

## Crown Pastoral Land Tenure Review

Lease name : *MARYBURN*

Lease number : PT 041

### Public Submissions Part 6

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.

*August*

*12*

ENV6402  
EA1090756

**Robyn Tiller (MIN)**

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**From:** Moira Tilling [AJTilling@xtra.co.nz]  
**Sent:** Tuesday, 15 February 2011 9:24 pm  
**To:** Hon. Dr. Nick Smith (MIN)  
**Subject:** Request: Preliminary proposals for the Wolds and Maryburn Leases be withdrawn.

127 042

The Hon. Nick Smith,  
Minister for the Environment,  
Parliament Buildings.

I request that the Preliminary proposals for the Wolds and Maryburn leases be withdrawn, and all tenure reviews in the Mackenzie Country not proceed to public advertising until completion of the Collaborative Process. Nearly all of the least modified land with high conservation values in the Mackenzie Country is crown owned Pastoral Leases. freeholding these now before the outcome of the Collaborative Process will foreclose future options.

Yours sincerely

**Moira Tilling**

**Tony Sharpe**

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**From:** Moira Tilling [AJTilling@xtra.co.nz]  
**Sent:** Tuesday, 15 February 2011 8:59 p.m.  
**To:** Tony Sharpe  
**Subject:** Maryburn Preliminary Proposal Submission

Dear Mr Sharpe,  
My name is Moira Tilling of 1090D Abel Tasman Drive, Ligar Bay, R.D. 1 Takaka, 7183.

This submission requests that the Preliminary Proposal for Maryburn be withdrawn as it fails to protect the extensive Maryburn outwash plain, the moraines between Lake Pukaki and Mary Range, the eastern slopes of Mary Range, the Maryburn stream and wetlands, and the Northern wetland which have been identified by expert botanists, entomologists, ecologists and department of Conservation Staff as having outstanding significant inherent values (siv's) that warrant protection as public conservation land under the onjects of the Crown Pastoral Lands Act, (CPLA).

Yours sincerely

Moira Tilling

127 043

**Tony Sharpe**

**From:** Alan McMillan [club.wingatui@xtra.co.nz]  
**Sent:** Thursday, 31 March 2011 8:13 p.m.  
**To:** Tony Sharpe  
**Subject:** submission re Tenure Review/Maryburn PP

Commissioner of Crown Lands  
 C/ Darroch Ltd  
 P.o.BOX 143  
 Christchurch  
 Email: [tony.sharpe@darroch.co.nz](mailto:tony.sharpe@darroch.co.nz)  
 Date 31<sup>st</sup> March 2011

**Submission To: Maryburn Preliminary Proposal**

**The Preliminary Proposal for this Review needs to be withdrawn and the whole issue reassessed.**

We have major concerns that this Proposal comprehensively fails to recognise and protect the significant inherent values in this area which have been recognised and comment upon by a wide selection of credible scientific opinion .

Specifically the Proposal fails to protect the extensive Maryburn outwash plain , the moraines between Lake Pukaki and the Mary Range, the Eastern slopes of the Mary Range and the Maryburn Stream and wetlands. Certainly we believe the proposed Preliminary Proposal does not meet the objects of the Crown Pastoral Land Act in the following ways :

**( 1 ) Maryburn outwash plain – Conservation Area**

The triangle of land between SH8 and Tekapo River warrants protection as Conservation land to protect the full range of significant species occurring on the nationally rare basin floor and its significant landscape. The area proposed for a Sustainable Management Covenant (SMC) should be included as Public Conservation Land as it contains dryland species and systems that compliment the adjoining area.

**( 2 ) Lake Pukaki and crest of Mary Range – including Pukaki lateral moraine – Conservation Area**

This 1,293ha area of moraine warrants protection as public conservation land for its important values including the nationally significant terminal moraine site, threatened plants and remnant shrublands on low hill country, stony fans and terraces, kettle holes and turf communities.

**( 3 ) Eastern Slopes Mary Range – Landscape Covenant**

This area requires a landscape covenant to protect the outstanding landscapes as it is relatively unmodified with few structures and is a significant feature when viewed from the SH8.

**( 4 ) Mary Burn Stream and wetlands**

This area requires protection as a conservation area as it is habitat for threatened long finned eel, koaro, black fronted tern, black stilt, and banded dotterels. Additionally the Maryburn is an internationally recognised trout fishery and this Tenure Review provides an excellent opportunity to ensure that public access to this fishery is enhanced

**( 5 ) Northern wetland**

This site of special wildlife interest for birds warrants protection by a covenant to ensure ecologically sustainable management. Ongoing grazing will result in continued degradation.

Yours sincerely

**Alan McMillan 19 Haggart Street, Wingatui R.D.2 .., Mosgiel**

127 044

Darroch Ltd  
P.O.Box 142  
Christchurch 8140

28.02.11

Attn: Tony Sharpe  
tony.sharpe@darroch.co.nz

**Submission on the Preliminary Proposal  
for the Review of Tenure  
Maryburn Pastoral Lease  
under Section 43 of the Crown Pastoral Land Act 1998**

My name is Fraser B Ross, of 29a Nile St, Timaru 7910 and this is a personal submission on the review of tenure, Maryburn Pastoral Lease.

**Preliminary Proposal:** I understand the Preliminary Proposal to be:

- a) 3,430ha of Tekapo River terraces to be restored or retained in full Crown ownership and control as conservation area (CA1) - pink on the map subject to an easement for farm management purposes.
- b) 4,946 ha to be freeholded and disposed of subject to a sustainable management covenant (SMC marked in yellow) over a portion of that land.

