



Submission to Overseas Investment (National Interest Test and Other Matters) Amendment Bill

Closing date of Submission: 23 July 2025

Finance Select Committee

Email submission to: fe@parliament.govt.nz

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on behalf of

Richie Cosgrove Acting CEO

New Zealand Fish and Game Council

A handwritten signature in cursive script, appearing to read 'Richie Cosgrove'.

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

New Zealand Council

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1.0 Submission summary

Fish and Game notes that the Overseas Investment Act has, until recently, provided an opportunity for the creation of new public access to waterbodies. We wish to see these elements of the June 2024 Ministerial Directive reversed and for this outcome to be provided for in the amendment bill. This change will not deter overseas investors from investing New Zealand and will continue the work of securing new public access for game bird hunting, angling and other recreation.

2.0 Outcomes Fish and Game Want

Fish and Game Council New Zealand (F&G) Submits on this bill only relating to our mandate to advocate for access for game bird hunting and angling recreation.

Fish and Game notes that the Overseas Investment Office has, until recently, provided an opportunity for the creation of new public access to waterbodies. We wish to see the elements of the June 2024 Ministerial Directive reversed and for this outcome to be provided for in the amendment bill.

Key sections relating to public access conditions are s16 A, B, C, s17 (1) (c) of the Overseas Investment Act and s34 relating of the ministerial directive letter.

Overseas Investment Act 2005

The OIA contains several criteria that the OIO and Ministers must consider when assessing an application from an overseas person to acquire sensitive land. These include a benefit to New Zealand test. From a walking access perspective, the most relevant provisions of the benefits test are:

16A(1)(a)

(ii) the overseas investment will, or is likely to, benefit New Zealand (or any part of it or group of New Zealanders), as determined by the relevant Ministers under section 17.

The public access benefit is assessed under section 17 (Factors for assessing benefit of overseas investments in sensitive land) on whether the overseas investment will:

17(1)(c)

Result in continued or enhanced access by the public, or any section of the public, within or over the sensitive land or the features giving rise to the sensitivity (for example, access for recreational purposes or for the purposes of undertaking stewardship of, or exercising kaitiakitanga in relation to, historic heritage or the natural environment)

The Minister also issues Ministerial Directives from time to time relating to the Government's policy approach to overseas investment and matters relating to the OIO's functions, powers and duties. These are made pursuant to section 34 of the OIA. The Ministerial directive issued in June 2024 instructed, among other matters, that for efficiency, only the primary benefit of each application is to be assessed by the OIO. Walking access is usually a secondary benefit of applications. As such, the OIO is not currently assessing walking access.

Fish and Game is concerned about the 2024 directive from the Minister of Finance. Whilst we note that faster consenting is a desired outcome, we also urge you to go back to providing for new public access conditions in rural land, including farming and forestry properties. Whilst these conditions cannot be drafted in the 15-day timeframe, it can be confirmed or denied in that time frame if there is an opportunity for public access easements, and then a timeframe for drafting these conditions can be set. A reasonable timeframe for drafting these conditions is 60 days; however, this will not provide time for survey work, which will need to be done as part of the conditions.

3.0 New Public Access

Fish and Game assists landowners with constructed wetland/wetland maintenance and restoration to create new wetland habitats. Access to such habitats for game bird hunting is an essential part of game bird hunting opportunities in New Zealand.

Some of the game bird hunting and angling opportunities shall exist on land that is being sold to foreign investors. We urge you to continue to provide a mechanism to condition new public access via an access condition that provides new access to river, lake and wetland environments. There is also an opportunity for better access to be acquired to DOC Land where property is adjoining DOC land.

There is a large number of instruments and pieces of legislation in New Zealand that provide for game bird hunting and angling opportunities. Fish and Game asserts that the Overseas Investment Act, before the June 2024 ministerial directive, was one of the three key pieces of legislation providing for new access and one of the top five pieces of legislation providing for existing access. Therefore, we note that this legislation was previously essential for the provision of new public access and without it there will be considerably less opportunity to create public access.

We draw your attention to some recent examples of public access secured via Overseas Investment Act processes as included in attachment 3.

We note that many of these examples provide for swimming and walking recreational opportunities rather than game bird hunting and angling recreational opportunities.

4.0 Key Objectives of the Amendments and Ministerial Directive

The proposed reinstatement of new public access conditions will not reduce investment attractiveness or have a bearing on risk or flexibility, or make the initial decision less timely.

Furthermore, the suggested reinstatement of new public access conditions will not change the presumptions and objectives of the changes.

It appears that the RIS dated 27 November 2024 and the cabinet paper dated February 2025 have not detailed public access as an issue, as this change has largely been set by the ministerial directive dated June 2024; therefore, no analysis of this change has been provided.

Fish and Game argues that the public good that is derived from new access agreements outweighs the small cost to overseas investors, and the small portion of applications to which these provisions apply (land adjoining water bodies).

5.0 Retention of Existing Public Access and Overseas Owned Land

There are many existing public access arrangements in New Zealand providing for recreational opportunities including game bird and angling recreation. Any amendments to the Overseas Investment legislation should require the continuation of existing public access arrangements. This should be the case irrespective of whether ownership returns to a New Zealand entity. Some of these arrangements will be secured via enduring arrangements such as easements and covenants. However, any new legislation should not enable the cancellation of existing access agreements or easements generally.

We note that future forestry purchases from one overseas owner to another will require that these existing conditions be maintained. We support this requirement

and ask you to also apply the maintenance of conditions to other land uses that have access conditions. We note that many recent access conditions will be secured via easement in favour of Herenga ā Nuku. Where this is not the case, provision for continuation to new owners of existing access arrangements needs to be made explicit if this is not clear on the title of the property (i.e. access agreement is not registered on the title via an easement or covenant).

We note with forestry applications in particular there has been a trend over recent years of applicants offering public access to forests using permit systems, with the applicant saying this would allow public access without the obligation of creating the esplanade strips or access easements that Herenga ā Nuku had recommended. While Herenga ā Nuku asked for enduring legal access, many forests were given consent conditions to provide public access through a permit system as that was all the applicant was prepared to offer. Fish and Game has experienced problems with these access arrangements as often forests will be closed for extended periods of time, for less than justified reasoning.

One potential concern with the Amendment Bill is that the Special Forestry Test is being revoked and included in the National Interests Test. As the Act currently stands, 'existing arrangements' were required to continue when existing production forests were sold to an overseas investor (section 16A 6(b) of the existing Act). A lot of production forests have existing hunting arrangements in place, either through a permit system or other formal agreement. The same applies to agreements for existing mountain bike parks within production forests. Under the existing Special Forestry Test these 'existing arrangements' would need to remain in place. 'Existing arrangements' continuing is not part of the new National Interest Test.

