

Crown Pastoral Land Tenure Review

Lease name: GLENFELLAN

Lease number: PS 038

Public Submissions

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

September 09

10 Smacks Close
Papanui
Christchurch 8051



Re: Glenfellan Tenure Review

Dear Sir,

I would appreciate it if you moved the damn fence and gave the public its property back.

Although I am in agreement with the rest of this review your recommending that a fence stay in its present position astounds me.

It is stated in the review that the area covered under the proposed Conservation covenant is predominately indigenous vegetation.

It is further stated that the land is part of a larger area that contains significant botanical and landscape values. Added to this is the statement that land over the 900 metre level is generally classified as non economic for pasture improvement.

All of this can be covered under the Land Act part 2 (b)2.

It is stated in this review that a Conservation Covenant will protect the land above 900 metres.

However it was previously stated that the Commissioner of Crown Lands had given the Lessee the authority to plant Douglas Fir in Fosters Creek catchments., an area of land classified SIV.

In other words the Commissioner was short sighted.... ignorant.... to allow the planting to go ahead in the first place.

So how do you believe that placing land under a Conservation Covenant is going to achieve it's objective?

It is creating more management restraints and will be removed by a Government in the future like the Resource management Act is blamed for everything at present. Or it will be ignored as is the present case with the land held by LINZ. Why else is land in such a poor state and yet it is supposedly being freed from some restraints.

Where does the support for planting Eucalyptus come from? This is a plant that produces highly inflammable material and right next to an area that has a RAP designation and SIV. So if there's a fire, it will race through the gums and destroy the highly valuable Conservation land behind it!!

If they want to grow trees, try Beech.

In the meantime move the fence. The money would only go to Maori, ministers food bills, or to pay for inflated consultants fees. I don't care what it costs.

From
Geoff Clark.



New Zealand Deerstalkers' Association Incorporated

Level 1 45 – 51 Rugby Street P O Box 6514 Wellington
 Phone: 04 801 7367 Fax: 04 801 7368
 Email: deerstalkers.org.nz
 Website: <http://www.deerstalkers.org.nz>

30 March 2009

Commissioner of Crown Lands
 C/o DTZ NZ Ltd
 Box 27
 Alexandra. Email: alexandra@dtz.co.nz
 Tel 03 440 0168



Dear Sir:

NZ Deerstalkers' Association Submission: Glenfellen PP, Central Otago

Greetings. The New Zealand Deerstalkers' Association (NZDA) makes the following submission on the Crown land resulting from this Tenure Review Preliminary proposal.

NZDA is the national association of deerstalkers and other big game hunters, with 50 branches and hunting member clubs throughout New Zealand. NZDA has 7500 members, and has been actively advocating for recreational deerstalking and hunting, running hunter training courses, trips, conferences etc since 1937. NZDA sets and maintains ethical standards for hunting.

A number of NZDA Branches and hunting clubs have an interest in hunting in this part of Northern Southland. Branches include Otago (Dunedin), Southland (Invercargill), Southern Lakes (Queenstown, Wanaka & Alexandra), South Otago (Balclutha). Other branch members and independent recreational hunters will also be interested. There are an estimated 60,000 big game recreational hunters in New Zealand [Nugent, 1989].

Summary:

Glenfellen (1,563 Ha) is a small pastoral lease in Northern Southland, east of the Kingston-Garston highway. 1242 Ha is proposed for surrender (CA), the southern, eastern, northern and central parts of the lease, including the western catchment of Nokomai Stream. (The eastern boundary of the lease is Nokomai Stream). The area is the southern end of the Hector Mountains, and extends across the range crest to Fosters Creek. Tennant's Peak (1,491 m) lies to the north of the lease.

The area is dissected by the Nevis Road. Snow tussock is the dominant vegetation type. No pasture improvement has been carried out. The area is bounded by Lorne Peak PL to the north and Nokomai PL to the east, and freehold land to the south. The Southland Ski Club's original Garston hut (built 1934) still stands beside the Nevis Road, partly maintained by DOC. 190 Ha of Douglas fir is to be removed. There are impressive mountain views of surrounding ranges from the ridge on the southern Hector Mountains.

