Crown labels key Ngai Tahu points as 'myths'

Christchurch (PA). — Many key points presented in the Ngai Tahu claims were labelled on Thursday as "myths" by the Crown.

However, the Crown also admitted errors including breaches of the Treaty of Waitangi in past dealings with the Ngai Tahu.

Mr Antony Hearn, counsel for the Crown, cited five specific "myths."

The first "point" had been referred to by the tribe as the "hole in the middle."

The tribe alleged that land including the Mackenzie Basin, Mount Aspiring National Park, the High Country, and several South Island lakes had not been sold.

The Crown would prove that the Land Purchase Commissioner, Henry Tacy Kemp, purchased the land from coast to coast, Mr Hearn said.

Allegations of unfair conduct and threats to "send in soldiers" during Banks Peninsula transactions, would also be shown to be false, he said.

Mr Hearn said the Crown had not promised to allocate the "Otago tenths" (the equivalent of one tenth of the land sold) for Maori reserve land in Otago except that expressed in a 1844 deed.

The "myth" that Fiordland had been exempted from the Murihiku purchase would be shown to be "without any factual foundation."

In addressing the "errors" which it agreed had occurred, the Crown admitted that the "Rangatiratanga" (chieftainship) of the tribes had diminished in a way that was contrary to the second article of the Treaty of Waitangi.

It was hoped that breach could be readdressed, Mr Hearn said.

for Maori input in decision-making or self-government over Maori affairs, he said.

The Maoris had not, in many respects, been served well through the European system of land title or attempts to retain Maori land through the Maori Land Court.

In some cases reserves promised to the Ngai Tahu tribe were not adequately delivered or made. "In this case the Crown will admit that it did not always fulfil its obligations."

Mr Hearn said the Crown acknowledged it had sometimes failed to recognise and protect Ngai Tahu rights to "Mahinga Kai" (sources for natural food-gathering).

The problem of pollution was relatively recent. But the Government was limited by the measures

its promise to provide schools and hospitals to the tribe.

The tribunal also came in for criticism from the Crown over its conclusions about Maori fisheries in Northland.

The criticism highlighted the divergence between interpretations of the English and Maori versions of the treaty.

The Muriwhenua Fishery Report said the Crown, overstated the guarantee of lands, dwelling places and other property and understated the concept of cessation of sovereignty.

The Crown emphasised that the fisheries right was to undertake the business of fishing and not a property right in the fish.

It said the tribunal should also have mentioned more about the need for the Maoris to negotiate

IN CONFIDENCE

CABINET

CAB (92) M 22/21

Minister of Justice

Copies to:

Prime Minister
Minister of State Services
Minister of Finance
Attorney-General
Minister of Maori Affairs
Chair, Cabinet Expenditure Control Committee
Minister of Lands
Minister of Conservation
Controller and Auditor-General
Secretary, Cabinet Committee on Treaty of Waitangi Issues
Secretary, Cabinet Expenditure Control Committee

PURCHASE OF TWO PROPERTIES FOR PART SETTLEMENT OF THE NGAI TAHU CLAIM

Reference: CAB (92) 444

At the meeting on 8 June 1992, following reference from the Cabinet Committee on Treaty of Waitangi Issues, Cabinet:

a agreed that the Crown purchase the lessee interest in the Elfin Bay and Greenstone pastoral leases as part of a possible future settlement of the Ngai Tahu claim, at a cost not exceeding $5.31 million (GST inclusive), subject to final agreement on the tender by the Prime Minister, the Minister of Finance and the Minister of Justice;

b agreed that the properties be placed in the Crown Land Bank pending possible future settlement;

c invited the Minister of Conservation to report to the Cabinet Committee on Treaty of Waitangi Issues on the suggestion that the properties to be placed in the Land Bank exclude those parts of the Greenstone Crown Pastoral Lease which have been retired from grazing and that these be retained by the Crown;

d agreed that the properties be purchased subject to Ngai Tahu's prior agreement that:

i the Land Bank be capped at a level yet to be decided;

pm/fv

ii an equivalent value of properties in the Land Bank are released for immediate sale;

iii the leases be designated as the first priority assets to comprise any settlement;

iv the leases are to be maintained in their current state and that no capital development work will be undertaken by the Crown;

v purchase of the lessee interest does not bind or commit the Crown to transferring the lessor's interest to Ngai Tahu, or granting development rights or licences for the use of conservation or National Park land in association with the leases nor to transferring the lessee's interest without making adequate provision for ongoing public recreational access;

e agreed to the appropriation of $5.31 million (GST inclusive) to Vote : Justice (POBOC : Ngai Tahu claim), in the 1992/93 Supplementary Estimates;

f noted that this expenditure will be offset by equivalent ROBOCs (paragraph (d)(ii) above refers).

Marie Shroff

Secretary of the Cabinet

CABINET IN CONFIDENCE

CAB (92) M 30/22

RECEIVED 6 AUG 1992

Minister of Justice

Copies to:

Prime Minister
Minister of Finance
Attorney-General
Minister of Maori Affairs
Minister of Lands
Minister of Survey and Land Information
Minister in Charge of the Valuation Department
Minister of Conservation
Secretary of the Cabinet
Secretary, Cabinet Strategy Committee
Secretary, Cabinet Committee on Treaty of Waitangi Issues

NGAI TAHU NEGOTIATIONS : ADVANCE ON SETTLEMENT

Reference: CAB (92) 643

At the meeting on 3 August 1992 Cabinet:

a noted the proposal from the Minister of Justice that the Crown purchase the lessee interest and the freehold land of Routeburn Station to be placed in the Crown Land Bank as part of a possible future settlement of the Ngai Tahu claim;

b noted that the proposed purchase price of $3.585 million (GST inclusive) seemed high;

c invited the Minister in Charge of the Valuation Department to seek information urgently from Valuation New Zealand on the estimated market value of the Routeburn leases and land and to inform the Minister of Justice of this;

d agreed that no action should be taken on this matter until after the meeting of the Cabinet Strategy Committee to be held on Wednesday, 5 August 1992 to discuss Treaty of Waitangi issues;

e agreed that, subject to discussion at the Cabinet Strategy Committee meeting on 5 August 1992, and in the light of information from Valuation New Zealand, the Minister of Justice and the Minister of Finance should have power to act to make an offer on the Routeburn property if this is considered necessary as a matter of urgency in the period from 5 to 9 August 1992;

dw/fv

f noted that any purchase should be subject to Ngai Tahu's prior agreement that:

i an equivalent value of properties in the land bank are released for immediate sale;

ii the property be designated as part of the first priority assets to comprise any settlement;

iii the property is to be maintained in its current state and no capital development work will be undertaken by the Crown;

iv purchase of the property does not bind or commit the Crown to transferring the freehold interest in the leased land to Ngai Tahu, or granting development rights or licences for the use of conservation or National Park land in association with the property (paragraph (d), CAB (92) 643 refers);

g noted that any purchase should be subject to agreement on the exclusion from the land bank, or exclusion from transfer to Ngai Tahu of conservation areas (paragraph (c), CAB (92) 643 refers);

h invited the Minister of Justice, following consultation with the Minister of Finance and the Minister of Conservation, to provide a further report to the meeting of Cabinet on 10 August 1992 on:

i the information requested from Valuation New Zealand;

ii a report on progress on any purchase negotiations;

iii recommendations on the conditions to be applied to purchase and use of the property (paragraphs (f) and (g) above refer);

iv

Secretary of the Cabinet

Personal To: See Justice

CABINET

STRATEGY COMMITTEE

CSC (92) M 35/2

Copy No 18

MINUTES of a meeting of the Committee held on 19 August 1992 at 8.45 am

PRESENT: Rt Hon J B Bolger (Chair)
Rt Hon W F Birch
Hon Ruth Richardson
Hon Paul East
Hon Doug Kidd
Hon Simon Upton
Hon Dr Lockwood Smith

ALSO PRESENT: Hon Doug Graham
Hon Denis Marshall
Hon Wyatt Creech

IN ATTENDANCE: Officials from Department of Prime Minister and Cabinet

NGAI TAHU NEGOTIATIONS : ADVANCE ON SETTLEMENT

Reference: CSC (92) 121, CAB (92) 643, 643A

The Committee:

a authorised the Minister of Justice and the Minister of Finance to approve the purchase of the lessees' interest and the freehold land of Routeburn Station as a going concern, this purchase to form part of a possible future settlement of the Ngai Tahu claim, at a price satisfactory to the two Ministers, but not exceeding $3 million (on the basis of GST being zero rated), subject to Ngai Tahu agreeing to (c) below;

b noted that it is the responsibility of the Minister of Lands to effect the purchase of such property;

c agreed that the property be purchased subject to Ngai Tahu's agreement that:

i properties to the value of $3.4 million be released from the Ngai Tahu Land Bank for sale;

ii the Ngai Tahu Land Bank cap be reduced to $35 million; and

iii no further privately owned properties be purchased by the Crown during the negotiations;

d agreed that upon purchase the property be placed in the Crown Land Bank pending possible future settlement;

e agreed that areas of significant conservation value should be excluded from the Land Bank, and adequate provision for a right of future public access across the Station be made;

f noted that Ngai Tahu have already agreed that if the property is purchased for the Land Bank, the following conditions would also apply:

i the property be designated as part of the first priority assets to comprise any settlement;

ii the property is to be maintained in its current state and no capital development work will be undertaken by the Crown;

iii purchase of the property does not bind or commit the Crown to transfer the freehold interest in the leased land to Ngai Tahu, or grant development rights or licences for the use of conservation or National Park land in association with the property;

g authorised the application of up to $3 million (on the basis that GST is zero rated) of the funds earlier appropriated for purchase of surplus properties for the Land Bank for the purchase of this property;

h noted that, because of the condition described in (c)i, this expenditure will be offset by equivalent ROBOCs;

i agreed to appropriate an additional $150,000 in Vote : DOSLI in the 1992/93 Supplementary Estimates for management (working capital) and conveyancing and agency fees.

