

Crown Pastoral Land Tenure Review

Lease name : *MARYBURN*

Lease number : PT 041

Public Submissions Part 8

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.

August

12

127 051

118 Rutherford Street,

Nelson 7010,

Email: andydennis@xtra.co.nz

26th March 2011.

Commissioner of Crown Lands,

c/- Darroch Limited,

PO Box 143,

CHRISTCHURCH.

(Attention Tony Sharp)

SUBMISSION ON THE PRELIMINARY PROPOSAL FOR TENURE REVIEW OF MARYBURN PASTORAL LEASE

I am making this submission as a person with a long association with the Mackenzie Basin and extensive background in tenure review. As regards the former, I spent several seasons based at Mount Cook during the 1980s, among other things writing "The Alpine World of Mount Cook National Park" (1984) along with the most recent handbook for the park ("The Story of Mount Cook National Park", 1986). In the context of tenure review, I surveyed almost 20 leases between the Wairau Valley and Mackenzie Basin between 1993 and 2003 during my time as a member of the national executive of Federated Mountain Clubs (including Braemar, Balmoral and Quailburn leases in the Mackenzie Basin). I have continued to be closely involved in South Island high country issues over recent years and since 2006 have represented conservation and recreation interests on the Molesworth Steering Committee.

This submission is being made at the same time as a separate submission for The Wolds pastoral lease as (i) they are adjoining properties containing areas of significant inherent value which straddle their common boundary; and (ii) they are at a similar stage of the tenure review process.

Preliminary proposal should be withdrawn

I strongly support the submission of the Royal Forest and Bird Protection Society that the preliminary proposals for Maryburn pastoral lease **fail in a number of significant respects to fulfil the objects of section 24 of the Crown Pastoral Land Act 1998 (CPLA)** in relation to the adequacy of protection of significant inherent values under section 24(b), and that **the Crown should accordingly withdraw from this review**. Notwithstanding 3,430 ha. of Maryburn pastoral lease are proposed to be returned to full Crown ownership and control as public conservation land, a number of areas of significant ecological and landscape values identified by the Department of Conservation (DoC) and other high country specialists as requiring long-term protection have not been given the level of

protection recommended in conservation resources reports and prescribed in section 24(b) as being the preferable mechanism for protecting "significant inherent values of reviewable land".

Any subsequent renegotiation of tenure review of the Maryburn lease should also be informed by the outcomes of the collaborative planning process the government has recently initiated for the Mackenzie Basin, which has been strongly endorsed by Environment Minister Nick Smith.

Inherent values needing greater protection

The principal areas which should have been returned to full Crown ownership and control under section 24(b) of the CPLA to protect their significant inherent values (ecological and landscape) but which have been proposed for freeholding in the current preliminary proposals include:

- The Maryburn outwash plain which is both a rare and vulnerable example of short tussock grassland as well as being one of the most distinctive of the basin-floor landscapes in the whole of the Mackenzie Basin. As recommended by DoC the entire triangle between SH8 and the Tekapo River should therefore be protected as conservation land.
- The margins of Lake Pukaki and western slopes of the Mary Range which botanist Nick Head has described as "the most intact sequence of lateral moraine topography and associated habitats remaining in the Mackenzie Basin" ("Botanical Survey Pukaki Lateral Moraine, Maryburn Station", November 2007) should also be protected as conservation land.
- Several wetlands in the catchments of the Maryburn and Irishman Creek (including the bed and banks of Maryburn Stream) which provide habitat for a range of threatened species (longfin eels, koaro, black stilts, black-fronted terns and banded dotterels) should also have been given secure long-term protection as conservation land.

