

## **Crown Pastoral Land Tenure Review**

**Lease name : GLENCOE – EAST  
OTAGO**

**Lease number : PO 366**

### **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.

# Submission 1

Mt Stalker Limited  
1045 Tullimet Road  
RD 80  
OAMARU 9495

10 February 2015

The Manager  
Land Information New Zealand  
PO Box 4721  
CHRISTCHURCH 8140



Dear Sir

**RE: Submission in Respect to the Tenure Review Proposal for Glencoe Pastoral Lease PO366**

This submission is made by Hamish Hudson Paterson on behalf of myself and Mt Stalker Limited and Mt Stalker Pastoral, both companies in which I am a Director and a Shareholder.

### **Background**

Mt Stalker is the immediate neighbour to the north of Glencoe with the Wainakarua River North Branch constituting the effective boundary between the two properties. Essentially the northern boundary of Glencoe is the southern boundary of Mt Stalker.

The part of Mt Stalker immediately across from Glencoe is freehold with a Conservation covenant under which the area is protected and not farmed.

### **My Concerns**

I have considerable concerns that the tenure review provision will, if the area indicated to remain as Crown land is not suitably controlled, create difficulties for Mt Stalker and in particular the covenanted area.

Under the proposal the area of Glencoe which will remain as Crown land constitutes probably three-quarters of that along the current river boundary. There appears to be no proposed limits or restrictions on the public use of that area and since there is no effective boundary between Mt Stalker and Glencoe what happens on that area will inevitably cross the river and affect Mt Stalker.

The river does not constitute an effective barrier to prevent crossing by people, dogs or for that matter, stock and there is no fencing along the river.

In practical terms putting an effective fence along the river would be prohibitively expensive and given the nature of the country through which most of it will have to pass largely impractical.

My principal concern is the entry of hunters on to the Glencoe Crown land area. There is nothing to stop them crossing the river whether accidentally or intentionally effectively hunting the covenanted area of Mt Stalker. Dogs will be taken into the area and would

inevitably occasionally become lost with a very real probability that they will proceed on to the Mt Stalker side into and through the covenanted area interfering with our farming operations and practice on Mt Stalker and potentially posing a not inconsiderable danger.

**What Should be Done**

I do not believe it will be realistically practical to control hunters on the Crown area of Glencoe. Whilst in respect to the freehold area the same considerations apply I will at least be able to call the landowner and obtain an immediate response but given the distance from which the Department's people will necessarily have to travel, if and when they might be available, the same response is extremely unlikely to be available.

The boundary between Mt Stalker and the Glencoe Crown land is not readily accessible from the Mt Stalker side by vehicles and takes about two hours walk to reach. Therefore even from my side immediate action is not realistically possible.

I believe this serious risk can only be alleviated by banning hunters from the Glencoe Crown land area. I have no problems or difficulties with trampers, sightseers or suchlike as they will not impose the same level of risk even if they do choose to cross the river. Hunters however impose a much greater and I believe an unacceptable level of risk.

Apart from the hunters themselves and the dog which they will inevitably bring on to the property there is the question of shooting across the river and the risk that could impose to anybody on the Mt Stalker Conservation area. It is likely from time to time to have people in the area for various reasons and hunters straying across the river or even shooting into the Mt Stalker Conservation covenant area will impose an unacceptable level of risk.

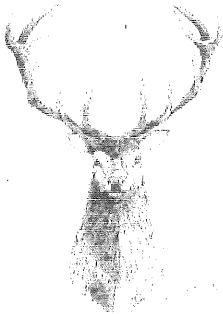
Accordingly I request that consideration be given to placing on the Glencoe Crown land area under the tenure review provision a ban on hunting and the bringing on to that area of hunting dogs.

Yours faithfully



HH Paterson

## **Submission 2**



## New Zealand Deerstalkers' Association

Incorporated

North Otago Branch, 67 Wansbeck St,  
OAMARU.

26 February 2015.

LINZ Pastoral Team,

Land Information New Zealand

Crown Property

Private Bag 4721

Christchurch 8140

### re: Tenure Review Glencoe (East Otago)

North Otago Branch of New Zealand Deerstalkers Association wish to support the above tenure review as per the "Summary of Preliminary Proposal" document.

We encourage the implementation, especially, of 3.4 Object 24(c) (i) regarding the securing of public access to and enjoyment of renewable land. Please note that Deerstalkers support access to available land, bush & generally outdoor environment, not only for the purpose of gaining access to animals.

Yours sincerely,

Robyn Bradley

Branch Secretary



## **Submission 3**





**2. Protection of the Red Hut Site in Covenant CC3**

Heritage New Zealand recommends that Covenant CC3 include protection of the Red Hut Site (I42/141) as part of the conditions. The age of the hut has been difficult to determine and it appears the original smaller structure was added to at a later stage. There appears to be a mix of nineteenth and twentieth century materials. Such small and isolated musterer buildings have become increasingly uncommon on Otago pastoral leases and often only a few exist per mountain range. Retention of the structure would ensure this build heritage aspect of the lease is preserved and continues to be used in its current form.

**3. Further physical assessment recommended**

Heritage New Zealand recommends that two locations are checked for early pastoral huts. An 1861 survey plan (SO 1349) appears to show a hut just north of Table Hill trig X. If this is a hut, it is very early and any remains would be significant for the history of the lease. An 1882 survey plan (SO 1842) shows the Wild Run Hut. Modern topographic maps indicate this site may be on the lease. Heritage New Zealand recommends these sites are physically surveyed.

**4. The protection of archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014 and the management of archaeological/heritage sites**

Archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act 2014. As archaeological sites are located on the land proposed for disposal to the lessee, it is important to advise that any activity by the owner of the land that may modify, damage or destroy and archaeological site(s), would require an authority (consent) from the Heritage New Zealand prior to any works being undertaken. Work affecting archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014.

**5. Management of heritage values on Gelncoe PL**

It is important to note that the 2014 Act is a protective tool and not a management tool to ensure long term survival of an archaeological site. Heritage values need to be formally managed. As significant faunal and floral values on a pastoral lease require direct management through Landscape Covenants etc., historic resources also require direct management. Archaeological recording does not protect sites from the same kinds of damage that occur to floral and faunal values, including the activities of cattle, exotic vegetation encroachment or damage by introduced pests such a rabbits and possums. Further, any hut sites on the property where cattle are to be grazed (either on land to be restored to the Crown or that disposed of by freehold) require simple fencing to ensure damage to these structures is minimised in the long term. Such fencing only requires the use of warratahs and barbed wire. An example of this simple site management method is enclosed which has been used successfully on the Matakanui Pastoral lease near Bendigo. This fencing should be undertaken as a condition of the final Tenure Review outcome. Also, the condition of any historic standing structures could be assessed and priority repairs undertaken.

Thank you for the opportunity to comment on the Glencoe Pastoral Lease tenure review proposal. Please let us know if you have any queries with respect to the above.

Yours sincerely

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

Jonathan Howard  
Area Manager (Otago/Southland)

## **Submission 4**



# OTAGO CONSERVATION BOARD

## Poari Papa Atawhai – ā-rohe ki Ōtāgo

Box 5244, Dunedin 9058 Tel: (03) 474 6944 Email: [ahooper@doc.govt.nz](mailto:ahooper@doc.govt.nz)

Our ref: SBC-08-34  
1569338

5 March 2015

LINZ – Crown Property and Investment  
Private Bag 4721  
CHRISTCHURCH 8140

(via email to: [pastoral&tenurereview@linz.govt.nz](mailto:pastoral&tenurereview@linz.govt.nz) )

Dear Sirs

### **Review under Part 2 Crown Pastoral Land Act: Glencoe Station**

The Otago Conservation Board ("the Board") is appointed by the Minister of Conservation to represent the wider Otago community in advocating for the protection of biodiversity, recreational opportunities and the conservation of natural and historic resources throughout Otago. The Board takes a strong interest in tenure review and makes submissions on all proposals in Otago.

The Board has carefully considered the Preliminary Proposal for the Glencoe Station tenure review.

The Board considers that the proposal has correctly identified the desirability of protecting the 330 hectares proposed for Crown Ownership, and agrees that, whilst the species identified are not particularly rare, they are generally under-protected.

The Board also accepts the proposed covenant protection intended for the two smaller wetland areas, and believes the proposal should achieve a good balance between conservation, recreation and farming.

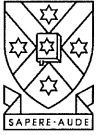
For these reasons, the Board supports the adoption of the Preliminary Proposal for the tenure review of Glencoe Station.

Yours faithfully

Pat Garden  
**Chairperson**



## **Submission 5**



*Department of Botany*

*Division of Sciences*  
PO Box 56, Dunedin  
NEW ZEALAND

University of Otago  
Te Whare Wananga o Otago

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Fax: National 03 479 7583 International 64 3 479 7583  
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March 9, 2015.

Manager,  
Land Information NZ,  
Crown Property and Investment,  
Private Bag 4721,  
CHRISTCHURCH 8140.

### SUBMISSION ON PROPOSED TENURE REVIEW: GLENCOE PASTORAL LEASE

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it based on my good knowledge of the general area, including the Waianakarua Scenic Reserve and having read the Dept of Conservation's Conservation Resources report.

I have read the Preliminary Proposal, for this medium-sized (1900 ha) property, for which the proposal is to restore some 330 ha (17%) to full Crown ownership and control, comprising one conservation area (CA1), with the remainder to be disposed of by freehold title to the current holders, subject to a qualified designation to provide for three Conservation Covenants (CC1 of ~133 ha; CC2 of ~3 ha; and CC3 of ~9 ha).

