

Crown Pastoral Land Tenure Review

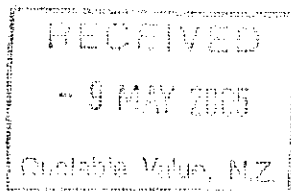
Lease name: COMPENSATION RUN

Lease number: PM 017

Public Submissions

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

February 06



2 May 2005

10 Smacks Close
Papanui
Ch Ch 5

QV Valuations
PO Box 13443
Christchurch.

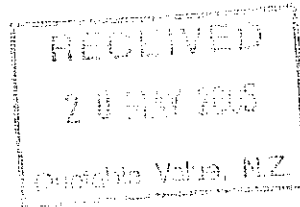
Dear Sir,

Compensation Tenure Review

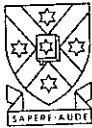
As I know this property relatively well, I would agree that it is not really suited for anything other than what you recommend in your report and therefore I am happy with this proposal.

Regards

Geoff Clark



2



Department of Botany

Division of Sciences
PO Box 56, Dunedin
NEW ZEALAND

University of Otago
Te Whare Wananga o Otago

Tel: National 03 479 7573 International 64 3 479 7573
Fax: National 03 479 7583 International 64 3 479 7583
Email: amark@otago.ac.nz

Commissioner of Crown Lands,
C/o Contract Manager, Tenure Review,
Quotable Value Ltd.,
PO Box 13 443,
CHRISTCHURCH..

18 May, 2005.

**SUBMISSION ON PROPOSED TENURE REVIEW:
COMPENSATION PASTORAL LEASE**

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it, even though I have very limited knowledge of the areas involved.

I have read the preliminary proposal for this pasroral lease and am impressed with the propeod allocation of the land area, being some 98.5% (2562 ha of the total 2602.2 ha property) being allocated to full Crown ownership and control. As stated, pastoral farming has not been undertaken on the property for "several years".

The 40 ha being proposed for freeholding is planned to be used "essentially [as] a lifestyle block." The easement "a-b" proposed through this block, which follows an existing track, to be used for general public access plus DoC management purposes, is endorsed.

The 2562 ha proposed for allocation to full Crown ownership and control, has obviously been much modified from an original beech forest cover sometime in the past (probably both pre- and post-European), yet retains significant inherent values in the form of remnant areas of beech forest plus widespread regeneration of red and mountain beech within extensive areas of kanuka and manuka shrub-woodland. Limited areas of exotic grassland here will continue to be replaced by the indigenous woody cover over time, assuming fire can be excluded, as the succession continues to eventually return these areas to mixed beech forest without the need for further management intervention. This area will add considerably to the conservation values of the surrounding areas on the western slopes of the Inland Kaikoura Range.

I appreciate this opportunity to comment fromally on this proposal and I trust my comments and recommendations will be given serious consideration.

Yours sincerely,

Alan F. Mark FRSNZ.



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)
P.O. Box 1604, Wellington.



30 May 2005

The Commissioner of Crown Lands
C/- QV Valuations Ltd.
PO Box 13 443
CHRISTCHURCH
ATTENTION: Tenure Review Team Leader

Dear Sir,

Re: Preliminary Proposal for Tenure Review: Compensation Run, Marlborough

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 15,000 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 Compensation Run, Marlborough

**PRELIMINARY PROPOSAL FOR TENURE REVIEW
OF COMPENSATION RUN, MARLBOROUGH**

This property is located in the fork of the Branch and Leatham Rivers which are tributaries of the Wairau River. While the land proposed to be restored to full Crown control has been subject to past clearance of bush there is considerable regeneration, it is also a threshold to valuable conservation estate immediately upstream.

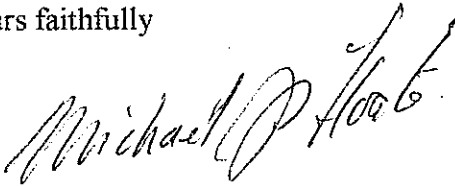
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The catchments of both the Branch and Leatham have high recreational value for tramping, hunting, and some climbing. There is also actual and potential use for mountain biking and kayaking. The area is used extensively by recreational groups from Nelson and Marlborough. It is also used by visitors from Wellington because it is one of the most accessible parts of the South Island from the capital. Canterbury groups also visit the area occasionally. Scott's Knob, reached from the upper Branch River, is recorded by Sir Edmund Hillary as one of his early climbs

FMC made a submission when the lease was listed for tenure review. This proposed return of most of the lease to Crown control. Consequently we are pleased with the outcome which has our support.

