

## **Crown Pastoral Land Tenure Review**

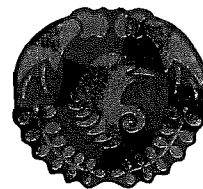
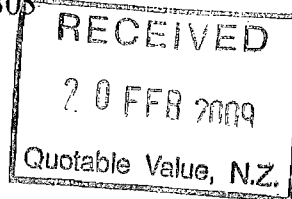
**Lease name: BRAEMAR**

**Lease number: PT 121**

### **Public Submissions - Part 7**

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 INC17<sup>th</sup> February 2009UPPER CLUTHA BRANCH  
Denise Bruns: Secretary  
4 Stonebrook Drive  
WANAKA 9305The Commissioner of Crown Lands  
C/o Quotable Values Ltd.  
PO Box 13443  
CHRISTCHURCH

Attention: C Latham

E.mail [Carolyne.Latham@qv.co.nz](mailto:Carolyne.Latham@qv.co.nz)

Dear Sir

**Preliminary Proposal - Braemar Station - Pastoral Lease Pt 121.**

We thank you for sending us a copy of the Preliminary Proposal for this property. We also thank you for allowing us an extension of time to the 18<sup>th</sup> to make this submission.

As you will no doubt be aware our branch of the society has been involved with the process of tenure review for many years now. We fully support the process of the Crown Pastoral Land Act 1998 and the more recent Government Policy to protect the landscape values of properties within 5kms of any lake.

We have inspected that part of the lease proposed to become freehold and the lower part of the Jollie River valley as far up as First Creek. We would like to take this opportunity to thank the lessees for allowing us to do this. We have also studied the Conservation Resources Report.

With some few modifications we see this as a good proposal in that a considerable area of the Mackenzie Basin is being returned to the Crown for protection and added to conservation land lying further to the west.

**1.0 Introductory Comments:**

- In the area at the lower end of the Jollie River between the Coxs Peak - Braemar boundary up to some distance beyond First Creek, and right up to the skyline there is extensive and continuous cover of wilding conifers. These conifers have effectively supplanted the indigenous conservation values in the original vegetation together with the associated ecology this area would have originally contained. These conifers have also altered the visual appearance and landscape values of the lateral moraine, which is a major inherent value of Braemar southwards to the Braemar Road.
- While these conifers have not been planted Braemar is the recipient of windblown seed from upwind neighbouring properties. The neighbouring areas of conifers are in effect production forests - in some places areas have been clear felled and re-planted. Wilding conifers are a serious problem in many parts of New Zealand, the answer to which has yet to be found. We believe the management of these conifers would best be handled by the Crown.

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- For the control or eradication of wilding conifers the Crown, Local Authorities and land managers must adopt a strategy that has the support of the public - this may mean containment rather than eradication
- The New Zealand Defence Department occupy the land to the south of CA1 and wish for safety reasons to restrict public access to CA1 south and east of Landslip Creek at certain times. We see this as both reasonable and sensible. It was noted during our visit that the land under defence control was free of wilding conifers.

## **2.0 The Proposal:**

**2.1** We support and endorse the area of 13,446 ha (described in the proposal and shown as CA1 on the plan) being retained in full Crown ownership as a Conservation Area (under section 35(2)(a)(i) CPL Act 1998) This will best protect the landscape, the flora and flora other significant values present and add to the recreational opportunities in the area - this is highly commendable.

**2.2** We note that the New Zealand Defence Forces use approximately 8,040 ha of this area for ground manoeuvres and also as a fall zone for live ammunition firing in the land to the south of CA1. As the defence of New Zealand is a necessary and significant issue we see nothing wrong with this provided that when they are not using it for training purposes the public have free and unfettered access to it: and provided that clear and proper warning be given to the public prior to and after the cessation of military use of the area.

**2.3** An area of 1,770 ha approximately is proposed to be disposed of as a freehold to Braemar Station Ltd (under section 35(3), section 36(3)(b) and section 36(3)(b) CPL and section 40(1)(c) Act 1998) subject to covenant conditions and qualified designations to provided access for the public and the Department of Conservation for management purposes we accept this proposal with some modifications. However we do note that the survey reports (landscape, botanical) recommended unequivocally that most of the area be retained as Crown land for conservation purposes. We see this as a better and preferable outcome .

## **2.4 Protective Mechanisms:**

### **Under the Reserves Act 1977 for Crown Pastoral Land Act 1998 Purposes**

**(a) CC1b (Lakeside)** - This is to protect mainly the landscape values that are visible from roads and other public places of the land within 5ks of Lake Pukaki from "*Further subdivision of the property title within the covenanted area*", (SCHEDULE 2, Special Conditions CC1- Braemar Flats 2.0) of the covenant.

**(b) CC1a (Landscape)** - This land comprises -the balance of the covenant area.

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**2.5** The land and the values to be preserved is fully described in both; SCHEDULES 1 and 2 , Pages 7, 8 & 9, Appendix 4 of the Conservation Covenant document. On reading the background survey reports we are concerned that the botanical/ecological values are not adequately described. The short tussock grassland is a modified and somewhat depleted community but there remains a highly diverse indigenous community including extensive fields of gentians, as well as the intricately patterned glacially derived terrain, rock dumps and various wetlands and streams. Red tussock is still prevalent throughout the area increasing in dominance northward and eastward. The area is an important part of the overall landscape of the basin floor high moraine and is fully deserving of its integrity being maintained. Areas such as this are not common in conservation areas and are a very interesting and informative complement to the extensive higher altitude areas.

**2.6** The methods of protection being offered for these values we see as also being inadequate. It is our view that insufficient attention has been given to the other values present besides the landscape, such as the indigenous vegetation on this land.

**2.7** It was significant to us during our inspection that the indigenous vegetation of this area, although somewhat depleted and shortened, was still very much intact in that it had not been smothered by exotic grasses such as sweet vernal and browntop. Apart from the gateway at the bottom where sheep would be inclined to hang, and the sheep camp at the top end next to Landslip Creek this was especially so in the block north of the long fence line separating CA1 from the land held by the Defence Department.

