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| **Section:***Identify the section, objective, outcome, policy, milestone, table or map that your submission relates to.*  | **Submission:***Explain the nature of your submission stating whether you support or oppose the approach in the draft Plan. Please provide brief reasons.* | **Decision sought:***State clearly the decision sought or changes you would like to see. Please be as precise as possible. For example:** *if supporting: ‘retain Policy X’*
* *if opposing: ‘delete Policy X’*
* *if seeking changes ‘reword Policy X to … (give suggested wording)*
 |

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# Otago CMS Partial Review

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[ ] I wish to be heard in support of my submission

# Summary of Submission

1. We **support all** tracks indicated on the interactive mapping across Otago
2. For the purposes of our currently funded projects, we particularly **support** the inclusion of the following for the **Western Lakes and Mountains/Nga Puna Wai Karikari a Rakaihautu Place**.

Conservation Area – Big Beach/Shotover River, Marginal Strip – Shotover River, Conservation Area – Lower Shotover, Tuckers Beach Recreation Reserve, Marginal Strip – Kawarau River, Marginal Strip – Rastus Burn, Marginal Strip – Owen Creek, Chard Road Recreation Reserve

We also seek the **inclusion** of Conservation Area - Lepidium Kawarau Habitat and **reinstatement of** Kawarau River Marginal Strip and adjacent conservation areas (including Conservation Area - Access to Kawarau River (Gibbston) and Conservation Area – Gibbston

1. We **OPPOSE** the identification of individual parcels of Marginal Strip for inclusion in the CMS and instead propose all marginal strips are considered for assessment criteria.
2. We **SUPPORT** the inclusion of Conservation Area – Mt Creighton and wish to be included in discussions on the future management plan addressing recreation opportunities on this parcel (and the public easement 838778 created under Tenure Review in 2018)
3. We **OPPOSE** the removal of cycling on the Peninsula portion of the Moke Lake Loop Track.
4. We **SUGGEST** removing ‘excluding – threatened braided river ecosystem’ from the Conservation Area – Tuckers Beach (where no braided system is present) and adding excluding – threatened braided river ecosystem’ to the Tuckers Beach Wildlife Management Area (where river gravels are a nesting site for endangered bird species)
5. We **OPPOSE** the amendments to Policy 3.3.4, other than the removal of *‘Should follow the statutory review process’* which we **SUPPORT**
6. We **SUPPORT** the addition of and e-biking (cycling) in 3.3.1-3.3.4
7. We **OPPOSE** changes to 3.3.5-3.3.8
8. We **OPPOSE** the exclusion of mountain biking and e-biking from the accompanying information for **2.3 Western Lakes and Mountains/Nga Puna karikari a Rakaihautu Place**

**Volume 1, 2.2-2.8**

**(Submission Points A and B)**

The Queenstown Trials Trust (The Trust) would like to submit in **support** for all the accepted trails in the Otago Conservation Management Strategy 2016 – Partial Review 2020. The Trust has a significant extension project for the Queenstown Trail (one of 22 NZCT Nga Haerenga Great Rides) which is fully funded and under a consent application. This project is currently being held up by the Otago CMS Partial Review

The Trust advocates for the development of an integrated trail network throughout the Otago region to connect our wider communities, providing recreational amenity and alternate modes of transport for both locals and visitors.

This partial review is an opportunity for the Department of Conservation (DOC) to play a strong role in developing better conservation outcomes for public conservation land (PCL) through cycle trails, slowing down tourist travel and facilitating engagement with the landscape and mana whenua. Local residents will better appreciate the specialness of what they have and the need to look after it and visitors will stay longer if they have something to engage with, rather than consuming New Zealand through a windscreen.

Cycle trails and cycle tourism can achieve greater regional dispersal of visitors and provide links between parcels of PCL for collaborative conservation outcomes. Trails can form the backbone of ecological restoration in currently inaccessible areas by providing access for wilding removal, native planting and predator control – as well as providing an opportunity to enable and support iwi and tangata whenua to tell their stories and share the value of places.

