

Crown Pastoral Land Tenure Review

Lease name : MT GERALD

Lease number : PT 010

Public Submissions

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

These submissions are released under the Official Information Act 1982.

25 March 2013



WALKING ACCESS
ARA HĪKOI AOTEAROA

Commissioner of Crown Lands
Land Information New Zealand
Crown Property and Investment
Private Bag 4721
CHRISTCHURCH 8140

Preliminary Proposal for Tenure Review of Mt Gerald Pastoral Lease, Pt 010. Submission from the Walking Access Commission

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of the Mt Gerald pastoral lease. As you will appreciate, this is the first opportunity that the New Zealand Walking Access Commission (the Commission) has had to comment on this proposal.

The following submission should be considered as new information as, to-date, the tenure review planning, extensive discussion and consultation have been undertaken without input from the Commission – the statutory body established in 2008 to lead and support public access negotiations.

The Commission's public access statutory role is described below, under section **A. Introduction**, and the detailed submission is presented in section **B. Submission**.

In summary, the Commission;

supports:

- the proposed easements for public access 'a-b-c' and 'b-d-e';

seeks to have:

- formed public vehicle access provided to the easement 'a-b-c';
- those portions of the Lilybank Road which are not legal road, designated as land to be restored to or retained in full Crown ownership pursuant to Section 35 (2)(a)(iii) CPL Act, for the purpose of roading;
- public walking access provided from the Lilybank Road to the southern end of CA3;
- styles or gates erected in any fences which are across the margins of waterways with an average width of 3m or more.

A. Introduction

Purpose, Objective and Functions of the NZ Walking Access Commission

The Walking Access Act 2008 (WA Act) (sections 3, 9 and 10) sets out the purpose, objective and functions of the NZ Walking Access Commission.

Central to its role is the Commission's leadership functions in negotiation and provision of free, certain, enduring and practical access to the outdoors for New Zealanders and visitors.

Focus of Submission is Public Access

The Commission's submission on the Preliminary Proposal for Mt Gerald is designed, as envisaged by the WA Act, to achieve free, certain, enduring and future-focused public access in this area of New Zealand.

The Commission's submission reinforces the objectives of the Crown Pastoral Land Act 1998 (CPL Act), in particular section 24(c) which is to make easier the securing of public access to and enjoyment of reviewable land. Specifically, our submission addresses the public access and public enjoyment matters provided for in the protection mechanism subsections (2) (c) and (d) of section 40 of the CPL Act.

The Commission was not consulted during the preparation of this preliminary proposal, nor has the Commission had the opportunity to undertake a ground inspection.

Therefore, this submission should be considered as new information provided by the Crown agency with statutory responsibility¹ for leading and supporting the negotiation, establishment, maintenance, and improvement of –

- walking access (including walkways, which are one form of walking access) over public and private land; and
- types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, and motor vehicles.

B. Submission

Existing public access

The Lilybank Road, and associated unformed legal road (ULR) where the formed Lilybank Road deviates from the surveyed road alignment, provides legal public access from the southern boundary of Mt Gerald due north to the Macaulay River, and beyond. Another ULR forms part of the southern boundary of 'The Island' then runs due north parallel to, and some 100-500m east of the Godley River. The designations plan clearly shows that these ULRs are not part of the Mt Gerald lease, and we commend the drafting of the plan to show ULR as property boundaries where appropriate.

Public access is available from the Macaulay River, along the length of the common boundary with Mt Gerald.

Public access proposed in the Preliminary Proposal

A public car park is proposed in the vicinity of 'a' off the Lilybank Road, with public foot and vehicle access along 'a-b-c', and 'b-d' to the Macaulay River. Foot and non-motorised vehicle access is provided along 'd-e' to Stone Hutt and the adjoining conservation area to the east.

While supporting the above proposed public access, which will enable access up the Macaulay valley, and extremely worthwhile access through Mt Gerald and into the adjoining conservation land on the Two Thumb Range to the east, the Commission notes that additional formed public access is required to link 'a-b-c' with existing legal and formed public access. This anomaly is addressed in the next section.

Public access will also be available in CA1 (via the existing conservation land and/or the Coal River easement to the south), and in CA2 (via the Macaulay River and adjoining conservation land).

¹ Section 3(b) Walking Access Act 2008

Public access will also be available in and through CA3 which will provide valuable access to the Godley River.