**2.8** Around the protected areas of rocky or boulder outcrops where fire and sheep could not penetrate were; muehlenbeckia, myrsine, craspedia, coprosma and celmisia, to mention just some of the species present. The two major pest plants present were of course wilding conifers and hieracium.

**2.9** This vast upland lateral moraine with its hummocks, hollows and outcrops of rocks and boulders is extremely pleasant country to walk through and will be magnificent addition to the land available for recreation in the Mackenzie basin. A walk between the Jollie river in the north and the Braemar Road in the south, passing the tarns, seepages and humps and hollows will be an experience in its own right.

**2.10** The wetter areas carry a good cover of tall (red) tussock and are relatively free off conifers - this could be because they are frost hollows.

**2.12** The fence between CC1b and CA1 where it is to be renewed or upgraded bisects the Mary Burn wet lands containing tall tussock. We see this as a retrograde step in that it will allow stock continued access into wetlands and possibly cause a visual demarcation in the appearance of the vegetation by having stock on CC1b and no stock on CA1. After freeholding the patterns of stocking may change. This fence should be re-sited west of these wetlands.

**2.13** Allowing on-going stock access to a small area of Landslip Creek for water is not in the best interests of Landslip Creek and goes against best farm management

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practice now being advocated throughout the country. We believe this should not happen, and see no reason why a piped supply of water could not be provided using the water from the creek.

**2.14** Apart from the visibility issue being covered in CC1a, we really see no difference in the requirements for the covenants when the landscape flora and fauna are taken in to consideration on both "a" or "b".

**2.15** To protect all the highly significant inherent conservation values in the land proposed to become freehold as described in the proposal, we do not agree with **SCHEDULE 2, Special Conditions CC1 - Braemar Flats Clause 1.0**, but we do agree with clause 2.0 in the covenant,

**2.16** To fully protect the values present, the land should only be used for simple pastoral purposes and then only be lightly grazed by sheep. There should in no circumstances be cattle or deer because of potential damage to wet areas. A programme of adequate monitoring to quickly determine any adverse effects should be implemented. To cultivate or build structure on these upland flats would destroy all the outstanding special features they contain for ever. Cultivation would permanently remove native vegetation, interfere with the intricate natural landform patterns, and potentially destroy individual landforms. Rock dumps would potentially be interfered with. The many wetlands (often ephemeral) and streams and damp areas would be difficult to work around, and more intensive pastoral use could result in undesirable nutrient flows into water bodies. More intensive use through subdivisional fencing and AOSTD would have adverse visual effects and significantly compromise the landscape values of this open natural landscape, particularly the attributes of naturalness and visual coherence. The impressive 'wholeness' of the upper moraine landscape should not be compromised in any way. Cultivation turning 'natural brown' to 'green' should also not be apparent along the skyline as seen from SH80 on the opposite side of the lake, neither should any structures. Extensive sheep grazing in large blocks as at present would sustain the landscape values. The existing degree of naturalness and openness apparent from the Braemar road where it passes by Mt Cox should also be retained, as this is a valued 'back country drive' experience. There would also need to be a requirement to remove any wilding trees.

**2.17** However as we noted earlier, according to the Crown Pastoral Act 1998 the preferred way to protect all the values present would to return the land under consideration to Crown Control. This would be the better option for the upper block.

### **3.0 Access:**

We see some shortcomings with the proposed public access provisions, which we would like to see addressed in the final proposal:

**3.1** There is no public access provided to the bottom end of CA1 via q-s. The Defence Department will have adequate control over where and when the public may enter via other mechanisms, therefore q-s should be also available for foot and non-

motorised vehicles to provide ready access to CA1 and enable exploration of this area via the drier ridges that start at the southwest corner.

**3.2** Provision should be made for unfettered and unconditional walking (and possibly mountain bike and horse ) access into the Jollie Valley, either via the riverbed or by way of an easement through Mt Cook or Coxs Downs station. This valley will be used extensively when it is known that it is open to the public. Also it would allow for a day walk (perhaps, say 20kms) from the Jollie river via the lateral moraine to Braemar Road.

**3.3** As there is a legal road running north from Braemar Road to Landslip Creek, even though it does wander from one side to the other up the boundary fence, consideration should be given to allowing 4WD vehicles to use the present formation present to at least as far as Landslip Creek. A better out come would be to re-survey the legal road on to the Braemar side of the fence.

**3.4** There should be provision for mountain bike and possibly horse access as far as z4 and preferably via existing 4wd track up on to the lower part of the Landslip Creek moraine. Access through to the Jollie valley would also be valued.

**3.4** Having a marginal strip up Landslip Creek will allow for another entrance or exit from CA1. It may be more practical however if it were located along the ridgeline on the true right, if such access could be negotiated through Coxs Downs.

#### **4.0 In Conclusion**

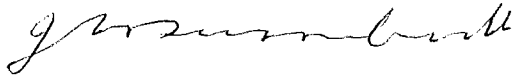
**4.1** The landscape, indigenous flora and fauna, and also the recreational values on Braemar are very high and should be protected. If the covenant were to be altered as we have described to only allow modest grazing of sheep, no over sowing or topdressing, and no cultivation or clearance of indigenous vegetation, there is every possibility- that they will be protected.

**4.2** We approve of the marginal strip being on the true left of Landslip Creek throughout. When the protection of stream banks from stock is becoming more common, to allow a relatively small portion of the creek be left open to stock would be a backward step. We see no reason why a reticulated scheme could not be used in this instance to water stock.

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We thank you for the opportunity to make these comments and we await the outcome with interest.

Yours faithfully

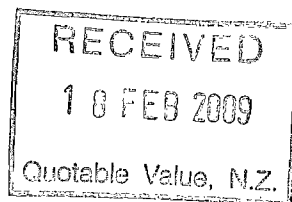
A handwritten signature in cursive script, appearing to read "John L. Turnbull".

