

Crown Pastoral Land Tenure Review

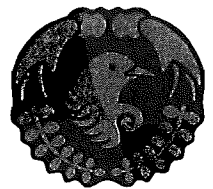
Lease name: BRAEMAR

Lease number: PT 121

Public Submissions - Part 5

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

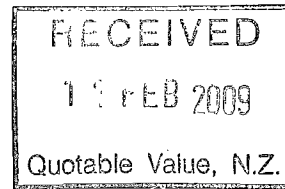
August 09



FOREST
& BIRD

ROYAL FOREST AND
BIRD PROTECTION
SOCIETY OF
NEW ZEALAND INC

The Commissioner of Crown Lands
Quotable Value Ltd
P.O.Box 13 443
Christchurch
Attn: Carolyne Latham



South Canterbury Branch
29a Nile St
Timaru 7910

08.02.09

Dear Sir,

Please find enclosed the submission from the SC Branch on the Preliminary Proposal for Braemar Pastoral Lease Tenure Review.

Thankyou for giving others and us the opportunity to comment on the proposal and for allowing us access to inspect the property.

We trust that there will be an outcome acceptable to all interested parties.

Yours sincerely

Fraser Ross
Branch Field Officer.

**ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NZ INC
South Canterbury Branch**

**Submission on the
Preliminary Proposal
for Tenure Review of
BRAEMAR PASTORAL LEASE
under the Crown Pastoral Land Act 1998**

To: QV Valuations
Christchurch Office
P.O.Box 13443
Christchurch

The South Canterbury Branch, Royal Forest and Bird Protection Society of NZ Inc (the Branch), would like to make the following comments and requests, on the Preliminary Proposal for the review of tenure to the holders of Braemar Pastoral Lease.

The Braemar Pastoral Lease property falls within the area of interest of the South Canterbury Branch. And contains important values, in particular ecological and visual values, which we consider to be of high significance. This review of the Pastoral Lease provides a unique opportunity to consider how these important values will be managed or protected for the long-term future.

Those values, which the Branch considers to be of high significance, include the outstanding landscapes of the area, and the ecological values found on the property - some of fauna and flora are rare or endangered. We are pleased to see in the Preliminary Proposal document that the high significance of the landscapes, has been recognised.

The upper river valleys of the property are important features in the overall landscapes. And provide a supply of pristine waters for the rivers and streams which flow through this pastoral leasehold land, in particular the Jollie River and Landslip Creek.

The extensive areas of elevated wetlands and tarns, which retain a high degree of naturalness, are also most important natural features of the property.

The vegetation, in general, is in good natural condition over the great majority of the property. And an outstanding range of native plant species exists on the land which, fortunately, has been largely unmodified by development.

The habitats that are found on Braemar provide ecosystems for several native species, including the New Zealand falcon, black stilt and the banded dotterel. Along with several threatened native plant species such as Hebe cupressoides, and others. The 1984 PNA Survey report lists several species of insects, which have been identified on the land south of the Landslip Stream, and some of these invertebrates include endemic species of

moths, which are found only in this area. (See attached PNA Report pages)

Public Access: the intention to provide public access through part of the land to be disposed of is warranted and supported - this will be discussed in more detail later.

NZ Defense Force Restrictions: the restrictions that the NZ Defense Force will impose on access by the public needs to be given more consideration and this will be done later in our submission.

Wilding Trees: it is stated in the Summary Document "*that wilding pine spread is however a major issue particularly on the western side and in parts of the Jollie River Valley.* This issue of wilding tree spread was borne out when the property was inspected by our team and is much worse than most people would realise. This issue, of wilding tree spread and its implication for conservation, needs a greater level of consideration, much more than the brief mention given to it in the Summary document. This issue will also be commented on further in our response.

The Proposal; (P5 1.2), the Branch understands, is to dispose of 1,770ha approx. by freehold disposal, to Braemar Station Ltd, subject to a qualified designation and a protective mechanism.

This particular area of land, when inspected, was found to contain a range of inherent values which do need to be retained and protected. Such as the landscape features, especially the hummocky moraines, the almost intact native plant communities and the rare species of native fauna including the moth species which have been identified in a previous study of the area. This area of land, which is proposed to be freeholded, has been included in the *Regionally Outstanding and Significant Landscapes* Study of the Mackenzie Basin - source Environment Canterbury 1993.

Our Request: the Branch asks that all of CC1b, at least, be retained by the Crown, and that the fencing be shifted further west to be along a new boundary. And the fence is not retained or renewed where it cuts through the red tussock wetland, which is a visual and ecological unit.

This area, CC1b, appears to have very little grazing or farming potential and if retained by the Crown, as we have ask for, the need for covenant for farming purposes may not be warranted.

However, if the Proposal to dispose of 1,770 ha approx, is implemented then there are some issues which we ask be addressed. Such as,

1. relocation of the fence that cuts through the red tussock wetland to the base of the hummocky moraine, at least.
2. the proposal to allow stock unrestricted access to a portion of the Landslip

Stream, is not environmentally acceptable and other options, to provide stock with drinking water, should be explored and possibly implemented. And this access provision to the river waters may conflict with a term of the *Deed of Covenant*, which will be raised further later on.

3. Public Access, by foot or non-motorised vehicles, through the land proposed to be disposed of, and is warranted and necessary. However the route from the Braemar Road across the Braemar Flats, is a long one and may deter some people, on foot at least.

4. Rare or threatened species of invertebrates, including moths, must have their habitats maintained.

5. The recent commendable efforts to remove wilding trees from the area should be continued with greater effort until all have been removed.

1.2.1 *Qualified Designation:*

Public Access; the provision of public access from the Braemar Road to CA1 at Landslip Creek, is warranted and supported. However we ask why only foot access is allowed over the easement shown marked "q-t", "u-v", "w-x", "y-z", "z1-z2", and z3-z4" on the Plans?

Our Request: the Branch requests, as well as foot access, there be full access for non-motorised vehicles such as mountain bikes, to Landslip Creek.

With regards to public access to the conservation land to the south of Landslip Creek, which may be restricted from time to time by the NZDF for safety reasons, here we ask;

who will make the decision to impose any such restriction?

what will be the criteria be for placing any access restriction on the area?

how will the public be notified when such restrictions are in place?

We ask that all the relevant information on access procedures to the land used by NZDF be made readily available to the public.

The NZDF land, which may have access restrictions applied to it, appears to be very large. Is this area, to which the public may be denied access, excessively large?

We would like to be assured that the area of land needed by the NZDF is not unduly excessive. Many people would like to see and enjoy the inherent values that exist on this land that is proposed to be retained as Conservation lands.

1.2.3 *Marginal Strips*

The indicative marginal strips which have been identified for the lower reaches of the Landslip Creek, giving alternative access to CA1 from the Braemar-Mt Cook Station Road across existing freehold land adjacent to Lake Pukaki, is warranted and supported. Provided the marginal strip route is along a practical route and is clearly marked.

Proposed Designations

1. Pastoral lease land to be restored to or retained in full Crown ownership and control, as conservation area "CA1", **is generally supported**. But, we do have serious reservations about the state of some of the land, which has a heavy wilding tree cover, or other areas of CA1 land with scattered to isolated tree spread on it.

The Branch understands that it is a requirement of the Pastoral Lease to remove all wilding trees on the property. While some good attempts are now being made on part of the property it is obvious, during our inspection, that this has not been undertaken in the past. This is a major issue, as stated in the Preliminary Proposal, and one that is yet to be resolved. The cost of removing or controlling wilding trees, especially on the land south of the Jollie River should not be a cost on the Crown or more specifically on the budget of the Dept of Conservation.

Until this major issue of liability for the control or removal of wilding trees is resolved, progress with the processing of this Tenure Review Application, **should be put on hold**. In fact this issue of wilding tree spread needs to be looked at from a broader perspective rather than on one property basis.

The Canterbury CMS plant pest objectives contain specific references to 'exotic trees', including the requirement to:

- Remove or contain exotic trees in conservation areas
- Prepare logging plans for harvesting of exotic trees
- Prepare operational plans for the control of exotic tree spread
- Advocate that district and regional plans provide for the control of 'wilding pine' spread
- Prepare an inventory of exotic trees on DOC administered land.

The cost to the Department of Conservation, if it had to implement these requirements on Braemar Station land would be great, both in terms of money and manpower needed to undertake the task. If this land is retained by the Crown as a conservation area, then funding should come from other budget sources, not from the existing budget for Conservation. Regardless, the holder of the Pastoral Lease should be liable for part of the cost, at least. And whoever is found to be responsible for the control of wilding trees, the first effort that should be made, would be to prevent the spread of trees. Especially into the highly scenic valley of the Jollie River and outwards onto the slopes of the nearby highly scenic and visible Gammack Range and its terraces.

Our Request: that the implementation of the Preliminary Proposal should not be proceeded with at this time, not until the issue of the control and removal of wilding trees

is resolved. And, if liability is placed on the Crown, then there should be compensatory measures implemented, such as the retention by the Crown of the land identified as CC1a and CC1b.

Schedule 2 (P.9) with regards to;

1.4 *Cultivation, earthworks or other soil disturbances are permitted, except for the area near or along the Public access and DOC management access easement.....*, here we feel the area that is excepted is not defined precisely enough. And in our view all "CC1b" should be covered by this exception as well, in order to protect the landscape values, as set out in the Covenant, which seeks to protect landscape and other values of that area.