The **proposed Conservation Area (CA1)** occupies the north-aspect very steep and generally wooded faces in the NE corner of the property adjoining the North Branch of the Wainakarua River and Scenic Reserve. The vegetation comprises a mix of dry low shrublands, particularly on the rocky areas, with mixed broadleaved forest in the gullies, intermixed with kanuka-dominated woodland. The mixed shrubland is dominated by the divaricating *Corokia cotoneaster* but includes *Coprosma* spp., *Gaultheria* spp., *Hebe buchananii*, the creeping *Myrsine nummularia* and the semi-parasitic *Exocarpus bidwillii*, here close to its southern limit. The mixed broadleaved forest is, as the report describes, a mix of common broadleaf, *Griselinia littoralis*, *Sophora microphylla*, *Carpodetus*, *Aristotelia serrata*, *Hoheria angustifolia*, *Myrsine australis* and *Pittosporum tenuifolium*, with a mix of understorey shrubs: *Coprosma* spp., *Melicactus* aff. *alpinus* and *Helichrysum lanceolatum*, and the prickly shield fern, *Polystichum vestitum* common in the herb layer. The kanuka woodland has a few accompanying plants, mostly *Myrsine australis*, *Coprosma* spp., *Leptecophylla (Cyathodes) juniperina*. This is **an ecologically important mix of woody communities**, with the relatively rare and distinctive member of the sandalwood family Santalaceae, *Exocarpus bidwillii*, here at or close to its southern limit, so the **recommendation** for formal protection is **strongly supported**. As the report states, this mix of communities is "currently under-protected" and so **warrants formal protection**, including freedom from grazing stock. Hence **secure fencing** is most desirable, and the additional section, shown as 'D – E' on the map, is **strongly recommended**, and updating of any overdue maintenance on the remainder is **also recommended**. I am concerned with the reliance of topography to secure part of the boundary from domestic stock, and I **recommend appropriate monitoring** (permanent photo-points at both representative and vulnerable sites) be established and periodically monitored to ensure the security and sustainability of this important area.

Of the 1570 ha of **land proposed for freeholding**, I **support the recommendation** of the three areas recommended for appropriate protection, these being CC1, CC2 and CC3. However, there should be a **condition** to control **wilding conifers** here and also to deal with the continuing **gorse and broom infestation**.

The **proposed Conservation Covenant CC1** of ~133 ha in the lower reaches of Shepherds Creek contains mixed woody vegetation, with areas dominated by kanuka and a more diverse riparian shrubland containing *Olearia bullata*, *Hebe anomala*, and the 'declining' shrub, *Meliccytus flexuosus*. I am **concerned with the proposed grazing** for this covenant, given its importance but accept that fencing would be unduly expensive. **Appropriate monitoring**, however, **should be a condition** of the covenant as should be wilding pine control. The planting of exotic trees and the burning or spraying of the shrubland on this proposed covenant should be **prohibited as a condition of the covenant**.

The **proposed Conservation Covenant CC2**, of ~3 ha, located close to the property's southern boundary near Table Hill is a **localised wetland** dominated by copper tussock, *Chionochloa rubra* ssp. *cuprea*, with a good representative mix of scattered co-dominant shrubs and low herbs, notably the largest of the giant speargrasses, *Aciphylla scott-thomsonii*, the bog sedge *Schoenus pauciflorus* and *Oxalis magellanica*. It is proposed that this area be fenced which is **endorsed** but, in order to secure this wetland long-term, its relatively **small supplying catchment** should also be **protected**. This area **should be designated as a Conservation Area**, given its significance and the fact that it is to be securely fenced. It is also **recommended** that a **formal walking easement** be **established** over the short distance between the Covenant area CC1 (assuming it will have a walking access permitted: this is **strongly recommended** with a 'walking at will' provision).

The **proposed Conservation Covenant CC3** of ~9 ha, another wetland located to the west of Red Hut, is an area of relatively dense shrubland, containing the shrub daisy *Olearia bullata*, together with manuka, *Coprosma* spp., the ballerina sedge *Carex secta*, particularly along the creek margins. There is a mixed herbaceous ground cover here of some ecological significance: *Leptinella squalida*, *Laginifera barkeri*, *Ranunculus amphitrichus*. I am **pleased to note** that no farming operations will be permitted as a condition of this covenant and that it is to be entirely fenced (with the inclusion of a proposed fence as shown at "A-B-C" on th map. This being the case the area should be **designated** as a **Conservation Area**: this is **strongly recommended**. It is also **recommended** that a **formal walking easement** to this area be **established** over the short distance to the adjacent access easements 'b - c' and 'b - d'.

The **Qualified Designation; formal easements** for public foot, horse and motorised and non-motorised vehicle access as well as for conservation management purposes, is endorsed as shown along the ridge through the property, **designated 'a-b-c' and 'b-d-e-f'**, assuming the few minor deviations from the legal road line will be corrected in association with this tenure review exercise. I note that the report states "the **holder has agreed** that the formed track from the woolshed to point 'a' should be taken as the legal alignment, which is **endorsed**. The **recommended** provision of a **Car Park** on the property boundary at point 'c' on the Map, is also **endorsed**.

I trust that this response and its recommendations will be given serious consideration. I also thank you again for the opportunity to assess and comment on this important proposal for tenure review.

Yours sincerely,

Alan F. Mark. FRSNZ KNZM. Emeritus Professor.

## **Submission 6**





Dunedin Branch  
PO Box 5793  
Dunedin 9058

6.3.15

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

Dear Sir,

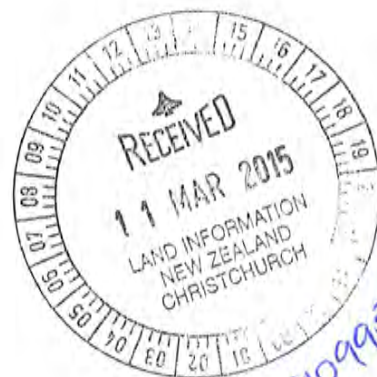
I enclose these submissions on the preliminary proposal for Glencoe Pastoral Lease on behalf of the Dunedin Branch of Forest and Bird.

Thankyou for the opportunity to make submissions on this proposal and for arranging permission for us to inspect the lease.

Yours sincerely

Janet Ledingham  
For the Management Committee of the Dunedin Branch, Forest and Bird Protection Society

Email [jledingham@xtra.co.nz](mailto:jledingham@xtra.co.nz)  
622 Highgate, Maori Hill, Dunedin 9010.  
Phone 03 467 2960



61099536

## **Submission on the Preliminary Proposal for Glencoe Pastoral Lease**

### **On behalf of the Dunedin Branch Forest and Bird Management Committee.**

This submission is written on behalf of the Dunedin Branch of the Forest and Bird Protection Society which has approximately 1000 members, many with strong interests in the High Country values and recreational opportunities as well as in botany and natural history in general. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

The submission is written with reference to the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the government objectives for the South Island high country, especially the following:-

- *to promote the management of the Crown's high country in a way that is ecologically sustainable.*
- *to protect significant inherent values of reviewable land by the creation of protective measures; or preferably by restoration of the land concerned to full Crown ownership and control.*
- *to secure public access to and enjoyment of high country land.*
- *to ensure that conservation outcomes for the high country are consistent with the NZ Biodiversity Strategy to progressively establish a network of high country parks and reserves.*

This submission is made on the basis of an inspection trip in 2009 and a more recent trip in early February 2015. We also have consulted the Conservation Resources Reports (CRR) from both 1998 and 2010.

#### **Introduction**

Glencoe is a narrow lease of 1900 hectares at the eastern end of the Kakanui Range pretty much in the centre of the Waianakarua Ecological District. It lies between the North Branch of the Waianakarua River to the North and the Waianakarua Scenic Reserve to the South. It takes in the summit of Mt Miserable at the Western boundary and extends beyond the summit down to the River. There is a hut on the lease, Red Hut, which appears to be used by hunters and others. A legal road, in good condition for both 2 and 4WD vehicles as far as Red Hut, extends beyond the Hut to the top of Mt Miserable at 884m, but 4WD is required beyond Red Hut.

The 'plateau' area of the lease from the entrance on Breakneck Road almost to Red Hut and above Shepherds Creek on Table Hill has been intensively farmed and cultivated and retains little in the way of significant inherent values apart from the shrubland incursions on to the plateau.

The twisting North Branch of the Waianakarua River has a marginal strip bounding the lease. Across the river on Mt Stalker is an area of shrubland and forest protected by a Reserves Act Conservation Covenant. There are also large areas of native forest and shrubland on the Glencoe side of the river which extend up to the plateau close to the road in some places. There are shrublands, mainly manuka and kanuka, in the Shepherds Creek Valley, some extending up to Table Hill but they have been invaded in places, especially higher up the Creek, by patches of plantation conifers and gorse and broom

#### **The proposal:**

##### **CA1 Land to be restored to full Crown ownership and control as a Conservation Area of approximately 330 ha.**

CA1 runs from the northern boundary, i.e. the North Branch of the Waianakarua River up the steep slopes to the edge of the cultivated land. It is well described in the proposal and in the 2009 CRR and consists of a number of woody vegetation communities including low shrublands associated with cliffs and rocky colluvium, broadleaf forest in gullies and kanuka dominated low forest with *Coprosma* spp, *Leptecophylla juniperina* and *Myrsine australis*. As a type of community with significant inherent values (SIVs) and which is currently underprotected CA1 certainly warrants protection to preserve the biodiversity within it.

We note the provision for a new fence on the western side but from what we could see parts of the eastern side of CA1 are unfenced which is surely not desirable. There was evidence that stock had been into the margins of the proposed CA1. We submit that adequate protection of the values requires an adequate fence along the margins of CA1 from Little Table Hill to the point where it comes up to the road.

