the Moonlight Stream alternative suggested from Forest Creek to the terrace flat immediately to the west of Moonlight. Their major concern was that with the track on freehold land in such close proximity public would cross to it and continue down to and over High Terrace and then downhill and into the top of the deer unit at Butler Downs.

As a result of further inspection and discussions concerning the route over "a-b-d", a consensus was reached that the easement would be for DoC management purposes only, and that with some formation work and possibly the installation of personnel gates in the deer fences crossing Scour Stream by the holder at DoC's request post tenure review, adequate public access was available to CA2 via marginal strips, public waterway land and via an access track from Forest Stream up Felt Creek to be created by DoC post tenure review. A small boundary change will be made in the Felt Hut area to allow the formation of a track across the hill on the west side of Felt Stream (within CA2) and linking up to the existing track at point "d". The Felt Hut freehold area will reduce by approximately 5 hectares to accommodate the track.

- Provision of continuous four wheel drive access to CA1.

The majority of the submitters were in favour of improved and enduring four wheel drive access to the areas north of Bush Stream adjacent to Rangitata and Havelock Rivers. There was a common misperception that the legal Rangitata Gorge Road veered to the west past the homestead to the old iron bridge crossing Bush Stream at the head of the fan, as erroneously indicated by the plan. This is in fact a farm track and the legal road heads north from the homestead area to point "f" where it branches into two terminating in riverbed.

Due to liability and Occupational Safety and Health issues, there is no question of the public being permitted to use the iron bridge as of right, however permission can be sought directly from the holder on a case by case basis.

Continuous four wheel drive access to CA1 will be provided by the following combinations of easement, legal road, Crown Land riverbed

and marginal strips, and has been arrived at as a result of re-inspection and extensive consultation between the parties:

Legal Road: Along Rangitata Gorge Rd as far as the cattle stop near the homestead.

The legal road continues over the cattle stop and through a fenced area where the old school is located and which serves as an operations area for the station with a machinery shed and materials storage areas. Part way along this area the legal road leaves the formation and veers northeast through a fence towards Rangitata River.

The holders wished to discourage use of this section of the legal road from the cattle stop onwards as they were currently experiencing problems with vehicles travelling at speed through the farm operations area. There was also concern that the lack of distinction between the legal formed road and farm tracks could lead the public to unintentional trespassing and proceeding to hazardous areas such as the old iron bridge.

Easement "l-m": A track to be formed by the holder from the cattle stop (point "l") on Rangitata Gorge Rd on the eastern side of and parallel to the existing fence, as far as point "m", where it meets the legal road at the point it veers off the formation and crosses the fence.

Existing DoC signage to be re-oriented to match the track proposed.

Legal road: From point "m" the legal road which is just discernable as faint wheel marks, goes through another fence onto a better formation to point "f", and continues to the proposed freehold boundary with the Bush Stream fan.

It is the holder's intention to construct a wide laneway from cattle yards behind the airstrip across this whole area to link with another wide laneway already in existence that runs out towards the old iron bridge. The holder will therefore allow for gateways through the existing fence crossing the legal road and for any additional fence they may erect across the road to create a laneway.

Easement "f-g-h": This easement will provide DoC management, Central South Island Fish and Game management and public vehicular access to the Rangitata River over an easily traversible formed and semi-formed track.

Easement "g-i": This easement will provide DoC management and public vehicular access along a well formed track to the historic cemetery reserve.

Crown Riverbed/Marginal Strip: From the western branch of the legal road beyond point "f" on riverbed land, the holder will form a track to

provide vehicle access up Bush Stream to a point adjacent to the existing farm track running to the old iron bridge, where post tenure review DoC will create a car park area. The holder will continue formation of a track for public foot, horse and mountain bike access up Bush Stream from the car park as far as the stopbank, where the route then passes along the top of the stopbank and groynes, and into the start of the gorge. Public on horseback will be able to gain access under the old iron bridge.

