

Crown Pastoral Land Tenure Review

Lease name: MT COOK

Lease number: PT 132

Public Submissions - Part 2

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

May

06

Submission # Four Received 5/12/05

A. & J. Evans
34 John Street, Temuka
Phone & Fax 03 6157 420

Date: 5/12/05

To: Tim Broad
 Property Consultant for
 Southern Region Manager

Tim Broad

I agree with the Preliminary
 Proposal for Mt Cook lease
 this will be a valuable addition
 to the National Park and is in
 line with my submission
 thank you for the opportunity
 to comment

[Handwritten signature]

Copy sent to
 Rich and Wesley

Submission # Five

Received 5/12/05.

Mike Todd

From: Barry Dench [Barry.Dench@qv.co.nz]
Sent: Monday, 5 December 2005 17:16
To: mike.todd@opus.co.nz
Cc: climb@alpinerecreation.com
Subject: FW: TR Mt Cook Station

Attachments: TR Mt Cook.doc



TR Mt Cook.doc (25 KB)

Gottlieb- Mt Cook tenure review is being managed by Opus so have passed your email onto Mike Todd.

Thanks

Barry Dench
 QVV

-----Original Message-----

From: Alpine Recreation [mailto:climb@alpinerecreation.com]
Sent: Monday, 5 December 2005 4:43 p.m.
To: Barry Dench
Subject: FW: TR Mt Cook Station

Dear Barry,

I am forwarding the Canterbury Aoraki Conservation Boards submission on the Mount Cook Station's Tenure Review to you, just in case Brenda Preston our secretary is out of the office today.

Yours sincerely,

Gottlieb Braun-Elwert

Anne & Gottlieb Braun-Elwert
 Alpine Recreation Ltd
 P.O. Box 75
 Lake Tekapo
 New Zealand

Phone: 0064-3-680 6736
 Fax: 0064-3-680 6765
 climb@alpinerecreation.com
 www.alpinerecreation.com

-----Original Message-----

From: Alpine Recreation [mailto:climb@alpinerecreation.com]
Sent: Monday, 5 December 2005 9:12 a.m.
To: DOC BRENDA PRESTON
Subject: TR Mt Cook Station

Dear Brenda,

Please find attached submission on the Mt Cook TR proposal. It has to be submitted today.

Regards, Gottlieb

Anne & Gottlieb Braun-Elwert
Alpine Recreation Ltd
P.O.Box 75
Lake Tekapo
New Zealand

Phone: 0064-3-680 6736
Fax: 0064-3-680 6765
climb@alpinerecreation.com
www.alpinerecreation.com

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No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.1.362 / Virus Database: 267.13.11/191 - Release Date:
2/12/2005

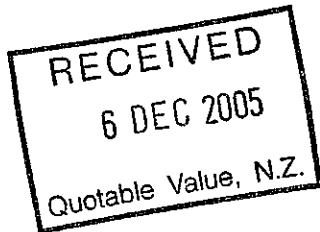
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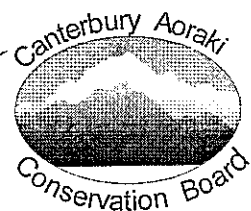
Submission #

~~Eleven~~

Five



this copy came late, as per Quotable Value



E-mail copy received on 5/12/05.

6 December 2005

The Commissioner of Crown Lands
C/- Opus International Consultants Office
PO Box 1482
Christchurch

Dear Sir

SUBMISSION TO MOUNT COOK PASTORAL LEASE TENURE REVIEW

The Canterbury Aoraki Conservation Board wishes to make the following comments re the preliminary proposal for Mount Cook Station Tenure Review. Please refer to the map attached.

The Board considers the split between proposed freehold land and land to be returned to full Crown ownership as fair.

Public Access. According to the map provided there is no public access up the Jollie River. The unformed legal road through the freehold block (red arrow on map) does not connect to the Jollie River and its marginal strip (marked blue dashed line on map). What has been agreed outside of the process is that Mt Cook Station will allow the Department to create a legal easement for the public & DOC through the Cox's down freehold over the existing track up the Jollie. This will provide good practical as of right access. The Board requests that the transfer of any land to freehold only be effected AFTER the above mentioned access easement has been gazetted.