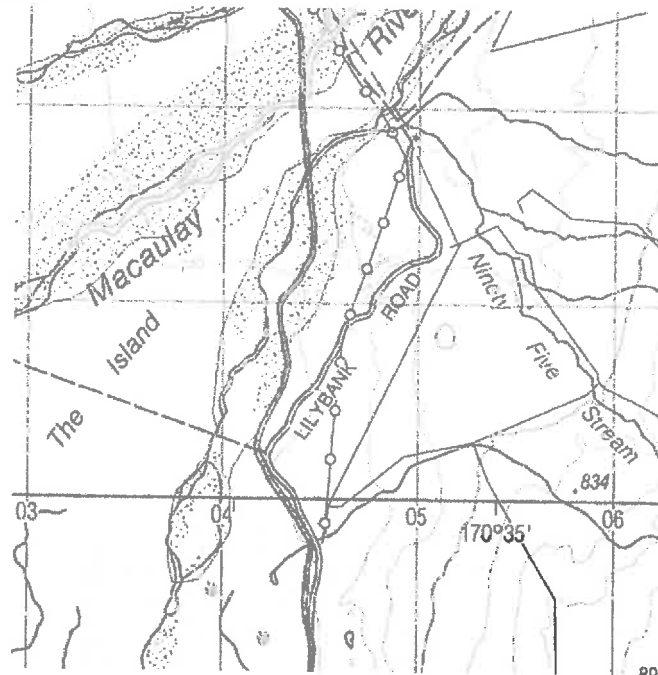
Additional public access sought

1. Lilybank Road

A major deficiency in the public access network is the lack of formed legal public vehicle access to the Macaulay River. It is acknowledged in The Summary of the Preliminary Proposal (page 8) that *"The Lilybank Road provides two wheel drive vehicle access to point 'a', although this shingle road departs from its legal alignment some 1,700m to the south before reaching 'a'."*

There is no formed, legal access available, or being proposed, to join the proposed easement 'a-b-c' with the existing legal road network.

The discrepancy between the legal and formed road lines can be seen in the diagram below where the purple line is the legal road and the orange and white dashed line is the formed road as depicted on the topo plan.



Clearly this section of formed Lilybank Road south of the Macaulay River should become legal road. Similarly for other areas further south, the formed road needs to be legalised.

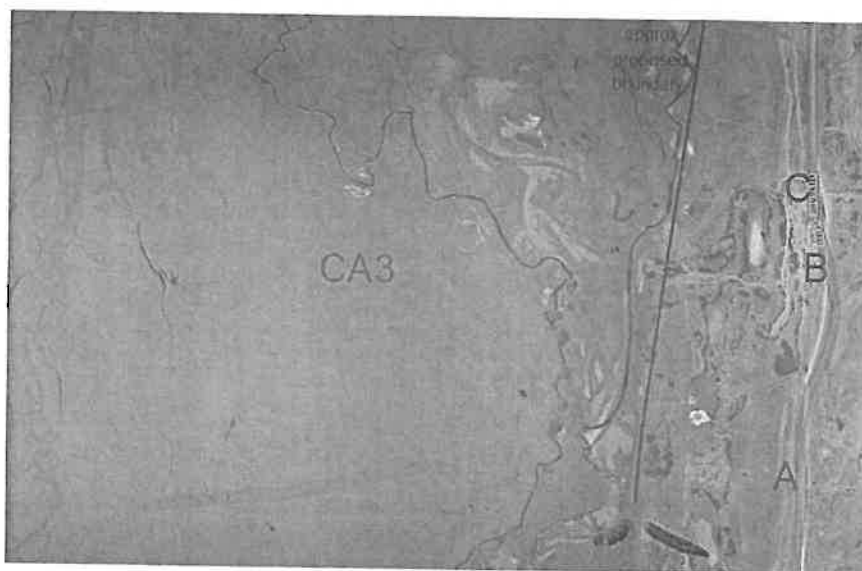
The Commissioner of Crown Lands has indicated that he will not consider unformed legal roads under tenure review, on the basis that they do not form part of the reviewable land. However, the sections of the formed Lilybank Road, which are not on the legal road alignment, are part of the reviewable land. Therefore, legal public access over these sections of formed road must be provided, or at least facilitated, as part of the tenure review. This is essential to meet the tenure review object of securing public access to and enjoyment of reviewable land (section 24 (c)(i) CPL Act), and can be achieved under the CPL Act.

Section 35 (2)(a)(iii) CPL Act provides that land may be designated as land to be restored to or retained in full Crown ownership and control for some specified Crown purpose. Those parts of the formed Lilybank Road which are not on the legal road line should be so designated, for the purpose of roading. This Crown land could subsequently be vested in the district council as road.

2. Access to CA3 and Godley River

We note The Summary of the Preliminary Proposal (page 5) refers to the provision of public access to lakes and rivers being a goal of the highest significance and that "...area CA3 will provide public access to the lower Godley River." And (page 6) that "Public access is available from the Lilybank legal road, and also via the proposed easements and Crown riverbed." However this is really only true for the northern end of CA3, and there is no practical legal access being provided to the southern end of CA3.

Legal public walking access is required across proposed freehold land east of the Lilybank Road to the southern end of CA3. This will provide public access to CA3 (and potentially the Godley River) without the necessity of travelling all the way to the Macaulay River. The provision of public access at either end of CA3 will enhance the use and enjoyment of the area by the provision of a potential access loop. Access west of points A, B or C on the plan below could be investigated, although there may be other suitable areas.



3. Access to Two Thumb Range

There is very limited public access to conservation land on the Two Thumb Range from the west, and that is why the proposed access easement in vicinity of the Stone Hut Stream is so significant. Additional access would be very appropriate, both in its own right, but also to enable walking loops.

