

Crown Pastoral Land Tenure Review

Lease name: BEN NEVIS

Lease number: PO 241

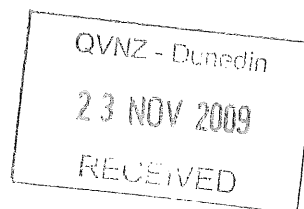
Public Submissions - Part 3

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

July

10

P O Box 215
DUNEDIN
Ph: (03) 479-3653
Fax: (03) 474-0389
Email: david.paterson@darrochvaluations.co.nz



B. Submission on Ben Nevis Tenure Review Preliminary Proposal

This submission is made by APF Kerr 1/3 Birdwood Cres Parnell Auckland

021511152

patrickk@woosh.co.nz

Ben Nevis Proposals

1.1 Retention of 8,807 ha. Higher Altitude Lands to Crown Control.

This land area has high landscape and natural values and is recreationally important. I submit its retention by the Crown is appropriate subject to the proposed continuation of rights to take and convey water- a long established high level water race - a recreation concession and grazing concession

1.2 Retention of 140 ha Lower Altitude Lands to Crown Control (CA4)

This land area is composed of lower hill slopes. It has high historic, landscape and natural values. Its retention as Crown land is appropriate subject to proposed conditions.

1.3 Retention of 160 ha. Of Lower Altitude Lands by the Crown.(CA5)

This land situated in the middle reaches of Doolans Creek catchment has high botanical values and landscape values. Its retention by the Crown under the conditions proposed is appropriate.

1.4 Retention of 8 ha. of Floodplain Land by the Crown.(CA3)

This small land area is on the Nevis River floodplain. It has high historic, landscape, public access and natural values. Its retention as Crown land is appropriate.

1.5 Retention of 52 ha. of Lower Altitude Land by the Crown.(RI Scenic)

This small land area is on the Nevis lower slopes and valley floor. It has high landscape, public access and natural values. Its retention as Crown land is appropriate.

1.6 Disposal of 4,451 ha to Pioneer Generation as Freehold

This area of land includes lower slopes and terraces and the valley floor. It has high landscape values, high historic values because goldfield sites are spread across the floodplain and up the side slopes in some areas; rare plants and native skinks are found on mine tailings on the floodplain, rare native fish are found in tributaries. Much of the land between the Nevis Road

and the river is important for public access for recreational activities including angling and kayaking, nature and history appreciation. The valley floor is an important landscape feature which contributes to its outstanding landscape status. It is not appropriate to freehold much of this land down towards the river

1.6.1 Conservation Covenants (CC1,CC2,CC3)

These cover lower altitude slopes proposed for freehold and focus on botanical values.

1.6.2 Landscape Covenants (CC Landscape)

The landscape covenant is flawed. It doesn't cover all the values present – public access rights to and along the river and generally over the lower floodplain are not mentioned. Native fish require specific protection in tributaries but aren't covered. Rare plants and skinks aren't mentioned and so aren't protected either.

Of most concern, the covenant designed to protect specified values in perpetuity has a clause in schedule 2 which requires the Minister to allow hydro development. So the covenant is valueless

1.6.3 Public Access Easements

There are public access easements over the proposed freehold in several locations leading to Crown land areas, some at higher altitude, to two access point on the river, and down the valley. These all deserve support where land is freeholded

Even if a secure covenant was proposed it is more appropriate to protect these lower lying valley floor areas through retention in Crown ownership.

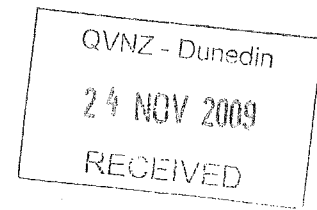
Submitter's name: APF Kerr

Date 17 November 2009

18 - 11 - 09
26 Coleraine Street
Cromwell.

Re Ben Nevis Tenure Review

Written Submission By
John Rawcliffe



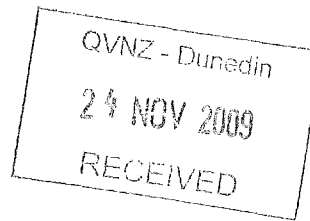
Att David Paterson

Re Clynes hut on Ben Nevis Station, Situated one km south of old Nevis Town.

I have been going into this hut since I was twelve years old. Colin Clyne is my stepdad of Fifty four years, Colin passed away in March 2008 and it is the understanding that family members are able to use this hut. Colins background goes back to his mother and Auntie, Colins mother and Auntie were born in the Nevis in the early 1900s, there maiden name were Renshaw. Colins Auntie Miss Renshaw ashes are buried in the old Nevis Cemetery. Colins mother never left the Nevis valley until she was 13 years old. Colin and my mum Dot Clyne spent a lot of time in the Nevis just exploring the valley it had many fond memories for them and there families. I along with Peter Hampton and my family have spent many days and nights enjoying the Nevis Valley over the last 50 years. Since Colin has passed away I have moved to Cromwell and have meet many locals who now come and stay in the Nevis with our familys, they all just love this valley. The Clyne hut has many memories and I along with family and friends would love to see us carry on our tradition with our visits to the Nevis. We treat the Nevis as paradise away from home and are privileged to have this valley on our doorstep, hopefully this will be able to continue and we as family and friends are able to carry on with our adventures in the Nevis Valley

John Rawcliffe

P O Box 215
DUNEDIN
Ph: (03) 479-3653
Fax: (03) 474-0389
Email: david.paterson@darrochvaluations.co.nz



B. Submission on Ben Nevis Tenure Review Preliminary Proposal

This submission is made by:

Daniel Walmar Lyders and Susan Mary Hutt

1346 Mcpherson Road, Berwick., No. 1. R D., Outram. Phone 034862834

lydersd@yahoo.co.nz

Ben Nevis Proposals

1.1 Retention of 8,807 ha. Higher Altitude Lands to Crown Control.

Appropriate. Should remain Crown Lease with recreation concession.

1.2 Retention of 140 ha Lower Altitude Lands to Crown Control (CA4)

Agree. Highly valuable historically and for natural values.

1.3 Retention of 160 ha. Of Lower Altitude Lands by the Crown.(CA5)

Agree.

1.4 Retention of 8 ha. of Floodplain Land by the Crown.(CA3)

Agree.

1.5 Retention of 52 ha. of Lower Altitude Land by the Crown.(RI Scenic)

Agree.

1.6 Disposal of 4,451 ha to Pioneer Generation as Freehold

Oppose. Much of the terraces, lower slopes and valley floor have high value for historic gold mining sites, habitat for rare plants and native skinks and birds (on 17 November 2009 we photographed a Banded Dotterel with its chick on the roadside on School-house Flat halfway between Nevis Crossing and Lower Nevis Township). As well it has very high recreational values for such things as angling, tramping, kayaking, historical gold mining relics, landscape appreciation, natural wilderness values, and needs to be

freely accessible to the public. Much of this land should not be freeholded especially down near the river.

