

Crown Pastoral Land Tenure Review

Lease name: BEN MORE

Lease number: PC 109

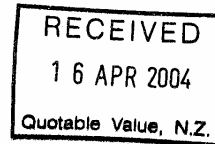
Public Submissions

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

July

05

10 Smacks Close
Papanui
Ch.Ch.5.



Re: Tenure Review-Benmore Station

Dear Sir,

First I just wanted to say that I had the pleasure of meeting the owner of the station, Mr James, and wish to thank him for the hospitality shown to me.

However, there are three points that I would like to raise:

1. A Conservation covenant over all of the hill country.
2. Full Crown ownership of the land below the proposed CA1 to the T.M.B. stream.
3. Two huts on the state highway.

Before even going up to the property I thought that the only proposal that I would be making is that the hill country be placed under a conservation covenant

I've travelled this road for many years, having lived in Christchurch the majority of my life, and I always look forward to the views of the Torlesse range, the bush valleys and especially the climb up from the bottom of Porters pass. Looking to my right as I head inland I view the native plants, the hebe's, etc. as I climb to the top of the pass. The joy I receive is balanced by the disappointment of the view to my left.

From the Kowai river crossing to the bottom of the pass the view to the south is to say the least, very disappointing. The lack of native vegetation, the lack of variety, the blank face of the hills compared to the contrasts of the landscape to the north. The only point of interest to the south is the limited view of Thirteen Mile Bush. In the DOC pamphlet on the Korowai/Torlesse Park in the introduction they mention the increasing panoramic view of the park as you approach Porters Pass. There is not a more important exit from Canterbury and yet a conservation covenant is not recommended??

In a similar review of a property by Hanmer Springs protection was recommended, yet the property was a long way from the pass road.

The land below the proposed CA1 should be also included in the conservation land returned to the crown. From point Y, follow the fence line towards the Thirteen Mile Bush stream, over half of the fencing is deer fenced which follows the ridge line to the river below. This makes up the complete valley, with Thirteen Mile Bush on the opposite side.

The proposed land CA1 is steep hill country the top of which has land that has slumped and it is in everyone's best interest if it was taken out of grazing to protect it, and the land below. This is already partly fenced and from what I've been told not grazed anyway. So CA1 is no big deal.

Below this however, is regenerating bush and has all the qualities mentioned in other parts of the review.

It is land that forms a natural extension of the existing Thirteen Mile Bush catchment and conservation area and has the same significant inherent values as CA1. It is 50% covered in forest remnant and regenerating bush, some beech and broadleaf, extensive areas of manuka, coprosma in the main valley and has tall tussock on part of the saddle entering the next valley.

It also, acts as a buffer and exhibit's a transitional phase. It is more open than the beech forest to the southwest and therefore has a greater range of plant and bird life. A lot of the land is relatively steep and the regenerating bush would be more suited to protecting the land from erosion and slumping than would straight-out beech forest. Many small native plant species can be found amongst the pasture grasses and retiring the land from grazing would quickly see these re-establish.

In a Government review of the Tenure Review process it was expressed that there was a lack of valley floor habitat retained in Crown ownership and yet here we have an example and no effort is being made to retain it. A further statement was made expressing the desire to retain corridors' for bird life especially, and a desire to group reserves into areas and not especially by individual farms, so in other words not

have a whole series of small reserves, yet here you have a suitable example, and the land has not been recommended to be returned in Crown ownership and control.

I believe it is more than an ideal piece of land to be retained in Crown ownership and be recommended as such.

The last point is the huts on the state highway, on the left, opposite the old pine tree and a few hundred meters before the climb up to Porters Pass.

I realise we are reviewing land here but who owns these huts and who is responsible for them and do they come under the review. I seem to remember a cob hut being mentioned on a property in Kaikoura relating to the tenure review. Anyway, some thought should be given to this. I realise they are not in good condition but is the way old back country huts are and consideration should be given to keeping them in this condition.

I kid you not!

Mr James mentioned to me that placing the hill country under a conservation order would cause problems as he would want to top-dress the hill country, presumably he means he would be feeding the wrong plants.