Public vehicular access north continues across Crown riverbed in the Bush Stream fan on a semi-formed track.

Easement "j-j1", "j2-j3", and "j4-k": The semi-formed track exits Bush Stream fan at point "j" and crosses open stoney paddock to a corridor through a junction of gateways, then joins a well formed track to point "k" on the proposed freehold boundary with the Black Birch Stream fan. The easement crosses unformed legal road at "j1" and "j3".

Crown Riverbed/Legal Road/Marginal strips: Public vehicle access continues from point "k" on a combination of riverbed, unformed legal road and marginal strips, across the Black Birch Stream fan, and along the Rangitata River as far as the Black Mountain hut flats.

Easement "n-o" and "p-q" and legal road: A formed track comes out of the Rangitata riverbed at point "n" and runs directly to Black Mountain hut, then veers north towards Alma Stream. An easement will be required between points "n-o" and "p-q" where the track deviates from and rejoins the legal road.

- Access to and across the proposed covenants CC2 & CC3

A number of submitters supported additional easements through the covenant areas. As discussed above, public access through CC2 is well catered for by all modes of transport.

In terms of security of access along the Rangitata River adjacent to CC3, the consensus was that this should remain informal ie. during flooding when access over the river bed is not practical, the track within CC3 is available for use. With regard to concerns expressed regarding maintenance and continuity of access due to the changing nature of the river, this is not applicable due to the fact that public access is along the unformed legal road, riverbed and marginal strips, and as it is vulnerable to river movements its route may alter from time to time. It is not a public road to be maintained by the local district council.

The holder was adamantly opposed to a formal access easement on the existing track because the track was created for the purposes of a stock movement and is not maintained as a vehicle track. It passes through

quite a number of gates and several creeks including that coming out of Sandy's basin which is not readily passable. The holder currently does not in general allow public use of this track, and access for 4WD vehicles is along the riverbed in the vicinity of the route specified in the proposal. In wet conditions when the Havelock and Rangitata Rivers are flooding the track itself will be impassable due to mud and flooding from the creeks coming down the Black Mountain Range.

It is the holders experience that in these conditions vehicles in the area get stuck at a point approximately half way along CA1 where the Havelock River cuts into the riverbank in a similar manner. This occurs on a regular basis and the options are to wait until the river subsides or walk back via legal means of conservation land and marginal strip, and/or informally on the stock track through CC3.

The above observations concerning the state of the stock track are confirmed by the DGC delegate who additionally notes that to upgrade this track extensive earthworks would be required at considerable cost and creating an unacceptable scar on the hillside. DoC have investigated the creation of 4WD and/or foot access along the marginal strip, however as it is on the edge of a steep bank beside where the river cuts in, their conclusion was that it would not be possible. They fully support the route up the Rangitata and Havelock Riverbeds as being the best and only 4WD access to this area, and they do not believe it would be safe to open up access that is very susceptible to weather conditions.

Given the farm management issues, unsuitability of the track for public 4WD use and identical access problems a short distance upstream in CA1, the consensus was for public 4WD access to remain on the route proposed using a combination of legal road, marginal strips, riverbed and easement between "n-o" and "p-q".

In terms of access to CA2 across CC3 from the Rangitata River, the parties were in agreement that adequate access to CA2 was provided via Crown Land and marginal strips in the riverbeds of Rangitata and Havelock Rivers, and Black Birch and Alma Streams.

- Vehicular access throughout the property

Several submitters believed public vehicle access should be provided over all existing vehicle tracks on the proposed freehold area. The holder rejected outright the need for this citing farm management and quiet enjoyment reasons, and pointing out that in their view adequate public access by motor vehicle has been provided. Additional vehicular access will also be formed by the holder on Crown Riverbed land in Bush Stream, along with a car park for public convenience.