Public access

The proposal also falls short of the requirements of section 24(c) with respect to providing adequate public access to key areas of the current pastoral lease. At the very least secure long-term legal public access needs to be provided to the crest of the Mary Range (the best elevated lookout in this part of the Mackenzie Basin along SH8 and Hayman/Canal road for views over Lake Pukaki towards the Mount Cook region) for both walkers and mountain-bikers. There should also be secure public access to the entire shoreline of Lake Pukaki within the current pastoral lease. Both these would be achieved through return to full Crown ownership and control of entire western side of the Mary Range to the shore of Lake Pukaki. With regard to the lakeshore area, because of its setting adjacent to a major tourist highway in what is probably the most dramatic high country landscape in the country, any freeholding of land within the lakeshore area is totally inappropriate as this would open up the possibility for major future compromise of the high landscape and public recreational values associated with such a location.

Concluding statement

As mentioned earlier, any future re-negotiation of the Maryburn pastoral lease should be informed by the outcomes of the collaborative planning process the government has recently initiated for the Mackenzie Basin. Among much else, it is critical that a comprehensive plan is formulated for the whole of the basin to address the currently out of control wilding conifer infestation which at the southern and north-eastern ends of Lake Pukaki is very much worse than anywhere else in the Canterbury high country and constitutes a major ongoing threat to very significant landscape and ecological values.

Thank you for the opportunity to make a submission on the above preliminary proposal. I would like to be kept informed of the progress of this review and to be informed of any further opportunities that may arise for public submission.

Yours sincerely,

Andrew Dennis.

27 052

**KELVIN REID****Barrister**

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New Zealand

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31 March 2011

Mr Tony Sharpe
Darroch Limited
PO Box 27
Alexandra 9320

Maryburn Station – Submission on Preliminary Proposal

1. I act for the Pukaki Irrigation Company Limited ("PIC") and make the following submission on its behalf.
2. Subject to the issues raised below, PIC strongly supports the preliminary proposal for the tenure review of Maryburn Station. The proposal is entirely in accordance with the Objects of Part 2 of the Crown Pastoral Land Act 1998. It achieves the promotion of the management of Maryburn Station in an ecologically sustainable way. It will also enable the land freeholded to the owners of Maryburn Station to be freed from the management constraints inherent in its tenure as a pastoral lease so as to enable its better economic use.
3. PIC was formed in 2006 as a vehicle to obtain the necessary authorisations and to construct the infrastructure required to deliver water from the Tekapo A-B canal for irrigation of approximately 5234 hectares of Simon Hill Station, Simons Pass Station, Maryburn Station, and Glentanner Station at Catherine Fields. PIC is owned by the principals of Simons Pass and Simons Hill Stations.
4. This irrigation proposal is currently the subject of applications for resource consent to take and use water for irrigation. These are being considered by the Canterbury Regional Council. The applications are long standing and hearings were held in relation to them and other applications in 2009/2010. The hearing currently stands adjourned and a decision is anticipated in the near future.

5. The PIC irrigation proposal involves bringing water via a buried pipeline across the Maryburn, Irishman Creek and The Wolds pastoral leases. In order to provide a corridor across each pastoral lease for the pipeline and water PIC applied, in May 2009, to the Commissioner of Crown Lands for an easement under 60(1) of the Land Act 1948. The application was accompanied by engineering drawings and maps identifying the proposed route in outline, and the details of the construction and installation of the pipeline.
6. The Commissioner placed the application under section 60 (1) on hold in September 2009 on the basis that he was not prepared to decide the applications until the take and use water permit applications had been determined. PIC did not and does not agree that it was appropriate to place the application on hold.
7. PIC's position is that the commissioner has a legal obligation to conclude the process for the section 60 easement application before disposing of any land, via tenure review or otherwise, in a matter that would frustrate PIC's legitimate expectation to have the application determined while the property remains in Crown ownership and control. The Commissioner has given PIC undertakings to the effect that;
 - 7.1. The tenure review files for The Wolds, Maryburn, and Irishman's Creek have been noted to the effect that prior to the finalisation of the tenure review for these properties the easement application must be determined; and
 - 7.2. The tenure review process would not prejudice the consideration of the easement application.