John L Turnbull

For Denis Bruns (Secretary)

**Southern Office**

Forest and Bird  
Box 6230  
Dunedin  
0064 3 477 9677 ph  
[s.maturin@forestandbird.org.nz](mailto:s.maturin@forestandbird.org.nz)



The Commissioner of Crown Lands  
C/o Quotable Values Ltd.  
PO Box 13443  
CHRISTCHURCH  
Attention: C Latham

E.mail [Carolyne.Latham@qv.co.nz](mailto:Carolyne.Latham@qv.co.nz)

20.2.09

**Preliminary Proposal - Braemar Station - Pastoral Lease Pt 121.**

**1.0 Introduction**

This proposal protects an extensive area of iconic high country landscapes and areas that have very high biodiversity values, and will provide valuable new recreational opportunities.

However it also proposes to freehold areas of landscape and biodiversity significant inherent values, (sivs), with inadequate protective mechanism and provides inadequate and impractical access and is overall inconsistent with the Crown Pastoral Lands Act.

Forest and Bird considers there are significant areas of high sivs that meet high country objectives, and national priorities for protection and warrant protection under the CPLA. A reassessment of the proposal is required, and consideration given to a full lease purchase by the Crown.

**2.0 Land to be restored to Crown Control****2.1 Proposed CA1**

The Society supports restoration of 13,446 ha as CA1 to crown ownership and control as a conservation area for the reasons outlined in the Preliminary Proposal and the Conservation Resources Report and the proposal document.

**NZ Defence Force**

Future management of a significant portion of CA1 by the NZ Defence Force is an issue that needs to be considered during tenure review as objective 24 c Part II of CPLA is to make easier the securing of public access to and enjoyment of reviewable land, and objective 24 a is to promote the ecologically sustainable management of reviewable land. The existing memorandum of variation of conditions of the Braemar pastoral lease in



favour of the NZ Army, gives the army extensive rights over some 8.040ha to restrict access during peak summer holidays at any time between mid November and the end of March, and rights to carry out potentially ecologically un - sustainable activities, eg., set up camps, clear vegetation for airstrips, construction of trenches and excavations etc. These rights give the NZ Army significant management rights that should not be carried over in their current form to the management of reviewable land post tenure review, as these would be contrary to the intent of the CPLA.

#### **Decision sought**

*The Society recommends that the area shown as being of interest to the NZ Defence Force as Restricted Access, be allocated to and be controlled by the Department of Conservation, and that it not be encumbered by the existing extensive rights granted in the Memorandum of Variation to the conditions of the pastoral lease. Any future arrangements to accommodate the needs of the NZ Defence Force and protect the public should be controlled by the Department of Conservation. The Society understands the need to restrict access on specific occasions, but the public should have access to areas when they are not being used.*

#### Wilding Tree Area – Jollie River – First Creek

The Society submits that consideration of the future management of wilding trees is a matter for tenure review as the objects for the CPLA include promoting the management of reviewable land that is ecologically sustainable. The ongoing spread of wilding trees whether it be on reviewable and to be freeholded, or returned to full crown ownership and control is not ecologically sustainable.

The Society observes that this area no longer contains significant conservation values, as the wilding trees are now so dense that virtually no indigenous vegetation remains, and will be difficult if not impossible to restore to an indigenous ecosystem. The area has potential landscape values – for open space, and landform legibility. It also provides recreational access to the Jollie and the mountains beyond.

The Society is concerned to ensure that no vote conservation money be diverted to control wilding trees inherited through this tenure review. Control programmes must be funded through tenure review. In this instance DOC may be the best agency to tackle the issue, however it is not an ideal outcome.

#### **Decisions sought**

*The Society accepts that in this instance the Department of Conservation may be the best agency to manage this area, but notes that this should not be at a cost to conservation.*

*The valuation of the land should reflect its degradation due to wilding trees.*

*CA1 must be transferred along with a budget sufficient to enable the effective control and ongoing management of all wildings.*

### **3.0 Land to be Freeholded**

#### **3.1 CC1a (Lake Side)**

The Society supports protection of this area, and accepts that a covenant is acceptable although not desirable.

The LENZ Threat map for Braemar shows an area of At Risk environment in CC1a. We were unable to inspect this area, and request that this area be re-evaluated to determine if there are areas which have significant remaining indigenous vegetation – (usually where indigenous species cover more than 10%) where greater active protection and restoration might be needed to enable the protection of the significant inherent values. If so any such area should preferably be returned to full crown ownership and control.

The Covenant document is not adequate to meet the objectives of the CPLA and needs significant rewording to better specify the values present, and to clauses to adequately protect the very significant landscape and other inherent values, including wetlands and remaining indigenous vegetation.

#### Clause 3 The Owners obligations

Clause 3.1 fails to provide adequate protection for the identified values.

#### **Decisions sought**

The Society submits that the following clauses need to be added to Clause 3.1 to enable the protection of the identified significant inherent values.

- *Clause preventing the clearance or removal, including burning, root raking, of indigenous vegetation.*
- *Clause preventing any over sowing*
- *Clause preventing any tracking*
- *Clause restricting the grazing to extensive grazing of sheep only, and preventing the grazing of goats, cattle, deer and other introduced species. (Stock other than sheep will have a greater impact on the wetlands and remaining indigenous vegetation.)*

#### Clause 3.2

Clause 3.2.3 requires the owner to keep the land free from exotic tree species. As noted in the covenant document wilding trees are scattered over the land now. The clause needs to deal with removing the existing wilding trees and preventing any re-establishment. Not all wilding tree species are covered in Regional Pest Management Plans under the Biosecurity Act.

#### **Decision sought**

The Society submits clause 3.2.3 be re worded to read”

*Make and keep the land free from exotic tree and shrub species*

#### Schedule 1

It is good to have an extensive description of the existing landscape values – however this can also lead to confusion as the presence of wilding trees is noted in the description of

the Pukai Kame Terrace. Although it is appropriate to include wilding trees in the description, they are not a landscape value which should be preserved.