Before any transfer of title is effected the Board also requests that all wilding trees to be removed from land before handover to the Crown, and the source is to be removed as well. The Board also requests that a mechanism be put in place to prevent reinfestation of Crown land by wilding trees of neighbouring freehold land. Note. It is a condition of the pastoral lease that the land be kept free of weeds etc. and currently this is not the case.

CA1

Rock Etam is a dramatic feature in this landscape it sits in amongst natural vegetation cover.

Although the preliminary proposal acknowledges the fact that this area does have SIVs it is not explained why it is proposed to be freeholded. This area has high landscape values with subalpine shrubland vegetation and tall tussocks. The landscape has a high degree of naturalness.

While the current landowner may protect this feature adequately, there is no guarantee that subsequent owners may protect the current values.

Decision sought: Inclusion of Etam Rock for conservation purposes. Failing that a Conservation covenant is placed over this area.

The location of the new proposed fence T-U appears to follow the moraine bench, this is an appropriate location.

CA2 – the river flats

This proposal is supported providing the moraine hillocks is included and the proposed new fence VW runs behind it. This is not clear from the plan.

Matagouri shrublands within this area need to be protected.

Public foot access needs to be ensured between the formed road and the river flats at W.

The Board notes that the unformed legal road from CA2 to CA3 through freehold land does not align with the formed road. The Board wishes to stipulate that access to CA3 needs to be practical. While outside the scope of the Tenure Review negotiations, this matter needs to be followed up before any transfer of title is effected.

CA3

Support – but does its straight eastern edge represent an existing fence line? It does not appear to follow any particular topographical or vegetation line.

A public foot access easement from CA3 up into CA1 would be good at Andrews or Waits Creek.

Big Hill Freehold

This area deserves to be covenanted to protect the natural character and shrubland/grassland cover.

Furthermore, exotic conifers and other exotic woody species that have the potential to spread need to be removed to avoid further spread within this area in into adjacent conservation land.

No new exotic planting should be allowed. Any further development e.g tracking, fencing needs to be located in a sensitive way to protect the integrity of the landscape. These slopes are highly visible from SH 80.

Gottlieb Braun-Elwert
Convenor TR subcommittee, Canterbury Aoraki Conservation Board

Submission # Six

Received 5/12/05

Backcountry Skiers Alliance
Box 168
Alexandra

23 November 2005

Opus International Consultants Ltd
Box 1482
Christchurch
Attn: Tim Broad

Submission on Mt Cook Pastoral Lease Tenure Review

Dear Tim,
Thank you for the opportunity to comment on the preliminary proposal for Mt Cook.

The Burnett Mountains provide excellent terrain for backcountry skiing. We are pleased to see this returning to the Public Estate. Although much of the range is steep there are pockets of more gentle terrain. This variety, plus the fact that the location is well east of the divide will make the range popular with our members.

In the summer the range will be used too, especially with alpine trampers who will appreciate some sense of remoteness despite being so close to the Mt Cook settlement.

We have just three significant comments on the current proposal. All relate to CA1.

Extension of CA1

It would be nice to see CA1 extended south to include the bottom of the spur. The plantation could be excluded. Failing that then full and free Public access is needed up the spur as detailed below.

Access to CA1

We would like to suggest there be a marked access route following the southern spur of the Burnett range. The route could start a few hundred metres away from any residence (at Mt Cook station) to maintain privacy if required. It would then follow the ridge west of the Jollie, continue past Big Hill (trig DD) and Big Hill No 2. There are choices along this flat portion. Either to follow the fence line or the 4wd track not far away. Once at the boundary of CA1 the route would stop. This route would be unformed but should be marked. Only foot access is required. The proposed route would be safer than any direct approach to CA1 from the Jollie (which is very

steep in most places). The route is also the most logical access to CA1 from the road.

It would be undesirable for there to be any restrictions on the use of the route. We often see a seasonal closure for lambing as part of easement conditions. A spring closure would significantly affect skiing as this is often the time of best snow higher up, easier access lower down, and longer days.

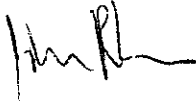
Signage and Parking

The final suggestion is that there be a small signposted car park at the nearest sensible point to the Jollie. Of course this would ideally be the start of the proposed route up the spur too.