1.6.1 Conservation Covenants (CC1,CC2,CC3)

Agree

1.6.2 Landscape Covenants (CC Landscape)

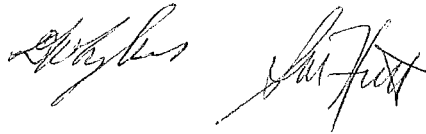
Of no value so long as the covenant requires the Minister to allow Hydro.

1.6.3 Public Access Easements

Agree with these especially where land is to be freeholded. Valley floor access is better safeguarded by not freeholding ie by retaining in Crown ownership where there are high historic values (gold mining sites and tailings etc) recreational values (angling,kayaking,rare plants,skinks,birds,landscape appreciation).

Submitter's name

Daniel Walmar Lyders , Susan Mary Hutt.



Date

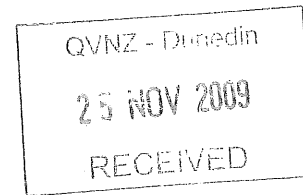
22/11/09

275011

SUBMISSION IN REGARD TO TENURE REVIEW BEN NEVIS PASTORAL LEASE.

8 Craddock Place
Dunedin.

24 November 2009.



The Commissioner of Crown Lands
C/- Darroch Valuations,
Dunedin

I own and part own 2 mining claims in the Nevis. One in the lower gorge of the Nevis River and Doolans Creek and the other on the Schoolhouse Creek Flats and School house Creek. The permit on Schoolhouse Creek is our main area of interest with this review.

We have never been advised or contacted in any way as to this review even though our interest is registered on the title.

I take issue with either Department of Conservation or Pioneer Generation being given control of the property.

There are considerable mineral resources below ground on this whole property and no mention has been made other than historical which Dept of Conservation wants to lock up.

The report is pretty light on detail on any significant natural or historic assets below the 700 meters asl mark but considerable above that.

The report also advocates breaking the law by advising people they could go panning, page 7, I am fairly sure there are no designated public panning area in the Nevis and panning is now illegal without a permit.

I am being marginalised from assets we paid a lot of money for and continue to pay significant "rent" \$6,860.00 per year for our 685 Ha permit compared to Pioneer Generations \$5,550.00 for 14,560 Ha. for the whole station.

I seek to be included in the process and consulted both retrospectively and in the future.

I OBJECT TO THE PROPOSAL ON THE ABOVE GROUNDS.

A. Mark Skinner

Dir. Golden Bush Mining Ltd.

To – The Commissioner of Crown Lands, c/- Darroch Valuations, PO Box 215, Dunedin.

Sent by email to david.paterson@darrochvaluations.co.nz on 25th November 2009

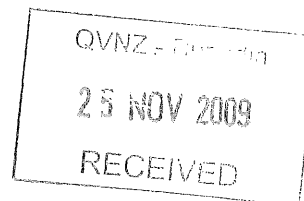
Submission on Ben Nevis Tenure Review Preliminary Proposal

1. **This submission** is made by the Gore and District Angling Society, a long established club whose members have fished the Nevis river for many years.

The Society's address is :

The Gore and District Angling Society.
C/- The Secretary
John Purey-Cust
203 Champion Road
4RD Gore 9774

Phone – 03 208 5200
Email - oq43@ispnz.co.nz



2. **The reason for our submission.** The Nevis valley is a valley known for its particular atmosphere, a combination of high country tussock, rivers and mountains, together with human history, a combination rare in this country

Te Puoho's southern raid – one of New Zealand's great journeys - which ended at Tuturau came this way not long before gold was discovered, and the names of the miners are still remembered. Some of their descendents have been members of our Society. So in our members' eyes it is not only the large trout which help to make the valley memorable to anglers– one can still go to other places for them – it is that special atmosphere together with all its historic associations.

Whether or not these values are adequately catered for in the areas proposed for freeholding seems doubtful, no doubt influenced subconsciously by knowledge of the ultimate intended use of the land. Others better qualified than us will discuss that.

There are not many such places left, and we are also well aware that this is the second to last free flowing fishing river left in the Clutha catchment downstream of the lakes, the other being the Pomahaka.

So, in the short term, access to and along the river becomes our prime issue, together with preservation of the fishery.

In that regard the potential free holder has other options beyond hydro for access capture, the two most obvious being intensification of agriculture on the flats, and exclusive lodge development. Access capture must be thwarted.

It seems that the battle for the river and the fishery itself comes later.

3. Our submission therefore is:

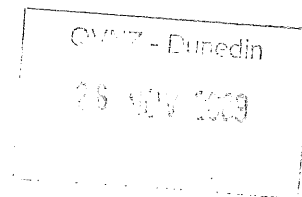
- That the formed road into and up the Nevis valley be made a public road wherever it strays from its gazetted line
- That there be a right of public access along the banks of the Nevis river wherever it adjoins or is within Ben Nevis, and that there also be public access to the river every three kilometres or so wherever this is physically feasible

(Explanation. At the moment, as far as can be ascertained, there is legal access to the river only at the Nevis Crossing bridge.)

John Purey-Cust
Secretary, Gore and District Angling Society

25th November 2009

P O Box 215
DUNEDIN
Ph: (03) 479-3653
Fax: (03) 474-0389
Email: david.paterson@darrochvaluations.co.nz



B. Submission on Ben Nevis Tenure Review Preliminary Proposal

This submission is made by

Dr Michael A Turner,

194 Beacon Point Road, Wanaka, 9305.

e-mail: -mikecarolewanaka@xtra.co.nz

tel 03 443 6057

Ben Nevis Proposals

1.1 Retention of 8,807 ha. Higher Altitude Lands to Crown Control.

(Comment: This land area has high landscape and natural values and is recreationally important. I think its retention by the Crown is appropriate subject to the proposed continuation of rights to take and convey water- a long established high level water race - a recreation concession and grazing concession.)

1.2 Retention of 140 ha Lower Altitude Lands to Crown Control (CA4)

(Comment: This land area is composed of lower hill slopes. It has high historic, landscape and natural values. Its retention as Crown land is appropriate subject to proposed conditions.)

1.3 Retention of 160 ha. Of Lower Altitude Lands by the Crown.(CA5)

(Comment: This land situated in the middle reaches of Doolans Creek catchment has high botanical values and landscape values. Its retention by the Crown under the conditions proposed is appropriate.)

1.4 Retention of 8 ha. of Floodplain Land by the Crown.(CA3)

(Comment: This small land area is on the Nevis River floodplain. It has high historic, landscape, public access and natural values. Its retention as Crown land is appropriate.)

