

Crown Pastoral Land Tenure Review

Lease name: MT NIMROD

Lease number: PT 094

Public Submissions - Part 9

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

November

10

Submission 24



Tim Jackson
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0275897097
036845858
tjj@xtra.co.nz

24 March 2010

Commissioner of Crown Lands
C/- Mike Todd
Opus International Consultants Ltd
PO Box 1482
Christchurch 8140

RE: Mt Nimrod Tenure Review – Submissions on Proposal

Further to my email I now wish to make a submission on the above proposal.

Lateness

I understand submissions closed on 19 March 2010. As you will be aware, section 47(2) authorizes the Commissioner to consider a late or oral submission. Further reasons for consideration are as follows:

1. Submissions closed only 5 days ago and the lateness will not have caused a delay or disadvantage to any person.
2. I became aware of submissions closing on 20th March. Enquiries were promptly made of the Crown's contractor and this submission sent at the first opportunity after that.
3. This submission contains relevant considerations and ought to be considered.
4. This submission is constructive and genuine.

Submission

1. My primary position is that Crown land should remain as it is. I do not support disposition to freehold/fee simple. Reasons for this are as follows:
 - The disposition confers no equivalent reciprocal value.
 - Whatever other relevant considerations there may be, there is no benefit for New Zealand in transfer of the land to a private individual or entity.
 - The land is held by the Crown for all New Zealanders. Any disposition, whether for market, nominal or no consideration, is ultimately gratuitous: in other words, disposal of the land is a pointless alienation from the beneficiaries. The people of New Zealand are the true and beneficial owners with the Crown in the position of a trustee, albeit within a statutory framework.

management. The present lease or licence system is suitable subject to the rent reflecting the true value of the land as well as the protective mechanisms outlined in 3 below.

3. In the alternative, and in the event the Crown determines that the statutory criteria are met and the area of 1481 hectares can be disposed of to Graham Bradley Patterson, the land should be transferred at current market value taking into account the area, location, yield, potential yield and protective mechanisms. Such mechanisms need to include the following:
 - The easement a, b, c is insufficient as a protective mechanism for public access. The Mt Nimrod reserve provides very limited access to point "a" and certainly not for either a trail bike or horse. Those modes are descriptive only and I do not support vehicle access for motorized bikes or vehicles on a recreational basis. However, reasonably negotiable access of a higher standard than "a - b - c" allows ought to be available to the public and the reserve fails in that regard.
 - North and south of the land are privately owned and good access as proposed herein is necessary to preserve amenity value.
 - The relevant area and beyond has tramping potential and given the significance of NZ's tourism industry, may one day be developed along those lines. In a developing and crowding world, New Zealand is being seen more and more as a natural getaway (no matter it is increasingly crowded and over-irrigated/farmed with questionable attention to pollutants). It is inconsistent with our international image and future economic development to limit or extinguish such tourist and recreational development potential. The present protective mechanism is unduly limiting.
 - It is not in accordance with the true intention of the protective mechanisms to have only limited access on one route.
 - Personally, the less tourists the better, but either way, it is not beneficial to dispose of and progressively fence off land simply because someone will put a few sheep on it. If that is going to take place, sound, useful access to such areas is essential and aesthetically, it is significant even if not frequently used.
 - There should be an easement from Back Line Road up the south side and past CA1 to enable best walking access to Mt Nimrod summit. That is the most accessible route, is already tracked and also serves area CA1, which appears not to have access. If you feel like a drive and walk I will take you up there and show you the difference between

this route, and the narrow, steep and in places, difficult track to point "a".

- It may be the case that "a, b, c" has been chosen as the easement because it is a legal road and therefore, surveyed already and convenient (cheap) to establish. If such an assessment is correct, that is understandably expedient but in terms of the 'protective' aspect of the protective mechanism, it is an irrelevant consideration for establishing the easement on the terms proposed.
- A loop easement for walking or Crown vehicle access around the entire area is sensible and necessary. That could accommodate the apparent need for access to SR1.