We have no comments on CA2 or CA3.

Thank you for the opportunity to comment. We look forward to our suggestions being incorporated in the final settlement.

Yours Sincerely

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

John Robinson
Sec. BSA



New Zealand Alpine Club Inc.

Founded 1891

Received 6/12/05

S C Section NZAC,
P O Box 368
Timaru.
4th December 2005.

Tim Broad
Property Consultant
for Southern Regional Manager
Opus International Consultants Ltd.,
P O Box 1482
CHRISTCHURCH.

Dear Sir,

Submission on Tenure Review of Mount Cook Pastoral Lease from the South Canterbury Section of the New Zealand Alpine Club.

We believe that the public of New Zealand & the Lease Holders of Mount Cook Station can all benefit from a well thought out Tenure Review and hence make the following comments and submissions.

Our major concerns are:

1. Public access to the retired conservation land in particular to Gorilla Stream and the Jolly valley
2. The protection and preservation of the retired land.
3. The retention of the natural landscape values of the area and the control or preferably removal of introduced species.

Specifically:

Access:

There are at present some access routes to Gorilla Stream and the Jolly valley subject to the Leases approval. The route into the Jolly is far from practical even being difficult in places by foot.

The Tenure Review should address this issue ensuring that right of access be practical and due to the distances involved to the high country to be retired is, if not up to 4WD standard at least practical for access by mountain bike in both cases. In many instances existing avenues of access may be aligned to a theoretical paper road where dual use of existing farm 4WD tracks would be more practical and could easily be shared.

Protection & preservation:

Adequate fencing must be provided and maintained between the retired land and the Mt Cook Station.

Retention of the natural landscape values of the area and the control or preferably removal of introduced species:

There should be conditions in the Tenure Review in the free holding of the lower lands putting limits on subdivision and the building of structures that could impinge on the natural landscape values.

We appreciate the seriousness of the wilding pine infestation on the property and would expect that the Department of Conservation will address this issue firstly putting in controls and then taking action to remove the infestation on public land.

With respect to the land free held into the Mt Cook Station, legal clauses should be included requiring the wilding trees and other introduced species to be at controlled.

Thank you for the opportunity to comment at this stage. We do not at present seek to speak at any hearing but are prepared to enlarge on this submission in writing or verbally.

Yours sincerely,

Gordon Hasell
On behalf of the Section Committee.
Past National President NZAC.
Ph (03) 688 1870
Fax (03) 6881872
E mail ghasell@xtra.co.nz

Submission # Eight

Received:
6/12/05

FAX TO

THE COMMISSIONER OF CROWN LANDS
c/- OPUS INTERNATIONAL CONSULTANTS

FROM

FEDERATED MOUNTAIN CLUBS

RE

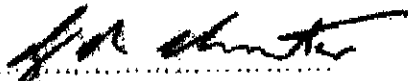
TENURE REVIEW - MOUNT COOK
PASTORAL LEASE

PAGE 1 OF 2.

**SUBMISSION FOR FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND [INC.] ON
THE PRELIMINARY PROPOSAL FOR TENURE REVIEW OF MOUNT COOK
PASTORAL LEASE**

We are in full agreement with the proposal dated 8 October 2005 for tenure review of
Mount Cook Pastoral Lease.

For Federated Mountain Clubs of New Zealand [Inc.]


.....
G R K Hunter

Kalaugher Rd.
R D 21
Geraldine

5 December 2005

New Zealand Deerstalkers' Association Incorporated

Level 1 45 – 51 Rugby Street P O Box 6514 Wellington
 Phone: 04 801 7367 Fax: 04 801 7368
 Email: deerstalkers.org.nz
 Website: <http://www.deerstalkers.org.nz>

6 December 2005

Commissioner of Crown Lands
 C/o Tim Broad
 Opus International Consultants Ltd
 Box 1482
 Christchurch
Tim.broad@opus.co.nz

Received by e-mail
 on 6/12/05

Submission: Mt Cook Pastoral Lease Tenure Review: Prelim Proposal

This submission is made on behalf of the New Zealand Deerstalkers' Association Incorporated (NZDA).

