

Crown Pastoral Land Tenure Review

Lease name : CORA LYNN

Lease number : PC 116

Public Submissions Part 2

These submissions were received as a result of the public advertising of the Preliminary Proposal for Tenure Review.

These submissions are released under the Official Information Act 1982.

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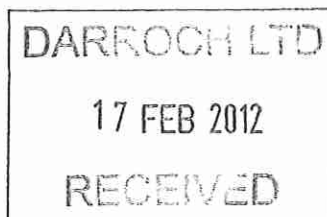
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WALKINGACCESS
ARA HĪKOI AOTEAROA

17 February 2012

Commissioner of Crown Lands,
C/- Darroch Limited
PO Box 27
ALEXANDRA 9320



Preliminary Proposal for Tenure Review of the Cora Lynn Pastoral Lease Pc 116. Submission from the Walking Access Commission

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of the Cora Lynn pastoral lease. As you will appreciate, this is the first opportunity that the New Zealand Walking Access Commission (the Commission) has had to comment on this proposal.

We have not had the opportunity to undertake a ground inspection.

The following submission should be considered as new information as, to-date, the tenure review planning, extensive discussion and consultation have been undertaken without input from the Commission – the statutory body established in 2008 to lead and support public access negotiations.

The Commission's public access statutory role is described below, under section **A. Introduction**, and the detailed submission is presented in section **B. Submission**.

In summary, the Commission;

- supports the creation of the proposed public access easement 'a-b', 'b1-c', and 'b1-d', and also seeks to have:
 - provision for public access, in addition to the proposed Department of Conservation Management access, along easement 'a-e-f';
 - marginal strips created with sufficient width to enable practical public access;
 - unobstructed public walking access along marginal strips, with the use of stiles and/or gates as appropriate in any fence which may cross over a marginal strip.
 - more detailed plans made available which clearly show the relationship between pastoral lease boundaries and legal and formed roads;
- the legal status of previously stopped road confirmed as being included in the pastoral lease, and not depicted as individual parcels on the designation plans. (These parcels include Section 1 SO 14937, Sections 1 & 2 SO 14939, Sec 1 SO 14940, Sec 1 SO 14941, and Sec 1 SO 19699);
- appropriate information provided to identify which waterways qualify for marginal strips shown on the plan; and
- the easements and marginal strips clearly depicted in the New Zealand digital cadastral record.

A. Introduction

Purpose, Objective and Functions of the NZ Walking Access Commission

The Walking Access Act 2008 (sections 3, 9 and 10) sets out the purpose, objective and functions of the NZ Walking Access Commission.

Central to its role is the Commission's leadership functions in negotiation and provision of free, certain, enduring and practical access to the outdoors for New Zealanders and visitors.

Focus of Submission is Public Access

The Commission's submission on the Preliminary Proposal for Cora Lynn is designed, as envisaged by the Act, to achieve certain, enduring and future-focused public access in this area of New Zealand.

The Commission's submission reinforces the objectives of the Crown Pastoral Land Act 1998 (CPL Act), in particular section 24(c) which is to make easier the securing of public access to and enjoyment of reviewable land. Specifically, our submission addresses the public access and public enjoyment matters specified in subsection (2) (c) and (d) of section 40 of the Crown Pastoral Land Act 1998.

The Commission was not consulted during the preparation of this preliminary proposal, which had commenced well before the introduction of the Walking Access Act 2008. Nor has the Commission had the opportunity to undertake a ground inspection.

Therefore, this submission should be considered as new information - provided by the Crown agency with statutory responsibility¹ for leading and supporting the negotiation, establishment, maintenance, and improvement of –

- walking access (including walkways, which are one form of walking access) over public and private land; and
- types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, and motor vehicles

B. Submission

General comments

More detailed plans are required for the clear identification of lease boundaries with roads. This is particularly so on the true right of the Waimakariri River and on the main Bruce and Broad Stream fans where it is impossible to discern the relationships between the pastoral lease, the legal road and the formed road on the plan made available to the Commission.