Further, the question of burning of the ground cover, spraying, top-dressing and over-sowing of the land subject to the covenants, does not appear to have been considered in the *Special Conditions*. Changing of component of the ground cover by these activities can have a marked impact on the visual composition of the landscape. Especially the visual changes from the natural tawny browns to richer greens. Which would impact markedly on the overall landscape of that highly visible part of the Mackenzie Basin.

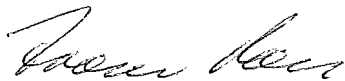
2.0 *Further subdivision of the property title within the covenant area is not permitted.* -this **Special Condition** is fully supported.

Conclusion:

The Branch is most concerned about several aspects of this Preliminary Proposal, especially the major issue of wilding trees and their spread on to adjacent land, the access limitations, and the need to protect further landscape and ecological values. So, we ask that this Tenure Review be put on hold until these issues have been considered further and there are more satisfactory outcomes for our Branch and other parties.

The other option would be a whole property purchase by the Crown, which we ask be given serious consideration.

Yours



Fraser Ross
Field Officer
South Canterbury Branch
RF&BP Society of NZ Inc
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03 6843382

Attachment:

TEKAPO DISTRICT (63-1): Priority Natural Areas

Priority Natural Areas are not numbered on their priority as natural areas, but are approximately ordered from north to south.

5

Mount Cook Station Swamp

Grid reference: S89 850163

Carex secta swamp on Valley Terrace Backswamp
Snow tussock on Lateral Moraine

One of the best Carex secta swamps in the district. C. secta dominates with Juncus species and Schoenus forming a lesser component. Good snow tussock (C. rigida) exists on the lateral moraines facing the Tasman River. This is one of the best examples of snow tussock on this landform remaining in the district.

Area : 56 ha
Altitude : 610-795 m
Veg card : 604
Ecol. unit : 63-1-3

Slip Creek

S89 885105

Snow tussock and subalpine scrub on Valley Terrace and Riser
Matagouri/Olearia scrub on Hill Fluve

The only example of subalpine scrub in the district, this merges into thick matagouri/Coprosma/Olearia scrub running down to Lake Pukaki. There is a wide variety and abundance of aquatic and terrestrial insects. The scrub is the habitat of three moths (Lepidoptera) endemic to the Mackenzie basin - Gelechia lenis (Gelechiidae); Cremnogenes honesta (Oecophoridae); Ericotenes pukakiense (Tortricidae).

Area : 350 ha
Altitude : 550-1250 m
Veg card : 34, 46, 838
Ecol. unit : 63-1-9, 63-1-13, 63-1-15

Lake Pukaki

S100 830960

Waterfowl, aquatic insects and native fish habitat
"Site of Special Wildlife Interest, Moderate-High Value"

A large, deep glacial moraine dammed lake with numerous wildlife habitats.

Area : 17397 ha
Altitude : 520 m
Ecol. unit : 63-1-193
References : Wildlife Service (1978)
Macmillan (1979)

Boundary Stream

S100 798925

Matagouri/Coprosma on Lateral Moraine
Abundance of terrestrial insects
"Site of Special Wildlife Interest, Moderate Value"

A small stream deeply incised into the lateral moraine. A typical scrub community, the sides and stream bed are covered in thick matagouri/Coprosma scrub providing habitat for insects, birds and lizards.



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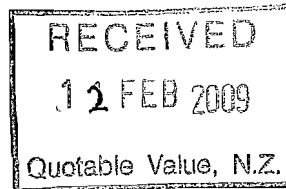
9 February 2009

The Commissioner of Crown Lands

C/- Quotable Value Ltd

PO Box 13 – 443

CHRISTCHURCH



Attention: Ms Carolyne Latham

Dear Carolyne

BRAEMAR PASTORAL LEASE

SUBMISSION ON PRELIMINARY PROPOSAL FOR TENURE REVIEW

Thank you for advising Environment Canterbury of the release of the Preliminary Proposal for tenure review of Braemar Pastoral Lease. We appreciate the opportunity to review the proposal and make a submission in relation to the future management of this land.

Environment Canterbury has statutory responsibilities under the Resource Management Act 1991 (RMA) for the sustainable management of natural and physical resources of the region, including soil conservation, water quality and quantity and maintenance of biodiversity; and under the Soil Conservation and Rivers Control Act 1941 for the establishment and management of Land Improvement Agreements and Soil and Water Conservation Plans. In addition, Environment Canterbury also has statutory responsibilities under the Biosecurity Act 1993 for the management or eradication of animal and plant pests, in accordance with regional pest management strategies. These responsibilities are entirely compatible with achievement of the objectives of Tenure Review, specifically to "promote the ecologically sustainable management of High Country land" and protecting land with "significant inherent values" by retaining it in Crown ownership.

The Canterbury Regional Policy Statement 1998 (CRPS) provides an overview of the resource management issues of the region, and sets out how natural and physical resources are to be managed in an integrated way to promote sustainable management. Key to the management of soils is the maintenance or restoration of a resilient vegetative cover over non-arable land that is sufficient to prevent land degradation or the onset of erosion (Ch7 Objective 1). Sustainable management of water resources requires safeguarding the life-supporting capacity of water, including associated aquatic ecosystems and careful management of land within the headwaters and the riparian zone. Large landscapes are a feature of the Canterbury high country and the CRPS recognises the importance of protecting both the interconnectedness of landscape components and the vast, open nature of these landscapes.

Environment Canterbury has notified its Proposed Natural Resources Regional Plan (NRRP) to address the resource management issues identified in the CRPS and to provide more specific standards and methods, including rules, to achieve the objectives. The NRRP recognises the close relationship between land and water ecosystems by promoting the integrated management of soil and

Our Ref: PL5C-103; AG5T/115

Your Ref:

Contact: Cathie Brumley

water resources across the region. In particular, the provisions of the plan emphasise the links between land use practices and the management of water quality.

The Canterbury Regional Pest Management Strategy (2005) [which is a revised combination of the former CRPMS (1998) and the Canterbury Regional Pest Management Strategy Biodiversity Pests (2002)] identifies a number of species of plants and animals for control or management as pest species.

Under the 2004 amendment to the Resource Management Act, regional councils have been given the responsibility to protect indigenous biodiversity (s32(1)(ga)) in association with their functions for land and water management. Recognising the important services provided by indigenous ecosystems together with the requirements for their long-term protection are inherent in providing for this responsibility.

In line with these statutory responsibilities and documents, and Section 24 of the Crown Pastoral Lands Act (1998) (CPLA), Environment Canterbury technical and planning staff have reviewed the information held by the Council on land and water resources relevant to the Braemar pastoral lease to assess the impacts, if any, of this Preliminary Proposal on the long-term sustainable management of the land and water resources. Our comments and recommendations are listed below.

General comments

The Braemar pastoral lease is one of the first lakeside leases to progress through tenure review to the notification of a Preliminary Proposal since the Cabinet Business Committee Decision of 29 October 2007 to withdraw from tenure review those properties with highly significant lakeside, landscape, biodiversity or other values unless they met a number of conditions to protect values as identified (paragraph 5). Situated adjacent to Lake Pukaki, Braemar property is both highly visible and an outstanding component of the wider Mackenzie Basin landscape. The value of the property is in large part due to the high quality, naturalness and cohesive nature of the landscape and the location of the property adjacent to Mt Cook Station and Lake Pukaki providing an intact altitudinal backdrop from lakeshore to the alpine regions of the Gammack Range.

As a listed lakeside property, it should only proceed through tenure review where there is surety that the conditions for protection of values listed in paragraph 5 of the Cabinet Decision paper will be complied with.

Environment Canterbury wishes to congratulate the lessee and the Contractor for arriving at a proposal that appears to address all the objectives of Part 2 of the CPLAct, providing for both the ecologically and economically sustainable management of the land. This is in stark contrast to the recent proposal for the Richmond pastoral lease on the shore of Lake Tekapo.

The following sections provide a discussion of the key issues for resource use and protection and the extent to which the Preliminary Proposal has provided for the integrated and long-term, ecologically sustainable management of land and water resources of the Braemar lease and the protection of the significant inherent values identified for the land.

Soil Conservation

The Braemar pastoral lease is dominated by large, steep glaciated valleys and extensive valley floor country of outwash and moraine with numerous and diverse wetlands. Much of the land has severe limitations for the type and intensity of farming that can be undertaken. The attached Soil & Water Plan maps (3) show the Land Use Capability (LUC) ratings for the lease. Most of the Class VIII land in the northern part of the property has already been returned to the Crown when the former POL was not renewed. Within the remaining pastoral lease area the area proposed to be returned to the Crown is dominated by Class VII land with severe risk of erosion if exposed or disturbed. It is therefore appropriate that this part of the lease be retained in Crown ownership and managed to protect the significant inherent natural values.

No Soil & Water Conservation Plan or legal agreement was entered into with the former Waitaki Catchment Board, although a number of single practice works have been undertaken on the lease for windbreak planting and cattle-proof fencing of the boundary. The following works were undertaken:

			Total Cost	Subsidy
1963	2010m	Windbreak planting	\$1333	\$ 600
1966	4830m	Boundary cattle-proofing	\$ 543	\$ 272
1970	4730m	Boundary cattle-proofing	\$1373	\$ 412
1982	1000m	Windbreak planting	\$3164	\$ 949
1983	1000m	Windbreak planting	\$2977	\$ 893
<u>TOTALS</u>			<u>\$9390</u>	<u>\$3126</u>

The Environment Canterbury files show that these works were completed and subsidies paid out, however the location of the works could not be confirmed.