1.5 Retention of 52 ha. of Lower Altitude Land by the Crown.(RI Scenic)

(Comment: This small land area is on the Nevis lower slopes and valley floor. It has high landscape, public access and natural values. Its retention as Crown land is appropriate.)

1.6 Disposal of 4,451 ha to Pioneer Generation as Freehold

(Comment: This area of land includes lower slopes and terraces and the valley floor. It has high landscape values, high historic values because goldfield sites are spread across the floodplain and up the side slopes in some areas; rare plants and native skinks are found on mine tailings on the floodplain, rare native fish are found in tributaries. Much of the land between the Nevis Road and the river is important for public access for recreational activities including angling and kayaking, nature and history appreciation. The valley floor is an important landscape feature which contributes to its outstanding landscape status. . It is not appropriate to freehold much of this land down towards the river)

1.6.1 Conservation Covenants (CC1,CC2,CC3)

(Comment: These cover lower altitude slopes proposed for freehold and focus on botanical values. I cant advise on their appropriateness)

1.6.2 Landscape Covenants (CC Landscape)

(Comment: The landscape covenant is flawed. It doesn't cover all the values present – public access rights to and along the river and generally over the lower floodplain are not mentioned. Native fish require specific protection in tributaries but aren't covered. Rare plants and skinks aren't mentioned and so aren't protected either.

Of most concern, the covenant designed to protect specified values in perpetuity has a clause in schedule 2 which requires the Minister to allow hydro development. So the covenant is valueless)

1.6.3 Public Access Easements

(Comment: There are public access easements over the proposed freehold in several locations leading to Crown land areas, some at higher altitude, to two access point on the river, and down the valley. These all deserve support where land is freeholded .)

(Comment: Fish and Game is strongly opposed to freeholding valley floor land with important multiple values. Even if a secure covenant was proposed it is more appropriate to protect these lower lying valley floor areas through retention in Crown ownership.)

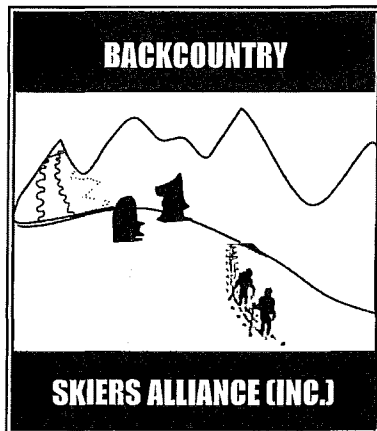
Submitter's name Dr Michael A Turner.



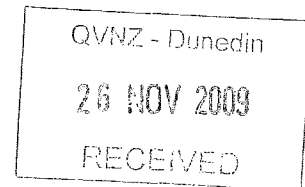
Date 24th November 2009

I fully support Fish and Game on tenure review of Ben Nevis Station, and would attend a hearing .

275014



Backcountry Skiers Alliance
PO Box 168
Alexandra



20th November 2009

Darroch Valuations
Box 215 Dunedin

Attn: David Patterson

Submission on Ben Nevis Tenure Review

Introduction

Thank you for the opportunity to submit on the proposed tenure review of the Ben Nevis Pastoral Lease.

Backcountry Skiers Alliance (BSA) is an incorporated Society established in 1996. Our objectives are to foster non-motorised winter recreation in backcountry areas, and to promote and protect the resources upon which our member activities are based. We have submitted on a wide range of land tenure and environmental matters throughout Otago. For many members BSA is the only outdoor organization they belong to.

Our members have skied and tramped over much of the higher land discussed in the proposal. We also use the Nevis Valley at other times for mountain biking, horse trekking, walking and fishing.

The Notice

Before we submit in detail we must comment on the form of the notice. We found it very odd that "...use of Nevis River for hydro-electric development..." is stated in the notice and that submitters are warned that thereafter they must not mention the possibility of the development (and presumably its negative effects on the landscape) within their submission.

Even within in the TR document this use is signalled explicitly (Appendix 5, the landscape covenant, special conditions) that "the Land be used for hydro electricity development..." It seems unfair not to allow submitters to comment!

This sort of notice could easily discourage some submitters, and even worse, could appear to present some inevitability that such a development has some official support and may go ahead!

BSA hope this feature is not used in future notices (for land with Wind Farm potential for example). Most submitters will be well aware of current issues, and should feel free to comment on such within their submissions. These comments might be ignored by the reviewer but at least the issues are recorded in perpetuity.

BSA Submission Details

We are happy with much of the document. It describes very well the special nature of the land, flora and fauna, and its place in the wider landscape of the Nevis Valley.

The lands restored to or retained to Crown control are obvious candidates with outstanding recreational and conservation values.

CA1

BSA strongly the support land designated as Conservation Area CA1.

Our members are very familiar with the alpine terrain in the head of Schoolhouse and Commissioners Creeks. These regions are visited either from the valley floor or are part of the popular Remarkables-Hectors tramping traverse.

CA2-5

We support the creation of CA2-5

Heliskiing Concession

We object to the concession being granted to Pioneer Generation. This Electricity Generation Company is clearly not in the business of tourism, especially heliskiing. It is a ridiculous scenario. The correct procedure is to allow applications for the concession after the TR process is completed.

Freehold near the Nevis River

The Nevis River is a very special location for fishing and kayaking. It is not appropriate that land adjacent to the river is freehold. Significant public reserves should be created alongside the river with secure public access at regular intervals though any freehold between the road and the river.

The Landscape Covenant

Although pleased to see a landscape protection covenant proposed over the total area flagged for freehold, we are also well aware that covenants are a weak instrument that allows no protection from development in many instances. We fear this will be the case here too.

The lower lands, including the valley floor, are an important part of the whole Nevis Valley landscape, whether viewed as background from the tops or viewed as a foreground from the Nevis Road. They deserve better protection.

Public access, signage and parking

BSA supports the proposed public access arrangements.

We recommend that extra effort is made to erect permanent signage clearly indicating the start of all access routes and that adequate space for parking must be allocated.

Foot access must be unrestricted all year-round.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'John Robinson', with a horizontal line extending to the right.

John Robinson
Secretary, BSA

OTAGO CONSERVATION BOARD

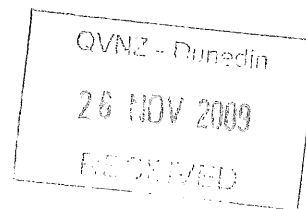
275015

P O Box 5244, Dunedin 9058

Our ref: SBC-08-34

26 November 2009

Commissioner of Crown Lands
c/o Darroch Valuations
P O Box 215
DUNEDIN 9054



Attention: David Paterson

Dear Sir

Ben Nevis Tenure Review

The Otago Conservation Board is appointed by the Minister of Conservation to represent the wider Otago community in advocating for the protection of biodiversity and the conservation of natural and historic resources throughout Otago. The Board is generally supportive of this preliminary proposal.