6.0 Schedule 5 Fresh and seawater areas

Fish and Game notes that no change is made to schedule 5 so that the Crown can acquire fresh and seawater areas. We note that no acquisitions have been made to date, but there are a number (approximately 50) in progress that are under consideration.

Fish and Game supports the acquisition of these areas generally and especially where they provide new access opportunities for game bird and angling recreation. We eagerly await the completion of these acquisitions and urge you to continue to fund this work.

We understand that a change of process has occurred, and now LINZ advises on this process. We would like LINZ to consult Fish and Game and Herenga ā Nuku in this process. We would like to know the criteria that is being used for selecting access opportunities for this process as we specifically are looking for additional game bird hunting and angling opportunities.

7.0 Consultation with Fish and Game

Fish and Game can assist the Overseas Investment Office (OIO) with advice regarding game bird hunting and angling recreational opportunities. We note that there are many areas of private land in New Zealand with high natural values that warrant public access arrangements. Examples include former Department of Lands and Survey disposals in Fiordland.

We have provided an example of an OIO process in attachment 2 where our Southland Fish and Game manager was asked for comments on the purchase. This example provides detail of a potential new public access to a significant trout fishery. We understand the application was withdrawn.

We also note that often just walking access is created; however, ideally, access should be provided where appropriate for Fish and Game hunter or angler management, vehicles, and game bird hunting dogs. Fish and Game New Zealand and relevant regions are willing to advise on such matters.

Fish and Game has in-depth knowledge of game bird hunting and angling recreational opportunities and would like to assist with providing recommendations for new access opportunities where relevant. We can also give comments to Herenga ā Nuku for the OIO process.

8.0 Water Bottling and Bulk Water for Human Consumption

Fish and Game recommend that water bottling and bulk water for human consumption issues should be dealt with under the most relevant legislation, namely the Resource Management Act (or subsequent legislation) and the National Policy Statement for Freshwater Management (or subsequent national direction).

Acknowledging that freshwater is a finite resource, it would be unacceptable for overseas investors to have a priority over NZ users of freshwater, and as such, we support the removal of these clauses.

9.0 Economic Benefits of Freshwater Angling

Fish and Game contracted NZIER to carry out research regarding the economic contribution of freshwater angling¹. Note this work does not include the Lake Taupo Fishery, so it relates specifically to the rest of New Zealand which Fish and Game manage.

¹ [NZIER-economic-contribution-of-freshwater-angling_Final-report_external_29112024.pdf](#)

Economic Contribution

- **Angler Participation:** Domestic and international anglers spend around a million days on angling trips each year.
- **Expenditure** (direct spending by anglers): Anglers spend between \$113.0 million and \$138.6 million annually on their trips. This represents the actual money spent by anglers at tackle shops, accommodation, food, transport, and other related purchases.
- **Economic Output** (value of supply): This spending results in \$96.0 million to \$117.7 million in total output. This figure is lower than expenditure because it excludes taxes and imports (e.g., imported fishing equipment). Output represents the value of goods and services produced domestically as a result of angler spending.
- **GDP Contribution** (value added): Freshwater angling contributes \$66.2 million to \$81.2 million in total value added (GDP). This represents the economic value created after subtracting the cost of inputs used in production. It's the difference between the value of outputs and the cost of inputs, showing the true contribution to New Zealand's economy.
- **Employment:** The economic activity supports between 952 and 1,168 jobs across New Zealand.
- **GST Revenue:** Angling activities generate \$10.6 million to \$13.0 million in GST.

10.0 Conclusions

Fish and Game wants to work collaboratively with the Government about the Overseas Investment (National Interest Test and Other Matters) Amendment Bill. We would like to see the reinstatement of provision for new public access via overseas owned land to waterbodies. We are available to provide advice on where game bird hunting and angling recreational opportunities exist. We can do

that directly to the OIO or via Herenga ā Nuku. We would like to see fresh and seawater areas retained, that is in schedule 5 of the legislation and would like to advise LINZ on recreational opportunities for our licence holders. We would welcome the opportunity to present to select committee and answer their questions.

Aside from the matters consulted on in this Bill, we would also like to see funding set aside for LINZ to digitise existing public access easements over private land, particularly for those created prior to 2007 (when it became compulsory for surveyors to create digital survey plans).

Attachments

Attachment 1: About Fish and Game and the species that we manage

Attachment 2: Southland Example: Glen Echo Station near Te Anau, Sensitive Land Purchase, Feedback from Southland Fish and Game to Overseas Investment Office 27 October 2023.

Attachment 3: Letter from Herenga ā Nuku detailing new public access to fishing sites created recently through OIA decisions.

About Fish and Game

- 1.1 Fish and Game is the statutory manager for sports fish and game, with functions conveyed under the Conservation Act 1987. The organisation is an affiliation of 12 regional Councils and one national Council. Together, these organisations represent approx. 130,000 anglers and hunters.
- 1.2 The sports fish and game resource managed by Fish and Game are defined and protected under the Conservation Act and the Wildlife Act 1953. The species within include introduced sports fish and a mix of native and introduced waterfowl and upland game¹.
- 1.3 Our vision, purpose and values are illustrated below:

OUR VISION Our vision is a New Zealand where freshwater habitats and species flourish, where hunting and fishing traditions thrive and all Kiwis enjoy access to sustainable wild fish and game resources.	OUR PURPOSE Fish & Game New Zealand maintains and enhances sports fish and game birds, and their habitats, ensuring access for current and future generations of New Zealanders.	OUR VALUES TRUST INCLUSION CONNECTION SERVICE
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- 1.4 Fish and Game is entirely funded by licence holder fees and private contributions, meaning the delegated function of managing the species for the public good is funded entirely by the users. It is a democratic '*user pays, user say*'s organisation. Using this system, Fish and Game funds public good research to ensure fisheries and game populations are managed sustainably; undertakes compliance with the licencing system; and contributes to public planning processes to ensure that hunters and anglers values are recognised and provided for.
- 1.5 In relation to planning, Fish & Game have the statutory function to advocate for hunters and anglers values and ensure that the habitats of gamebirds and sports fish are provided for. At any one time we may have around 150,000 licence holders, and a larger number (approximately 300,000) that are transient licence holders. The habitat we specifically advocate for includes lakes and rivers that contain trout and salmon (and other sports fish) and wetlands where game bird hunting occurs.

¹ Most New Zealanders refer to these species as 'game birds', distinguishing them from other types of large game, such as deer or pigs. The Wildlife Act 1953 defines these birds simply as 'game' and this phrase is used in the context of this submission.