In general, my submission is that a disposition is pointless but if there is to be one, better access is required. Allow reasonable use by an occupier but subject to ultimate Crown ownership and defined, practical access routes for those who want to use the area for recreation and the pleasure of simply being there. Having access to land for beauty's sake is important to me. I highly value this area as part of my environment and recreation. However, it is more than that. Poor old Pakeha flounders to claim an intrinsic link to the land, let alone a sense of well being and value from being associated with it and that is largely due to our transient nature and desire to make money out of everything: nevertheless, the link does exist for some of us and I derive a real sense of value and wellbeing knowing that some parts of New Zealand are honoured for what they are and held by all of us for all of us. Tane Mahuta is just a tree so why not make nice kauri tables out of it? The obvious answer to that question makes the point and I do not want the areas of land we all own to shrink further.

Without being flippant and for the reasons given, privatization of Crown land depresses me. It also raises the spectre of overseas ownership, which I and many others abhor. The Overseas Investment Office is a feckless rubber stamping stationary closet within LINZ that will approve anything submitted with money and a stamped, addressed envelope: the further we can also be from that the better.

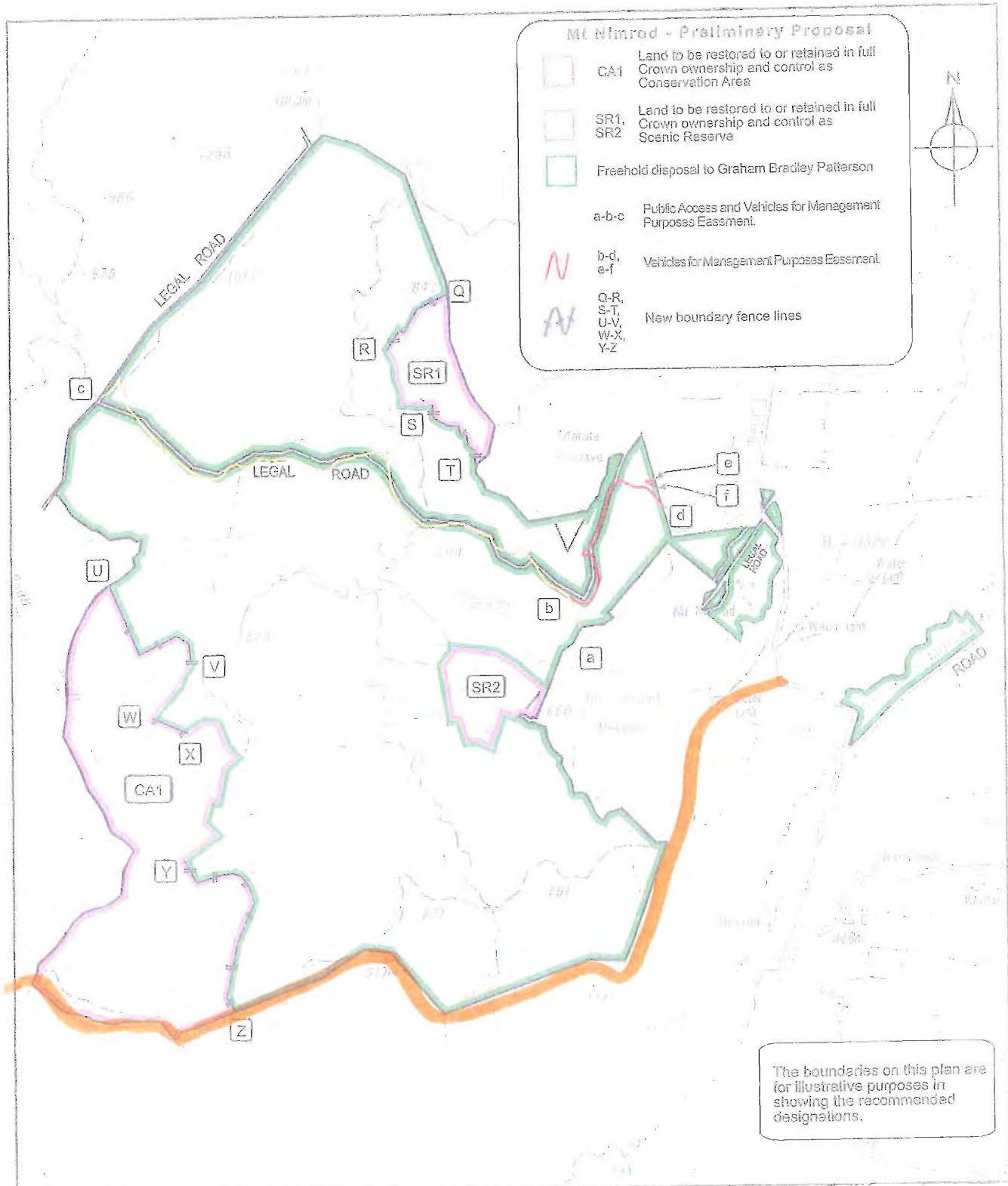
The current occupier can be fairly accommodated without alienation of the land. However, those interests are secondary in any event.