**My submission:** the Maryburn Pastoral Leasehold property holds a strategic position in the overall landscape of the Mackenzie Basin. I have viewed much of the property from the SH8, the public walking tracks and from the land adjacent to Dover Pass when removing wilding trees from that area with a community group. There are areas on this property which do contain significant natural values and most if not all need to be retained in Crown ownership and be protected for the long term.

**Proposal:**

1. re the area of approximately 3,430ha to be restored or retained in Crown control, as a Conservation Area, "CA1" subject to a qualified designation, this intention is fully supported. Because of the special landscape features found there, especially the series of terraces dropping down to the Tekapo River. And also for the inherent natural fauna and flora values found there. Including the special grasshopper species, other native wildlife species such as the banded dotterel and the endangered black stilt. This area also contains threatened plant species as well, including *Leptinella "Clutha"*, *Lepidium sisymbriodes*, *Carmichaelia vexillata* and others that grow in this area.

Provided the proposed easement will not have any detrimental effects on the landscapes of the area and the inherent fauna and flora values, then this concession to provide access for farm management purposes, is not opposed.

could result in intensification of land uses with adverse impacts on the important values that these areas presently contain. And, freeholding may not lead to the sustainable management of the highly sensitive and vulnerable Maryburn Stream and its associated wetlands. **So, I ask that these areas be retained by the Crown and managed appropriately as public conservation land.**

5. Re: the proposed freeholding of the northern wetland, connected to the Maryburn Stream and wetlands, this area contains special values, is a habitat for native birdlife and should be protected. Otherwise ongoing grazing will likely result in the eventual degradations of the values, and special habitats, found in this area of wetlands, which are connected, to the Maryburn Stream. **So, I ask that this area not be freeholded, or at least protected by a s77 Reserves Act covenant, to ensure that ecologically sustainable management does indeed take place.**

6. In conclusion, the extensive freeholding on Maryburn, as proposed, does not promote sustainable ecological management. As on-going grazing and land intensification, especially of the wetlands, tussock grasslands, shrublands and other natural communities with significant inherent values, will eventually result in the loss of indigenous biodiversity. With the replacement of native flora by exotic grasses and plants which could adversely impact on natural values presently found there and also on the outstanding landscapes of that area as well.

However, because this Preliminary Proposal fails to adequately implement the objects of the Crown Pastoral Lands Act, and protect extensive areas with significant inherent values on the Maryburn Pastoral Lease, it should be withdrawn. And it should be renegotiated not only to ensure the full protection of all significant natural values identified there but also take into account the outcomes of the collaborative planning processes that has been initiated by the Government for the Mackenzie Basin. **So, I ask that the Preliminary Proposal for the Maryburn Pastoral Lease be withdrawn and renegotiated to ensure full protection for all the significant values identified on the property. And when re-negotiated, taking into account the Government initiated collaborative approach for management of the Mackenzie Basin's inherent values, then the public be given the opportunity to comment and submit on a renegotiated Preliminary Proposal.**

Yours sincerely

  
Fraser B Ross

29a Nile St

Timaru 7910

ph: 03 6843382

email: fraserross@clear.net.nz

127 045

**Tony Sharpe**

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**From:** Jennifer Miller [J.Miller@forestandbird.org.nz]  
**Sent:** Monday, 4 April 2011 4:04 p.m.  
**To:** Tony Sharpe  
**Cc:** Sue Maturin  
**Subject:** TR Preliminary Proposals Maryburn and The Wolds  
**Attachments:** image001.jpg; Maryburn submission final.doc; TR submission The Wolds final.doc

Dear Tony

Please find **attached** submissions on the preliminary proposals for Maryburn and The Wolds on behalf of Royal Forest and Bird Protection Society of New Zealand.

This is a late submission however it is considered that there will be no parties prejudiced by this.

Photo attachments will follow and a hard copy of these submissions will be posted to you.

**Jen Miller** Canterbury West Coast Field Officer  
**Royal Forest and Bird Protection Society of New Zealand**  
PO Box 2516, Christchurch  
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[www.forestandbird.org.nz](http://www.forestandbird.org.nz)





31 MARCH 2011

Darroch Ltd  
PO Box 143  
Christchurch  
Attn: Tony Sharpe  
Tony.sharpe@darroch.co.nz

## **SUBMISSION ON PRELIMINARY TENURE REVIEW PROPOSAL FOR MARYBURN PASTORAL LEASE**

### **A. INTRODUCTION**

The Royal Forest and Bird Protection Society (Forest and Bird or F&B) is New Zealand's oldest and most active conservation organisation. Formed in 1923 the Society has around 36,000 members in 56 branches around New Zealand. This submission is on behalf of the Society's Central Office and national organisation.

### **B. PRELIMINARY PROPOSAL**

Forest and Bird understands the preliminary proposal to be:

- a) 3,430 ha. of Tekapo River terraces to be restored or retained in full Crown ownership and control as conservation area (CA1 marked in pink) subject to easements for farm management purposes including access for vehicles and stock over route "a-b" and to install, maintain and repair a stock and irrigation water supply system over route "c-d".
- b) 4,946 ha. to be freeholded and disposed of to Classic Properties Ltd subject to a sustainable management covenant (SMC marked in yellow) over a portion of that land.