A notable feature worthy of mentioning is the absence of burning on the lease area. Records extending back to August 1949 show only a few localised patch burns. This has certainly benefited soil and water conservation and may help to explain why as quoted in the proposal, "the vegetation is generally in good condition over the majority of the land with an outstanding range of plant communities largely unmodified by land development, although browsing stock have had some effect."

Recommendations:

Environment Canterbury supports the proposal on the grounds that it will deliver an excellent outcome for soil and water conservation as an integral part of the protection of the "significant inherent natural values" of the land. This will contribute to the overall long-term ecologically sustainable management of the land.

Indigenous vegetation, habitat and wetlands values

Tenure review provides a valuable opportunity to help achieve two key objectives of the Reserves Act 1977 and the New Zealand Biodiversity Strategy (2001). These are, respectively, "preservation of representative samples of all classes of natural ecosystems and landscapes" and to "maintain and restore a full range of remaining natural habitats and ecosystems to a healthy functioning state." A complimentary objective of the tenure review process is to ensure that conservation outcomes are consistent with the New Zealand Biodiversity Strategy.

The Land Environments of New Zealand landscape classification system (Leathwick et al. 2003)¹ provides a framework for securing protection and/or restoration of examples of the full range of

¹ Leathwick J.R., Wilson G., Rutledge D., Wardle P., Morgan F., Johnston K., McLeod M., Kirkpatrick R. 2003. *Land Environments of New Zealand*. David Bateman, Auckland, New Zealand.

terrestrial vegetation and habitats. Land environments, and potential natural vegetation cover (in the absence of human modification) are classified at four different national scales: Level I (20 land environments nationally), Level II (100 land environments nationally), Level III (200 nationally) and Level IV (500 nationally). Each is nested within higher levels. The 500 Level IV environments provide the most detailed information on the diversity of New Zealand's terrestrial environments and is the best nationally comprehensive estimate of the 'full range' of ecosystems, habitats and biodiversity.

Analysis of Land Environments in conjunction with spatial data depicting indigenous vegetation cover (from Land Cover Data Base) and current legal protection has recently been carried out by Landcare Research (Walker et al. 2005)², for the Department of Conservation. This analysis offers a useful method of identifying the most threatened environments, and therefore determining what should be priorities for protection of indigenous biodiversity, as part of tenure review. In reporting this work, the authors recommended that threat classification analysis be carried out using Level IV Land Environments, as these provide a more accurate, efficient and plausible assessment at regional and local scales.³

Examples of 12 Level IV Land Environments are present on Braemar Pastoral Lease (Leathwick et al. 2003):

- E1.4b, E1.4c – Steep dry foothills
- E4.1b – Gently undulating foothills
- E4.2a, E4.2b – Easy rolling foothills
- K1.1b, K1.1d – Upland recent soils, undulating floodplains.
- K2.1b – Upland recent soils, undulating hills
- K4.1a – Poorly drained upland recent soils, gently undulating inland basins
- J2.2a – Well-drained recent soils, flat flood plain
- P1.2a, P1.2d – Mountains east of the Southern Alps.

These 12 Land Environments are listed, in approximate altitudinal sequence (highest to lowest) as they occur on Braemar PL, in the table below. The table also shows the percentage of indigenous vegetation remaining in each land environment nationally, and the proportion of each environment that is already protected in existing reserves or conservation covenants. Threat categories are assigned on the basis of these figures (from Walker et al. 2007).

Lvl IV Land Environment	% Indigenous Cover Remaining	% Protected	Threat category
P1.2d	94.09	47.55	Comparatively secure from clearance
P1.2a	99.64	89.61	Comparatively secure from clearance
E1.4c	59.9	28.6	Comparatively secure from clearance
K1.1d	41.3	5.8	Critically Underprotected
E4.2a	64.5	27.8	Comparatively secure from clearance
K1.1b	27.8	9.6	At Risk
J2.2a	24.7	1.6	At Risk
K4.1a	81.6	0	Critically Underprotected
K2.1b	21.7	0.8	At Risk
E1.4b	38.9	2.1	Critically Underprotected
E4.2b	26.8	7.6	At Risk
E4.1b	27.0	5.0	At Risk

²Walker S., Price R., Rutledge D. 2005. *New Zealand's remaining indigenous cover: recent changes and biodiversity protection needs*. Landcare Research Contract Report: LC0405/038. Prepared for Department of Conservation, March 2005.

³ Walker S., Cieraad E., Grove P., Lloyd K., Myers S., Park T., Porteous T. 2007 *Guide for Users of the Threatened Environments Classification*. Landcare Research. 35 pp.

The attached Map 1 shows the distribution of land environments within the pastoral lease area.

The majority of Braemar pastoral lease is covered by the four land environments that are comparatively secure from clearance. But the lease also contains some sizeable examples of 'Critically Underprotected' and 'At Risk' inland basin, foothill and valley floor land environments that still support a range of indigenous vegetation types (e.g. tussock grassland, shrubland and wetland communities).

Examples of all Land Environments present on the lease are included in the proposed CA1. The proposed freehold area in the SW corner of the lease will also be under protective covenant CC1 a/b. Examples of land environments E1.4c, E4.1 b, E4.2a and E4.2b occur within the proposed freehold/covenant areas. However most of the threatened E4.1b and E4.2b land environments within the freehold covenant were considered to be of relatively low ecological value in the CRR. Better examples of these land environments supporting intact indigenous habitats are present elsewhere in the proposed CA1. Moreover, it is pleasing to see that the covenant conditions as listed in the Preliminary Proposal should afford reasonable protection to indigenous vegetation and habitats remaining within the proposed freehold area.

A critical issue for the future long-term sustainable protection of the indigenous biodiversity of this land will be the management of the areas of wilding conifers and the control of any further spread that could threaten the protection of indigenous habitats, and particularly any threatened or at-risk habitats.

Recommendation

In summary, the Preliminary Proposal offers protection, either as public conservation land or under covenant, to the full range of indigenous vegetation and habitats on Braemar Pastoral lease and is supported for this reason.

Surface water and ground water resources

The Braemar pastoral lease area subject to tenure review has extensive freshwater values associated with wetlands, tarns and small takes, streams, and rivers. These have been well described in the DOC and F&G assessments.

Environment Canterbury does not have any explicit council water quality or freshwater ecological assessments within or immediately adjacent to the lease lands.

The Council holds no explicit information on the Jollies River, Landslip Creek and Camp Stream, but would expect them to retain high water quality and a range of natural values largely in what could be considered a 'natural state'. They also discharge to a lake environment (Lake Pukaki) which increases their inherent or natural values in relation to both flora and fauna. In keeping with other information gathered over recent years from the Mackenzie basin, staff would expect these water bodies, where they are in a high natural state, to have nitrogen and phosphorus nutrients both co-limiting any enhancement of adverse growths in stream, river, and lake margin habitats.

Chapter 4 of the Proposed Natural Resources Regional Plan seeks to maintain water quality in a natural state, where rivers and their tributaries are largely unaffected by human activities (Objective WQL 1). The plan also promotes the retention, maintenance and planting of riparian vegetation to minimise bank erosion and to reduce runoff of sediment, nutrients and animal faecal matter (Policy WQL 5).

Therefore it is highly appropriate to retain them in this 'natural' state and either retain their immediate catchments in crown ownership, and/or put in place adequate riparian zone protections to avoid any nutrient or fine sediment enrichment processes that could compromise their freshwater habitats.

Water quality and ecological state information has been gathered on middle reaches of Forks Stream, Irishman Creek and Mary Burn below the Braemar lease. These reaches all retain high water quality

and a range of natural values largely in what could be considered a 'natural state' well below the Braemar lease lands. They likewise exhibit nitrogen and phosphorus nutrients both co-limiting any enhancement of adverse growths in stream habitats, and retain particularly diverse and high quality stream faunas of macro-invertebrates. The long-term management of water bodies within the Braemar lease therefore will be critical to maintaining the high water quality of reaches downstream of the lease.

Both Mary Burn and Irishman Creek are a unique type of inter-montane basin streams fed by extensive wetland and bog systems as identified in the Conservation Resources Report. The protection of the extensive bogs and wetlands from inappropriate disturbance and enrichment are integral to the retention of their stable hydraulic nature, their high water quality, and diverse ecological values. Environment Canterbury considers that it is therefore entirely appropriate to retain these wetland and bog areas in crown ownership.

Fork Stream has in the past exhibited some degradation issues associated with discharges from the Tekapo military camp, but currently retains high water quality, and supports the dominant flows into the upper reaches of the Tekapo River. The Tekapo River is similarly of high natural quality and supports high recreational access and use, and a significant trout fishery.

Environment Canterbury therefore supports the proposal to safeguard Fork Stream and its receiving waters (Tekapo River) by retention of its headwaters in crown ownership, and the protection of marginal strips.

Tributary and headwater creeks or small rivers, because of their size and limited assimilative capacity, are particularly susceptible to degradation from agricultural activities such as grazing, and tracking. Grazing of the riparian zone, for example, reduces vegetation stature and trampling of soils and banks results in an increase in sedimentation. One of the most effective ways of maintaining water quality is to restrict stock access to water ways, avoid disturbance of the soil adjacent to water ways, and to maintain well vegetated riparian margins to trap pollutants in runoff from adjacent land.