NZDA is the national body of recreational deerstalkers and other big game hunters. We have 57 branches and a number of hunting clubs throughout New Zealand. We have 7200 members, and have been actively advocating for deerstalking and recreational hunting, and running deerstalker training courses, trips, conferences etc since 1937. NZDA also maintains the ethical side of hunting by maintaining ethics for hunting, including fair chase, and encouraging harvesting of animals taken.

1 Summary of NZDA Position:

NZDA supports the surrender of CA1, an area with hunting potential, and backing onto public land with hunting value. We also support surrender of CA2 and CA3.

However, no practicable public access under the Crown pastoral Lands Act is provided in this Preliminary Proposal, either across the proposed freeholded land to CA1, or across the freehold land or proposed freehold land, to either the upper Tasman, and via this to the north end of CA1, or up the Jollie, to proposed surrendered and public land.

Providing acceptable public access is required under the CPLA. This should be negotiated, before the proposal proceeds.

As well, we are concerned that wilding larch and conifers on the land to be surrendered should be cleared as part of this tenure review, or the lessee penalised for not having kept these "weeds" under control, as required by his lease conditions.

2 The Proposal:

Mt Cook pastoral lease is of 2,463 Ha, on the top eastern side of the Tasman River. It backs onto Mt Cook National Park, and is opposite Mt Cook Village, across the Tasman Valley. Area proposed to be surrendered is:

- CA1, 1178 Ha in the north and east of the lease – a steep, rugged area running back to the Burnett Range, rising to 1380 metres;
- CA2 (348 Ha) – flat land now Tasman riverbed, at the Southwest of the lease (Jollie River delta, important for endangered native birds);

- **CA3** (108 Ha) - recent river floodplain of the Tasman River (west side of the lease), for protecting threatened native wader bird species.

Freeholding: 828 Ha, the land still in pastoral use, is to be freeholded to the Burnett family.

3 NZDA Interests – Recreational Value:

Deerstalking and hunting of deer, tahr, chamois etc takes place on the public land at the head of the Tasman Valley, including public foot and vehicular traffic past the proposed Mt Cook Station freehold:

- up the Jollie River,
- up the Tasman Valley past Mt Cook Station to Mt Cook National Park and other public conservation or Crown land
- across the proposed freeholded land to the Burnett Range public land

NZDA branches in this area that would/could hunt on the surrendered land include: Ashburton Branch, Malvern, North Canterbury, North Otago, Otago, Palmerston, Rakaia, South Canterbury, Southern Lakes (Queenstown/Wanaka/Cromwell), South Otago and Blue Mountains Branches. No doubt other branches further away, or from the North island could also visit the area.

Tahr and deer hunting in this area attracts hunters from throughout New Zealand. Returning the proposed areas to full Crown ownership and management will provide hunters with the ability to hunt these areas, because they will become public park land.

However, this raises the question of adequate public access, which, given the freehold land not part of this tenure review, does not seem to have been provided. NZDA is also interested in protecting the outstanding natural landscapes of this area.

4 DOC Recreational Resources Report Incompetent, Useless:

NZDA is surprised that actual and potential recreational value of parts of the lease are not mentioned in the reasons for the return to full Crown ownership and management. There are other matters beside native biodiversity that make up the significant inherent values the Review is endeavouring to protect for the public and other reasons.

We note with concern that only half a page in DOC's Conservation Resources Report (CRR) relates to recreation. Three quarters of this is concerned with access, not recreation. DOC's CRR is therefore incompetent and useless. DOC has a statutory responsibility to foster recreation. It has forgotten what it is there to do.

There are significant inherent values in the introduced wild game that live in the wilder parts of the lease. There are inherent values in the scenic mountain views and glaciated landscapes visible from this lease that are iconic in the same way that the view from the Hermitage is iconic. Yet this is not even mentioned by DOC as a recreational attribute.

Nor is hunting tahr, Red deer or chamois. Nor is mountaineering, canoeing, tramping, or even recreational driving for scenic mountain views of New Zealand's High Peaks, across the Valley. These views are internationally significant, as the CRR says. So this must add to the reasons for the lease's recreational importance, and for the need to provide public access for public enjoyment of them.

The potential recreational value of this lease is outstanding. But one would never know from DOC's report. Sure, the lower slopes of the Burnett Range need landscape protection. But what about the magnificent views from them over Mt Cook National Park. Or their high value for recreational hunting?