Our only reservation is about the quality and security of public access. This should be made legal road rather than an easement. There is a legal road close to the proposed access but this is impracticable so this strengthens the case for upgrading the legal form of the access.

Yours faithfully



pp Barbara Marshall
Secretary, Federated Mountain Clubs of NZ, Inc.

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(4)

Public Access New Zealand

INCORPORATED

RD 1 Omakau 9182 Central Otago New Zealand
www.publicaccessnewzealand.org

Phone & Fax 64-3-447 3554
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3 June 2005

Commissioner of Crown Lands
C/- Quotable Value Ltd
P O Box 13 443
Christchurch
Fax (03) 341 1635

FAXED

3/6/05 12.10pm

Submission: Compensation Tenure Review Preliminary Proposal

Summary of Proposal

The 2602 ha Compensation Run is located between the Leatham and Branch Rivers, 70 kms west of Blenheim.

It is proposed that 2565 ha be retained in full Crown ownership as conservation area. This consists of steep and mountainous country abutting more extensive public lands. Large areas have been previously cleared and most has been ungrazed for many years. Regenerating shrubland and beech forest predominates.

The balance of 40 ha at the Leatham-Branch confluence is proposed for freeholding subject to a public access easement up the floor of the Branch valley along an existing vehicle track. This is for all forms of passage including motor vehicles.

PANZ's view

PANZ welcomes this proposal. It provides a logical extension to existing public lands and is in accord with the objects of the Crown Pastoral Land Act. In regard to tenure reviews in general, it is a very rare event indeed to be able to state the latter. It appears that all significant inherent values on the property will be protected and returned to full Crown ownership.

The only shortcoming with the proposals is the inadequate security of public access across the proposed freehold.

Vehicle access

An easement is planned that will allow any member of the public the right to pass and repass at any time by foot, horse, cycle or motor vehicle. This is along an existing formed vehicle track that

Public Access New Zealand is a charitable trust formed in 1992. PANZ's objects are the preservation and improvement of public access to public lands, waters, and the countryside, through retention in public ownership of resources of value for recreation. PANZ draws support from a diverse range of land, freshwater, marine, and conservation interests.

We are committed to resist private predation of the public estate

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traverses up-valley from the Leatham ford for approximately one kilometer over the proposed freehold. It then continues over another five km of flats destined to be transferred to DOC, and beyond over existing public land. We understand this was formed by the Forest Service many years ago.

There is formed public road from the Wairau valley up the Branch River valley to the northern boundary of the property at the ford. As a result of this proposed tenure review we will end up with approximately one kilometer of freehold between assured access along public road and the new conservation area boundary.

We believe that this easement fails to "to secure public access to and enjoyment of reviewable land" as required by Section 24 (c) (i) CPLA.

'Securing' entails more than merely providing access no matter how inadequate that provision may be.. Whilst no definition of 'securing' is contained in section 2 CPLA it is normal judicial practice, in the absence of applicable statutory definition, to look at ordinary dictionary interpretations for meaning. *The Concise Oxford, Seventh Edition*, defines 'secure' as "safe against attack, impregnable, reliable, certain not to fail or give way, having sure prospect...from interruption".

We submit that in most respects, the proposed 'protective mechanism' in the form of a public easement fails to be "safe against attack, impregnable, reliable, certain not to fail or give way, having sure prospect...from interruption".

The terms of the proposed easement would permit extinguishment of the easement, and ill-defined and arbitrary closure to the public.

Specific terms of access easement

We refer to the express terms of the draft easement document-

Exclusion of schedules.

Whilst the Ninth Schedule of the Property Law Act 1952 is expressly excluded from the terms of the easement, section 126G of that Act is not. Section 126G allows modification or extinguishment of easements through the courts, at the initiative of either party or one alone. There is no ability for public notification or objection. This omission constitutes a fundamental failure to 'secure' public rights of passage, as required by the CPLA.

The exclusion of Schedule 4 of the Land Transfer Regulations 2002 removes any ability to effect construction and maintenance of the vehicle track, with no alternative provisions in their place. We submit that if any easement is to be used, then it be in complete compliance with the above regulations. These provide for practical considerations, and for public security of access at all times particularly if also subject to section 7(2) Conservation Act.

Temporary suspension

Under the easement "the Transferee (not being a member of the Public) may, at any time in exercise of her/his powers, temporarily close all or part of the Easement Area for such period as she/he considers necessary".