I would accept this if the valley mentioned, below CA1, was included in Crown ownership. As stated earlier over half the land is in bush now, although still an important grazing block I cannot see why the land could not be returned to Crown ownership but be continued to be grazed for a further 10 years with a limit placed on the number of cattle / or stock allowed to be grazed on it.

This block will have a higher number of pests [opossums] on it than other areas, due to the density of the bush and the variety of food, so the costs of pest control will be a constant worry for the farmer and there would be no fencing costs associated with fence Z-Y.

Further I cannot see why the gorse along the T.M.B. stream could not be sprayed, by DOC, and the land grazed by the farmer. This would also stop seeds etc being carried back onto the farmers property. The same should be done along the main road, so that the farmer does not have ongoing costs controlling weeds along here.

Mr James was very considerate to me, so I cannot see why a suitable arrangement could not be worked out.

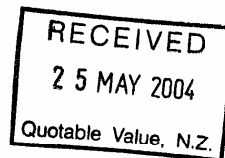
Regards
Geoff Clark.

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Sven Brabyn
11a Suva Street
Christchurch

25th May, 2004

Commissioner of Crown Lands
C/- Quotable Value New Zealand Ltd



Re: Ben More Tenure Review Proposal

Dear Commissioner,

I wish to make the following submissions with respect to the Ben More Tenure Review proposal:

1/ Big Ben Range Access: A well frequented tramping trip in the Ben More area involves walking up the Thirteen Mile Bush Stream track to the hut, and then climbing a spur onto the far northeast end of the Big Ben Range. The trip is completed by descending to the shoulder and fence line at 1100m (300m southwest of trig 'J') and following fence lines and spurs back down to Thirteen Mile Bush Stream.

The proposed boundary of Ben More Station provides a good descent route from the 1100m shoulder to the fence junction on the knoll at 800m. Shortly below this point the proposed boundary is not practical as a tramping route. It would be desirable if a public walking easement continued down the main spur back to Thirteen Mile Bush Stream. This would be for a distance of about one kilometer.

2/ Coach Stream Access: A small triangle of station land crosses Coach Stream, just upstream of the old Coach road. This triangle effectively blocks off access to the upper reaches of the stream, including the conservation land on the spur on the southern side of the stream. A small easement of about 300m should be provided here.

3/ Coach Stream - Macfarlane Stream Access: The small carpark and DoC sign at the hairpin bend at the bottom of Porters Pass is a natural starting and finishing point for loop trips into the Korowhai-Torlesse Park. These loop trips start by going up Coach Stream, or up the Coach Road, and many return by coming down Macfarlane Stream. It would be very handy to have a public walking easement over the small saddle just to the west of point 805, saving the need to walk all the way down Macfarlane Stream to the highway, and then back up the highway to your car. This easement would be about one kilometer long, and link up with the marginal strip along Macfarlane Stream. If this route is not feasible then there is another saddle with a fenceline a little further down the highway.

Yours sincerely

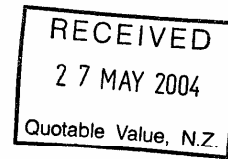
A handwritten signature in black ink, appearing to read "Sven Brabyn".

Sven Brabyn.

Ben More,
R.D.,
Springfield,
CANTERBURY.

21st May 2004.

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Commissioner of Crown Lands,
C/o The Tenure Review Team Leader
Quotable Values NZ Ltd,
P.O. Box 134443,
CHRISTCHURCH.

WITHOUT PREJUDICE

**In reference to the Crown Pastoral Land Act 1998 Ben More Tenure Review -
Notice of Preliminary Proposal**

Dear Sir,

With regards to the Ben More Tenure Review representing the holder Ben More Graziers 1989 Ltd I would like to make the following submission and comments.

1. **Easements k - 1, m - n, o - p and q- r.**

- I am happy to have this open to the public and the Dept of Conservation staff 12 months of the year subject to weather and track conditions. Upon consultation with DOC staff it may need to be closed temporarily.
- I request that no signage be erected at the entrance to the main Ben More driveway off highway 73 into what is known as Ben More Road stating that there is public access but instead to erect signage further in the drive. My reasons are that this access goes past our homestead and farm buildings and what with the increase in criminal activities in the region will give them an excuse to come up our driveway. Those people who genuinely want access into the Thirteen Mile Bush DOC reserve will soon know that this access is available by right.

