

## **Crown Pastoral Land Tenure Review**

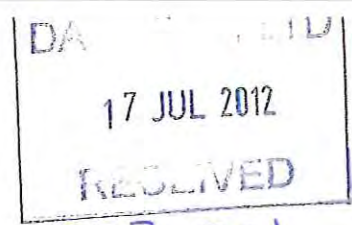
**Lease name : MIDDLE HILL STATION**

**Lease number : PM 022**

### **Public Submissions**

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.



## PENINSULA TRAMPING CLUB

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[www.peninsulatrampingclub.org.nz](http://www.peninsulatrampingclub.org.nz)  
Affiliate of the Federated Mountain Clubs of NZ Inc

273 001

Address:

The Secretary  
PTC  
PO Box 13 258,  
Christchurch 8141

Darroch Limited

Wednesday, 11 July 2012

PO Box 27,

ALEXANDRA 9340 s

Attn: Luana Pentecost

Dear Luana

### **Re: Tenure Review, Middle Hill Station, Seaward Kaikouras foothills**

Thank you for the opportunity to comment on the Preliminary Proposal for tenure review of the Middle Hill Pastoral Lease.

We recognise that tenure review offers an opportunity to ensure that public access to the high country is safeguarded in perpetuity while minimising interference with farming operations.

The Peninsula Tramping Club is actively involved in outdoor recreation. Club members tramp, climb and mountain bike in many parts of the Canterbury Region, including the Inland and Seaward Kaikoura Ranges. We wish to protect existing recreation opportunities and to see new ones developed, by ensuring public access to the conservation lands is safeguarded in perpetuity.

We have considered the proposal and the information in the review document. The area is very similar to George Stream to the north and Puhi Peaks to the south, which the club occasionally visits for weekend or longer trips.

#### *Middle Hill Station Preliminary proposal P*

Our principal concern is that, with the development of tourist concessions, public access will be blocked to the Seaward Kaikoura Ranges. For example, following the construction of a tourist lodge in the lower Happy Valley Stream, we believe public access, via Puhi Peaks Station at the head of the Puhi Puhi River to Te Ao Whekere, was blocked. As far as we are aware, that is still the case.

In similar fashion to Puhi Peaks, Middle Hill has upper slopes that are not suitable for farming, but the station has developed a successful tourist business based on an airstrip and hut in the centre of the block, below Middle Hill. This is supported by a farm track system from the station yard.

Public access into the block for trampers would not be via this track system. It would be up the beds of the two streams. These are both described as 'deeply cut' and are clearly so in the middle section of both streams. But it is assumed that, since they are designated as legal road access into the block that it is practical to travel by foot up the stream beds during normal river flows ( see Clause 2.2(b).

Darroch Ltd 11.07.12 -page 2/2

*Recommendations*

We recommend that, via a practical alternative access point, provision be made for foot access up both streams e.g for a day trip from Kaikoura would be up Miller Stream to climb Middle Hill from Pt805m, or to

the north up Devils Lookout. Similarly, Wharekiri Stream provides another route via 'fenceline' climbing up to point 1008m. These would appear to be desirable additions to tramping opportunities in the Kaikoura area, again as summarised in cl.2.2(b).

Public access to both streams is currently from Waipapa Rd through the station yard and then farm track to Wharekiri Stream. We recommend that a practical form of public access to these streams be retained by a marked route following the unformed legal road, depicted as a farm track on the topographic map. The track crosses the terrace to the north of the Middle Hill homestead to the confluence of the Wharekiri Stream and the Clarence River. It is not clear to us that this is the intention of the document, but we suggest that vehicle access along a clearly defined route to the stream, without impacting adversely on the station operations, is key to unencumbered, ongoing access to everyone's satisfaction.

Yours sincerely

Leo Manders

President, Peninsula Tramping Club

Cc Secretary, Federated Mountain Clubs  
Walking Access New Zealand

273002

Darroch Ltd  
PO Box 27  
Alexandra  
13<sup>th</sup> July 2012  
To the Commissioner of Crown Lands  
C/- Darroch Ltd



Ref: Middle Hill Station Tenure Review, Lease No. PM022

Submission:

After reading the general description of your proposal and viewing the map indicating the proposed designations I would like to bring the following points of view to your attention.