### **C. DECISIONS SOUGHT**

1. Forest and Bird submits that the preliminary proposal (PP) for Maryburn is contrary to the requirements of the Crown Pastoral Land Act (CPLA) including its objects in Part 2 that the Crown should withdraw from tenure review. The Commissioner of Crown lands can withdraw from tenure review at any time.

If in future the Crown invites the lessee to re-enter tenure review, a new preliminary proposal should be negotiated which adequately protects the significant inherent values identified in Department of Conservation reports and in this submission. Any new preliminary proposal should be renotified for public submissions.

2. Forest and Bird seeks the restoration to full Crown ownership and management as conservation land of the following additional areas shaded in blue on Maps 1 and 2 attached to this submission, namely:

**Proposed Conservation Area 2 (F&B CA2)** an area of glacial outwash plain adjacent to State High 8 Tekapo-Twizel road on the northern boundary of the property.

**Proposed Conservation Area 3 (F&B CA3)** which includes wetlands and riparian shrublands associated with Irishman Creek and northern reaches of Mary Burn Stream

**Proposed Conservation Area 4 (F&B CA4)** A small triangle of land which would extend the boundaries of proposed CA1 to include the southern portion of Mary Burn stream and associated wetlands and riparian communities.

**Proposed Conservation Area 5 (F&B CA5)** area which extends from the crest of the Mary Range, across its western faces, Pukaki lateral moraine to Lake Pukaki).

3. If the sustainable management covenant continues adjacent to CA1 it should be amended to prohibit irrigation to retain existing dryland vegetation and avoid degrading plant communities in CA1 from seepage of water and nutrients.
4. A new sustainable management landscape covenant should be established with the objective of protecting landscape values and prohibiting structures, forestry and earthworks on the eastern faces of the Mary Range in the area shaded yellow on Map 3 attached.
5. A renotified proposal should provide adequate funding for DoC to undertake wilding control.
6. For the purpose of reserving marginal strips from sale or disposition the "bed" of Irishman Creek should be defined as the full extent of all braids and historic channels from east to west. (This is if the preliminary proposal is not substantially amended to restore the Irishman Creek area to full Crown ownership and control as conservation land.

#### D. GENERAL SUBMISSION POINTS

1. Forest and Bird opposes the preliminary proposal because it is contrary to s24 of the Crown Pastoral Lands Act (CPLA). It does not promote ecologically sustainable management of reviewable land or enable the protection of significant inherent values (SIVs) as required by s24 (b).

Sizeable areas which specialist technical reports recommended for protection and which the Department of Conservation mapped as having SIVs deserving protection are instead proposed for freeholding. These include:

- the Maryburn outwash plain, part of one of the most distinctive and significant landscape views in the Basin.
- several wetlands and much of the catchments of the Mary Burn and Irishman Creek.
- the margins of Lake Pukaki and the western slopes of the Mary Range including the "most intact sequence of lateral moraine topography and associated habitats remaining in the Mackenzie Basin."<sup>1</sup>

2. The proposal prevents public access to and enjoyment of the reviewable land contrary to s24(c) CPLA because it provides no public access to either the margins of Lake Pukaki or the Mary Range despite their high ecological, landscape and recreational SIVs.

The crest of the Mary Range provides sweeping views over the Basin. Given high tourist and visitor numbers to the Basin, the range and the lake margins are likely to be popular for walking, picnicking, botanizing, bird watching, mountain biking and landscape appreciation if the land became conservation land.

Freeholding right to the lakeshore would deny the public use of the lake margins at the point where they are most accessible – from both State Highway 8 and Hayman/Canal Road.

The proposal does not recognise the strategic importance of lakeside lands and their value to the public for recreation and landscape enjoyment, or the needs of future generations 5, 50 and 100 years hence.

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<sup>1</sup> Head, N (28 November 2007) "Botanical Survey Pukaki Lateral Moraine, Maryburn Station"

3. Very few opportunities remain in New Zealand to protect relatively intact sequences of dryland environments and biodiversity at an ecologically sustainable scale. Maryburn in the central Mackenzie Basin is part of one of the only areas in the Basin where it is possible to do this.

As DoC said in 2007, "given the recent developments in the Mackenzie Basin... unless significant areas are protected soon, these dryland environments will be lost forever."<sup>2</sup>

The "best use for New Zealand" in terms of Government's desired outcome for Crown pastoral lands (CAB Min (09)26/7C) would be protection as public conservation land of the Pukaki lateral moraine, representative areas of glacial outwash terrace on the Maryburn flats, and an ecological sequence from the shores of Lake Pukaki across the Mary Range to the banks of the Tekapo River. This would protect dryland habitats, landforms and ecosystems which are under represented in the protected areas network, preserve options for future generations, help implement the NZ Biodiversity Strategy and the Biodiversity Convention, and safeguard the landscapes which are the resource base for tourism and recreational outfitting industries. The preliminary proposal on Maryburn does not achieve "best use".

4. The Pukaki lateral moraine, western faces and crest of the Mary Range (Forest and Bird proposed CA4) are unsuitable for pastoral intensification.<sup>3</sup> The area has potentially much greater economic value for landscape protection, tourism and recreation than for grazing. More than 900,000 tourists pass through or stop in the Basin each year. Protection as conservation land would enable public access and the establishment of a highly scenic walking and mountain biking track. This may encourage longer visitor stays.

Extensive freeholding which denies public access and the opportunity to create a recreational and tourism asset is not "best use for New Zealand" because it maximises private gains for the current lessees at the expense of the wider public.