2. **Easement s - t in the Coach Stream linking up DOC reserves.**

- I would like to have this closed for 7 weeks over the lambing and calving period, currently that is 1st October - 20th November. This may alter in the future.

- Staff and management of Ben More would require vehicles and machinery access over land owned by DOC on the track leading from Highway 73 to the point - s.
3. **Easements a – b, c – d, e – f, + F – G and F – H The Dept of Conservation Management Purposes Easements.**
- I am happy with this easement for DOC staff but continuing on that track, shown on the map, I ask if Ben More Graziers can maintain and have legal access through the DOC land and back into the Ben More land. This would also be advantageous for DOC staff as well.
4. **Covenant CC.**
- I am more than happy to have this preserved in it's natural state but as stated in the Draft Preliminary Proposal it was not to be fenced. I note in the covenant Deed Schedule 2 it implies that it would be fenced. Could I have more clarification on this matter please?
5. **CA1**
- After a lot of thought and consideration I would like to see CA1 included in the Ben More Freehold title and after further discussions with Mike Clare put the significant inherent areas into Dept Of Conservation Covenants but not fence them. Listed below are my reasons.
 - Approximately 6000ha of Ben More has already gone into the Conservation state and the remaining property is small enough for this type of country.
 - I believe not all of CA1 has significant inherent values. All of this area has been over sown and top-dressed and a large part of it is still open pastoral grazing land.
 - When Graham Ayers, who worked for DOC as the Tenure Review representative and Simon Bamford inspected Ben More in the mid 1990's regarding tenure review their assessment was that the land currently occupied by Ben More today had no significant inherent areas but the land now owned by DOC did have significant areas. This was my motivation to sell to the Nature Heritage Fund.
 - It was discussed that this land that we sold to the Nature Heritage Fund be grazed in the future but it now looks as if this is not going to happen.

- Leaving this area with Freehold land will be a saving in surveying as the boundaries have already been done. There will also be no fencing required, another cost saving.

In summary I am happy to let the public and DOC Staff have access to the Conservation areas over Ben More land by way of easements.

- CA2 has an unfenced covenant placed on it known as C.C.
- CA1 has an unfenced covenant placed on the significant inherent areas.
- No boundary fences will have to be made and little surveying will be required.

I believe a net cost of \$25,000 + GST be payable by Ben More Graziers 1989 Ltd to the Crown.

- This letter is for further discussion purposes only. Ben More Graziers Ltd reserves its position to further comment and negotiate and is without prejudice to any final decision.
- I emphasise again the matters referred to in Clause 5, Paragraph 4.
- Ben More Graziers Ltd also reserves its position in respect of it solicitors comment on the wording of any covenants and easements to be agreed.
- The consideration to be agreed is reserved and the figures mentioned herein are for discussion purposes only.

I trust my comments will be considered and I am happy to discuss them with DOC Staff and the Commissioners representative.

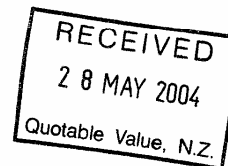
Yours faithfully,



Warrick James

David Hodder
408B Barrington St
Christchurch 8002

(4)
27 May 2004



Quotable Value Ltd
Level 1
62 Riccarton Rd
PO Box 13-443
Christchurch

Dear Mr B Dench

Public Report re Ben More Tenure Review

There will always be hunter interest in obtaining access to the 13 Mile Bush to the south of Ben More station so it is important to ensure there is adequate through access for now and the future.

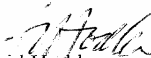
We certainly support the vehicle access via Thirteen Mile stream, indicated by the route k to r.

However the Macfarlane Stream route indicated from a to h should also be designated for public vehicular access, not just for DoC management access purposes.

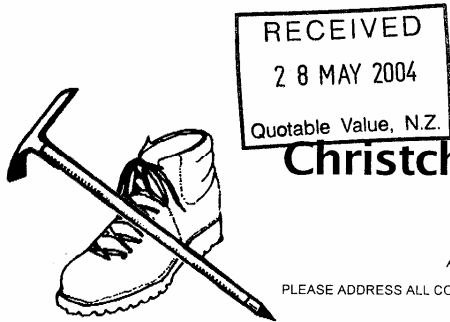
I have difficulty trying to understand why DoC should have a different access route to the public.