DOC’s purpose and outcome statement suggests that through working with others, New Zealanders and international visitors’ experiences on PCL are enriched by their connection to New Zealand’s nature and heritage. Cycle Trails can facilitate this experience and allow us to foster recreation in nature.

The impacts of Covid-19 make this partial review even more important. Our short-term recovery will rely on a domestic tourism industry built around New Zealanders with Kiwis reconnecting with nature and taking advantage of our landscapes. Through improved and well considered access to the conservation estate, we can take this opportunity to re-set the management of tourism whilst generating positive outcomes for biodiversity, landscape and local heritage values. Development of trails will provide employment opportunities during construction, and through trail related tourism businesses which provide a deeper, richer connection to natural landscapes and Maori culture

**Submission Point C**

Regarding marginal Strips, then their purpose can be derived from the Conservation Act, with particular reference to 24C (iv) b,c

**EXTRACT FROM THE CONSERVATION ACT 1987**

24C Purposes of marginal strips Subject to this Act and any other Act, all marginal strips shall be held under this Act—

(b) To enable public access to any adjacent watercourses or bodies of water; and

(c) For public recreational use of the marginal strips and adjacent watercourses or bodies of water.

Therefore, we request that all Marginal Strips are considered and assessed for this purpose and not broken into individual parcels for assessment.

Further to this, between 1990 and 1 July 2007, marginal strips have not been defined where Crown disposed of land subject to Part IVA of the Conservation Act– but their existence should be acknowledged and submissions on their inclusion into the CMS accepted. We discuss this point further in **Accompanying information 2.3 Western Lakes and Mountains/Nga Puna Wai Karikari a Rakaihautu Place**

**Submission Point D**

There is an enormous opportunity for a world-class backcountry hiking and biking experience along a public easement created under tenure review of Mt Crichton Station in 2018. This opportunity could mirror the success of shared use trails created under the Westland CMS, including The Old Ghost Road and Paparoa Track. The development of a dual use track opens up significantly more funding opportunities for constructing the trail collaboratively with DOC, whereas currently the lack of appetite/funding means that public access created under tenure review is unable to be realised and will remain neglected for the foreseeable future.

**Submission Point E**

The Moke Lake circuit is a popular trail for families and is enjoyed by thousands of visitors per year, who are day tripping or enjoying a weekends camping. The Moke Lake circuit is very achievable for all age ranges and abilities and removing the peninsula section from the CMS cuts off the ability to complete the circuit. The resulting outcome of cyclers having to turn around and return on the same section of track creates a significant safety issue, with an increased number of users coming face to face on a narrow and sometimes exposed stretch on the western edge of Moke Lake. We recommend that the complete Moke Lake Loop remains in the CMS table 2.3.

**Submission Point F**

There seems to be some confusion at the Tucker Beach Wildlife Management Reserve surrounding the presence of a braided river ecosystem. The parcel of PCL titled ‘Conservation Area – Tuckers Beach’ is well away from the threatened braided river ecosystem, in fact sits withing the carpark at the bottom of the old landfill access road.

The Trust supports excluding public access to the river gravels which are the breeding ground for several threatened species – we suggest that the wording ‘excluding – threatened braided river ecosystem’ is added to the Tuckers Beach Wildlife Management Area.

**Submission Points G, H, I**

**Part Three – Specific Policy Requirements – Policy 3.3**

The Trust supports the grouping of biking and e-biking (cycling) in Policy 3.3. The growth of e-bikes has enabled many more people to enjoy the conservation estate and provides a means of access for all recreational users of PCL&W from anglers and ski-tourers, to predator control groups and wilding conifer management teams. The Trust supports the use of pedal-assist e-bikes up to 300W as per the NZTA definition on PCL&W.

**3.3.4a**

The Trust wishes to oppose policy (3.3.4a), which requires a statutory amendment or review process for any new trail proposal. We would propose that DOC delete policy 3.3.4 *a) follow the statutory amendment or review process.* This is the root cause of the current CMS problem, and is not addressed in this proposal.