**We fully support the intent to create CA1 to protect the SIVs and biodiversity within it but submit that there needs to be adequate fencing to exclude stock at the margin of the vegetation from Little Table Hill to the point where it comes up to the road .**

#### **Land to be freeholded**

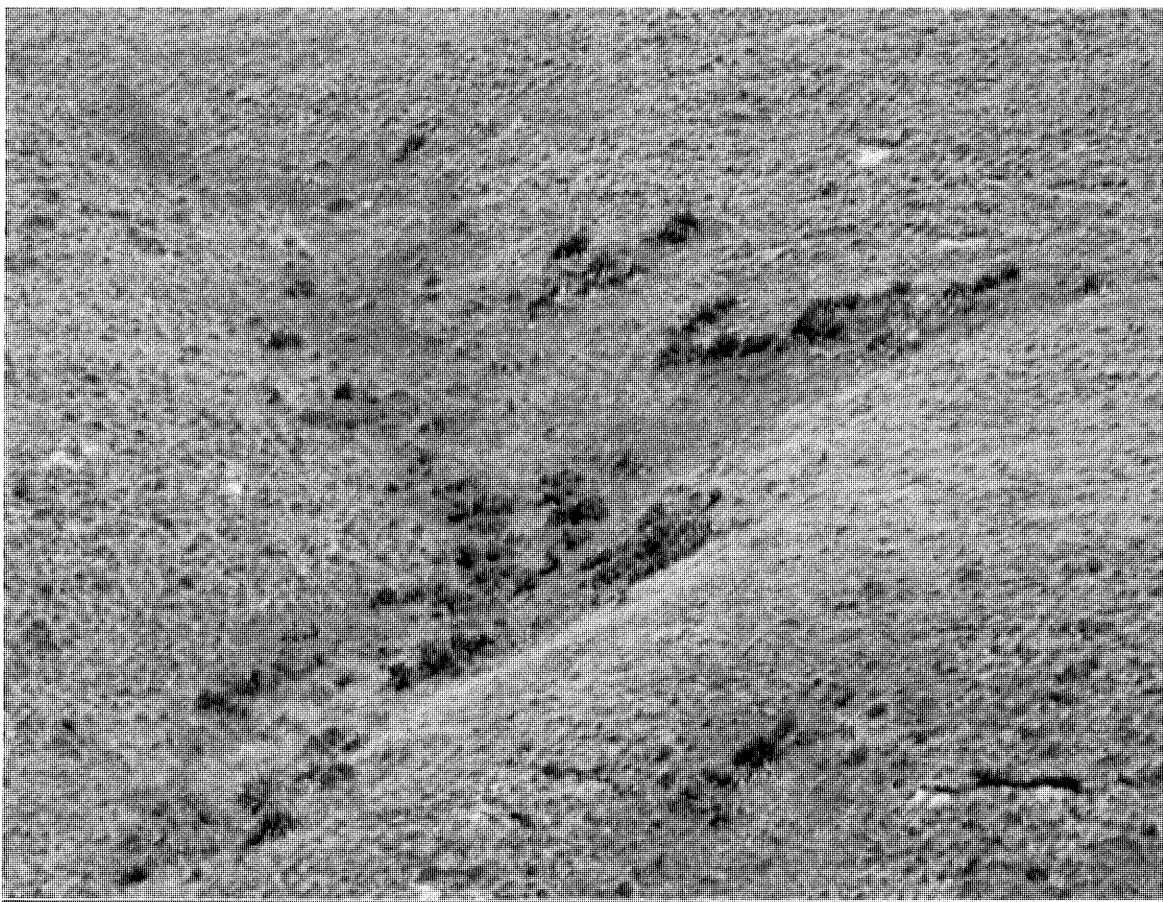
**Approximately 1570 ha to be disposed of on freehold title subject to protective mechanisms and a qualified designation pursuant to Section 35(3) Crown Pastoral Land Act 1998**

As stated in the proposal: "This land comprises all the balance of the land within the lease and includes the cultivated paddocks of about 500 ha of very good pasture, approximately 1,000 ha of oversown tussock with the balance of about 70 ha of undeveloped in native bush and scrub". It is also stated that the majority of the land has been farmed intensively over many years.

We note that much of the LUC Class VII and VIII land has been modified from its native state and that the continuing control of exotic weeds and animal pests is required to ensure ecological sustainability. Controlling the broom by spraying will destroy the now scattered botanical values but is necessary to maintain the viability of the farming operation and SIVs elsewhere on the lease.

The land described as oversown tussock lies at an altitude of between 600-800m and the higher part of that is classified as LUC Class VII, i.e. not suitable for sustainable pastoral use. From a point on the road at about 795m looking west GR CC17 152 849 a number of flushes on the western side of the gully draining into an unnamed branch of the Waianakarua NB can be seen (Figures 1-3). If this land is to be freeholded a covenant on the land above about 700m to restrict cattle grazing and thus improve ecosystem water services by protecting the wet flushes, valley floor and the tussock from degradation by cattle grazing and pugging of the wetlands would be desirable. The Otago Regional Plan: Water, states that noticeable pugging is now a prohibited activity, and without fencing or covenants, the landholder could easily be in breach of that with cattle grazing in this area.

Otherwise we accept that the rest of the land is suitable for freeholding.



**Figure 1.** One of a number of flushes west of the track in a small valley that drains into the Waianakarua River NB



**Figure 2.** Looking north from the track showing a number of wet flush areas in the above valley.



**Figure 3.** The above valley at the point where it starts to drop down towards the river.

### **Protective Mechanism CC1**

CC1 covers an area of 133 ha in the lower reaches of Shepherds Creek. We note that the objective of the Covenant is to preserve the Values specified in Schedule 1 and regret that the covenant will not be fenced.

From Schedule 1 we note that the aim is to preserve the natural environment within this covenant. It is stated that the kanuka forest has a sparse understorey comprising *Coprosma rhamnoides*, *C. liniarifolia*, prickly mingimingi (*Leptecophylla juniperina*), and mapou (*Myrsine australis*) and a sparse ground cover that includes *Acaena juvenca*, *Hydrocotyle moschata* and regionally significant *Lagenifera pinnatifida*. Elsewhere in Shepherds Creek the vegetation consists of a mosaic of shrubland patches, short tussockland, and exotic pasture. Shrublands are predominantly dominated by kanuka but riparian shrubland along Shepherds Creek have greater diversity and include *Olearia bullata*, *Hebe anomala* and threatened species *Melicytus flexuosus*. The covenant area excludes any pine plantings.

Since no fencing is proposed for this covenant monitoring must be set up as part of the review so that baseline values are established. To say that (in paragraph 5.1.2 and 5.1.3) 'the Minister may in consultation with the owner, prepare a management plan and a monitoring plan is not acceptable for the protection of the values as stated in an unfenced covenant. Surely it should be stated that these plans 'will' be set up rather than 'may'.

We submit that public access to CC1 should be permitted. The proposal would then meets the objects of the CPL Act Section 24 (c)(i) in that it would secure public access to and enjoyment of the reviewable land.

**We support the creation of CC1 to protect the values within it but strongly submit that a management plan and monitoring protocols need to be set up as part of the review.**

### **Protective mechanisms CC2 and CC3**

**With reference to the CPLA - Object 24(b)(i) and (ii) - to enable the protection of significant inherent values:-**

It should be noted that the use of covenants is not the preference for achieving SIV protection under the CPLA and that therefore there is a case for changing the designation of CC2 and CC3 to CA in both cases.

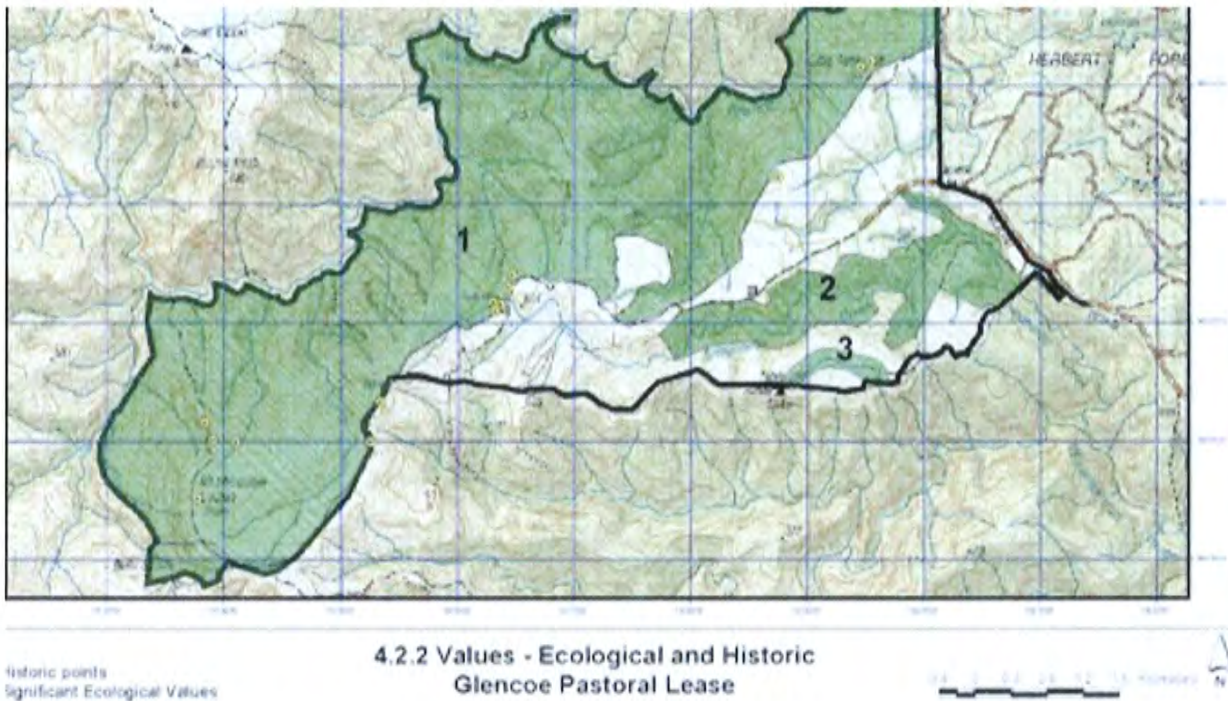
### **Protective Mechanisms CC2**

This is a wetland area of about 3 ha on the slope of Table Hill near the southern boundary which is dominated by red tussock with scattered specimens of *Olearia bullata* and some manuka, *Coprosma* spp and *Ozothamnus*. Ground cover includes Sphagnum moss, *Blechnum pennamarina*, *Aciphylla scott-thomsonii*, *Celmisia gracilentia*, *Anaphalioides bellidioides* and *Oxalis magellanica*. It will be fenced to prevent damage by livestock.

The map of botanical values attached to the CRR shows that the values associated with CC2 cover a larger area than is within the proposed covenant. It is the area marked as '3' on the 4.2.2 map of Ecological and historical values (see below). Since CC2 is considered to be a rare ecosystem in the wetland category, as stated in Schedule 1, surely it should be extended to cover all of area 3 on the map for more complete protection and designated as a CA rather than a CC. The values within it fully support such a designation.