- Practicality of the routes proposed

The routes have been fully inspected and GPS'd during boundary definition field work. Whilst there is some formation work to be undertaken by the holder and by Department of Conservation post tenure review, the consensus was that the routes proposed are practical and as secure as they are likely to be in this kind of terrain.

- Support for proposed access routes

There was some support amongst the submitters for the access routes proposed in the Preliminary Proposal. The routes have since been fine tuned, re-defined and extended in places, resulting in a proposal that will meet the needs of the holder, DoC, and Central South Island Fish and Game Council, and addresses as far as possible the concerns raised by the submitters in terms of public access.

One of the objectives of section 24 of the Crown Pastoral Land Act is – to make easier – (i) the securing of public access and enjoyment of reviewable land. The views of the submitters have been taken into account in further consideration and consultation of the practicality, adequacy and ease of use of the easement routes, and some changes have been made accordingly which will be incorporated into the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
2	A problem plant control strategy is required.	No.s 15, 17 and 18.	Disallow	Not Accept

Three submissions were received expressing concern about the potential for future spread of invasive weeds.

Submitter 15 noted that *“several plant species are found on the pastoral lease which have the potential to become invasive weeds.”* They asked that *“there be provisions put in place to control and prevent the spread of invasive weeds.”*

Submitter 17 recommended that *“some strategy or requirement for control of problem plants should be incorporated into the tenure review agreement to manage this issue, where practicable.”*

Submitter 18 believed stronger commitments were needed for weed control and that *“The proposal needs to include a bond for weed control and/or covenant conditions to require control of weeds such as crack willow, gorse broom and rowan on the proposed freeholded land.”*

The point related to future management of the land subsequent to the conclusion of the review but not to objectives of the Act itself. It is therefore outside of the provisions of the Crown Pastoral Land Act and is not accepted for inclusion in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
3	Issues relating to conservation covenants CC1, CC2 and CC3.	Nos. 2, 12, 13, 15, 17, 18, 19 and 20.	Allow	Accept in part

Eight submissions were received concerning issues relating to the proposed conservation covenants. Submitter 20 was in full support of CC1, CC2 and CC3 whilst the remaining submitters generally didn't feel the covenants offered adequate protection. Some submitters felt that land in CC3 should instead be restored to Crown control.

1. CC1

Submitter 2 believed CC1 should be retained as Crown land so that *"some attempt can be made to restore the remnants, or let them revert back, and not just preserve them."*

Submitter 15 did not believe the covenant was extensive enough and requested *"that all of the beech forests along both sides of Scour Stream be included in the covenant and that the entire area be fenced to protect and restore ecological values."* Submitter 18 also supported this whilst submitter 17 went further and recommended *"Extending CC1 to include the marginal strip of Scour Stream from the legal road to the boundary of CA3 and protect a larger example of remnant native vegetation on 'At Risk' dry foothill land environment E4.2b with its mix of beech forest remnants, matagouri shrubland and short tussock grassland. Require the fencing of the marginal strip to remove stock access from the stream and streamside vegetation."* This sub-point is discussed further under point 14 dealing specifically with marginal strips.

2. CC2

Submitter 17 proposed an extension into Brabazon Downs *"Extend CC2 or CA2 to protect 'At Risk' dry foothills habitats and wetlands areas."*

Submitter 18 also supported an extension to *"Create a wide corridor of conservation land across Brabazon Down from Bush Stream to connect with proposed CC2."* However they favoured retaining CC2 as conservation area and further suggested that *"This would provide an*

appropriate area for road end car parking, toilet facilities, a picnic and camping area.” This sub-point also links in with public access and has been discussed in further detail under point 1, sub-point 2 “Access to and along Rangitata River”.

3. CC3

Submitter 2 objected to the proposal for CC3 *“You state you’re trying to protect the natural environment under this covenant, on land that is medium to steep hill sides!”* They favoured returning the land to Crown ownership.