For example we believe that the designations plan may incorrectly show sections of stopped road as unformed legal road, where the highway has been re-routed to cross Broad and Bruce Streams. This is misleading in relation to available public access, particularly where parcels of stopped road are now included in the pastoral lease.

Part 4A of the Conservation Act 1987 applies to the disposition of all land being freeholded under tenure review. While we understand that the Commissioner of Crown Lands may have no statutory function in the reservation from sale of marginal strips, the identification of qualifying waterways is a key factor when considering the adequacy of public access proposed in tenure reviews. The Preliminary Proposal plan should identify this information, or it should at least be made available

¹ Section 3(b) Walking Access Act 2008

with the advertising of the Preliminary Proposal. In addition, all public access, once created, should be clearly and unambiguously depicted in the New Zealand digital cadastral record.

The Commission seeks to have:

- 1. More detailed plans made available, on any subsequent documentation, which clearly show the relationship between pastoral lease boundaries and legal and formed roads.*
- 2. The legal status of previously stopped road confirmed as being included in the pastoral lease, and not depicted as individual parcels on the designation plans. (These parcels include Section 1 SO 14937, Sections 1 & 2 SO 14939, Sec 1 SO 14940, Sec 1 SO 14941, and Sec 1 SO 19699).*
- 3. Appropriate information provided to identify which waterways qualify for marginal strips and for this information to be shown on the plan - or at least be provided with the summary of the preliminary proposal.*
- 4. All the easements and marginal strips clearly depicted in the New Zealand digital cadastral record.*

Existing public access

The West Coast Road, State Highway 73, provides public access through Cora Lynn on the main Bruce and Broad Stream fans and between the Waimakariri and Cass Rivers in the east. Legal roads also provide access to the Mt White Bridge in the north, and to the existing Conservation Lands (including Bealey Hut) via Cora Lynn Road between Bruce and Broad Streams.

There is also an unformed legal road on the true right of Broad Stream effectively providing a connection between two parts of the pastoral lease alongside adjoining freehold land.

Most of the southern and eastern boundaries of the pastoral lease are with existing Conservation Land, where public access can generally be assumed to exist.

Proposed public access

The Preliminary Proposal proposes public non-motorised access from in the vicinity of the Cass River Bridge, south up the true left of the Cass River to proposed CA6 (i.e. 'a-b'), then from proposed CA6 south to CA1 ('b1-c') and also north west alongside CA6 to the south eastern corner of proposed CA4 ('b1-d'). The proposed easements 'a-b', 'b1-c' and 'b1-d' will provide good non-motorised public access to proposed Conservation Areas and will also facilitate good non-motorised public access to existing Conservation Land of the Craigieburn Forest Park.

The Qualifying Water Bodies Assessment (Andersen & Associates, 2007) identifies that Cass River, Waimakariri River, Bruce Stream, Broad Stream and McKay Stream are qualifying water bodies under Part 4A Conservation Act 1987. On disposition of the pastoral lease, marginal strips will therefore provide legal public access where the pastoral lease presently adjoins these waterways.

The marginal strips to be created are important to enable public access to the individual water bodies themselves, and also to enable alternative public access to the Waimakariri River and to the Craigieburn Forest Park. The marginal strips should be wide enough to provide effective access along the strip², and access should be unimpeded by structures.

The Commission:

- 5. Supports the creation of the proposed public access easements 'a-b', 'b1-c' and 'b1-d' as providing reasonable public access to public areas,*

² see Conservation Act 1987, section 24AA(5)((2))

6. *Seeks to ensure that marginal strips to be created on waterways within the pastoral lease will be created with sufficient width to enable practical public access, and*
7. *Seeks to have unobstructed public walking access along marginal strips, with the use of stiles and/or gates, as appropriate, in any fence which may cross over a marginal strip.*

Additional public access requested

We note that the easement 'a-e-f' only provides restricted access for management purposes. It is the Commission's view that it would be desirable and in the public interest to ensure that this easement is also available to public access. This will enable the public to enjoy being able to participate in a round trip from the Cass River.