**Decisions sought**

*Reword the statement under Pukaki Kame Terrace to read; "Wilding conifers (not to be preserved) are scattered across the terrace.*

*Attach a map that delineates the various landscape subdivisions.*

*It is not clear what specific values CC1a has as opposed to CC1b. The values of CC1a need to be better described.*

*Values that should be specifically mentioned for both areas include:*

- *The minimal presence of obvious structures and human made intrusions*
- *The general lack of straight line vegetation or fencing boundaries*
- *The general lack of obvious tracking.*

Schedule 2 Special Conditions

Clause 1.1

This clause potentially undermines the security of the protection of significant values, and has no public accountability as it provides no criteria to guide the area manager in making decisions on the erection of farm buildings, structures and fences.

**Decision sought**

*The Society submits that either criteria are added to ensure that any such structures be sited, and designed so as to be obscured from the lake and any public view points, or; delete clause 1.1. and the provisions of clause 3 in relation to structures stands.*

Clause 1.2

The Society supports facilitating the removal of exotic weeds by chemical means, but notes that some chemicals are not weed specific and can kill indigenous vegetation. Weeds are not defined in the covenant and many people regard matagouri as a weed. Matagouri needs to be specifically excluded.

**Decision sought**

The Society submits that Clause 1.2 be re worded to read:

*Clearance of exotic weeds using mechanical and chemical means is permitted, provided that such activity does not result in the clearance or damage of indigenous species.*

Clause 1.3

Clearance of indigenous vegetation for stock access routes is likely to destroy or degrade the identified significant values and is not consistent with enabling their protection. There is no definition of stock access, there are no limits to how many access routes, or what area they may cover or how they should be sited.

From our brief inspection of Braemar and reading the reports there is no apparent reason for the necessity of this clause, as there are not likely to be many or any areas of impenetrable shrublands or tussock lands.

**Decision sought**

*The Society submits that clause 1.3 be deleted.*

Clause 1.4

The Covenant describes the values as including high apparent naturalness but then makes a mockery of this by providing permitted activity status to cultivation, earthworks and soil disturbance to all of CC1a and most of CC1b. Any cultivation or earthworks will reduce the apparent naturalness, interfere with the coherence and natural elements and processes, and further degrade remaining indigenous vegetation, and could interfere with and degrade wetlands. This will not result in protection of the identified significant inherent values.

**Decision sought**

*The Society submits that Clause 1.4 Schedule 2 be deleted. These activities should be controlled through clause 3.*

Clause 2

The Society supports the intention of not allowing any subdivision, but questions whether the proposed clause is legally able to do this. We note other covenants contain alternative wording to deal with the definition of subdivision, and the issue of which Act might have priority; *'effect a subdivision within the meaning of the Resource Management Act 1991 of the Land, irrespective of whether or not such a subdivision fully complies with relevant provisions of that Act.*

**Decision sought**

*The Society submits that legal advice be obtained to ensure that clause 2 is legally enforceable in perpetuity, and that it be rewritten to meet the legal tests.*

3.2 CC1b

The Society does not support the proposal to freehold CC1b, and submits that it be returned to full crown ownership and control. The Society concurs with the Conservation Resources Report, which identifies this area as having significant ecological values, as well as landscape values. The specialist botanical and landscape reports, identified many significant inherent values within cc1b that need to be protected and recommended that they be protected by restoration to full crown ownership and control.

There is now a much greater recognition of the need to secure effective protection for montane-lowland areas with high biodiversity, and we have an international obligation to ensure the full range of our biodiversity is protected.

This area includes an area of At Risk Environment, which although modified retains significant short tussock grassland elements.

This area is part of one of New Zealand's least modified and most accessible glacial moraine complexes and is nationally and possibly internationally significant. The Kame Terrace is part of this important glacial landscape. It is dominated by a range of

indigenous ecosystems, and species that are not well protected, and has very high natural character, visual intactness and coherence. The Mary Burn occupies an old channel beside the glacier and is a slightly younger surface than the moraines included in CA1.

The area retains extensive areas of red tussock wetlands, tarns and kettle holes, some containing the threatened species, *Isolepis basilaris* (serious decline, de Lange et al 1999).

There are a range of highly significant inherent values that under the CPLA are to be protected preferably by restoration to full crown ownership and control.

The Society submits that full crown ownership and control is preferable to a covenant in this case due to the very high values present and that ongoing grazing is likely to degrade these values and will not promote the ecologically sustainable management of the important significant inherent values found in CC1b. Wetlands and margins of tarns and kettle holes are particularly vulnerable to damage.

The Society is strongly opposed to the freeholding of this area, but should such a situation arise, then the boundary between CC1b and CA1 needs to be renegotiated so that the legal road is completely within CA1 in order to protect the significant red tussock wetlands, ensure that the integrity, and coherence of the Maryburn Catchment is retained, and make the securing of public access to and enjoyment of CA1 easier. This new boundary requires fencing aligned to complement the landforms and values, and be erected without tracking. The provisions of any covenant must be amended as described for CC1a above.

#### Landslip Creek

The Society does not support the proposed freeholding of part of Landslip Creek, and submits that this area be returned to full crown ownership and control. Providing stock access to a natural water way will exacerbate bank erosion, reduce water quality and does not promote the ecologically sustainable management of water ways. Provision of piped water to troughs is preferable, should it be required.

#### **Decision sought**

*CC1b be designated as land to be restored to or retained in full crown ownership and control as Conservation Area.*

#### **4.0 Access**

This tenure review opens up the valleys of Landslip Creek and Jollie River, and the Gammack and Liebig Ranges, Mt Stevenson, Braemar Dome and other places with conservation and recreational interest which have previously been inaccessible without the run holder's permission.

Public enjoyment of CA1 would be enhanced if provision is made for mountain biking, which is likely to be one of the greater uses of this area. Few people are likely to enjoy walking for around 10km along a partially formed 4 wheel drive track from Braemar Road to the Conservation Area at Landslip Creek. This access provision will not make it easier for most of the public to enjoy CA1, does not enable any round trips and does not provide any public access to the southern entrance of CA1.