I have no comment re the majority of the pastoral lease station being freehold.

Yours faithfully


David Hodder

Member NZDA North Canterbury Deerstalkers Branch
Executive Committee.



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Christchurch Tramping Club Inc.

FORMED 1932

Affiliated to: FEDERATED MOUNTAIN CLUBS OF N.Z. INC.

PLEASE ADDRESS ALL CORRESPONDENCE TO THE HON. SECRETARY P O BOX 527, CHRISTCHURCH

Attention: Barry Dench, Team Leader – Tenure Review
Quotable Value Ltd
P O Box 13443
Christchurch

27 May 2004

Dear Mr Dench

Tenure Review of Ben More Pastoral Lease, PC109

I enclose the submission of the Christchurch Tramping Club (Inc) with regard to the Ben More Pastoral Lease

Yours sincerely

ny Harlow
Secretary
Christchurch Tramping Club

Enc.

CC: Mike Clare, Department of Conservation, Private Bag 4715, Christchurch.

Tenure Review of Ben More Pastoral Lease, PC109

**A submission on the Preliminary Proposal prepared for the
Christchurch Tramping Club (Inc.)**

The Christchurch Tramping Club's Use of the Area

This club was formed in 1932 and has grown to become one of the larger and more active mountain clubs in Canterbury. Our membership is approximate 300 people of all ages. We organise several tramps each weekend and have been long term users of the Porter's Pass district and the Big Ben Range.

Tenure Review in this District

As noted in the proposal documents, one of the major outcomes of tenure review on this property has already been achieved. This results from retirement of the higher altitude land which was formerly in the lease and its subsequent purchase by the Nature Heritage Fund. The inclusion of this land in the Korowai-Torlesse Conservation Park has produced major benefits for conservation and public recreational use. We look forward to similar additions to the Park resulting from the parallel tenure review of Brooksdale pastoral lease.

Land to be restored to full Crown Ownership

We support the addition to the public estate of the 78 ha discussed in the documents.

Public Access

Given the above, the remaining major issues are those of public access routes through the proposed freehold land to public land. We comment as follows:

Thirteen Mile Bush Stream Route.

We support clarifying and marking a route similar to the existing access to ensure legal access.

MacFarlane Stream

On the other hand the proposed access via MacFarlane Stream is unsatisfactory and, in our opinion, does not meet the requirements of CPLA, Section 24, Part 2, (c) (i).

This stream is frequently used for recreational access to and from Rabbit Hill and the lower section of the Big Ben Range northward to Porter's Pass. A popular semi-circular tramp is from Porter's Pass to Rabbit Hill and then down MacFarlane Stream. Recreational NGOs made this point to DOC at the early warning meeting on 17th August 1999 and their Conservation Resources Report records that NGOs "asked for secure legal access up Macfarlane Stream". The DOC Designations Report proposed an easement along the farm access track for both public access and management purposes. The Preliminary Proposal reduces this to DOC management access only.

Apart from the farm track there is a complicated mix of existing legal access up the stream. The stream bed itself is public land and there is an unformed road. Because there is public access the public will be motivated to use this route. Only the most knowledgeable will follow the actual legal access and others will be likely to use the vehicle track as the most practicable route. This may lead to friction with the landowners. It seems more rational to make this public access also. We would support this being designated for public foot access only.

Coach Stream

We welcome this additional access. Recreational use of the old coach road and this stream is growing rapidly as an easy access to the ridge south of Porter's Pass. However this is not a suitable alternative to the Macfarlane Stream access.

David Henson
Andrew Turton
21.5.04



271 Centaurus Rd
Christchurch 8002
27 May 2004



Commissioner of Crown Lands
c/- Quotable Value New Zealand Limited
PO Box 13-443
CHRISTCHURCH

Dear Sir

**RE: PRELIMINARY PROPOSAL FOR TENURE REVIEW OF
BENMORE PASTORAL LEASE**

INTRODUCTION

This submission is presented by the Peninsula Tramping Club (Inc). We are one of the larger tramping clubs in Christchurch, with approximately 200 members. We organise over 100 tramps every year, of which a large proportion visit high country pastoral leases.