**We fully support the protection of the SIVs within the proposed CC2 but submit that it should be designated a CA and enlarged to cover all of the area 3 said to be Ecologically significant in map 4.2.2 attached to the CRR.**

**In addition provision for public access should be allowed to provide for botanists and others with interests in such wetland systems. This is a simple matter as it is very close to the legal road close to the boundary with the Waianakarua Scenic Reserve. The proposal would then meets the objects of the CPL Act Section 24 (c)(i) in that it would secure public access to and enjoyment of the reviewable land.**



### Protective Mechanisms CC3

This area, of about 9 ha is situated west of Red Hut and certainly warrants protection.

As for CC2 we believe the SIVs within it and the fact that it is considered to be a rare ecosystem in the wetland category (seepages and flushes) indicates that it should rather be designated a CA.

As described in Schedule 1:

It is a small wetland in the head of Shepherds Creek immediately west of Red Hut and has dense patches of *Olearia bullata* with some manuka, *Coprosma tayloriae* and *C. rugosa*. *Purei* (*Carex secta*) occurs along the creek margins and elsewhere the ground cover is comprised of *Juncus* sp., mosses and small herbs such as *Leptinella squalida*, *Hydrocotyle* spp., *Nertera ciliata*, *Ranunculus amphitrichus* and threatened species *Lagenifera barkeri*. Manuka and kanuka dominate the surrounding dry slopes.

Red Hut and the botanically interesting bluffs close by seem to be excluded from CC3. We submit that public access to Red Hut would be desirable and suggest that Red Hut and the bluffs (Figure 4) could be added to the CC.



Figure 4. Red Hut bluff, full of botanical interest.

**We fully support the protection of the SIVs within the proposed CC3 but submit that it should be designated a CA which includes the bluffs close to Red Hut and that public access should be allowed to facilitate botanising etc. The proposal would then meets the objects of the CPL Act Section 24 (c)(i) in that it would secure public access to and enjoyment of the reviewable land.**

**Red Hut should be available for Public use.**

### **Public access**

**An easement for public and conservation management pursuant to Section 36(3)(b) CPL Act 1998, marked "a-b-c" and "b-d-e-f" shown on the designations plan.**

*"this easement will provide public foot, motorised and non-motorised vehicle, horse access to the western boundary at Bells Saddle"*

This could be interpreted to mean motorised and non-motorised access for the public from a-f, though from the Deed of Covenant and an enquiry to David Paterson it appears that the public motorised access is just to the carpark at 'c'. This needs to be clarified in the final proposal.

We also understand that there is a legal road along the southern boundary which would allow access to CC1 and CC2.

In the discussion of proposed designations in relation to the objects of Part 2 CPL Act, 3.4 it is stated that "Public access is already available over the legal road that runs the full length of the property and another running along the southern boundary of the reserve".

What degree of access will there be on the road that runs along the southern Boundary? This needs to be clarified.

### **Acknowledgements**

We wish to thank the lessee Mr Grant Ludeman for permission to inspect the lease and Dan Burke (Farm Manager) and David Paterson - Rural Value, for facilitating the inspection.



Janet Ledingham

For Dunedin Branch, Royal Forest and Bird Protection Society

7.3.15.

## **Submission 7**



Tuesday, February 3, 2015  
Commissioner of Crown Lands  
Crown Property & Investment  
CBRE House, 112 Tuam Street  
Private Bag 4721 CHRISTCHURCH 8140  
To Whom it may concern

Chris Pearson  
18 Rewa St  
Dunedin

I would like to make the following submission for Preliminary Proposal for the Tenure review of The Glencoe pastoral lease which is undergoing tenure review under the Crown Pastoral Land Act 1998. I believe that this tenure review would led to a valuable addition to the conservation estate however I do not support this tenure review without significant change.

I have no problems with the area CA1 in the designation plan which would add valuable regenerating native bush to the conservation estate. My concern is with the summit of Mt Miserable and the slopes from Mt Miserable to the Wainakarua River in the west of the lease. The summit of Mt Miserable is high altitude land with high conservation and recreation according to the FMC and Forest and Bird Preliminary reports in the COnservation resources report. This area also links to the Wainakarua scenic reserve and as such it would potentially extend the recreational opportunities. While the land in CA1 has conservation value the recreational value of it seems limited as it is not connected to other public reserves. Indeed the FMC recommended that the area in CA1 could be protected by a covenant but recommended that the western area should be protected as part of the conservation estate. I am pleased that public access has been made from points a to f with a connection to the car park at c however I note that this does not even provide access to the summit of Mt Miserable, which is where most people will want to go. I also note that there is no protection for the lovely tussock land on the summit of Mt Miserable which gives this area much of its charm. There is also seems to be a track marked from point e to the summit of Mt Miserable and to the river. I think that public access along this route would be a valuable addition to the tenure review if the western side of the lease cannot be added to the conservation estate.

So I do not support this tenure review going forward in its current form.

Sincerely yours,

Christopher Pearson



## **Submission 8**



11 March 2015

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

## **Preliminary Proposal for Tenure Review of Glencoe (East Otago) Pastoral Lease, Po 366 - Submission from the New Zealand Walking Access Commission**

Thank you for the opportunity to comment on the Preliminary Proposal.

The New Zealand Walking Access Commission (Commission) is the statutory body established in 2008 to lead and support public access negotiations.

Our statutory role is described below, in section A - Introduction, comments on existing and proposed access are provided in Section B – Background, and our recommendations on this preliminary proposal are presented in section C - Recommendations.

### **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.

#### **Statutory requirements**

The Commission is the Crown agency with statutory responsibility<sup>1</sup> 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. Background**

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

---

<sup>1</sup> Section 3(b) Walking Access Act 2008

It reinforces the objectives of the Crown Pastoral Land Act 1998 (CPL Act), in particular section 24(c)(i), which is to make easier the securing of public access to and enjoyment of reviewable land. Our submission specifically addresses the public access and public enjoyment matters provided for in subsections (2) (c) and (d) of section 40 of the CPL Act (Protective mechanisms).

This submission can also assist in achieving the statement in the Land Information New Zealand (LINZ) Statement of Intent 2014-2018 in respect of Crown Property which refers (p.17) to an objective of “..ensuring that the best economic, environmental and recreational uses are being made of Crown-owned and Crown used land.”

## B1 Context

The Glencoe pastoral lease is on the eastern end of the Kakanui Range, on the south side of the North Branch of the Waianakarua River, some 25 km south of Oamaru. It adjoins Herbert Forest to the east, the Waianakarua Scenic Reserve to the south, and the Kinross pastoral lease to the west. The lessees of Kinross have accepted a Substantial Proposal for tenure review, and the review is presently being completed.

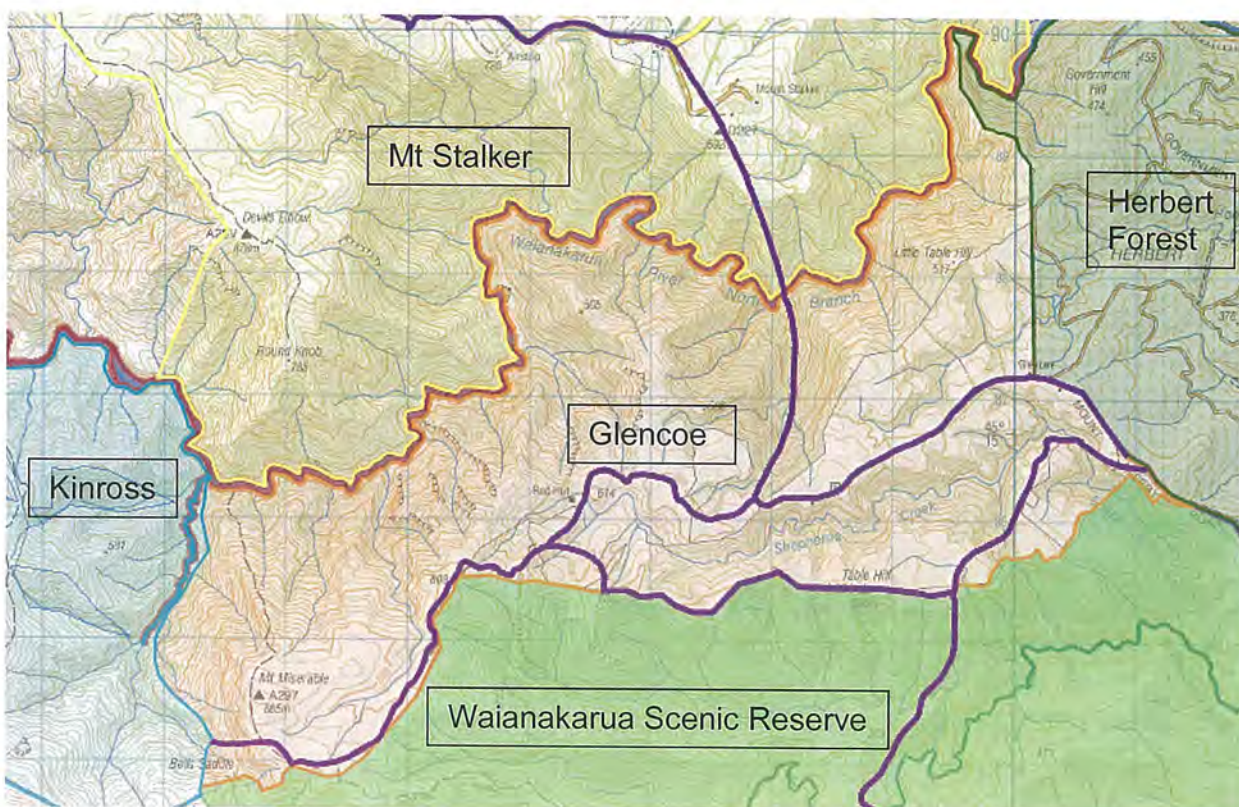


Figure 1: Glencoe context

Herbert Forest and the Waianakarua Scenic Reserve are extensively utilised for tramping and hunting, and Glencoe provides a critical link with new public access routes on Kinross and beyond on the Kakanui Range.

## B2 Existing public access

There is a fixed marginal strip (24(3) Conservation Act, 1987) on the true right of the North Branch of the Waianakarua River, which provides legal access alongside the river, and the northern boundary of Glencoe. However, this would be at best difficult access, if it is at all practical.