321 Ha in the west of the Lease is proposed for freeholding to Glenfellen Forests Ltd. The actual alignment of the Nevis Road deviates significantly from its legal alignment, and this needs to be rectified before any freeholding can proceed to protect public access to the surrendered land, and to the whole of the Nevis Valley beyond.

Public Access, hunting and recreation:

The area provides recreational 4WD opportunities on the Nevis Road, mountain biking and day walking. Big game animals present may include wild pig and Red deer at times.

The Nevis Road is not on the legal alignment through the proposed freehold land. The actual alignment should be swapped for the legal road, as part of this proposal to ensure public access is provided long term. This would preferably be done by negotiation, or if not possible, then by S 117 of the Land Act 1948. It is essential that the misalignment of the road be fixed as part of this proposal, to provide secure public vehicular access of S 24 (c) (i). Without this the present road access across the proposed freehold is not secured. So the ability of the public to access the Nevis Road and valley, as well as the proposed surrendered land is not secured.

Conclusion:

NZDA supports this proposal, with the proviso that the Nevis Road be re-surveyed and swapped where necessary, to be a public road through the proposed freehold area. As legal roads are not usually part of Tenure Review this will require discussion with the Southland District Council, to secure such public vehicular access on this road. A combination of swaps involving the Land Act, the CPL Act and the Local Govt Act may be necessary.

Thank you for the opportunity to comment. Please contact me for any additional information.

Yours truly

Dr Hugh Barr
National Advocate



Mid Dome Wilding Trees Charitable Trust

Patron: Sam Neill.

Members: Ali Timms (Chair), Alan Hart, Alison Broad, John Aspinall, Woodford Rouse and Michael Skerrett.

Serviced by: Environment Southland, Private Bag 90116, Invercargill, p: +64 3 2115115, e: service@es.govt.nz, attn: Liz Ryley
File No: 426/93707

8 April 2009

The Manager
DTZ
PO Box 27
Alexandra 9340

DTZ ALEXANDRA
9 - APR 2009
RECEIVED

Dear Sir/Madam

Submission on Glenfellen Tenure Review Proposal

The Mid Dome Wilding Trees Charitable Trust considered the proposal for tenure review of the Glenfellen Pastoral Lease at its meeting on 24 March 2009.

The Trust generally supports the proposal in its present form with some provisos as outlined below.

It is very pleased that the proposal enables the 190 hectares of Douglas fir planted in the upper catchment of Fosters Creek to be removed.

The Trust urges that the substantive proposal be approved as soon as possible to reduce the costs of removing these trees. These trees are now in excess of two metres in height and will require mechanical cutting using scrub bars. If they are left uncut for a further two years they will require more laborious and expensive chainsaw cutting. There may also be some trees starting to set viable seed by that time.

If any of the Glenfellen trees are allowed to release seed then this will realise the Trust's worst fears with the establishment of another Mid Dome type seed source. It will allow the spread of wilding trees over a vast area of vulnerable high country tussock land to the east and south. The Trust has no doubt that Douglas fir is just as able to spread as *Pinus contorta* in this environment and Glenfellen has the potential to greatly compound the problem arising from Mid Dome.

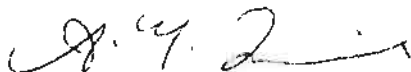
The Trust notes that no provision is made in the proposal regarding the funding of the removal of 190 hectares of Douglas fir plantings on Glenfellen. It understands from estimates based on Mid Dome wilding tree operations that this may amount to a cost of up to \$800,000. It is of concern to the Trust that the Department of Conservation may be required to resource the removal of Douglas fir at Glenfellen from existing budgets. This could impact adversely on its current commitment to the Mid Dome 12 Year Wilding Tree Eradication Programme.

The Trust will be raising this matter with the Minister of Land Information New Zealand in due course.