Fish and Game in Resource Management

- 2.1 Fish and Game works to provide for the ongoing enjoyment of hunting and freshwater fishing assets, the maintenance (or enhancement) of public access to rivers, lakes, and wetlands for hunting and fishing, and the protection of the habitat of trout and salmon.
- 2.2 Hunting and angling require legal and physical access both to habitats and the resource itself. Maintenance and enhancement of access is critically important to the pursuits of our licence holders. The maintenance and enhancement of public access to and along lakes and rivers is listed in the RMA 1991 as a matter of national importance.
- 2.3 We see the opportunity for proposals to be required to provide improved access both to their sites and other nearby areas that involve hunting or fishing values as a form of mitigation for any loss of values on site. We seek that Fish and Game are consulted as an expert advisor where gamebird and or sports fishery values could be impacted. We can work with government officials to ensure outcomes that achieve both economic imperatives, along with recognising and providing for hunting and fishing values.
- 2.4 We specifically seek the protection of:
 - i. habitat of trout and salmon.
 - ii. maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers where sports fishing and game bird values exist.
 - iii. preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins where sports fishing and game bird values exist.
 - iv. Recognition and provision for freshwater angling/game bird hunting and amenity values.



What does Fish & Game do?

Who are we? Fish & Game New Zealand manages, maintains and enhances sports fish and game birds and their freshwater habitats in the best long-term interests of anglers, hunters and all New Zealanders.

Our vision

A New Zealand where freshwater habitats and species flourish, where game bird hunting and fishing traditions thrive and all New Zealanders enjoy access to sustainable wild fish and game resources.

What we do

- Manage fishing and hunting regulations
- Conduct research to monitor fish and game bird populations
- Collaborate with communities to protect natural habitats
- Provide educational programmes and resources
- Advocate for valued habitats and species
- Negotiate and maintain access for anglers, hunters and all New Zealanders

Together, let's ensure a thriving future for fishing and game bird hunting!

fishandgame.org.nz
#ReWild



What does Fish & Game do?

Species management: We monitor and survey species populations; set season regulations; and sustainably manage pressure on the resource.

Habitat protection: Advocate and take action to protect and enhance lakes, rivers, streams and wetlands; and secure 'national park' status to important rivers through Water Conservation Orders.



Access and participation: Negotiate and advocate so all New Zealanders can access our natural places; maintain access signage, information and brochures; organise fishing and hunting events and classes.

Public awareness: Maintain public advocacy; schools programmes; website and newsletters; community liaison; promote the right of licensed anglers and game bird hunters to pursue their chosen pastime.

Compliance: Recruit, train, equip and coordinate warranted rangers, to educate and enforce regulations to ensure the fish and game resource is sustained.

Licensing: Provide a nationwide licensing system with a range of licence categories and sales channels that makes it easy to buy a licence. We are solely funded by licence holders.



Council: Hold public meetings of elected licence holders to approve regulations and budgets, set policies and provide governance for the Fish & Game system.

Coordination and planning: Provide research, planning and reporting; financial management and general coordination across Fish & Game New Zealand.

fishandgame.org.nz #ReWild

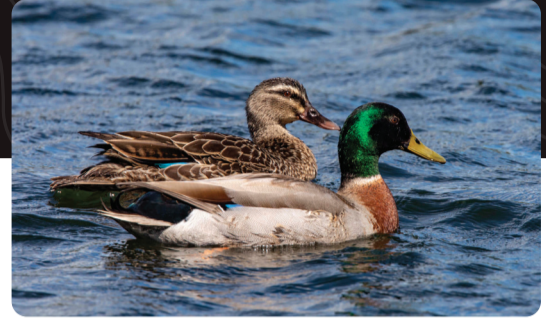
Species we manage



Black Swan Kakianau



Californiaian Quail Koitareke



Mallard Rakiraki



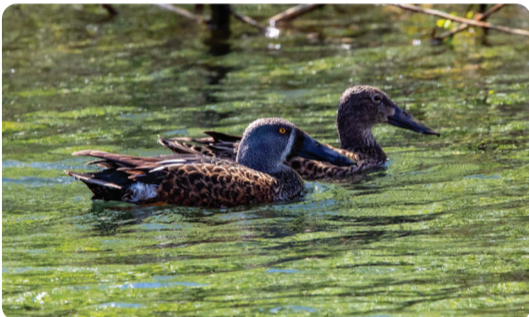
Paradise Shelduck Pūtakitaki



Pheasant Peihana



Pūkeko



Shoveler Kuruwhengi



Chukar



Grey Duck Pārera



Brown Trout



Rainbow Trout



Chinook Salmon



Sockeye Salmon



Brook Trout



Tiger Trout



Perch



Tench



27 October 2023

Overseas Investment Office
Toitū Te Whenua Land Information New Zealand
PO Box 5501
Wellington 6175

Attention: Ed Atienza – Senior Solicitor

By email to: EAtienza@linz.govt.nz and oi@linz.govt.nz

Dear Ed

Sensitive freehold land acquisition by an overseas person - Glen Echo Station

Thank you for the opportunity to provide feedback on the application by Tarora Trustee Limited and Mary Schilling Lorio as trustees of the Tarora Southern Trust; and Tarora Development Limited Partnership ('the Applicants') under the Overseas Investment Act 2005 to acquire 2,831 hectares of sensitive freehold land located at 1337 Kakapo Road, Mount Prospect, Southland (known as 'Glen Echo Station').

Fish & Game understands that:

1. The Applicants intend to construct and operate a high-quality nature resort comprised of 20 eco-units contained within 10 eco-cabins, a restaurant, a bar, an event and conference centre, an educational facility, and a wellness centre, including treatment rooms, a therma zone and a gym.

The resort is also intended to offer a range of nature-based activities across the property, including fishing and hunting. Additional recreational activities will be offered, including hiking and nature trails, native tree planting, farming experiences, cycling, off roading, and dark sky experiences.

The nature resort is aimed to cater mid - high wealth tourists.

2. The Applicants currently operate Tarora Estate (formerly known as 'Takaro Lodge'), which is comprised of approximately 1,000ha of freehold land and associated accommodation / facilities located in the upper Upukerora catchment adjacent to Snowdon Conservation Area.

This letter sets out:

1. The location of Glen Echo Station.

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

Southland Region

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www.fishandgame.org.nz



2. The sports fish and game values associated with Glen Echo Station, including the upper Whitestone River.
3. Fish & Game's position with respect to public access to recreational usage of the upper Whitestone River and Snowdon Conservation Area surrounding Glen Echo Station.
4. Fish & Game's experience and concerns about the Applicants' management and operation of Tarora Estate regarding:
 - a. Facilitation of public access to the upper Upukerora River and Snowdon Conservation Area; and
 - b. Environmental management and stewardship.

1. Location of Glen Echo Station

Glen Echo Station is the most upstream private property in the upper Whitestone catchment area and surrounded by conservation land (Snowdon Conservation Area - commonly known as 'Snowdon Forest') managed and administered by the Department of Conservation. Glen Echo Station is intersected by the upper Whitestone River and tributaries, including significant natural wetlands.

Fish & Game agrees that Glen Echo Station is sensitive land as defined in the Overseas Investment Act 2005.

