



## OFFICE OF CROWN LANDS

Your Reference:

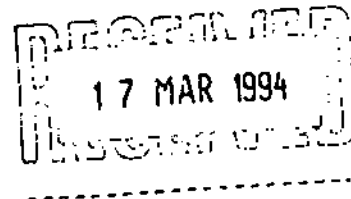
Our Reference:

Charles Fergusson Building  
Bowen Street  
Private Box 170  
Wellington  
New Zealand  
Phone: 0-4-473 5022  
Fax: 0-4-472 2244

15 March, 1994

Mr Bruce Mason  
Public Access New Zealand

DUNEDIN



Dear Sir

### RE: WAIORAU TENURE REVIEW

Thank you for your fax of 21 December 1993 and also your earlier submission to Landcorp Property Limited dated 16 June 1993 a copy of which you forwarded to me.

Following consideration of further reports from Landcorp Property Limited, the submissions received from the public and my responsibilities under the Land Act 1948 I wish to advise that I approved the following with regard to Waiorau on 1 March 1994.

- 1 The surrender of Po250 Waiorau from 31 December 1993.
- 2 The issue of a recreation permit under section 66A Land Act 1948 over the area shown as "C" on the attached plan.
- 3 The reservation of an area of approximately 4018 ha under section 167 Land Act 1948 and transfer of this area to the Department of Conservation.
- 4 The reclassification of approximately 1685 ha as farmland and a further area of 1050 ha as commercial land in terms of section 51 Land Act 1948.
- 5 The preferential allocation of an area of approximately 2735 ha to Nordic Ski Area Limited under section 54 Land Act 1948 on freehold title.
- 6 My agreement to a conservation covenant over areas "A" and "B" shown on the attached map.

7 The cancellation of the existing recreation permit as at 31 December 1993.

My approval was also granted in recognition that Mr and Mrs Lee have agreed to the granting of an easement over the ski field road to provide public access to the carpark and walking access from that point to the Meg River. This access will be for vehicles only on the road and subject to the payment of a commercial road toll effecting the maintenance costs associated with the road.

In making my decision I am satisfied that the overall proposal meets the requirements of the Land Act for reclassification from pastoral land to farm and commercial land for the areas so designated. While I acknowledge that there are some remaining Crown interests within this area I consider them to be appropriately cared for under the proposed covenants. I have sought legal advice on the applicability of these covenants and have been informed that as the conservation covenants are supported by the Reserves Act and have been appropriately worded they are a binding contract. In fact the covenants provide greater protection of the Crown interest than the current pastoral lease. The proposed covenants have status under the Land Transfer Act 1952 which places them equal to other registrations on the title. You will note on the attached plan that the proposed covenant covers the entire commercial area and the upper portion of the farmland area.

In particular the conservation covenant over area "B" contains the following provisions:

- 1 No grazing except in periods of extreme drought.
- 2 The maintenance of all boundaries.
- 3 The normal requirements to keep the land free of weeds and pests.
- 4 Limitations on tree planting, burning or mining on the said land without the specific consent of the Minister of Conservation.
- 5 A requirement to prepare a management plan for the ski field area in consultation with the Minister of Conservation.
- 6 Landscape provisions relating to earth disturbance and buildings associated with developments on the site.
- 7 Specific protection of areas of bog flush vegetation in the Tranquillity Gully and *Dracophyllum pronum* above the Roaring Meg in the gorge area.

With specific reference to your letter of 21 December I note the following points:

- 1 Proposed conservation covenant area "B" - this has been discussed above.
- 2 Upper front faces and ridge crest - the justification for freeholding this area is referred to above and relates to the wide range of uses that maybe carried out on the land. The Crown interest has been adequately considered within the conservation covenant. Restrictions are not required on the remaining area.


In relation to further matters raised in your submission of 16 June 1993 I note the following:

- 1 Proposed reservation - the majority of the conservation values have been incorporated into the conservation and covenant areas as amended on the final proposal. The recreation permit is limited to a confined area and allows for public access through this area.
- 2 Proposed conservation covenant area "B" - as discussed above.
- 3 Proposed conservation covenant area "A" - it has been acknowledged in the final report that the track through Tuohys Gully is primarily on the legal line. Access to the start of this is difficult and better access has been negotiated.
- 4 Upper front faces and ridge crest - as discussed above.
- 5 Public access provisions - as identified in my approval access up the farm road has been negotiated. This together with Tuohys Gully access provides good access to the proposed conservation area.
- 6 Equality of exchange of interests - the commercial nature of these deals is negotiated by the Crown, and generally reflects some recovery following acquisition of all areas of Crown interest.