Thank you for reading this submission. Please acknowledge receipt and consideration at your earliest convenience.

Regards



Tim Jackson

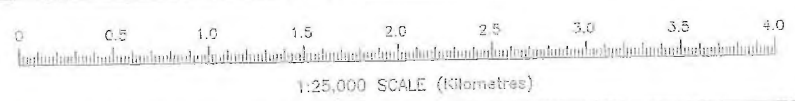


Mt Nimrod - Preliminary Proposal

- CA1 Land to be restored to or retained in full Crown ownership and control as Conservation Area
- SR1, SR2 Land to be restored to or retained in full Crown ownership and control as Scenic Reserve
- Freehold disposal to Graham Bradley Patterson
- a-b-c Public Access and Vehicles for Management Purposes Easement.
- N b-d, e-f Vehicles for Management Purposes Easement
- N Q-R, S-T, U-V, W-X, Y-Z New boundary fence lines



The boundaries on this plan are for illustrative purposes in showing the recommended designations.



Canterbury Land District

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MT NIMROD
 (R.S.41210 & R.S.41211, Pts RESERVE 3346 & Pts RUN 505)

Excludes All Legal Roads and Marginal Strips (if Any) Topographic Map 260 - J39

Scale : 1:25,000@A3
 Date : August 2002
 Drawing No.: 7588-03A
 Sheet No. of Sheets

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21 May 2010

Hi Mike,

Please find attached the late submission from Tim Jackson.

The Commissioner's Delegate approved acceptance of this submission on the 21 May 2010.

Regards



Regina Posorski
Portfolio Manager
Crown Property and Investment
LINZ Christchurch

Tim Jackson
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15 April 2010

LINZ Tenure Review
 LINZ Pastoral Unit
 Christchurch Office
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**RE: Mt Nimrod Tenure Review – Pt 094 Mt Nimrod, CT 529/224 approx
 1807 ha - Preliminary Proposal**

I enclose a copy of my submission on the abovementioned review and preliminary proposal. The submission was a few days late. It was acknowledged by your agent, Mike Todd, Team Leader, Property Consultancy, Opus International Consultants Ltd (Mike.Todd@opus.co.nz). Given the relevance of the information supplied, brief period of lateness and proposal status as 'preliminary', I am confident the submission will be accepted.

On Sunday 10 April I paid another visit to the area, partly for recreational purposes and partly in furtherance of my submission. I am equally confident this information will be taken into account for more or less the same reasons. Photos are also attached and an index follows.

| | |
|-----------|---|
| 001 – 005 | Fenced off entrance to south side on Backline Road. |
| 012 – 024 | Some Nimrod Reserve track shots up to the proposed easement. |
| 025 – 028 | Proposed easement from Nimrod Reserve to legal road. 029 shows the gate into the lease area. |
| 027 – 028 | Proposed easement path from Reserve track to legal road. |
| 030 | Shows the fence line between the Reserve and lease and looks back over the Reserve. |
| 031 | Rare Nimrod wild dog on Reserve lookout to Reserve peak to the south. This one was quite friendly. |
| 032 – 035 | Views of tracks and terrain legal road has or passes over. |
| 037 – 041 | Views of tracks and terrain legal road has or passes over as well as view down to Matata Reserve from the legal road. Actual distance is a few hundred metres. 050 is also a view down to Matata Reserve. |
| 042 – 049 | Plus 051 - Views of tracks and terrain legal road passes over. |
| 057 – 063 | Views of tracks and terrain legal road has or passes over. |
| 064 – 070 | Cowshit in a watercourse on the proposed easement/legal road; nice. |
| 071 | View of Mt Cook from approach to Mt Nimrod proper. |

Although it may seem like a boring old hill, the area is in fact quite beautiful and great to be in. I have included a shot of tussock or mountain grass to help make my point and when you get tired of reading, look at it and imagine you are on the mountain in the sun*. I met a young falcon up there as well as three dead wallabies, rabbits, some sheep and cattle that were able to have free access to the watercourse. *You may keep the photo on that basis but I retain property in that particular image.