Process

The Board is aware that the Commissioner has published a notice indicating that he will ignore parts of submissions that comment on potential hydro electric development on the Nevis River. The Board accepts the Commissioner's stance and will put aside its views on protection of the Nevis River when making this submission. However, the Board is concerned that the preliminary proposal makes particular mention of future hydro development in the covenant agreement in a way that would appear to facilitate hydro development. We believe that it is inconsistent and unfair to include these provisions in the proposal, and at the same time refuse to consider public submissions on the matter.

If the Commissioner believes the tenure review process should not be used by the public to express their views on potential hydro electricity development, then this document, including covenant agreements, should likewise be silent on the issue.

General

Most of the Ben Nevis pastoral lease is retired and has not been grazed since 1980. This reflects the unsustainability of pastoral farming on much of this property. Ben Nevis does however have exceptionally high significant inherent values, especially those relating to landscape, biodiversity, historic and recreation. In the absence of grazing, it will provide significant ecosystem services, including carbon sequestration, erosion control, and a moderating effect on water run-off. It is therefore appropriate that the proposal intends to return most of the property to full Crown ownership. Any other outcome would be inconsistent with the Crown Pastoral Land Act. The area of land to be

OTAGO CONSERVATION BOARD

P O Box 5244, Dunedin 9058

disposed of to freehold should not be any greater than that outlined in this preliminary proposal.

The Board agrees that the Nevis Valley is a stunning landscape of international significance. It is one of only two or three Central Otago tussock grassland landscapes that remain relatively intact from valley floor to mountain top, despite the iconic status of these landscapes.

Conservation Area 1 (CA1)

The Board strongly supports the retention in full Crown ownership of CA1. CA1 is an alpine environment with high natural values that cannot sustain pastoral farming. It contains a number of threatened species and forms the backdrop to this stunning landscape.

The Board believes that it is inappropriate to grant Pioneer Generation a heliskiing concession within CA1. Lessees have previously been granted concessions to undertake commercial activities as part of tenure review. This may be appropriate when the concession improves the long term financial viability of tenure review for the lessee, by allowing them to undertake an alternative commercial activity. Such a scenario does not apply in this instance however. Because it is very unlikely that Pioneer Generation will run the heliskiing operation itself, the company is likely to simply on sell the rights to a third party. Any heliskiing concession application should be considered by the normal process after the completion of tenure review. This would be fairer to the public and to other heliski operators.

Conservation Area 1 (CA2)

The Board supports retention of CA2 in full Crown ownership as a conservation area. Unmodified valley floors are rare in Central Otago and this area is one of the best remaining examples. It contains a number of threatened species and historic sites.

Conservation Area 1 (CA4)

The Board supports the retention of CA4 in full Crown ownership as a conservation area in order to protect historic values.

Scenic Reserve (R1)

Given the high botanical values of R1, it should be designated as a scenic reserve as proposed.

Conservation Covenants

The Board supports the covenants CC1, CC2 and CC3, and sees them as appropriate mechanisms to preserve the intrinsic values of these areas.

Conservation Covenant (Landscape)

The Nevis is one of the last remaining examples of intact tussock grassland extending from valley floor to mountain top in Otago. This landscape is therefore an exceptionally valuable one that needs ongoing protection from inappropriate development. It is indeed an outstanding natural landscape and it needs to be clearer in the covenant document that it has the status of outstanding landscape as defined by the Resource Management Act.

OTAGO CONSERVATION BOARD

P O Box 5244, Dunedin 9058

Recreation Reserve

The Nevis River is valued by fishers and others who enjoy walking, camping or picnicking on its banks. These values are so high that a recreation reserve should be created on its banks. The Board is surprised that this has not formed part of the proposal. The lessee's plans for hydro development should not be taken into account in this matter.

Public Access

The Board supports the access arrangements contained in the proposal, including those for vehicle access, which will provide for a valuable backcountry trip from Bannockburn through to Gibbston.

Yours faithfully

A handwritten signature in black ink, appearing to read 'H. Langsbury', with a large, sweeping underline that extends to the left and loops back under the signature.

Hoani Langsbury
Chairperson

275016

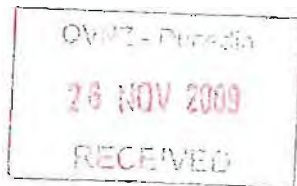
The Commissioner of Crown Lands
C/o Darroch Valuations,
PO Box 215,
DUNEDIN.



**FOREST
& BIRD**
Dunedin Branch

PO Box 5793
Dunedin

25.11.09



Dear Sir,

I enclose these submissions on the preliminary proposal for Ben Nevis Pastoral Lease on behalf of the Dunedin Branch of Forest and Bird.

Thankyou for the opportunity to make submissions on this proposal and for arranging permission for us to inspect the lease.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Janet Ledingham'.

Janet Ledingham

For the Management Committee of the Dunedin Branch, Forest and Bird Protection Society

Email jledingham@xtra.co.nz
622 Highgate, Maori Hill, Dunedin 9010.
Phone 03 467 2960

Submission on the Preliminary Proposal for Ben Nevis Pastoral Lease

On behalf of the Dunedin Branch Forest and Bird Management Committee.

This submission is written on behalf of the Dunedin Branch of the Forest and Bird Protection Society which has approximately 565 members, many with strong interests in the High Country values and recreational opportunities as well as in botany and natural history in general. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

The submission is written with reference to the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the recently stated government objectives for the South Island high country, especially the following: -

- *to promote the management of the Crown's high country in a way that is ecologically sustainable.*
- *to protect significant inherent values of reviewable land by the creation of protective measures; or preferably by restoration of the land concerned to full Crown ownership and control.*
- *to secure public access to and enjoyment of high country land.*
- *to ensure that conservation outcomes for the high country are consistent with the NZ Biodiversity Strategy to progressively establish a network of high country parks and reserves.*

This submission is made on the basis of knowledge of the Valley gained from frequent visits over some 30 years as well as our more recent inspection specifically to assess the outcome suggested in the Preliminary Proposal.

Introduction

The Nevis valley as a complete entity.

The Nevis Valley taken as a complete entity is a very special place as is appreciated by those who make the classic trip from Garston through to Bannockburn by 4WD, biking or walking as well as those who visit the Valley to walk, tramp, botanise, fish, canoe and just enjoy the remoteness and the scenery. There are outstanding views of the Hector Mountains and the Remarkables to the west and first the Old Woman Range and then the Carrick Range dominate on the true right of the river.

