

Crown Pastoral Land Tenure Review

Lease name: MT NIMROD

Lease number: PT 094

Public Submissions - Part 1

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

November

10

Submission 1

Mike Todd

From: j.gclark [j.gclark@xtra.co.nz]
Sent: Tuesday, 16 February 2010 14:15
To: Mike Todd
Subject: Mt Nimrod T.R.

10 Smacks Close
Papanui
Christchurch 8051

15TH February 2010

Re Mt Nimrod Tenure Review,

Dear Mike,

I agree with the sentiments expressed in this review, namely, the protection of the area will enhance the linkage between the tussock grasslandsand the forest shrublands.

From the photo's, the land obviously contains many interesting features and has high natural value, however if the photo of CA1 was taken inside the freehold land, as stated, then the review has been very generous to the present Lessee.

Regards
Geoff Clark

Submission 2



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

6 March 2010

Mike Todd
Opus International Consultants Ltd
Box 1482
Christchurch 8140
mike.todd@opus.co.nz

Mt Nimrod Tenure Review

This submission is by the Council of Outdoor Recreation Associations of New Zealand (CORANZ). CORANZ is the national association of seven major national outdoor recreation associations – New Zealand Deerstalkers' Association, New Zealand Federation of Freshwater Anglers, New Zealand Four Wheel Drive Association, Option4 – Recreational Sea Fishers' Trust, Public Access New Zealand, New Zealand Bowhunters Society, New Zealand Salmon Anglers Association; Jet Boating New Zealand, and the regional Marlborough Recreational Fishers Association.

CORANZ member associations have approximately 20,000 members in total, and represent one of the larger membership alliances of outdoor recreation associations in New Zealand. Many of our members can and do recreate in the South Island High Country.

1 The proposal:

The Mt Nimrod PL (1807 Ha) is on the eastern flank of the Hunter Hills, 25 km west of Timaru. The top of the lease (487ha, including Mt Nimrod (1525m)) was surrendered in 1995, but has not yet been declared a conservation area. This oversight by DOC needs to be rectified as part of this Tenure Review.

Mt Nimrod is the second highest peak in the Hunter Hills Range, and is an important landscape feature, as are the whole of the Hunter Hills. The Matata (1970) and Mt Nimrod (1985) scenic reserves are also adjacent to the lease, and were surrendered from it.

Three areas are proposed for re-purchase by the Crown for public use:

CA1 (257ha) as conservation area: The higher altitude part of the lease on the SW boundary, adjoining the Mt Nimrod area. It protects the high country landscape values of the Hunter Hills, and some botanic values. The land is predominantly open space tussock, so is attractive for recreational use. It complements the protection of a coherent landscape around Mt Nimrod outside this lease.

SR1 (37ha) as scenic reserve: It is a continuation\ of the Matata Scenic Reserve with landscape, open space and scenic values. It also has some native species. It covers regenerating shrublands through to tussock grasslands.

SR2 (32ha) as scenic reserve: Extends the existing Mt Nimrod Scenic Reserve. It protects high country landscape values, including unusual rocky knobs.

2 CORANZ supports the proposal with two concerns:

The area is near to Timaru (25 km), so will provide for the significant recreational use from this city. It helps protect part of the Hunter Hills, a significant range, with significant recreational values for walking, tramping, recreational hunting etc. A significant area of the Hunter Hills should be reserved for local recreational use. Most other public mountainlands are much further away eg Burke's Pass, Lake Tekapo, Mt Cook National Park etc.

Repurchasing the proposed areas CA1, SR1 and SR2 provide additional recreational opportunities in an area short of public open space reserves. CORANZ strongly supports these proposed reservations for their recreational, landscape and scenic value.

There are also significant open space and landscape values associated with the Hunter Hills that need to be protected. Conservation area CA1 will help provide this protection, as will the two small areas to be added adjacent to the two scenic reserves..

Recreational activities:

These include wallaby hunting, some small amounts of wild pigs and the occasional chamois, and small game. Tramping and walking could also occur. Cycling may also be possible on the access easement and farm tracks. The open space and landscape values are attractive for these recreations.

Marginal strips: CORANZ is surprised that some of the streams through the area to be freeholded are not shown as qualifying for marginal strips (average distance across the bed greater than 3m, eg White Rock Stream, Nimrod Stream. **Action:** Check all marginal strips.