The waterways inspection report of 2 October 2008 indicates that the Godley River, the Macaulay River, Ribbonwood Stream, Stone Hut Stream and an un-named stream immediately north of Stone Hut Stream have an average width of 3m or more. The completion of tenure review will see marginal strips retained on these waterways. The purpose of marginal strips includes enabling access to adjacent watercourses, and recreational use of the strip and adjacent watercourse (section 24C Conservation Act 1987) i.e. public access.

While the 'creation' of marginal strips occurs under the Conservation Act 1987, this will be triggered by the tenure review of Mt Gerald pastoral lease and the proposal to dispose of Crown leasehold land as freehold under the CPL Act.

Ensuring that the public access provided by these marginal strips (deemed to be reserved from sale by the Crown) is practical and unobstructed is, therefore, a legitimate consideration under Section 24(c) and also under Section 83 (c)(i) CPL Act, which is to make easier the securing of public access to and enjoyment of Crown land.

Public access to conservation land on the Two Thumb Range, and enjoyment of the marginal strips will be facilitated and improved by requiring styles or gates to be erected in any fences across the

margins of waterways with an average width of 3m or more.

Conclusion

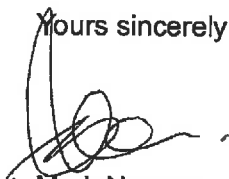
The Commission:

1. **Supports** the creation of the easement 'a-b-c' and 'b-d-e to enable public walking access, and to enable public vehicle access to the Macaulay River at point 'd'.
2. **Seeks** to have practical legal public vehicle access provided to the proposed easement 'a-b-c'.
3. **Seeks** to have those portions of the formed Lilybank Road which are not legal road, designated as land to be restored to or retained in full Crown ownership pursuant to Section 35 (2)(a)(iii) CPL Act, for the purpose of roading.
4. **Seeks** to have public walking access provided from the Lilybank Road to the southern end of CA3.
5. **Seeks** to have styles or gates erected in any fences which are across the margins of waterways with an average width of 3m or more, to facilitate enjoyment of and public access to conservation land on the Two Thumb Range.

Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Mt Gerald pastoral lease.

We request timely advice as to how all the points we have raised have been analysed and what amendments, if any, are subsequently proposed to the Preliminary Proposal designations.

Yours sincerely



Mark Neeson
Chief Executive

From: Alpine Recreation [<mailto:climb@alpinerecreation.com>]
Sent: Monday, 25 March 2013 3:09 p.m.
To: pastoral & tenure review
Subject: Mt Gerald Tenure Review Submission

Attention: Bob Webster

Dear Bob,

Thank you for sending me a copy of the Mt Gerald Tenure Review preliminary proposal.

In general we support the proposal, especially for the CA1 area to enable more direct access to Rex Simpson Hut, on the Conservation land directly above. CA1 also connects well with the adjacent land to the south, which was retired from Richmond Station's pastoral lease. This will hopefully overcome the problem of straying cattle, which from time to time trample over the existing fence on the southern side of CA1 and continue to graze the conservation land on the southern side of CA1.

With regard to public access easements we would like to suggest that consideration be given to providing public foot and mountain bike access along the south-eastern bank of the Macauley River. It is a long walk (18km?) up the Macauley riverbed to Macauley Hut and for those who do not use 4WD, it would provide environmentally friendly access, with minimal impact, if recreationalists could bike up the 4WD track on this side of the river (from b-d marked on the map up to the point marked X on the map. Mountain biking is increasing in popularity from year to year and it is important that allowance be made not just for walking access, but also for cycling. (The 4WD track up the Macauley often gets washed out and would be a very bumpy ride for a mountain biker.) I'm proposing this in the interests of general public access for recreationalists, not for any business opportunity for our company.

Please keep us informed as this proposal progresses.

Many thanks and kind regards,
Anne

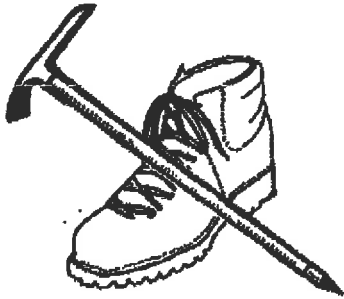


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Christchurch Tramping Club Inc.

FORMED 1932

Affiliated to: FEDERATED MOUNTAIN CLUBS OF N.Z. INC.

PLEASE ADDRESS ALL CORRESPONDENCE TO THE HON. SECRETARY P O BOX 627, CHRISTCHURCH

Email SECRETARY@CTC.ORG.NZ WEB WWW.CTC.ORG.NZ



20 March 2013

Commissioner of Crown Lands
Land Information New Zealand
CBRE House, 112 Tuam St
Private Bag 4721
Christchurch 8140

Dear Sir/Madam

Mt Gerald Tenure Review January 2013

I have considered the proposed designations from a recreational user perspective. The Christchurch Tramping Club utilises the designated areas for tramping, mountain climbing and ski touring activities.

Area CA2 provides tramping access to the North East Gorge Stream and Two Thumb Stream areas and to peaks such as Captains Peak and Mt Toby. We support open recreational access through this block. From untrained observation the tussockland health in this area is excellent compared to other areas in the 2 Thumb Range, we support the conservation-based rationale for preserving this area.