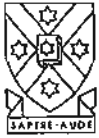
The Trust also notes with some concern that the proposal suggests that the planting of 'non-spreading' eucalypts may be allowed on the freehold land created by the tenure review. Technical advice the Trust has indicates that *Eucalyptus nitars*, which is commonly planted in Southland, has been shown to naturally regenerate after 12 years of age in drier inland sites in the region. The Trust would need to be assured that the species selected posed no risk of natural regeneration or spread outside of the planted area.

Thank you for giving the Trust the opportunity to submit on this important issue. The Trust hopes its concerns will be given due consideration.

Yours sincerely

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

Ali Timms
Chair

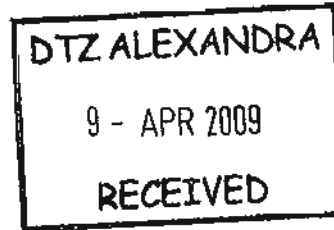


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April 8, 2009.

Commissioner of Crown lands,
C/o Manager,
DTZ NZ Ltd,
PO Box 27,
ALEXANDRA.

SUBMISSION ON PROPOSED TENURE REVIEW: GLENFELLAN PASTORAL LEASE

Dear Sir,

Thank you for sending me two copies (second one somewhat revised dated 20th March) of this document and I appreciate the opportunity to comment on it based on my good knowledge of this area, based on my involvement with the PNA Survey of Nokomai Ecological District with Dr Katharine Dickinson in the late 1980s.

The general thrust of this proposal, to return to full Crown ownership and management control, a single area of 1242 ha, as a conservation area (labelled CA on the plan), with the balance of the property, some 321 ha, being disposed of with freehold title to Glenfellen Forest Ltd, subject to a qualified designation and protective mechanism, is strongly endorsed. The Qualified Designation is a right-of-way easement for public access on foot, horse, or non-motorised vehicle and for management purposes, while the Protective Mechanism is a Conservation Covenant over ~70 ha to protect the historic integrity of the Diggers Creek water race structure and also some landscape values above 850 m elevation.

As a member of the Mid Dome Wilding Tree Charitable Trust I am pleased to see that the serious issue of wilding tree spread from the ~190 ha area of Douglas Fir planted in the Foster's Creek catchment and extending up to the Nevis-Garston Road is also provided for in the revised plan. Condition 3 under Schedule 4 in the revised proposal, provides for the Department of Conservation to enter the land and remove these trees from the area destined to become conservation land. I have been concerned ever since seeing this planting and attended a public meeting called by Environment Southland several years ago to discuss this potentially very serious problem of the planting, authorised under the prevailing District Plan with endorsement by LINZ. It is to be hoped that this proposal for tenure review can be expedited with all urgency so that the Douglas Fir saplings can be dealt with, without accruing further value for DoC to both defray and remove.

The provision to address the legal road alignment of the Nevis-Garston Road is also endorsed. I trust that this response and recommendations will be given serious consideration and I thank you again for the opportunity to assess and comment on these proposals for tenure review.

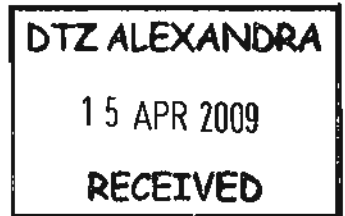
Yours sincerely,


Alan F. Mark. FRSNZ Professor Emeritus



12 April 2009

The Commissioner of Crown Lands
C/- DTZ New Zealand Limited
Land Resources Division
PO Box 27
ALEXANDRA



Dear Sir,

Re: Preliminary Proposal for Tenure Review: Glenfellan Pastoral Lease (Ps 038)

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 13,000 members of tramping, mountaineering, climbing and other outdoor clubs 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, 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 the more recently stated 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.*

[EDC Min (03) 5/3; CAB Min (03) 11/5 refer]

FMC appreciates this opportunity to comment on the Preliminary Proposal for the review of Glenfellan pastoral lease.

For your information we attach as an appendix to this submission, the report which FMC prepared on the tenure review of Glenfellan in 2005, at the 'Early Warning' stage of the tenure review process.