Margot Chaffey
Secretary

COPIES TO: (see over)

Government Statements on Public Consultation over future of Greenstone, Elfin Bay, and Routeburn Stations

(emphasis in **bold**)

Denis Marshall, Minister of Conservation
to Hon Sir Robin Gray MP,
in response to a letter from the Bruce Rifle Club (Inc.)
11 May 1994

"As a final note, It is the Government's intention to undertake a formal public consultation process before final decisions about the future management of the properties (Greenstone, Elfin Bay, Routeburn stations) **are made."**

Address to a public meeting organised by Public Access New Zealand

Hon D.A.M. Graham
Minister of Justice
Minister in Charge of Treaty Negotiations

Otago University
Dunedin
Friday 24 June 1994

(delivered on Mr Graham's behalf by Jeff Connell, Regional Conservator, Otago Conservancy, Department of Conservation)

"... There are some 340 pastoral leases. Four have now been the subject of a tenure review and agreement reached. A further six are under way at the present time and there are fifty more which are expected to come on stream. The procedure that has been developed will, no doubt, be well known to most of you. The lessee requests or accepts the review, DOC provide a report on the conservation values, DOSLI then report on the farming and other viability of what would be left if some of the land is taken into the conservation estate, discussions are held between the three parties to sea if general agreement is possible, **there is then public input into the conservation values and public rights of access etc particularly with interest groups**, there is consultation with Maori, the matter is then referred to the Minister who considers all views and makes a decision...

"... I want to now turn to the Greenstone Valley, Elfin Bay and Routeburn Stations...

"... The Government has already informed interest groups that the same procedure will be followed with the Greenstone, Elfin Bay and Routeburn Stations as is followed with any other pastoral lessee seeking a tenure review. Accordingly, DOC was invited to prepare a report on the conservation values and this was completed in August 1993. The Minister of Conservation then sought comment from key interest parties. This resulted in further discussions. DOSLI are now preparing the report on the farming or other viability issues and then it is proposed that DOC and DOSLI and Ngai Tahu as the "notional" lessee will sit down to see if some broad agreement can be reached. That is the usual procedure and in all other cases enables the lessee to walk away from the deal if he or she is dissatisfied and bring the tenure review to an end without inconveniencing the public. The same applies to the Crown.

"Assuming that a broad agreement is reached, however, then it is proposed that there be full public input particularly from the interest groups. That again follows the usual procedure and it will be no different here. Ultimately, the Minister of Lands will have to consider all the representations and make a decision whether to proceed or not. I cannot be too certain how long all of this will take but one would hope that if the DOSLI report is received in the next month or so, then the public input would be sought later this year. I have no wish to try to predict the final outcome. What seems to me, however, to be fairly clear is that at the end of the day access rights will be far better recognised than they are now and conservation values far better protected. **I know that the Minister of Conservation who happens also to be the Minister of Lands has been very impressed with the constructive and responsible input from sector groups in the tenure reviews held to date. Both he and I hope that the same will apply to these pastoral leases.** It requires considerable patience and an understanding of what is at stake for all parties..."

Southland Times, October 6, 1994

"A spokesman for Conservation Minister, Denis Marshall said the tenure review was expected to start in August.

It would involve the public and determine which areas of the station were freehold and could go to Ngai Tahu and which areas were retained as public land."

Otago Daily Times, February 21, 1995

It was reported the **Doug Graham made an assurance that Government would not hand over the Greenstone, Elfin Bay, and Routeburn Stations to Ngai Tahu until a full tenure review process had been completed; the process to be identical to that carried out for other pastoral leases.**

[This report is yet to be verified by citing the original newspaper clipping]

Office of the Minister in Charge of Treaty of Waitangi Negotiations

14 March 1995

Mr Bruce Mason
Trustee
Public Access New Zealand Inc.

Dear Mr Mason

Thank you for your letters of 15 February 1995 and 24 February 1995 about Ngai Tahu land claims and the Greenstone, Elfin Bay and Routeburn stations.

"...In your letter of 24 February 1995 you ask that the Crown proceed with a tenure review process for the three stations in accordance with the Commissioner of Crown Land's 'Procedures for pastoral lease tenure review', dated 16 December 1994. I understand that the three stations will be the subject of a full tenure review process in accordance the procedures developed by the Government. However, the tenure review process is the responsibility of the Commissioner of Crown Lands under the Land Act 1948. I therefore suggest you write to him at the Department of Survey and Land Information if you wish to know more about specific details of the process...

"...I understand, however, that under the review process, the Commissioner Of Crown Lands, after receiving reports on conservation and farming and other commercial values, explores a mutually agreed solution with the lessee...

"...I now turn to each of the specific points you raise in your letter of 14 February 1995 about the three stations...

"...You will recall that recreation and conservation interest groups were given an opportunity to comment on a Department of Conservation assessment (of May 1993) of the conservation values over the three stations. **I understand that further opportunity for consultation will apply under the tenure review process.**

"...I understand that consultation will be in accordance with established procedures for tenure review in the South Island High Country.

Accordingly, I consider that you are quite wrong to assert that consultation over the future of the stations will not be meaningful."

Yours sincerely

Douglas Graham
Minister in Charge of Treaty of Waitangi Negotiations

Land Information New Zealand
Private Box 170
Wellington
25th July 1996

W B Johnson
Director
New Zealand Fish and Game Council
P O Box 13-141
WELLINGTON

Dear Sir

Thank you for your letter of 18 July 1996 concerning Elfin Bay, Greenstone and Routeburn pastoral runs.

I advise that I have already completed a "notional tenure review-type" investigation of the three stations and have passed the draft of that proposal (of) [to] Ngai Tahu for its consideration. In doing so I have applied the same principles as applied to the other pastoral lease tenure reviews that we have carried out to date. As with proposals that are put to pastoral (leases) [lessees] I am not at liberty to publish those until there is a mutual agreement between the parties that this should happen. I have not received that agreement yet.

In preparing my proposals I have used as usual material prepared for me by the Department of Conservation and Knight Frank Ltd. **My Ministerial instruction for preparing**

this report was that it should be a confidential staff solution because of the treaty and commercial impacts this could have for the Crown and Ngai Tahu in settlement of this claim. For this reason, I would not have been able to involve your council, even if at the time a protocol was in place between your council and myself.

I am unable to advise whether there may be an opportunity in future for the council to have input into these particular stations. The future of these stations could well be settled by political negotiations between Ngai Tahu and the Crown., rather than by administrative actions by me. If the settlement is political, I will simply promulgate the decision of Cabinet.

I trust that this explanation will be of assistance.

Yours faithfully

S D Brown
Chief Crown Property Officer & (Commissioner of Crown Lands)

17 September 1996

In July 1996 Public Access New Zealand submitted to Government that the three properties be subdivided and managed as follows—

Proposal 1
Approximately 30,000 hectares be allocated to the Department of Conservation as public conservation areas and reserves. The area concerned being the floors and walls of the Greenstone, Caples and Mararoa valleys, all alpine lands, and Lake Wakatipu faces above approximately 820-850 meters asl.

Proposal 2
Grazing of the new public lands above be confined to a grazing licence over 100 hectares on the floor of the lower Caples Valley. Grazing to be confined to sheep grazing, subject to stocking limitations, based on monitored condition of vegetation, water quality and riparian areas, and impact on adjoining conservation lands. Public use to be over the area at all times.

Proposal 3
"Approximately 2,250 hectares be reclassified as "farm land" and freeholded, being confined to Lake Wakatipu lower faces, terraces and the floor of the Dart Valley. Marginal strips to be reserved along streams.

The original proposals are attached.

Public Submissions

244 submissions were received.

There is overwhelming public support for the three proposals, however with reservations about proposals 2 and 3. PANZ has looked closely at the concerns of submitters and believes there is merit in amending our original proposals.

Grazing

There is a body of concern that any grazing in the valley floor of the Caples would continue to degrade environmental values and the quality of visitors' recreational experience.

Environmental concerns focus on the need to protect riparian areas and forest margins, and the effect of driving stock through conservation forests for access to the proposed grazing area. These problems appear insurmountable due to the impracticality of fencing out such areas and maintaining fences as stock barriers. If fencing were possible, it would not be achievable without ruining the natural character of the valley.

Concern was also expressed over a history of insufficient policing of grazing licences elsewhere, which has led to overgrazing and severe depletion of supposedly 'protected' beech forests.