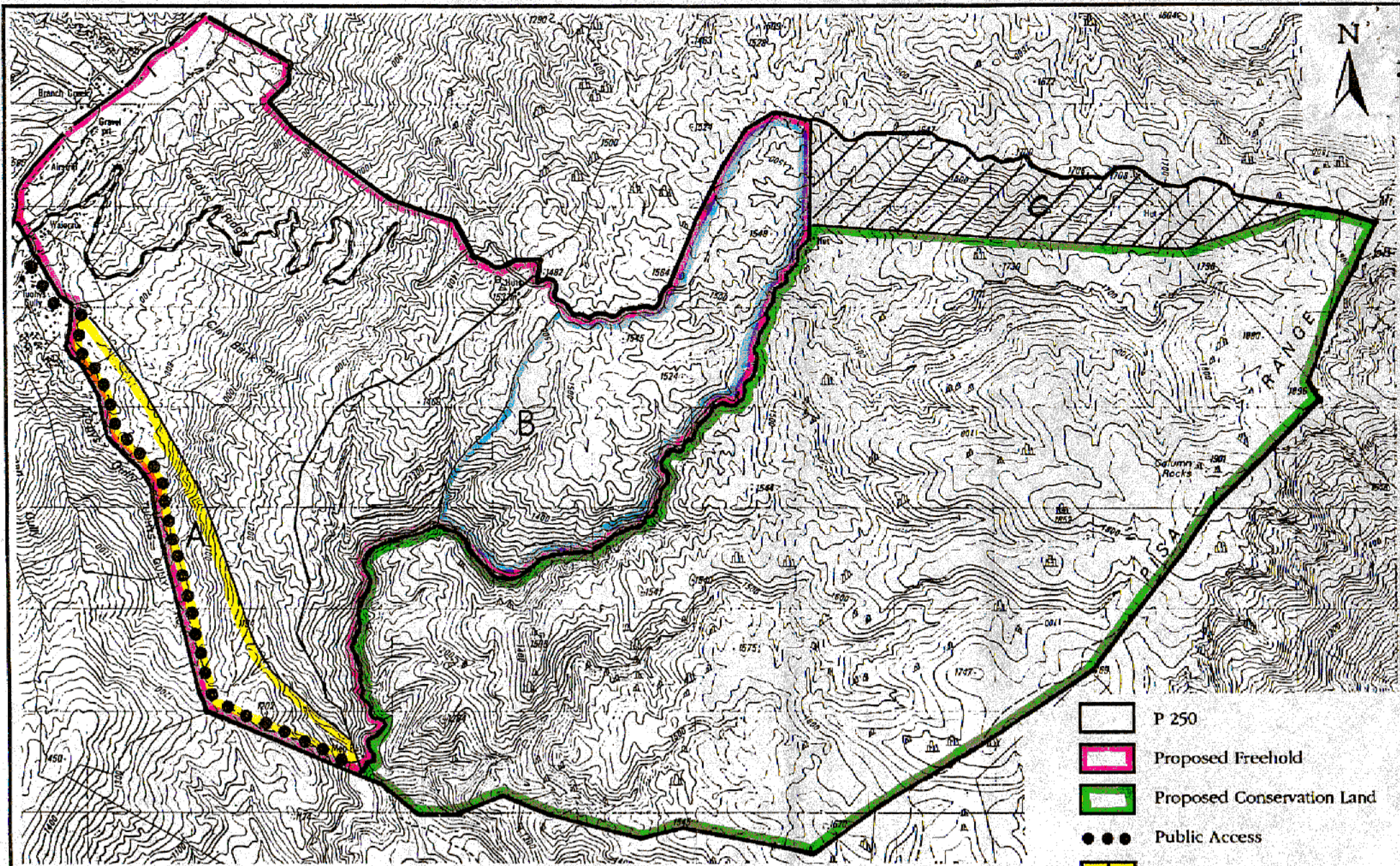
In conclusion the proposal as approved by myself has recognised the strong conservation interest in this area as indicated by the substantial area of reserve and the covenant proposed. Access for members of the public has also been catered for. All areas of Crown interest have been taken account of while enabling a range of alternative land uses to be effected.








I am aware of some concern that this proposal may be taken as a precedent for future tenure reviews. I wish to advise that under the present tenure review programme I require each proposal to be considered on its merits and a case developed in each situation which takes account of the wider Crown and public interests. Therefore each application must be supported in terms of the Land Act 1948 and precedence is not the justification for new cases.

Yours faithfully



David Gullen  
for Commissioner of Crown Lands



-  P 250
-  Proposed Freehold
-  Proposed Conservation Land
-  Public Access
-  Covenant for Historic Purposes
-  Covenant for Landscape
-  Recreation Permit

# Waiorau Locality Map

CO File : P 250  
Estate Map No : F 41

Date : Sept 93