THE PRELIMINARY PROPOSAL

FMC notes that the proposed designations are described as follows:-

Proposal 1.1

1,242ha approximately to be designated as land to be restored to full Crown ownership and control as conservation area pursuant to Section 35(2)(a)(i) Crown Pastoral Land Act 1998 (Marked CA on the Plan).

Proposal 1.2

321ha approximately to be designated as land to be disposed of to Glenfellan Forest Limited pursuant to Section 35(3) Crown Pastoral Land Act 1998, subject to qualified designation and protective mechanism.

Qualified Designation:

1.2.1 The proposed freehold is subject to a Right of Way easement for public access on foot, horse and non motorised vehicle and access for management purposes pursuant to Section 36(3)(b) Crown Pastoral Land Act 1998.

Protective mechanism:

1.2.2 The proposed freehold is subject to a Conservation Covenant over approximately 70ha to protect the historic integrity of the Diggers Creek water race structure and to protect the landscape values above 850 metres altitude pursuant to Section 40(1)(b) and 40(2)(a) Crown Pastoral Land Act 1998.

INTRODUCTION

It should be noted that FMC provided a Report in April 2005, following the Early Warning meeting related to properties introduced in 2004. That Report was entitled "Preliminary Report on the Recreational, Landscape, Historic and other Conservation Values, and Recommendations for Outcomes of Tenure Review of Glenfellan." For your information a copy of the text of that report is appended to this submission.

Glenfellan covers some 1,500ha and straddles the Garston Nevis Road as it climbs north and east above Garston. The property also extends some 2 to 3km along the Nokomai Range to Trig C at 1,154m. Situated on the slopes above Garston, Glenfellan rises from about 500m to the ridge crest and then descends to about 600m in the Nokomai catchment.

From a recreational perspective, the property is well known because of the Nevis Road which reaches one of its two high points on Glenfellan and is the first challenge to the riders in the annual 'Pub to Pub' Mountain Bike event. It is also well known to 4WD enthusiasts who enjoy travel through the Nevis and was formerly an important base for the Southland Ski Club which in the 1930s built the historic Ski Hut at about 1,000m not far from the Saddle.

In the FMC Report (2005) a number of recommendations were made. These included the following:-
"Easements for public walking and mountain bike access should be provided over 3 routes on Glenfellan:

- (i) along the entire length (within the Glenfellan boundaries) of the Roaring Lion water race,*
- (ii) along the lower water race (Diggers Creek) which has its intake in the Fosters Creek catchment*
- (iii) along the ridge track northwards from Trig 'C' to a bend in the Garston Nevis road above the former Southland Ski Club hut.*

The historic values of the disused Roaring Lion water race from its source in Roaring Lion to the former Nokomai Gold workings adds considerable interest to recreational use of the area.

The land above about 1,000m, classified LUC Class VII, and enclosed by the Nokomai River and the northern and southern boundaries of Glenfellan should be returned to full Crown ownership and control to be managed for conservation and recreational purposes. This area includes the two RAPs identified by the PNA survey of the Nokomai Ecological District (RAP Nokomai 7 and 8). A new fence being erected between the South Branch of Fosters Creek and the historic ski hut might serve to secure the western boundary of this area and thereby also include important natural values of the tussocklands in the upper basin of Fosters Creek”.

It is pleasing to note that many of these recommendations have been followed in the tenure review process and now appear in this Preliminary Proposal. For example RAPs Nokomai 7 and 8 are included within the large Conservation Area which covers about three quarters of the property. We note that it also includes two of the three public walking easements recommended in the FMC Report (2005) including the historic Roaring Lion water race. We are also pleased to note that protection for the Diggers Creek race is included in the proposal. However, we are disappointed that walking access along much of the race is not included in the proposal.

The designation of this area as conservation land deals with our concern that the continued pastoral use of the land above about 1,000m may not be ecologically sustainable.

FMC SUBMISSIONS

The details of FMC views on, and support for, or objections to, the Preliminary Proposal are presented below and are arranged in the same format as the Preliminary Proposal quoted above.