2. Fish & Game values associated with Glen Echo Station

Fish & Game is statutorily responsible for the management and enhancement of sports fisheries and game bird populations in Southland for the recreational benefit of anglers and hunters.¹ In pursuit of this, one of Fish & Game's core statutory function is to maintain and improve access to sports fish and game resources in Southland.²

Fish & Game believes that the ecological assessment of fishery values provided by Wildland Consultants for the Applicants significantly understates the importance and worth of the upper Whitestone trout fishery. For avoidance of doubt, Fish & Game was not contacted by the Applicants' and / or Wildland Consultants to provide information relevant to the assessment of the fishery values associated with Glen Echo Station or any other aspect of the application nor has it provided references for its assertions regarding trout fishery values.

The Whitestone River, situated near Te Anau, originates within the rugged topography and indigenous vegetation covered slopes of Snowdon Conservation Area and flows through a combination of conservation and privately owned pastoral land to join the Mararoa River downstream of Hillside – Manapouri Road. The Whitestone River being the major tributary of the Mararoa River is now also a tributary of Lake Manapouri due to the Manapouri hydro scheme and operation of the Mararoa Weir. Fish passage into the Mararoa River

¹ Section 26Q(1) of the Conservation Act 1987.

² Section 26Q(1)(b)(i) of the Conservation Act 1987.

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Southland Region



catchment, including the Whitestone River, was enhanced with the construction of a fish pass at the Mararoa Weir in 1997 / 1998.

There are considerable fish and game values associated with the Whitestone River as follows:

1. Of special significance to Fish & Game and anglers is the self-sustaining population of wild rainbow trout. This is because rainbow trout are not present in the other three major river catchments in Southland (the Aparima, Mataura and Oreti catchments).

Brown trout from 1 – 3kg and rainbow trout up to 2kg are found in the Whitestone River through to its headwaters, with rainbow trout being more common in the upper reaches, including within Glen Echo Station. The rainbow trout are more easily caught compared to resident brown trout and have enhanced the popularity of the Whitestone trout fishery.

It is thought that the increased rainbow trout abundance in the Whitestone and Mararoa Rivers is the result of the rearrangement of water flows associated with operation of the Mararoa Weir. The Whitestone and Mararoa Rivers are more productive than other lake tributaries in the Waiau catchment, so the trout in them tend to be bigger.

2. The Whitestone River is a highly valued trout fishery for the following reasons:

- a. It is open for trout angling annually between 1 October – 30 April.

Anglers fishing Whitestone River can employ fly, spin, or bait fishing methods, with a daily limit of two trout. The river's manageable size allows safe wading under normal flow conditions and fishing from both banks, accommodating anglers of various skills and experience levels.

Water clarity in the upper Whitestone River can be high due to low background levels of fine suspended and deposited sediment. For this reason, the river is favoured by experienced fly anglers wishing to 'sight fish', which entails the exciting task of physically spotting trout and skilfully casting artificial flies to entice them.

- b. There are high angling amenity values associated with the Whitestone River where it passes through Glen Echo Station. Specifically:
 - i. The western bank (true right-hand bank) runs parallel with the beech forested margin of Snowdon Conservation Area, which has high biodiversity and recreational values.
 - ii. The Whitestone River corridor in the vicinity of Glen Echo Station offers expansive landscape views towards the prominent landforms of Snowdon and Bare Peaks within Snowdon Conservation Area, and toward 'Swampy Bite' wetland and extensive red tussock grasslands that ascend from the valley floor to the ridgeline separating the Whitestone and Upukerora River catchments. The following

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photograph demonstrates the impressive landforms of Snowdon Conservation Area.



Figure 1 – Landforms of Snowdon Conservation Area. Source: Fish & Game.

- iii. The first approximately 5km of the Whitestone River running through Glen Echo Station is the uppermost section of the catchment management rating district administered by Environment Southland, which has much reduced riverine and wetland habitats. Through this lower 5km the natural character values of the river have been assessed as being significantly reduced due to over confinement of the river corridor and a history of mechanical manipulation.³ As a result, riverine habitat quality through this reach is reduced.

Conversely, upstream of the rating district boundary (approximately 10km to the boundary of Snowdon Conservation Area), the river has not been constrained or channelised and exhibits high natural character and riverine habitat quality, including high water quality / clarity – particularly where connectivity with extensive intact riparian wetlands exists. These habitat features have been near totally lost from the lower reaches of the Whitestone River, which is over confined (due to the presence of riparian stop banks and the dominance of exotic crack willow introduced for bank protection) and continues to be mechanically manipulated. Natural features, such as riparian wetlands, have been significantly degraded or entirely lost. A comparison of the natural character index (NCI) of the Whitestone River between the 1950's – 2014 undertaken in early 2023 for Environment Southland found “a reduction in diversity and complexity of river geomorphology” through the rated catchment managed reaches, including significant losses of channel length, wetted channel area, and vegetated bars.⁴

³ Fuller I. (April 2023), *Natural Character Index (NCI) for Whitestone and Upukerora Rivers – Report for Environment Southland*, Innovative River Solutions – School of Agriculture and Environment, Massey University.

⁴ Ibid.

Additionally, the bed of the upper Whitestone River is comprised of gravel and cobbles that move freely during floods. The mobile bed inhibits opportunities for extensive growth of didymo, which is problematic elsewhere in the Waiau Catchment, for example in the Mararoa and both the upper and lower Waiau Rivers.

The following photographs demonstrate the form and size of upper Whitestone River through Glen Echo Station, which is incorrectly characterized as small and intermittent by Wildlands Consultants.



Figure 2 – Whitestone River valley looking from Glen Echo Station toward Snowdon Peak. Source: Fish & Game.



Figure 3 – Upper Whitestone River. Source: Fish & Game.

- c. There are trout fishery values associated with Lake Echo and the Lady Burn, which intersect Glen Echo Station. Specifically:
 - i. Lake Echo provides habitat for a population of resident trout, principally brown trout; and
 - ii. The Lady Burn provides habitat for trout, including spawning habitat, and fish passage between the main stem of the upper Whitestone River and Lake Echo.

Trout angling opportunities associated with Lake Echo are, however, constrained by a lack of practicable public access, notwithstanding the presence of surveyed beds and adjoining marginal strip. Access to Lake Echo currently necessitates a long return walk of approximately 20km from the Mount Prospect Bridge following the beds of the Whitestone River and Lady Burn to reach Lake Echo and return.

For completeness, Fish & Game notes that the Overseas Investment Certificate (dated 12 May 2023) provides that there is no bed of a lake (interior) associated with Glen Echo Station, which ignores Lake Echo.