5. Freeholding does not protect the natural character of lakesides contrary to Government objectives (CAB Min (09)26C). The weak provisions in the Mackenzie District Plan controlling rural subdivision, cultivation and intensive stocking mean SIVs here can be easily degraded once freeholded.

6. The Tenure Review Quality Assurance Board has failed to provide the "robust checks" envisaged by Government (CAB Min (09) 27/7C at para. 21) because it has allowed the proposal to be notified.

7. There is no scientific or other information in the PP to support comments that freeholding would promote ecologically sustainable management. Extensive freeholding of lowland areas would ignore scientific advice to LINZ by Landcare Research scientists.<sup>4</sup> This was that biodiversity protection is needed most urgently in areas of low elevation because there are few protected areas here, they have been most affected by past vegetation clearance and are most at risk of further modification from development (e.g. subdivision, cultivation and irrigation), weed spread and pests. The Landcare Research report concludes that freeholding of lowland areas (common in tenure review and evident on Maryburn) is inconsistent with the New Zealand Biodiversity Strategy.

<sup>2</sup> Letter (5 February 2007) from DoC Manager Tenure Review to LINZ Manager Tenure Review re Maryburn, Irishman's Creek, The Wolds and Balmoral Tenure Review

<sup>3</sup> Scion (2009) notes that "pastoral improvement options are least attractive" of alternative land uses on the 700 ha. of moraine surface west of the Mary Range.

<sup>4</sup> Walker S et al. (2006)

8. The proposal does not adequately consider the suite of land uses which could best promote ecologically sustainable management of reviewable land. The only land use examined is exotic forestry.<sup>5</sup> Ignoring other land uses (e.g. the water harvesting and other ecosystem service values of indigenous vegetation cover) inappropriately applies Part 2 CPLA.

The Scion report (2009) concluded that tree cover would not significantly enhance “ecological sustainability” or the “preservation of life supporting capacity” except for on a 1000 ha. area on Pukaki moraine surfaces west of the Mary Range<sup>6</sup> (which has high ecological and landscape SIVs which forestry would compromise). Despite this, the preliminary proposal does not restrict forestry through covenants on land proposed for freeholding.

9. A “sustainable management covenant” over part (470 ha.) of the Mary Burn flats proposed for freeholding seeks to prevent soil erosion and sets a target of increasing ground cover by 10%.<sup>7</sup> This is likely to promote cultivation, over sowing and top dressing and replacement of small native plants and the current vegetation mosaic with exotic pasture grass. Promoting ecologically sustainable management requires changes to the covenant objectives to promote the retention and enhancement of indigenous vegetation cover to reduce soil erosion.

10. Managing covenants imposes high management costs on the responsible Crown agency.<sup>8</sup> Protection as conservation land is more cost effective. A comprehensive monitoring regime is outlined in Annexure Second Schedule 2 to the Preliminary Proposal for the area proposed for a sustainable management covenant. The costs of monitoring are more properly borne by any new freehold owner undertaking land uses which may damage landscape and ecological values, not the Crown. In the PP the Crown would be subsidising the cost of commercial activities on new private land. This is opposed.

11. The information provided with the notification of the preliminary proposal is incomplete, potentially misleading prospective submitters. The Conservation Resources Report (CRR) and “Values” maps on the LINZ website are dated June 2002. Additional up to date information including DoC’s 2008 “Addendum report” on conservation resources<sup>9</sup> and associated maps are omitted. This significantly understates SIVs and misleads submitters.

12. The status report should provide information on the Land Improvement Agreement concluded in April 1990 under s30A Soil Conservation and Rivers Control Act 1991 including whether obligations under that agreement have been fulfilled and any land identified for retirement in return for payment has been retired.

13. Forest and Bird increasingly believes the tenure review process lacks transparency, does not address potential conflicts of interests and has inadequate quality assurances mechanisms. There is a significant conflict of interest in having the same contractor (e.g. Darroch) negotiate the preliminary proposal with the leaseholder, and then receive and evaluate public submissions and make subsequent recommendations on whether submission points should be accepted or declined. The submission analysis lacks objectivity or independence.

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<sup>5</sup> Scion (2009)

<sup>6</sup> Scion (2009) section 5 Conclusions (Pages not numbered)

<sup>7</sup> Preliminary Proposal, Annexure Schedule 2 Encumbrance Instrument - Objectives

<sup>8</sup> Letter (10 September 2009) Mike Clare, DoC to Tony Sharpe, Darroch – Maryburn Tenure Review Consultation

<sup>9</sup> DoC (Jan. 2008) “The Wolds Pastoral Lease Recommendation Report Addendum.”

Amending the preliminary proposal to better protect SIVs in response to submissions for example, would potentially involve Darroch Ltd representatives resiling from the position taken in prior discussions with leaseholders during preliminary proposal negotiations. There is a strong incentive for Darroch and its counterparts to avoid such changes "rocking the boat" by declining submission points which seek to change the preliminary proposal increase the areas protected.

As an opportunity for public consultation on the future of Crown land, the tenure review submission process has become a farce. There are few if any significant changes to preliminary proposals through the submission process regardless of the ecological and recreational information presented and submitters' analysis of the interpretation and implementation of the CPLA.