Proposal 1.1

1,242ha approximately to be designated as land to be restored to full Crown ownership and control as conservation area pursuant to Section 35(2)(a)(i) Crown Pastoral Land Act 1998 (Marked CA on the Plan).

FMC is pleased to note that a large part of the higher country on Glenfellen is proposed for return to full Crown ownership and control as conservation area. This will protect the high natural and landscape values of the area and provide new recreational opportunities over the tops and along the historic Roaring Lion water race.

This designation also opens up the possibility of later incorporation into the Remarkables Conservation Park, and secures public access over a significant section of the Garston Nevis Road between Garston and Bannockburn.

FMC pointed out in the Report (2005) that the probability of wilding tree spread from the plantings of Douglas Fir on Glenfellan posed a significant threat to conservation values in the area, and that the intrusion of the plantings into the Fosters Creek landscape was not welcome. We are therefore pleased to note that the proposal includes the removal of 190ha of planted Douglas Fir within the Fosters Creek catchment north of the Nevis-Garston Road.

We believe that the significant inherent ecological, recreational, landscape and historic values are well described in the Conservation Resources Report (CRR) and are well summarised in the preliminary proposal. FMC endorses and fully supports the proposal that the area CA should be returned to full Crown ownership and control.

FMC Submission

FMC fully supports and endorses the proposal that 1,242ha approximately to be designated as land to be restored to full Crown ownership and control as conservation area pursuant to the Crown Pastoral Land Act 1998. FMC also endorses the proposal to remove 190ha of recently planted Douglas Fir from the Fosters Creek catchment.

Proposal 1.2

321ha approximately to be designated as land to be disposed of to Glenfellan Forest Limited pursuant to Section 35(3) Crown Pastoral Land Act 1998, subject to qualified designation and protective mechanism.

FMC recognises that this proposal deals with the lower western slopes of the property up to about 1,000m and is mainly characterised by LUC Class VI soils which should be capable of being managed in a way that is ecologically sustainable. We also recognise that there is land between about 850 and 1,000m included below the proposed boundary fence which is dominated by snow tussock grassland on soils classified as LUC Classes VI and VII. While the former may be capable of supporting ecologically sustainable production, the latter probably cannot. There are thus reasons related to both sustainability and significant natural values, why the land above about 900m should not be freehold. However, we understand the arguments related to fencing and accept that the protection of the land under a conservation covenant is a reasonable compromise. However, this acceptance might be used as a bargaining tool to secure public access to the Diggers Water Race.

FMC notes that the historic and potential recreational value of the Diggers Creek water race was recognised in the CRR as well as in the FMC Report (2005). While it is satisfying to note that the historic values will be protected under covenant, it is very disappointing that the holder has not agreed to public access along that part of the race within the proposed freehold. In view of the concession to use the new fence as the boundary (despite the issues with the tussock grasslands above 850m), FMC asks that this matter should be revisited with the holder before the substantive proposal is agreed. The Fosters Creek valley provides valuable access to the Hector Mountains and the high country around Ben Nevis, and a link to the emerging Remarkables Conservation Park.

FMC notes that the proposal document refers to the Garston Nevis Road and states that "*the road does not follow its legal alignment over most of its length*". This is a serious matter which does not seem to have been dealt with in the proposal. It fails to secure public access across the new freehold to the new conservation land beyond, as required by the S24(c)(i) of the Crown Pastoral Land (CPL) Act 1998, and fails to secure public access along the well used Garston Nevis Road. This situation must be remedied in one of two ways. Either (and preferably) by formally recognising the formation on the ground as the legal road, or by designating an easement to allow public vehicles, non-motorised vehicles, foot and horse traffic to pass and repass over the existing formation within the proposed freehold area.

We note that the section of the Proposal Document dealing with the proposed designations in relation to the objects of Part 2 of the CPL Act states:- "*The Commissioner intends addressing this issue (viz the legality of the Nevis-Garston Road) in consultation with the Holder and the District Council prior to putting a Substantive Proposal*". Given the importance of this issue, we believe that the public should be informed as to how the issue will be resolved prior to putting the Substantive Proposal to the Holder.