- d. National angler usage surveys have been conducted by the National Institute of Water and Atmosphere (NIWA) for Fish & Game once every seven years since the 1994/1995 fishing season. These surveys assess angler visits. Over four surveys (1994/1995, 2001/2002, 2007/2008, and 2014/2015), angler activity on the Whitestone River ranged from 310 ± 110 to $1,150 \pm 400$ angler



days.⁵ The preliminary results from the 2021/2022 angler use survey indicate 2,071 ± 806 angler days above Prospect Bridge and 454 ± 181 angler days below Prospect Bridge.⁶ These results suggest that the reach of the Whitestone River associated with Glen Echo Station and Snowdon Conservation Area has increased in popularity notwithstanding access difficulties, typically requiring a long return walk.

- e. The main stem of the upper Whitestone River and tributaries provides spawning habitat for brown and rainbow trout, with brown trout spawning typically occurring in May – July in the mid / upper reaches and rainbow spawning typically occurring in September – October in the upper reaches.

A survey of rainbow tagged by Southland Fish & Game in the upper Whitestone River (Lady Burn - the Kiwi Burn track) between 1996 - 1998 found that approximately half the fish subsequently caught by anglers had remained resident in the upper Whitestone River for several years. Three tagged fish were caught by anglers in the Mararoa River, and one tagged fish caught in Lake Manapouri which suggests that the upper Whitestone River is a recruitment area for fish populations in those water bodies.

- f. Fish & Game disagrees with Wildland Consultants' desktop assessment that the trout population and their sizes are limited by the small size of the Whitestone River and surface water flow loss through a permeable gravel bed, causing habitat fragmentation through Glen Echo Station.

Fish & Game acknowledge that the Whitestone River periodically dries up in its lower reaches between Te Anau - Mossburn Highway and Kakapo Swamp in mid to late summer due to a strong hydraulic connection between ground and surface water and stream depletion effects associated with groundwater takes for pastoral irrigation. On the other hand, Fish & Game staff observations are that drying of the bed in the upper Whitestone River is exceptionally rare and largely occurs downstream of Prospect Bridge – i.e., downstream of the Glen Echo Station boundary. The incidence of drying in the lowest Glen Echo sections is ameliorated by inflows from tributaries, steep indigenous vegetated topography channeling rainfall, and extensive riparian wetlands. This means that the upper reaches of the Whitestone River assume greater importance by providing refuge habitat for both resident and migratory fish species under low flow conditions. Further, the assessment by Wildland Consultants of low trout fishery values associated with Glen Echo Station is directly contradicted by:

- i. Current angler usage of the upper Whitestone trout fishery. In short, anglers would not seek to use and enjoy the fishery, notwithstanding current access difficulties, but for the presence of attractive angling opportunities; and

⁵ Unwin M. (July 2016), *Angler usage of New Zealand lake and river fisheries - Results from the 2014 / 15 National Angling Survey*, NIWA, Appendix 1.

⁶ Unwin M. and Stoffels R (August 2023), Draft report *Angler usage of New Zealand lake and river fisheries - Results from the 2021 / 22 National Angling Survey*, NIWA, Appendix 1.

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- ii. The Applicants' stated intention to offer fishing activities on Glen Echo Station to its intended clients (medium – high wealth tourists).

3. Fish & Game's position with respect to access to the upper Whitestone River and Snowdon Conservation Area

The maintenance of the quality of the fishery and angling amenity in the upper Whitestone River reaches and its tributaries is dependent upon maintaining and enhancing public access to it and protecting the habitat associated with it, including management of the nature and intensity of adjoining land use / farming activities, water quality, maintaining river flows in the mainstream and tributaries and connected groundwater resources, and maintaining the natural character of the river bed and its riparian margins

The Whitestone River is easily accessible in its lower reaches from Te Anau – Mossburn Highway and Hillside – Manapouri Road. Conversely, practicable public access in the mid – upper reaches, particularly relative to river length, is much more restrictive and largely reliant on cooperation of private landowners. For this reason, Section 5.4 - 'Rivers and Streams Requiring Esplanade Mechanisms' of the Operative Southland District Plan expressly recognizes that the Whitestone River as: *"Natural river in DOC Estate, limited legal public access to middle and upper reaches."*

Very limited public access above Mount Prospect Bridge at the end of Kakapo Road presents a challenge for the average person to reach Snowdon Conservation Area and / or the upper Whitestone River, which extends for tens of kilometres. Unless undertaking challenging and self-reliant tramping routes in the backcountry catchments of Snowdon Conservation Area, the only way for the public to access the upper Whitestone River is by walking from Mount Prospect Bridge, located near the downstream boundary of Glen Echo Station. It is an approximately 15km walk one way to the next available public access point where the upper Whitestone River meets Snowdon Conservation Area – see ensuing Figure 4.

Fish & Game believes that there are significant opportunities to create free and enduring practicable public access to both the upper Whitestone River, Lake Echo, and Snowdon Conservation Area via Glen Echo Station through:

1. Creation of a public access easement allowing vehicles across Glen Echo Station for approximately 6.5km from the Mount Prospect Bridge to the lowest downstream reaches of Snowdon Conservation Area on the true right bank (located near the Lady Burn confluence) – see ensuing Figure 3. Observations of Fish & Game staff are that such an easement could follow the existing well-formed and maintained vehicle track currently used for farm access.
2. Creation of a public access easement providing for foot access from the Whitestone River near the Lady Burn Confluence to the south-eastern area of Snowdon Conservation Area and to the land-locked unnamed area of conservation estate on the true left side of the Whitestone River immediately downstream of the Lady Burn.
3. The margins of the Whitestone River through Glen Echo Station and the adjacent Snowdon Conservation Area should be linked by adding the narrow strip of private land on the true right bank to the existing marginal strip. Currently the boundary of

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Glen Echo Station through this reach intersects mature beech forest with high conservation value that is contiguous with conservation estate. This area currently has extremely limited public access, with current access dependent on permission of Glen Echo Station, or across the Pamu property 'Dale Farm to the North.

4. Creation of a public access easement providing for foot access from the surveyed bed of the Whitestone River to Snowdon Conservation Area via Swampy Bite wetland and the ensuing red tussock grassland. This route would effectively link the Whitestone and Upukerora River valleys and was traditionally known as the 'Ascension Creek' track.

The four elements of the above access proposal are complimentary to one another and need to be considered as a total package. For the avoidance of doubt, any public access easement should not be fragmented or designed to restrict practicable usage – for example, deliberately restricting access whilst in possession of hunting equipment, such as a firearm and / or dog(s) or imposing onerous exclusion conditions / time periods.



Figure 4 – Upper reaches of Glen Echo Station revealing the separation between marginal strip and Snowdon Conservation Area boundaries.



Figure 5 – Glen Echo Station and the length of the Whitestone River (approximately 15km) largely isolated from public access.