PANZ is aware of a lengthy history of problems arising from grazing of valley floors within the adjoining Mount Aspiring National Park. Despite decades of official policy aimed at 'phasing out' of grazing, this has proved to be extremely difficult, even when there are blatant breaches of the terms of licences. The problem is political. There is never the will to revoke licences or penalise errant licensees, even when evidence of abuse and environmental degradation is compelling. It was a 'political' decision to allow continuation of grazing on establishment of the National Park. It has been almost impossible to the 'phase-out' policy.

Basically, grazing by stock is incompatible with the maintenance of conservation and recreation values in the valleys. In any event grazing of 100 ha is not of much real value for farming. We therefore favour the removal of all grazing from the Mararoa, Greenstone and Caples.

Freeholding of lake faces and Dart valley floor

The predominate concern is that before any freeholding occurs marginal strips are laid off along the Lake Wakatipu shore and the banks of all streams and rivers, and that sufficient, convenient access ways are laid off across the proposed freehold to enable public access to marginal strips and other conservation areas.

PANZ fully concurs with such concerns.

The following provisions should be made within the boundaries of the area we propose for freeholding—

Marginal strips

Routeburn Station:

An existing strip along the true right bank of the Dart River needs to be assessed to see if provides practicable access. It should be preferably replaced with a new marginal strip, free of any exclusive leases or licences. A new strip would be movable with any changes to the river bank. It should be a minimum of 20 metres wide.

Marginal strips are required along both banks of Scott, Stockyard and Kowhai Creeks, between the Dart River and the proposed conservation area on the Humboldt Mountains. If any part of these waterways do not legally qualify for the laying off of marginal strips, public reservations of some other designation should occur so as to ensure public passage between the road and river, and the road and mountains.

Elfin Bay Station: there is currently no marginal strip along the shores of Lake Wakatipu. One must be established, free of any exclusive leases or licences. The new strip would be movable with any changes to the shore line. It should be a minimum of 20 metres wide. A strip would allow landing and picnicking etc by boaters.

Public foot access easements

Routeburn Station

Secure public foot access easements are required from the Routeburn Road to the head basins of Scott, Stockyard and Kowhai Creeks (proposed Humboldt conservation area).

Elfin Bay Station

Foot access easements are required between the lower Greenstone bridge to Elfin Bay; along any parts of the Elfin Bay-Lake Rere-Greenstone track that deviates from the recreation reserve; from Lake Wakatipu to the tributary draining Tooth Peak, and up the Black Gorge.

The easements should be registered against the titles and held as an interest in the land under section 7(2) Conservation Act. This would prevent alteration of their terms or disposal without public notification and objection procedures.

The easements must provide rights of public foot passage at all times, with no ability to close or restrict access. Hunters must have the right to carry (but not use) firearms while in transit.

With the above amendments Public Access New Zealand recommends to Government that 'Tenure review: Greenstone, Elfin Bay and Routeburn Crown Lands', dated June 1996, be adopted and implemented.

Synopsis of Submitters' Comments

On the government—

- The problem is that government has erred by putting Ngai Tahu ahead in the lineup for this Crown land which years ago should have been appropriately designated: Reserves, grazing, or freehold. For this preferential treatment to be maintained would create an anomaly which really can't be tolerated. This precious jewel must be available for the World wide conservation interest and not under the control/whim of any one interested minority.
- It seems inexcusable given the relatively high public use of the three former leases, as against other Central Otago leases, that the future of these lands could be determined by government, its departments and agencies, with no avenue for public input.
- Anything that this proposal can do to stop this untrustworthy National Government from denying public land and access must be in the best interest of every true New Zealander.

On the Ngai Tahu 'claim'—

- The Ngai Tahu land claim over the Central Otago uplands was not upheld by the Waitangi Tribunal. Hence there is no special case to allow allocation of pastoral lease land to Ngai Tahu as compensation for other valid land grievances. As your proposal states—there is no obligation on the Crown to settle with Ngai Tahu using these lands.
- I would not like to see any of these highly valued conservation areas used as land settlement with Ngai Tahu.

On the public patrimony—

- Any course of action other than to allocate the bulk of these lands to the conservation estate would be to totally disregard the quite outstanding public interest values of these lands and their surroundings.
- Undoubtedly this is an area which should never be lost from the people of this country.
- Privatisation of such assets is a form of theft from the public.

On land use—

- Pastoral lease tenure for these lands with high conservation values is a historic anachronism..
- These properties have value for recreation and nature preservation way beyond their pastoral worth and are worthy to be included in the DOC estate for all to enjoy.

On access and recreation—

- A vital area for public recreation. One of the best areas in New Zealand for easy family access to our backcountry.
- The Caples and Greenstone rivers provide trout fishing of exceptionally high quality. This combined with superb scenery is a marvellous experience which should never be rationed on the basis of ability to pay.
- I would be very upset to see this land freeholded and closed to the public...any curtailing of the opportunities for the public to enjoy the area in its natural state would be a great loss.
- Access at all times should be available to the public at no cost.
- These places must be retained and be able to be easily accessed for the sake of the spiritual health of our people, Maori and Pakeha.

On development and commercialism—

- The biggest danger would be the establishment of hunting and fishing lodges with potential to control or prohibit public entry.
- Any attempts to put roads or mono rails through the Greenstone Valley should be firmly resisted. No tourist development. No toll gates on tracks.
- Not only are these areas threatened by privatisation, whether in Maori or other tenure, but DOC may put these treasures out of our reach by allowing further concessions for commercial gain. The Milford Track is now too expensive for many New Zealanders to enjoy. The Routeburn is going this way.

On PANZ and the proposals in general—

- The PANZ proposals looks magnificent. Don't yield a bloody thing.
- Your proposals are fair and equitable. They provide an acceptable solution between the aspirations of Ngai Tahu and the greater right of the public. They are sensible and well-researched.
- Your presentation of the conservation, recreation and public access values is impressive, and we fully support the PANZ proposals.
- Keep up the huge effort, and thank you on behalf of all the Kiwis like myself who feel so threatened on so many fronts that we can't keep up.
- I greatly commend PANZ's initiative and energy in producing the proposals. It is a great pity that the Crown is not interested in protecting the rights of its subjects, and that we have to rely on the splendid efforts of public-spirited volunteers.

Public Access New Zealand

INCORPORATED

RD 1 Omakau 9182 Central Otago New Zealand Phone & Fax 64-3-447 3554
http://www.fish-game.org.nz/panz

Tenure Review: Greenstone, Elfin Bay and Routeburn Crown Lands

Amended Proposals

and

Analysis of Public Submissions

17 September 1996

In July 1996 Public Access New Zealand submitted to Government that the three properties be subdivided and managed as follows—

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Proposal 2
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Proposal 3
"Approximately 2,250 hectares be reclassified as "farm land" and freeholded, being confined to Lake Wakatipu lower faces, terraces and the floor of the Dart Valley. Marginal strips to be reserved along streams.

The original proposals are attached.

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244 submissions were received.

There is overwhelming public support for the three proposals, however with reservations about proposals 2 and 3. PANZ has looked closely at the concerns of submitters and believes there is merit in amending our original proposals.

Grazing
There is a body of concern that <u>any</u> grazing in the valley floor of the Caples would continue to degrade environmental values and the quality of visitors' recreational experience.

Environmental concerns focus on the need to protect riparian areas and forest margins, and the effect of driving stock through conservation forests for access to the proposed grazing area. These problems appear insurmountable due to the impracticality of fencing out such areas and maintaining fences as stock barriers. If fencing were possible, it would not be achievable without ruining the natural character of the valley.

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PANZ fully concurs with such concerns.

The following provisions should be made within the boundaries of the area we propose for freeholding—

Marginal strips
Routeburn Station:
An existing strip along the true right bank of the Dart River needs to be assessed to see if provides practicable access. It should be preferably replaced with a new marginal strip, free of any exclusive leases or licences. A new strip would be movable with any changes to the river bank. It should be a minimum of 20 metres wide.
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Elfin Bay Station
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The easements should be registered against the titles and held as an interest in the land under section 7(2) Conservation Act. This would prevent alteration of their terms or disposal without public notification and objection procedures.

The easements must provide rights of public foot passage at all times, with no ability to close or restrict access. Hunters must have the right to carry (but not use) firearms while in transit.

With the above amendments Public Access New Zealand recommends to Government that 'Tenure review: Greenstone, Elfin Bay and Routeburn Crown Lands', dated June 1996, be adopted and implemented.

On the government—

- The problem is that government has erred by putting Ngai Tahu ahead in the lineup for this Crown land which years ago should have been appropriately designated: Reserves, grazing, or freehold. For this preferential treatment to be maintained would create an anomaly which really can't be tolerated. This precious jewel must be available for the World wide conservation interest and not under the control/whim of any one interested minority.
- It seems inexcusable given the relatively high public use of the three former leases, as against other Central Otago leases, that the future of these lands could be determined by government, its departments and agencies, with no avenue for public input.
- Anything that this proposal can do to stop this untrustworthy National Government from denying public land and access must be in the best interest of every true New Zealander.

On the Ngai Tahu 'claim'—

- The Ngai Tahu land claim over the Central Otago uplands was not upheld by the Waitangi Tribunal. Hence there is no special case to allow allocation of pastoral lease land to Ngai Tahu as compensation for other valid land grievances. As your proposal states—there is no obligation on the Crown to settle with Ngai Tahu using these lands.
- I would not like to see any of these highly valued conservation areas used as land settlement with Ngai Tahu.