FMC Submission

FMC supports with reservations the proposal that 321ha should be designated as land to be disposed of to Glenfellan Forest Limited. We reluctantly accept the use of the new fence as the upper boundary of the proposed freehold, despite the inclusion of some significant inherent values. We recommend that this concession be recognised when revisiting the issue of public walking access along the Diggers water race.

- FMC is concerned at the failure to secure public access over the existing alignment of the Garston Nevis Road. It is most important that this is resolved by either formally recognising the existing road as the legal road or designating an easement along the existing road to allow public vehicles, non-motorised vehicles, foot and horse traffic to pass and repass over the existing formation within the proposed freehold area.*

We submit that the public should be informed as to how this issue will be resolved before a Substantive Proposal is put.

Qualified Designation:

1.2.1 The proposed freehold is subject to a Right of Way easement for public access on foot, horse and non motorised vehicle and access for management purposes pursuant to Section 36(3)(b) Crown Pastoral Land Act 1998.

FMC notes that this proposal includes provision for an easement for public access (foot, horse and bike) and for management purposes, 'from the legal road to the proposed conservation area' via route "a-b". We recognise that this is intended to provide access to the upper part of Diggers Race in the conservation area, and to Fosters Creek. We wonder why it specifies access from the legal road as opposed to the actual formation of the Garston Nevis Road. It is clearly stated elsewhere in the proposal document that "the road does not follow its legal alignment over most of its length". Surely this will create difficulties with defining precisely where the route "a-b" is located. Furthermore the Designations Plan in Appendix.1 appears to show the route "a-b" originating from the actual road formation and heading into the new conservation area CA. We therefore assume that reference to legal road was a 'typo'.

FMC believes that clarification regarding the actual siting of the route "a-b" is required, and that it would be better to define the route in terms of the existing road formation, rather than the legal road.

FMC Submission

FMC is concerned about the definition of the route "a-b" and in particular to its relationship with the legal road. Given that the legal road and the existing road do not coincide, we submit that it would be better to define the route "a-b" by reference to the existing road formation. We assume that this is what was intended and that reference to the legal road was in fact a 'typo'. We support the designation of an easement "a-b" from the Garston Nevis road into the conservation area CA.

Protective mechanism:

1.2.2 The proposed freehold is subject to a Conservation Covenant over approximately 70ha to protect the historic integrity of the Diggers Creek water race structure and to protect the landscape values above 850 metres altitude pursuant to Section 40(1)(b) and 40(2)(a) Crown Pastoral Land Act 1998.

FMC understands that this part of the proposal consists of two parts: one dealing with the Diggers Creek water race, and the other dealing with the landscape of upper part of the proposed freehold area between about 850m and the boundary fence

FMC is pleased that the historic value of the Diggers Creek water race has been recognized and will be protected under covenant, but we are disappointed that as the proposal stands, the public will not be able to see and appreciate this feature. We recommend that the question of public access be reopened with the holder as discussed under Proposal 1.2 above.

FMC reluctantly accepts that a covenant over the significant inherent values of the snow tussock grasslands in the upper part of the proposed freehold area may be a reasonable compromise given the alternative costs of new fencing. However we believe this compromise should be taken into account when discussions about public access to Diggers Creek water race are reopened. FMC contends that significant, dense presence of Spaniard no doubt stimulated by repeated burning off in the Diggers Creek area reduces its value for stock grazing.

We submit that a small area between the Garston Nevis Road and the proposed Conservation Area CA, above the proposed access "a-b" is highly visible from the Garston Nevis road and deserves landscape protection. We therefore, recommend that some 20ha between the road and Conservation Area CA, uphill from the access "a-b" and on the uphill side of the road should be added to the proposed Covenant Area CC, because this would protect the view of the landscape from the road towards the area CA, and up to the skyline at the top of Conservation Area CA.