Submitter 17 questioned the practicality of the proposed fence line along the upper boundary of CC3. They noted that *“The boundary fence line traverses some very steep and high altitude country and includes some faces that are highly vulnerable to erosion and have limited capacity to sustain an intact vegetation cover under grazing pressure. It is likely to be prone to snow and rock damage.”* They recommended *“Extending the lower boundary of CA2 to include the remainder of the Class VII high erosion risk soils above the 1000m contour.”*

Submitter 18 believed *“the new fence line is likely to create an obvious landscape scar.”* They sought *“the protection of all of CC3 as conservation land with a five year grazing lease”* but then noted *“as a minimum if freeholding proceeds: (a) ensure the Black Mountain hut wetland is securely fenced against access and from stock in CC3 and (b) extend CA2 to include the two most south eastern gullies on Black Mountain Range to connect CA2 with the Rangitata River and protect an altitudinal sequence of vegetation and habitats”.* As noted above the submitter’s primary concerns were *“to ensure the Black Mountain hut wetland is protected and that CA2 is extended to protect an altitudinal sequence of vegetation and habitats.”* This is also discussed under Point 12.

Submitter 13 also felt *“The effects of such a fence line will provide a massive scar in this landscape”* and recommended *“appropriate advice be sought from a landscape professional with high country landscape experience. However such a fence may not be practical or desirable on the landscape.”*

Submitter 12 mirrored the above comments in stating *“this has high landscape values because of its location on the river faces. Yet the covenant allows it to be oversowed, topdressed and fenced. Also, a major fence is shown to be required to protect the covenant. The cost of this is likely to be greater than the value of the land”.* The submitter suggested *“replacing the covenant with surrender, a summer grazing lease and no ridgeline fencing to be supplied”*

Submitter 15 *“does not believe a covenant that allows spraying, grazing and other activities will protect the ecological values of that area”* and put forward the request *“that all the land around the Black Mountain wetland, the feeder streams and the dense matagouri shrublands below the upper farm track, along the faces of the range and the two gullies north of Black Birch Stream, should be retained as conservation area”*.

Sub-points allowed for further consideration and outcome of further consultation.

- Retention of CC1 and CC2 as Crown Land,
- Extension of CC1 and CC2,
- Provision of public car parking and other public facilities in CC2, and
- Creation of a corridor of conservation across the Brabazon Downs linking CA2, Bush Stream and CC2

A number of submitters supported the retention of CC1 and CC2 in Crown control, and the enlargement of the areas to encompass additional perceived SIV's and provide public facilities.

Regarding CC1, the prime purpose of the covenant on this area is to protect the Mistletoe growing on the host beech trees. As this area will be fenced and fully monitored under the terms of the covenant, the consensus was for the designation to remain unchanged.

Regarding CC2, this area is of particular importance to the holder in providing post-shearing shelter for stock that is handily located to the woolshed, hence the holder is adamant on retaining the area as freehold for farm management reasons. The area will be monitored by DoC post-review to ensure the values the covenant is designed to protect are not being eroded. In terms of enlarging the area, no additional SIV's were identified for protection and public land is already available in the area for parking and potentially other public facilities on Crown riverbed in Bush Stream, therefore the consensus was for the designation to remain unchanged. This also applies to the suggestion that CC2 be extended to incorporate a section of the Brabazon Downs to create a corridor of conservation. The Brabazon Downs have undergone pastoral development to varying degree's over the years and still have potential for further development. They will provide an integral part of the considerably reduced area that remains for farming as freehold.

During boundary definition field work it was established that the fence along the western boundary of Brabazon Downs with CA2 was in very poor condition and not suitable for upgrade, therefore a new fence is required (shown on the plan as “U-V”). It was agreed to construct a new fence 2 metres to the west of the defunct fence, and on further examination of the finger of conservation land extending down towards

the Bush Stream fan, a consensus was also reached for the fence to cut directly across the finger of CA2 and bluff out above Bush Stream. This small area of CA2 consists of steep bush-clad faces above Bush Stream topped by a terrace running into the easier contoured Brabazon Downs. The nature of the terrain forms a natural stock barrier therefore it was decided a fence was not required and the land could be designated to freehold disposal.