Public access easements:

Very significant areas of land had already been taken from the lease prior to this Tenure Review, eg Mt Nimrod block and the Mt Nimrod and Matata Scenic Reserves.

Easement a-b-c is reserved for public foot, horse and non-motorised vehicle access.

1 Action: This easement including b-d **should also be available for public 4WD use**, as those wanting to access the higher land, or to hunt wallabies and big game would be made easier, as proposed at the public consultation.

2 CORANZ asks for clarification as to whether the track through the Mt Nimrod SR is available to horse or bicycle traffic. **Action:** If not, then allow them to use b-d.

Public Vehicular Access: This is deficient in that vehicular access should be provided to nearer to CA1. For the same reason that DOC seeks vehicle access to the re-purchased land, ie faster access to reserved lands, so do recreational users eg recreational hunters, 4WD Clubs, mountain bikers etc. **Action:** Ability to gain nearer vehicle access to CA1 is highly desirable, and should be provided. DOC have a conflict of interest on this matter – they are only too pleased to provide for themselves. But not for sectors of the recreational public eg hunters, 4WD clubs etc.

Thank you for the opportunity to comment.

Yours sincerely

Dr Hugh Barr
Secretary

Submission 3

Submission 3
Claremont Road
HRD
Timaru
12/3/2010

To
Commissioner of Crown Lands,
C/- Mike Todd.

Dear Sir,
Having read the tenure review of Mt. Nimrod, I would like to make comment. Access for H.W.D. is limited for hunting on Mt. Nimrod and for the 4,000 Ha Kaumira Hunting Block, which backs onto Mt. Nimrod. These areas could be close with change of ownership. I would like to see a unrestricted 5 month period between Feb. to June to apply on the route taken by D.O.C.

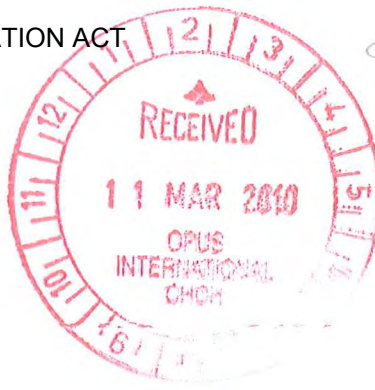
Your Sincerely:

P.R. Rathgen.

P.A. Rathgen

Submission 4

Submission 4



Strathallan Riding Club Inc.

C/- Mrs F Hughes
39 Wallingford Road
Temuka
5 March 2010

Mike Todd
Tenure Review Manager
Private Bag 1913
Dunedin

Re: Submission Tenure Review Mt Nimrod

Members of the Strathallan Riding Club have visited the Mt Nimrod Reserve and walked the bridge track and the return track which links to the proposed walking and horse track, Point A – Point C, refer map Mt Nimrod Preliminary proposal.

This track is not a suitable access route for horse and rider, to trek on Mt Nimrod and surrounding hills, due to standards supporting wooden steps, staircases, steepness, low foliage and a bridge with descending steps. Only a basic access is required to link to the legal track.

Alternative access routes to Mt Nimrod could be the old Bridle Track which goes up through Run 305, leaving from the Nimrod Road or the vehicle access for Management Purposes Easement.

Frances Hughes
Secretary

Toni Humphrey
President

Submission 5

**Tenure Review of Mt Nimrod Pastoral Lease
Under the Crown Pastoral Land Act 1998**

SUBMISSIONS – PRELIMINARY PROPOSAL

SUBMISSIONS – PRELIMINARY PROPOSAL

1 I agree with the summary of the Preliminary Proposal that the area to be freehold is approximately 1481 hectares and is heavily bisected by the headwaters of White Rock and Nimrod Streams. I also agree that the freehold land is all good productive land with an excellent vegetative cover, little or no bare ground and no obvious erosion problems. The area has been extensively tracked for farm access subdivided with fencing and has a long history of over-sowing and topdressing. I take pride in the work that has been done on this property to maintain the tracks and to maintain the vegetative cover.

2 With regard to the contract to be entered into with the Commissioner, it is noted in clause 14.1 that:

“All areas of the Land forming part of this Proposal and delineated on the Plan are approximate...”