Fish & Game submits that its access proposal is consistent with:

1. Section 17(1)(c) of the Overseas Investment Act 2005, insofar as it would:
“ . . . result in continued or enhanced access by the public, or any section of the public, within or over the sensitive land or the features giving rise to the sensitivity (for example, access for recreational purposes or for the purposes of undertaking stewardship of, or exercising kaitiakitanga in relation to, cultural heritage or the natural environment).”
2. Public values, experiences, and development preferences for Snowdon Conservation Area.

In January and February 2011, the Department of Conservation and Universities of Queensland and Waikato jointly conducted a pilot-study which collected public values, experiences, and development preferences for conservation land within the

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Southland region, including Snowdon Conservation Area ('Snowdon Forest').⁷ The dominant 'values', 'experiences and 'development' preferences were calculated for Snowdon Forest as follows:

Dominant value: Recreation;
Dominant experience: Solitude; and
Dominant development preference: No development.⁸

3. Section 5.4 of the Operative Southland District Plan, which recognises the need for improved public access to the mid – upper reaches of the Whitestone River.

Fish & Game would have significant concerns if the Applicants' proposal were to simply "maintain existing" public access to the Whitestone River and Snowdon Conservation Area, particularly if this is to advance its stated aspirations to provide hunting and fishing opportunities to its intended clients (medium - high wealth tourists).

4. Fish & Game's experience and concerns about the Applicants with respect to public access and environmental management / stewardship.

Fish & Game has significant concerns about the Applicants' approach to facilitating public access and environmental management / stewardship shown at Tarora Estate for the following reasons:

1. In the past, practicable public access to the Upukerora Valley, including the upper reaches of Upukerora River and Snowdon Conservation Estate, was granted upon individual request to the Applicants via Takaro Road. The last 6km of this road are privately owned and maintained by the Applicants. However, around 2010, the Applicants implemented a policy to deny public access beyond the legal boundary of Takaro road. This decision has had the following consequences:
 - i. Persons wishing to access Snowdon Conservation Estate are required to drive approximately 18km via a rough / unformed 4WD route in the Upukerora River bed from a public access point Ladies Mile Road. This has given rise to adverse environmental effects in the form of vehicle damage / disturbance to the Upukerora River bed and adjacent riparian margins and has significantly reduced practicable public access.

Around 2018, Fish & Game was, however, approached by Police enquiring about its position on closing the Ladies Mile Road access to the Upukerora River based on purported safety concerns raised by Tarora Estate for its guests and staff - no written or documentary evidence was provided to Fish & Game in support of the request. Fish & Game was not agreeable to the

⁷ Oyston E. (October 2011), *Identifying Conservation Values, Park Experiences, and Development Preferences in the Southland Region of New Zealand – A Summary of a Public Participation Geographic Information System Study in the Southland Region*, Department of Conservation Southland Conservancy.

⁸ Ibid, p.11.



suggestion, which would have significantly reduced public access to the Upukerora River.

- ii. The decrease in practicable recreational hunting access to Snowdon Conservation Area via the Upukerora River valley has led to a notable rise in feral pig and deer populations within the area and on neighbouring private lands.

Around 2018, a no-hunting zone was imposed by the Department of Conservation at the Applicants verbal request in Snowdon Conservation Area surrounding its facilities at Tarora Estate based on purported safety concerns for its guests and staff – no written or documentary evidence was provided in support of the request. This hunting restriction was, however, subsequently rescinded by the Department of Conservation in early 2021 after questions were raised about it, including the fact that no public consultation had been undertaken before its implementation.

2. Land use activities have been undertaken by the Applicants that has given rise to adverse environmental effects, including:

- a. Recent unconsented land development activities undertaken on land comprising part of Tarora Estate (commonly known as 'The Pocket') in 2021. These activities include drainage of a natural wetland, stream bed disturbance / straightening and clearance of indigenous vegetation, including logging of mature beech forest contiguous with Snowdon Conservation Area, to create a track / fence line following the legal boundary.

Attached and labelled in **Appendix A** are:

- i. 'Before and after' aerial imagery from Google Earth depicting the land development activities undertaken in 2021;
- ii. Aerial images captured by Fish & Game depicting land development activities undertaken in 2021; and
- iii. Photographs derived from video footage of the above activities being undertaken.

Copies of videos of the above activities being undertaken, which were uploaded to You Tube in 2021 and subsequently removed, can be provided by Fish & Game on request.

Fish & Game expressed profound concern over the Applicants' wetland drainage activities, prompting it to issue a cease-and-desist request on 23 September 2021. A copy of this cease-and-desist request is set out in **Appendix B**.

As a crucial part of your organization's due diligence process, I recommend requesting background information about the Applicant from both the Department of Conservation and Southland Regional Council (commonly

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known as Environment Southland). This request should seek details regarding any complaints received and compliance investigations they may have conducted regarding the Applicants' land development activities, if any.

- b. An ongoing history of permitting unrestricted cattle grazing of the upper Upukerora valley, resulting in cattle entering the Upukerora River and adjoining high value biodiversity and conservation areas. Again, as part of your organization's due diligence process, I recommend requesting background information from the Department of Conservation about this issue. This request should seek details regarding any complaints received and compliance investigations they may have conducted regarding unrestricted cattle grazing activities in the upper Upukerora Valley, if any.

In this case, considerable opportunities exist to improve conservation and biodiversity values associated with Glen Echo Station without reducing its productive areas. For example, to:

1. Realign the property boundaries to incorporate areas of natural wetland, such as Swampy Bite, and mature beech forest contiguous with conservation estate – alternatively these areas could be covenanted with the QEII Trust; and
2. Cease extensive livestock grazing of the Whitestone River corridor to protect and enhance biodiversity and water quality / clarity values.

Fish & Game staff would like to meet with you and / or other representatives from the Overseas Investment Office, either in person or online, to discuss its feedback on the application to acquire Glen Echo Station.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Zane Moss', is written over a light blue circular stamp.

Zane Moss
Manager
Fish & Game New Zealand – Southland Region

Appendix 1 – Photographs of land development activities undertaken by the Applicants.