Once a property becomes freeholded through the tenure review process, the property can be used for a wide range of land uses, and it is reasonable to expect that the proposed freehold portion of the Braemar property will need to be developed further to maintain its economic viability as a smaller unit. Only Landslip Creek has marginal strips applied along its lower reaches. Environment Canterbury recommends that the conservation covenant over the freeholded portion of the lease also provides for the specific and adequate protection of the riparian margins along the tributary streams of Camp Stream and Mary Burn to sustain the high water quality and extensive freshwater values present.

Recommendation:

- 1. Environment Canterbury supports the protection offered by the Braemar Preliminary Proposal for the diverse range of water bodies and freshwater values existing within the Braemar pastoral lease land. The Council considers the protection of the Maryburn and Irishman Creek and their extensive bog and wetland systems, in particular, is best achieved by their retention in Crown ownership.*
- 2. For land proposed as freehold, the Council recommends that the conservation covenant also provides for protection of the riparian zone along the tributaries of Camp Stream and Mary Burn, sufficient to avoid any nutrient or fine sediment enrichment processes that could compromise their freshwater habitats.*

Landscape values

Environment Canterbury supports the Braemar Preliminary Proposal to retain much of the Braemar pastoral lease in full Crown ownership. This proposal will complement the land returned to the Crown from Mount Cook Station sitting, as it is, adjacent to Aoraki/Mount Cook National Park. The area involved is shown as "Regionally Significant", and includes "Regionally Outstanding" landscapes, in the Canterbury Regional Landscape Study (Lucas Associates et al October 1993).

It is also identified as part of the broader "Outstanding Landscape" of the Mackenzie Basin in the recent study undertaken for Mackenzie District Council by Graham Densem. This latter study underpins Proposed Plan Change 13 to the Mackenzie District Plan ("Mackenzie Basin Landscape: Character and Capacities", November 2007), and shows almost the entire area of the Braemar pastoral lease as being of high or medium visual vulnerability (Map 5), and high vulnerability to development (Map 7).

This includes the area proposed to be freeholded, so it is encouraging to see a covenant proposed over the freehold land to prevent further subdivision, tree planting and non-farm built development - although it is noted that the covenant provides for agreement in writing between Parties to allow approval to carry out activities that may include built development - clause 3.1. It remains to be seen how the Crown will discharge its responsibilities to have regard to and implement the Objective of the covenant that "the land must be managed so as to preserve the values."

For the area to be returned to full Crown ownership, a key issue for protection of the inherent values is the extensive area covered in wilding conifers. The Crown must commit to a containment or eradication programme as part of this proposal if the identified Values of the area are to be protected and maintained. This will require a sustained and coordinated effort over many years.

Recommendation

1. *Environment Canterbury supports the provision of protective mechanisms to retain the extensive and intact nature of the landscape values extending across areas proposed for Crown ownership and for freehold title within this Preliminary Proposal.*
2. *Environment Canterbury seeks commitment by the Crown to manage the spread of wilding conifers to ensure the long-term protection of the landscape values of the area.*

Public access

The tenure review process offers an opportunity to resolve public access difficulties to the conservation estate to meet the needs of the public while minimising interference with farming operations. The Conservation Resources Report identifies a diverse range of recreational opportunities for the Braemar pastoral lease and its surrounding public lands.

Environment Canterbury is therefore disappointed to see that under the Braemar Preliminary Proposal public access is not well provided for. Access to this remote area should be improved, including access by motorised vehicle, rather than the more limited provision provided by a few unformed legal roads. This is because of the extensive nature of the area, and also its likely principal use by climbers and hunters, who can play an important role in reducing wild animal numbers in the area.

Recommendation:

Environment Canterbury seeks the provision of better access to the area CA1 that is practical and strategically routed, including access by motorised vehicles. Better access will enable the public to participate in a wide range of recreational opportunities offered within the conservation area and the surrounding public lands.

Overall Recommendations

Environment Canterbury considers that the Preliminary Proposal for Braemar pastoral lease provides for the long-term sustainable management of the range of inherent natural values identified for the land together with the provision for ongoing productive use of the land. The lessee and Contractor are to be congratulated for their proposal.

Specifically Environment Canterbury supports the proposal on the following grounds:

- (i) that it will deliver an excellent outcome for soil and water conservation as an integral part of the protection of the "significant inherent natural values" of the land;
- (ii) That it considers the protection of the Maryburn and Irishman Creek and their extensive bog and wetland systems, in particular, is best achieved by their retention in Crown ownership;
- (iii) That it offers protection, either as public conservation land or under covenant, to the full range of indigenous vegetation and habitats on Braemar Pastoral lease;
- (iv) That it will retain the extensive and intact nature of the landscape values extending across areas proposed for Crown ownership and for freehold title within this Preliminary Proposal;

In addition to the conditions of the Proposal:

1. For land proposed as freehold, the Environment Canterbury recommends that the conservation covenant also provides for protection of the riparian zone along the tributaries of Camp Stream and Mary Burn, sufficient to avoid any nutrient or fine sediment enrichment processes that could compromise their freshwater habitats.
2. For land to be retained as conservation land, Environment Canterbury recommends that the proposal provides greater opportunities for the public to participate in a diverse range of recreation activities throughout the proposed Crown-owned land with the provision of more strategic and practical access facilities.

Thank you for the opportunity to comment on this Preliminary Proposal.

Yours sincerely



Don Rule

DIRECTOR RESOURCE PLANNING AND CONSENTS

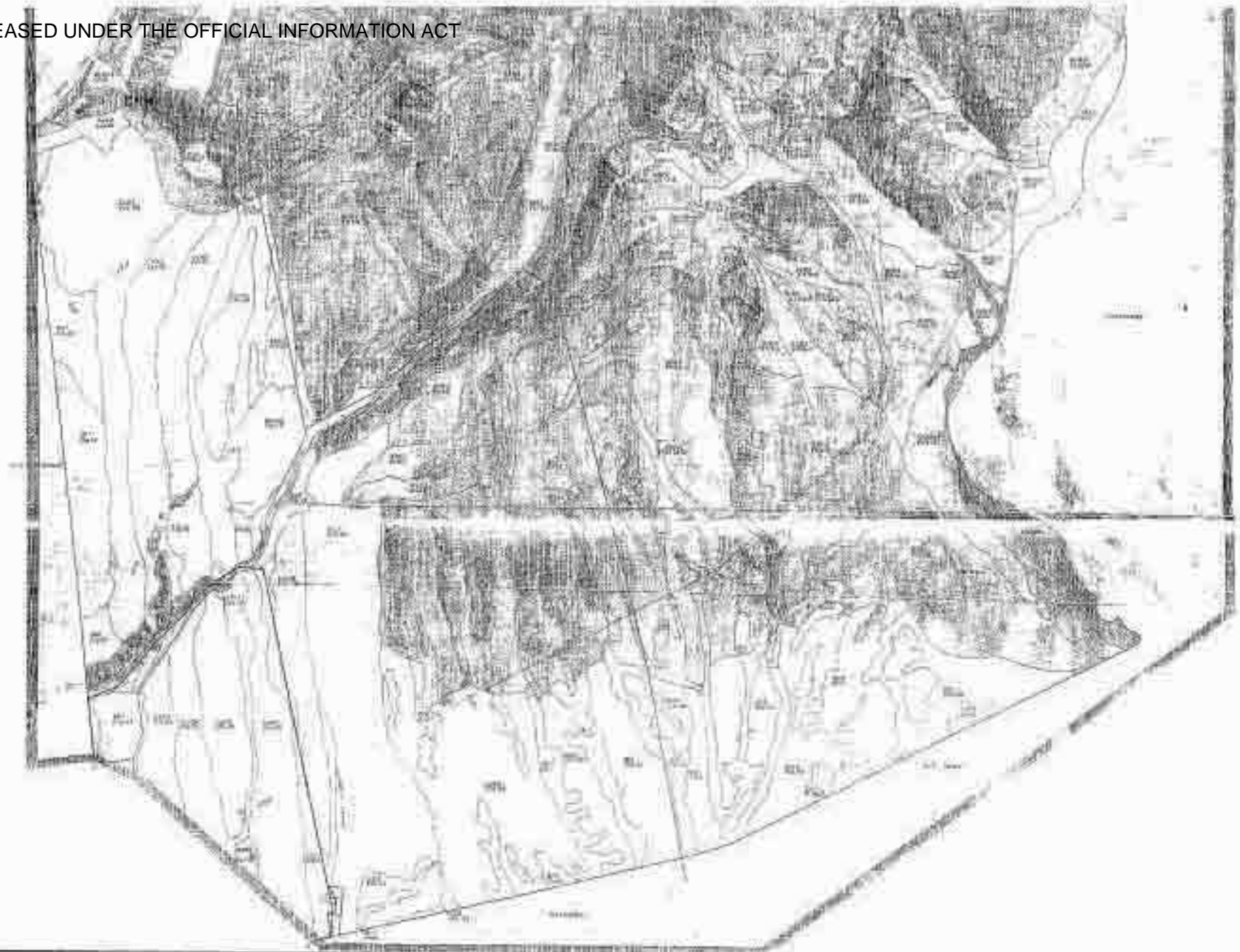
Attachments:

Plans 1, 2 and 3: Soil & Water Conservation Plans for Braemar Station

Map 1: The extent of the land environments represented within the Braemar pastoral lease.