Recommendation / Decision Sought 1

**Delete 3.3.4 a) *“follow the statutory amendment or review process”***

Submission / Reasons for change

This clause is in contradiction to the Conservation Act. This policy is instructing the CMS to undergo a statutory review of itself (creating a circular conflict within the CMS document).

The simple solution is to return to the pre-2016 CMS policy

Recommendation / Decision Sought 2

**Insert the following at the top of all Part Two Tables**

The list is accurate as at the date of approval of this CMS. Its contents may be amended or reviewed or updated during the term of this CMS as detailed in 3.3.4 [3.3.4 required to be updated].

Submission / Reasons for change

Linking the addition of potential cycle trail locations to a statutory process does nothing to fix the problem we find ourselves in now.

**Policy 3.3**

Recommendation / Decision Sought 10)

Delete all occurrences of the words ‘concerns raised’ within the rewritten policies in Part Three.

Submission / Reasons for change

**Concerns raised** is unspecific and implies no use of evidence-based assessment, no specialist knowledge. Any person or body could raise a concern. This should be deleted from all parts of Policy 3.3 as it has no basis in sound policy or decision making.

Further policy changes in 3.3 focus on adverse (negative) effects when assessing cycle trails, and we would propose those policies also consider positive effects as part of the assessment criteria.

**Section - 3.3.4c)i)**

Recommendation / Decision Sought 3

3.3.4 c) i) “…which may require considering **the balance of positive and** adverse effects (including cumulative effects) of the activity on natural, historic, and cultural values and other recreational users can be **enhanced**/ avoided, remedied or mitigated.

Submission / Reasons for change

The proposal is focussed on negative concerns. The Conservation Act, CMS objectives and goals are supportive of recreation and cycling but positive outcomes are absent from policy 3.3.4 as assessment criteria

**Section – 3.3.5**

Recommendation / Decision Sought 8

Reject additional 3.3.5 assessment criteria a)-i) and maintain 3.3.4 c)

Submission / Reasons for change

1. Un-necessary expansion of assessment criteria

The proposed 3.3.5 policy is a substantial expansion on the assessment criteria of the current CMS 3.3.4 c. The current 4 criteria (quoted below) have been expanded with 15 criteria which is disproportionately large compared with the assessment of other activities on pcl&w.

*Current CMS 3.3.4 c) “adverse effects (including cumulative effects) of mountain bike use on natural, historic, or cultural values and other recreational users of the track or road are, or can be, avoided, remedied or mitigated”*

(Criteria: Natural, Historic, Cultural, Other recreational users)

If 3.3.5 is to be amended then the following minimum changes are sought.

Recommendation / Decision Sought 4

**3.3.5 *“May consider the following criteria where appropriate, when assessing*** *whether to develop or allow a new cycle trail* ***...”***

Submission / Reasons for change

It is possible that DOC will interpret 3.3.5 as "must assess" all criteria, likely creating unnecessary and substantive compliance costs where some of the criteria may not be relevant for the application.

**Section - 3.3.5 b,c,e)**

Recommendation / Decision Sought 5

3.3.5 b) **If** the long-term effects of climate change, including flooding and coastal erosion **are relevant**

3.3.5 c) if specialist reports are required, to assess the adverse effects of the cycle track or trail **on pcl&w**,

Submission / Reasons for change

The assessment criteria should be applied as appropriate, that is, with discretion and only where applicable to the concerned pcl&w.

**Section 3.3.5 i)**

Recommendation / Decision Sought 6)

3.3.5 i) if **the ability to generate** adequate funding for the construction and ongoing maintenance of the proposed track or trail can be demonstrated.

Submission / Reasons for change

It is often the case in small and community led cycle trail projects that funding is sought after land access and approval is gained. Fundraising efforts can only commence once the consent is granted and maintenance funding is often an ongoing activity.

**Section - 3.3.5**

Recommendation / Decision Sought 7)

Add

3.3.5 j) The positive effects on the purpose and outcomes for the place.