There is a legal and partially formed road (extension of Mount Misery Road) along the centre ridge

of the property. An unformed legal road branches off north towards the North Branch of the Waianakarua River, and beyond, towards Mount Stalker. A further unformed legal road branches off the Mount Misery Road and crosses Shepherds Creek before running east to west east of Table Hill and forming part of the southern boundary of the property to slightly south of Red Hut, where this unformed legal road joins to the partially formed legal road and continues south west in the vicinity of the property boundary (see Figure 1 above, legal roads coloured purple).

### **B3 Public access proposed in the Preliminary Proposal**

The 'Summary of Preliminary Proposal' (page 7) notes that parts of the formed track deviate from the legal road alignment and states:

*"The proposed easement "a-b-c", will provide public foot, motorised and non-motorised vehicle, horse access where the legal and formed alignments first deviate significantly through to the southern boundary, south of Red Hut. Easement "b-d-e-f" is also on or close to legal road. Where the track is not on the legal road line this easement will provide public foot, motorised and non-motorised vehicle, horse access through to the western boundary at Bells Saddle...."*

This appears to be confirmed on page 11 of the Summary, which states;

*"Public access is already available over the legal road that runs the full length of the property and another running along the southern boundary with the reserve. The addition of an easement over the formed track where it clearly deviates from the legal alignment will ensure access through the property to the boundary with Kinross." "Access is also available over a legal road line from the main track into CA1."*

The summary indicates that the proposed easement "a-b-c" and "b-d-e-f" will ensure public access through the property, for foot, horse, non-motorised vehicles and motorised vehicles, effectively equivalent to legal road access.

However, the draft easement document (docDM-136496-Glencoe Public and Management easement) indicates that vehicle access will be limited to the proposed easement "a-b-c", i.e.:

#### Access

2. The Grantee has the right in common with the Grantor:
  - 2.1 To pass and re-pass at any time over and along the Easement Area on foot, on or accompanied by horses, or by non-motorised vehicle powered by a person or persons. *[This provides for the whole of the Easement Area to be accessed by the public on foot, bike or horseback]*
  - 2.2 To pass and re-pass at any time by motor vehicle over and along that part of the Easement Area marked "a-b-c" and to use, stop and park any motor vehicle on the Parking Area only.

## **C. Recommendations**

### **Legal public access "a-b-d-e"**

- C1. Define the legal boundary of the property with the unformed legal road (approximately "a-b-d-e") alongside the formed track.

There is existing legal public access on the unformed legal road intersecting the property from the end of the formed Mt Misery Road to south east of Mt Miserable (approximately "a-b-d-e" on the designations plan). Although the present track may deviate from the legal road line in places, the intention of the road was to provide practical public access, and practical public access exists in close proximity to the legal road line. This is increasingly important for public access to features within the property and to other access on the Kakanui Range as

public use of the area is increasing due to improved access in the northern Kakanui Range and increasing public use of the area generally for recreation.

While legal roads are not part of the reviewable land and, therefore, are technically not part of tenure review, the boundaries of the property will be resurveyed, and the track should be excluded from the property.

### Easements “b-c” and “f-e”

C2 The Commission fully supports the proposed easements “b-c” and “e-f”, including the creation of a carpark at “c”.

Public access through Glencoe is of increasing importance for recreation (tramping and hunting), enabling access to features within the property and adjoining the property. The easement “b-c”, and the associated car park at “c”, will provide very worthwhile access to the adjoining Waianakarua Scenic Reserve. The easement “e-f” will provide a vital link with public access created through Kinross to the west.

### Public access to CA1

C3 Practical public access is required from the legal road (approximately “a-b”) into CA1.

It appears that legal public access will be available into CA1 but, to be of any value for the public, the access must be practical. Practical access should be provided at the point marked “X” on Figure 2 below;

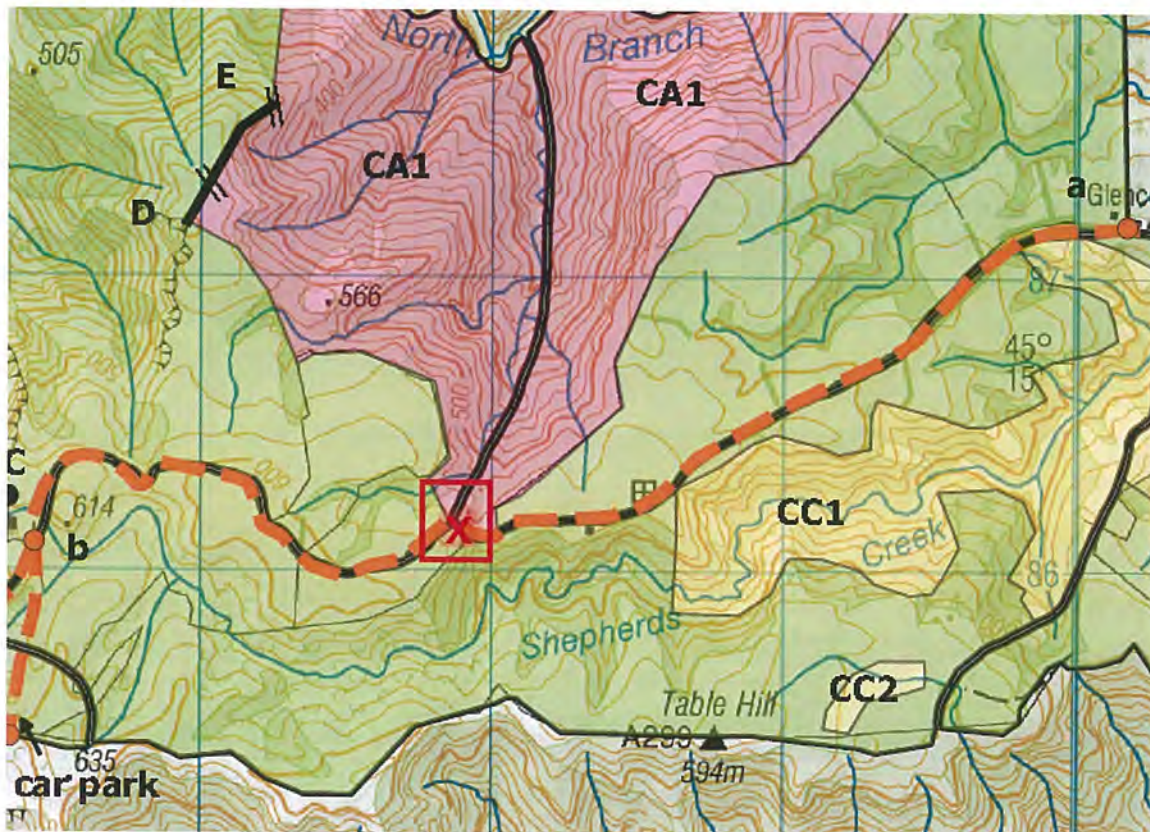


Figure 2: Recommended practical public access to CA1 at “X”

Public access through the property to the Waianakarua River North Branch will be possible via CA1, in addition to the existing unformed legal road, and it is essential that the public access from the legal road intersecting the property is practical access, that is, that it be

physically possible to traverse from the road into CA1 and/or the unformed legal road.

### Public access to CC1

C4 CC1 should provide for public access.

A conservation covenant is proposed over some 133ha in the lower reaches of Shepherds Creek, to protect the values identified, particularly the diverse riparian shrublands. While the protection may be achieved without the Minister acquiring a fee simple or leasehold interest in the land, it is important to ensure that the public obtain benefit and enjoyment from the area, as if it was a reserve. There are no available documents, or comments, which indicate that public access would compromise the identified values.

The covenant should allow and provide for appropriate public access. C5 Practical public access is required from the legal road (approximately "a-b") into CC1.

It appears that public access would be available to the CC1 boundary but, to be of any value the access must be practical. Practical access into CC1 should be provided at the points marked "X" on Figure 3 below.

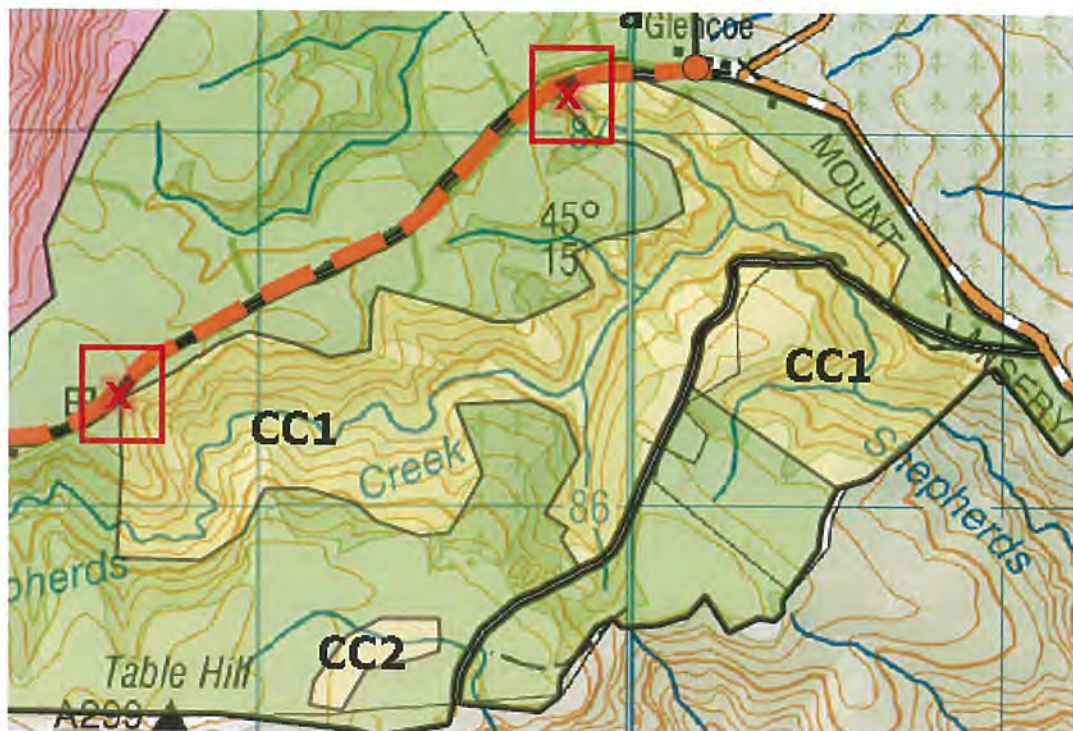


Figure 3: Recommended practical public access to CC1

### Public access to Mt Miserable

C6 Practical legal public access is required from the legal road (approximately "e") to Mt Miserable.