The Preliminary Proposal made in respect of Maryburn Station and notified on 10 December 2010 makes no mention of the PIC easement application. PIC therefore submits that the tenure review for Maryburn Station should not be finalised and that settlement of any Final Proposal not occur until the easement has been created.

Yours Faithfully

Kelvin Reid

127 053

Tony Sharpe

From: John and Fiona [hectordog@xtra.co.nz]
Sent: Thursday, 31 March 2011 11:24 a.m.
To: Tony Sharpe
Subject: Maryburn Tenure Review
Attachments: Maryburn Tenure Review.docx

Dear Tony,

Attached is letter sent earlier re Maryburn Review.
For obvious reasons I understand you have asked for these to be emailed.

Yours faithfully

Fiona Hennon

70 Clonbern Road

Remuera

Auckland

21/02/2011

The Commissioner of Crown Lands

C/o Mr T Sharpe

P O Box 142

Christchurch

Reference: Maryburn Tenure Review

I write in support of the proposed Maryburn Tenure Review.

CA1 is deemed a large area of land to be made available as a park for New Zealanders to enjoy a range of recreational outdoor activities.

As an economy we earn a significant amount of income via primary production. If too much land is returned to the crown it will make farming businesses such as the Maryburn unviable for future generations to come and ultimately will affect the rest of the country.

We also ask you to consider the high costs of this land "take" in terms of maintaining pests and weeds as this will only burden our future tax payers.

It is felt this proposal of the Maryburn Tenure Review gives a balanced approach to interested parties.

Yours faithfully

Fiona Heron

127 054



Submission to the Tenure review process for Maryburn pastoral lease.

Submitter: Robert Seeley

Tony Sharpe
Commissioner of Crown Lands
Darroch Ltd
PO Box 143
Christchurch

Address:
37 Clyde St,
Roseneath,
Dunedin

Dear Mr. Sharpe

The Mackenzie Basin of which the Maryburn lease is a central part has until recently remained in a semi-natural state and as such able to support native animals and plants and provide the unique landscapes my family and myself have always loved.

These significant inherent values of Maryburn- and the remaining crown land- are clearly in jeopardy should the freeholding take place. There are numerous examples to the South where intense irrigation has resulted from such privatization- bright green fields and boom irrigators play no part in this landscape.

I understand a forum for the future of the basin is established to provide a comprehensive plan for the whole area. This is exactly what is required and its recommendations should be available to inform all privatization proposals for the Mackenzie. The piecemeal privatization of tenancies like Maryburn subverts this aim.

My submission is to delay the above procedures until the outcome of the forum for the Mackenzie basin is known.

Yours sincerely

Robert Seeley



Submission on Maryburn Preliminary Proposal

From Annette Hamblett
11 Hewitts Road
Merivale
Christchurch 8014
ahamblett@xtra.co.nz

I am submitting to seek complete withdrawal of the preliminary proposal on Maryburn. Extensive areas with significant ecological and landscape inherent values are not protected, as is required (preferably by the Crown) under the Crown Pastoral Land Act 1998, Section 24 (b), and the proposal does not promote ecologically sustainable management of reviewable land as is required under Section 24 (a) of the Crown Pastoral Land Act.

While some values are protected in the proposal, some of the most important ones are proposed for freeholding without any form of protection, for example the Maryburn outwash plain, wetlands and catchment areas of the Maryburn and Irishman Creek, and the Lake Pukaki margins and western slopes of the Mary Range.

The proposal has not considered more recent Department of Conservation survey information relevant to protection of significant inherent values. The reviewable area includes naturally rare ecosystems and species; they are some of the last intact holdings of their kind remaining in New Zealand. These are national priorities in the NZ Biodiversity Strategy and in the Government's priorities for the protection of biodiversity of private land (Ministry for the Environment. 2002; 2007). One of the few opportunities of securing these ecosystems on a sustainable scale is possible with Maryburn, but it has not been taken.

Boffa Miskell Partners and Lucas Associates assessed the landscape as outstanding for a number of reasons.