3 I accept that the areas have been assessed and will be approximate. The areas are:

- (a) SR1 of 37.1367 hectares being in addition to the Matata Reserve.
- (b) SR2 of 32 hectares being in addition to the Mt Nimrod Reserve.
- (c) CA1 being the conservation area of approximately 257 hectares.
- (d) Freehold disposal of 1481 hectares.

4 These four areas give a total of 1,807.1367 hectares.

5 The Plan is defined as *“the Plan of the land showing all designations on page 2”*.

6 The designations are as above SR1, SR2, CA1 and Freehold. There is no other designation on the Plan.

7 Clause 14 concerns survey. Clause 14.2 provides:

“No error, misdescription or amendment of any part of the Land will annul, vary, or derogate from this Proposal, or the Holder’s acceptance of this Proposal.”

8 Clause 14.3 then provides:

9

"For the avoidance of doubt, the Holder will not be entitled to cancel or withdraw its acceptance of this Proposal, nor will the Holder, or any successor in title of the Holder or any party with an interest in the Land, be entitled to payment of any compensation, should any area of the Land on the Final Plan have a different measurement specified in this Proposal."

- 10 Those clauses, although dealing with survey, clearly show that the lines are drawn on the Plan and if the Final Plan as surveyed should be different, then I cannot withdraw from the contract. This has a bearing on my acknowledgment in clause 15.1 that I take the freehold land "as is". It is as described in Schedule Three. It is there described as "edged in green". I note that green lines are drawn on either side of the Nimrod Stream near the Back Line Road. This indicates that a marginal strip has been designated along this part of the Nimrod Stream. No further marginal strips have been designated on the Plan. My acknowledgment would be on the basis of the Plan and that no further marginal strips are required. I do, however, dispute that there is a marginal strip on Nimrod shown as if it was created at the time of disposition when my lease was renewed.
- 11 The Final Plan is defined in clause 27 and refers to sections 62(4)(c) and (d). That section says that the Commissioner must prepare a plan showing the various areas in accordance with the designations in the Proposal. Schedule Three says I am to get about 1481 hectares subject to certain provisions, including Part IVA of the Conservation Act 1987. Schedule Four provides that the Commissioner may withdraw at any time until the Director General of Conservation has completed all actions required under Part IVA. Where does that leave me?
- 12 For the purposes of Part IVA the Conservation Act specifically made the renewal of my lease the disposition "*for the purposes of this section...*" – section 24(9). There was no reservation at the time of renewal. I need to know what actions the Director General is required to take before committing to the proposal.
- 13 By way of background I had previously submitted on the matter of marginal strips. This is the only outstanding matter in the review of my lease. It is a critical matter for the running of my farm and for that reason I stated at the beginning of my submission by referring to the summary statement that the land is heavily bisected by streams and that there are extensive tracks. The

tracks cross the streams. The streams are essential for my stock water. I have been given a copy of TL Surveys Waterways Report of 12 December 2007. The plan attached to the Report is at variance with the Plan forming part of the preliminary Proposal. The Report shows several "qualifying waterways". The strip along the Nimrod Stream near Back Line Road is the only one shown on the Preliminary Proposal Plan. That strip will cut off all legal access to over 95% of the freehold property. The strip along the White Rock near Back Line Road will cut off legal access to the homestead along my driveway.

- 14 The Conservation Act refers to an average width. The Report does not show how much over or under the measurements are so as to give an average. I believe the average is less than three metres.
- 15 If there is a strip on the White Rock Stream from SR2 to CA1, then there is a corridor of land at least 43 metres wide owned by the Crown through the middle of my farming operations. The public would have access over all this land and I would lose the legal right to water stock and a legal right to use it and track it. DoC must ascertain the true average width before I can sign the Proposal. If the average is over three metres then I request the Commissioner to apply for an exemption under section 24B of the Conservation Act.
- 16 As these streams bisect the freehold and as they are an integral part of the farming operation, and if officials had carried out all the requirements at renewal of my lease, then the Minister would have considered if it was equitable to grant me an exemption. I believe it would be fair to exempt the strips in this instance. Public access is being granted over my tracks to the existing conservation area on the Hunter Hills. The streams have been maintained under a farming regime, as clearly shown in the photographs attached to the Waterways Inspection Report.
- 17 I require certain amendments to be made to the easement document as follows:

- (a) Add a clause 2.3 or a new numbered clause as follows:

"The Grantor has the right to pass and re-pass at any time over and along the easement area on foot, or on or accompanied by horses, or by non-motorised vehicle, or by motor vehicle with or without machinery of any kind, with animals of any kind and loaded firearms."