Access Route D-E opens up access to the public lands above the proposed freehold area without the comparatively less attractive riverbed walk in the Macaulay River bed. This access also opens up potential for loop trips from either the North or South ends of the freehold area. This is an excellent addition to the high country access in this area. We strongly support this access route.

Area CA1 will be a useful conservation addition to the area. It adds ability to follow a more gradual traverse towards the hut than the present access. We agree that additional direct access to this area is not warranted given the close proximity of the existing access route.

Area CA3 is not an area likely to be significantly utilised by our club, however we strongly support the objectives of providing separation of farming activity from riverside margin, and preservation of wetland area.

Regards,

Pp

[Signature]
(Lili, CTC secretary)

Steve Bruerton
Christchurch Tramping Club



221096514



22 March 2013

Land Information New Zealand
CBE House, 112 Tuam St
Private Bag 4721
CHRISTCHURCH 8140

Attn: Commissioner of Crown Lands

MT GERALD - FISH AND GAME RESOURCES SUBMISSION

This property is located at the head of Lake Tekapo adjacent to the Macauley and Godley Rivers and north of the township of Tekapo.

CA1 Fish and Game support the retention of CA1 as conservation land, this area offers hunting opportunity. The application states that access is enabled from the South via an existing easement on Richmond, along the Two Thumb Range. Fish and Game seek further information on the easement on Richmond for confirmation that adequate access will be provided. Upland gamebirds including chukor are present across all of Mt Gerald.

The North East Gorge is a brown trout fishery and the Macauley River affords angling opportunity also. There is sufficient access already provided along the side the river.

There is an unsealed access road up to Ribbonwood Stream and to Mt Gerald Stream. Fish and Game seek access be provided to this road through prior arrangement with the landowner. We do not consider this needs to be a public road, however request the landowner allows access at their discretion.

Marginal strips on the Macauley River and up the North East Gorge should apply.

Fish and Game support the retention of CA2 as conservation land, there is chukar hunting in this area and as far as I am aware there is access walking up the Macauley, travelling North East from the gorge in the river bed.

Statutory managers of freshwater sports fish, game birds and their habitats

Central South Island Region

CA3 The area known as the island on the south west of the property offers excellent duck hunting and is a well utilised resource. Fish and Game support the retention of CA3 which encompasses The Island as conservation land.

The sunny faces on the north end of the property provide habitat for chukor from Stone Hut Stream to the northern boundary of the property. Chukor numbers are steadily rising in this area. Fish and Game is satisfied that the proposed access provided by a-b-c will provide sufficient access Stone Hill Stream

All other public access should be retained

If you require any further information, please do not hesitate to contact me.

Yours Sincerely

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

Devon Christensen
Resource Officer

Monday, March 25, 2013
Commissioner of Crown Lands
Crown Property & Investment
House, 112 Tuam Street
4721
CHRISTCHURCH 8140
pastoral&tenurereview@linz.govt.nz

Chris Pearson
18 Rewa St
Dunedin
CBRE
Private Bag

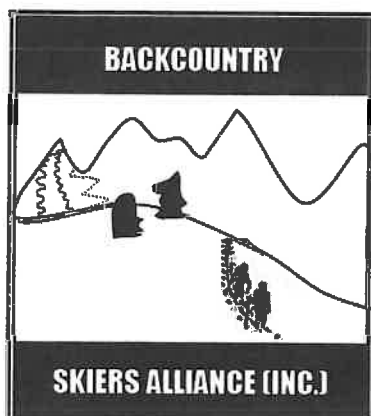
To Whom it may concern

I would like to make the following submission for Preliminary Proposal for the Tenure review of the Mt Gerald Station which is undergoing tenure review under the Crown Pastoral Land Act 1998. I think that this has a lot of commendable features and I feel that I can support it without reservation.

I feel that the area CA1 and CA2 represent a potential valuable addition to the conservation estate and when combined with adjacent conservation land will significantly increase the public's opportunities for recreation. The inclusion of a large lowland area in CA3 is a bit of a surprise but it is imaginative and could provide a new sort of recreational activity than is usually catered for in tenure reviews.

Sincerely yours,

Christopher Pearson



Backcountry Skiers Alliance
PO Box 168
Alexandra

23 March, 2013

LINZ
Private Bag 4721
Christchurch 8140

Submission on Mt Gerald Tenure Review

Thank you for the opportunity to submit on the proposed tenure review for Mt Gerald.

BSA

Backcountry Skiers Alliance (BSA) is an incorporated Society established in 1996. Our objectives are to foster non-motorised winter recreation in backcountry areas, and to promote and protect the resources upon which our member activities are based. During other times of the year our members are involved with a variety of land-based activities including mountain biking (MTB), tramping and horse trekking. BSA has submitted on a wide range of land tenure and environmental matters throughout the South Island. For many members BSA is the only outdoor organization they belong to.

Mt Gerald and Two Thumb Range

The Two Thumb Range provides ideal terrain for backcountry skiing. Our members have skied there many times over the past thirty years. Much of our skiing has been on or eastwards of the ridge crest, now already public conservation land.