- I see your proposal as an unfair distribution of land reducing the Middle Hill Station from 3,217 hectares of pastoral lease down to a mere 548 hectares of freehold land. The result of this proposal if it proceeds will only reduce the value of this property to alien it with the value of basic uneconomic hobby farms. Middle Hill Station is currently a productive high-country unit with huge Tourism potential. Your proposal is very unfair to the current run-holders who happen to be a second generation family that owns the pastoral lease and is faced with the consideration of their children, the third generation who have been brought up with the hope of a future on this property.
- Retiring the entire back-country of this Station is unnecessary as it is currently productive and economic in respect to farming cattle, sheep and other livestock, plus it earns added value to our economy in the way of Outdoor Tourism, operating guided hunts, guided tramping, site seeing, accommodation and 4WD tours. All managed in a safe and valued manner by the current run-holders.
- The proposed takeover by the Crown, administrated by DOC will not add any value to the New Zealand economy; in fact it will turn a productive and profitable farm into an uneconomic unit and its back-country along with other retired blocks will become an expensive liability to the NZ tax payers which cannot be satisfactory managed by the Crown, especially in the current economic climate. As I understand it, our Department of Conservation is operating on reduced budgets and in my eyes the department falls short in managing our back-country or high-country in a useful way, meaning that they cannot manage what they already administrate.  
Safety to the general public on Crown land is another issue that lacks management with the liabilities falling back onto the tax payer.
- Has anyone from LINZ or the Crown considered the effects on neighbouring property's that also depend on the supply of Outdoor Tourism in the way of guided hunting and tramping to earn an income? You will be exposing their operations to poaching and trespass from the uncontrolled public land.
- Why is it that we as New Zealanders are in a position faced with the disposal of public assets, (Power Company's, Railway, Airlines and etc.) we are lead to believe that we are doing this to reduce our country's debt and at the same time we have the Crown still taking over our productive high-country farms with little consideration to the run-holders needs resulting in a financial burden to all New Zealanders in the face of the Crown?

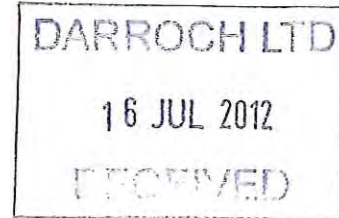
Yours sincerely,  
David Henry

14 Springswood Grove,  
Blenheim

273 003

Federated Mountain Clubs  
PO Box 1604  
Wellington 1604  
15 July 2012

Commissioner of Crown Lands,  
C/- Darroch Ltd,  
P.O. 27  
Alexandra, 9340



Email: [luana.pentecost@darroch.co.nz](mailto:luana.pentecost@darroch.co.nz)

## **Middle Hill Tenure Review**

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

FMC fully supports the aims of tenure review: *"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.

The Seaward Kaikoura Range has significant recreational values with a spectacular mountain range rising from the coast. The range has had less recreational use than it would otherwise have because of difficult access. Awareness of the recreational values of the range is increasing and use is also increasing.

### **Comment on the Middle Hill Proposals**

#### ***1. Background to Middle Hill***

Middle Hill is a key to access of the Seaward Kaikoura Range from the north.

The proposals have significant merit and we generally support the proposal.

The areas identified as being CA1 will significantly add to the recreational values of the northern Seaward Kaikoura Range. The CA1 area covers lower and mid altitude slopes and lies between readily accessed river bed and higher land which is now in the public conservation estate. The stream beds and spurs of the block provide a range of walking, hunting and tramping routes.

#### ***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*

The proposal will greatly improve access to the northern Kaikoura Range.

We note the easements up the rough road up the Middle Hill ridge. These are for access for the Minister of Conservation between a. and b. through the block to be made freehold. Beyond this, from b. to c. the easement is in favour of the runholder and then, between c. and d. it is in favour of the Minister of Conservation only.

This whole route would be a very good mountain bike ride and is also a very good access route to the main ridge further up the hill.

We consider that this route should have an access easement for the public along it. If there is need to avoid the lodge area in block to be made private land then some track work may be needed to provide an alternative alignment.

### **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 the outdoors.

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

Owen Cox

For Secretary

273004



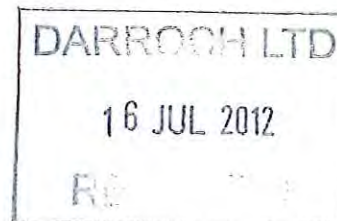
Southern Regional Office  
PO Box 4403  
Christchurch

**E-MAILED**  
16/07/2012

Our Ref: 22015-001; CLDA2012/008

16 July 2012

Luana Pentecost  
Property Administrator  
Darroch Limited  
PO Box 27  
ALEXANDRA 9340



Dear Luana

### Middle Hill Tenure Review

Thank you for the opportunity for NZ Historic Places Trust (NZHPT) to comment on the Preliminary Proposal for Middle Hill 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 Middle Hill Tenure Review prior to preliminary proposal in January 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 Middle Hill Pastoral Lease. Middle Hill is located in the Rural Zone of the Kaikoura District Plan and there are no heritage items at this location identified in the District Plan. No archaeological sites are currently recorded in the NZ Archaeological Association Site Recording Scheme in the proposed freehold area of the Pastoral Lease.*