Submission

My submission begins from a position of general opposition. That is maintained but with respect, I doubt that in this case the political agenda behind "freeholding" will allow any outcome that does not result in a gift or grant of substantial land area to

the current lessee. Consequently, the submission and this letter reluctantly remain to be also considered for their contribution to the second-best outcome, that is, preservation of a significant area of reserve land and useful public access to it.

For what it is worth, my motivation is to preserve such access for now and the future so that people like me can continue to have a relationship with the land, rather than simply look at it from behind fences erected by the small number of people who have the good fortune to own it to the exclusion of others. I know this will sound idealistic and may invite an external or internal sigh symptomatic of tolerance fatigue, but access to these types of area will become increasingly valuable in the future: by future I mean the next 50 – 100 years and beyond when you and I are gone; those who are not will value the access in an over-populated world grabbing all the productive land it can get its hands on. I note that the proposal summary recognizes the value of some of this area. On that basis, and bearing in mind the lessee is probably being gifted the land, better access seems sensible, valuable and necessary.

While the Nimrod Reserve is reasonably well known and has become a popular place, it is small and very steep. Save for a couple of closed gates, access is straightforward, although not as well signposted from Backline Road as it might be. In contrast, the nearby Matata Reserve area is poorly signposted from Backline Rd, if at all, and rather well disguised by signs that suggest it is not publicly accessible or contains areas that are: that area lacks development and notice of the public entitlement to enter needs facilitation. Overall, Matata Reserve could use some work and given its proximity to the Mt Nimrod Reserve and legal road between them, should be connected by easement and enhanced. In relation to both, they need to be connected in a useful way so that a 2-4 hour walking track can be created with a junction at the legal road enabling access to the 1525 metre Mt Nimrod and beyond that, a loop track.

Current Access

This has been partly covered already. Mt Nimrod Reserve is fenced off from the legal road and there is nothing more than a gate to suggest the public can enter the area. There are numerous tracks over the Mt Nimrod foothills but nothing at all to indicate a legal road exists. When asked, the current lessee refuses access to the area beyond the Reserve. I asked once and after a 20 minute discourse on the difficulties of tenure review, access was declined. There was no reference to my entitlement to walk the legal road to Crown land not subject to a lease and I was invited to call again when I wanted to travel up there, which was what I had done in the first place. My partner asked a week or two later and was declined, as she has on other occasions. Consequently, on the 10th we just walked up the legal road and intend doing so whenever we choose. The tenor of Mr Patterson's comments to me were that access was available generally but that the close of submissions on tenure review was a "kick in the guts" and as a result, access may be limited. I do not mean any disrespect to the Patterson's and can to some extent empathise, if for no other reason than their long-standing occupation of the area and sense of entitlement (justified or otherwise) that will have created, but their approach to access is reminiscent of Major Major's availability policy in Joseph Heller's *Catch 22*. I do not really want to have to ask someone else if I may be permitted to walk up a hill to a mountain top owned by the Crown; if I do, I expect to be polite, give my name and travel details and then enter the area. I know how fences and gates work and like most New Zealanders, I am not afraid of sheep and cattle and can pass by them without disturbance either way. Probably more to the point, this particular area has great value as a tramping and recreational area: in the future it will be valuable to

others and there will come a time when a hut on Mt Nimrod will be desirable: it worked for Little Mt Peel, parts of Mt Somers and a few other places besides. Public access needs to be preserved.