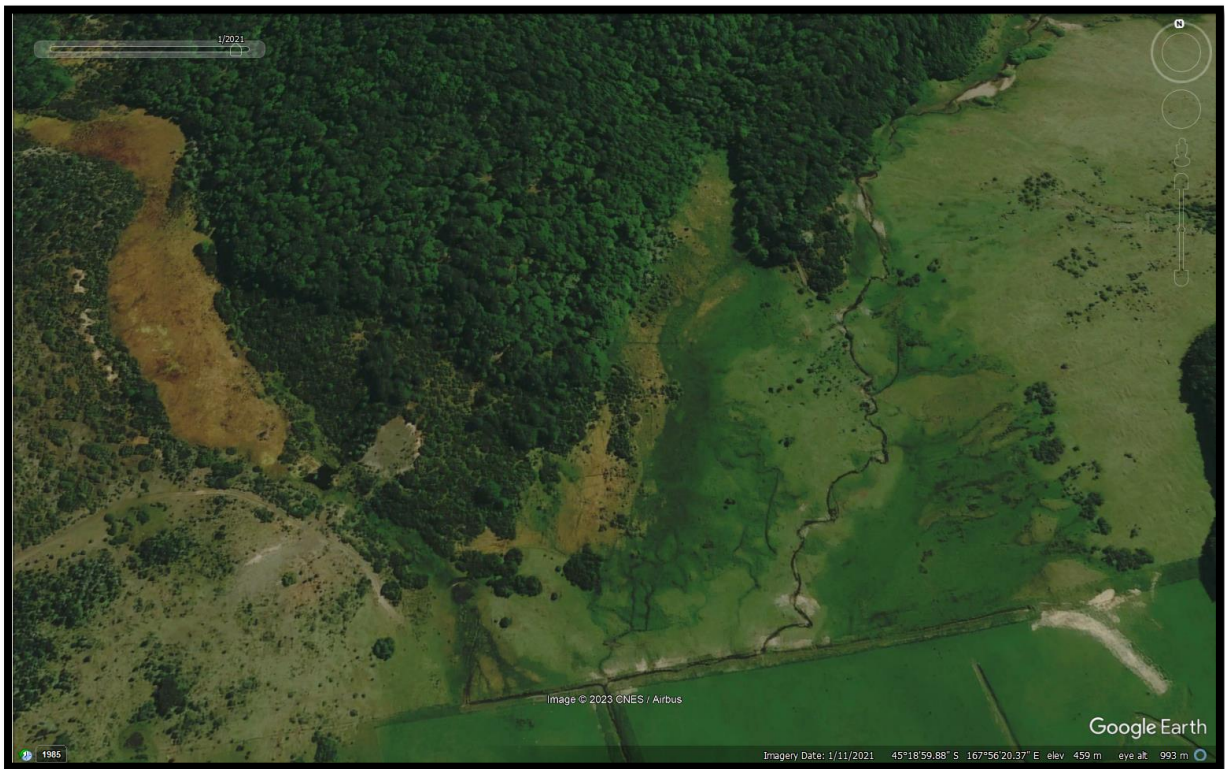


Figure 1 – The Pocket. Source: Google Earth – Imagery Date: 2021



Figure 2 – The Pocket. Source: Google Earth – Imagery Date: 2023.

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Figure 3 – The Pocket. Source: Fish & Game – Imagery date: 9 August 2021.



Figure 4 – The Pocket. Source: Fish & Game – Imagery date: 23 September 2021.

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Figure 5 – The Pocket. Source: Google Earth – Imagery Date: 2021



Figure 6 – The Pocket. Source: Google Earth – Imagery date: 2023

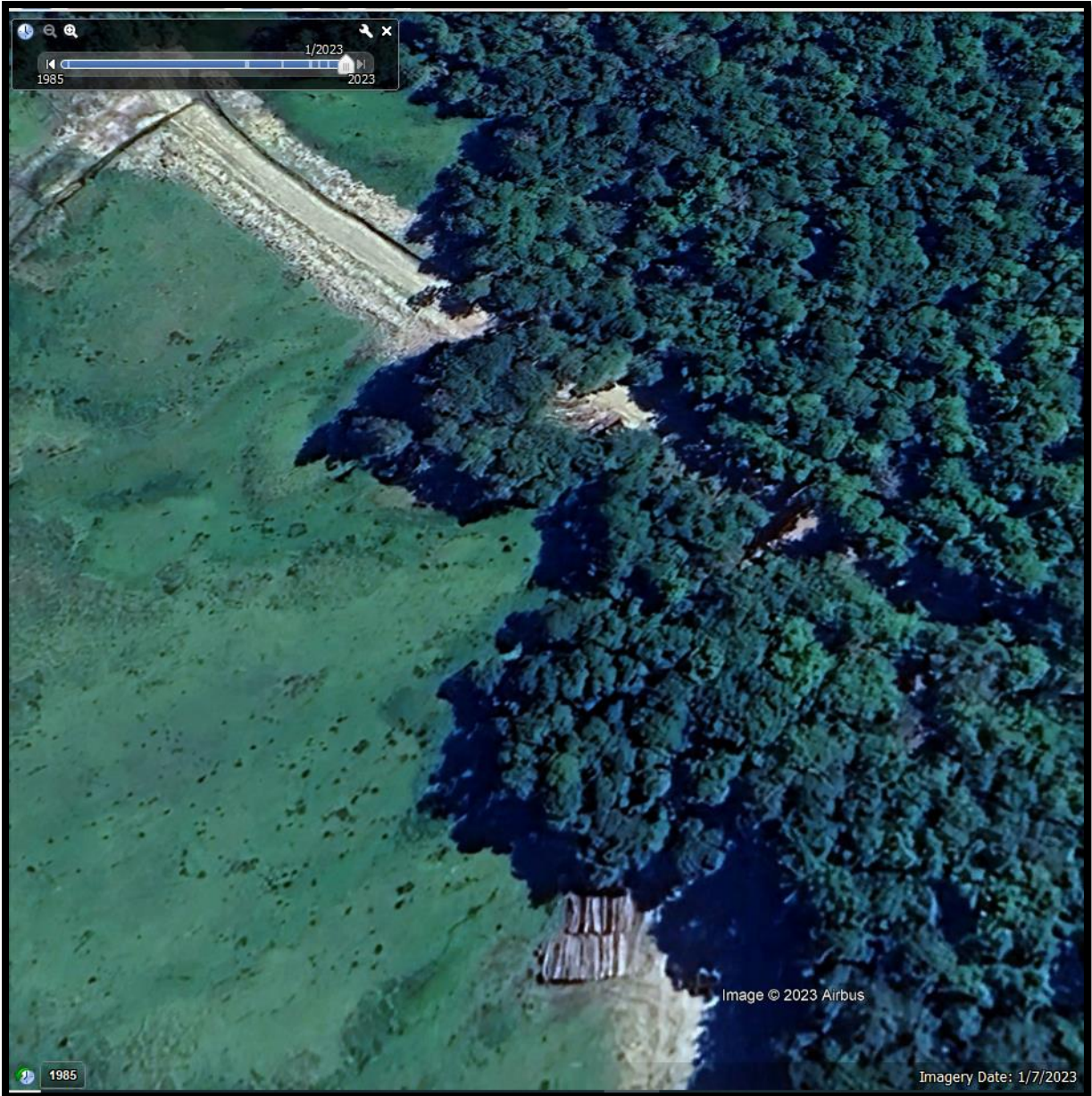


Figure 7 – The Pocket. Source: Google Earth – Imagery date: 2023



Figure 8 – The Pocket. Source: Fish & Game – Imagery date: 28 January 2023



Figure 9 – The Pocket. Source: Fish & Game – Imagery date: 28 January 2023

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Figure 10 – The Pocket - Track / fence line clearance. Source: Image taken from video posted to You Tube in 2021 and subsequently removed.