*The Department of Conservation (DOC) Conservation has provided NZHPT with the Historic Resources Report for the Middle Hill Pastoral Lease (May 2009). No archaeological sites or historic features were identified within the area of the survey.*

*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. Current and future owners should be made aware that work affecting archaeological sites is subject to the archaeological authority process under the Historic Places Act 1993. If any activity, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from NZHPT must be obtained for the work prior to commencement. It is an offence to modify, damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage.*

*We assume that you will be undertaking consultation with Te Runanga o Ngai Tahu. NZHPT recommends that this is undertaken to identify any areas of Maori Heritage value within the area of proposed freehold land.*

NZHPT has no further comment to make on this proposal. Thank you for the opportunity for us to provide our input at this stage.

Yours sincerely

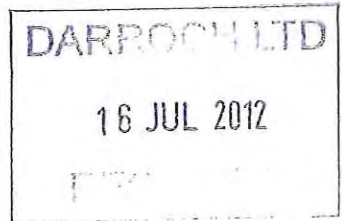
A handwritten signature in cursive script that reads "A. Neill".

Ann Neill

Acting General Manager Southern



213005



Nelson/Marlborough Conservation Board,  
Private Bag 5,  
Nelson 7042.

The Commissioner of Crown Lands,  
C/o Darroch Ltd,  
P O Box 27,  
Alexandra 9340

Dear Sir,

We are in receipt of your invitation to comment on the tenure review proposals for the land contained in the Middle Hill Pastoral Lease and would like to make the following comments.

We understand the difficulties that have arisen during the development of these proposals in that the area to be freehold would hardly be recognized as a so called economic unit with regards to traditional livestock production. We note the proposal to establish a safari enterprise but note that conflicts could arise and that there will be a large requirement of 'reasonableness' from the concessionaire with regard to allowing hunters and dogs to hunt in and cross the concession area

We are concerned with the establishment of a freehold enclave which we presume is solely provided for the establishment of a safari lodge as it is intended to covenant the whole area. We are not aware that an easement concession such as b-c and/or a-b-c provides legal access as is necessary for a freehold title. We believe that this enclave should not be freehold and that it should be leased from DOC for a reasonable term. The safari lodge should be able to be financed with security available on the majority freehold.

We note that the grazing enclaves contain significant areas of aquatic and terrestrial values and that DOC can monitor and have stocking reduced if too much damage occurs. We believe that this monitoring programme should be agreed at the outset and the costs paid for by the concessionaire.

We are also concerned with the time periods of all the concessions, ie; hunting and grazing. The terms are satisfactory to allow a reasonable phasing out however different personal will be dealing with the situation and it should be fully emphasized that there are no right's of renewal. Past experience with similar clauses has led to difficult situations sighting so called 'intent'.

If an inspection is requested by others then we would like to participate.

Yours faithfully,

IB Mitchell  
Deputy Chairman



Saturday, July 14, 2012  
Commissioner of Crown Lands  
c- Darroch Ltd  
P O Box 27  
ALEXANDRA  
To Whom it may concern

Chris Pearson  
18 Rewa St  
Dunedin

I would like to make the following submission for Preliminary Proposal for the Tenure review of the Middle Hill Station which is undergoing tenure review under the Crown Pastoral Land Act 1998. I think that this has a lot of commendable features and I feel that I can support it without reservation.

I have no objection to either the either the hunting concession or the 15 year grazing lease on land being returned to conservation estate because there is provision for public access.

I feel that the area CA1 covering the lower slopes of Seward Kaikoura represent a potential valuable addition to the conservation estate. This is potentially very valuable because it provides access to conservation lands in the the Seaward Kiakoura range which is currently underserved. I note that from the Conservation resources report that this area has the highest landscape values combined with the best preserved area of of natural vegetation on the lease. I also accept that the balance of the lease has limited conservation and recreational value and would be best managed as part of a freehold farming property. My only concern is to weather the the access provisions are practical. Since I have no specific knowledge on this issue I will just assume that this issue has been addressed by the professionals involved in developing this proposal.