The landscape and conservation values have been acknowledged by many different organizations, and in many reports, including that on the original Kawarau Water Conservation Order and the extensive Conservation Resources Reports done by the Department of Conservation experts as part of the tenure review process for the pastoral leases in the Nevis Valley.

It is widely acknowledged that the Nevis Valley is blessed with outstanding natural characteristics, being an outstanding landform and that the Nevis River is the last example of a free-flowing river in the Central Otago District .

The Department of Conservation Otago Conservation Management Strategy (CMS) includes the Nevis Valley within Special Place 26, The Remarkable . The CMS notes the remote character of the Nevis Valley and describes it as a supreme example of a little modified and virtually treeless Central Otago landscape with one of the most intact goldfield's landscapes remaining in Otago'. One of the Otago CMS objectives is 'the protection of the high historic values and remoteness of parts of this Special Place'.

The Conservation Resources Report (CRR) report for Ben Nevis describes incised streams as being prominent in the landscape below Nevis Crossing with the Nevis Gorge being described as a significant landscape feature. It concludes that the Nevis Valley in its entirety has landscape values of national significance noting the homogenous dominant gold tussock cover, a distinctive, highly diverse and visible landform with cultural influences from mining and pastoralism. Those factors together with the enclosed remote and relatively isolated nature of the valley are considered to contribute to a landscape that is visually memorable.

In the Ben Nevis CRR, June 2004 it is stated that ‘The Nevis valley is well recognized as being visually very impressive’ and that ‘The diversity in landform, e.g. flats gorges, terraces together with tor-lined gullies and slopes contribute to the spectacular nature of the valley. The Ben Nevis farm buildings, old gold workings, plantings and other cultural features add interest and diversity.

The Valley is increasingly used for a wide range of recreational activities and the outcome of this review is likely to increase particularly the use and enjoyment of the high country within it.

Land to be restored to Crown Control

CA1 An area of 8,807 hectares (approximately) to be designated as land to be restored to or retained in Crown control as conservation

CA1 is well described in the proposal. It extends from Commissioners Creek to the left Branch of Doolans Creek and the western boundary is the summit ridge of the Hector Mountains including Ben Nevis and James Peak, favourite tramping routes with many. The botanical values are high in the shrublands, tussock, herbfields, fellfield, wetlands and rocky slopes within the CA and include a number of rare and threatened species. The landscape values are outstanding. It is magic territory to explore and enjoy. The altitudinal sequence runs from over 2000m at the highest points of the ridge crest down to 800-1300m. The significant inherent values as described in the proposal and the Conservation resources report (CRR) certainly warrant the CA designation. It will be a valuable addition to a future Remarkables Conservation Park.

We fully support the creation of CA1

Easement Concession:

An easement concession for farm management purposes over the land marked “e-b1 -k” and “k1 -k2” in CA1 on the Plan in Schedule A.

We have no objections to the above easement

Heliskiing Concession:

A heliskiing concession under Section 17Q(1) Conservation Act 1987 to be granted to Pioneer Generation Limited over the land in CA 1 on the Plan in Schedule A.

We are happy that the existing concession should be allowed to run its course.

CA2. An area of 950 hectares (approximately) to be designated as land to be restored to or retained in Crown control as conservation area subject to a qualified designation.

The proposed CA2 which is well described in the Proposal includes an area of intermontane valley systems and the lower slopes of Schoolhouse Creek and the Schoolhouse Flat and has significant ecological values as well as landscape values. The mining landscape is of high importance in the context of the mining history of the whole Valley. A number of rare species are present and are well described in the Proposal and in the CRR and there are several areas of red tussock.

We strongly support the designation of CA2 which is well supported by the data in the proposal and in the CRR.

Easement Concession:

An easement concession for farm management purposes over the land marked "a2-n-s" and "m-n" in CA 2 on the Plan

We have no objections to the above easement

CA4 An area of 140 hectares (approximately) to be designated as land to be restored to or retained in Crown control

This covers the old 1930s workings between CA1 and the Nevis River and the protection of these through return to Crown ownership and control is very important as part of the sequence of the mining history in the Valley which should be protected for all time. Interpretation of these areas will greatly add to the enjoyment and appreciation of the mining history.

We fully support the return of CA4 to full crown ownership and control.

Grazing Concession:

A grazing concession for the grazing of sheep under Section 17Q(1) Conservation Act 1987 to be granted to Pioneer Generation Limited over the land labelled CA 4 on the Plan in Schedule A.

We have no objection to continued light grazing as a means of controlling the vegetation. The grazing should not be intensive, as rare plants do exist in this CA.

CA5. An area of 160 hectares (approximately) to be designated as land to be restored to or retained in Crown control as conservation.

Among other values, this area contains woody shrublands below 1000m, well described in the Proposal and the CRR. It forms a valuable extension to the altitudinal sequence in CA1.

It seems to us that it should simply be added to CA1 in conjunction with the proposed CC1 which as described in the proposal and observed on inspection justifies a CA designation.

Grazing Concession:

A grazing concession for the grazing of sheep under over the land labelled CA 5 on the Plan in Schedule A.

We do not support this grazing concession to allow for overflow from CC1, since we think CC1 contains values justifying a designation as a CA and logically should be added to CA1.

CA3. An area of 8 hectares (approximately) to be designated as land to be restored to or retained in full Crown ownership and control as conservation area

This area has significant ecological and historic values associated with the mining history and should certainly be under Crown control.

We fully support the designation for the CA3 area

R1. Scenic An area of 52 hectares (approximately) to be designated as land to be restored to or retained in full Crown ownership and control as Scenic Reserve

This area contains a significant area of red tussock grasslands and associated wetlands. Amongst the wetland communities are strong populations of rare and endangered species of *Carex* and *Euchiton* which are at risk from continued stock grazing.

We strongly endorse the designation of this area as a Scenic reserve with grazing excluded.

Freehold Land

An area of 4,451 hectares (approximately) to be designated as land to be disposed of by freehold disposal to Pioneer Generation subject to protective mechanisms and a qualified designation.

With the exceptions detailed below we have no objection to the freeholding of this area.

Access issues

We think it is important that there is legal public access along the river over the mining areas where that is not covered by a marginal strip.

We also ask that there be public access to the Dell at the mouth of the Nevis Burn as it is a popular picnic and fishing spot, i.e. from 'y' to 'z' which already provides for Fish and Game access.

Conservation Covenants.

A conservation covenant under Section 77 Reserves Act 1977 for the purposes of protecting the natural environment of the area (marked "CC 1", "CC 2", "CC 3" on the Plan in Schedule A)

We were able to inspect the areas of all these Covenants and wish to thank Pioneer for provision of helicopter to enable us to do this since lambing prevented access for us to the hill tracks by vehicle. We were able, working in pairs, to spend three hours at each location so could to carry out close inspections.