The front faces to the west of the crest drop down to Mt Gerald Station. During winter this easily skiable to about the 1200m mark, and often lower after a good snowfall.

CA1

We support the addition of CA1. This adds a nice portion of western face allowing for some extra skiing footage below Rex Simpson Hut when conditions allow. In summer (and winter) CA1 gives more freedom and a better line for access to the hut or upper Camp Stream.

Except for those used for Alpine Recreation business, snow mobiles must be excluded from using CA1.

CA2

We support the addition of CA2. This nicely fills-in the gap at the North East Gorge Stream confluence with the Macaulay, and joins together the two major conservation areas (Godley - Macaulay and Two Thumb). Important native vegetation values are recognised and protected.

CA3

We support the creation of CA3 to ensure the protection of important habitat for wetland birdlife. We recommend adequate informational signage for the wetland, and perhaps in future a short walkway could be created. It might be wise to allow for this now and plan public access and parking at a suitable point along the Lilybank Road (near the airstrip for example, but a better location may exist).

We also hope that the public can be educated sufficiently to be discouraged from driving vehicles along the legal road through the wetland area on the western side of The Island.

Access

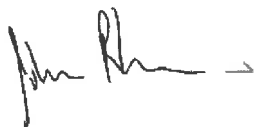
We support the proposed access provisions. We would however like to reinforce the importance of making foot and bicycle access a practical and pleasant experience. Wherever possible please try to use existing farm tracks and avoid routing public access through unrideable terrain.

Thus in the "b-d-e" easement care and effort should be taken to make this rideable (to the start of the 4wd farm track) for an intermediate mountain biker. This would then make it pleasant on foot too. Excluding stock (especially cattle) will prolong the life of any purpose-built foot track.

Public access must be unrestricted year-round.

Signage at the car park should explicitly exclude snow mobiles from using "b-d-e". Simply stating "non-motorised is no-longer adequate.

Yours Sincerely



John Robinson
Secretary, BSA



New Zealand Historic Places Trust Pouhere Taonga

Submission on the Preliminary Proposal for Pastoral Lease Tenure Review, Crown Land Disposal Advice

Pastoral lease name: Mt Gerald
Lease Number: PT 010

26 March 2013

Legal description: Sections 6, 7, 8 and 9 Survey Office Plan 17867 situated in Blocks III, IV, VI, VII, VIII, X, XI and XII Tekapo North Survey District and Block XVI Godley Survey District.

NZAA archaeological site numbers: I36/1, 2, 3, 4 and 5
Our Reference: File No. 22015-001, CLDA2013-001

Submission of New Zealand Historic Places Trust Pouhere Taonga on the preliminary proposal for Mt Gerald pastoral lease tenure review

1. New Zealand Historic Places Trust Pouhere Taonga (the submitter) is an autonomous Crown Entity with responsibilities under the Historic Places Act 1993 and the Crown Land Disposal process¹ to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand.
2. The submitter **supports in principal** the Mt Gerald preliminary proposal (the proposal) publically notified on 26 January 2013; however the proposal **does not contain sufficient information** to ensure that significant heritage values have been identified and appropriate heritage protection measures have been considered.²
3. This submission relates to historic resources within the land under proposal.
4. The proposal relates to part of the iconic New Zealand pastoral lease landscape surrounding the Mt Gerald high country station which was first taken up for grazing in 1858 and has complex historical, cultural and archaeological values relating to Maori history, early European settlement, agricultural practices and the endurance of New Zealanders through hardships.
5. The proposal has the potential to affect the wider historic pastoral lease landscape and a number of recorded and unrecorded archaeological sites within the land.
6. The submitter notes that information gathered in 2006 to accompany the proposal states that *no significant historic resources are known from the property*.³
7. However a 2008 report explains that recorded archaeological sites are of significance *because of their association with the history of both Mt Gerald and Richmond Stations and because, compared with other pastoral sites recorded during tenure review work in Canterbury and*

¹ see Cabinet requirements: CAB min (07) 31/1a, DOM (11) 28, CAB Min (09) 35/4

² see *Policy for Government departments' management of historic heritage* 2004 Ministry for Culture and Heritage

³ Department of Conservation 2006 *Mt Gerald Pastoral Lease Conservation Resources Report*, p 33

Marlborough, a relatively good amount of information is known about the history of the sites, and about the history of the station involved.⁴

8. The historic resources report surveyed the part of the proposed freehold land identified for crown disposal in 2008. Subsequently the boundaries of the freehold land now also include an area, bounded approximately by Second Waterfall Creek in the north and Mount Gerald Creek in the south and approximately 1 – 2.5 kilometres wide (Part Section 6 SO17867), which was not subject to archaeological survey.
9. We recommend that **an updated historic resources report is completed** by a professional archaeologist to include an archaeological assessment and survey of the area which has not been surveyed and is proposed as freehold land.
10. NZHPT would like to reconsider appropriate heritage protection measures when an updated historic resources report is submitted.
11. To ensure appropriate protection of the archaeological sites identified thus far within the land under proposal, we recommend that a **condition be added to the Final Plan to ensure that current and future owners are made aware of recorded and potential archaeological sites** on this land and their responsibilities under the Historic Places Act 1993. NZHPT is available to discuss the appropriate placement of such as condition and can provide advice on the wording of conditions relating to historic resources.⁵
12. The NZHPT supports the tenure review process and welcomes the opportunity to discuss how we may proactively coordinate with Land Information New Zealand to provide expert heritage advice prior to the preliminary proposal stage⁶ so as not to delay land disposal where significant heritage values are identified and protection measures recommended.
13. NZHPT strongly supports your ongoing practice to undertake consultation with Te Runanga o Ngai Tahu to identify Maori cultural and heritage values within pastoral leases subject to tenure review.