#### **E. SPECIFIC SUBMISSION POINTS ON AREAS WITH SIGNIFICANT WHICH MERIT RESTORATION TO FULL CROWN OWNERSHIP AND PROTECTION AS CONSERVATION LAND**

**1. Proposed F&B Conservation Area 2 - Maryburn Flats and outwash and alluvial plain**  
Forest and Bird supports the protection of CA1 as conservation land but seeks its extension to include more land between SH 8 and the Tekapo River. In 2002 DoC originally sought protection of virtually the entire large triangle of land between State Highway 8 and the Tekapo River. As DoC's Tenure Review manager noted, "DOC was advocating strongly for all of the land from the main highway east towards CA1. Short tussock grasslands are in this area extremely rare and vulnerable to change..... The whole area has to be treated as one landscape."<sup>10</sup>

As proposed, CA1 does not protect adequately protect SIVs. Its long boundaries are inconsistent with principles of protected area design. Its high boundary to protected area ratio creates edge effects and potentially exposes the new conservation land to weed invasion, rabbit, and incompatible land uses (e.g. irrigation and cultivation) on adjacent land.

All of the Mackenzie Basin's outwash plains have been identified by development interests as "suitable" for irrigation. Freeholding risks destruction of the flats' high ecological and landscape SIVs. Weak and poorly enforced District Plan rules means the RMA would not prevent damage from earthworks, cultivation, irrigation or forestry and replacement of indigenous habitats with exotic grasses and trees. The uniform and extremely open views across the plain mean such activities would be very noticeable and detract from the area's landscape qualities. There is already concern that recent pastoral development on the lease has degraded the only known Canterbury site of *Leptinella conjuncta*.

Protection would respond to the growing public unease and concern about the destruction of open, expansive tawny grass and shrubland landscapes close to State Highway 8 and their conversion to a green exotic sward through agricultural intensification. It would safeguard the highway experience by allowing travellers to continue to readily experience the intricate pattern of mound and hollow topography and vegetation mosaic typical of the outwash plain. It would create an area where people can experience the vast expansiveness of the Maryburn Flats and what the Basin would have once looked like.

Greater protection on Maryburn would also help implement scientific advice to LINZ and help alleviate scientific and public criticism that tenure review is failing to protect lowland biodiversity.

<sup>10</sup> Email (31 August 2006 at 1.14pm ) Mike Clare to Carolyn Latham

The Tekapo Scientific Reserve demonstrates the potential for vegetation recovery to a natural state once grazing is removed and rabbits and weeds controlled. Recovery in dryland environments is slow. Even two years after grazing was removed there research showed bare ground had reduced and the cover of fescue tussock and smaller native grasses had increased.<sup>11</sup> Protection would achieve similar recovery here.

Forest and Bird does not oppose the easements for farm management and water supply purposes but under its proposal these would not be required.

Significant inherent values deserving protection as conservation land include:

- The broad fluvial-glacial outwash plain of the Maryburn flats comprises a series of terraces and flood plains built of deep gravels overlain to varying degrees with loess soils and bisected by Irishman's Creek. Its outwash and alluvial surfaces "are one of the key physical and visual elements of the (Mackenzie) Basin."<sup>12</sup> They comprise about a fifth of such surfaces on the central floor of the Basin.
- As a vast, flat outwash plain of short tussock grassland where you can see great distances, the Maryburn flats provide one of the classic panoramic views across the Basin to the eastern ranges some 10-20 kms distant. These views are much photographed and described and contribute to New Zealand's cultural identity.
- The landforms and soils are fundamentally intact. The area exemplifies the "classic" undeveloped Plain of the Basin which increasingly is being cultivated and destroyed.
- Basin floors and low lying landforms such as the Maryburn Flats are some of our most threatened landforms. Much of the flats have a Land Environments of New Zealand (LENZ) classification of "at risk" and "critically under-protected." These two LENZ environments represent part of the highest priority environments for protection because there are under-represented in New Zealand's parks and reserves network.
- Wind and water have created a distinctive micro-topography of mound and hollow pattern. The area is close to the State Highway 8 so surface details are easily seen and experienced by travellers.
- The terraces support a mosaic of fescue tussock, native shrubs such as matagouri, porcupine shrub and the shrub daisy *Olearia odorata*, native broom, scab weeds and native and exotic herbs and exotic plants such as browntop and sheep's sorrel.
- A network of "ancient interlacing channels, thousands of years old" are habitat for many small special plants including low growing herbs, turf vegetation and woolly mosses adapted to the harsh environment. Threatened plants here include: New Zealand mousetail (*Myosurus minimus* var. *novae-zelandiae*) (nationally endangered and the tiny green herb *Galium* "Clutha" and the dwarf broom *Carmichaelia vexillata* (gradual decline).
- Includes the only known Canterbury site of the tiny yellow-green annual *Leptinella conjuncta* (extremely rare and in serious decline). The species is known from only four sites in Otago.
- The area provides "excellent habitat" for invertebrates including the threatened robust grasshopper, *Brachaspis robustus* (nationally endangered) and *Sigaus minutus* (gradual decline), a range of threatened moths and diverse Tachinidae flies.
- The plains jumper moth *Kiwaian n sp.* which has a very restricted distribution in Canterbury has been recorded. The Basin is an important habitat for the moth.
- A section of Irishman Stream which provides habitat for threatened black fronted tern and other wetland birds adds diversity. Lack of fencing and stock access is degrading water quality and habitat values.

<sup>11</sup> Espie, P (1994)

<sup>12</sup> Steven, A (October 2001)

Decision sought

Extend CA1 (shaded as CA2) to include the entire triangle of land between SH8 and the Tekapo River to safeguard the full suite of fluvial-glacial outwash and younger alluvial terrace and floodplain features, and the vegetation communities and species and SIVs they support.