It was also established during boundary definition that the existing fence is slightly to the west of the boundary line shown on the original designations plan, therefore there will be a slight increase of 115 hectares in the area designated to freehold (including the finger of CA2) and proportionate decrease to CA2.

- Fencing of CC1 and marginal strips of Scour Stream, and other wetlands within the conservation covenant areas

One of the submitters supported not only fencing CC1 (which is already designated for deer fencing in the proposal) but all the marginal strips of Scour Stream from the Rangitata Gorge Road to CA3.

In addition to the comments above concerning fencing of CC1, point 14 in this report deals with issues relating to marginal strips and notes that the fencing of marginal strips is a matter for the Director-General of Conservation to consider under the Conservation Act post tenure review. Therefore this sub-point is not accepted and will not be included in the proposal.

The submitters proposing fencing other wetlands within the conservation covenant areas were not specific in the wetlands they referred to, and inspection in the field was not able to identify any areas that could justify being fenced. See point 12 regarding the wetland near Black Mountain hut.

- Extension of CA2 into CC3 to make fencing the boundary more practical, and to create an altitudinal sequence of vegetation and habitats

A number of submitters were very dubious about the practicality and visual effect of fencing CC3 as per the proposal.

The proposed fencelines "W-X" and "Y-Z" were therefore re-inspected in the field and a consensus reached that point "W" would move southwest up Black Birch Stream so that the western boundary of CC3 continued in a straight line to the creek, effectively removing the finger of conservation land at the southern end of CC3. This small bush-clad finger of land on steep faces overlooking Black Birch Stream is by its very nature inhospitable to stock intrusion.

It was agreed that the remainder of this boundary from "W-X" and "Y-Z" be left unfenced, thereby resolving the issues of impracticality and visual impact in relation to fencing CC3. The parties have acknowledged that there will be some straying of stock, but that due to the inhospitable terrain this will be minimal and managed by the holder. The boundary line has been fully inspected and marked to create contour barriers to this end, which in conjunction with the re-designation of the finger of CA2 has resulted in a small increase of approximately 82 hectares to the total area of CC3. The terms of the covenant provide for ongoing monitoring by the Department of Conservation to ensure the SIV's remain intact.

A suggestion was put forth in submissions that chemical spraying on CC3 should be limited to spot spraying only, however consensus was reached that for any meaningful level of control of briar, gorse and broom to be maintained on this type of country, aerial spraying must be permitted in the covenant conditions.

- Retention of CC3 as Crown Land with a grazing concession

The holder was adamantly opposed to the suggestion that CC3 be retained as Crown Land with a grazing concession due the fact that the area has undergone pastoral development in the past and has potential for further development for grazing in conjunction with managing the SIV's present. Like Brabazon Downs, the Black Mountain Range block will provide an integral part of the considerably reduced area that remains for farming as freehold.

As section 24 of the Crown Pastoral Land Act states:

- (a) To-
- (i) promote the management of reviewable land in a way that is ecologically sustainable; and
 - (ii) Subject to subparagraph (i), to enable reviewable land capable of economic use to be freed from the management restraints (direct and indirect) resulting from its tenure under reviewable instrument; and
- (b) to enable the protection of the significant inherent values of reviewable land-
- (i) by the creation of protective mechanisms: or (preferably)
 - (ii) by the restoration of the land to full Crown ownership and control; and
- (c) Subject to paragraphs (a) and (b) , to make easier-
- (i) the securing of public access to and enjoyment of reviewable land; and
 - (ii) the freehold disposal of reviewable land

are objectives of the Act, and creation of a conservation covenant over land designated for freehold disposal is permitted under the Act, on further consideration of the points raised in regard to CC1 and CC2,

these have not been accepted and will not be incorporated into the proposal. However comments about CC3 concerning the practicality of fencing the boundary with CA2 have been acknowledged and changes made to the proposal accordingly.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
4	Suggest the Government buy Mesopotamia outright.	No. 2	Disallow	Not Accept

Submitter 2 preferred looking at this proposal again and felt that *“it would be better to look to Government to acquire the station in its entirety as has happened in the Ahuriri”*.