Submission / Reasons for change

The Conservation Act, CMS objectives and goals are supportive of recreation and cycling but positive criteria are absent from the assessment criteria.

**Submission Point J**

**Accompanying information**

**2.3 Western Lakes and Mountains/Nga Puna Wai Karikari a Rakaihautu Place**

The Trust **opposes** the proposal to exclude mountain biking and e-biking (cycling) on;

* **Conservation Area – Greenstone**

The Trust has engaged with Aukaha and received cautious support from Rūnanga for public access to the marginal strip between the Greenstone stock bridge and Black Gorge, Elfin Bay, Lake Wakatipu/Whakātipu-wai-Māori, subject to more detailed information on the construction methodology and mitigation measures proposed, and the addition of backcountry toilet facilities.

Although DoC Mapping for the Otago CMS partial review does not identify this parcel of marginal strip, we have re-searched the certificate of title which is subject to Part Iva of the Conservation Act 1987.

No marginal strip has been surveyed but according to the title one exists 20m back from the normal level (s24(1)(b) of the bed of Lake Whakatipu.

Conservation Law Reform Act 1990 repealed s58 of the Land Act 1948 in favour of Part IVa amendment to section 24 of the Conservation Act

* Amendment makes provision for movable marginal strips
* MS does not exist as a distinct land parcel but is ‘Subject’ to the primary parcel that contains it.
* All strips prior to amendment became fixed marginal strips (not movable)
* All strips after amendment became movable marginal strips

Prior to 1990 marginal strips created on Crown land or disposition of Crown land were fixed marginal strips. Post 1990 all strips became movable marginal strips.

From 1 July 2007, the government/cabinet has directed that qualifying waterways will have to be surveyed prior to the disposal of Crown land

Therefore between 1990 and 1 July 2007, marginal strips have not been defined where Crown disposed of land subject to Part IVA – but their existence should be acknowledged and submissions on their inclusion into the CMS accepted.

* **CR – Leaseback – Ngai Tahu Lease back Area (2892717)**

The Trust has engaged with Rūnanga to consider this route as far as the Pass Burn Saddle. The Trust would ask DOC to reconsider its position based on Rūnanga support for sharing the existing alignment, which for most of its length follows the alignment of an unformed legal road (ULR). The Trust feels the existing track is suitable for shared use as far as the Pass Burn. The Trust would support a seasonal period for shared use on this trail, which has proved successful on the Heaphy Track.

The Greenstone-Mavora Walkway between the Pass Burn and Mavora Lakes is a wide-open valley with long sightlines, zero conflict and limited use. The existence of a ULR overlaying and adjacent to the existing track supports cycling on this route. Sharing the trail where it deviates away from the ULR is likely to result in far better conservation outcomes than forcing the development of a new parallel trail.

* **Conservation Area – Mavora Lakes (Manawapopore/Hikuraki)**

The Trust understands that the west side of South Mavora Lake may not be suitable for cycling, with the proposed route able to follow the Mavora Lakes Road as far as the footbridge at the southern outlet. However, the Southland Murihiku CMS contradicts DOC’s position on this trail, where table 2.2 on p.75 suggests mountain biking is permitted from the North Mavora Swing bridge to the Kiwi Burn Swing bridge

We would like DOC to consider allowing cycling on the Mavora Walkway from the bridge downstream, which would allow a connection into the Kiwi Burn Track for a proposed route to Te Anau. Soon after the footbridge, the route passes into the Snowdon Forest and is covered under the Southland Murihiku CMS where Mountain biking is allowed subject to tracks being upgraded to mountain biking standard.

* **North Motatapu Conservation Area**

The establishment of the backcountry ski-touring route and hut network from Treble Cone to Coronet Peak via a series of ‘Mountain Turks’ provides the perfect opportunity to develop a new recreational opportunity along the same alignment, with the already established Turks enabling overnight accommodation for summer backcountry trips by eBike.

This activity would complement the existing activity of ski touring and alpine skiing off the back of a commercial ski area and would provide a positive impact on allowing more people to enjoy a backcountry experience.