Proposed Access

I have dealt with this in the earlier letter and my view remains that it is inadequate. To begin with, you will never get a horse to it and in places, walking terrain is difficult in Nimrod Reserve, hence the alternative proposed by me below. Both reserves need to be connected and I observed on the 10th that the distance from the legal road to Matata Reserve is only about 200 metres at one point. Subject to the following, any proposal that does not link these two areas has not been properly considered or thought through. Another way of putting that would be to suggest that there has been a failure to take into account a relevant consideration. I would expect DOC to have a view on the matter although past form suggests it may be relatively compliant. In any event, the solution is easy and inexpensive; a bit of surveying along the existing farm track that leads from the legal road to the edge of Matata Reserve.

Further Access

My submission proposes access up the south side and the existing track was marked. In conjunction with the above, that would complete a loop track of high quality as well as a link to Matata Reserve. I noted on the 10th that in the past week or two (fencing gear still lying about) the Lessee has deer-fenced right along Backline Road so that the fence junction and gate that did exist at Backline Road at the start of my proposed alternative or additional path up the mountain has been eliminated (001 – 005). That allows at least two distinct observations. The first is that the lessee has probably been given some indication of the outcome of the review process and is prepared to apply significant capital to the property because he is now confident of ownership; there is an air of foregone conclusion about the process and while I have accepted probably little genuine effort will go into preserving Crown land or good access for the interests of future generations, it is equally sad to have evidence of a sham process presented in tangible form. I hope I am wrong about that. The second observation is that before the review has been completed, the lessee is making it clear he will not facilitate any access other than the bare minimum provided for by the review. Another way of putting that is to suggest that the recent high fence is indicative of a lessee and potential landowner who will have little or no consideration for or interest in others and certainly not in the value others place on recreational benefits arising out of the land we all used to own. I would like to be wrong about that but the 2 week old fence sends a strong message; trespass signs, refused access and a general unwillingness to facilitate access to a legal road by even pointing out its existence are corroborative.

The balance of this letter comprises questions and requests for information now asked under the Official Information Act and I look forward to your responses.

1. Please supply a copy of the entire pastoral lease for the area currently or previously leased by Graham Bradley Patterson. Please include current terms, including land area, lease term and current rental amount.
2. If not contained in the answer to 1, what is the current rent? On what basis was it set?
3. On what date does the current lease term expire, Is it 2028? Are their rights of renewal?
4. Are there any arrears of rent and if so, how much and for what period/s.

5. On what basis are any rental arrears being withheld and what action has been taken to recover the outstanding rental?
6. What is the area under the lease worth? Please supply copies of current or recent valuations.
7. If the decision to freehold the land is made, what will the lessee be required to pay and how is that amount calculated?
8. Has the Dept of Conservation been consulted and if so, on what basis and with what response?
9. What is rationale for the protective provisions. Why do they exist, under what authority are they created and what purpose do or will they serve?
10. Why is freeholding being considered?
11. Why not simply permit the lease to continue? Has that been considered?
12. Following from 9 and 10. what are the relevant considerations for,
 - a. the decision to review the lease
 - b. the decision whether or not to freehold the land?
13. Is a further or final proposal to be produced and if so, when?
14. Will the preliminary proposal be amended and issued as a final proposal once submissions have been considered and changes made?
15. Will there be a further opportunity for public submissions?
16. I the alternative to 13, 14 and 15, what is the review process from here on and what public notice will be given?
17. Is Ministerial consent required and if so, will it be from the Minister or by delegated authority.

Thank you for your time and assistance. Please be assured this is a genuine submission.