Mt Miserable is the highest point on Glencoe, at 885m asl. It is an obvious viewing area, and having reached point "e", most members of the public will naturally seek the highest point in the vicinity.

A public access easement providing for use on foot, on or accompanied by horses, or by non-motorised vehicle powered by a person or persons should be provided from "e" to Mt Miserable on the line of the dotted track in Figure 4.

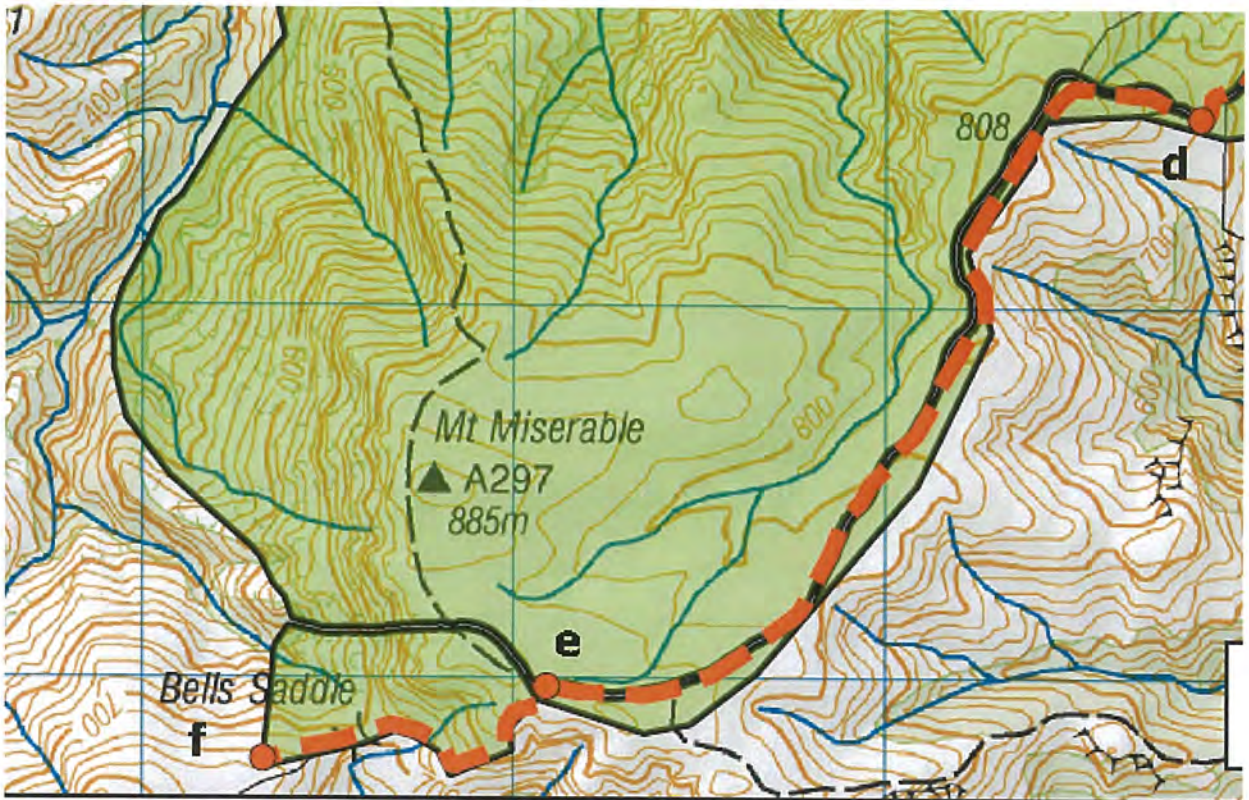


Figure 4: Legal public access from “e” to Mt Miserable on dotted line

## Conclusion

The Commission:

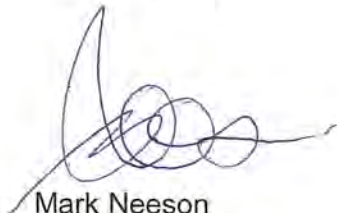
1. Recommends that the legal boundary of the property with the unformed legal road (approximately “a-b-d-e”), be defined alongside the formed track.
2. Fully supports the proposed easements “b-c” and “e-f”, including the creation of a carpark at “c”.
3. Recommends that practical public access be provided from the legal road (approximately “a-b”) into CA1.
4. Recommends that CC1 should provide for public access.
5. Recommends that practical public access be provided from the legal road (approximately “a-b”) into CC1.
6. Recommends that practical legal public access be provided from the legal road (approximately “e”) to Mt Miserable.



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

Would you please advise when the Analysis of Public Submissions has been completed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Neeson', with a stylized flourish extending to the right.

Mark Neeson  
Chief executive

## **Submission 9**

**FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)**  
**P.O. Box 164, Wellington.**

11th March 2015

Commissioner of Crown Lands,  
CBRE House, 112 Tuam Street,  
Private Bag 4721,  
CHRISTCHURCH 8140



Dear Sir,

**Re: Preliminary Proposal for Tenure Review Glencoe Pastoral Lease (Po 366)**

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents over 17,000 club members and supporters of tramping, mountaineering, climbing and other outdoor activities throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country. On their behalf, FMC aims to enhance recreation opportunities, to protect natural values, especially landscape and vegetation, as well as historic values and to improve public access to the back country through the tenure review process.

FMC fully supports the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and government's stated objectives for the South Island high country especially the following:-

- to promote the management of the Crown's high country in a way that is ecologically sustainable.
- to protect significant inherent values of reviewable land by the creation of protective measures; or preferably by restoration of the land concerned to full Crown ownership and control.
- to secure public access to and enjoyment of high country land.
- to ensure that conservation outcomes for the high country are consistent with the NZ Biodiversity Strategy.
- [EDC Min (03) 5/3; CAB Min (03) 11/5 refer]

\* Note that regardless of the changes of government and of governments' policies, these objectives are still the law of the land as enshrined in the Crown Pastoral Land Act, 1998.

We believe that the additional objectives (introduced by the last Labour-led government), are fundamental to the future well-being of the South Island high country and should be given appropriate weight in the tenure review process.

FMC has previously written a Preliminary Report on Glencoe Pastoral Lease entitled "Preliminary Report on Recreational Landscape, Historic and other Conservation Values and Recommendations for the outcomes of tenure review – Glencoe Run". That Report was originally written in 1999 and updated in 2010.

We are pleased to note that some of those recommendations are now included in the Preliminary Proposal (PP) for the tenure review of Glencoe Pastoral Lease. We comment in detail on these proposals in this submission.

**INTRODUCTION**

The main issues in this review are as follows:-

- **Access to Mt Miserable, and the property boundary with Kinross. From there the public should be able to enjoy recreational opportunities through to Bells Saddle and beyond. To enable such journeys, we are pleased to note that vehicle access will be provided to a carpark near Red Hut. We note too that foot and mountain bike access will be assured by the creation of easements where the actual formation deviates from the legal alignment.**
- **Protection of significant inherent landscape and natural values in the North Branch Waianakarua River valley and gorge is required. Both landscape and land status of the steep slopes on the true right of the North Branch on Glencoe should be compatible with adjoining land on Mount Stalker. If this tenure review does not provide an opportunity to implement such an outcome, it is to be hoped that it may be possible to realise that vision in the future.**
- **The future of the vegetation communities which have some sub-alpine characteristics on the Mt Miserable dome depends on the designation and condition of vegetation and the question of invasion by gorse and broom. If Mt Miserable is to become freehold, then some form of control over management (such as a Sustainable Management Covenant ) should be considered.**
- **Possible recreational use (by hunters and others) of the Red Hut should be negotiable**

In view of the lack of protection over DOC Stewardship Land recently noted in the Parliamentary Commissioner for the Environment's Report (2014), we believe that it will be necessary to provide stronger protection for Conservation Areas created as outcomes of tenure review. It may be more appropriate to protect significant inherent values in areas such as CA 1 by designating them as Scientific Reserve or Scenic Reserve. The historic reason for classification as Stewardship Land was because there was inadequate data to recommend a more appropriate classification. In this case there is ample justification for such designation as indicated in the CRR reports and in the Preliminary Proposal. We therefore have good reason to recommend that CA1 should be formally recognised as a Reserve under the Conservation Act (1987) or Reserves Act (date?)

### **THE PRELIMINARY PROPOSAL**

The Summary of the Preliminary Proposal seems shorter than usual and contains much less detail in the 'Description of the Proposed Designations'. In order to write our submissions on the proposal we have referred to additional sources of information including the NZ Land Resources Inventory, Land Use Capability maps and Conservation Resources Reports.

### **FMC SUBMISSIONS**

In this submission we present our views and recommendations in the same sequence as in the PP quoted above.

**Proposal 2.i: Approximately 330 ha to be restored to full Crown ownership and control as Conservation Area under Section 35(2)(a)(i) Crown Pastoral Land Act labelled CA1 on the plan.**

FMC notes that this proposed Conservation Area (CA1) is located on the north-facing slopes of a ridge which runs westwards from the eastern boundary of Glencoe on the edge of Herbert Forest. The mean height of the ridge is about 500m. CA1 covers some 330 ha and extends for about 4 km westwards to spot height 566m about 1500m east of Red Hut. It includes the steep forested slopes on the true right of the Waianakarua River North Branch (WRNB) which is at about 200m asl at this point, and the high points of Little Table Hill (517m) and the unnamed spot height (566m) on the western edge of CA1. Beyond that point the land is proposed to be designated for freehold disposal. See discussion below

The forested slopes on the true right of the river are matched by corresponding slopes on the true left of the river (on Mt Stalker) and form a continuous landscape with high conservation and scenic values on both sides of the river. The Glencoe slopes are clearly seen from the edge of the plateau area on Mt Stalker, and both sides of the gorge can be appreciated from a number of points along the top edge of the gorge.

The importance of landscape harmony was discussed in the FMC Report (2010) which is included in the Conservation Resources Report (CRR) on Glencoe (East Otago). During the field inspection of Mt Stalker, the runholder indicated to us his long term vision that both sides of the 'North Branch gorge' would all be protected as a single landscape unit. Although desirable, this may not be achievable at the present time.