"The Maryburn landscape is an important and integral part of the Mackenzie Basin landscape. Large parts of the property contribute significantly to the wider qualities of the Basin." From conservation resources report.

If these values are not protected the most likely outcome is their loss through agricultural activities and weed invasion. Significant opportunities for recreation and splendid vista that tourism benefits from will also be lost.

Contrary to the Crown Pastoral Land Act, Section 24 (c), public access to and enjoyment of the reviewable land has not been secured for the easily accessible margins of Lake Pukaki on State Highway 8 and the Canal Road, or to the Mary Range, a very good vantage point for wide views across the Mackenzie Basin. Both these places are highly desirable for public access for their landscape, recreational and ecological significant inherent values.

Any future tenure review proposal should be negotiated to protect the significant inherent values identified by experts, including Department of Conservation staff and Landcare Research scientists, and be re-notified to allow for public submissions.

1. Maryburn flats and outwash and alluvial plain

I support the protection of CA1 as public conservation land; however, it requires extension to protect significant inherent values as the Crown Pastoral Land Act requires. It does not work for protection of landscape sequences or ecosystems to provide 'patches' of protection; the eye sweeps across such landscapes; ecosystems require continuity, adequate size and appropriate management to be ecologically sustainable.

The unique vegetation communities and species and the full suite of fluvio-glacial outwash and younger alluvial terrace and floodplain features require protection. This is also one of the classic Mackenzie views of short tussock-covered outwash plains. The area has significant inherent values as a result of threatened and rare ecosystems, habitats and species, ranked as a national priority to protect. The proposal protects only part of the Recommended Area for Protection (Pukaki 14 Maryburn Flats – Espie et al., 1984). Short-tussock grasslands are very rare in the area. Some of the rarest and most threatened plants in the New Zealand are found here including a button daisy, *Leptinella conjuncta*, and a mousetail, *Myosurus minimus*. There are now very few intact examples of these ecosystems in the Mackenzie Basin or anywhere else in New Zealand. They are very vulnerable to weed and rabbit invasion and agricultural development and need full protection as public conservation land.

More and more New Zealanders are becoming concerned about the loss of classic Mackenzie Basin, sweeping dryland landscapes, through agricultural development and irrigation, with at most, very doubtful long-term gain for New Zealand. The tenure review of Maryburn, with parts close to State Highway 8, is an obvious opportunity to protect some of this landscape that is so valuable to New Zealand's tourism industry and businesses that incorporate this landscape in marketing of their products. Opportunities to protect such intact sequences are fast diminishing.

Decision sought

Extension of CA1 to protect the entire 'triangle' of land between State Highway 8 and the Tekapo River as public conservation land to protect its significant inherent values – biological, landscape and amenity.

2. Lake Pukaki and crest of Mary Range – including Pukaki lateral moraine

This 1,293ha area between Lake Pukaki and the crest of Mary Range includes the Pukaki lateral moraine and western faces and slopes of the Mary Range. It has significant inherent values including being part of a nationally significant geopreservation site, the Lake Pukaki Terminal Moraine Site; there are acutely and chronically threatened plants; there is an outstanding, predominantly natural sequence of significant ecosystems, including short-tussock grasslands and remnant shrublands on low hill country, alluvial terraces, stony fans and terraces, kettleholes (nationally uncommon ecosystems) and turf communities. The area includes a Land Environment of New Zealand (LENZ) unit ranked as "critically under-protected" and includes "at risk" LENZ units. There are a number of 'acutely' and 'chronically' threatened plants

including a dwarf broom, mat broom, cushion daphne, tree daisy, a kettlehole plant and a mat daisy.

There are important feeding habitats for wading birds and waterfowl on the edges of Lake Pukaki – part of the Lake Pukaki Site of Special Wildlife Interest.

It is part of the largest and most intact sequence of lateral moraine glacial landforms in the Mackenzie Basin.