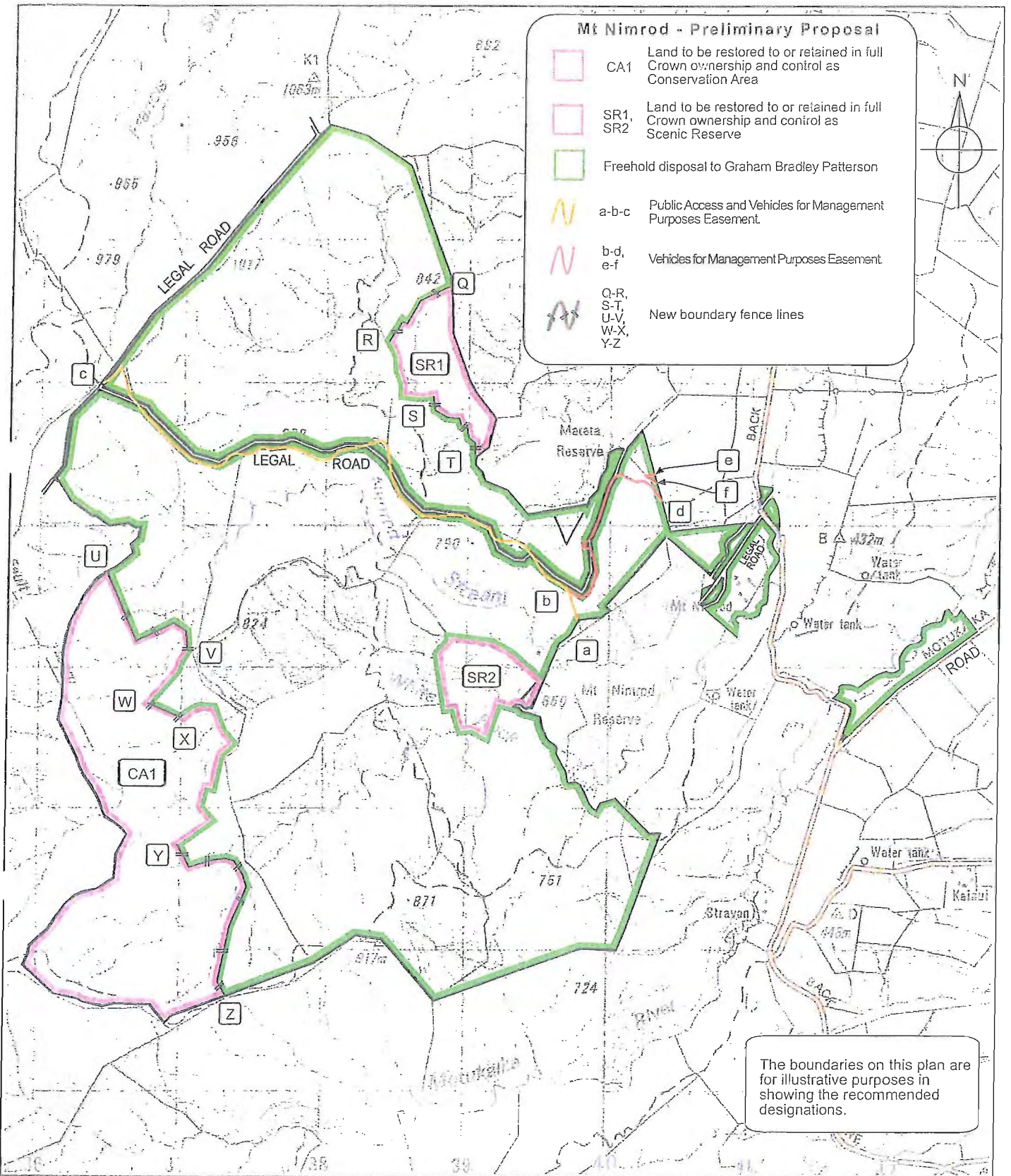
Regards



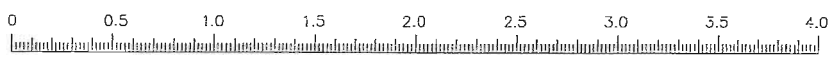
Tim Jackson

Also encl: copy map – from preliminary proposal
 copy map – topographical – showing fence and submitted alternative
 access, link to Matata res and loop track

cc: Doc



The boundaries on this plan are for illustrative purposes in showing the recommended designations.



1:25,000 SCALE (Kilometres)

Canterbury Land District

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MT NIMROD
 (R.S.41210 & R.S.41211, PIs.RESERVE 3346 & PIs.RUN 305)

Excludes All Legal Roads and Marginal Strips (If Any)

Topographic Map 260 - J39

Scale : 1:25,000@A3
 Date : August 2002
 Drawing No.:7588-03A
 Sheet No. of Sheets