The Crown Pastoral Land Act requires consideration of a number of matters for tenure review including meeting the objects set out in section 24, and section 35 identifies the designations available for land held under a reviewable instrument. Outright purchase of land by the Crown is not provided for, therefore the outcome sought by the submitter could only be achieved outside of the tenure review process. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
5	Supports the holder continuing to control or have knowledge of all hunters/trampers on the Station.	No. 3	Allow	Not Accept

Submitter 3 has been hunting on Mesopotamia Station for over 15 years and never been denied access, and believed the Holders should still have considerable involvement in control of access. They made the observation that *“Mesopotamia Station has the right approach towards hunters and with their booking system there are no double-ups with huts and every hunting group has their own area to hunt (this is done at no extra charge). You know that when you book a hut there will be no-one else there. This system is far better than DoC’s policy of first in first served.”*

They went on to say that *“with this system the land owner knows the whereabouts of various groups should the need arise to contact or help them. I believe that the holders should continue to control or at least have knowledge of all hunters and/or trampers on the station even if it is in Crown control, and that this would be a better situation for the hunters/trampers.”*

Section 36 of the Crown Pastoral Land Act details qualified designations available for land to be restored to or retained in Crown

control. Section 36(1)(a) deals with the granting of a specified concession to a person specified in the proposal, such as that being mentioned by this submission.

Whilst the DGC delegate acknowledged this point, he disagreed with the requirement for any formal control of public conservation areas by an individual or privately owned company. Therefore this point is not accepted for inclusion in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
6	Issues relating to the proposed concession.	No. 2, 4, 6, 7, 11, 12, 13, 14, 15, 17, 18, 19, 22 and 23.	Allow in part	Accept in part

Fourteen submissions were received concerning various aspects of the proposed grazing, tourism activities and commercial filming and photography concession. All but one submitter felt the term of the concessions was too long with the preference being for 5-10 years with regular monitoring. The issues have been categorised under the type of concession.

1. Grazing concession over CA1

Eight submissions were received dealing with two main issues.

(a) Farm management activities

Submitters 7, 12, 15, 18 and 23 did not support the carrying out of farm management activities on conservation land and submitter 2 queried on-going grazing by stating “*Why still allow grazing. You have already stated it should be returned to Crown ownership and given reasons for it, under the Pastoral Land Act*”. Submitter 19 supported the submission provided by submitter 12. Submitter 12 (and 19) questioned “*why a 30 year grazing lease is proposed over CA1, with oversowing and topdressing, when this face has high scenic and landscape values.*” Submitters 7 and 23 concurred, stating respectively “*It is inappropriate to permit oversowing and top dressing and clearance of vegetation on conservation land*” and “*the provision for oversowing and topdressing should not be granted on Crown owned and managed land.*”

Submitters 15,17 and 18 questioned the appropriateness of a grazing concession for both sheep and cattle from a long-term ecologically sustainability perspective, and submitter 17 suggested that grazing not be carried out although went on to recommend conservation land *“concession conditions (including grazing) must ensure these areas are managed to maintain the values for which they have been protected”*. This included possibly fencing the upper boundary. *“They should include the obligation to undertake a monitoring program and Ministerial right of review to adjust stock numbers and general concession conditions if necessary”*.