BRAEMAR STATION





Proposed designated stream	100	100
Proposed road	100	100
Proposed road	100	100
Proposed road	100	100
Proposed road	100	100

100	100
100	100
100	100
100	100
100	100

BRAEMAR STATION

BY WASHINGTON & BRAEMAR STATIONS LIMITED

HYDROLOGY and CAPACITY

Reservoir 21,622 cu
Total area 27,729 cu

Scale	1:20,000
Date	
Sheet no.	S. W. 45
Sheet 1 of 4 sheets	

WATER CATCHMENT
COMMISSION AND
REGIONAL WATER
BOARD

YARON

107007

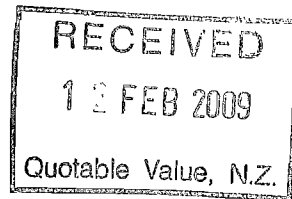
Carolyne Latham

From: B. Pringle [bpringle@csifgc.org.nz]
Sent: Thursday, 12 February 2009 3:29 p.m.
To: Carolyne Latham
Subject: braemar

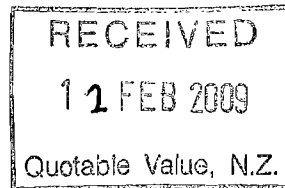
Hi Carolyne
Fish and Game satisfied with PP for Braemar.
Thanks

Bridget Zoe Pringle
Resource Officer

Central South Island Fish and Game
ph: 03 6158400



Commissioner Crown Lands
C/- Quotable Value Ltd
P O Box 13-443
CHRISTCHURCH



Dear Commissioner;

Re: Tenure Review Proposal Braemar Pastoral Lease

I am writing concerning the preliminary proposal for tenure review of the Braemar Pastoral Lease. The main concern for the Lake Tekapo community is the area of land shown under "CA1" which the NZ Defence Force (NZDF) has stated "they will apply to continue its existing foot manoeuvre rights over the pastoral lease over CA1. These rights will include the ability to restrict the public access at certain times at the discretion of NZDF for public safety reasons". Therefore the Lake Tekapo community through the Lake Tekapo Community Board would like an agreement from the Commissioner that we are given notice of any such application and that we have the right to submit on that application.

Reasons why the Lake Tekapo community should be kept informed on NZDF proposals

- 1 Entering into an agreement whereby public access to such a large area is at the NZDF wish could have implications in the future as this area could be well be suited to hiking, mountain biking, cross country skiing and other recreational activities. Out of all the land that has been handed back to the Crown and vested in DOC, this would have some of the greatest potential for the development of those such activities. The NZDF needs to be more specific with its wishes.
- 2 Being able to secure such a large area of land (60% of the land that will be handed back to the Crown) may result in the NZDF wishing to increase the usage of this land for military exercises therefore increasing the number of military exercises which are already held in the area. The increase in noise from large artillery weapons could result in having negative effects on tourism in our area as Lake Tekapo is seen to have the views but most of all a place of peace and quiet. Tourism is the main source of income for businesses in Lake Tekapo.
- 3 As Lake Tekapo is currently in a bid to secure the first UNESCO Starlight Reserve, it is important that military activity is controlled during the hours of darkness. The use of bright flairs to illuminate the surrounding landscape during such exercises could be detrimental to this proposal. The NZDF needs to consult with the Mt John Observatory regarding any proposals as well. Once again, Lake Tekapo has huge potential for the establishment of Astro-Tourism ahead of other locations around the world.

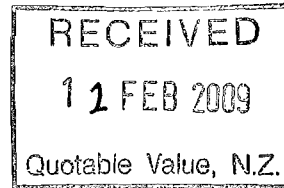
Yours sincerely;

A handwritten signature in black ink, appearing to read 'PJ Maxwell', written in a cursive style.

PJ Maxwell
PETER MAXWELL
Chairman
Lake Tekapo Community Board
12 Hamilton Drive
P O Box 1
LAKE TEKAPO 7945

Telephone 036806702
Fax 036806707
Mobile 0275996460
Email peter.maxwell@xtra.co.nz

COMMISSIONER OF CROWN LANDS,
C/O QUOTABLE VALUE LTD.,
P.O.BOX 13-443,
CHRISTCHURCH.



JIM AND ANNE MURRAY,
P.O.BOX 12,
LAKE TEKAPO.
9TH FEBRUARY, 2009.

Dear Commissioner,

SUBMISSION: TENURE REVIEW - BRAEMAR PASTORAL LEASE .

A. We approve the Preliminary Proposal subject to:

1. The removal of the proposed covenant on CC1a. This area is in the designated 5kms Lakeside Protection Area and is therefore well protected by the R.M.A. administered by the Mackenzie District Council.
2. The removal of the proposed covenant on CC1b. This proposal has been suggested because of the landscape values visible from the lake and "view points" and the fact that it forms an "impressive backdrop" to the surrounding landscape. If one was to use this criteria to implement a consent, the entire basin would be involved as it is all integral or providing a backdrop to the basin. In the area included in CC1b any intrusive form of development would be highly unlikely. It is also at a considerable distance from the lake and any public view points.

A covenant on these two areas intended to be freeholded, is not necessary.

B. We oppose the NZDF's application to utilize the 8,040 hectares within CA1 for ground manoeuvres and as a Danger Template to provide a fall zone for live ammunition firing which takes place on neighbouring NZDF land.

1. This poses a fire risk in country often with dense vegetative cover which can become tinder dry during the summer and autumn months.
2. This prevents "certain" public access throughout the year to 8,040 hectares of land.
3. This puts at risk the flora and fauna of these high altitude tussock lands. Army vehicles, camps and foot traffic cause flattening and tracking.
4. This is in direct contradiction to the principles of having the Mt Cook National Park on adjacent land.

5. It has the potential to be in conflict with the proposed UNESCO Starlight Reserve and the present Mt John Observatory.(night shooting/vehicle lights etc.)
6. The Mackenzie is an area with high tourism values and usage and an increase in a military presence and military noise would only detract from this.
7. This leaves this land vulnerable to further expansion or extension of military use in future years.
8. The Forks Stream is the main access for the public who wish to climb Mt Stevenson.
9. The Ministry of Defence do not require an area of this size to manoeuvre in.
10. If live firing is to continue over this enlarged area and at any increased frequency, then the question of stock disturbance on neighbouring properties and the consequent environmental impact resulting from inappropriate grazing patterns has to be addressed.
11. We question the "existing legal right" New Zealand Defence Force has to "utilize approximately 8,040 hectares within C.A.1 for ground manoeuvres and as a danger Template to provide a fall zone for live ammunition firing which takes place on neighbouring NZDF land". The legal right the Defence Force had over a number of pastoral leases expired in 1987 and over a number of these leases was not renewed. Since 1987 and to this day, their right to use this land has been entirely at the discretion of the lessees as each requirement has arisen. This "assumed right on CA1 needs to be clarified.

Yours faithfully,

C. Anne Murray
J G Murray

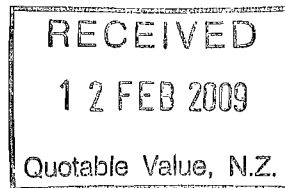
James George and Catherine Anne Murray.

Council of Outdoor Recreation Associations of New Zealand Inc

P O Box 1876 Wellington
Tel&Fax +64 4 934 2244
hugh@infosmart.co.nz

12 February 2009

Commissioner of Crown Lands
C/o Carolyne Latham
Tel 03 341 1634
Quotable Value Ltd
Box 13 443 Christchurch
Carolyne.Latham@qv.co.nz



Submission: Braemar (Lake Pukaki) Tenure Review

This submission is made on behalf of the Council of Outdoor Recreation Associations (CORANZ) on behalf of its members.

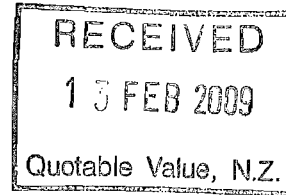
CORANZ is the national association of seven major national outdoor recreation associations – New Zealand Deerstalkers Association, New Zealand Federation of Freshwater Anglers, New Zealand Four Wheel Drive Association, Option4 – Recreational Sea Fishers' Trust, Public Access New Zealand, New Zealand Bowhunters Society, New Zealand Salmon Anglers Association; Jet Boating New Zealand, and the regional Marlborough Recreational Fishers Association. CORANZ member associations have approximately 20,000 members in total, and represent one of the larger membership alliances of outdoor recreation associations in New Zealand.

Conclusions:

- 1 CORANZ supports the surrender of CA1**, but wants better walking and vehicular access to it
- 2 Better public vehicular and foot access** needs to be provided to the SW corner of the proposed CA1, and to z4. Use of an already existing formed farm road, along much of a legal road alignment means the access should also be for public vehicles.
- 3 Marginal strip access up Landslip Creek:** The width of the bed would appear to be wide enough for marginal strips to be provided over a significant part of its length. CORANZ asks that this be checked and carried out
- 4 Defence Department live firing use:** Once land becomes conservation area, the public should have significant access rights, and the "live firing" exercises or closure should not be the norm. As this was presumably possible when the land was pastoral lease, and grazed, there should be no more Defence Department closures when it is conservation area than when it was pastoral lease. Hopefully use will be less.
- 5 Formation of a Tekapo-Pukaki Conservation Park:** This would allow better recreational management of all the conservation areas in this zone that have been surrendered from pastoral leases. It is also in line with Government's objectives from Tenure Review, and would assist recreational enjoyment of the area.
- 6 Need for a recreational hunting management plan:** This is needed to ensure that DOC does not try to exterminate all tahr and deer in the area, once it comes under DOC control.
- 7 Survey off of the former Braemar POL:** This would allow legal public use of this allocated conservation area.