The Commission:

8. *Seeks to have provision for public access, in addition to the proposed Department of Conservation Management access, along easement 'a-e-f',*

Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Cora Lynn pastoral lease.

We request timely advice as to how the points we have raised have been analysed and what amendments, if any, are subsequently proposed to the Preliminary Proposal designations.

Yours sincerely



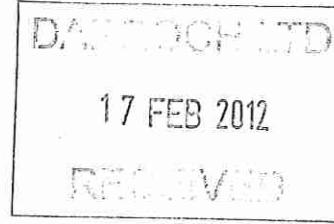
Mark Neeson
Chief Executive

for

206 005

Luana Pentecost

From: John Chetwin [chetwin@xtra.co.nz]
Sent: Friday, 17 February 2012 4:38 p.m.
To: Luana Pentecost
Subject: Tenure Review: Cora Lynn



Hello Luana

The North Otago Tramping and Mountaineering Club will not be making a submission on this tenure review. We have studied it carefully, but feel that we do not have sufficient knowledge of the area to be able to comment usefully. We are, however, grateful for the opportunity.

Kind Regards,
John Chetwin,
Vice-President,
North Otago Tramping and Mountaineering Club.

206 006



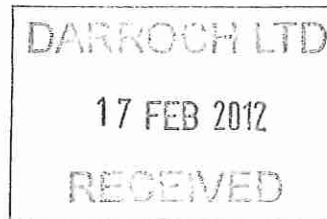
Federated Mountain Clubs of NZ (Inc)

P O Box 1604
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www.fmc.org.nz

secretary@fmc.org.nz

17 February 2012

Commissioner of Crown Lands,
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P.O. 27
Alexandra, 9340



Email: luana.pentecost@darroch.co.nz

Cora Lynn Tenure Review

Federated Mountain Clubs represents clubs involved back country recreation with a particular focus on mountainous areas.

Federated Mountain Clubs fully supports the aims : *“to promote the management of reviewable land in a way that is ecologically sustainable... .. to enable the protection of the significant inherent values of the reviewable land... ..and to make easier the securing of public access to and enjoyment of reviewable land”* (Crown Pastoral Land Act 1998, S.24).

We recognise that tenure review offers an opportunity put in place for arrangements for enduring public access to the high country and for protecting natural values while minimising interference with farming operations.

Comment on the Proposals

1. Background to Cora Lynn

This run has long been associated with tramping. The public conservation estate beyond the run provides a number of well known trip. The Cass Saddle to Lagoon Saddle tramp, for example, has both ends on access points adjacent to the lease.

There are other trips of value on the Black Range in the public lands behind the lease. Among these are ascents of Mt Bruce, which is often often combined with a return down Broad Stream to make a round trip, and both Mt Misery and Mt Horrible are interesting climbs which provide outstanding viewpoints.

The present lease is much reduced from the original Cora Lynn run. Prior to passing of the Crown Pastoral Land Act 1998, substantial areas of land unsuitable for pastoral use were added to Craigieburn Conservation Park and Bealey Spur Conservation Area under earlier land retirement schemes. The present proposals involve areas of the original lease, including many that are not suited to pastoral use.

2. Areas for addition to the public conservation estate

We note the various conservation and landscape values of the lease that are outlined in the Conservation Resources Report. We support the comments made there and agree that the landscape values laid out there are important. The leases visibility and accessibility adds to this importance.

We therefore welcome the addition of several areas to the Conservation estate including CA1 and CA4. These will greatly add to recreational use and access. The smaller areas for addition to the Conservation estate, including CA2, CA3, CA5 and CA6, also protect important natural and scenic values. We believe the proposal will meet some of the aims of the Crown Pastoral Lands Act.

3. Access

Recreational access to areas beyond the lease are a prime concern with lease. Existing critical access to the public conservation estate beyond Cora Lynn are via the Cora Lynn road to the DOC tracks beyond and along the bed of the Cass River.