- (b) Add to clause 3 for the sake of clarity:

"The Grantor is not required to keep the Easement Area clear of falling debris of rock except to the extent that such work will be required for farming purposes. For the purpose of access under clauses 2.1 or 2.2 hereof, the surface of that part of Easement Area shall be the responsibility of the Grantee. The Grantee will indemnify the Grantor with regard to any accidents that may occur involving the persons referred to in clause 1.4."

- (c) In clause 6 add after the words *"temporarily close"* the words *"to the Public"*.

- (d) Add a clause 13 to the Special Easement Terms as follows:

"Firearms carried on the Easement Area by the Grantee must be unloaded."

18 I wish to be further consulted on these issues.

Graham B Patterson

G Patterson

10 March 2010

Submission 6



South Canterbury Section NZ Alpine Club
PO Box 368
Timaru
Wednesday 10th March 2010

Mike Todd
Opus International Consultants Ltd
PO Box 1482
Christchurch 8140

Dear Mike

Re Tenure Review of Mt Nimrod Pastoral Lease

The members of the SC Section of NZAC have a long history of recreational use of the land under consideration for tenure review in the Mt Nimrod Pastoral Lease.

We consider Mt Nimrod to be the premier summit in South Canterbury for viewing the region as a whole. In one sweep you can view the coastal area from the Waitaki river to the Rangitata and beyond. Turning inland the Fairlie basin opens up backed by the Two Thumb range. Leading on to the McKenzie basin with superb views of Mt Cook and many other main divide peaks. It has long been recognized by local mountaineers as providing the best view of all our local peaks.

As such we are keen to see public access preserved to this wonderful viewpoint. The Paterson family have always been very generous to our members and the public at large with access in the past. Our concern is in ensuring this access for future generations regardless of ownership of the land.

Our members also make extensive use of the Mt Nimrod reserve and we applaud any addition to this area. We wish to point out that the fencing around the reserve is inadequate with frequent stock incursions with the inevitable damage to the bush.

We consider the proposed public access (a-b-c) from the western boundary of the reserve to be useful and likely to be used by our members for foot access. However as it stands we do not see it as practicable to carry a mountain bike through the reserve to access this track. We are happy that no 4WD access is being provided as of right. We feel the adjacent land owners should be allowed to retain control over public vehicle access to the area given the fragile nature of the tracks and the common use of firearms in the area.

Notwithstanding the above comments walking up a vehicle track is not our preferred way of enjoying an outing to Mt Nimrod. Access (a-b-c) is an indirect route to the summit and the distance involved would put off some less able trampers. We would like to see a walking only pole marked direct route (no track) allowed from the top of the scenic reserve more or less directly to the summit. This would provide a considerably shorter time to the summit. We accept that restrictions would have to be placed on its use during farm activities such as lambing in the same way as occurs in many similar

situations elsewhere. We are aware that Graham Patterson has a hut in the vicinity of this route and would be sensitive about this but we believe the route could avoid the environs of the hut We know of similar situations elsewhere where no conflicts of interest has arisen.

This direct route would link up nicely with the proposed (a-b-c) route to provide an excellent round trip for trampers. This route would require minimal time or cost to maintain have little or no impact on the environment or farm management.

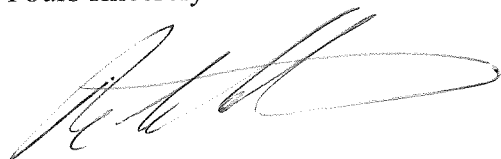
Given our comments above about the importance of Mt Nimrod to the trampers and climbers of South Canterbury we strongly object to the proposal on page 2 of the tenure review document that: "No specific public access to CA1 is provided for".

There has been discussion in the local outdoor community about access to the Matata Reserve. This could be provided for with a short track from the legal road. If such an access was granted a short poled route from the legal road to point 790 should also be considered as many people are likely to head for this obvious high point regardless of there access rights.

We thank you in anticipation of our submission being heard and would welcome any further discussion you may wish to have with us.

My email address is eastonholloway@xtra.co.nz , tel. 03-6844985

Yours sincerely

A handwritten signature in black ink, appearing to be 'Mark Easton', written in a cursive style.

Mark Easton
(sec. SC section NZAC)