CC1. Conservation Covenant CC 1 (Doolans)

From observations on the ground we are convinced that the values within CC1 would be better protected if designated as a CA with grazing excluded and added to CA1 as an extension to the very valuable altitudinal sequence. Given the ramification of future climate change and its effects on plant species it is very important to secure these altitudinal sequences.

From the significant inherent values described in the proposal and in the CRR this area should be a CA and added to CA1.

CC2. Conservation Covenant CC 2 (Nevis Burn)

This area contains a continuous altitudinal sequence of predominantly indigenous vegetation between 100m and 1680m. It includes quite an area of shrubland increasing towards the Nevis Burn. The survival of these important vegetation values would be much better achieved through designation as CA rather than as CC with continued grazing.

From the significant inherent values described in the proposal and in the CRR and because of probable inability to support sustainable land use this area should be a CA and added to CA1

CC3 and CC3A Conservation Covenants (Schoolhouse Creek)

The grasslands, together with the ecological importance provided by the altitudinal sequence and the significant inherent values of the shrublands and tussock country together provide a strong case for returning the proposed CC3 land, at the very least above 900m, to Crown control.

From the significant inherent values described in the proposal and in the CRR this area should be a CA and added to CA1

CC. Landscape Covenant.

We agree that there is a need to preserve the landscape within CC but strongly suggest that it would be appropriate to separate off the mining history areas into Historic Reserve with provision for monitored continued grazing as suggested on the CC conditions. It is also necessary to provide for public access to the historic remains within this proposed CC area.

We note that the Nevis goldfields have been described as the most intact goldfields landscape in Otago (in 'The Cold Sequestered Nevis', Hamel 1994).

We are also aware of the value placed upon them by DOC in the Conservation Resources Report on Ben Nevis where it was noted that the diversity of alluvial gold mining sites in the area around Nevis Township and the Crossing, along with the lack of modification since that time and the visibility and accessibility of the area combine to make the gold field a site of national importance.

We are also aware of other significant inherent values over the mining tailings; rare plants and invertebrates, detailed in the CRRs and submitted in evidence at the recent and ongoing Kawarau Water Conservation Order hearing.

The Historic Places Trust has recently notified their intent to seek protection for the Lower Nevis mining relics and remains.

Given the importance of the mining history we suggest it deserves the strongest protection possible, perhaps as Historic Reserve between the road and the river to allow preservation for all time and continued survival of the rare flora and fauna. Monitored light sheep grazing would still be appropriate.

The historic buildings including the woolshed should also have some formal protection.

Public Access and Minister of Conservation Management Purposes Easement in Gross. An easement under Section 7 Conservation Act 1987:

(i) to provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles powered by a person or persons, or by motor vehicle, provided however that persons with guns and persons accompanied by dogs are permitted to use the easement area provided they have a hunting permit issued by the Department of Conservation over that part of the land shown marked as "a-b-y-c-d" on the Plan attached in Schedule A.

We support the above public access provisions

(ii) to provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles powered by a person or persons, provided however that persons with guns and persons accompanied by dogs are permitted to use the easement area provided they have a hunting permit issued by the Department of Conservation over that part of the land shown marked as "c-e", on the Plan attached in Schedule A.

We support the above public access provisions

(iii) to provide public access for persons on foot, or by non-motorised vehicles powered by a person or persons, provided however that persons with guns and persons accompanied by dogs are permitted to use the easement area provided they have a hunting permit issued by the Department of Conservation over that part of the land shown marked as "b-bl" "f-g-h" "g-i", "s-t", "n-n1" "u-v" and "w-x" on the Plan attached in Schedule A.

We support the above public access provisions

(iv) to provide access for tenants, agents, contractors and invitees of the Minister and any employee or contractor of the Director-General of Conservation on foot, or on or

(iv) to provide access for tenants, agents, contractors and invitees of the Minister and any employee or contractor of the Director-General of Conservation on foot, or on or accompanied by horses, or by motor vehicle, with or without machinery and implements of any kind, and with or without guns and dogs, for management purposes over that part of the land marked "a-b-y-c-d", "b-bl" "c-e", "f-g-h", "g-i", "n-n1", "s-t" and "u-v" on the Plan attached in Schedule A.

**(v) An easement to provide access for employees, agents, contractors, honorary rangers and invitees of the Otago Fish and Game Council on foot or by motor vehicle, with or without machinery and implements of any kind for management purposes over that part of the land marked "a-b-y-c-d" and "y-z" on plan in Schedule A.
with us.**

We support the access provisions but ask that public access is also available from 'y' to 'z' down to The Dell.

Our thanks to Mr Peter Mulvihill of Pioneer Generation Ltd. for providing the helicopter access to allow us access to the high ridges as lambing concerns had prevented us using vehicles to access the higher tracks.

We thank the Commissioner of Crown Lands for the opportunity to comment on the Preliminary Proposal of this pastoral lease.

Janet Ledingham,

For the Management Committee of the Dunedin Branch, Royal Forest and Bird Protection Society.

Note Re Covenant CC (Landscape and Environment)

We believe that the condition for the above CC as set out in Schedule 2, point 7 should be deleted as there is ample evidence that the significant inherent values and historic values of the CC are very high in the valley floor and lower slopes and warrant protection under Crown Ownership with appropriate grazing concessions. Since protection of significant inherent values is the primary objective of the Crown Pastoral Land Act 'point 7' is in conflict with those objectives.



Figure1. Looking down into the Nevis Burn from CA1, note the shrublands designated CC2 which we are convinced should rather be added to CA1.



Figure 2. A view of a series of dredge/slucing ponds, part of the mining history that needs to be protected on Ben Nevis.



Figure 3. More of the mining history close to the River that should be protected.



Figure 4. Dredge remains on the Ben Nevis bank of the Nevis River

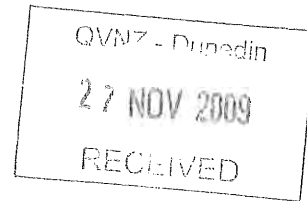


Figure 5. Extensive mining tailings on Ben Nevis that need protection.

26 November 2009

The Commissioner of Crown Lands
C/- Darroch Valuations
P O Box 215
DUNEDIN 9054

Attn: David Paterson



Dear Sir

**RE: SUBMISSION ON PRELIMINARY PROPOSAL – BEN NEVIS PASTORAL
LEASE TENURE REVIEW – SUBMISSION OF MR AND MRS
GARMONSWAY**

This is a submission by Mr Myles Garmonsway and Mrs Kathryn Garmonsway.