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The absence of any cited legal authority for closure is of great concern. It is mere licence for official abuse. If there are lawful powers of closure applicable they should be expressly cited. Without such there can be no accountability for DOC's future actions, and therefore no certainty of public access.

We submit that the above easement, even with amendment, cannot meet the test of securing public access as required by the CPLA.

Marking of the easement area

As noted above the provisions make no allowance for formation or maintenance, which may be periodically required.

Public road dedication required

The only form of secure public access in New Zealand is public road. At common law, every member of the public has a right to assert unhindered passage at all times. Such rights are vested in the public and not the roading authority. Over many centuries, such rights have proven to be very robust, notwithstanding inadequate and at times unlawful administration by roading authorities. The existence of direct public remedies against anyone whom obstructs passage is the key ingredient for securing access. Experience from earlier tenure reviews has demonstrated that no reliance can be placed on DOC to uphold the public interest when access easements are obstructed.

There are statutory abilities to temporarily close or to permanently stop roads, however the grounds for such are very constrained. There are public processes and a large body of case law to ensure that the exercise of such powers is not unwarranted or unreasonable. The same cannot be said of the terms of the proposed easement.

While it would appear that DOC does not want the public having unfettered access to the boundaries of land it administers, much like some private landowners, it is not DOC's wishes that must prevail in this case. It is the objects of the CPLA that must be observed. In regard to provision of public access the objects are clear - "secure access to and enjoyment of Crown land". We have legal advice that this is an on-going Crown responsibility, and is not confined to designations of land at the time of tenure review.

When river conditions do not permit vehicle access, travel on foot will be necessary. A particular problem could arise from the freehold owner objecting to hunters carrying firearms and being accompanied by dogs when traversing the proposed easement. There is no express provision for this in the terms of the easement. Public road status would remove this potential difficulty.

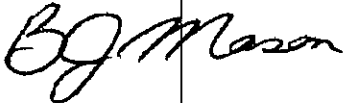
PANZ submits that secure public access must be provided along the alignment of the proposed access but through designation of a strip of land pursuant to section 85(5)(a)(iii)(2) for the specified Crown purpose of "public highway". These roads should be dedicated by the Commissioner of Crown Lands as public highways for all forms of public passage. Section 93 provides for implementation once the Commissioner has adopted a Substantive Proposal.

The CPLA provides the ability to retain in full Crown ownership and control assets which further the objects of the Act. Those assets can include roads. In this case we submit that there is an obligation for the Crown to retain ownership of the currently proposed 'easement area', but instead as a public

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road. This is the only proven means of fulfilling the CPLA's object of "securing public access and enjoyment of Crown land". The alternative offered is clearly inadequate. This road could either be retained as a Government purpose road (our preference) or vested in the local authority. There are no obligations to spend money on it - that is entirely a matter to be determined by the administrative authority.

Yours faithfully



Bruce Mason

Spokesman and Researcher

5

Your Reference: CON/50000/16/12636/00/A-ZNO

2 June 2005

Team Leader- Tenure Reviews
QV Valuations
P O Box 13 443
CHRISTCHURCH
Attention: Barry Dench




Dear Sir

COMPENSATION TENURE REVIEW

Please find enclosed a submission on the Compensation Preliminary Proposal. We look forward to hearing a decision on our submission in the near future. Please forward any correspondence on this matter to my address below and the following email addresses jd.john@xtra.co.nz, Melva.Vince@xtra.co.nz, lor.s@actrix.co.nz, she.ree@xtra.co.nz.

Thanking you in Anticipation

Yours Faithfully


Karen Wills (Mrs.)

121 Old Renwick Rd
Blenheim

SUBMISSION ON COMPENSATION TENURE REVIEW

BACKGROUND:

This submission is made by Karen Wills and her family; Loraine Smith and her family; Josephine Smith and her family; and Sheree Smith; all sisters of Craig Smith and first cousins of John Landon-Lane. We are regular recreational users of Compensation Run and often stay at the farm cottage on the property. We are in full support of Craig and John's application for freeholding of the property and seek no property rights whatsoever. We have no legal interest as such in the property and are making this submission purely as affected extended family members. This submission is simply to add weight and support in Craig and John's efforts to have the Old House site included in the freehold area.

HISTORY:

Around 1907 our Great Grandfather Joseph Edward Rennell together with his wife Elizabeth drew a ballot for this block of land called Compensation an area of approx. 54,000 acres. Out of their 12 children the last 3 were born there, including our Grandmother Phyllis Landon-Lane.