FMC Submission

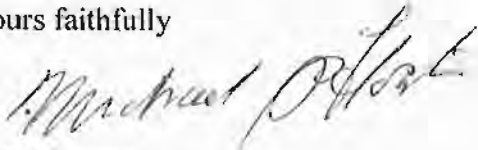
FMC endorses and supports the proposal that the Diggers Creek water race should be protected under covenant. We are disappointed that the public will not have access to this interesting and historic feature, and recommend that discussions with the Holder should be reopened with a view to reversing this decision.

FMC reluctantly accepts the protection under Covenant, of snow tussock grasslands between 850m and the upper boundary of the proposed freehold. Our preference, and the preference stated in the CPL Act, would have been full Crown ownership, but we understand the rationale for the compromise.

FMC recommends that some 20ha between the Garston Nevis Road and Conservation Area CA, just uphill from the access "a-b" and on the uphill side of the road, should be added to the proposed Covenant Area CC, because this would protect the view from the road towards the area CA, and up to the skyline at the top of conservation Area CA.

Finally, FMC is grateful to the agent, DTZ New Zealand Ltd., for making arrangements for us to inspect the property, and the runholder for his co-operation.

Yours faithfully



pb Phil Glasson.
Hon Secretary, Federated Mountain Clubs of NZ Inc.

Appendix 1.

**PRELIMINARY REPORT ON THE RECREATIONAL, LANDSCAPE, HISTORIC
AND OTHER CONSERVATION VALUES, AND RECOMMENDATIONS
FOR OUTCOMES OF TENURE REVIEW OF GLENFELLAN**

**A Report for FMC based on Field Inspections and other research
to assist in the Crown Pastoral Lease Tenure Review Process**

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LIST OF FIGURES

Fig. 1. Glenfellan pastoral lease straddles the ridge between the Mataura and Nokomai valleys. It rises from above Garston to a high point just about 1,100m on its northern boundary where the Garston Nevis Road starts to drop into the Upper Nevis. This view shows the ridge with the road heading north at about 1,100m towards the saddle between the Nevis and Nokomai river systems.

Fig. 2. The Garston Nevis Road, seen here in the remote Upper Nevis, is an important recreational resource for mountain biking (both social and competitive) for access to the historic Southland Ski Club base hut and for access to the Slate Range. Its alignment over Glenfellan land must be confirmed as legal through this tenure review.

Fig. 3. The historic Southland Ski Club hut (built in the 1930s) is near the crest of the range and is a prominent feature beside the Garston Nevis Road. Unfortunately this leads to its susceptibility to vandalism but it still serves as a useful base for cross country ski trips along the Hector and Slate Ranges when snow conditions are suitable. As can be seen in this view it also commands spectacular views over the Mataura valley.

Fig. 4. The lower slopes of Glenfellan have been classified LUC Class VI and are probably capable of supporting ecologically sustainable pastoral use. They exhibit interesting dimpled landscape features and could be described as part of an attractive Arcadian landscape. This should be protected by Covenant from the adverse effects of inappropriate developments such as afforestation because District Plans under the RMA are not sufficiently robust to provide the required long term protection.

Fig. 5. From a high point on the Garston Nevis road, above the Ski Club hut, a rough track leads south to Trig C and eventually (on the neighbouring Blackmore property) gives access to a restored Raceman's Hut on the disused Roaring Lion Water Race. In order to provide a good and varied round trip, public access should be provided to Trig C and along the length of the Roaring Lion water race.

Fig. 6. The higher ground on Glenfellan is characterised by Taringatura soils which have been classified LUC Class VII with serious limitations for pastoral use. It is most unlikely that it can be managed in a way that is ecologically sustainable. By contrast, an area of 575ha (Nok. 7) was recommended for protection by the PNA survey because of its significant inherent natural values. This area should be returned to full Crown ownership and control to be managed for conservation and recreational purposes.

Fig. 7. One of two disused water races on Glenfellan has its source in the mid catchment of Fosters creek at about 650m. This race crosses the lower slopes at about 500 to 600m and has significant potential for recreational use. It offers fine views over the Mataura valley and would provide an excellent day walk for both locals and tourists. An easement should be designated through tenure review.