Thank you for the opportunity to comment. Please contact me if you require any further information
Yours truly

Dr Hugh Barr, Secretary



29 Lucas Place, Queenstown Airport
PO Box 634, Queenstown, NEW ZEALAND

**CROWN PASTORAL LAND ACT 1998
BRAEMAR TENURE REVIEW**

Submission from Totally Tourism

11 February 2009

Commissioner of Crown Lands

CC: Department of Conservation

Currently Glentanner Park / Totally Tourism operate heliskiing on Braemar Station under a recreation permit as recorded in the Braemar Station Tenure review due diligence report.

We wish to continue this activity in addition to snow landings. With the proposed transfer of management to the Department of Conservation we wish to have the opportunity to replace the recreation permit with a concession. We cannot identify any reason for this activity to cease.

Glentanner Park / Totally Tourism already hold a concession to heliski in the Braemar Conservation Area and wish to add the Braemar Station terrain.

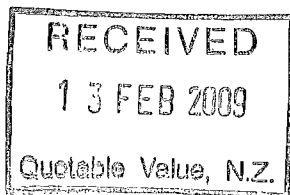
Concession Number CA-18317-GUI
Braemar Conservation Area
Expires 30 January 2010

Should you require any further information please make contact.

Kind regards

Totally Tourism Braemar Station Submission

Mark Quickfall
Managing Director
Totally Tourism Limited / The Helicopter Line Limited
DDI (03) 441 4620, Mobile 0274 336 576, Fax (03) 441 4628
Email: mark@totallytourism.co.nz



Glentanner Station
P.O. Box 23, Mount Cook 7946, New Zealand.

Telephone: 03 4351843

Fax: 03 4351853

e-mail: glentanner@xtra.co.nz

11th February 2009

The Commissioner of Crown Lands

c/- QV Valuations

Christchurch Office

62 Riccarton Road

PO Box 13 443

Christchurch

Braemar Tenure Review

This submission relates to the above as advertised on the 10th December 2008.

We are neighbouring owners and occupiers of a pastoral lease, being Glentanner. We are supportive of the Tenure review process in general and support this review for Braemar.

We would like to comment on some aspects:

1. Braemar has been generous in retiring approx. 88% of the property. This 88% includes the long finger of land up the Jollie River which is all the land in the Braemar lease that has "specialness" or "X factor". Braemar has also agreed to a generous easement adjacent to the Maryburn Stream.
2. The covenants over the freeholded land seem too restrictive, given that Braemar owns freehold land already between Lake Pukaki and this area. It does not seem likely that Braemar would

wish to develop CC1a lakeside land anyway because of the above reason. I am aware the minister has made blanket rules regarding lakeside properties, but this demonstrates an anomaly.

3. The defence force restricted areas will make access to the Braemar Dome and Mt Stevenson excessively difficult for recreation. There are paper roads through this area; at least one of these roads needs to be kept as a legal access to the above area. The paper road up Land slip Creek from the northern corner of CC1b needs to be maintained as legal access for the public. I am sure this would not interfere with defence.
4. Glentanner has got a recreation permit with LINZ for Helicopter skiing with an operational area for helicopter skiing, mountain craft, sightseeing and snow landings, which includes 15,216 hectare contained within Run 331 Braemar. We also have a concession from DOC for Helicopter skiing on the former Braemar POL. We will be formally applying to DOC to retain these rights. Our present concession with DOC on the Braemar Conservation area is held jointly in the names of Glentanner Park (Mount Cook) Ltd and Totally Tourism Ltd. Concession Number CA-18317-GUI, We would like it noted in this forum that we hold a recreation permit over these areas under the Land Act 1948.

Generally we support the proposal. The outcomes for the public, crown, defence and lessee will be positive, with the proviso that there is adequate public access to Mt Stevenson.

Thank you for the opportunity to comment,

Ross Ivey

Glentanner Station Ltd

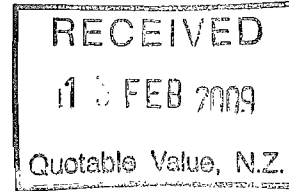
107013

**HIGH COUNTRY
CONSULTANCY**

Dr Mike Floate, SH 8 Tarras, Central Otago, New Zealand
Telephone 03-445 2829, Fax 03-445 2038
Email: mike.floate@xtra.co.nz

9 February 2009

The Commissioner of Crown Lands
c/-Quotable Value Ltd.
PO Box 13 443
CHRISTCHURCH
Attn C Latham



Dear Sir,

Re: Preliminary Proposal for Tenure Review: Braemar Station (Pt 121)

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 13,000 members of tramping, mountaineering, climbing and other outdoor clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country.

On behalf of FMC and our supporters please find enclosed our Submission on the Preliminary Proposal for the tenure review of Braemar Station Pastoral lease.

Yours sincerely

Dr Michael J S Floate

On behalf of Phil Glasson, Secretary of Federated Mountain Clubs of NZ Inc.



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)

P.O. Box 1604, Wellington

1931
75
years
2006

5 February 2009

The Commissioner of Crown Lands
c/-Quotable Value Ltd.
PO Box 13 443
CHRISTCHURCH
Attn C Latham

Dear Sir,

Re: Preliminary Proposal for Tenure Review: Braemar Station (Pt121)

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 13,000 members of tramping, mountaineering, climbing and other outdoor clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country.

On their behalf, FMC aims to enhance recreation opportunities, to protect natural values, especially landscape and vegetation, and to improve public access to the back country through the tenure review process.

FMC fully supports the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the more 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.

[EDC Min (03) 5/3; CAB Min (03) 11/5 refer]

FMC appreciates this opportunity to comment on the Preliminary Proposal for the review of Braemar Station. We also appreciate QV facilitating access for inspection, and the holder for permission to inspect the property on 23 January 2009.

THE PRELIMINARY PROPOSAL

FMC understands that the Preliminary Proposal is in two parts:

1. 13,446 ha (approximately) to be designated as land to be restored to full Crown ownership and control under section 35(2)(a)(i) Crown Pastoral Land Act 1998, as conservation area CA1.

2. 1770ha (approximately) to be designated as land to be disposed of by freehold disposal to the holder under section 36(3)(b) and section 40(1)(c) of the Crown Pastoral Land Act 1998, subject to a qualified designation and protective mechanism.

Qualified designation:

Pursuant to section 36(3)(b) Crown Pastoral Land Act 1998:

- (i) An easement in gross to provide public access by foot and non-motorised vehicle over tracks marked “a-b”, “c-d”, “e-f”, “g-h”, “i-j”, “k-l”, “m-n”, “o-p”, and by foot over tracks marked “q-t”, “u-v”, “w-x”, “y-z”, “z1-z2”, and “z3-z4” on the plans.
- (ii) An easement in gross to provide foot and motorised vehicle access for conservation management purposes over tracks marked “a-b”, “c-d”, “e-f”, “g-h”, “i-j”, “k-l”, “m-n”, “o-p”, “q-r”, “q-s”, “q-t”, “u-v”, “w-x”, “y-z”, “z1-z2”, and “z3-z4” on the plans.

Protective Mechanism:

Conservation Covenant over the proposed freehold under section 40(1)(c) and section 40(2)(a) of the Crown Pastoral Land Act 1998, for the purpose of protecting the lakeside and landscape values of the areas shown in yellow wash and labelled “CC1a” and “CC1b” on the plans.

FMC COMMENTARY AND SUBMISSIONS

The details of FMC views on the Preliminary Proposal are presented below. Please also refer to the accompanying illustrations listed in the Appendix.

The greatest recreational interest in Braemar is concentrated towards the northern parts of the property including the valleys of the Jollie River, Landslip Creek, Fork Stream and their tributaries, and the mountainous land between these valleys. High points such as the Liebig and Gammack Ranges, Mt Stevenson and Braemar Dome provide significant destinations for trampers, climbers and skiers. In the past these have been little frequented not only because of distance but also because runholder permission was required for access over leasehold land, but The Nuns Veil has been climbed recently with access via the Jollie River valley.

FMC understands that the proposed Conservation Area consists of nearly 90% of Braemar Pastoral Lease, including all of valleys referred to above and some of the high country in between. FMC recognizes that this is an important gain for conservation and recreation in the Mackenzie Country because of the high natural and landscape values of the Braemar property which provides a wide range of exciting settings for recreation.

There is some concern about the protection of values in the proposed Covenant Area CC1b. If this was to return to full Crown ownership (as preferred under the Crown Pastoral Land Act 1998), it would leave less than 500ha for freehold disposal. This does not seem very realistic and a preferred option might be to consider whole property purchase.

PROPOSAL 1 13,446 ha (approximately) to be designated as land to be restored to full Crown ownership and control.

The Braemar property is situated on the eastern side of Lake Pukaki. It is large, over 15,000ha, and includes a 16km long section of the moraine plateau that runs south from Jollie River, as well as part of the Gammack Range, and fingers into the Jollie River, Landslip Creek and Fork Stream valleys. It also includes the northern half of the rolling high moraine downlands between Fork Stream and the Mary Burn.