It is disappointing that the only mention of big game animals in the CRR is under 2.5.5 Problem Animals, where tahr is discussed. Yet DOC's Act the Conservation Act, requires the Department to manage all natural resources – including big game animals – **“to maintain their intrinsic values,**

provide for their appreciation and recreational enjoyment by the public, and safeguard the options of future generations". It is also to foster recreation.

So DOC has a statutory responsibility to preserve and protect big game for both its intrinsic and recreational value. It has not done this in this Tenure Review.

5 NZDA Public Access Concerns:

NZDA strongly supports the surrender of CA1, CA2 and CA3 to full Crown ownership and control as public conservation land. For CA1, the land is steep, infertile and rocky. The northern part has not been grazed for many years, underlining the difficulty of grazing. However we are concerned at the wilding larch and conifers on this land. Will the lessee be required to clear these weeds, under his pastoral lease covenants? These wildings should presumably have been removed under the terms of his pastoral lease to keep the lease free of weeds. Or will he suffer a penalty of the costs of leaving them to DOC to clear?

Re inadequate public access, the proposal document states "The area (CA1) provides opportunities for walking, tramping, scenery viewing and nature study in a relatively undeveloped setting adjacent to one of the country's premier tourist destinations"

To achieve this vision it is necessary that the public have adequate legal and practical access to the land discussed. NZDA submits:

5.1 The **Jollie River** to the immediate south of Mt Cook lease is a popular route into the high country for hunting and other recreational pursuits. This is often reached via a farm road which runs parallel to the true left of this river for approximately 5 kms. However this access is a private track and there is no legal access. Under the Proposal a marginal strip will be created along the south eastern boundary of the new freehold land. However this does not provide continuous access from the Braemar – Mt Cook Station Road. This access gap should be closed by either:

- Marking the legal road line that runs through the present freehold near the homestead to a point linking with the marginal strip, OR
- Negotiating a foot easement along the farm track close to the true right bank of the Jollie River, also to link with the strip.

5.2 The **legal road line that runs past the property on the true left bank of the Tasman** is crucial access to the left bank and upper valley upstream of the present lease. This would give access toward Gorilla Stream, and peaks in that area in Mt Cook National park, including the popular Nun's Veil (2,737 m). See eg "*The Mt Cook Guidebook*" by Hugh Logan eg 1994 edition, publ by NZ Alpine Club, Christchurch, and for recreational hunting access.

Despite this no practicable and legal access is provided along this route. The legal road line finishes at the southern end of the homestead freehold block although a formed road continues to the homestead itself.

A legal road line appears again part way up the south west boundary of the homestead block and then runs through a portion of the present lease (which will become freehold) before entering conservation area CA2. It seems probable that this was a continuous legal road in the past but has been stopped where it crosses the freehold land.

We submit that this break in the access should be remedied with an easement along the farm track for foot, mountain bike and horse access. Vehicular access is also desirable as this route is capable of 4WD traffic and it is legitimate to use this to reach recreational land upstream.

We note failure to provide continuous and practicable legal access through or past the property to both the Tasman and Jollie Rivers is clearly contrary to one of the principle

purposes of tenure review being the securing of public access and enjoyment under the Crown Pastoral Lands Act, S.24, (c), (i)

5.3 The Conservation Resources Report records early warning public consultation in 2002. **This stated a need to ensure access up the face above the homestead.** This is necessary to obtain good public access and recreational use of the new Crown land. Such public access must be provided in the proposal.

We submit that a foot easement should also be provided via the farm track that leads up the spur to Big Hill No 2 and thence via the fence line to conservation area CA1. This will allow the public to reach the conservation land and then undertake sidling travel through the public land past Black Point. It will also provide access for parties wishing to travel higher along the main ridge of the Burnett Mountains.

Marginal strips are laid off from another process not part of tenure review. Consequently it is essential that easements be laid off as part of LINZ's obligation to provide reasonable public access to surrendered land.

6 Conclusion:

This preliminary proposal fails to provide adequate public access to the surrendered land, or to public land upstream of this lease. These inadequacies should be rectified as proposed. Also the issue of removing wilding larch and conifers from the land to be surrendered needs addressing.

Thanking you

Yours truly

Dr Hugh Barr
National Advocate