They all lived in a small 3-bedroom house and "Whare" overlooking large river flats. During a massive flood in 1926/27, most of the river flats along with various outbuildings, including the Whare, were sadly washed away. The house was then moved to higher ground. (See Appendix A for photos). Remains of "The Old House" are still there today.

Joseph and his wife Elizabeth farmed Merino sheep there for just over 30 years. The family was basically self sufficient and the children grew up working the property and carrying out household chores with their parents. It was a tough remote existence that instilled in them a passion for the property. After his wife's death in 1942 Compensation was unofficially taken over by the Lane family and he resided with one of his daughters in Springlands, Blenheim until his death in 1948.

In 1949 Certificate of Title 46/150 was transmitted to our Grandmother Phyllis Landon-Lane (Nana). Merino sheep were farmed on the property until sometime after her death in 1987. The land was to be passed down to our mother Doreen Smith (daughter of Phyllis) and held as a Life Estate however, sadly, our mother passed away one week before our Nana. The land was then transmitted to Stanley Landon-Lane as executor and transferred to our brother Craig and our cousin John. It was Nana's wish that the land be held as a family property.

Now all in our 30's, having been spent countless weekends and holidays on Compensation since birth and listening to many tales told to us by our Nana Phyllis, our Mother Doreen (both having died 18 years ago) and our Uncles, we also have the same passion running through our veins.

"THE OLD HOUSE"

"The Old House" as all the family refers to it today, is the site of the original Rennell family home which is found approximately 2 kilometres from the confluence, up the Branch River and alongside the vehicle track (see Appendix B).

Today although the structure of the house has long gone, the chimney, a lot of the old garden and some family relics still remain, together with some mature pine trees and willows. Over the years we have spent many a time fossicking for old relics and have found crockery, old boots and farm equipment, antique bottles, of which more remains buried.

In the spring we go to the old garden to pick century old daffodils, grape hyacinth and snowbells. The old lilac still flowers in summer. Along the stream meandering through the old garden grows watercress, mint and lemon balm. There are also the remains of the fruit orchard, quince trees, gooseberry bushes, and cherry trees.

It is important to note that this site was not mentioned in the initial Conservation Resources Report dated February 2003 or in the Summary of the Preliminary Proposal dated April 2005. Clause 2.6 of the Conservation Resources Report states, "There are no known sites of historic interest on the property". This site is historically important for our family. I understand though this site has since been discussed and noted.

SUBMISSION:

A. FREEHOLD PROPOSAL

Because of the historical and spiritual importance of "The Old House" site we submit that the freehold area should run up to and include "The Old House". At present it is proposed that the freehold area stop at what is known as "The Middle Gate" where there is a fence line up the ridge.

We submit that land to be freeholded continues to run parallel with the road and around 30 metres up the hill and include the land below the road, if any, which from what we can determine from the limited Map given is Marginal Strip adjoining the Branch River and cannot be used to access the site due to its steep rocky nature and the swampy foothill. This Marginal Strip cannot be included in a Certificate of Title. This 30 metre strip could be carried up to just past "The Old House" site to a small stream with a culvert under the road and taken from the line of the creek down to the Branch River (see Appendix C for detailed diagram).

This would give freehold Title to The Old House and maintain access. It would prevent a separate landlocked title without legal access being issued, and allow the family uninterrupted access forever. You have stated in the Proposal Summary that a Survey Plan has not yet been prepared – therefore not provided for perusal. However a survey of the ROW area was carried out some years ago and a detailed Survey Office plan prepared. As this survey of the road has already been undertaken there would be no additional survey costs in this regard. If, in the possibility that the Easement Area was to run over the Marginal Strip a Deed of Grant of Easement could be drawn up and registered.

This piece of land is only a very small addition to the proposed area to be freeholded and yet it is of great importance to all family members. Most of us now have children of our own and have a great desire to pass on our love of this treasured site where their Great-Great-Grandparents once lived and where four generations since have continued to revisit.

Arguments for the Submission:

1. In granting this further area the freeholding will not impinge on the access or enjoyment of the general public of the land to be retained by The Crown.
2. There will be continued access via the Easement to Crown Land; access to the Leatham side of Compensation from the Cableway and along the ridgeline.
3. The inclusion of the land up to "The Old House" will avoid public confusion on what is accessible land and what isn't and may avoid the site being used disrespectfully.
4. This will ensure access for the family at all times (if and when the access road is closed - see Easement Document)
5. Freeholding will ensure the site is not chemically sprayed or disturbed by DOC or its successors.
6. We will be able to freely pick flowers, take bulbs, maintain and preserve the old house site for future generations of our family to enjoy.
7. Even though these plants and this site are not of Conservation value they are of great Historic importance to the family.
8. It is almost unbearable to think of losing forever a piece of land so important to us that we essentially have little or no control over. This is far more than "essentially a lifestyle block".
9. There are no Threatened or Uncommon plants specified in the Conservation Resources Report on this portion of land up to and including "The Old House" site.