On the public patrimony—

- Any course of action other than to allocate the bulk of these lands to the conservation estate would be to totally disregard the quite outstanding public interest values of these lands and their surroundings.
- Undoubtedly this is an area which should never be lost from the people of this country.
- Privatisation of such assets is a form of theft from the public.

On land use—

- Pastoral lease tenure for these lands with high conservation values is a historic anachronism..
- These properties have value for recreation and nature preservation way beyond their pastoral worth and are worthy to be included in the DOC estate for all to enjoy.

On access and recreation—

- A vital area for public recreation. One of the best areas in New Zealand for easy family access to our backcountry.
- The Caples and Greenstone rivers provide trout fishing of exceptionally high quality. This combined with superb scenery is a marvellous experience which should never be rationed on the basis of ability to pay.
- I would be very upset to see this land freeholded and closed to the public...any curtailing of the opportunities for the public to enjoy the area in its natural state would be a great loss.
- Access at all times should be available to the public at no cost.
- These places must be retained and be able to be easily accessed for the sake of the spiritual health of our people, Maori and Pakeha.

On development and commercialism—

- The biggest danger would be the establishment of hunting and fishing lodges with potential to control or prohibit public entry.
- Any attempts to put roads or mono rails through the Greenstone Valley should be firmly resisted. No tourist development. No toll gates on tracks.
- Not only are these areas threatened by privatisation, whether in Maori or other tenure, but DOC may put these treasures out of our reach by allowing further concessions for commercial gain. The Milford Track is now too expensive for many New Zealanders to enjoy. The Routeburn is going this way.

On PANZ and the proposals in general—

- The PANZ proposals looks magnificent. Don't yield a bloody thing.
- Your proposals are fair and equitable. They provide an acceptable solution between the aspirations of Ngai Tahu and the greater right of the public. They are sensible and well-researched.
- Your presentation of the conservation, recreation and public access values is impressive, and we fully support the PANZ proposals.
- Keep up the huge effort, and thank you on behalf of all the Kiwis like myself who feel so threatened on so many fronts that we can't keep up.
- I greatly commend PANZ's initiative and energy in producing the proposals. It is a great pity that the Crown is not interested in protecting the rights of its subjects, and that we have to rely on the splendid efforts of public-spirited volunteers.

Public Access New Zealand

INCORPORATED

RD 1 Omakau 9182 Central Otago New Zealand Phone & Fax 64-3-447 3554

Sunday, September 8, 1996

2 pages total

New Media Release

Overwhelming support for public reserves on high country stations

The overwhelming majority of public submissions, on proposals developed by Public Access New Zealand, support the splitting up of the Government-owned Greenstone, Elfin Bay, and Routeburn Stations between conservation areas and freehold land.

In 1992 the Government purchased the three high country stations, near Queenstown, for "possible" future settlement of Ngai Tahu land claims.

In July this year PANZ released for public comment its own tenure review for the properties because of Government's failure to deliver on promises to consult the public. PANZ proposed that 30,000 hectares, being all alpine lands and the Mararoa, Greenstone and Caples valleys, be transferred to the Department of Conservation, and another 2,250 hectares of Lake Wakatipu lake faces be freeholded.

PANZ spokesman Bruce Mason said that there were a total of 244 submissions which he described as 'phenomenal'. On other high country tenure reviews there are normally only between 5 and 15 submissions.

Ninety seven per cent of submitters want the 30,000 hectares to become public reserves and conservation areas. Eighty nine per cent supported freeholding of the other 2,250 hectares, being the better farm land, to be offered to Ngai Tahu if Government so wishes.

More submissions came from the North Island, than from Otago and Southland where the greatest interest might be expected.

"The response reaffirms the national significance of the properties, a fact that Government would be unwise to ignore", Mr Mason said. "The Greenstone and Caples Valleys are as high valued in Auckland as they are locally, with submitters describing them as "a vital area for public recreation", or as "one of the best areas in New Zealand for easy family access to the backcountry".

"The large majority support for freehold being offered to Ngai Tahu over non-conservation lands should debunk a frequent accusation that objections to a settlement with Ngai Tahu are 'racist' in character, Mr Mason said.

The primary concern of most submitters is the maintenance of public control over natural and recreational areas to ensure that these lands are not over-developed, and that the public will have future assurance of access and recreational use. "Most submitters clearly perceive this would be highly unlikely under private ownership or control", Mr Mason said.

The submission process has helped PANZ refine its original proposals and will result in significant amendments. Despite support for limited grazing in the Caples Valley there were substantive arguments presented against this.

PANZ will now submit to Government that all grazing be excluded from the area recommended for transfer to the Department of Conservation, and better provision be made for public access across lands that could be freeholded.

An analysis of submissions will be presented to Government to assist its decision-making process. However PANZ is firmly of the view that Government should reveal its plans for the area and actively solicit public input before final decisions are made.

"The PANZ proposals have been publicly judged to be fair and equitable. The challenge now is for Government to treat the public fairly and equitably", Mr Mason concluded.

END

Contacts:
Bruce Mason (03) 447 3554 or (025) 358 311
or Brian Turner (03) 472 7010, if Bruce cannot be contacted.

Public Access New Zealand

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Analysis of public submissions on Draft Proposals - Tenure review: Greenstone, Elfin Bay & Routeburn Crown Lands

Statistics

Submissions received

North Island	93	38.1%
Otago-Southland	90	36.9%
Rest of South Island	61	25.0%
TOTAL	244	100.0%

Proposal 1

"Approximately 30,000 hectares be allocated to the Department of Conservation as public conservation areas and reserves".

Yes	238	97.6%
No	4	1.6%
Don't Know	2	0.8%
TOTAL	244	100.0%

Proposal 2

"Grazing of the new public lands be confined to a grazing licence over 100 hectares on the floor of the lower Caples Valley. Grazing to be confined to sheep. Public use at all times".

Yes	231	94.7%
No	10	4.1%
Don't Know	3	1.2%
TOTAL	244	100.0%

Proposal 3

"Approximately 2,250 hectares be freeholded, being confined to Lake Wakatipu lower faces, terraces and the floor of the Dart Valley. Marginal strips to be reserved along streams".

Yes	217	88.9%
No	18	7.4%
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On the government—

- The problem is that government has erred by putting Ngai Tahu ahead in the lineup for this Crown land which years ago should have been appropriately designated: Reserves, grazing, freehold. For this preferential treatment to be maintained would create an anomaly which really can't be tolerated. This precious jewel must be available for the World wide conservation interest and not under the control/whim of any one interested minority.
- Once these lands are lost or destroyed they cannot be returned. The Government has a duty to protect New Zealand's heritage for all its citizens, now and in the future.
- PANZ is to be congratulated for being proactive in developing this tenure review, in the light of the government's failure to act in accordance with its own procedural guidelines and produce a tenure review for the three former pastoral leases. It seems inexcusable given the relatively high public use of the three former leases, as against other Central otago leases, that the future of these lands could, or would have been determined by government departments/ agencies with no avenue for public input. We thank you for this opportunity, and trust you are preparing a summary of submissions that will soon reach the hands of the relevant decision makers.
- Anything that this proposal can do to stop this untrustworthy National Government from denying public land and access must be in the best interest of every true New Zealander.

On the Ngai Tahu 'claim'—

- There is no basis in Waitangi Tribunal's findings to support the use of the Greenstone area for settlement of 'so-called' grievances that have been disallowed. The Tribunal found that the Crown had lawfully purchased these lands.
- The Waitangi Tribunal has declared Ngai Tahu have no legitimate claim over the above areas. Under no circumstances would the use of these areas as partial settlement of Ngai Tahu claims be acceptable.
- It is of interest to note that the Ngai Tahu land claim over the Central Otago uplands was not upheld by the Waitangi Tribunal. Hence there is no special case to allow allocation of pastoral lease land to the Ngai Tahu as compensation for valid land grievances. As your proposal states-there is no obligation on the Crown to settle with Ngai Tahu using these lands.
- Lack of Maori placenames does not necessarily mean lack of former association.
- So called 'cultural sites' or Maori ovens are merely the killing fields and graveyards of creatures long dead...eaten to extinction! Indigenous flora and fauna have 'land rights', too.

- That any conservation areas and reserves not be used to settle Treaty claims.
- I would not like to see any of these highly valued conservation areas used as land settlement with Ngai Tahu.

On the public patrimony—

- All (the high country) remains the rightful property of all New Zealanders and that under no circumstances whatever are they ever to be given sold bartered or transferred to any individual, group of individuals, whatever may be their ethnic group...New Zealand of the future will be increasingly a nation of different ethnic cultures.
- FMC is convinced that to take any course of action other than to allocate the bulk of these lands to the conservation estate...would be to totally disregard the quite outstanding public interest values of these lands and their surroundings.
- As much as possible...should be retained in its natural state for the enjoyment of all people.
- The population of NZ is increasing at an unimaginable rate, and all crown lands will be under pressure for use. Please retain all conservation areas and create reserves as large as is possible.
- This area has nationally significant conservation and recreation values which must be recognised and protected, as public land.
- Undoubtedly this is an area which should never be lost from the people of this country and the minimum of commercialism be permitted.
- Greenstone Valley floor enclave that should not be privatised.
- Public conservation areas and reserves must be preserved and increased if possible for future generations of New Zealanders' recreational activities.
- Protect this area for all NZ people to enjoy and keep.
- Outstanding recreational assets should be retained in public ownership. Privatisation of such assets is a form of theft from the public.
- New Zealand's greatest asset is its (relatively) pristine environment. The area reserved for administration is a critical element in this so I support the inclusion of any lands with conservation values in the DOC estate.
- Public conservation lands should be held in trust for all New Zealanders.