The upper reaches of the Hector Mountains are a wonderful area with beautiful alpine meadows, cirques, tarns and peaks. Historically access to them, particularly from the Nevis side has involved very long and high walks in from the valley floor. This has precluded access to the area for weekend trips for all but the most fit.

We have had some wonderful short trips into these mountains using 4WD access (with permission) along the tracks leading up the spurs. We would like this opportunity to continue to be available to ourselves and others. These tracks are sufficiently steep to deter uphill travel by all but the most determined mountain biker.

The lack of huts in the area means that only self sufficient parties will access the area. These people largely have a high respect for the environment and other users. The separation of the terminal ends of the 4WD tracks from the main mountain spine means that 4WD access would not detract from the pristine feeling of the area. The noise generated by 4WD vehicles would be less noticeable than that generated by the myriad of aircraft overhead.

None of the 4WD tracks up the spurs provide for round vehicle trips. This will deter many recreational 4WD users from the long crawl up these tracks and reduce the exposure to the less responsible 4WD user.

The 4WD tracks tend to have a fairly solid base with few opportunities for mud holes to develop or track damage to occur during the summer months. As they gain elevation their base becomes more rocky, stable and damage resistant.

Our experience is that motorbikes often have a higher environmental impact on the track and other users due to their often noisy nature and narrow tyres ripping up the ground. They are more likely to venture off the formed track than a 4WD and cause damage to sensitive areas and tend to travel much faster, providing an increased risk to other users. I believe that they should not be encouraged to enter into the area.

We would support the spur tracks to be open to 4WD access for the same period as is proposed for the Doolans Saddle road.

We would support some kind of entry permit / key system for 4WD access should it prove necessary for restriction of the number of 4WD vehicles using the tracks and the exclusion of motorbikes.

We would like the following outcomes from the tenure review.

- Provision of public 4WD drive access up the proposed easements c - e, b - bi, f - g - h, g - i under the same conditions as proposed for easement a - b - y - c - d.
- Provision for public 4WD access up the spur tracks to their terminus from points e, bi, & h.
- Provision for public 4WD access up the Commissioners Spur track from Lower Nevis to its terminus near point 1806.
- Provision for the walking of dogs in the conservation areas and the transporting of them within vehicles along the access easements.

We have attached a marked up copy of plans 1 & 2 to show the alignments of 4WD access we would like to see open to the public.

We would be grateful if you could acknowledge receipt of this submission.