B. TRANSFER GRANT OF EASEMENT IN GROSS

Even though the Easement is at present between Her Majesty the Queen (Commissioner of Crown Lands) as Transferor and Her Majesty the Queen (DOC and its invitees being the general public) as Transferee, on freeholding the Owner of the Servient Land will become CV Smith and JS Landon-Lane and they will be subject to the terms and conditions as set out in this document.

1. We note from the Easement document that a 10 metre wide strip is to be taken for the access road. Is there any substantiated reason for requiring such a significant width of land when the already formed area is only around 5-6 metres (2 vehicle widths) at best? Does DOC intend to widen the area? It seems excessive and unnecessary.

2. With regard to the Easement area, there is a natural spring about 1 metre from the formed access track (which will become the line of the easement in gross) in what we know as the Dip Paddock. It is a few metres down from the existing DOC signpost. (See Appendix B) It is planned to eventually use this spring to pipe water to the existing cottage, this pipe would need to run under the access road at some point and as it is already so close to the access way we would require a clause added to the Easement document to the effect that access and use of this spring by the owner of the Servient Land will not be impeded.

3. As a main user of the Servient Land it would be pertinent to include the following conditions on the Easement Document that the Transferee and its invitee's shall not without express permission from the owner of the Servient Land:

- (a) Discharge a firearm on, from or within 100 metres of the Easement Area. (Note: To safeguard stock free roaming and/or children.)
- (b) Light any fires on or adjacent to the Easement Area.
- (c) Stop or park on or adjacent to the Easement Area.
- (d) Take any dogs on to the Easement area that are not leashed or secured on the vehicle at all times. (Note: A majority of the persons recreationally using this area in the foreseeable future will be pig hunters with dogs. This clause is required for the safety of stock and children.)
- (e) Lay any poison or set any trap on or adjacent to the Easement Area.
- (f) Willfully damage or interfere with any structure, plant or livestock on or adjacent to the Easement Area.

4. A clause should be included stating that the Transferee (being the Department of Conservation) will notify the owner of the Servient Land before carrying out any works or maintenance of the Easement Area.

5. There does not appear to be a clause in the document relating to maintenance of the Easement area. Clause 3 only touches on the obligations of the owner of the Servient Land (which will be CV Smith and JS Landon-Lane) to keep the Easement Area free from obstruction or deposit of materials caused by or under control of the owner of the Servient Land. There needs to a clause added to this document stating that the Transferee shall be fully responsible for the upkeep and cost of any maintenance of the Easement Area. Since the existing track was originally formed many years ago by the Department of Conservation for the sole purpose of giving them access to Conservation land, it has been maintained fully by DOC and this agreement needs to be formalised in writing to avoid disagreement.

CONCLUSION:

We assume that, as there has been no information given regarding any proposed conditions or covenants to be recorded on the new Certificate of Title to issue for the freeholded land, that no such conditions or covenants exist.

Please take the utmost care when considering this submission as once parts of this property are taken away they will not be returned. We hope that you can come to a favourable decision and include the land up to and including "The Old House" for the Rennell family descendents to hold in perpetuity and consider the conditions outlined in this submission and include them in the Transfer grant of Easement in Gross.

This submission is made the 2nd day of June 2005 by:

Karen Phyllis Wills
Lester Jason Wills
Kane Leatham Wills (Child)
Holly Elizabeth Wills (Child)
Sophia May Wills (Child)
Lorraine Elizabeth Smith
Reuben Kieran Smith (Child)
Aiden Thomas Smith (Child)
Josephine Doreen Smith
John McMullen Clark
Jacob Malcolm Clark (Child)
Sheree Patricia Smith