There are some important access points are not covered by the present proposal. The complex geography of this lease makes it essential that additional access be provided as outlined below.

- *Access to Broad Stream*

When people visit Broad Stream the most direct route to the road is across some land owned freehold by the lessees of Cora Lynn. There is no direct legal access from the public parking area (at the foot of the Lagoon Saddle Track) to the entry point of Broad Stream. The practical route is across freehold land owned by the lessees of Cora Lynn. The only legal access to and from Broad Stream is down this stream to the main West Coast Road and then back up the formed Cora Lynn Road or vice versa. This is approximately four times longer than the direct access. A shorter route would be along the boundary of the land proposed for freeholding to road to the car park.

We understand that present owners allow use of the direct access subject their permission. Also they have constructed a track for several kms through the public estate up Broad Stream and use other parts of the estate (subject to a DOC concession) for their business. We consider that a similar access should be provided to the public. A easement could be established immediately under the toe of this hill close the boundary of the public estate. This would require a stile from the parking area and poling to the stream entry. Alternatively, a route could be established along the formed track onn then freehold land that is used by paying guests of Cora Lynn.

We note that section 40(2) of the Crown Pastoral Lands Act states that protective mechanisms may create: (c) public access across or to the land concerned (and) (d) public enjoyment of the land concerned. Section 30 of the Act allows for the inclusion of linked freehold land as part of the review.

- *Access to Mt Horrible*

CA4 is a useful addition to the public estate but here also there is a lack of viable access. As noted in section 2.8.3 of the DOC Conservation Resources Report the Mt Horrible part of the lease has considerable potential for walking. The summit of Mt Horrible offers spectacular views of the Waimakariri valley and Cass basin.

Before the 2001 wildfire the roughly-marked route from the West Coast Road west of Paddys Bend provided access to Pylon Gully and the summit of Mt Horrible. The review proposal proposes a public access route at b1 – d to this area. However, this only allows access to the eastern end of Pylon Gully. From this point there are formidable barriers to public access to the mountain itself in the form of bluffs and scrub along Pylon Gully. An easier route would be via route a-e-f. However this is only proposed as an easement for DOC management access. We submit that this should also be a access easement for public use.

- *Marginal strips*

The position re provision of marginal strips following tenure review remains unclear. The Due Diligence Report states:

“No memorial under Part IV Conservation Act 1987 has been registered on CBD/1359. It appears that the statutory process of advising the Department of Conservation of the disposition of the land an pastoral lease has been overlooked. Furthermore it appears that this may have happened as a result of advice received from the Chief Surveyor”

The report also noted that there were some 'notional strips' under the Land Act but these are notional pending deposition of the land. These should have been registered under the Conservation Act when the lease was last renewed.

The Streams that qualify for strips are Broad Stream, McKay Stream, Bruce Stream and the Waimakariri River where it bounds with the lease.

Concluding Comment

Tenure is an opportunity to provide better defined rights for the runholder while being the time when provision is made for public access and enjoyment of the high country. Access is vital if more New Zealanders are to enjoy outdoor.

We submit that the following access issues should be addressed in this review.

- Provision of a foot easement should be created from Cora Lynn Road across the freehold owned by Wilderness Lodge Arthurs Pass Ltd as a condition of the tenure review.
- Provision of public access along route a-e-f to Mt Horrible. This will also allow a traverse of the mountain to the route near Paddys Bend recorded by DOC above if this can be cleared again.
- Provision is made for marginal strips to be set aside as part of the review.

With additions the proposals will meet the objectives of tenure review and the result will be welcome.

Finally, we appreciate this opportunity to comment on the Preliminary Proposal. We would be happy to be involved in further discussions regarding any of the issues discussed in this submission.

Yours faithfully



Phil Glasson

Secretary

Te Araroa Trust
C/- Michael Pullar
29 Lynwood Ave
Dunedin

14 February 2012

Darroch Ltd
PO Box 27
Alexandra 9340



Cora Lynn Station Tenure Review

This submission is made on behalf of Te Araroa Trust ("Trust").