On land use—

- F&B: The pastoral lease tenure for lands with high conservation values adjacent to the Mount Aspiring national park is a historic anachronism. These lands are deserving of National Park status for all the reasons your document outlines.
- These properties have (value) for recreation and nature preservation way beyond their pastoral worth and are worthy to be included in the DOC estate for all to enjoy.

- Mararoa catchment critical for water quality of Mavora lakes.
- Concerned that removal of 'grazing' doesn't mean removal of deer.
- Farmer: concerned about farming of unstable land.
- With the state of farming economics these days it might be better if the leases were offered an equivalent economic unit somewhere else and these lands left to revert to their natural state.
- Farming (should be) confined to the fertile valley area.
- If land cannot be economically farmed then it should revert to natural state and be protected for all to enjoy. The land is too precious to give to any one sector of the community

On protection—

- Features of geological significance should be noted and perhaps listed for future reference and protection.
- National park status: Mavora lakes, upper Mararoa deserves this.

On access and recreation—

- Access is a natural right given to all New Zealanders. All interested people should be able to continue to have this right (fishing, tramping).
- A vital area for public recreation.
- Access better than walkways needed for firearm users.
- Access for all (including lawful arms users) needs to be arranged by a better device than walkways because of the need for firearms for permitted hunters.
- Access is of vital importance.
- Access at all times should be available to the public at no cost.
- We have frequented this beautiful part of NZ...be left in its wilderness state for perpetuity, not to be compromised by human constructions, that public access and use be also left in perpetuity.
- Free access must remain for all public at all times.
- Free right of all New Zealanders to enjoy
- I feel that I should have freedom of access to the lakes, mountains and streams that I love and which till this date have entrusted the management of same to the current government (whose tenure has been ensured by those, who like me, have voted them in).
- I would be very upset to see this land freeholded and closed to the public...any curtailing of the opportunities for the public to enjoy the area in its natural state would be a great loss.
- Important that public access to backcountry streams be maintained and extended and that there be no loss of access when land is freeholded.

- One of the best areas in NZ for easy family access to our backcountry and an introduction to walking/tramping/botanising in remote NZ. it is very important that the areas noted above are kept in public ownership with free access.
- Public access along the lake (shore) needs to be assured.
- Public access is a very important issue, especially in such areas as Lake Wakatipu.
- Many Aucklanders' first South island backcountry experiences have been in the easy valleys of the Greenstone and Dart/Rees. We believe that it is essential to retain and protect these areas in public ownership unrestrained by unsuitable farming uses and commercial developments (eg roads).
- The Greenstone and Caples valleys are very important for recreation. The Mararoa is an increasingly important tramping route.
- Need to accommodate horse access.
- All walkways and marginal strips should be clearly defined.
- When not overexploited the Caples and Greenstone rivers provide trout fishing of exceptionally high quality. This combined with superb scenery is a marvellous experience which should never be rationed on the basis of ability to pay.

On development and commercialism—

- Biggest (danger) would be the establishment of hunting and fishing lodges with potential to control or prohibit public entry.
- That no exclusive hunting, fishing or tramping rights be given to any commercial enterprises.
- Any attempts to put roads or mono rails...through the Greenstone Valley...should be firmly resisted.
- The area is unique and important to the financial and amenity values of the Lakes district: New Zealand's premier tourist resort.
- With the development that is going on at Queenstown, and now Glenorchy, Queenstown will be a city and unless strenuous efforts are made now to retain and regain these lands in perpetuity they will be lost to the average citizens to developers and the edge of our wilderness areas will be further eroded and irretrievably lost. These places must be retained and be able to be easily accessed for the sake of the spiritual health of our people Maori and pakeha.
- No tourist development.
- Increase concession charges to private operators. No 'recreation' lodges. No toll gates on tracks.
- Opposes DOC 'Great Walk' status, commercial operations, helicopters.
- The environment before dollars and exploitation.
- We also feel some anxiety that not only are these areas threatened by privatisation whether in Maori or other tenure, but that DOC may put these treasures out of our reach by allowing further concessions for commercial

gain. The Milford Track is now too expensive for many New Zealanders to enjoy. The Routeburn is going this way. As New Zealanders we should be able to freely enjoy our heritage and to benefit from the renew of spirit that these areas inspire.

On PANZ and the proposals in general—

- Provides acceptable solution between aspirations of Ngai Tahu and the greater right of the public.
- Proposals are sound...
- Agree with the main points of your carefully drafted submission. You are fully supported.
- An excellent submission-congratulations. Keep up the good work.
- Entirely appropriate and meaningful (proposals) in interests of general public.
- Excellent scheme.
- Forest and Bird is impressed with your presentation of the conservation, recreation and public access values, and fully support the PANZ proposals.
- Federated Mountain Clubs fully supports the tenure review proposals.
- I believe the above proposals are very fair...I want to see that the area remains for public use and control.
- I fully support the (PANZ) submission.
- I hope you win.
- I support all your endeavours.
- I would like to compliment you all on the effort put into these submissions. If we accomplish what you have proposed, it will be a good win for us all.
- It is my belief that these proposals best serve and protect the public interest and access these areas of high value and recreational opportunities.
- Keep up the good work in promoting public access and conservation in New Zealand.
- Keep up the huge effort, and thank you on behalf of all the Kiwis like myself who feel so threatened on so many fronts that we can't keep up.
- We fully support your well researched and presented draft proposals. Seems to be a reasonable compromise.
- Sounds good.
- Thank you for the opportunity to comment on your proposal. I congratulate your initiative.
- The PANZ monograph 9 (the proposals) looks magnificent. Don't yield a bloody thing.
- They all seem like very sound and sensible proposals to me.
- This is an excellent opportunity to protect an area of great conservation value. The above proposals would help bring this about.
- This is an excellent proposal.
- This is a sensible and well-researched proposal.

- This proposal has been well researched, and is logically presented.
- Very impressed by the draft proposal.
- We fully agree with the proposals.
- You are so right! All New Zealanders must be able to enjoy our country.
- Your proposal appears to offer a reasonable result for all concerned and ensures optimum public access.
- Your proposals are fair and equitable.
- Thanks for the considerable work in preparing the tenure review.
- May I take the opportunity to thank you guys for all the time and effort and dedication with which you serve us PANZ members.
- I agree with PANZ's proposals and I greatly commend PANZ's initiative and energy in producing them. It is a great pity that the Crown is not interested in protecting the rights of its subjects, and that we have to rely on the splendid efforts of public-spirited volunteers.

Specific Comments on Proposal 1

"Approximately 30,000 hectares to allocated to the Department of Conservation as public conservation areas and reserves".

Comments in support of transferring 30,000 hectares to DOC—

- We would not support in anyway recreational/conservation value portions of (lands subject to tenure review) passing into private hands, thereby allowing large areas of high natural value to pass from the people of this country, into hands which could if so predisposed, restrict access to fee paying clientele, or even to no-one at all.
- Do not use (this area) for Treaty claims.
- An important conservation/recreation area.
- All New Zealanders should be able to enjoy its unique beauty.
- Essential that these areas be preserved and available for all to enjoy.
- High landscape values. Better protected under DOC.
- Should be left in natural state and managed by DOC.
- Stock access easements may be necessary.
- Strongly support.Would prefer "approximately" 30,000 ha defined as "minimum".
- Strongly support allocation to DOC. It is really important to preserve areas unsuitable for grazing.
- Strongly support the retention (of the above areas) as public conservation areas and reserves.
- The land has a significance and importance to a wide range of New Zealanders.
- The land has too high a value to be held in private hands. Public use is a continuing right that must be retained.
- This is a golden opportunity to protect the red tussocks of Mararoa and Greenstone...short tussock grasslands and wetlands are also very important here and definitely worth presuming at this opportunity.
- We particularly value the rich diversity of vegetation found, for instance, on the boggy saddle at the head of the Caples-Greenstone.
- We strongly support the allocation of the Greenstone valley floor and the Mararoa valley to DOC. These areas remain relatively natural with extensive low altitude tussock grasslands and wetlands, which have nationally important conservation values.
- Recreational Hunting Area:
    - Support for transfer to DOC conditional on RHA remaining and no national park being formed.
    - The Wakatipu RHA needs preserving. If the land goes to DOC it should be on the understanding that the white tail deer are managed under a 'management plan'.

- Would like to see RHA preserved.

- National Park status?:
    - Hope that area will be incorporated into the adjoining National Parks.
    - Would like to see Greenstone valley as part of the national park.
    - Should be included in adjoining national park
    - Should be national park
    - (Your proposals) are the minimum holding requirements. Aim should be national park status.
    - I don't mind the Government turning the Caples and Greenstone into national park as long as the hunting (provisions) remain the same.