**2. Proposed F&B CA3 - Mary Burn Stream and wetlands**

Mary Burn Stream is a moderately fast flowing stream with clear waters and a gravel bed. DoC recommended protection of an approximately 124 ha. area comprising a 3 km section of stream and riparian shrubland north of SH 8.

The proposed freeholding is opposed. Continued stock access and agricultural development, drainage and cultivation would cause ongoing degradation and water pollution and eventual loss of riparian and aquatic habitat and wetland SIVs. This is contrary to proposed National Policy Statement on Biodiversity and its recognition of wetlands as a priority ecosystem for protection. While cattle grazing has caused some damage, if this was removed and willows and other weeds controlled, the vegetation and ecological values would recover.

Significant inherent values deserving protection as conservation land include:

- Wetland areas are relatively rare in the central Mackenzie basin and nationally are a priority habitat for protection.
- The area retains strong elements of naturalness despite some cattle damage. It has representative floodplain communities including wetlands and riparian shrubland. The presence of a small moraine with speargrass (*Aciphylla subflabellata* range restricted) and shrublands increase community diversity.
- The wetland is a good example of a spring fed wetland. It is permanently wet, has open water and swampy areas and is connected to Mary Burn Stream. It is a reasonable size, contains representative wetland plant communities such as *Carex secta* and *Schoenus pauciflorus*. There are dense areas of rushes and sedges in small wetlands in old stream channels.
- The riparian shrublands are dominated by old matagouri, some more than 2 metres tall with scattered *Coprosma intertexta*, tauhinu (*Ozithamnus leptophyllus*) and koromiko or *Hebe odora* and silver tussock. Old and tall matagouri is uncommon in the Mackenzie Basin especially adjacent to smaller streams. A standard 20 metre marginal strip would not adequately protect and buffer the stream and shrubland.
- Mary Burn stream is habitat for threatened species including long finned eel, koaro, black fronted tern, as well as banded dotterel and other water birds.
- The area has been identified as a Site of Special Wildlife Interest for birds. The wetlands are habitat for Australasian bittern and marsh crane and occasionally black stilt.
- The area is close to State Highway 8 and is a natural feature with visual significance.

Decision sought

Restore shaded area marked CA3 to Crown ownership and management as conservation land.  
Fence out entire stream area from the impacts of stock

**3. Proposed F&B CA4 Southern reaches of Mary Burn stream south of SH 8 including below confluence with Irishman Creek**

The proposed new fencing "y-z" on the proposed CA1 and freehold boundary appears to fence much of Mary Burn stream into new freehold land, ignoring the aquatic, riparian and wetland SIVs. This would not protect habitat values associated with the Mary Burn and riparian shrublands or adequately buffer aquatic habitat and water quality from the effects of stock, nutrient run off and pastoral intensification.

While cattle and sheep grazing and farm use have altered the natural character, there is significant potential for recovery if grazing is removed, willows and Russel lupins are controlled and adjacent land uses are sympathetic.

Significant inherent values deserving protection as conservation land include:

- Small streams and wetlands are uncommon in the central Mackenzie Basin and valued as a landscape and visual feature. Wetlands are a national priority for protection because of their extensive loss throughout New Zealand.
- The wetland is permanently and reliably wet. It is fed by a strong spring and has ponds and boggy areas which connect to and drain into the Mary Burn.
- The wetland area is "fairly substantial" in size<sup>13</sup> It has high and distinct habitat values for wetland vegetation, birds such as threatened banded dotterel and fish such as koaro.
- Riparian shrublands and indigenous wetland vegetation retain a high element of naturalness.
- Dominant plants include characteristic wetland species such as *Carex secta* and *Schoenus pauciflorus*.
- Threatened dwarf broom (*Carmichaelia vexillata*) ("vulnerable") is present on a nearby terrace riser.

Decision sought

Adjust boundary of CA1 and the proposed fenceline to ensure the Mary Burn and a broad riparian buffer are restored to Crown ownership and management as conservation land.

**4. Proposed F&B CA5 - Land between Lake Pukaki and the crest of Mary Range including Pukaki lateral moraine and western faces and slopes of Mary Range**

The 1293 ha. area of rolling to hummocky moraine and faces between Lake Pukaki and the crest of the Mary Range should become conservation land to protect its significant inherent values and provide public access for walking, scenic enjoyment, and other recreation.

As DoC's Tenure Review Manager noted in 2007, "We believe that the area of land on the eastern side of Lake Pukaki may present one of the last real opportunities to protect a number of SIVs. While other areas with similar SIVs do exist in the Basin the SIVs do not exist as a possible contiguous ecosystem or landscape."<sup>14</sup>

During tenure review negotiations this area was proposed for designation as conservation land with the lessees' apparent agreement. Correspondence from the LINZ contractor in 2008 states: "*New designations comprise Crown ownership from Lake Pukaki up to the top of the Mary Range, and a conservation covenant with sheep grazing over the eastern faces. Martin (Murray, lessee) had indicated in a telephone conversation with Steve (Urlich, LINZ) that he did not actually have a problem with that land going to DOC, however Pat (Curry) does not believe he was referring to the whole area as some of it is very good OSTD land.*"<sup>15</sup> (Our inserts in brackets).

Information released under the Official Information Act has no evidence of a change of mind by the lessees. The extract above highlights the extent to which LINZ and its contractors fail to act in the wider public interest and instead promote extensive freeholding even where the lessees agree to land becoming conservation land.