Thank you for the opportunity to comment on the Mt Gerald pastoral lease preliminary proposal for tenure review.



Rob Hall
General Manager Southern
NZHPT, PO Box 4403, Christchurch Mail Centre 8140

Copy Historic and Cultural Heritage Team, Department of Conservation
 Bob Webster, Tenure Review Consultant, OPUS

⁴ Watson, K. 2008 Historic Resources on the Mt Gerald Pastoral Lease. Unpublished report for the Department of Conservation

⁵ Please refer to the advisory note regarding archaeological sites which forms part of this submission, p 3

⁶ Please note that in our recent experience Historic Resource Reports have been absent from information gathered prior to or during preliminary proposal e.g. Erewhon, Irishman Creek, Omahau and Island Hills; Middle Hill and Manuka Point were exceptions where Historic Resources Reports were supplied at the Preliminary Proposal stage

Advisory Note:

Archaeological Sites and the Historic Places Act 1993

The Historic Places Act 1993 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. Under section 2 of the Historic Places Act 1993, an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand.

Section 10 of the Historic Places Act 1993 directs that an authority is required from the New Zealand Historic Places Trust if there is 'reasonable cause' to suspect an archaeological site (recorded or unrecorded), may be modified, damaged or destroyed in the course of any activity. An authority is required for such work whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted.

If any activity associated with the above proposal, (such as earthworks, restoration, roading, fencing or landscaping), is likely to modify, damage or destroy an archaeological site, an authority from the NZHPT must be obtained for the work to proceed lawfully.

If an owner or potential owner requires further information about their obligations under the Historic Places Act contact: Frank van der Heijden, phone 027 688 9741 or email archaeologistcw@historic.org.nz

Tony Hood
2509 Papatowai Highway
RD 2 Owaka 9586

tonyhood@xtra.co.nz
0272296569

Ref: mtgeraldtenurereview0313

19 March 2013

Commissioner of Crown Lands
Land Information New Zealand
Crown Property & Investment
CBRE House 112 Tuam Street
Private Bag 4721
CHRISTCHURCH 8140

Dear Sir,

Mt Gerald Tenure Review Submission

I write in response to the public notification of the Tenure Review proposal for Mt Gerald.

I have had a long involvement with this property, first as an employee of Land Corp in the late 1980's and early 1990's and subsequently as a private registered valuer acting for the property owners up to recently when I retired from the Valuing profession. My submission is made completely independent of the owners in this instance.

Over my 30 plus year valuation career I have done considerable high country work throughout Canterbury and North Otago, acting for both the Crown (land manager, setting Crown rentals and also acting for Opus Consultants as a contract valuer in the early days of Tenure Review) and Lessees (Mortgage Valuations etc). Also I have spent and still do spend considerable time in the high country fishing and hunting (both on Crown estate and on Pastoral Leasehold).

This submission is my first on Tenure Review and it is aimed at the management of the Pastoral Leasehold situation generally and Mt Gerald specifically as an example.

Mt Gerald

The proposal follows an earlier series of Run plans that saw 11,814 hectares removed from the lease in the 1980's with 5483 hectares going initially to POL with grazing rights for 5 years and the balance 6331 hectares going to the Crown directly. It is my understanding that included in the POL area was a large area of class V11 land still suitable for grazing but where the retirement fences' practical location severed such. The owners at that time farmed the property extremely conservatively running a merino wether flock only. Pasture development was understood to be limited by the financial resources available. The land retirement and subsequent surrender was compensated by way of off site development providing some small area of paddock development and associated fencing together with some shelter belt planting.

Under the subsequent (being the current) ownership, development of the class V1 country has been extensive with stock numbers now approaching 16,000 (Mt Gerald and Richmond together as one property following Tenure Review of Richmond and acquisition).

The proposal wishes to see 3 further areas returned to Crown ownership:

CA1: 502 ha at the South eastern end of the property being higher altitude native grazing for vegetation reasons.

CA2: 499 ha at the western end of the property being unimproved and incised topography for insect and wild life reasons.

CA3: 756 ha on the Godley river flats for public access, scenic, fishing, vegetation and wildlife reasons.

The affect of the removal of this land from the property (lost grazing) will be a direct reduction in stock carrying capacity by somewhere in the region of 2500 to 3000 su. In addition there will likely, be a loss of complimentary effect to the cattle carrying capacity of the balance property as well (for the CA3 area given its importance).