Figure 11 – The Pocket - Mechanical clearance of mature beech tree. Source: Images taken from video posted to You Tube in 2021 and subsequently removed.



Figure 12 – The Pocket - Wetland drainage activity. Source: Image taken from video posted to You Tube in 2021 and subsequently removed.



Figure 10 – The Pocket - Bed disturbance activity. Source: Image taken from video posted to You Tube in 2021 and subsequently removed.

Appendix B – Cease and desist request sent to Takaro Lodge on 23 September 2023.

From: Zane Moss
Sent: Thursday, September 23, 2021 5:10 PM
To: dan.lorio17@gmail.com
Cc: Glen McMurdo <Glen.McMurdo@es.govt.nz>
Subject: Alleged illegal wetland drainage

23rd September 2021

Dan Lorio
Manager
Takaro Lodge Organic Farm
Upukerora River Valley
Te Anau

By email

Dear Dan

Alleged illegal wetland drainage activity

We have become aware of activity recently undertaken on your property (including today). The activity involves the drainage of a natural wetland, which is a prohibited activity under the National Environmental Standards for Freshwater (2020). It needs to cease immediately, and rehabilitation work needs to be undertaken to return the site to the previous state.

Please confirm that the activity has ceased, and rehabilitation work will be undertaken as soon as possible.

If you do not respond by 12:00 PM tomorrow regarding this email, we will be forced to explore legal options available to us to ensure you desist from this activity.

Yours sincerely



Zane Moss | **Manager**



Southland Fish and Game Council
17 Eye Street | PO Box 159 Invercargill 9840
Mobile 021 2445384
Email zmoss@fishandgame.org.nz

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New public access benefits for fishing created recently through Overseas Investment Act decisions

Compiled July 2025

July 2025, Taieri River, Otago.

Taieri Lake Grazing's public access OIO outcome has created two new walkway routes connecting the important Taieri River directly with State Highway 87 and the popular Central Otago Rail Trail. The northern walkway route is a short 430m and the southern route is a 570m connection, both including foot and cycle use. As part of the public access implementation, a variation to an existing walking easement halfway between the two new walkways has added cycles along it, giving various options for new loop tracks between the Rail Trail and along the river, linked by the existing unformed legal road along the river margin. This will eventually provide more options for Rail Trail riders and shorter tracks for the local community to connect to the river.

The Taieri River scroll plain in Otago is one of the most important and unique wetlands in New Zealand. The new access will support the work of a large community restoration project transforming the many twists and turns along the river catchment and focusing on the health of the Taieri River. More fishing opportunities along the Taieri River have also been opened up with the new walkways.

The benefits of the new public access made possible through this OIO outcome will result in more recreational opportunities for the local community to enjoy the outdoors and the river, increased economic benefits from expanding tourism opportunities for the popular Central Otago Rail Trail and guided fishing businesses, and contributing to the restoration of the health of one of New Zealand's most important and unique wetland river systems. A great example of the important additional benefits that overseas investment can provide.

May 2025, Kai Iwi Stream and Huripari Stream, Whanganui:

The Tuawhare Forest OIO outcome has resulted in the registration of a new 20m wide esplanade strip along the bank of Kai Iwi Stream, which forms the western property boundary. This forest is part of the Kai Iwi catchment area, known for its fishing and recreational use closer to the river mouth.

The OIO outcome for Te Ara To Waka Forest has resulted in the registration of a new 20m wide esplanade strip along the banks of Huripari Stream (on both sides of stream where the stream is within the property). These esplanade strips connect directly to State Highway 4, providing easy public access to the stream.

March 2025, Taharua River, Taupo:

The Taharua Station OIO outcome has resulted in new public foot access alongside the Taharua River, which passes through a long length of the property. Taharua River is a highly prized fishery, especially for brown trout, resulting in Hawkes Bay Fish and Game becoming a party to the public access covenant. A small waterfall on this section of the river will be of interest for the wider public to access.

May 2024, Ruakokoputuna River, Wairarapa:

The Haurangi Forest OIO outcome has resulted in the registration of 2 walkway easements for new public access. The two separate walkway easements link Haurangi Road with Ruakokoputuna River, around 16km south of Martinborough in the Wairarapa. The two easements are relatively short, the longest being less than 500m. However they provide important practical access to get to the marginal strip along the banks of Ruakokoputuna River, which in turn can be used to create a loop route between the two easements, or let anglers enjoy this part of the river. We are excited about the loop track providing free and enduring access for New Zealanders to enjoy in the future.

April 2024, Mangaotane Stream, Gisborne:

This OIO outcome for Te Rata Station has resulted in new esplanade strips being created on both sides of Mangaotane Stream, as well as several of its significant tributaries, so fishers have the opportunity to take advantage of this significant fishing resource in the upper Mangaotane catchment. A 4.7 km walkway easement has also been created for public access from Tarndale Road to get to Mangaotane Stream.

March 2024, Kaputone Creek, Christchurch:

This OIO outcome in Marshland Road, Christchurch, has resulted in a new esplanade reserve being created and vested in the Christchurch City Council alongside Kaputone Creek, with new public access to get to it from Marshland Road. This is a significant outcome as it links directly with the Council's work on the Source to Sea project for the Styx River catchment. Kaputone Creek is one of two tributaries in the Styx catchment. The Source to Sea project includes native restoration along the waterways and a public access corridor/trail from source to sea beside the waterways. Public access

will help with restoration work and pest trapping, along with enabling public enjoyment and engagement with the water.

The new esplanade reserve will eventually connect to the wider project, but in the meanwhile new public access created from Marshland Road as a result of this OIO outcome allows the public to enjoy the reserve in its own right. Restoration planting has already commenced on the new reserve, which will increase river health in the lower catchment for anglers.

January 2024, Waihopai River, Marlborough:

Ernslaw One Limited's OIO outcome at 4641 Waihopai Valley Road has resulted in 7 new esplanade strip parcels. One of these is on the northern bank of the Waihopai River, to provide practical public access along this side of the river for fishing and other recreational activities, where public access did not previously exist. The other 6 esplanade strip parcels are on either side of Byron Stream where the stream is within the property. These are intended to provide future access along Byron Stream as access links become available on adjoining properties over time, and will enable people fishing, hunting and tramping to progress up Byron Stream to reach the DOC managed Te Arowhenua Scenic Reserve.

February 2023, Rangitata River, Canterbury:

The Cumberland Dairy Farm OIO outcome in Canterbury has resulted in 7km of new public access along the true left bank of the Rangitata River (through esplanade strips being registered), along with 2 new public access tracks to get to the river (through access strips being registered). The Rangitata River is well known for its salmon and trout fishing. Fish and Game are particularly appreciative of this new fishing access.