Comments in opposition to transferring 30,000 hectares to DOC—

- I think the conservation estate should be preserved as it is for future New Zealanders. The Government is looking for excuses to sell Crown land to overseas investors [submitter appears confused about proposals which are not about selling land, but about publicly reserving it.]
- DOC cannot look after what it has now.
- Should be protected by a National Water Conservation Order—otherwise area will be subject to the commercial greed of the market forces.

Specific Comments on Proposal 2

"Grazing of the new public lands be confined to a grazing licence over 100 hectares on the floor of the lower Caples Valley. Grazing to be confined to sheep. Public use at all times".

Comments in support of PANZ's lower Caples sheep grazing proposal—

- Yes, as long as wild deer have same right to graze.
- Yes, but concerned about access restrictions during lambing.
- Grazing must be excluded from bush fringe.
- Only sheep be allowed. Essential that there be unrestricted public access to grazing area. If licences not taken up or used within one year should be permanently discontinued.
- Right for lessor to cancel or modify conditions if over-grazing.
- To keep the land producing and keep weeds and grasses in check.
- Allocation of land for grazing licences and freeholding based on merits of applicants in relation to sustainable land use and public usage of adjoining conservation lands.
- Would support sheep grazing provided riparian margins and forests are protected from grazing...suspect not achievable without ruining natural character of valley.

Comments in opposition to PANZ's lower Caples sheep grazing proposal—

- We question...the granting of grazing licences over proposed conservation estate in the lower Caples Valley. Given the history of problems with such licences in other areas... Insufficient policing of such licences has led to overgrazing...and severe depletion of the natural 'protected' beech forests. We note also that access to grazing licence area would have to be via the conservation estate downstream (or by air!). One only needs to look at the forest in such areas as Maitland Stream behind the Ohau Range to see how damaging stock 'passing through' forest can be.
- Grazing not compatible with the DOC estate. It degrades the lower Caples Valley.
- Grazing of 100 ha is not of much real value for farming.
- Grazing of stock (and the piles of shit associated with this) are totally incompatible with tourist/tramper tracks and the "wilderness experience". Greenstone and Caples tracks are being destroyed by stock
- Presence of stock does nothing to enhance appreciation of these areas. Has experienced bogs and shit on tracks. Public benefit from allowing reversion to a natural state much greater than from farming.
- The low conservation value of this area does not provide reason enough to exclude its protection...This significant landscape should be protected in its

entirety. Presence of stock hugely detracts from wilderness experience and general enjoyment. It is easier to ignore the exotic grasses than the blatant foreign objects-stock...with the exclusion of stock the lower Caples valley would slowly revert to a sequence of naturalness. Grazing of the Caples would also necessitate the movement of stock through conservation land...pugged muddy trails

- Would prefer to see grazing phased out of Caples valley; may be an acceptable short-term option.
- There are plenty of places in NZ where you can see sheep...the valley would be better left to revert...as a frost flat vegetation likely to be low stature. This would maintain sense of spaciousness and enable wandering at will.
- Any grazing will affect fishing (values).

Other comments about grazing:

- Cattle are completely unsuited to a fragile valley floor ecosystem such as the Caples. Free and unconditional access to this area must be retained.
- Cattle are very destructive to land near water and cause significant pollution. Sheep have far less impact.
- Cattle grazing quite inappropriate.
- Mararoa an inappropriate place for cattle.
- Prefer no grazing; area should be for recreational uses. I would hate to come back (from Australia) to see 'trespassers will be prosecuted' signs.
- Presence of cattle, causing damage to bush margins, and riparian vegetation, and pugging of walking tracks has long being a concern Forest and Bird and the many trampers who use the valley floors. In our view it is imperative that the cattle are removed.
- Stock, especially cattle, should be removed from valleys—foul waterways, eat tussock, detract from wilderness experience.

Specific Comments on Proposal 3

"Approximately 2,250 hectares be freeholded, being confined to Lake Wakatipu lower faces, terraces and the floor of the Dart Valley. Marginal strips to be reserved along streams".

Comments in support of PANZ freeholding proposals—

- We support the use of non-conservation value land contained within the former lease, to settle Ngai Tahu claims, where there can be a net conservation gain for (everyone), at the time the tenure reviews are carried out.
- (Confine freeholding) to lower terraces and Dart valley floor.
- Freehold should be confined to easier country.
- If the area of grazing is reduced, I am unsure if freeholding some areas is the best option.
- Important to freehold only those areas suitable for grazing.
- It is absolutely essential that only the lower altitude areas are allowed to be freeholded.
- Need to maintain landscape values from forestry, haybarns etc, roading.
- On provision of marginal strips:
    - Definition of streams needs widest possible definition (for marginal strips).
    - Marginal strips and public access to publicly owned land must be preserved at all costs.
    - Marginal strips: make sure this requirement is water-tight.
    - Marginal strips needed along lake front.
    - Marginal strips needed on lake shore Elfin Bay Station?
    - Need to ensure marginal strips along lake shores.
    - Marginal strips vital.
    - Preservation of marginal strips most important.
    - provided grazing is restricted to protect fishing.
    - Provided marginal strips created first.
    - Strongly support marginal strips.
    - (support) as long as public access along the lake (Wakatipu) is assured.
    - Vital for marginal strips.
- On access across freehold—
    - (Need) provision for access strips to conservation lands, and marginal strips along all waterways before any freeholding.
    - Freeholding subject to walkway access where desirable.
    - Agreement should be negotiated for public access over freehold.
    - It is imperative that the freedom to go to these places is protected at any cost.
    - Freeholding subject to walkway access where desirable.
    - Agreement should be negotiated for public access over freehold.

Comments in opposition to PANZ freeholding proposals—

- Dart Valley is every bit as spectacular and enjoyed by trampers as the Greenstone...scenic value of the lake edge is high and would be enhanced by retainment as conservation area.
- Natural visual impact could be destroyed.
- All land that is Crown land or conservation land should remain 'status quo'.
- It is essential that the lake faces are kept from the hands of game farm operators.
- Oppose because farmers would still deny access.
- Leasing rather than freehold would be my preference.
- Oppose because no benefits to the public in 'selling of the marginal strips of land'.
- Opposed to privatisation of native ecosystems and land with environmental values.
- Grazing licence should be extended to cover this area, rather than freehold, to maximise public access.
- There are enough hassles now with fishing access in Dart etc.
- Why sell it?
- Strongly disagree with freeholding all the 2250 ha. Reserves over representative sites needed, including more fertile land.

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Synopsis of Submitters' Comments

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On the public patrimony—

- Any course of action other than to allocate the bulk of these lands to the conservation estate would be to totally disregard the quite outstanding public interest values of these lands and their surroundings.
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- I would be very upset to see this land freeholded and closed to the public...any curtailing of the opportunities for the public to enjoy the area in its natural state would be a great loss.
- Access at all times should be available to the public at no cost.
- These places must be retained and be able to be easily accessed for the sake of the spiritual health of our people, Maori and Pakeha.

On development and commercialism—

- The biggest danger would be the establishment of hunting and fishing lodges with potential to control or prohibit public entry.
- Any attempts to put roads or mono rails through the Greenstone Valley should be firmly resisted. No tourist development. No toll gates on tracks.
- Not only are these areas threatened by privatisation, whether in Maori or other tenure, but DOC may put these treasures out of our reach by allowing further concessions for commercial gain. The Milford Track is now too expensive for many New Zealanders to enjoy. The Routeburn is going this way.

On PANZ and the proposals in general—

- The PANZ proposals looks magnificent. Don't yield a bloody thing.
- Your proposals are fair and equitable. They provide an acceptable solution between the aspirations of Ngai Tahu and the greater right of the public. They are sensible and well-researched.
- Your presentation of the conservation, recreation and public access values is impressive, and we fully support the PANZ proposals.
- Keep up the huge effort, and thank you on behalf of all the Kiwis like myself who feel so threatened on so many fronts that we can't keep up.
- I greatly commend PANZ's initiative and energy in producing the proposals. It is a great pity that the Crown is not interested in protecting the rights of its subjects, and that we have to rely on the splendid efforts of public-spirited volunteers.

On the government—

- The problem is that government has erred by putting Ngai Tahu ahead in the lineup for this Crown land which years ago should have been appropriately designated: Reserves, grazing, freehold. For this preferential treatment to be maintained would create an anomaly which really can't be tolerated. This precious jewel must be available for the World wide conservation interest and not under the control/whim of any one interested minority.
- Once these lands are lost or destroyed they cannot be returned. The Government has a duty to protect New Zealand's heritage for all its citizens, now and in the future.
- PANZ is to be congratulated for being proactive in developing this tenure review, in the light of the government's failure to act in accordance with its own procedural guidelines and produce a tenure review for the three former pastoral leases. It seems inexcusable given the relatively high public use of the three former leases, as against other Central otago leases, that the future of these lands could, or would have been determined by government departments/ agencies with no avenue for public input. We thank you for this opportunity, and trust you are preparing a summary of submissions that will soon reach the hands of the relevant decision makers.
- Anything that this proposal can do to stop this untrustworthy National Government from denying public land and access must be in the best interest of every true New Zealander.