Given my experience of previous surrenders under both Run Plan and Tenure Review, I am not convinced that a change of tenure, and a return to full Crown management, is always the best outcome.

Increased public access typically sees abuse by 2 wheeled motorcycles and sometimes 4wd drive vehicles, associated noise issues caused to the passive users by the above and often a total diminishment in the recreation resource (trout and game animals). A good recent example of the latter has occurred in The Rangitata Gorge (Mt Peel/Waikari Hills Station) where under Pastoral Tenure there was a good hunting resource of Tahr available, until Tenure Review, 3 years or so ago and where now this resource is basically gone due to excessive hunting pressure. With respect to noise and weeds, a good example is at Lake Emma (Ashburton Lakes) where public access and fencing of the lake margin from Mt Possession Station several years ago has resulted in significant intrusion by 2 wheel motorbikes which are at odds with the Lakes otherwise dominant use by fisherman and duck shooters and with respect to weeds, where since it was fenced off broom has now become a major problem. Prior to fencing there was no noticeable broom infestation at all (with sheep grazing having kept this weed at bay). DOC management of this problem has been poor with this scenario having been commonplace. I believe that unfortunately the issue of weeds (which includes wilding trees) and their management on DOC controlled Crown land, acquired through Tenure Review will become of greater concern over time (the problem tends to be a geometric progression in terms of spread without very early and constant control). While it is recognized that there are weed issues also poorly managed on private land and leasehold land, typically where these properties are reasonably clear of weeds they are maintained in such a manner. My experience is that DOC controlled ex pastoral land sees intermittent control at best.

The values being claimed to be under threat due to pastoral activity, typically have survived 150 years of pastoral use and in some cases have thrived. DOC intervention to date I believe hasn't been hugely successful in regard to any threatened species that I am aware.

Options other than surrender of Pastoral Lease to the Crown in exchange for Freehold to the balance.

Firstly I am not convinced that Pastoral Leasehold tenure should be totally done away with. Given an equitable rental setting procedure (that appears to be likely under the new methodology) that recognizes the leasees rights and leaves the property a viable farming proposition, I see no reason why some of the less developed properties can not remain being farmed as leasehold. Wildlife or other non farming values can and will likely as not remain unaffected in the main. Should there be some direct reason to protect a value considered threatened, I believe negotiation of an improved management option could succeed in many instances, rather than the Crown take full ownership and management at considerable cost to the tax payer. This has been well

evidenced in the past where property owners have gone the way of the QE Trust rather than allow DOC to have control.

Sensible options for exercising management of an identified value could be:

- : agreed stock limits (some fencing may be required)
- : timing of grazing
- : agreement over new or continued pasture development/management (to apply fertiliser or re-grass both on wetland areas and or unimproved class V11 country etc)

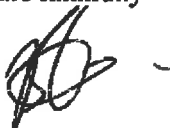
Tenure Review with freeholding may still be desirable to both parties on many properties, but there is no reason why the above options could not be applied to land that transfers to DOC, so allowing some continued grazing as well as improving the outcome for the identified conservation values. In fact allowing continued grazing in some form, may be the difference to ongoing viability for some properties, which may see them stay in the tenure program rather than withdraw.

The above options would provide potentially a significant income stream to DOC for grazing that takes place (a per headage fee could be charged). But best of all, would be an on-ground presence, in respect of weed control (where a condition of grazing is that the farmer be responsible for weed control) and supervision of public usage.

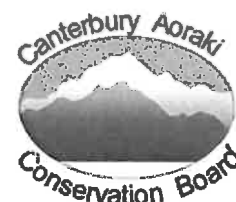
Specifically in regard to Mt Gerald I believe there exists the potential to explore some of the above options rather than see the three areas be totally removed from grazing, requiring considerable fencing and associated cost.

I am unaware of the financial implications to the Crown, regards Tenure Review for Mt Gerald but I am sure that given the removal of grazing on area CA3, the cost will be substantial with respect to the lessee in terms of a direct reduction in cattle stock units and the complimentary affect that this area provides to the balance of the property regards grazing (which may cause a further indirect loss of carrying capacity).

Yours faithfully



Tony B Hood



26 March 2013

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Dear Commissioner

Mt Gerald Pastoral Lease: Tenure Review, Preliminary Proposal

The Canterbury-Aoraki Conservation Board has considered the Preliminary Proposal for Mt Gerald, and welcomes the opportunity to provide comment and support. The Board appreciates all the work that has gone into the process from all parties to-date, and in particular is appreciative of the opportunity to view the property.

The Mt Gerald pastoral lease currently comprises 6,203 ha., and the Preliminary Proposal envisages that 4,446 ha. become freehold, while 1,757 ha. remain as Crown lands (to be classified as Conservation Area) in three geographically distinct parcels (CA1–3).