The PP for Glencoe includes a brief description of three woody vegetation communities on the steep slopes running down to the river. These are:-

- Low shrublands associated with cliffs and rocky colluvium including such species as *Corokia*, *Coprosma* and *Gaultheria* spp.
- Broadleaf forest in gullies comprising such species as Broadleaf, Kowhai, Marbleleaf and Wineberry together with *Coprosma* spp, *Melicytus* and *Pittosporum* among the understory species.
- Kanuka dominates low forest with *Coprosma*, *Leptecophylla* and *Mapou*.

Much more detail is presented in the CRR which also includes valuable information on the LENZ status of these vegetation communities. It is clear that for reasons which include protecting threatened or at risk communities, and for the intrinsic worth of such communities (which are not common in North Otago) they should be included within CA1 and returned to full Crown ownership and control.

During the inspection carried out for the 1999 Report, FMC reported a number of features and areas were identified with significant inherent values (SIVs) by FMC. We appreciate that some of those features have now been included within the area now proposed as CA1, while other values such as those occurring further west on the dome of Mt Miserable, and on the steep slopes running down to the river from Mt Miserable have not been included. These omissions will be discussed in the next section under the heading Proposal 2ii. Although a new fence ("D-E") is proposed for part of the western edge of CA1, it appears that some repairs or new fencing may be required on the eastern margin to protect the values within CA1.

***FMC Submission: FMC fully supports the proposal to designate 330ha on the north slopes of Waianakarua River North Branch as Conservation Area CA1. Some repairs or new fencing may be required along the eastern margin of CA1.***

**Proposal 2.ii Approximately 1570 ha to be disposed of on freehold title to the current holders subject to protective mechanisms and a qualified designation pursuant to Section 35(3) Crown Pastoral Land Act 1998, shown green or yellow on the plan attached as Appendix 3.**

This land comprises all the balance of the land within the lease and includes:-

- Cultivated paddocks of about 500 ha of very good pasture on land mainly classified LUC Class IV
- Approximately 1,000 ha of oversown tussock on land of LUC Classes VI and VII
- The balance of about 70 ha of undeveloped native bush and scrub.

FMC recognises that the Class IV (with some Class VI) land now developed into cultivated paddocks is in good condition and is eminently suitable for ecologically sustainable pastoral use and hence suitable for freehold disposal.

Much of the land described as 1,000ha of oversown tussock, is situated on the plateau area traversed by the track leading to Mt Miserable generally situated between about 600 and 800m with Class VI land on the lower more gently rolling land and Class VII land on the higher country.

The Summary of the Proposal states that the majority of the land (proposed for freeholding) "*has been farmed intensively for many years.....It is considered to be capable of ecologically sustainable use and should therefore be freed from management constraints associated with pastoral lease tenure*".

We believe that this statement is probably true for most of the LUC Class VI and some of the Class VII land up to about 800m. Above that level the potential for pasture production diminishes and the nature of the

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**P.O. Box 164, Wellington.**

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FMC recognises that the Class IV (with some Class VI) land now developed into cultivated paddocks is in good condition and is eminently suitable for ecologically sustainable pastoral use and hence suitable for freehold disposal.

Much of the land described as 1,000ha of oversown tussock, is situated on the plateau area traversed by the track leading to Mt Miserable generally situated between about 600 and 800m with Class VI land on the lower more gently rolling land and Class VII land on the higher country.

The Summary of the Proposal states that the majority of the land (proposed for freeholding) "*has been farmed intensively for many years.....It is considered to be capable of ecologically sustainable use and should therefore be freed from management constraints associated with pastoral lease tenure*".

We believe that this statement is probably true for most of the LUC Class VI and some of the Class VII land up to about 800m. Above that level the potential for pasture production diminishes and the nature of the



vegetation changes significantly. We agree with the Summary of the Proposal which states that *“31% is in land use Class VI which is land suited to pastoral use with only moderate restrictions. This area with its relatively easy contour and low altitude, lends itself to pastoral farming. While the majority of the developed area comprises broad ridges, its location and altitude are not conducive to more intensive farming than the current sheep and cattle grazing”*.

The Summary of the Proposal continues: *“The remaining 36% is either LUC Class VII or VIII. This is land with moderate to severe limitations for pastoral use. Much of this Class VII and VIII land has been heavily modified by grazing and there is concern about the presence of broom spreading upslope from the WRNB”*.

We agree with these observations and would add that there are areas on the Mt Miserable dome where the vegetation includes plants like *Drachophyllum*, *Gentians* and sub-alpine *mosses* which are more characteristic of sub-alpine communities. There are also small wetland areas which provide important ‘ecosystem services’ of water harvesting and storage. With the progression of climate change, these attributes are likely to become increasingly valuable to the wider community beyond the boundaries of Glencoe itself and should therefore be managed wisely.

The Summary of the Proposal states that *“Due to the modification of the land from its native state the continuation of active management inputs and the control of exotic weeds is required otherwise ecological sustainability would be at risk*. This may not be the best management option.

Our own observations have led us to be concerned that the landscape values in the Mt Miserable block and the other significant inherent values of vegetation communities which had earlier been identified, are being lost through grazing and invasion by exotic woody weeds such as broom and gorse. Because a management prescription cannot be imposed on freehold land, it is difficult to see how freeholding *“will meet the sustainability objective and will also encourage land use that maintains the owner’s asset in the long term”*. Sadly we have been unable to think of any management strategy which would meet the objective of continuing sustainability other than the possible use of a Sustainable Management Covenant (See CPL Act Section 97.) . We offer this suggestion for your consideration.

The Mt Miserable block has a number of problems which suggest that its present management regime is unsustainable. This implies that it is unsuitable for unfettered disposal as freehold land, and that some form of management control is desirable. We suggest that the solution may be the management of the area under a Sustainable Management Covenant. Conditions governing the management of the covenant area should specify that continued grazing should be very conservative with a prescribed low stocking rate, no burning should be allowed and the invasion by gorse and broom should be controlled.

Summary of proposed land allocation:- It is clear that all of the LUC Class IV land, largely corresponding with the paddocks described in the proposal, is eminently suitable to be disposed of on freehold title.

The Class VI land and the best of the Class VII land is included in the 1,000ha of oversown tussock and may be capable of supporting ecologically sustainable pastoral use so long as regular application of fertiliser is continued to replenish soil nutrients removed in animal products.

The remaining areas of steep Class VIIe and Class VIIc and may have been oversown in the past but are not capable of supporting sustainable pastoral use.

All the steep and rocky Class VIII land is entirely unsuitable for productive use. The natural values of these latter areas (VIIe and VIII) are also at risk of losing their significant inherent values due to invasion by exotic woody weeds. However, these lands and the dome of Mt Miserable in particular contribute ‘ecosystem services’ of water harvesting and storage. We recommend that the use of a Sustainable Management Covenant should be considered as a possible means of imposing rules for better maintaining SIVs and ‘ecosystem services’ and control of management and invasion by exotic woody weeds.

***FMC Submission: FMC fully supports the proposal to allow the disposal of the best land (generally characterised by LUC Class IV soils) on freehold title. The capability of remaining land to support ecologically sustainable pastoral land use decreases through Class VI, VIIe and VIII with increasing altitude or steepness. Mid altitude land may be capable of ecologically sustainable pastoral use so long as nutrients removed in animal products are replenished by regular fertiliser application***

***There is evidence to suggest that the present management of the Mt Miserable block is unsustainable. We recommend that natural values and 'ecosystem services' (water harvesting and storage) of the higher ground over Mt Miserable should be recognised and the SIVs on slopes overlooking the WRNB, should be re-assessed with the future management of the Mt Miserable block being placed under the conditions of a Sustainable Management Covenant.***

### **Protective Mechanism CC1**

**A protection mechanism pursuant to Sections 40(1)(b), 40(2)(a) 40(2)(b) CPL Act 1998 and identified on the plan as CC1.**

We note that the proposed Covenant (CC1) covers an area of 133 ha in the lower reaches of Shepherds Creek. We further note from the Deed of Covenant that the objective of the Covenant is to preserve the Values specified in Schedule 1. viz:

The species comprising the understorey of the kanuka forest, as well as the mosaic of shrubland patches, short tussockland, and exotic pasture. Schedule 1 also details the greater diversity of the riparian shrublands along Shepherds Creek.

It is evident that CC1 includes many SIV's which would qualify for Conservation Area Status so we recommend that it should be so Designated. This designation would also trigger the requirement for public access. Public access to the covenant area is available at a point near the gate at the entrance to Glencoe where the covenant area is adjacent to the main farm track

Many of the species included within the covenant area could be subject to damage by stock so monitoring is required. This should be carried out to establish a base-line and regularly thereafter. However, paragraph 5.1.3 only states that the Minister may "in consultation with the owner, prepare a monitoring plan." This is inadequate to ensure the protection of the values.

We believe that there are three factors which combine to ensure that it will be very difficult, if not impossible to assess whether the objective "to protect the values" will be achievable in CC1. Those factors are:-

- The covenant will allow grazing
- The area of CC1 is unfenced and erection of fences is prohibited by the conditions of the covenant (3.1.4)
- There is no condition that either baseline or ongoing monitoring must be carried out.

This is contrary to the condition of the covenant (3.1.1) that "The owner must not carry out or allow grazing of the land by livestock". This condition is not countermanded by any Special Condition prescribed in Schedule 2.

At the very least we would expect that forest and shrubland regeneration would be inhibited or prevented by grazing and browsing. We assert that monitoring is essential to determine whether the objective is being achieved. Furthermore, the Minister should be given power to insist that action must be taken to prevent further damage to vegetation if monitoring reveals that damage is being done.

It is pleasing to note that the conditions of the covenant include eradication or control of all weeds and pests, and the keeping of the land free of exotic tree species.

***FMC Submission:*** *The presence of SIVs among the vegetation indicates that the proposed covenant area should instead be recognised as a Conservation Area with as of right public access on foot. FMC is concerned that the conditions of the covenant allow grazing and there is no obligation to monitor any adverse effects on vegetation. We strongly recommend that this omission should be corrected and that provision is made for action to be taken if monitoring reveals damage by livestock.*

### **Protective Mechanisms CC2 and CC3**

Two small areas of wetland are proposed for protection under covenants designated CC2 and CC3. The first, CC2, is an area of about 3 ha dominated by red tussock with scattered specimens of *Olearia* and some manuka and other woody species on the slope of Table Hill near the southern boundary of Glencoe. We are pleased to note that in this case the area will be fenced to prevent damage by livestock.