The Mary Range is a standout landform in the area, and visible from the tourist routes on State Highway 8, the canal road and the Mount Cook road (State Highway 80). The crest of the range offers wide views of the glacial landscape and the basin. There are opportunities for recreation such as walking, and scenic photography with public access possible to Lake Pukaki and the crest of the range from State Highway 8 (Tekapo-Twizel Road) and the Canal Road.

Decision sought:

Protection as public conservation land to protect its significant inherent biological, landscape and amenity values.

In any renegotiated proposal, provide the Department of Conservation with adequate funding to control the wilding pines.

3. Eastern slopes of Mary Range

This area has significant inherent values. It is a significant feature visible from State Highway 8 and part of the tourist experience, with an outstanding landscape that is relatively unmodified with few structures.

Decision sought:

Protection through a sustainable land management covenant or a landscape covenant that will prevent forestry, building of structures, and earthworks on these eastern slopes, to protect their significant inherent values.

4. Mary Burn Stream and wetlands

This area requires ecologically sustainable management of the stream and wetlands, which freeholding would not provide.

Wetlands are a national priority habitat for protection and not common in the central Mackenzie Basin. This area is habitat for several threatened species such as longfin eel, koaro, black-fronted tern, black stilt and banded dotterels, and it is classed as a Site of Special Wildlife Interest for birds. It could recover from cattle grazing damage and weed invasion once cattle were removed and weeds controlled. Freeholding this area would not promote the management of the land in a way that is ecologically sustainable. Making it public conservation land would promote appropriate ecological management, as required under Section 24 (a) (i) of the Crown Pastoral Land Act, 1988.

Decision sought:

Protection of this area as public conservation land to promote ecologically sustainable management of the stream and wetlands.

Fencing out of the entire stream to exclude stock.

5. Northern wetland

This is a valuable area for birds and needs to be protected to promote ecologically sustainable management. Continuing to graze here will not promote ecologically sustainable management, as required under Section 24 (a) (i) of the Crown Pastoral Land Act 1988, and will lead to continued degradation.

Decision sought:

Protection of this site under S77 of the Reserves Act, to preserve the wildlife values.

6. Southern reaches of Mary Burn south of State Highway 8 – includes area below confluence with Irishman Creek

This area has significant inherent ecosystem and species values. As a wetland it is a national priority for protection and it is of a good size with a good spring feeding it that keeps it wet.

Despite cattle and sheep grazing and general agricultural damage, the prospects for recovery are good once grazing is removed, along with control of the willows and Russell lupins. It would not receive the ecologically sustainable management it requires if freeholded.

Decision sought:

Protection of this area as public conservation land. Move the boundary of CA1 and proposed fenceline to provide protection to the Mary Burn, with an adequate riparian buffer.

127 056

Tony Sharpe

From: SEA Otago [seaotago@gmail.com]
Sent: Thursday, 31 March 2011 3:46 p.m.
To: Tony Sharpe
Subject: Submission on preliminary proposals for tenure review of Maryburn and The Wolds
Attachments: Maryburn Submission.pdf; Wolds Station Submission.pdf

Please see attached.

Sincerely,
Students for Environmental Action (SEA) Otago

31 March 2011

Darroch Ltd
PO Box 143
Christchurch
Attn: Tony Sharpe
Tony.sharpe@darroch.co.nz

SUBMISSION ON PRELIMINARY PROPOSAL FOR TENURE REVIEW FOR MARYBURN PASTORAL LEASE

SEA Otago
University of Otago Clubs and Societies Building
84 Albany Street
Dunedin 9015

Introduction

Students for Environmental Action (SEA) Otago is a student environmental group that supports environmental protection locally and nationally. SEA has approximately 20 active members and 514 members on the mailing list.