The moraine plateau grades downwards from almost 1,000m in the vicinity of Landslip Creek in the north to about 700m at the southern boundary of Braemar. The skyline of this moraine plateau is an important landscape feature because for much of its length through Braemar it is clearly visible across Lake Pukaki from the tourist road to Mount Cook village and the National Park. (See Fig. 1). Approximately half of the property might be described as mountain land (above about 1,000m) while the other half is almost entirely composed of the moraine plateau which lies between about 700 and almost 1,000m asl.

The area consists of the vast tussock lands which rise from the boundary near the Mt Cook Station Road up to Jollie River. This outstanding landscape includes a sequence of short tussock grading into tall tussock and thence to sub-alpine shrublands and herbfields with scree slopes.

The area includes several projections into the adjoining Braemar Conservation Area. The largest of these fingers extends up the Jollie River valley (See Figs. 2 and 3), and consists of the steep slopes that form part of the Gammack Range which reaches up to 2,500m. The Gammack Range is important both from a topographic and scenic point of view as it is one of the dominant ranges forming the backdrop to the north western side of the Mackenzie Basin. It is also one of the dominant features of the view on the eastern side of the Tasman Valley for many thousands of tourists as they approach Mt Cook and the Mt Cook National Park (See Fig. 3). The other fingers extend up the Fraser Stream and Fork Stream Valleys which lie at the head of the Tekapo River catchment. As noted above the mountainous areas between these waterways, and the valleys themselves are important in providing a wide range of recreation opportunities.

Between Landslip Creek and the headwaters of Irishman Creek lies probably the most extensive area of elevated, unmodified wetlands and tarns still existing in the Mackenzie Basin. These features retain a high degree of naturalness and contribute importantly to the significant inherent values of the Braemar property. These are just some of the important reasons why it is appropriate that the whole area of the proposed CA1 Conservation Area should be returned to full Crown ownership and control.

Land Use Capability data reveals that most of the Braemar property is marginal or entirely unsuitable for ecologically sustainable pastoral use: All the mountain land on the Gammack Range, and on the high country stretching up towards Mt Stevenson is characterised by Cass Hill and Puketeraki Hill High Country Yellow Brown Earth Soils which have been classified LUC Class VIIe (defined as unsuitable, or of only low to very low suitability for pastoral use). It is most unlikely that these lands could be managed in a way that is ecologically sustainable. Designation as land to be returned to full Crown ownership and control to be managed for conservation (including recreation) purposes would be appropriate for such lands.

The moraine plateau is almost entirely characterised by Cass and Cass Hill High Country Yellow Brown Earth soils of glacial origin which have been classified LUC Class VIe or VIIe which are defined as being of only low to very low suitability for pastoral use. Natural fertility is low and the economic benefits of fertiliser on such lands is marginal. It therefore seems appropriate that these lands should be split between designation for return to full Crown ownership on the higher areas and land to be managed under a Conservation Covenant on the remaining lower moraine country, with strong conditions to protect its landscape values.

It is important that the public should have access to this area not only to enjoy the outstanding natural values it possesses but also to enjoy these features as the setting for a variety of recreational activities. Such activities would include tramping, climbing and possible cross-country skiing in some seasons as well as water-based activities, and more passive forms of recreation such as painting, landscape photography, fishing, bird-watching and botanising. It is certainly expected that the volume of recreational use will increase when these new conservation lands become available as an outcome of successful tenure review. We also understand that there are mustering huts in the Jollie River and Fork Stream valleys which will add to the opportunities becoming available for recreational users of the new Conservation Areas.

However, we understand that the NZDF is also seeking to continue its foot manoeuvre rights over some of the CA1 area. This is unfortunate and we recommend that any such military rights should exclude control of public access along the boundary between CA1 and CC1b, that is along the route of the easement described in the section on Qualified Designations. We support the exclusion of the public from the restricted area for safety reasons, but believe there should be an agreed limit to the time such restrictions will be in place. It appears that at present such restrictions are undefined in terms of frequency and duration of time for which the public will be excluded from this large area. We submit that the extent of such military use should be subject to a transparent public process and that periods of restriction should be publicly notified so that the public will know in advance when this area is off limits for military reasons.

We have concerns about the extensive wilding pine and larch in the lower reaches of the Jollie River valley and on the slopes on the true left of this valley at the southern end of the Gammack Range (See Fig. 4). This problem has developed on Crown land held under pastoral lease tenure and we do not believe it should fall to DOC (ultimately the NZ taxpayer) to deal with this problem.

These wilding trees are not only a threat as they are continuing to spread, but also dominate and negate the potential landscape values in the Jollie River valley and on the southern end of the Gammack Range. This could be interpreted as saying that the area presently has no conservation value and would be inappropriate for return to full Crown ownership and control as Conservation Area.

FMC recommends that consideration should be given to the following alternative short term and longer term outcome of tenure review. In the short term a Special Lease may be appropriate. The holder might then be able to recover some commercial timber out of this area, thus providing finance to control the more scattered trees before they dominate the entire landscape. This might be managed under a Sustainable Management Covenant or some similar instrument. A time limit should be placed on a programme to resolve the wilding tree problem in the Jollie River valley.

A public access easement would be required through any Special Lease area for the duration of its tenure to enable foot access to the upper parts of the Jollie River valley.

In the longer term, when the wilding problem has been resolved, the future of the Special Lease should be reviewed. It is possible that by that time the potentially high landscape values will have been restored and return to full Crown ownership and control may be appropriate.

We note that new or upgraded fences are to be included at "U-V" and "V-W" along the boundary between CC1b and CA1. In places, the existing fence traverses significant elongated red tussock basins (See Figs. 5 and 8). We recommend that as far as possible the red tussock basin areas should be fenced into CA1. This would improve conservation outcomes and provide a more convenient positioning of the fence alongside the access track.

FMC understands that adjustments are to be made to fencing to allow access to water in Landslip Creek for stock grazing in CC1b. However, this seems a retrograde step as modern thinking prefers that stock be excluded from stream margins (See Figs. 6 and 7). We believe it would be preferable to provide gravity-fed drinking water troughs within CC1b fed by pipeline from an appropriate intake upstream in Landslip Creek (See Fig. 7).

FMC Submission

- *FMC endorses and supports this proposal for some 13,446 ha (approximately) to be designated as land to be retained as land in full Crown ownership and control under section 35(2)(a)(i) Crown Pastoral Land Act 1998, as conservation area CA1.*
- *We recommend that any restriction to public access for military reasons should NOT include access along the route of the easement described in the Qualified Designations.*
- *We support the exclusion of the public from the restricted area for safety reasons, but believe there should be an agreed limit to the time such restrictions will be in place.*
- *The frequency and duration of military restrictions on public use of CA1 should be defined through a transparent public process, and periods of restriction should be publicly notified so that the public will know in advance when this area is off limits for military reasons.*
- *We recommend that consideration be given to the creation of a Special Lease Area (or some similar instrument) in the lower reaches of the Jollie River from the Mt Cook boundary to Second Creek and up to the altitudinal limit of tree growth, to be managed under a Sustainable Management Covenant. The rationale for this proposal is explained above.*
- *An easement for public foot access through this Special Leasehold land would be required to provide access to the upper Jollie valley.*
- *We recommend that as far as possible the red tussock basin areas should be fenced into CA1 by locating the new or upgraded fencing as close as practicable to the access track from point "q" to points "z"*
- *Grazing stock should NOT have access to Landslip Creek: instead gravity fed water could be provided by pipeline from an intake in Landslip Creek.*

PROPOSAL 2. 1770ha (approximately) to be designated as land to be disposed of by freehold disposal to the holder under section 36(3)(b) and section 40(1)(c) of the Crown Pastoral Land Act 1998, subject to a qualified designation and protective mechanism.

This area represents almost 12% of the Braemar lease and consists of the downlands and wetlands within about 5km of the eastern shore of Lake Pukaki. The immediate lakeside land is existing freehold and the land proposed for freehold disposal is situated between about 700 and 1,000m asl, to the west of Mary Burn, and extends from the southern end of the property at Mt Cox to Landslip Creek.

The Visual Landscape Assessment Report (Steven, 2008) states *“the proposed freehold is part of the backdrop and general moraine/mountain setting to Lake Pukaki on the eastern side..... Whilst it is not visually prominent or distinctive, it is an integral part of the more natural landscape lying above the more modified land immediately adjoining the lake..... It is thus important for maintaining the visual integrity of the existing landscape. Towards the south end the proposed freehold area forms the skyline or a prominent horizon and is thus visually sensitive. The western margin is also more visually sensitive, being fully exposed to view”*.

The landscape has a strong NW to SE ‘grain’ due to the influence of glacial action and the direction of subsequent glacial outwash streams, including Mary Burn and the upper reaches of Camp Stream. The area also includes linear wetlands and ephemeral tarns some of which also have a strong NW to SE orientation (See Fig. 8).

These wetlands and tarns, and the intervening ridges, are important characteristics of the landscape which not only has high scenic value but is crucial to the legibility or interpretation of the glacial origins of the landform. These are strong reasons for reconsidering whether the upper part of the proposed freehold area particularly towards the northern end, could be added to the proposed new conservation area CA1 (See Fig. 9). This of course is the protective mechanism preferred in the Crown Pastoral Land Act 1998. If this proves not possible then at the very least the conditions of the Covenant should be rewritten to prohibit cultivation of the entire CC1b area and not just the proposed narrow strip along the eastern margin of CC1b. (See Fig. 9). These conditions should then protect the landscape from other major earthworks which might seriously impair the landscape characteristics of this unique place.