On the Ngai Tahu 'claim'—

- There is no basis in Waitangi Tribunal's findings to support the use of the Greenstone area for settlement of 'so-called' grievances that have been disallowed. The Tribunal found that the Crown had lawfully purchased these lands.
- The Waitangi Tribunal has declared Ngai Tahu have no legitimate claim over the above areas. Under no circumstances would the use of these areas as partial settlement of Ngai Tahu claims be acceptable.
- It is of interest to note that the Ngai Tahu land claim over the Central Otago uplands was not upheld by the Waitangi Tribunal. Hence there is no special case to allow allocation of pastoral lease land to the Ngai Tahu as compensation for valid land grievances. As your proposal states-there is no obligation on the Crown to settle with Ngai Tahu using these lands.
- Lack of Maori placenames does not necessarily mean lack of former association.
- So called 'cultural sites' or Maori ovens are merely the killing fields and graveyards of creatures long dead...eaten to extinction! Indigenous flora and fauna have 'land rights', too.

- That any conservation areas and reserves not be used to settle Treaty claims.
- I would not like to see any of these highly valued conservation areas used as land settlement with Ngai Tahu.

On the public patrimony—

- All (the high country) remains the rightful property of all New Zealanders and that under no circumstances whatever are they ever to be given sold bartered or transferred to any individual, group of individuals, whatever may be their ethnic group...New Zealand of the future will be increasingly a nation of different ethnic cultures.
- FMC is convinced that to take any course of action other than to allocate the bulk of these lands to the conservation estate...would be to totally disregard the quite outstanding public interest values of these lands and their surroundings.
- As much as possible...should be retained in its natural state for the enjoyment of all people.
- The population of NZ is increasing at an unimaginable rate, and all crown lands will be under pressure for use. Please retain all conservation areas and create reserves as large as is possible.
- This area has nationally significant conservation and recreation values which must be recognised and protected, as public land.
- Undoubtedly this is an area which should never be lost from the people of this country and the minimum of commercialism be permitted.
- Greenstone Valley floor enclave that should not be privatised.
- Public conservation areas and reserves must be preserved and increased if possible for future generations of New Zealanders' recreational activities.
- Protect this area for all NZ people to enjoy and keep.
- Outstanding recreational assets should be retained in public ownership. Privatisation of such assets is a form of theft from the public.
- New Zealand's greatest asset is its (relatively) pristine environment. The area reserved for administration is a critical element in this so I support the inclusion of any lands with conservation values in the DOC estate.
- Public conservation lands should be held in trust for all New Zealanders.

On land use—

- F&B: The pastoral lease tenure for lands with high conservation values adjacent to the Mount Aspiring national park is a historic anachronism. These lands are deserving of National Park status for all the reasons your document outlines.
- These properties have (value) for recreation and nature preservation way beyond their pastoral worth and are worthy to be included in the DOC estate for all to enjoy.

- Mararoa catchment critical for water quality of Mavora lakes.
- Concerned that removal of 'grazing' doesn't mean removal of deer.
- Farmer: concerned about farming of unstable land.
- With the state of farming economics these days it might be better if the leases were offered an equivalent economic unit somewhere else and these lands left to revert to their natural state.
- Farming (should be) confined to the fertile valley area.
- If land cannot be economically farmed then it should revert to natural state and be protected for all to enjoy. The land is too precious to give to any one sector of the community

On protection—

- Features of geological significance should be noted and perhaps listed for future reference and protection.
- National park status: Mavora lakes, upper Mararoa deserves this.

On access and recreation—

- Access is a natural right given to all New Zealanders. All interested people should be able to continue to have this right (fishing, tramping).
- A vital area for public recreation.
- Access better than walkways needed for firearm users.
- Access for all (including lawful arms users) needs to be arranged by a better device than walkways because of the need for firearms for permitted hunters.
- Access is of vital importance.
- Access at all times should be available to the public at no cost.
- We have frequented this beautiful part of NZ...be left in its wilderness state for perpetuity, not to be compromised by human constructions, that public access and use be also left in perpetuity.
- Free access must remain for all public at all times.
- Free right of all New Zealanders to enjoy
- I feel that I should have freedom of access to the lakes, mountains and streams that I love and which till this date have entrusted the management of same to the current government (whose tenure has been ensured by those, who like me, have voted them in).
- I would be very upset to see this land freeholded and closed to the public...any curtailing of the opportunities for the public to enjoy the area in its natural state would be a great loss.
- Important that public access to backcountry streams be maintained and extended and that there be no loss of access when land is freeholded.

- One of the best areas in NZ for easy family access to our backcountry and an introduction to walking/tramping/botanising in remote NZ. it is very important that the areas noted above are kept in public ownership with free access.
- Public access along the lake (shore) needs to be assured.
- Public access is a very important issue, especially in such areas as Lake Wakatipu.
- Many Aucklanders' first South island backcountry experiences have been in the easy valleys of the Greenstone and Dart/Rees. We believe that it is essential to retain and protect these areas in public ownership unrestrained by unsuitable farming uses and commercial developments (eg roads).
- The Greenstone and Caples valleys are very important for recreation. The Mararoa is an increasingly important tramping route.
- Need to accommodate horse access.
- All walkways and marginal strips should be clearly defined.
- When not overexploited the Caples and Greenstone rivers provide trout fishing of exceptionally high quality. This combined with superb scenery is a marvellous experience which should never be rationed on the basis of ability to pay.

On development and commercialism—

- Biggest (danger) would be the establishment of hunting and fishing lodges with potential to control or prohibit public entry.
- That no exclusive hunting, fishing or tramping rights be given to any commercial enterprises.
- Any attempts to put roads or mono rails...through the Greenstone Valley...should be firmly resisted.
- The area is unique and important to the financial and amenity values of the Lakes district: New Zealand's premier tourist resort.
- With the development that is going on at Queenstown, and now Glenorchy, Queenstown will be a city and unless strenuous efforts are made now to retain and regain these lands in perpetuity they will be lost to the average citizens to developers and the edge of our wilderness areas will be further eroded and irretrievably lost. These places must be retained and be able to be easily accessed for the sake of the spiritual health of our people Maori and pakeha.
- No tourist development.
- Increase concession charges to private operators. No 'recreation' lodges. No toll gates on tracks.
- Opposes DOC 'Great Walk' status, commercial operations, helicopters.
- The environment before dollars and exploitation.
- We also feel some anxiety that not only are these areas threatened by privatisation whether in Maori or other tenure, but that DOC may put these treasures out of our reach by allowing further concessions for commercial

gain. The Milford Track is now too expensive for many New Zealanders to enjoy. The Routeburn is going this way. As New Zealanders we should be able to freely enjoy our heritage and to benefit from the renew of spirit that these areas inspire.

On PANZ and the proposals in general—

- Provides acceptable solution between aspirations of Ngai Tahu and the greater right of the public.
- Proposals are sound...
- Agree with the main points of your carefully drafted submission. You are fully supported.
- An excellent submission-congratulations. Keep up the good work.
- Entirely appropriate and meaningful (proposals) in interests of general public.
- Excellent scheme.
- Forest and Bird is impressed with your presentation of the conservation, recreation and public access values, and fully support the PANZ proposals.
- Federated Mountain Clubs fully supports the tenure review proposals.
- I believe the above proposals are very fair...I want to see that the area remains for public use and control.
- I fully support the (PANZ) submission.
- I hope you win.
- I support all your endeavours.
- I would like to compliment you all on the effort put into these submissions. If we accomplish what you have proposed, it will be a good win for us all.
- It is my belief that these proposals best serve and protect the public interest and access these areas of high value and recreational opportunities.
- Keep up the good work in promoting public access and conservation in New Zealand.
- Keep up the huge effort, and thank you on behalf of all the Kiwis like myself who feel so threatened on so many fronts that we can't keep up.
- We fully support your well researched and presented draft proposals. Seems to be a reasonable compromise.
- Sounds good.
- Thank you for the opportunity to comment on your proposal. I congratulate your initiative.
- The PANZ monograph 9 (the proposals) looks magnificent. Don't yield a bloody thing.
- They all seem like very sound and sensible proposals to me.
- This is an excellent opportunity to protect an area of great conservation value. The above proposals would help bring this about.
- This is an excellent proposal.
- This is a sensible and well-researched proposal.

- This proposal has been well researched, and is logically presented.
- Very impressed by the draft proposal.
- We fully agree with the proposals.
- You are so right! All New Zealanders must be able to enjoy our country.
- Your proposal appears to offer a reasonable result for all concerned and ensures optimum public access.
- Your proposals are fair and equitable.
- Thanks for the considerable work in preparing the tenure review.
- May I take the opportunity to thank you guys for all the time and effort and dedication with which you serve us PANZ members.
- I agree with PANZ's proposals and I greatly commend PANZ's initiative and energy in producing them. It is a great pity that the Crown is not interested in protecting the rights of its subjects, and that we have to rely on the splendid efforts of public-spirited volunteers.

Specific Comments on Proposal 1

"Approximately 30,000 hectares to allocated to the Department of Conservation as public conservation areas and reserves".