<sup>13</sup> Walls G (November 2001)

<sup>14</sup> Clare, M (5 February 2007) Letter to Mathew Clark, LINZ "Maryburn, Irishman's Creek, The Wolds & Balmoral Tenure Review"

<sup>15</sup> File Note - Maryburn by Carolynne Latham QVV, 22 July 2008



LINZ's failure to assist and ensure the lessees implement the good husbandry requirements of the pastoral lease and control wilding conifers has helped create a significant wilding control problem. The high initial costs of control, budgetary constraints under a National/Act government have compromised the Department's ability to advocate strongly for the protection of SIVs on the western faces of the Mary Range.

Significant inherent values which merit restoration of additional areas to full Crown ownership as conservation land include:

- The moraine country is part of the Lake Pukaki Terminal Moraine site, a nationally significant geopreservation site with education and scientific value.<sup>16</sup> The landforms include lateral moraine of the third last "Balmoral" glacial advance and principal terminal moraine loops of the that two "Mt John" and Tekapo" advances.<sup>17</sup> The area also includes large angular "erratic" boulders deposited by glaciers, a significant natural feature, moraine "dumps", moraine ridge patterns and meltwater channels and depressions.
- The areas is part of the largest and most intact sequence of lateral moraine glacial landforms and associated dryland habitats and plant communities remaining in the Mackenzie Basin.<sup>18</sup>
- The area is highly significant as a visual record of glacial chronology which can be read most easily from elevated viewpoints such as the crest of the Mary Range.<sup>19</sup>
- The Mary Range is a key part of the visual setting for and backdrop to Lake Pukaki. . The range is an isolated, prominent landform which forms a natural skyline in many views. It is highly visible from public roads including SH 8, the Pukaki-Tekapo canal road (Hayman Rd), the Mount Cook road (SH 80) and from the nationwide Te Araroa Trail walkway which uses the lake margins. The TV transmitter is an insignificant element.
- The area has significant recreational potential if there was secure public access from SH8 Tekapo-Twizel Road and the Hayman Canal Road to both Lake Pukaki and the range crest. From the crest there are sweeping views of the basin and the glacial landforms.
- Despite some oversowing and topdressing and presence of some exotic grasses, the area retains a high degree of naturalness. There are few fences, tracks or tree planting.
- The area includes "critically under protected" LENZ unit N6.1b which has less than 3% indigenous vegetation cover remaining nationally with only 3.78 % of this protected.
- The area includes "at risk" Land Environments of NZ (LENZ) E4.1b and E4.2b which retains components of their original vegetation, i.e. mixed indigenous shrublands of small leaved coprosma, matagouri and broom, and fescue tussockland. Nationally 27 % of each of these units has indigenous vegetation cover and only 3.8% of it is already protected.
- Small ephemeral and kettlehole wetlands occur in the hummocky moraines. These are nationally uncommon ecosystems. Their wetland turf plant communities are potentially internationally significant because of no equivalent Northern Hemisphere analogues.<sup>20</sup> These wetlands are "extremely rich in their plant flora and clearly important as the sole or principal habitat for a high proportion of threatened plant taxa."<sup>21</sup>
- The area provides habitat for at least 11 threatened plants including "acutely" and "chronically" threatened plants such as kettlehole plant *Oreomyrrhis colensoi* var *delicatula*, a dwarf broom (*Carmichaela vexillata*), mat broom, cushion daphne, tree daisy, bidibid, and mat daisy.

<sup>16</sup> Heyward and Kenny, 1993.

<sup>17</sup> Steven A (October 2001) at p15

<sup>18</sup> Head N (2007) "Botanical Survey Pukaki Lateral Moraine-Maryburn," Unpublished DoC report.

<sup>19</sup> Mansergh (1978) quoted in Steven (October 2001) at p18.

<sup>20</sup> Head (2007) at p5.

<sup>21</sup> Rogers, G quoted in Head (2007) at p3.

- It is habitat for species with a “sparse” range such as swamp speargrass in short tussockland on lake faces and Mueller’s sedge.
- Shrublands of matagouri, small leaved coprosmas, mountain wineberry, porcupine shrub, climbers and other species are in good condition. They are remnants of pre-human vegetation cover (protected from burning and grazing by rocks), appear vigorous, and are potentially a significant carbon sink.<sup>22</sup>
- Fescue tussocklands have high native species diversity with native daphne, mat coprosma, and blue tussock present.
- Protection would protect a sequence of significant ecosystems – lowland hill country, alluvial terrace and dryland shrublands, stony fans and terraces, and kettleholes and turf communities of ephemeral tarns. Protecting a contiguous sequence of landforms and their habitats would promote connectivity and resilience and protect a greater diversity of species and vegetation communities, and help ecological functioning and long term sustainability.
- There is high potential for continuing regeneration of shrublands and fescue tussock grasslands.
- The edges of Lake Pukaki are important feeding habitat for waterfowl and waders and are part of the Lake Pukaki Site of Special Wildlife Interest.

#### Decision sought

Restore to full Crown ownership and management as public conservation land all of the area shaded on Map 2 as proposed CA5.

Fund DoC through Vote: Lands to undertake initial wilding control to compensate for past neglect by the Crown as leasor.