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There is no provision for mountain bike use. Those on mountain bikes from Braemar road to must dismount at q, leave their bikes and proceed on foot. This is impractical, and is likely to generate frustration. The proposed access provisions do give effect to the spirit and the intent of the CPLA.

**Decisions sought**

*The Society submits that public access for foot and mountain bike be secured from point q-s and q-r at the southern entrance to CA 1.*

*The Society submits that public use of non-motorized vehicles 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.*

Thank you for the opportunity to make a submission.

A handwritten signature in black ink, appearing to read 'Sue Maturin', with a long horizontal line extending to the right from the end of the signature.

Yours sincerely  
Sue Maturin  
Otago Southland Field Officer

107021

Appendix One – Photographs – Wildings in the Jollie



John Turnbull

Looking from Braemar up the Jollie River in 1998 showing wilding trees are present, but not dense.



Looking up the Jollie in February 2009. 10 years ago there were a few large wildings now there are thousands of young wildings spreading across the foreground and back ground on Braemar



**CC1b – Area proposed for freeholding with limited covenants**



Photograph taken from the proposed easement looking across to the fence boundary between CA 1 and CC1b on the right. This boundary dissects the Mary Burn Basin and results in freeholding extensive areas of red tussock wetlands. Red tussock is now much reduced in extent and remaining red tussock wetlands warrant protection. These damp areas are vulnerable to cattle and deer grazing.



Looking towards proposed easement on CC1b from proposed CA/CC1b boundary fence. The proposed boundary splits a significant landform, and divides a well defined catchment, as well as freeholding extensive areas of significant inherent values.

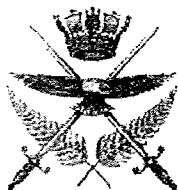
CC1b



Looking across the north eastern end of CC1b from south of Landslip Creek. Although modified this area is predominantly an indigenous short tussock grassland with remnant tall tussocks, extensive red tussock seepages and a myriad of kettleholes. Wilding trees urgently need removing. It was great to see some wilding tree work being done, note dead tree in the foreground.



Large angular rocks dumped by the Pukaki glacier during the last Glacial Maximum are scattered across this part of the Lake Pukaki moraine complex. The Pukaki Moraine complex has scientific importance and attracts international scientific study and visits. The deposits are also refuges for indigenous shrubs and herbs. They help tell the history of glaciation and vegetation change.



**NEW ZEALAND DEFENCE FORCE**  
*Te Ope Kaatua o Aotearoa*

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HEADQUARTERS NEW ZEALAND DEFENCE FORCE

Private Bag, Wellington, New Zealand

Telephone: (04) 496 0999, Facsimile: (04) 496 0869, Email: [hqnzdf@nzdf.mil.nz](mailto:hqnzdf@nzdf.mil.nz)

7805/C53

6 August 2009

**Commissioner of Crown Lands**  
C/- Quotable Value Ltd  
PO Box 13 443  
CHRISTCHURCH

Dear Sir,

**SUBMISSION BY NEW ZEALAND DEFENCE FORCE ON THE PRELIMINARY  
PROPOSAL FOR TENURE REVIEW OF BRAEMAR PASTORAL LEASE**

**Reference:**

- A. Notice of Tenure Review of Braemar Pastoral Lease (dated 12 November 2008)  
under the Crown Pastoral Land Act.

Further to your request we have reviewed our earlier submission and now attach  
our formal written submission for your consideration.

Should you require any further information please do not hesitate to contact the  
writer.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R.G.E. Pomeroy'.

**R.G.E. POMEROY (Mr)**  
Manager Property Rationalisation

Tel: (04) 496 0918

Email: [Bob.Pomeroy@nzdf.mil.nz](mailto:Bob.Pomeroy@nzdf.mil.nz)

**Enclosures:**

1. Submission by the New Zealand Defence Force on the Preliminary Proposal for  
the Tenure Review of Braemar Pastoral Lease.

cc Carolyn Latham – Quotable Value Ltd, Christchurch  
Steve Urlich – LINZ – Christchurch

**Submission by the New Zealand Defence Force on the Preliminary Proposal for the Tenure Review of Braemar Pastoral Lease (dated 12 November 2008) under the Crown Pastoral Land Act 1998.**

**1.0 Overview of submission**

The New Zealand Defence Force (NZDF) *supports* the proposal to retain the land shown as CA1 in the Crown estate, but *does not support* the proposal to designate the entire area of CA1 as conservation area. Instead, NZDF requests that that part of CA1 shown as subject to restricted access be designated for defence use pursuant to s35(2)(a)(iii) of the Crown Pastoral Land Act 1998.

The reasons for this are:

1. NZDF has an operational need to utilise the land as part of the Tekapo Military Training Area.
2. NZDF use of the land (subject to limitations) is compatible with the objectives of Part 2 of the Crown Pastoral Land Act 1998 with respect to ecological sustainability and protecting any significant inherent values of the land.
3. NZDF management of the land is the most effective and efficient way of ensuring the safety of members of the public accessing the land and the wider area.
4. NZDF has successfully protected and managed ecological and other inherent values of land at both the Tekapo and Waiouru Military Training Areas and is fully capable of protecting and managing the values inherent in the land.

**2.0 Preliminary Proposal**

NZDF has received a copy of the "Summary of the Preliminary Proposal for Tenure Review of Braemar Pastoral Lease under the Crown Pastoral Land

Act 1998", dated 12 November 2008, and understands the key features of the Preliminary Proposal to be:

1. An area of 13446ha (90% the Braemar Pastoral Lease) will be retained in full Crown ownership as conservation area. This area is shown as CA1 (edged in pink on the plan attached as Appendix 2).
2. Part of CA1 (8040ha) may at times be subject to restricted public access recognising that this area is used by NZDF for military training and as a danger template for the firing range on the neighbouring NZDF land. This area is shown as pink wash on the plan attached as Appendix 2.
3. An area of 1770ha is to be disposed to Braemar Station Limited as freehold land. This area is shown edged in green on the plan attached as Appendix 2. It is proposed that the freehold land be subject to an easement adjacent to its eastern boundary providing access from Braemar Road to the CA1 land for public recreation and for conservation management purposes. The proposal notes the potential for access restrictions over parts of CA1 referred above. In addition, it is proposed that the freehold land be subject to a conservation covenant protecting lakeside and landscape values, and that a marginal strip be created for part of the lower reaches of Landslip Creek.