In addition to oversowing and topdressing, submitters 15 and 18 objected to clause 5 in Schedule 2 (A) Grazing, which permits the chemical or mechanical clearing of briar, and submitter 18 proposed *“the chemical clearance of briar by spot spraying ground methods with no aerial or mechanical spraying or clearance”* plus suggested new conditions be inserted into the grazing concession document *“which require control of broom, gorse and other weeds in consultation with DoC and using a control program agreed to by DoC”*.

(b) Fencing

Submitter 13 noted there was no fence line keeping stock in on the concession area and recommended to *“Install fence lines to control stock on all grazing land.”*

Submitter 17 called for *“Reviewing the grazing concession for CA1 to either exclude grazing, or to fence the upper boundary between CA1 and CA2.”* In addition they believed concession conditions *“should include the obligation to undertake a monitoring programme and Ministerial right of review to adjust stock numbers and concessions if necessary”* and that *“any concession for grazing over conservation land requires the exclusion of stock access to water bodies.”*

2. Tourism activities, commercial filming and photography concession

Thirteen submissions were received concerning two main sub-points within the tourism concession issue.

(a) Public hunting on CA3.

Twelve submissions opposed the exclusion of public hunting on CA3 with particular concern for future game management. However submitter 14 felt restricted access could work and suggested *“There must be some access for recreational hunters to this land. Recreation hunter access could be provided during say the month of November with a restriction on the taking of bulls over three years old. This would allow the retention of trophy animals but provide for hunter*

harvesting and population control as per the Tahr Plan.” They also felt that *“There should be a concession fee for each trophy bull harvested by the leasee’s clients taken off such Conservation lands. Such fees should be recorded as a credit against the management costs of the Tahr Plan.”*

Submitters 2, 7, 12 (and 19) and 23 also did not support the exclusion of public hunters from CA3. Submitter 23 believed *“This is unprecedented for public lands, for which hunting permits surely must be issued by the Crown’s agent (DoC) and certainly not by the concessionaire. This would be tantamount to having a private safari park on conservation land.”* These submitters also objected to clause 3 in section B of Schedule 2 concerning the requirement to obtain permission for access from the concessionaire. This subject is discussed in further detail in point 1, sub-point 4, and in the justification for allowing this sub-point.

Submitter 13 believed an exclusive hunting concession on public land was unacceptable and recommended to *“Amend the agreement to a non exclusive hunting concession.”*

Submitters 11 and 22 referred to clause 20.1 of the concession document, which states that ‘Nothing expressed or implied in this Document shall be construed as: (a) conferring on the Concessionaire any right of exclusive occupation or use of the land’, to back their claim that *“they do not believe the public can be excluded from hunting in this area within the current concession and policy environment.”* Submitter 2 endorsed these comments. Submitters 11 and 22 also pointed to the DoC Deer Control Policy 2001 which they believed applies equally to tahr and chamois, to support their belief that *“the restrictions proposed could only be imposed following a review of legislation to allow the formulation of properly constituted game management plans. In their current form these restrictions may create unintended precedents for future tenure reviews.”*

Submitter 15 believed *“the concessions appear to go against the intent of the Tenure Review Process, because the conservation land is being used for de facto private purposes.”* They also felt *“the requirement that tahr be maintained at ‘an acceptable level’ is too vague, and that the maximum number permitted should be no more than 2 animals per square kilometre as to be consistent with the Himalayan Tahr Control Plan. And, the Department of Conservation retain its monitoring and control rights if numbers are no longer consistent with the Control Plan.”*

Submitter 18 agreed with the above and added *“The public hunting ban effectively privatises the most accessible conservation land and forces anyone wanting to hunt there to do it commercially through the concessionaire. This sets a poor precedent for conservation land.”*