We frequently visit the Benmore lease, usually as a means of accessing the Korowai-Torlesse Conservation Park from State Highway 73 on the east side. We view the access routes as of particular importance on this lease, since they provide good access to one of the closest high country blocks to Christchurch. With the increasing profile of the Conservation Park, provision of an adequate number of suitable routes into the park from the Christchurch side of Porters Pass will enhance the opportunities available for recreational users.

LAND DESIGNATION

Our club is satisfied with the delineation of areas proposed for full Crown ownership and freehold respectively.

ACCESS EASEMENTS

- (i) Coach Stream and Thirteen Mile Bush Stream.

We are satisfied with the provision of the public access easements near Coach Stream ("s-t") and adjacent to Thirteen Mile Bush Stream ("k-l", "m-n", "o-p" and "q-r"). These are well-used access routes into the Conservation Park.

(ii) Macfarlane Stream

Macfarlane Stream is a popular access route, and allows excellent round-trip options into the tops between Porters Pass and Rabbit Hill.

We believe that the designated route (“a-b”, “c-d”, and “e-h”) should be designated for public foot access.

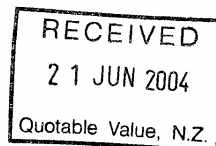
We do not support the designation of this route for Department of Conservation management purposes only. This route almost perfectly coincides with a legal road. It is anomalous therefore that a public access easement is not designated on this route to uphold the intent of the legal road. Additionally, by failing to make easier the securing of public access on a more straightforward route than that which strictly follows the legal road, the proposal appears to not meet the requirements of the CPL Act Section 24(c).

Thanking you for the opportunity to make this submission.



Terry Thomsen
Peninsula Tramping Club (Inc.)

Canterbury-Aoraki Conservation Board
C/o Department of Conservation
133 Victoria Street
Christchurch
18 June 2004



Mr Barry Dench
Tenure Review
Quotable Value Ltd
Box 13 443
Christchurch

cc.
Mike Clare
Manager, Tenure Review
Department of Conservation
Christchurch

Re: Ben More Pastoral Lease. Preliminary proposal for tenure review.

Dear Barry,

The Canterbury-Aoraki Conservation Board, which is a public advisory Board to DoC, is concerned about several aspects of this proposal.

- The Board believes the proposed freehold area must be adequately fenced off from the adjacent Korowai-Torlesse Conservation Park, whose establishment it supported. The Board notes that the reported intention of the new part owner, Mr Dick Schomberg from the USA, is to establish a safari park for deer hunting (The Press 1/5/03). Deer are pests which are a serious threat to forests, and all boundaries between the Park and this property should be appropriately fenced before tenure review is completed. The adjacent Park must not be used to run or harbour deer for trophy hunting. The Board is most concerned about the efficacy of fencing of public conservation land under tenure review, and is concerned about any grazing on retired land.
- The Board notes that on page 6 of the proposal it is stated that 'ecologically sustainable management will be promoted on the area proposed for freehold disposal'. What does this mean in terms of future agricultural use? This is vague in terms of future agricultural use, and the Board has no basis for judgment as to whether the use will be a threat to adjacent public conservation land or not. The Board finds this unsatisfactory.
- The Board has concerns about public access through the proposed freehold area to Korowai-Torlesse Conservation Park. It appears that a significant proportion of this access runs along unformed roads adjacent to rivers. It is concerned about access if the river moves. Does access move with the river? Is this the normal agreement in Tenure Review proposals?
- Board members have also raised the matter of public safety during the rut if this property is converted to a safari park. To what extent will members of the public be safe from deer during this period while using access easements, and who pays for any exclusion fences in this case?

Before this proposal goes ahead the Board would like to see these issues adequately addressed. I also draw your attention to our correct title; it is Canterbury-Aoraki Conservation Board.

Yours sincerely

A handwritten signature in black ink, appearing to read "A.G. Talbot". The signature is written in a cursive style with a horizontal line underneath the name.

A.G. TALBOT
Land Committee
Canterbury-Aoraki Conservation Board