The Preliminary Proposal for tenure review of the Braemar Pastoral Lease has been promulgated by the Commissioner of Crown Lands under Part 2 of the Crown Pastoral Land Act 1998. NZDF acknowledges that under s24 of the Act the objectives of Part 2 are:

- (a) *To:*
  - (i) *Promote the management of reviewable land in a way that is ecologically sustainable;*
  - (ii) *Subject to subparagraph (i), enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and*
- (b) *To enable the protection of significant inherent values of reviewable land –*
  - (i) *By the creation of protective mechanisms; or (preferably)*



*(ii) By the restoration of land to full Crown ownership and control; and*

*(c) Subject to paragraphs (a) and (b), to make easier –*

*(i) The securing of public access to and enjoyment of reviewable land;  
and*

*(ii) The freehold disposal of reviewable land.*

### **3.0 NZDF use of Braemar land**

The Braemar Pastoral Lease (Pt 121) land is situated immediately to the north and west of the Tekapo Military Training Area or "TMTA". The TMTA (8142ha), parts of which have been owned and used by NZDF since 1954, contains the main live firing and manoeuvre training area for the Army in the South Island. It is therefore an important part of New Zealand's defence infrastructure and has national level significance as a public asset.

The TMTA comprises Balmoral Camp, located adjacent to SH8, and a 7829ha area to the north (on the northern side of Braemar Road) part of which is currently known and used as an "Impact area". The Braemar land is contiguous with the Impact area. Live weapons firing and explosive detonations occur in the Impact area.

By agreement with the leaseholder, NZDF uses the Braemar land for infantry training (foot manoeuvring only) and as a safety template area for live firing and use of explosives in the adjoining TMTA.

The existing "safety template" for the impact area typically extends 5km beyond the TMTA boundary into the Braemar land, however template requirements vary with the nature of the training activity (e.g. type of weapon and ammunition, and location of firing position). NZDF conducts live fire training under internationally recognised protocols intended to assure the safety of NZDF personnel and any other people in the vicinity. The safety template is an area that must be known to be clear of people during weapons firing or explosive detonation in case of unintentional weapons discharge,

misdirected fire, ricochet or fragmentation. Safety template areas are monitored before and during live firing, and firing is ceased if an unauthorised person(s) enters the area. From an operational perspective it is therefore important that safety template areas are secure and that the Range Controlling Officer can be entirely confident of that.

The Braemar land north of the impact area is ideally located as a safety template for military training at TMTA. The preferred orientation of firing is generally towards the north, with the higher ground beyond the target area providing a natural backstop. This orientation ensures that firing is directed away from settlements and dwellings to the east and south.

The boundary of the area subject to restricted access due to defence use identified in the Preliminary Proposal has been determined based on topography and natural features and the need to provide boundaries that are easily discernible to people who may be unfamiliar with the area. This area also provides a sufficient buffer to future proof the landholding should required safety template areas increase (due to new weapon systems).

#### **4.0 Management of conservation values at Tekapo Military Training Area**

The TMTA contains several areas of significant conservation value recognised by DoC, including "Recommended Areas for Protection" (RAP's), such as "Balmoral Lateral Moraine", "Forks Boulderfield" and "Forks Wetland". In addition the MacKenzie District Plan identifies "Special Sites of Wildlife Interest" within the TMTA such as the "Trig G Swamp". NZDF has extant agreements and conservation covenants with DoC (dating back to time of land acquisition during the mid nineties) to undertake a cooperative approach to the management of the Forks Boulderfield and Forks Wetland RAP's.

NZDF manages these areas, together with wider issues of vegetation management, erosion control, pest management and water quality under a 'Sustainable Land Management Strategy for TMTA' (current version dated

Nov 2000). This document outlines specific policies for managing the potential impacts of military training and other uses on the land, and approaches for ongoing monitoring and reporting.

In general, potentially intrusive activities such as off-road vehicle use, live firing, roading and digging are excluded from Identified conservation areas. In addition, extensive plant and animal pest management programmes are undertaken to manage erosion and promote vegetation types (mainly tussock) that are suitable for military training, to protect conservation values and meet statutory requirements. Current priorities include control of broom, gorse, wilding pines, heather, rabbits and hares. NZDF also actively monitors land and vegetation condition and participates in external monitoring and research programmes, such as DoC native fish surveys.

Environmental management, including land management, at TMTA is undertaken by the Joint Logistics Support Organisation (JLSO) of NZDF. The JLSO has specialist staff based both in Wellington and Christchurch, who work closely with TMTA staff based on site. Annual expenditure for land management at TMTA is in excess of \$250,000. The same systems, expertise and resources are applied to management of the much larger Waiouru Training Area where annual expenditure on land management is in excess of \$1million.

#### **5.0 Access management at Tekapo Military Training Area**

The TMTA is used on occasions by third parties, mainly for scientific studies and field trips. There is very limited recreational use of the TMTA. Due to the potential risks to public safety, third party access is strictly managed on a prior approval basis and always subject to conditions regarding health and safety matters.

Third party access is controlled and managed by NZDF personnel located permanently at Balmoral Camp. These personnel have thorough knowledge of the TMTA and its use, and have an established role to police access and



assist (and at times accompany) groups and individuals when accessing the TMTA.