The current Richmond/Mt Gerald pastoral operation is already far removed from the traditional high country run dominated by unimproved and semi-improved tussock grassland; it is a farm with a very significant proportion of intensively developed and managed, established grass/legume pastures (Ryegrass, tall fescue, white clover), excellent lucerne stands, impressive crops of oats, and extensive areas of oversown and topdressed slopes above. It represents a progressive, well-managed livestock operation that has readily adopted new and improved technologies, products and systems. It can be expected that as a freehold operation acceleration of development will occur, including expansion of lucerne and improved pasture areas, and prescribed fertilizer programmes. The Board's overall impression is that Mt Gerald is a well-managed property, and the transfer of the improved, lower-lying land to freehold is supported.

Also, the proposal is a considered one in terms of the conservation areas CA1, CA2 and CA3. In particular, the Board commends the proposed protection of CA2 (The Island, 756 ha), which has considerable ecological value in terms of its wetland birdlife, invertebrates, native fish and vegetation; it is rare to see preservation of a large low-lying area such as this that has retained significant ecological value. The other proposed conservation areas are good, though the Board notes that there is no ecological or conservation reason why they should be delineated by straight lines across the altitudinal range, given that there is little distinction between, for example, CA1 (502 ha.) and the intervening slopes and valleys between it and CA2 (499 ha.).

Although there are good conservation values protected in the proposal, there are important values in the property that are not explicitly considered, and the Board believes that a significantly improved outcome can be achieved that meets the needs of all parties.

An important part of the assessment of values for this property lies in its location against the central Southern Alps. In particular, it is situated between the Two Thumb Range and the Macaulay River at the head of the Tekapo valley, and is bounded to the north and east by mountainous conservation land. As such, the property is a crucial part of a landscape that has significant inherent value—it is a visually dramatic part of the iconic Mackenzie Country, and is a key gateway to the Southern Alps through the Tekapo valley system. In addition, a striking feature of the property is the area above an altitude of 900–1,000m, where prominent glacial lateral moraines are perched above the valley and rise to meet the Southern Alps. Any potential decay in these values is absolutely to be avoided.

In addition to these landscape values, the area above about 900–1,000 m contains excellent conservation values that the Board would be reluctant to see surrendered to lie under freehold status. Some of these values are protected in CA1 and CA2, but this ignores other values in this part of the land proposed for freehold. For example, several streams in the proposed freehold area (including Ribbonwood Stream and Stone Hut Stream) have good riparian Ribbonwood and extensive mature indigenous shrubland that would be of value to safeguard.

One factor that also impacts on values assessment, is the fact that the Mt Gerald lease was previously combined with the Richmond lease; hence the straight-line boundary between the two properties. Therefore, many of the values that dictated the outcome of the Richmond pastoral review apply to the Mt Gerald area. In particular, the Board notes that in the substantive proposal for Richmond all the upper valley wall, incorporating an area of lateral moraines, is designated as conservation area. This contrasts with the Mt Gerald proposal, where the bulk of the equivalent land is proposed for freehold, despite being more visually dramatic.

Thus, in considering both the landscape and ecological values, the Board believes that the area above 900–1,000 m asl should remain as Crown land and be incorporated into the adjacent Conservation Area. This action will ensure that the landscape values are kept for future generations, and assist in the conservation of reproducing species of plants, invertebrates and reptiles that are in decline but are present on the property. It is axiomatic that land status should reflect the dominant drivers of land management and use, and in this case the dominant driver is conservation—already the unimproved slopes above 900m asl constitute “summer country” that is not used year-round, nor is it essential for a sustainable and profitable livestock operation, and so the land should remain in crown ownership (as conservation land).

A specific concern is that if this higher altitude land was to become freehold, then in the future the land may be developed in some manner (e.g., by tree planting, oversowing the land etc.), which will see degradation of the significant values embodied in the land. This is not a comment on the current owner or practice, but merely reflects economic reality and incentives.

The Board recognises that operationally this land has been grazed for portions of the year for many years, so if the high-altitude portion of the lease remains as Crown (Conservation) Land, then it might be appropriate to grant a short-term (e.g., 5-year) grazing permit over it prior to exclusion of all livestock, in order to make a smooth transition to the new land status, and to allow the farm to create new practices that increase the value of the freehold property without any reliance on the high-altitude land. Tomorrow’s operation on the lower-lying land can be expected to be significantly more productive and flexible, with improved feed quality and security for livestock.

Summary and recommendations:

The Board supports the creation of Conservation Area designated CA3, and strongly recommends that the possibility of creating a single conservation area for the land above the 900–1,000m asl contour right across the property, making CA1 and CA2 part of a coherent unit. This would result in

the protection of highly significant values, so the issues should be examined rigorously to see that the recommendation can be adopted. In developing a Substantive Proposal the parties are encouraged to explore win/win options that ultimately would benefit both the freeholder and conservation/recreation interests.

The Board appreciates the leaseholder's progressive approach to ensuring a high level of livestock feed security and performance, and recommends accessing Professor Derek Moot's (Lincoln University) expertise to enhance optimal decision making on the establishment and management of lucerne and its optimal integration into the whole-farm-system.

The Board suggests that in the future the freeholder consider working with the Department of Conservation to retain the landscape and ecological values of the land while developing recreational opportunities, including the potential for being a gateway to the upper reaches of the Two Thumb Range and Southern Alps.

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Canterbury-Aoraki Conservation Board

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