The second area, CC3 of about 9 ha is situated west of Red Hut. This area has patches of *Olearia* with some manuka; *Coprosma* and *Carex* is present along creek margins. The general ground cover includes rushes, mosses and small herbs. The main risk to this community would be due to cattle wallowing in swampy areas. This will be prevented by adding new fences on two sides of the covenant area to complement existing fences on the other sides. We are pleased to note that the covenant will preclude any farming practices including grazing and burning. However, we also recognise that both of these areas contain botanical values of considerable interest to the public and would qualify for Conservation Area status and hence public access. Both CC2 and CC3 are so small that accessibility to the public would have little or no effect on farming operations. CC2 is very close to the boundary with the Waianakarua Scenic Reserve and could be reached by a road through the Reserve. CC3 is very close to Red Hut and could easily be accessed from the public road which runs to Mt Miserable. We therefore recommend that the designation of both CC2 and CC3 should be changed to Conservation Areas CA2 and CA3 respectively.

***FMC Submission:*** *FMC supports the proposal to protect the SIVs in the two small areas of wetland in the vicinity of Red Hut and north of Table Hill close to the southern boundary of the property. We assert that the SIVs in both areas are such that these areas should be designated CA rather than CC2 and CC3 as proposed. Public access would be required and can easily be accommodated as indicated above. We are pleased to note that both areas will be secured from damage by cattle, either by existing or new fencing. Access to the public could and should be made available with little or no effect on farming operations.*

### **Qualified designation**

**An easement for public and conservation management pursuant to Section 36(3)(b) CPL Act 1998, marked "a-b-c" and "b-d-e-f" shown on the designations plan.**

These two sections of track generally follow legal roads but the formed track sometimes deviates from the legal alignment so that public access is not secure. The easement will provide secure public or management access as appropriate, over those sections of the tracks which deviate from the legal alignment. The first track "a-b-c" leads to a carpark at "c" on the southern boundary near Red Hut. We are pleased to note the provision of the car park, and that public access on foot, bike or motor vehicle will be permitted on this track.

There is a contradiction in the PP regarding the second track "b-d-e-f" leading to the boundary with Kinross near Bells Saddle. The description in the text of the PP (Qualified Designations) clearly states that "this easement will provide public foot, motorised and non-motorised vehicle, horse access to the western boundary at Bells Saddle". The Deed of Covenant (at 2.3) on the other hand seems confusing in that it states that "the Grantee has the right in common with the Grantor.....To pass and repass at any time over and along the Easement Area on foot, or on or accompanied by horses, or by non-motorised vehicle, or motor vehicle with or without machinery and implements of any kind, with or without guns and accompanied by dogs, for Management Purposes." Unlike the above quotation from the PP, this statement (2.3) in the Deed of Covenant seems to provide access by motor vehicle only for Management Purposes on

the track "b-d-e-f". This contradiction needs to be resolved in favour of the provision in the Proposal (Qualified Designations), which we understand has been agreed to by the Lessee.

We also note that in the section of the PP dealing with "Discussion of the proposed designations in relation to the objects of Part 2 CPL Act 1998" the document states that "The proposal therefore meets the objects of Section 24 (c)(i) in that it secures public access to and enjoyment of the reviewable land.

In the same discussion the document states that "Access is also available over a legal road line from the main track into CA1"

***FMC Submission:*** FMC fully supports the proposal to establish an easement over the track "a-b-c" which will secure public foot, bike, horse and motor vehicle access to the proposed carpark at "c". We support the proposed public carpark. We also support the public access provision over the legal road from the main track into CA1.

***There is however a contradiction between the statement under the Heading 'Qualified Designation' in the Proposal document that "this easement ("b-d-e-f") will provide public foot, motorised and non-motorised vehicle, and horse access to the western boundary at Bells Saddle; and the wording in the Deed of Covenant covering the Easement "b-d-e-f" which implies that motor vehicle access will only be available for management purposes. This contradiction needs to be resolved in favour of the provision in the Proposal (Qualified Designations) which includes public vehicle access, and which we understand has been agreed to by the Lessee.***

Finally, FMC is grateful to the Commissioner for Crown lands for this opportunity to comment on the proposals for the tenure review of Glencoe Pastoral Lease. We trust that serious consideration will be given to our submissions.

Yours faithfully



Robin McNeill,  
President, Federated Mountain Clubs of NZ Inc.

pb

## **Submission 10**

9 March 2015

The Commissioner of Crown Lands  
Land Information New Zealand  
Crown Property and Investment  
CBRE House, 112 Tuam Street  
Private Bag 4721  
Christchurch 8140

Dear Sir

I enclose the submission on the preliminary proposal for Glencoe Pastoral Lease on behalf of the Waitaki branch of Forest and Bird.

Thank you for the opportunity to make submissions on this proposal and for arranging permission for us to inspect the lease.

*M. A. Steer*

Margaret Steer  
Chair Waitaki branch Forest and Bird

16 Wellington Street  
Enfield, RD 2C  
Oamaru 9491

Email: [zuni20@actrix.co.nz](mailto:zuni20@actrix.co.nz)  
Text: 021 073 5649



*LA1099552*

Submission on the Preliminary Proposal for Glencoe Pastoral Lease  
On behalf of the Waitaki Branch Forest and Bird.

This submission is written on behalf of the Waitaki Branch of the Forest and Bird Protection Society which has approximately 60 members, many with strong interests in the High Country values and recreational opportunities as well as in botany and natural history in general. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

This submission is made on the basis of an inspection trip in early February 2015. We have also consulted the Conservation Resources Report (CRR) from 2010.

## **Introduction**

We note that indigenous biodiversity in North Otago is well below 2% of the land area (LCDB database). We also note the increasing conversion of indigenous grasslands to agriculture (Weeks et al 2012). Therefore, we support the maintenance of existing indigenous biodiversity on this property. Once this is lost it is extremely hard to restore it. Therefore we generally support the proposed covenants with some changes.

### **CA1**

It is proposed that CA1 is to be restored to full Crown ownership and control as a Conservation Area of approximately 330 ha.

**We fully support the creation of CA1 to protect the SIVs and biodiversity within it but submit that there needs to be adequate fencing to exclude stock along the southern boundary between the place marked E on the LINZ map to the eastern boundary near Table Hill, as we did not see fencing at the point where it comes up to the road.**

### **Land to be freeholded**

It is proposed that approximately 1570 ha is to be disposed of on freehold title subject to protective mechanisms and a qualified designation pursuant to Section 35(3) Crown Pastoral Land Act 1998.

**We are concerned about the native tussock area around Mount Miserable, which could also be covenanted to restrict grazing and burning in order to improve ecosystem water services by protecting the wet flushes, valley floor and the tussocks. Otherwise we accept that the rest of the land is suitable for freeholding.**

### **CC1**

CC1 covers an area of 133 ha in the lower reaches of Shepherds Creek. We note that the objective of the Covenant is to preserve the Values specified in Schedule 1 and regret that the covenant will not be fenced. From Schedule 1 we note that the aim is to preserve the natural environment within this covenant. We also would like to see the covenant include the bush to the west of the current western boundary and the small gully to the south towards the trig, which would provide a corridor to the Scenic Reserve.

**We support the creation of CC1 to protect the values within it but strongly submit that it should be fully fenced to exclude stock, which would encourage the development of the understorey and groundcover thus facilitating natural succession within the forest. We also would like to see the bush further west of the western boundary included as well as the small gully towards the trig.**

## **CC2**

It is proposed that the wetland area of about 3 ha on the slope of Table Hill be covenanted. It will be need to be fenced to prevent damage by livestock so we propose that it be changed to a conservation area.

**We fully support the protection of the SIVs within the proposed CC2 but submit that it should be designated a CA and enlarged to cover all of the area 3 said to be Ecologically Significant in map 4.2.2 attached to the Conservation Resources Report.**

**In addition provision for public access should be allowed to provide for botanists and others with interests in wetland systems. This is a simple matter as it is very close to the legal road close to the boundary with the Waianakarua Scenic Reserve.**

## **CC3**

This area, of about 9 ha is situated west of Red Hut and certainly warrants protection. As for CC2 we believe the SIVs within it and the fact that it is considered to be a rare ecosystem in the wetland category (seepages and flushes) indicates that it should rather be designated a CA. We submit that public access to Red Hut would be desirable and suggest that Red Hut and the bluffs (Figure 4) could be added to the CC.

**We fully support the protection of the SIVs within the proposed CC3 but submit that it should be designated a CA which includes the bluffs close to Red Hut and that public access should be allowed to facilitate botanising etc.**

## **Public access**

We support the provision of public access to Mount Miserable along the main track.

Margaret Steer  
For Waitaki Branch, Royal Forest and Bird Protection Society



## **Submission 11**

Submission to:

Crown Pastoral Land Tenure Review

Lease Name : Glencoe Ref 12606 (Po 366)

Date: March 16, 2015

From: NZ Horse Network (NZ Horse Recreation Inc)

Contact: Vivien Dostine , President

55 Gallony Ave, Massey Auckland 0614

Phone (09) 833 6743

Email: [viv@nzhorseriders.info](mailto:viv@nzhorseriders.info)

## Glencoe Public Access Proposal

Under this agreement access to 1570ha including access to Mt Miserable is lost to the public. The entire benefit of this disposal is for the leaseholder, who purchases the land uncontested in any public auction, and therefore at potentially less than the market value to the public. DOC receives only land which is of no benefit to the landholder, therefore relieving them of costs while bestowing all the benefits of a freehold title (ability to subdivide or sell) .

We support provision of an easement at Glencoe as set out to address the issues with alignment of the unformed legal road. **However, it should be noted that access along an unformed legal road is not the same as access to an area. Public access to, and enjoyment of, land is NOT provided by a road across land. Therefore it must be carefully examined whether any sale of land into freehold secures access and enjoyment as per Part 2 CPL Act 24 c(i)**

If public access and recreation to the land is not advanced through the mechanisms of the Tenure Review, then we see there is no benefit for the public in proceeding with the process on this property.