Preliminary Proposal

SEA understands the preliminary proposal to be:

- a) 3,430 ha. of Tekapo River terraces to be restored or retained in full Crown ownership and control as conservation area (CA1 marked in pink) subject to easements for farm management purposes including access for vehicles and stock over route "a-b" and to install, maintain and repair a stock and irrigation water supply system over route "c-d".
- b) 4,946 ha. to be freeholded and disposed of to Classic Properties Ltd subject to a sustainable management covenant (SMC marked in yellow) over a portion of that land.

Decisions Sought

SEA submits that the preliminary proposal for Maryburn is contrary to the Crown Pastoral Land Act (CPLA) including its objects in Part 2, and consequently that the Crown should withdraw from tenure review.

SEA seeks the restoration to full Crown ownership and management as conservation land of the following additional areas:

Add a new Conservation Area - Maryburn Outwash Plain including the SMC adjacent to State High 8 Tekapo-Twizel road on the northern boundary of the property.

Add a new Conservation Area which includes wetlands and riparian shrublands associated with Irishman Creek and northern reaches of Mary Burn Stream

Add a new Conservation Area - extend the boundaries of proposed CA1 to include the southern portion of Mary Burn stream and associated wetlands and riparian communities.

Add a new Conservation Area - land that extends from the crest of the Mary Range, across the western faces, including Pukaki lateral moraine to Lake Pukaki.

Add the proposed SMC to CA1 -The SMC will not lead to ecologically sustainable management as it includes irrigation which will destroy the existing dryland communities that have Significant Inherent Values (SIVs) as well as risk degrading ecosystems in adjacent proposed CA1.

A new sustainable management landscape covenant - Protect open space landscape SIVs on the eastern faces of the Mary Range , prohibit forestry, structures, roading, earthworks, cultivation and irrigation.

Proposal is contrary to CPLA

The preliminary proposal is contrary to s24 of the Crown Pastoral Lands Act (CPLA) because it does not promote ecologically sustainable management of reviewable land or enable the protection of SIVs as required by s24 (b). The proposal for freeholding prevents public access to the Mary Range and the margins of Lake Pukaki, and will not protect the natural character of lakesides.

Detailed Submissions

The Maryburn Flats and outwash plain – Restore to Crown ownership as conservation land SEA supports the protection of the entire triangle of land between State Highway 8 and the Tekapo River to protect the SIVs in this area. The fluvio-glacial outwash and alluvial terrace and floodplain features support unique flora and fauna characteristic of short tussock-covered outwash plains.

The land identified for Sustainable Management Covenant (SMC) should be made public conservation land to protect the dryland species and systems that complement the adjoining area.

The Mary Burn Stream and wetlands – Restore to Crown ownership as conservation land SEA opposes the proposed freeholding of this area. This area is habitat for threatened longfin eel, koaro, black-fronted tern, black stilt and banded dotterels. Ecologically sustainable management of this stream and wetlands are needed to preserve the ecological values of this habitat. Freeholding will allow degradation of the stream and wetlands and lead to the loss of

aquatic habitat. This is contrary to the proposed National Policy Statement on Biodiversity, which identifies wetlands as an essential ecosystem for protection; wetlands have undergone extensive loss through New Zealand and are therefore a national priority for protection.

The southern reaches of Mary Burn stream south of SH 8 – adjust proposed fenceline to protect the Mary Burn and associated riparian buffer

The proposed fencing on the freehold boundary appears to fence much of Mary Burn stream into new freehold land. This would jeopardise the aquatic, riparian and wetland SIVs in the area, which include the indigenous riparian and wetland vegetation – in particular the threatened dwarf broom *Carmichaelia vexillata*.

The land between Lake Pukaki and the crest of Mary Range including Pukaki lateral moraine – Restore to Crown ownership as conservation land

SEA supports the protection of this 1293 ha moraine as conservation land for its SIVs. The site contains severely threatened plants and a natural contiguous sequence of significant ecosystems not represented elsewhere. SIVs in this area include but are not limited to: kettlehole wetlands, which are unique nationally and internationally, and feature many threatened plants.

Yours Sincerely,

Students for Environmental Action (SEA) Otago