RELEASED UNDER THE OFFICIAL INFORMATION ACT



Nimrod 11 April 2010 001



Nimrod 11 April 2010 002



Nimrod 11 April 2010 003



Nimrod 11 April 2010 004



Nimrod 11 April 2010 005



Nimrod 11 April 2010 012



Nimrod 11 April 2010 013



Nimrod 11 April 2010 014



Nimrod 11 April 2010 015



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Nimrod 11 April 2010 025



Nimrod 11 April 2010 026



Nimrod 11 April 2010 027



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Nimrod 11 April 2010 031



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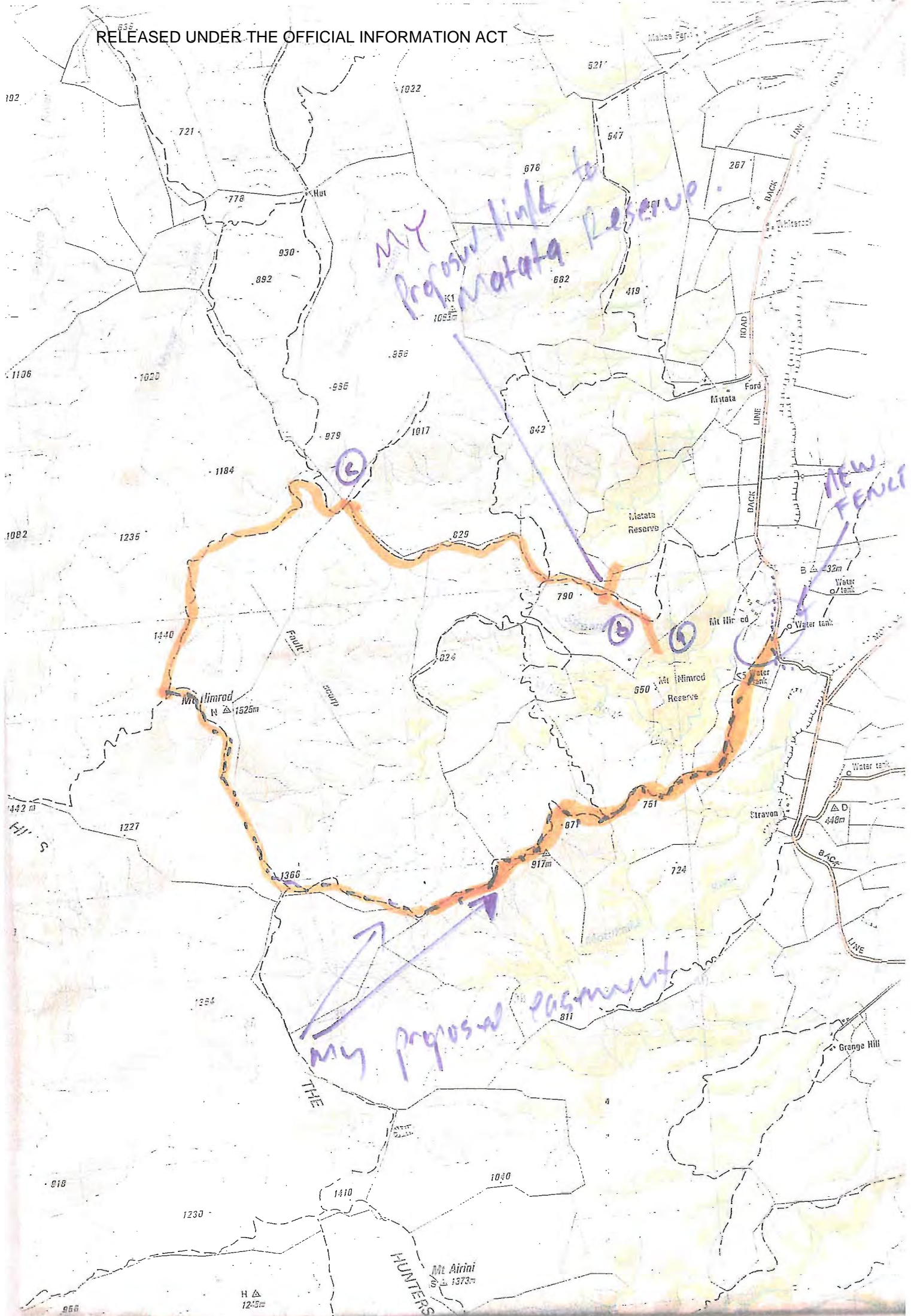