Remell Homestead
Branch River
1944



Remell Homestead
Branch River
1944

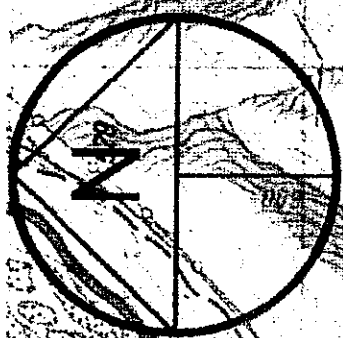


Remell Family
Branch Homestead
1917/18

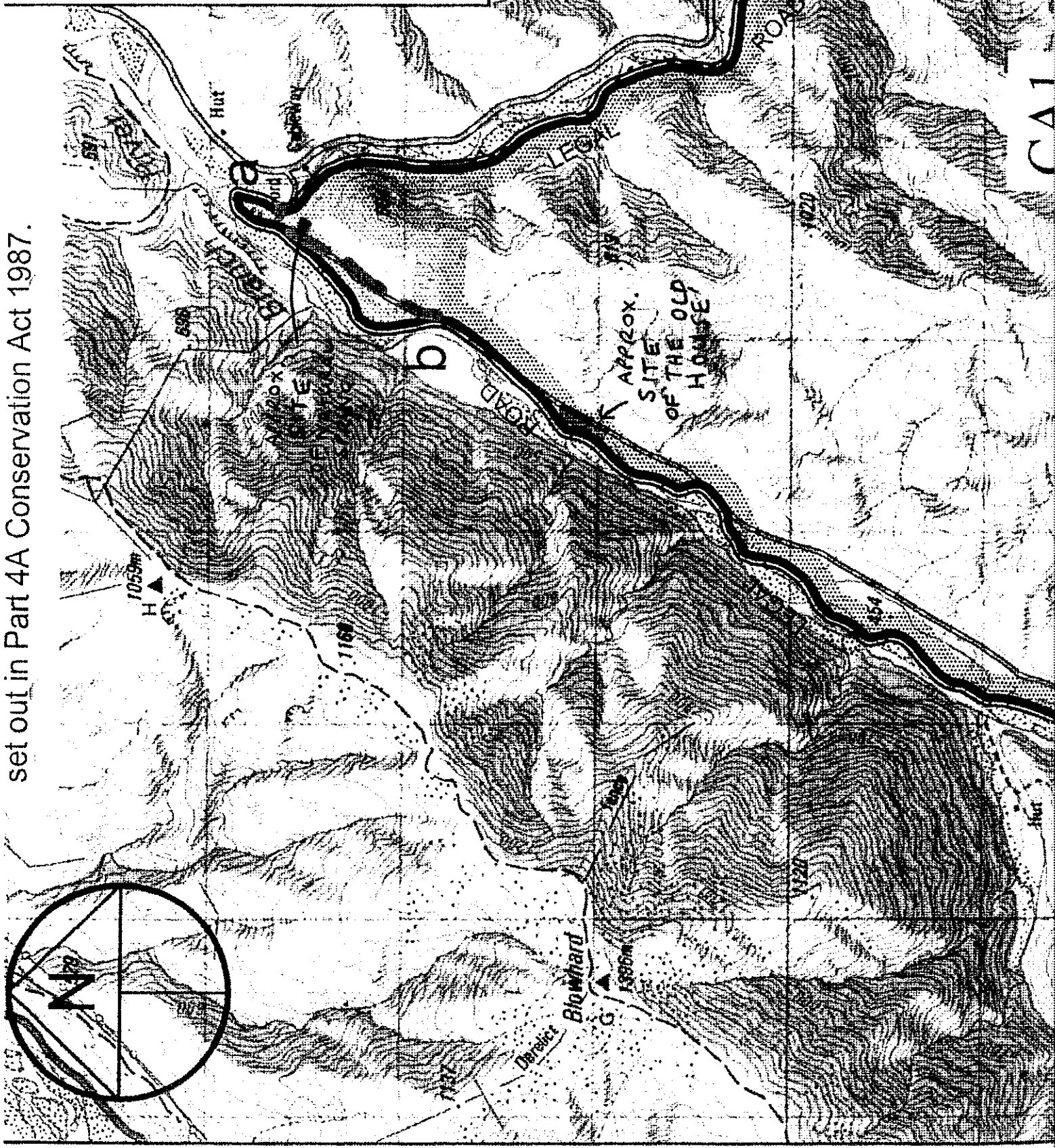


CHIMNEY BASE OF OLD HOUSE
REMAINING TODAY.

set out in Part 4A Conservation Act 1987.