Background

Te Araroa is the walking trail spanning 3000 kilometres from Cape Reinga to Bluff. It was formally opened by the Governor General on 3 December 2011. Te Araroa is a national project, recognised by successive Governments and by local authorities throughout its length.

The Trust has received significant support from LINZ towards Te Araroa's development. The Trust also has a special relationship with the Department of Conservation whose commitments within a Memorandum of Understanding include support in tenure review to achieve a continuous north-south trail corridor.

Collectively these government departments have delivered and no relevant property has concluded tenure review without Te Araroa's interests being accommodated to the Trust's satisfaction.

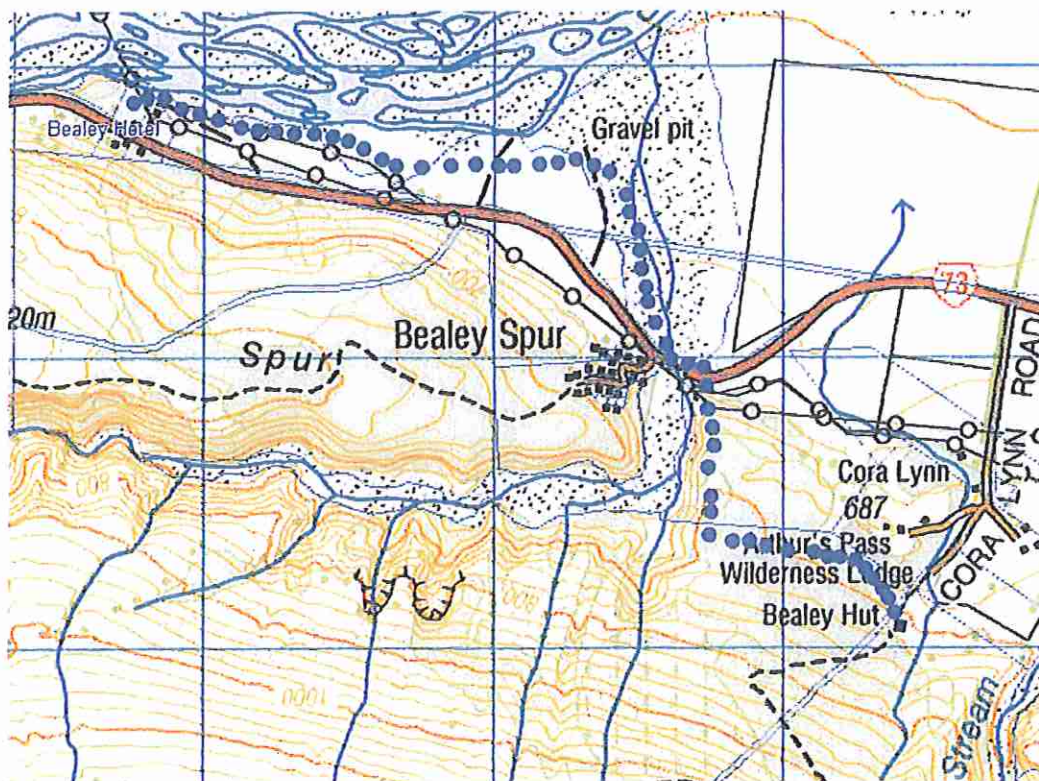
While Te Araroa is officially open its development is ongoing. The Trust maintains a large track development programme and seeks access wherever possible to eliminate remaining road connections between trailheads.

One such road connection is through Cora Lynn Station. This is along SH 73 and Cora Lynn Rd between trailheads at the Bealey Hotel and Bealey Hut. This 4.4 kilometre stretch is the only significant road connection remaining within the 239 kilometre Te Araroa section between St Arnaud and Lagoon Saddle.

The elimination of this road connection is the Trust's priority for this section. It is also the reason for this submission as the preliminary proposal makes no accommodation towards Te Araroa.

Preferred route

The preferred route between the Bealey Hotel and Bealey Hut passes through parts of Cora Lynn Station as shown on the map below.