#### **F. MARGINAL STRIPS**

The status report on marginal strips states: “Irishman Creek qualifies for Marginal Strip, however, the extent to which the numerous other channels qualify requires expert scientific advice and legal opinion.”<sup>23</sup> This subsequent advice is not included in the information released under the OIA and is requested. The additional information should have been provided because of requests at public meetings in 2001 (and in relation to other properties) for early identification of marginal strips to be identified early in the process.<sup>24</sup>

The Conservation Act 1987 directs the laying off of marginal strips and their management for conservation purposes (s24).<sup>25</sup> These purposes include maintenance of water quality, maintenance of aquatic life and enabling of public access and public recreational use (s24C).

Irishman Creek is a braided river with many braids and channels. Active channels change over time according to flow volume and natural processes of sediment deposition and bed aggradation. All of the channels constitute Irishman Creek. Accordingly, the bed of the river for the purposes of reserving marginal strips should be defined by the extent of all the braids and historic channels from east to west. To do otherwise and restrict the extent of the bed to the single largest channel

<sup>22</sup> Head N (2007)

<sup>23</sup> Gardener Reece (7 September 2007) Letter TL Survey Services to Carlyne Latham Quotable Value “Waterways on Maryburn Station – Inspection Report”.

<sup>24</sup> DoC (October 2002) Conservation Resources Report” at section 3.1 p 14.

<sup>25</sup> The Act defines conservation as: “the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations” (s2).

would be contrary to section 24 of the Conservation Act and the purposes of marginal strips in s24C.

Water quality in smaller channels would be vulnerable to degradation, public access up the water course would be impossible, and aquatic life may be harmed by the impacts of adjacent land uses such as intensive grazing if land is freeholded and marginal strips are not set off along the full extent of the bed of all the channels which comprise Irishman Creek to provide a protective buffer from adjacent land uses.

Decision sought

If the preliminary proposal is not amended to restore the Irishman Creek area to full Crown ownership and control as conservation land, define its bed as the extent of all braids and historic channels from east to west for the purpose of reserving marginal strips.

**G. COVENANTS**

**1. Proposed sustainable management covenant**

The provisions of the proposed sustainable management on the property's northern boundary do not protect landscape and dryland habitat values from irrigation and cultivation as recommended by the Department of Conservation.<sup>26</sup>

Decision sought

If the area is not protected as sought by Forest and Bird, the covenant objective and provisions should be amended to prohibit cultivation, OSTD with exotic species and irrigation.

**2. Eastern slopes Mary Range**

DoC recommended a sustainable land management covenant under the Crown Pastoral Land Act over 306 ha. of the eastern slopes of the Mary Range from the crest of the range to around the 600 m. contour.

The area's significant inherent values include: this part of the range is visible from SH8 and is part of the highway experience. The skyline is intact with no major structures. Freeholding without a covenant leaves the skyline and eastern slopes vulnerable to modification from pastoral and building development.

Decision sought

Place a covenant which prohibits the erection of buildings or structures, forestry plantings and earthworks on the eastern faces of the Mary Range in the area shaded yellow on Map 3 attached

<sup>26</sup> Letter (10 September 2009) Mike Clare, DoC to Tony Sharpe, Darroch, "Maryburn Tenure Review Consultation"; and Email (10 July 2009 2.53 pm) Mike Clare to Pat Curry "Maryburn -DOC comments.

**APPENDICES**

- Map 1 Additional areas with SIVs deserving protection as conservation land (eastern block)
- Map 2 Additional areas with SIVs deserving protection as conservation land (western block)
- Map 3 Additional covenant

**REFERENCES**

- Brown, Kerry (September 2002) Maryburn Pastoral Leasehold tenure review, Unpublished report for the department of Conservation.
- Department of Conservation (October 2002) "Maryburn Pastoral Lease Conservation Resources Report," Department of Conservation.
- Department of Conservation (January 2008) "Maryburn Pastoral Lease Recommendation Report Addendum."
- Emberson R and Syrett P (January 2004) "Maryburn Pastoral Lease Tenure Review Entomological Survey," for Department of Conservation
- Espie P (1994) "Tekapo Scientific Reserve- Ecological Restoration." Published by Department of Conservation.
- Jarman L (1987) "Wildlife and sites of special wildlife interest in the upper Waitaki and adjacent areas." New Zealand Wildlife Service Occasional Publication No. 9 Department of Internal Affairs, Wellington.
- Head N (November 2007) "Botanical Survey Pukaki Lateral Moraine Maryburn Station." Unpublished report for Department of Conservation, Christchurch.
- Morris S J (February 2004) "Invertebrate Assessment of the Wolds Pastoral Lease" for Department of Conservation, Christchurch
- Scion (2009) "Can trees restore degraded soils and promote ecologically sustainable management in tenure review of dryland Mackenzie Basin properties?" Unpublished report for LINZ
- Sedgeley J (February 2004) "Assessment of the Faunal Values (Birds and Lizards) of the Wolds Pastoral Lease, Canterbury". Department of Conservation
- Steven, Anne (October 2001) "Maryburn Pastoral Lease, Mackenzie Basin South Canterbury - Assessment of Natural Landscape Values." A report for the Department of Conservation.
- Steven, Anne (June 2007) "Review of Assessment of Landscape Values of the Central "Dryland" Mackenzie Basin – Balmoral, Irishman's Creek, The Wolds, and Maryburn Pastoral Leases."
- Walls G (November 2001) "Botanical Assessment for Tenure Review: Maryburn Pastoral Lease" Unpublished report for the Department of Conservation.
- Walker S., Price R, Rutledge D, Stephens R T and Lee W G (2006) "Recent loss of indigenous cover in New Zealand in New Zealand Journal of Ecology 30 169-177.