Comments in support of transferring 30,000 hectares to DOC—

- We would not support in anyway recreational/conservation value portions of (lands subject to tenure review) passing into private hands, thereby allowing large areas of high natural value to pass from the people of this country, into hands which could if so predisposed, restrict access to fee paying clientele, or even to no-one at all.
- Do not use (this area) for Treaty claims.
- An important conservation/recreation area.
- All New Zealanders should be able to enjoy its unique beauty.
- Essential that these areas be preserved and available for all to enjoy.
- High landscape values. Better protected under DOC.
- Should be left in natural state and managed by DOC.
- Stock access easements may be necessary.
- Strongly support.Would prefer "approximately" 30,000 ha defined as "minimum".
- Strongly support allocation to DOC. It is really important to preserve areas unsuitable for grazing.
- Strongly support the retention (of the above areas) as public conservation areas and reserves.
- The land has a significance and importance to a wide range of New Zealanders.
- The land has too high a value to be held in private hands. Public use is a continuing right that must be retained.
- This is a golden opportunity to protect the red tussocks of Mararoa and Greenstone...short tussock grasslands and wetlands are also very important here and definitely worth presuming at this opportunity.
- We particularly value the rich diversity of vegetation found, for instance, on the boggy saddle at the head of the Caples-Greenstone.
- We strongly support the allocation of the Greenstone valley floor and the Mararoa valley to DOC. These areas remain relatively natural with extensive low altitude tussock grasslands and wetlands, which have nationally important conservation values.
- Recreational Hunting Area:
    - Support for transfer to DOC conditional on RHA remaining and no national park being formed.
    - The Wakatipu RHA needs preserving. If the land goes to DOC it should be on the understanding that the white tail deer are managed under a 'management plan'.

- Would like to see RHA preserved.

- National Park status?:
  - Hope that area will be incorporated into the adjoining National Parks.
  - Would like to see Greenstone valley as part of the national park.
  - Should be included in adjoining national park
  - Should be national park
  - (Your proposals) are the minimum holding requirements. Aim should be national park status.
  - I don't mind the Government turning the Caples and Greenstone into national park as long as the hunting (provisions) remain the same.

Comments in opposition to transferring 30,000 hectares to DOC—

- I think the conservation estate should be preserved as it is for future New Zealanders. The Government is looking for excuses to sell Crown land to overseas investors [submitter appears confused about proposals which are not about selling land, but about publicly reserving it.]
- DOC cannot look after what it has now.
- Should be protected by a National Water Conservation Order—otherwise area will be subject to the commercial greed of the market forces.

Specific Comments on Proposal 2

"Grazing of the new public lands be confined to a grazing licence over 100 hectares on the floor of the lower Caples Valley. Grazing to be confined to sheep. Public use at all times".

Comments in support of PANZ's lower Caples sheep grazing proposal—

- Yes, as long as wild deer have same right to graze.
- Yes, but concerned about access restrictions during lambing.
- Grazing must be excluded from bush fringe.
- Only sheep be allowed. Essential that there be unrestricted public access to grazing area. If licences not taken up or used within one year should be permanently discontinued.
- Right for lessor to cancel or modify conditions if over-grazing.
- To keep the land producing and keep weeds and grasses in check.
- Allocation of land for grazing licences and freeholding based on merits of applicants in relation to sustainable land use and public usage of adjoining conservation lands.
- Would support sheep grazing provided riparian margins and forests are protected from grazing...suspect not achievable without ruining natural character of valley.

Comments in opposition to PANZ's lower Caples sheep grazing proposal—

- We question...the granting of grazing licences over proposed conservation estate in the lower Caples Valley. Given the history of problems with such licences in other areas... Insufficient policing of such licences has led to overgrazing...and severe depletion of the natural 'protected' beech forests. We note also that access to grazing licence area would have to be via the conservation estate downstream (or by air!). One only needs to look at the forest in such areas as Maitland Stream behind the Ohau Range to see how damaging stock 'passing through' forest can be.
- Grazing not compatible with the DOC estate. It degrades the lower Caples Valley.
- Grazing of 100 ha is not of much real value for farming.
- Grazing of stock (and the piles of shit associated with this) are totally incompatible with tourist/tramper tracks and the "wilderness experience". Greenstone and Caples tracks are being destroyed by stock
- Presence of stock does nothing to enhance appreciation of these areas. Has experienced bogs and shit on tracks. Public benefit from allowing reversion to a natural state much greater than from farming.
- The low conservation value of this area does not provide reason enough to exclude its protection...This significant landscape should be protected in its

entirety. Presence of stock hugely detracts from wilderness experience and general enjoyment. It is easier to ignore the exotic grasses than the blatant foreign objects-stock...with the exclusion of stock the lower Caples valley would slowly revert to a sequence of naturalness. Grazing of the Caples would also necessitate the movement of stock through conservation land...pugged muddy trails

- Would prefer to see grazing phased out of Caples valley; may be an acceptable short-term option.
- There are plenty of places in NZ where you can see sheep...the valley would be better left to revert...as a frost flat vegetation likely to be low stature. This would maintain sense of spaciousness and enable wandering at will.
- Any grazing will affect fishing (values).

Other comments about grazing:

- Cattle are completely unsuited to a fragile valley floor ecosystem such as the Caples. Free and unconditional access to this area must be retained.
- Cattle are very destructive to land near water and cause significant pollution. Sheep have far less impact.
- Cattle grazing quite inappropriate.
- Mararoa an inappropriate place for cattle.
- Prefer no grazing; area should be for recreational uses. I would hate to come back (from Australia) to see 'trespassers will be prosecuted' signs.
- Presence of cattle, causing damage to bush margins, and riparian vegetation, and pugging of walking tracks has long being a concern Forest and Bird and the many trampers who use the valley floors. In our view it is imperative that the cattle are removed.
- Stock, especially cattle, should be removed from valleys—foul waterways, eat tussock, detract from wilderness experience.

Specific Comments on Proposal 3

"Approximately 2,250 hectares be freeholded, being confined to Lake Wakatipu lower faces, terraces and the floor of the Dart Valley. Marginal strips to be reserved along streams".

Comments in support of PANZ freeholding proposals—

- We support the use of non-conservation value land contained within the former lease, to settle Ngai Tahu claims, where there can be a net conservation gain for (everyone), at the time the tenure reviews are carried out.
- (Confine freeholding) to lower terraces and Dart valley floor.
- Freehold should be confined to easier country.
- If the area of grazing is reduced, I am unsure if freeholding some areas is the best option.
- Important to freehold only those areas suitable for grazing.
- It is absolutely essential that only the lower altitude areas are allowed to be freeholded.
- Need to maintain landscape values from forestry, haybarns etc, roading.
- On provision of marginal strips:
    - Definition of streams needs widest possible definition (for marginal strips).
    - Marginal strips and public access to publicly owned land must be preserved at all costs.
    - Marginal strips: make sure this requirement is water-tight.
    - Marginal strips needed along lake front.
    - Marginal strips needed on lake shore Elfin Bay Station?
    - Need to ensure marginal strips along lake shores.
    - Marginal strips vital.
    - Preservation of marginal strips most important.
    - provided grazing is restricted to protect fishing.
    - Provided marginal strips created first.
    - Strongly support marginal strips.
    - (support) as long as public access along the lake (Wakatipu) is assured.
    - Vital for marginal strips.
- On access across freehold—
    - (Need) provision for access strips to conservation lands, and marginal strips along all waterways before any freeholding.
    - Freeholding subject to walkway access where desirable.
    - Agreement should be negotiated for public access over freehold.
    - It is imperative that the freedom to go to these places is protected at any cost.
    - Freeholding subject to walkway access where desirable.
    - Agreement should be negotiated for public access over freehold.

Comments in opposition to PANZ freeholding proposals—

- Dart Valley is every bit as spectacular and enjoyed by trampers as the Greenstone...scenic value of the lake edge is high and would be enhanced by retainment as conservation area.
- Natural visual impact could be destroyed.
- All land that is Crown land or conservation land should remain 'status quo'.
- It is essential that the lake faces are kept from the hands of game farm operators.
- Oppose because farmers would still deny access.
- Leasing rather than freehold would be my preference.
- Oppose because no benefits to the public in 'selling of the marginal strips of land'.
- Opposed to privatisation of native ecosystems and land with environmental values.
- Grazing licence should be extended to cover this area, rather than freehold, to maximise public access.
- There are enough hassles now with fishing access in Dart etc.
- Why sell it?
- Strongly disagree with freeholding all the 2250 ha. Reserves over representative sites needed, including more fertile land.

Public Access New Zealand

INCORPORATED

P O Box 5805 Moray Place Dunedin New Zealand Phone & Fax 64 3 476 1544

Meeting Today at F+B
Please Forward

Thursday, June 24, 1993

Public Lands Coalition,
c/- Royal Forest & Bird Protection Society,
Fax (04) 385 7373

Dear PLC Principals,

GREENSTONE, ELFIN BAY, AND ROUTEBURN STATIONS

This is a matter that was overlooked from inclusion in our letter of yesterday.

The PANZ Board of Trustees wishes to advise that in regard to the future of these runs they believe that (except for areas capable of being classified as 'farm land' under the Land Act —confined to the homestead/lake terrace areas) that they be added to the Mount Aspiring National Park, if possible with management of the fallow deer herd as a recreational hunting area within the Park.

I hope that this is of assistance in formulating a PLC position.

Yours sincerely,

BJ Mason

Bruce Mason,
Trustee
on behalf of the PANZ Board of Trustees.

Public Access New Zealand is a charitable trust formed in late 1992. PANZ's objects are the preservation and improvement of public access to public lands, waters, and the countryside, plus the retention in public ownership of resources of value for recreation. PANZ draws support from a diverse range of land, freshwater, marine, and conservation interests representing approximately 220,000 people from throughout New Zealand.