Preferred route between Bealey Hotel and Bealey Hut (indicative only)

As is shown, from the Bealey Hotel the preferred route passes through Cora Lynn Station's riverside paddocks and then ascends to the Bruce Stream road bridge. There are existing tracks here, which the Trust would prefer to keep Te Araroa to.

Once across the bridge, the preferred route ascends the ridge above Bruce Stream's true right bank. This is through the parcel tagged CC4 in the proposed designation plan near the Bruce Stream boundary and up towards the Conservation Area behind the Station. From the boundary the preferred route leaves Cora Lynn Station and remains within conservation land to Bealey Hut where it joins with the next Te Araroa section, the Lagoon Saddle Track.

The Trust seeks this route to eliminate the road connection and to provide direct and practical tramping access at a level consistent with adjoining Te Araroa sections.

Alternative routes

As part of its investigation the Trust considered an alternative route from the bridge, which bypasses Cora Lynn Station. This was up the Bruce Stream hydro area directly onto Conservation Land. This route was rejected as unsuitable as trampers would have to ford Bruce Stream twice and then climb the prohibitively steep true right bank.

There may be alternative routes through Cora Lynn Station which the Trust could consider but the immediate concern, in comparison with the preferred route, was to avoid intrusion upon the Lessee's farm operations. If this concern is misplaced then the Trust would welcome consultation.

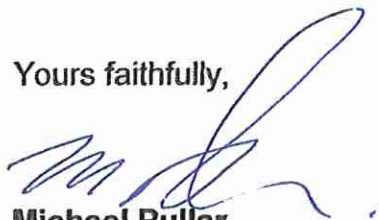
Requested amendments to designation plan

For the reasons outlined the Trust seeks variation to the Preliminary Proposal to accommodate public walking access on Cora Lynn Station for Te Araroa along either:

- (a) the sections of the preferred route that cross this property; or
- (b) an alternative suitable route to be agreed following consultation.

I can make arrangements to participate in any consultative process required and I am available to clarify any aspect.

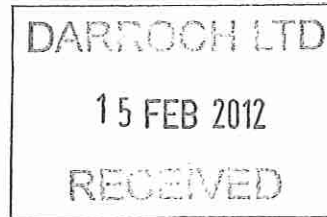
Yours faithfully,



Michael Pullar
Project Manager – South Island
Te Araroa Trust
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Southern Regional Office
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206 008

Our Ref: 22015-001; CLDA2011/013

13 February 2012

Luana Pentecost
Property Administrator
Darroch Limited
PO Box 27
ALEXANDRA 9340

Dear Luana

Cora Lynn Tenure Review

Thank you for the opportunity for NZ Historic Places Trust (NZHPT) to comment on the Preliminary Proposal for Cora Lynn Tenure Review. NZHPT is an autonomous Crown Entity with responsibilities under the Historic Places Act 1993 to promote the identification, protection, preservation and conservation of the historical and cultural resources of New Zealand.

The 2003 Amendments to the Resource Management Act added a definition of historic heritage, where previously there was no definition, and elevated historic heritage to a matter of national importance, to where now there is a requirement to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development (Section 6 (f)).

NZHPT commented on the Cora Lynn Tenure Review in July 2011 and communicated the following to your office:

Desk-top study by the NZ Historic Places Trust identified there are no registered historic places, historic areas, wāhi tapu or wāhi tapu areas in the area. No archaeological sites are recorded in the NZ Archaeological Association Site Recording Scheme in the immediate area of the subject land. Cora Lynn Station is located in the Rural Zone of the Selwyn District Plan and includes areas that are identified as 'outstanding landscapes'. There are no heritage items identified in the District Plan at this location.