## **6.0 Tenure - NZDF ownership**

In general, NZDF has a preference that all land that is subject to ongoing use for defence purposes be 'owned' by NZDF. The principal reasons for this are:

1. Long term operational certainty;
2. Security; and
3. Public safety by clear identification of defence areas.

With respect to the Preliminary Proposal, NZDF's main concern is that by designating the safety template area as conservation area, risk to public safety is increased. Similarly the confidence that a Range Controlling Officer in charge of a live fire exercise can have in the safety template is very much reduced. NZDF is not opposed to the general objective of enabling greater public access to the wider area, however it is of utmost importance that risk to the public be minimised.

To achieve this, NZDF is of the firm view that land used for defence activities should be clearly identified as such and that public access to that land be restricted at all times (unless authorised by NZDF). Designating the land as conservation area does not achieve this. Instead it promotes a presumption that public access to the land is available. Reversing that presumption is the key to ongoing defence use of the land *and* promoting public safety.

NZDF therefore contends that that part of CA1 shown as subject to restricted access be designated for defence use pursuant to s35(2)(a)(iii) of the Crown Pastoral Land Act 1998. This would also have the benefit for NZDF of ensuring long term operational certainty, promoting security and ensuring consistency of tenure with other parts of the TMTA.

Under this proposal, NZDF is willing to enter into an agreement with DoC regarding public access and protecting conservation values of the land, as it

has under previous land acquisitions for the TMTA. NZDF believes this to be a successful tenure and conservation management model.

NZDF and LINZ officials have discussed other potential tenure options to enable continued NZDF use of part of the Braemar land. The principal alternative to designating the land for defence purposes would be designating the land as a government purpose reserve under the Reserves Act 1977. (Minister of Defence appointed to manage) pursuant to s35(2)(a)(ii) of the Crown Pastoral Land Act 1998. NZDF believes that in terms of ensuring public safety, this option is inferior (though potentially adequate) to designating the land for defence purposes.

#### **7.0 Managing conservation values**

NZDF generally accepts the statements contained in the Preliminary Proposal regarding the natural values of the Braemar land, particularly the area east of Landslip Creek (this area contains a large part of the "Irishman Creek - Site of Natural Significance" identified in the District Plan).

Through experience in managing the TMTA, NZDF acknowledges the vulnerable nature of the land due to soil type, climate, altitude and topography. However, NZDF believes that ongoing Defence use of part of the Braemar land is compatible with the protection of natural values. Indeed, the current good condition of the land and vegetation described in the Preliminary Proposal demonstrates that NZDF's use of this land over the past fifty four years has had no adverse impact. This is not surprising given that NZDF use of this area to date has been largely passive (safety template) or very low impact (foot manoeuvres).

NZDF has no intention of changing the type of activities currently occurring on the Braemar land. Should it do so in the future, NZDF undertakes to consult with DoC, in addition to obtaining any required statutory approvals.

With respect to tenure, it is NZDF's view that Defence ownership of the land has the potential to enhance overall land management. Land ownership would enable NZDF to extend its land management regime for TMTA to the Braemar land as appropriate. This would include extending current and planned pest control programmes for managing rabbits and hares and plant pests such as *pinus contorta*. NZDF has the proven skills and resources to manage these issues, and is willing to work in partnership with other agencies if necessary to achieve agreed objectives.

#### **8.0 Managing public access**

As stated previously, NZDF does not object to the proposed access arrangements contained in the Preliminary Proposal, subject to NZDF control of access at all times to the area it uses (for public safety reasons).

Under the NZDF tenure proposal, the existing public access controls and management that apply to TMTA would be extended to the Braemar land. Access to the public would be by prior approval by NZDF only and be subject to conditions relating to health and safety matters. This would be managed by NZDF personnel based permanently at Balmoral Camp. It is NZDF's intent that, while subject to NZDF control, third party access for legitimate reasons will not be prevented.

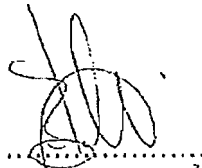
#### **9.0 Relief sought**

In summary, the relief sought by NZDF is as follows:

1. That that part of CA1 shown as subject to restricted access be designated for defence use pursuant to s35(2)(a)(iii) of the Crown Pastoral Land Act 1998. This is NZDF's preference for ensuring ongoing defence use of the land and minimising any risk to public safety.
2. Alternatively, that that part of CA1 shown as subject to restricted access be designated as a Government Purpose Reserve (Minister of

Defence appointed to manage), (s22 Reserves Act 1977 refers) pursuant to s35(2)(a)(ii) of the Crown Pastoral Land Act 1998.

Signed



.....

11 February 2009

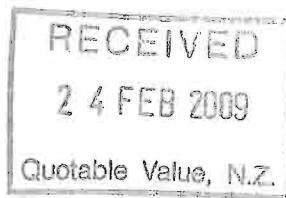
Peter Bollmann  
Director, Property Rationalisation  
for Chief of Defence Force

107023

North Canterbury Forest & Bird  
P O Box 2389  
Christchurch 8140  
Attn: Andrew Simpson

23 February 2009

Quotable Value Ltd  
P O Box 13 443  
CHRISTCHURCH  
Attn: Carolyne Latham



Dear Madam,

**North Canterbury Branch of Forest and Bird submission  
on the Preliminary Proposal of Braemar Pastoral Lease**



The enclosed submission is on behalf of North Canterbury Branch (over 1100 members strong) of Royal Forest and Bird Protection Society of NZ (Inc) (Forest & Bird).

Thank you for giving us the opportunity of making a submission on this proposal, and for arranging permission of Forest and Bird members to inspect the lease.

The Braemar Pastoral Lease contains land of national importance both biologically and geologically.

Of national biological importance is the 6695 hectares (ha) Irishman Creek land, 5,781 ha (approximately, including legal roads) of this is on this pastoral lease. This land includes Recommended Areas for Protection (RAP)s: Tekapo RAP T-2 (Landslip Creek and RAP T-17 (Head of Irishman Creek), re-assessed 1995/96.