- retained
- control,
- Pastoral
- byfreeh
- Smith &
- Easem
- Public
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- easeme
- Part 4A
- Margin

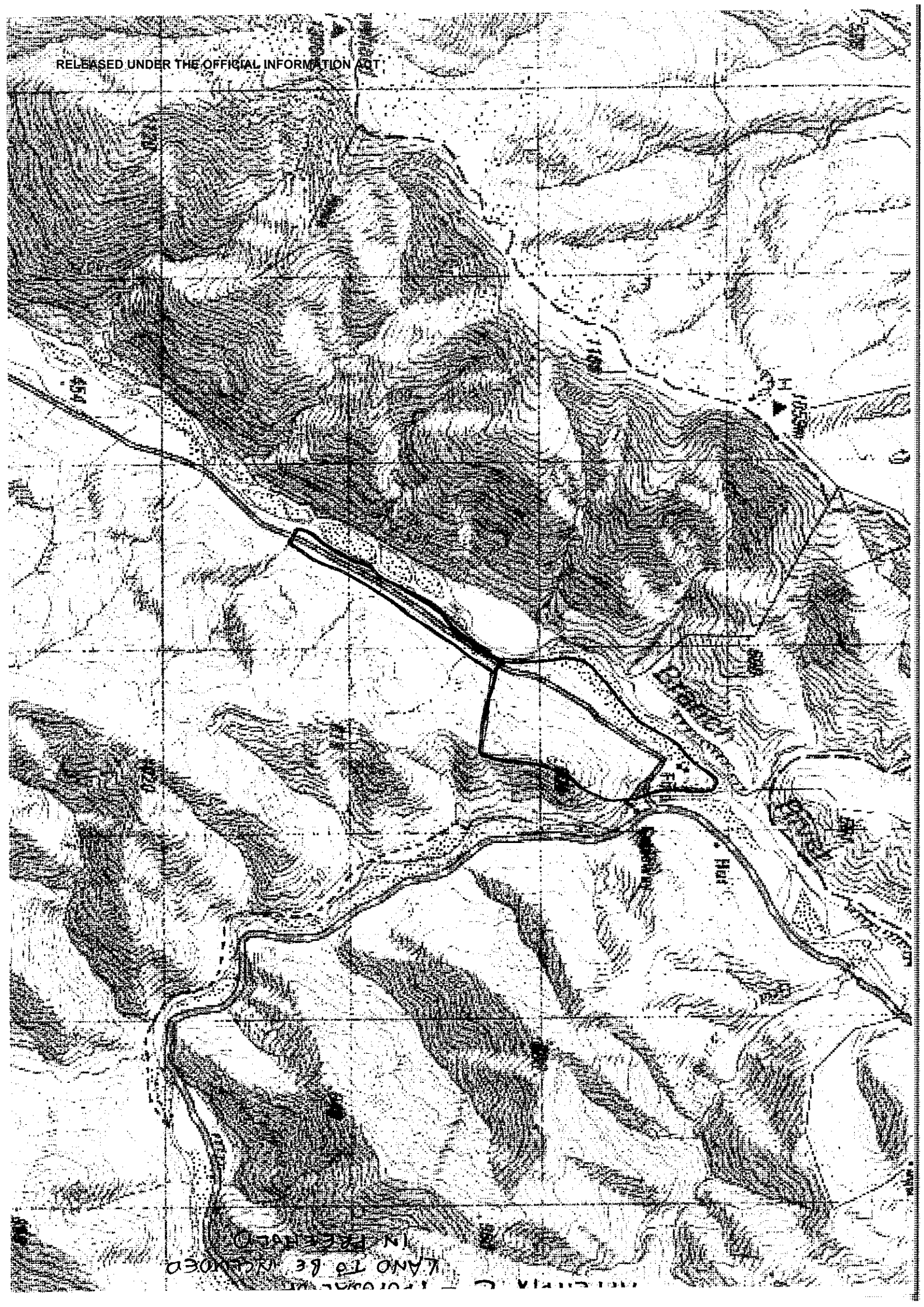


APPENDIX B

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

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CAL



LAND TO BE RECORDED
IN RECORD



AERIAL PHOTOGRAPH OF COMPENSATION
SHOWING PROPOSED FREEHOLD AREA (APPROXIMATE)

APPENDIX C (CONTINUED)



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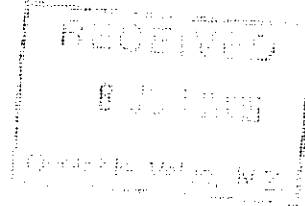
CompensationTRMboroJun05

New Zealand Deerstalkers' Association

Incorporated

2 June 2005

Commissioner of Crown Lands
C/- Quotable Value Ltd
P O Box 13 443
Christchurch
Fax (03) 341 1635



Submission: Compensation Tenure Review Preliminary Proposal

This submission is made jointly on behalf of the New Zealand Deerstalkers' Association Incorporated, the national body of recreational deerstalkers, and the Council of Outdoor Recreation Associations of New Zealand Inc.