Cora Lynn Station was first leased for grazing by the Goldney brothers in 1860, covering 20,000 acres between the Cass and upper Waimakariri Rivers. The Goldneys' homestead was situated on the Cass River, near the railway station. The lease was transferred in 1867 to John Macfarlane and Thomas Bruce who used the station to fatten cattle en route to the West Coast. Macfarlane soon sold his interest to Bruce, who continued running stock at Cora Lynn alongside Riversdale and Inchbonnie runs. Bruce established his homestead further west between Broad and Bruce Streams. Cora Lynn was taken over by NZ Loan and Mercantile in the late 1880s and the lease was sold in 1902 to F. J. Savill. The lease changed hands a number of times in the twentieth century.

Given its proximity to the West Coast Road, Midland Railway and Waimakariri and Bealey Rivers, Cora Lynn has high potential for archaeological remains, as well as historic heritage features associated with pastoralism. Adjacent to the westernmost area, at Bealey Spur, land was reserved for police, telegraph and accommodation purposes and a small settlement developed at this location. The absence of recorded archaeological sites in the NZAA Site Recording Scheme on the property should not be taken as evidence that no sites are present, as a systematic survey has not been undertaken.

We note that the Department of Conservation's Conservation Resources Report for Cora Lynn (October 2006) identified no significant historic resources on the property. NZHPT cannot be certain that there are not historic heritage values present and are therefore unable to advise whether any further protection measures are required within the area. Given the early history of the area NZHPT requests that a historic heritage assessment is undertaken to identify any potential historic values within the area of proposed freehold land.

NZHPT recommends that:

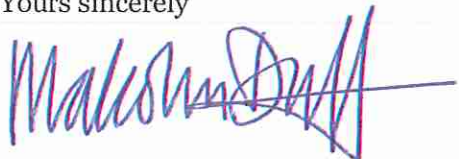
- 1. Prior to the release of the preliminary proposal additional research should be undertaken on the land to be freeholded*
- 2. A comprehensive heritage survey should be undertaken to ensure any sites are appropriately recorded. NZHPT should be supplied with the results of the survey at that time.*
- 3. If significant historic heritage places are identified in the survey, further consideration should be given to appropriate protection measures.*

Cora Lynn is also situated within an area of known significance to Maori as a route between the east and west coasts, and for its proximity to Kura Tāwhiti/Castle Hill which is a Statutory Acknowledgement Area under the Ngāi Tahu Claims Settlement Act 1998. We assume that you will be undertaking consultation with Te Runanga o Ngāi Tahu and NZHPT recommends that this is undertaken to identify any areas of Maori Heritage value within the area of proposed freehold land.

The Preliminary Proposal makes no indication that a historic resources survey has been completed and the Department of Conservation's Conservation Resources Report has not been revised since October 2006. NZHPT encourages that a historic heritage assessment is undertaken to enable us to provide a meaningful response to this proposal.

Thank you for the opportunity for us to provide our input at this stage. Please contact me if you have any questions.

Yours sincerely



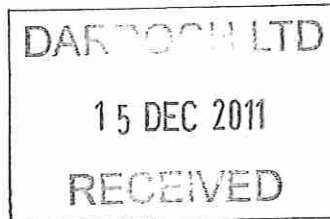
Malcolm Duff

General Manager Southern

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13 December 2011

Luana Pentecost
Property Administrator
Darroch Limited
P O Box 27
Alexander 9340



206 009

Dear Luana

Cora Lynn – Preliminary Proposal for Tenure Review

Thank you for providing copies of a summary of the proposed designations, the notice and proposal document.

Unfortunately, as a result of Council prioritising its work programme for this financial year, we are no longer in a position to provide information to the tenure review programme. However, this doesn't preclude you from making a formal request, in writing, to access specific resource information held on file.

The Council will continue to meet its obligation to the programme in terms of any legal interests (such as a Land Improvement Agreement pursuant to Section 30A of the Soil Conservation and Rivers Control Act 1941) it holds over Crown leasehold land.

We have no legal interest in Cora Lynn under a Land Improvement Agreement.

If you have any queries please don't hesitate to give a call on my direct line (03) 687 7848.

Yours faithfully



Neil MacDonald
Senior Planning Officer

cc: Cathie Brumley
Environment Canterbury