Nimrod 11 April 2010 050



Nimrod 11 April 2010 051

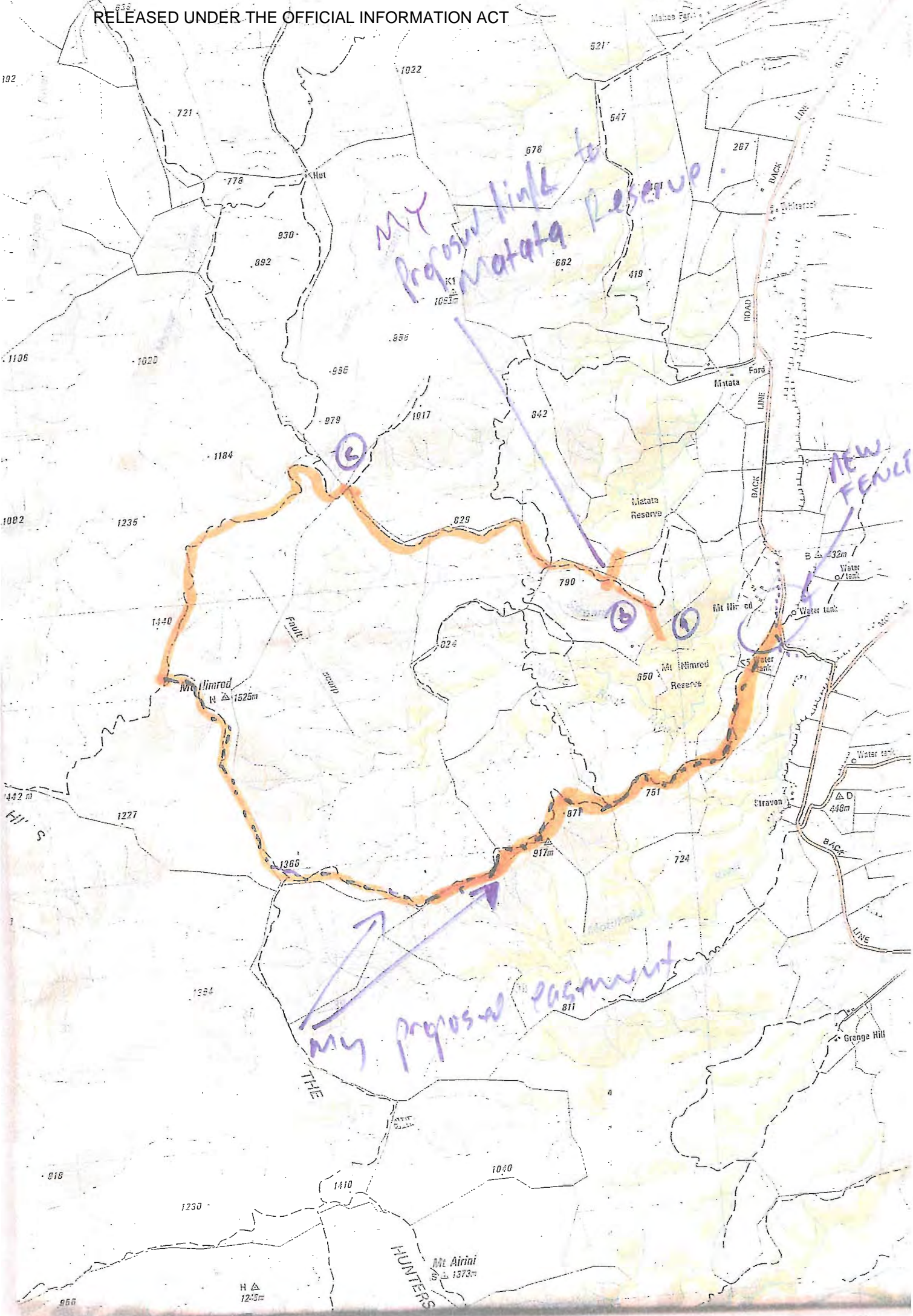




MY proposal link to
Matata Reserve

NEW FENCE

my proposal payment



HUNTERS
Mt Airini
1373m

H Δ
1245m