Submitter 17 could find no clear reasoning for excluding public recreational hunting from CA3. They noted that *"the Himalayan Tahr Control Plan (DoC, 1993) recognises the Rakaia/Rangitata catchments as one of two areas that have 'the greatest recreational hunting popularity' for tahr hunting in New Zealand. The plan also states that guiding concessions on conservation areas can incorporate sole concession rights 'but not to the exclusion of recreational hunters generally'. They recommended that "numbers are closely monitored by DoC and the concessionaire with the right to review the terms of the concession and the opportunities for public hunting within a shorter timeframe than the proposed 30 year term."*

(b) Limitations requested on concession activities

Submitter 7 called for additional clauses in the concession activity section stipulating *" – specific landing sites for helicopters, and – specifying which parts of the land will be used for the various activities."* They also wanted to see greater clarification over combined use of the huts in Schedule 2, part (C) General Conditions, and suggested clause 2 be amended to *"When other users are present at huts the concessionaire shall leave sufficient bunk space for them up to a maximum of half the number of bunks in the hut."*

Submitter 6 also expressed concern that Schedule 2 (C) clause 2 covering the Concessionaire's use of the Growler, Dog Kennel, Royal and Crooked Spur huts is vaguely worded and has the potential to cause conflict with other users. Instead the submitter endorsed submitter 7's proposal regarding bunk space and suggested that the Concessionaire be limited to no more than 50% of bed space when a hut is full, that according to the submitter is common and accepted practice in concession documents.

In addition submitter 6 sought limitations on track use and maintenance, and submitted that *"the schedule of Concession document should explicitly state the specific tracks which the Concessionaire may drive on, and maintain. We further submit that any upgrading of tracks should be permitted only with the consent of the Grantor"*, and also expressed concerns about General Conditions for grazing and tourism activities. In particular Schedule 2 (C) clause 4 that allows the concessionaire to maintain existing tracks, and sought a change whereby *"the concession document should explicitly state the specific tracks that the Concessionaire may maintain and that any upgrading of tracks should be permitted only with the consent of the Grantor"*.

Submitter 6 further noted *"Aircraft activity is a significant intrusion into the enjoyment of conservation lands by recreational users. We submit that the schedules stipulate upper limits on flight activity in*

designated flight zones within the proposed lands under Crown control."

Submitters 12 (and 19) believed the tourism concession must not be exclusive and stated *"There is certainly room for more than one concessionaire."*

Submitters 12 and 13 questioned what environmental constraints will be imposed on the concessionaire for different activities and submitter 12 noted that *"Horse trekking and motor vehicle use, at high densities, cause bad erosion and degradation. What levels of use is DOC proposing? Guided horse trekking should be restricted to formed tracks only, because of the environmental damage they cause. Also, aircraft noise can be disturbing to the enjoyment of wildlands. What constraints on aircraft noise are envisaged?"* Submitter 19 supported the submission provided by submitter12.

Submitter 13 supported a non exclusive concession with monitoring and suggested *"An Environmental Impact Assessment be prepared for tourism activities and aircraft landing sites be agreed with noise and or operating limits agreed."*

Submitter 18 proposed extensive new conditions: limiting aircraft operations; restricting horse trekking; reducing guided mountain biking and tramping trip numbers and party size numbers *"This could be done by averaging the number of clients Mesopotamia Station has had on each activity over the last three years and using this as the limit."* They then called for *"deleting any concession for commercial filming;"* citing the lack of any conditions or controls in the concession on the scale of filming and its impacts, *"and prohibiting the assignment or transfer of any of the concessions to a third party."* They also supported limiting the concessionaire to 50% of bunk space in the huts.

Submitter 23 was mainly concerned with helicopter access and suggested *"A limited number of specified landing sites for helicopters should be stipulated over CA3."* However they also believed *"the provision for oversowing and topdressing on this conservation area should be excluded."*

3. General and other comments about terms and conditions in concession document.

Submitter 6 expressed a concern regarding the potential for damage to the landscape and impact on other users from the effect of clause 10.5 that allows the concessionaire to *"take onto or use vehicles on the land"* and sought a change whereby vehicle access *"should be limited to stated tracks only"*.