Sincerely yours,

Christopher Pearson



**WALKING ACCESS**  
ARA HĪKOI AOTEAROA

13 July 2012



Darroch Limited  
PO Box 27  
Alexandra 9340

## **Preliminary Proposal for Tenure Review of Middle Hill Pastoral Lease, Pm 022. Submission from the Walking Access Commission**

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of the Middle Hill 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;

- notes the existing public access provided by Crown riverbeds and adjoining unformed legal road;
- notes that no public access is currently secured by the proposal, and

also seeks to have:

- the tracks marked "a-b" and "c-d" available for public walking access (in addition to conservation management purposes);
- the proposed new fences at "V, W & Z" include unlocked gates, with appropriate notices in any fences which cross the adjoining unformed legal road; and
- styles, with appropriate signage, in any fences which cross into Crown land riverbed.

The Commission notes the statement in the summary of proposal in section 3 that "The proposal meets the objectives of the CPLA to secure public access .....". The Commission believes that the proposal does not secure any new public access and only retains that which already exists. This submission seeks, therefore, to secure **new** public access.

## **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 this Preliminary Proposal 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 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 responsibility<sup>1</sup> 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**

We appreciate the depiction of the pastoral lease boundaries as not including legal road or Crown land riverbed – it shows the existing legal access more clearly and aids analysis of public access issues. We do, however, note that the unused Crown land, proposed to be disposed of by freehold disposal, does have unformed legal road on both sides.

We are not aware of any Qualifying Waterbodies Report for Middle Hill but note that the lease is separated from most significant streams by legal roads.

### **Existing public access**

From State Highway One to the east, Waipapa Road provides legal access to Middle Hill and to the junction of the Clarence River and Millers and Wharekiri Streams. There is also legal access from up the Clarence Valley on the southern extension of Waiautoa Road. The beds of Wharekiri and Millers Streams, and the adjoining legal road provide legal access to CA1.

Public access over these existing routes must remain unimpeded, and any gates must be unlocked and have appropriate notices (this is a statutory requirement).

### **Proposed public access**

There is **no additional** public access currently secured by the Preliminary Proposal.

However, the Commission believes that this is a very desirable area for public use and access and requests practical and unhindered public access along the existing track through the centre of "CA1" - the land being restored to the Crown estate.

The summary report provides a comment to the effect that "*The Miller and Wharekiri Streams and*

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<sup>1</sup> Section 3(b) Walking Access Act 2008

*gorges flanked by beech podocarp forest, mature kanuka forest and mature manuka shrublands creates an attractive and accessible (via the streambeds) recreational setting. The upland bush provides an outstanding remote setting for recreational activities such as tramping and shooting."* It is not clear how practical the access from the stream beds at, say 300m asl, is to the higher areas of the proposed CA1, for example to Middle Hill at 903m asl.

As well as the public having access to the Miller and Wharekiri Stream gorges, we believe they should also have practical access to higher altitude areas and unhindered access down to both streams. Appropriate public access can be readily provided along the proposed management purposes easements "a-b" and "c-d".

This access will not only provide desirable public access through the higher country, but it will also enable future provision of looped public access back down the Millar and Wharekiri Streams.

This proposed access along the existing track will help meet the objectives of the CPL Act to secure public access to and enjoyment of the reviewable land.

New fences are proposed at three locations, all extending to the property boundary at "V", "W" and "Z". The Indicative Fencing and Construction Requirements (Appendix 3 of the Proposal document) clearly indicate that these fences are intended to extend into the Wharekiri and Miller Stream beds.

As noted earlier there are unformed legal roads between the property boundary and the stream beds. Unlocked gates must be constructed in the fences to ensure that the public's access, on the legal road, is not impeded by fences (section 344 of the Local Government Act 1974).

Styles are also required to enable unhindered public access up Crown river bed where these are fenced, and hinder practical public access.

*The Commission seeks to have:*

- 1. Easements for public foot, horse and non-motorised vehicle access created over the tracks marked "a-b" and "c-d" (as envisaged by Section 3 of the Summary Proposal).*
- 2. Unlocked gates, with appropriate notices, installed wherever fences cross formed or unformed legal road; and*
- 3. Styles, with appropriate notices, placed in fences which hinder public access up Crown river beds.*

Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Middle Hill 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.

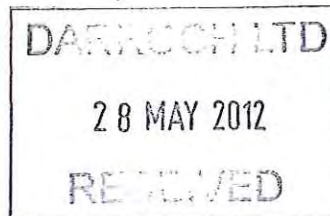
Yours sincerely



Mark Neeson  
Chief Executive

24 May 2012

Luana Pentecost  
Property Administrator  
Darroch Limited  
P O Box 27  
**Alexandra 9340**



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Dear Luana

**Review Under Part 2 Crown Pastoral Land Act: Middle Hill**

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 30(3) of the Soil Conservation and Rivers Control Act 1941) it holds over Crown leasehold land.

We have no legal interest in Middle Hill 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

File No: IN6T/46 & PL5C/103  
Contact: Neil MacDonald