Yours faithfully



Myles & Kathryn Garmonsway

PO Box 180
Cromwell 9342

03 445 4047

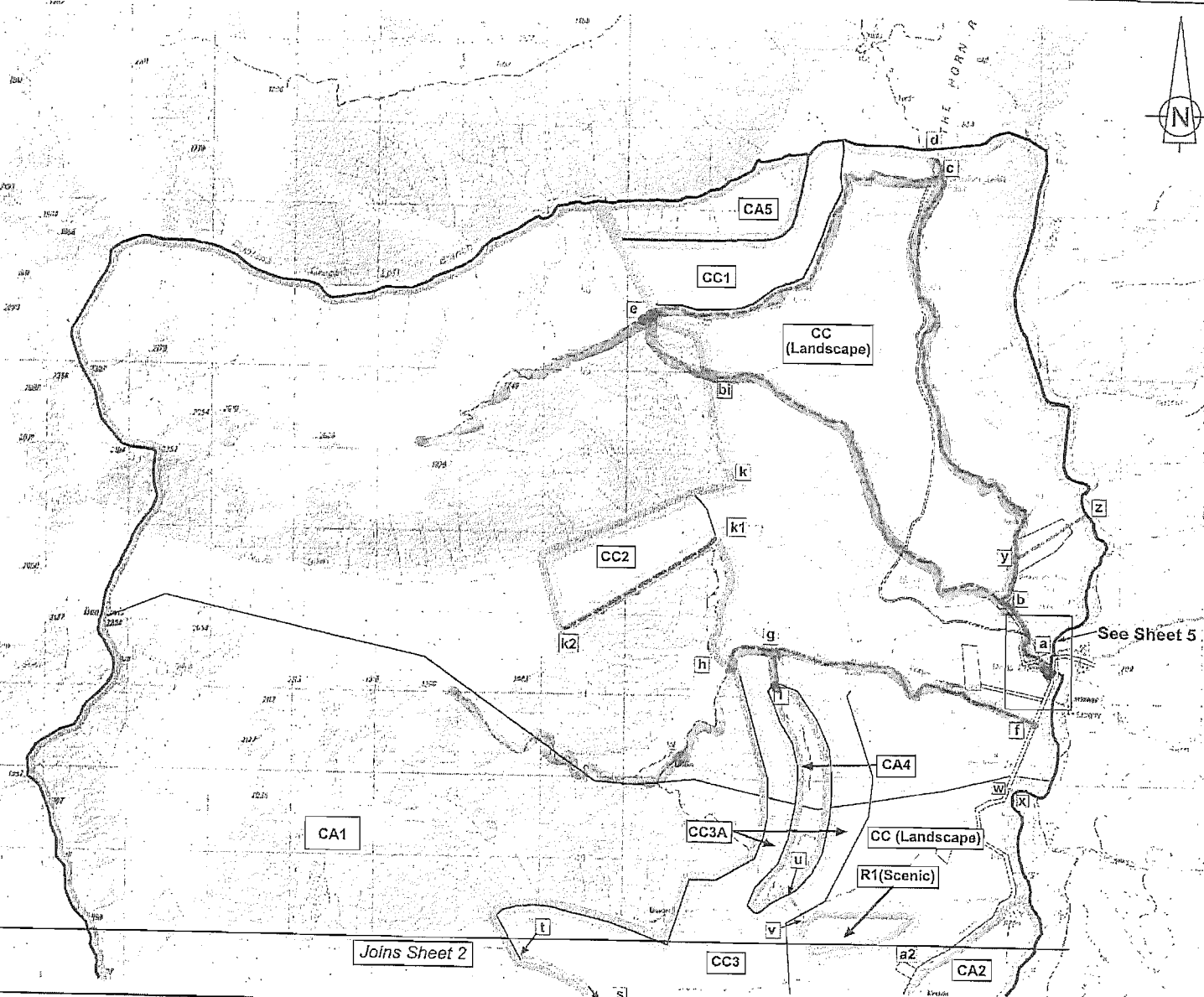
garmom@paradise.net.nz

Public 4WD Access Requested

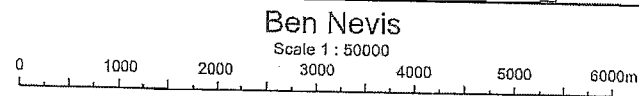
P 241 BEN NEVIS TENURE REVIEW
PROPOSED DESIGNATIONS

- Pastoral lease land to be restored to or retained in Crown control, as conservation area CA1, subject to a Heleskiing Concession and farm management access easement concession e-b1-k and k1-k2.
 - Pastoral lease land to be restored to Crown control as conservation area, subject to a grazing concession CA4 & CA5
 - Pastoral lease land to be restored to or retained in full Crown ownership and control as Scenic Reserve R1 (Scenic)
 - Pastoral lease land to be disposed of by freehold disposal to Pioneer Generation Limited, subject to a Landscape Protection Covenant CC (Landscape) and Conservation Covenant CC1, CC2, CC3 and CC3A
- Easement**
- Public access and Minister of Conservation management purposes easement in gross a-b-y-c-d, b-bf, c-g, f-g-h, g-l, s-l, u-v, and w-x
 - Public vehicle access easement in gross a-b-y-c-d
 - Farm management access easement concession for Pioneer Generation Ltd. e-bi-k and k1-k2
 - Otago Fish & Game Council management purposes easement a-b-y-c-d and y-z

The boundaries on this plan are for illustrative purposes in showing recommended designations.



Graphics by:
TL Survey services Ltd DUNEDIN
Certified a true copy of the original status check plan.

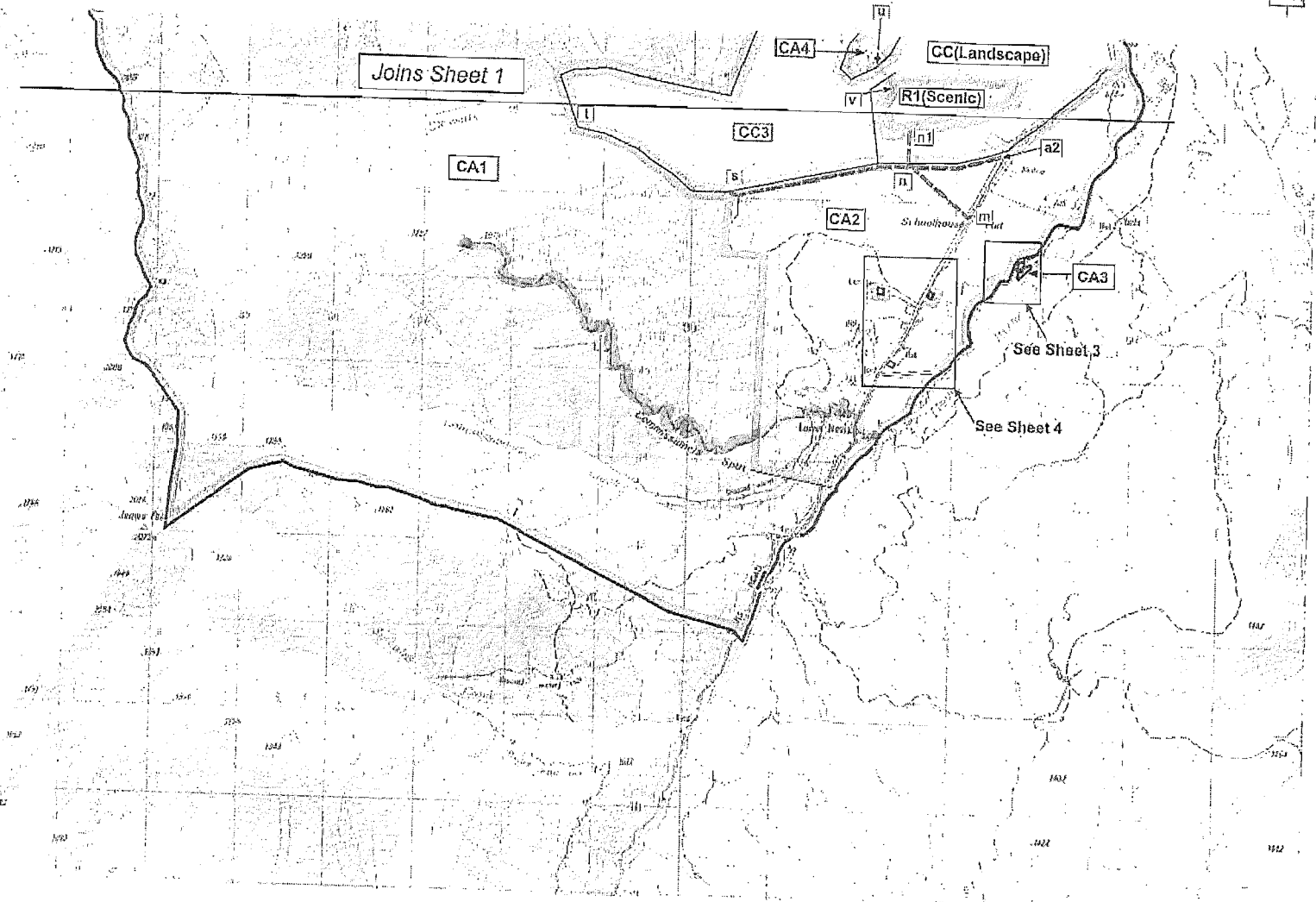
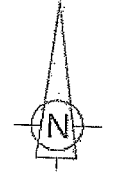


Version	1	2	3	4	5
Otago Land District NZMS 260 F.42	Sheet 1 of 5 Date 04/06/2009				

Public 4wd access Requested

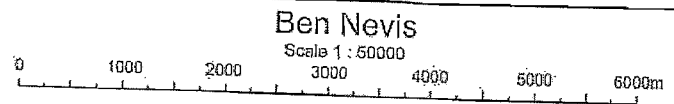
- Pastoral lease land to be restored to or retained in Crown control as Conservation Area CA1, subject to a Healskiing concession.
- Pastoral lease land to be restored to or retained in Crown control as Conservation Area CA2, subject to an easement concession.
- Unused Crown Land to be retained in full Crown ownership and control as Conservation Area CA3.
- Pastoral lease land to be restored to or retained in full Crown ownership and control as Scenic Reserve R1 (Scenic).
- Pastoral lease land to be disposed of by freehold disposal to Pioneer Generation Limited, subject to a Landscape Protection Covenant CC(Landscape) and Conservation Covenant CC3.

The boundaries on this plan are for illustrative purposes in showing the recommended designations.



Easements
 Farm management access easement concession for Pioneer Generation Ltd. m - n and a2-r-s
 Public access and Minister of Conservation management purposes easement in Cross s-1 n-n1 and u-v

Graphics by:
 TL Survey services Ltd DUNEDIN
 Certified a true copy of the original status check plan.



Version	1	2	3	4	5
Otago Land District	Sheet 2 of 5				
NZMS 260 F.42	Date 04/06/2009				