The Visual Landscape Assessment Report (Steven, 2008) states:- *“Any development that shows up as a contrast in colour or pattern will detract from the visual integrity and perceived naturalness. Cultivation, large scale land disturbance and intensive topdressing and oversowing are therefore potential threats to landscape values, as would be any new tracking or bladed fence lines”*.

The Visual Landscape Assessment Report concluded that :- *“With respect to the issue of public visibility of lakeside land within 5km of Lake Pukaki the parts of the proposed Braemar freehold that are considered visually sensitive and requiring protection are:-*

- *The more elevated northern section of the plateau within about 1km of Landslip Creek (Fig. 9),*
- *The western margin (top of the ‘trough wall’ and the westernmost moraine ridges),*
- *The exposed sidewalls of the creeks,*
- *The tops of the more prominent ridges and knolls over the plateau”*.

Steven (2008) concluded that: *“The emphasis in the conditions should be on outcomes to be achieved or conditions to be met rather than attempting to be prescriptive. For example, no skyline or ridgeline structures or tree planting; and retention of existing levels of naturalness, legibility, intactness and coherence through no or very minimum visibility of any ‘introduced’ elements such as roading, building and trees or developed pasture.....*

Overall it is essential that the integrity of the landscape remain, as the greatest value at present lies in the fact that a range of different landforms and habitats exist in an unbroken continuum over a very large area from relatively low altitude areas to the tops of the alpine ranges. There is a consistently natural and highly legible and coherent character over the plateau continuing into areas to the north and east – there are very few ‘visual intrusions’ (See Fig. 10).

FMC Submission

- *FMC supports the proposal that some of the land between Mary Burn and the existing freehold should be designated for freehold disposal. However, we are concerned that the important landscape features of this glaciated plateau should be protected either by imposing strict conditions on development within the area of CC1 or preferably (as indicated in the CPL Act 1998) by adding an appropriate area of land to the proposed Conservation Area CA1.*
- *If Covenant conditions are to be strengthened, they should be written along the lines spelled out in the conclusions in the Steven Report (2008).*
- *If alternatively, return to full Crown ownership is decided upon, then the remaining area designated for freehold disposal would amount to less than 500ha. This does not seem reasonable and a preferred option might be to consider whole property purchase of Braemar, or at least the pastoral leasehold part thereof.*

Qualified designation:

Pursuant to section 36(3)(b) Crown Pastoral Land Act 1998:

- (i) An easement in gross to provide public access by foot and non-motorised vehicle over tracks specified above, and foot access over the sections of track specified above.**
- (ii) An easement in gross to provide foot and motorised vehicle access for conservation management purposes over tracks specified above.**

FMC recognises that the track which runs more or less parallel to the Mary Burn passes and repasses in and out of the proposed freehold area designated CC1b, and that this Qualified Designation is intended to provide secure public foot and mountain bike access as far as point “q” and on foot over the remaining sections of track specified above. In part, this is acceptable to FMC because we can appreciate this will provide public access to the valleys of Landslip Creek and the Jollie River, and thence to the Gammack and Liebig Ranges, Mt Stevenson, Braemar Dome and other places of conservation and recreational interest which have previously been inaccessible without the runholder’s permission. However, we believe that an error has been made in not including “q-r” and “q-s” in this designation because without such inclusion there is no public access to CA1 south of point “z4” (See Fig, 11).

We note that the proposal only provides for secure foot access over sections “q-t”, “u-v”, “w-x”, “y-z”, “z1-z2”, and “z3-z4”. There is no provision for mountain bike use. The consequence of this is that the public must walk about half the total distance (some 10km) from the Braemar Road to Landslip Creek before even getting near the areas of greatest recreational interest and attraction (See Fig. 12). We submit that because of the distance to Landslip Creek and particularly to the Jollie River, public use of non-motorised vehicles should be permitted over “q-t”, “u-v”, “w-x”, “y-z”, “z1-z2”, and “z3-z4”, and that the terms of the easement should be revised accordingly.

FMC has no objections to the provision of the easement for Minister of Conservation management purposes.

FMC Submission

- *FMC supports the proposed Qualified Designations providing public and conservation management access. We recommend that any restriction to public access for military reasons should NOT include access along the route of this easement.*
- *The public access easement should include public foot access over “q-r” and “q-s” to provide reasonable and secure public access to CA1.*
- *Because of the distance from Braemar Road to Landslip Creek and particularly to the Jollie River, we submit that public access by non-motorised vehicles should be permitted over “q-t”, “u-v”, “w-x”, “y-z”, “z1-z2”, and “z3-z4”, and that the terms of the proposed easement should be amended accordingly.*
- *If the land in the lower Jollie River valley is designated as a Special Lease or some similar instrument, then an easement for public foot access to the upper reaches of the Jollie River valley will be required.*

Protective Mechanism:

Conservation Covenant over the proposed freehold under section 40(1)(c) and section 40(2)(a) of the Crown Pastoral Land Act 1998, for the purpose of protecting the lakeside and landscape values of the areas shown in yellow wash and labelled “CC1a” and “CC1b” on the plans.

FMC notes that this proposed Protective Mechanism is the first to be designated since special provisions were introduced by government (CBC Min (07)23/19) to protect areas adjacent to lakes and rivers which might be vulnerable to inappropriate subdivision, use and development. That Minute directed that all leases within 5km from major lakes would be excluded from tenure review. However, an application for review might be accepted if certain conditions were met. Those conditions included:-

- Lakeside land being retained in Crown ownership, or covenanted to restrict subdivision,
- Lakeside views being protected,
- No large structures, barriers or subdivision within 5km of a lake.

FMC strongly supports these new measures designed to offer additional protection to these vulnerable areas. In this case it is both the lakeside and landscape protection measures which are important.

However, we have read the terms and conditions of this Covenant and note that there appear to be no special new provisions in the document to protect the values from inappropriate subdivision (ie. fencing), use and development. We acknowledge that in Schedule 2, Paragraph 2 further subdivision of the property title is not permitted. It appears that the only differences between this Covenant and the usual form of Covenant designated under tenure review relate to “The Owners Obligations” (Section 3.1). These include the removal of terms prohibiting grazing and fencing, and the burning, spraying and oversowing of pastures (as opposed to indigenous vegetation). By implication, and expressly under the special conditions listed in Schedule 2, these things are in fact permitted in the Covenant applicable to CC1 Braemar Flats. Under the covenant as it stands at present it would be perfectly permissible for a freehold owner to cultivate the covenanted land for the purpose of planting fodder crops. A freehold owner would be entitled to alter the land surface very significantly, even by bulldozing or laser-levelling, in order to make cultivation more feasible. This would have enormous adverse and irreversible effects on the landscape values. With the listed exceptions, the covenant as it stands is well-nigh useless in effective protection of the landscape values described.

FMC argues that this is entirely unsatisfactory as the terms and conditions of the Braemar Covenant appear not to protect the area of CC1 from the adverse effects of inappropriate subdivision fencing, use and development, as required by government (CBC Min (07)23/19).

FMC therefore strongly recommends that the terms and conditions of the Braemar Covenant, and especially Section 3.1 and Schedule 2 should be revised to provide adequate protection against the threats of inappropriate subdivision (ie. fencing), use and development of the area designated CCI.

FMC Submission

- *FMC objects to the terms and conditions of the Braemar Covenant which has the stated "purpose of protecting lakeside and landscape values". We assert that the Covenant as it stands does not provide adequate protection against the threats of inappropriate subdivision fencing, use and development.*
- *FMC strongly recommends that Section 3.1 and Schedule 2 should be revised to provide adequate protection against the threats of inappropriate subdivision fencing, use and development of the area designated CCI.*

Marginal Strips

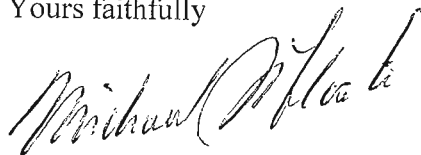
FMC notes that the Proposal document states that indicative marginal strips have been identified for the lower reaches of Landslip Creek giving alternative access to CA1 from the Braemar – Mt Cook Station Road across existing freehold land adjacent to Lake Pukaki. In our view this will provide much more convenient access to CA1, especially for walkers. We submit that there will be a need for these strips to be clearly signposted and marked so that the public can make good use of the strips without straying onto Braemar freehold land.

FMC Submission

- *FMC is pleased to note the alternative access to CA1 via marginal strips on the lower reaches of Landslip Creek. We submit that there will be a need for these strips to be clearly signposted and marked so that the public can make good use of the strips without straying onto Braemar freehold land.*

Finally, FMC thanks the Crown Agent, Quotable Value Ltd. for facilitating NGO inspection of the property and the holder for granting permission to inspect the property on 23 January 2009. We also thank the Commissioner of Crown Lands for the opportunity to comment on the Preliminary Proposal for the tenure review of Braemar Station pastoral lease.

Yours faithfully



pp Phil Glasson
Secretary, Federated Mountain Clubs of NZ Inc.,

Please also refer to the attached Appendix Figures to Illustrate this Submission (See overleaf)