The Original RAPs were extended to include an altitudinal gradient from alpine tall tussock to montane red tussock following FRI recommendations. The resulting complex of red tussockland here is the largest in the Ecological Region. The area also includes a large tarnland complex containing abundant vegetation surrounded mainly by fescue tussock community and there are a wide variety of aquatic and terrestrial insects, including three moths endemic to the Mackenzie Basin. Native fish and plentiful wader birds feeding and banded dotterel breeding.

See:

<http://www.ecan.govt.nz/ECanMapping/viewer/>

This area also contains the Landslip Creek Lateral Moraine (the best example of a lateral moraine in New Zealand) of national importance geologically. It is classified as an extremely well defined landform of scientific/educational value.

See in Canterbury Regional Inventory of the New Zealand Geopreservation Inventory:

<http://homepages.ihug.co.nz/~bw.hayward/NZGI/>

There are other superb examples of well defined landforms in the pastoral lease area; including the impressive the Boltons Gully Plateau (part of the Pukaki Kame Terrace) with its consistent hummocky moraine.

See:

<http://www.airsafaris.co.nz/flights/gallerypopup/index.cfm?audienceID=1&categoryID=1&photographID=3&parentNodeID=gallery>

## **Conservation Area CA1:**

The branch believes that at least 14,788 hectares (ha) (approximately) should be restored to full Crown ownership and control under section 35(2)(a)(i) Crown Pastoral Land Act 1998, as Conservation Area "CA 1" including:

- 13,446 ha (approx.) of land already designated as conservation area "CA 1".
- 1,342 ha (approx.) of the Braemar Flats land proposed for disposal as freehold, as the Landscape Conservation Covenant "CC1b" of 1,301 ha (approx.) and 41 ha (approx.) of the Lakeside Conservation Covenant "CC1a".

All of the Irishman Creek land of national significance on the pastoral lease needs to be protected from any future high country pastoral developments, not just that which is in CA 1 at present.

The valuation of the land to be restored to full Crown ownership and control as a whole should reflect its degradation due to wilding conifers. This land must be transferred along with a budget sufficient to enable the effective control and ongoing management of this area.



Looking up Landslip Creek from the head of the Mary Burn, showing the extent of the wilding conifer problem on the pastoral lease (each of the other photographs used for this submission also have wilding conifers growing in them)

### **Land disposed of by freeholding:**

#### Lakeside Area (CC1a) of Braemar Flats:

The branch believes that at most, 428 ha (approx.) of the 469 ha (approx.) CC1a can be designated as land to be disposed of by freehold disposal to the holder under section 35(3), section 36(3)(b) and section 40(1)(c) of the Crown Pastoral Act 1998, subject to protective mechanism.

To exclude all of the Landslip Creek catchments from pastoral development and include all of the T-2 Landslip Creek RAP on the pastoral lease in full Crown ownership and control.



The Landslip Creek RAP contains this districts only example of subalpine scrub that merges into thick Matagouri/Coprosma/Olearia scrub running down to Lake Pukaki.

The scrub provides habitat for birds, lizards and a wide variety and abundance of terrestrial insects. It is habitat for three endemic moths (Lepidoptera) to the Mackenzie Basin: *Gelechia lenis* (Gelechiidae); *Cremnogenes honesta* (Oecophoridae) and *Ericotenes pukakiense* (Tortricidae). There is also a wide variety and abundance of aquatic insects in this area.



Looking down at the thick Matagouri/Coprosma/Olearia scrub running down Landslip Creek to Lake Pukaki

#### Protective mechanism:

This area must be covenanted on the title, so that the SIVs that are left are retained in perpetuity, in combination with adequate monitoring.

- All of the owner's obligations under clause 3.1 and 3.2 must remain in the deed of covenant; especially on sale of land.
- The land must be made and kept free from exotic, shrub and weed species by mechanical and chemical means. This is only permitted if such activity does not result in the clearance or damage of indigenous species including Matagouri. Noting that the wilding conifers are not a landscape value, and so should not be preserved
- Extensive grazing of sheep is acceptable, but not grazing by cattle or goats. These other introduced species will have a too greater impact on the wetlands and remaining indigenous vegetation.



- The area should also be free from burning of indigenous vegetation, topdressing or oversowing.
- Rabbits, Hares and mustelid numbers must be controlled by the Department of Conservation (DOC), at levels as if the area is Crown land administered by DOC.

The special conditions in the deed should be:

- The Branch submits that legal advice should be obtained to ensure that no further subdivision of the property title within the covenant area is legally enforceable in perpetuity. This must be rewritten if necessary to meet the legal tests.

Qualified designation:



Looking up from the Braemar Mount Cook Road in the Mt Cook Station at Rotten Tommy Hill and the Pukaki Trough with their spreading populations of thick wilding conifers.

- There is no creditable public access up the Jollie River valley. The 4wd track on the true left of the Jollie River must be made an easement for public foot and non-motorised vehicle access. The public can then enjoy the many great recreational opportunities that the Lower Jollie River Valley and beyond have to offer the wider community.
- There is also no public access up the Landslip Creek (as any marginal strip? if any) is completely blocked off by a deer fence of a deer safari park on Coxs Downs. The deer fence has also been placed under the Braemar Mt Cook Station road bridge. (See the picture on the next page)



- If any part of CC1b is to be freeholded, its SIVs should be protected by using the same protection mechanism as for CC1a.
- At least 165 ha (approx.) of the Boltons Gully headwaters above 900m contour and both of the Landslip Creek and Mary Burn catchments in their entirety must remain in full Crown ownership and control (to fully protect the land of national importance).
- This ensures the natural quiet for quality public foot and non-motorised vehicle access and enjoyment all of the way up the Mary Burn to the Landslip Creek, free from any farming or army operations.



Looking south on a hummocky moraine between Mary Burn and Boltons Gully catchments at about the 900m contour.

The Branch would like to thank Chris and Jenny Mackenzie the land managers of the station for kindly allowing Forest and Bird members to inspect the lease.

Yours faithfully

Andrew Simpson

North Canterbury Forest & Bird Committee Member