1 Summary of Proposal

The 2602 ha Compensation Run is located between the Leatham and Branch Rivers, 70 kms south-west of Blenheim.

It is proposed that 2565 ha be retained in full Crown ownership as conservation area. This consists of steep and mountainous country abutting more extensive public lands. Large areas have been previously cleared and most has been ungrazed for many years. Regenerating shrubland and beech forest predominates.

The balance of 40 ha at the Leatham-Branch confluence is proposed for freeholding subject to a public access easement up the floor of the Branch valley along an existing vehicle track. This is for all forms of passage including motor vehicles.

2 We support, subject to provision of a legal road ie access for Hunters with guns

We support the proposal, subject to provision of a legal road across the area to be freeholded, in place of the proposed access easement.

It is good to see sensible surrender of low value erodable land but with significant recreational and scenic value, re-assigned to the public conservation estate.

However, there must be free access for hunters with guns and/or dogs, who need free public access access the freeholded portion too. The most permanent way to provide this is as a public road. This ensures the right for vehicles as well.

Without providing for hunter access, an unsympathetic freeholder could charge access for hunters, or prohibit them unless they paid him a fee. This happens from time to time on back country land.

As you may know, a road toll has already been set up by the lessee of the Rainbow Pastoral Lease, in the Upper Wairau Valley, where there is apparently no public road, for access to Molesworth. He charges vehicles \$20 each, and is reputed to make \$100,000/year (5,000 vehicles from this enterprise. It is a straight vehicle access levy, as he does no maintenance on the road.

NZDA

for the million or more New Zealanders who recreate outdoors
Level 1, 45 Rugby Street, Christchurch 8013 • Telephone +64 4 801 7367
Fax +64 4 801 7368 • Email office@deerstalkers.org.nz • Website http://www.deerstalkers.org.nz

3/06/2005



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Council of Outdoor Recreation Associations of New Zealand Inc

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Though it should be against the terms of his pastoral lease, as it certainly isn't grazing, he seems to get away with it. It sets a dangerous precedent for this access to the Branch, and why we call for a public road designation to ensure it doesn't happen here.

3 Gives Access to an attractive Recreational Area:

This entrance to the Branch Valley is the popular access point. The Branch is a valley that I know quite well, and have tramped through on several occasions. It is an attractive regenerating area, giving access to a number of DOC huts further up the valley, and attractive side valleys such as Silverstream, and Scott's Knob, a 2,000 metre peak, as well as access through to the Severn Valley in Molesworth, and across the Raglan Range to tributaries at the head of the Wairau.

It is also important for hunting, including deerstalking and probably pig hunting. Consequently to adequately meet the terms of the CPL Act, **Section 24: Objects of Tenure Review, (c)** "makes easier (i) the securing of public access to and enjoyment of reviewable land;" it is essential to provide permanent public access for hunters with firearms and/or dogs, a public road is essential.

We trust that the Commissioner of Crown Lands will be able to successfully negotiate this change.

4 Support for the Public Access New Zealand Submission:

We fully support the Submission of Public Access New Zealand, and the arguments set out there for public road access to the Branch Valley.

Yours Truly

Dr Hugh Barr

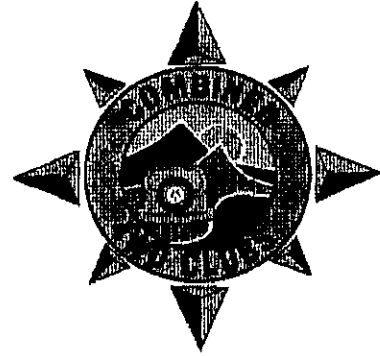
NZDA National Advocate
Secretary, Council of Outdoor recreation Associations

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7

7th June 2005

Quotable Value Limited
By Fax Number 03-3411635
Attn Barry Dench
Team Leader;- Tenure Review



Dear Barry
Re Tenure Review Compensation.

Our organisation supports fully the Preliminary Tenure Review proposal for Compensation Run in Marlborough.

We in particular support the public access easement and it is essential in our view that this easement should go ahead without amendment as it is essential that full public access be allowed and available to proceed unhindered along the Branch River. This then allows public access not only to the Compensation Run but also and probably more importantly to Conservation Areas beyond Compensation and along the Branch River.

Vehicle access is in particular important as it allows all for all recreational users to have good access to areas along side the Branch River.

Yours faithfully

Paul Dolheguy
Access Coordinator