Fig. 8. Part of the Roaring Lion water race crosses Glenfellan and although public access along its whole length would provide an excellent recreational resource this will depend on tenure reviews of neighbouring properties. A start should be made by ensuring that access is available over the part which traverses Glenfellan.

Fig. 9. A visit to the old raceman's hut is quite easy from the Garston Nevis Road and would add much interest to a day trip along the race and back via Trig C. The hut was restored by DOC volunteers and contains a variety of historic relics of the goldmining era which would help to satisfy the increasing public interest in heritage.

Fig. 10 Parts of the lower slopes of the Mataura faces have been planted out for forestry with significant adverse effects on landscape values. There is also a high risk of wilding tree spread from these plantings as demonstrated by the example of Mid Dome. No more tree planting should be permitted and instead the value of the front faces should be protected under a binding landscape protection covenant.

**PRELIMINARY REPORT ON THE RECREATIONAL, LANDSCAPE, HISTORIC
AND OTHER CONSERVATION VALUES, AND RECOMMENDATIONS
FOR OUTCOMES OF TENURE REVIEW OF GLENFELLAN**

INTRODUCTION

This report has been prepared following the Early Warning Meeting in September 2004 at which the properties entering the tenure review process in 2004 were introduced. An inspection of the property has been carried out from the legal road over the Slate Range and in the Nevis Valley with the runholder's permission in March 2005. This report is based partly on that knowledge, and partly on information gathered from other trips to the area and other sources listed below. This report is offered as a contribution to the statutory consultation process undertaken by DOC.

The report focuses on those features of Glenfellan which are important for public recreational interests. It should be noted that while some of this interest focuses on public access, the natural and historic values and landscapes of the property have a fundamental impact on its recreational value and greatly affect the quality of recreational experience enjoyed. It is for this reason that reference is also made to natural, historic and landscape values in this report. The landscapes and views to be had from the Slate Range Range and the Garston Nevis Road are outstanding and add greatly to the enjoyment of traversing this property.

This property is at the extreme southern end of the area described by Mason (1989) as the 'Remarkables and Hector Mountains'. Mason noted that "*Eastern back slopes of the Remarkables are mountainous but less spectacular [than the western slopes] as are their southern extension, the Hector Mountains. The crest height of the Hectors lies between 1,920 and 2,225m as far south as James Peak, south of which the country becomes less dissected. Then the height falls gently to 900m at the southern limit of the Hectors above Garston*".

South of the Hectors and overlooking Garston and the Mataura Valley is the Slate Range, and another ridge sometimes referred to as the Nokomai Range. These ranges reach about 900m and 1,100m respectively and are separated from the Hector range by the Garston Nevis Road which reaches a height of about 1,100m at the saddle on Glenfellan (Fig. 1) before descending into the Upper Nevis Valley.

Glenfellan covers some 1,500ha and straddles the Garston Nevis Road as it climbs north and east above Garston. The property also extends some 2 to 3km along the Nokomai Range to Trig C at 1,154m. Situated on the slopes above Garston, Glenfellan rises from about 500m to the ridge crest and then descends to about 600m in the Nokomai catchment.

From a recreational perspective, the property is well known because of the Nevis Road which reaches one of its two high points on Glenfellan and is the first challenge to the riders in the annual 'Pub to Pub' Mountain Bike event. It is also well known to 4WD enthusiasts who enjoy travel through the Nevis (Fig. 2) and was formerly an important base for the Southland Ski Club which in the 1930s built the historic Ski Hut (Fig. 3) at about 1,000m not far from the Saddle.

The review of Glenfellan pastoral lease should take account of the emerging network of recreational opportunities on the Remarkables, Hector and Nokomai Ranges and in the Nevis Valley. It could become a significant complement to the developing Remarkables Conservation Park, foreshadowed in the Conservation Management Strategy for Otago.

METHODS OF SURVEY AND ASSESSMENT

This report is based on inspections made from the legal road which traverses Glenfellan, from the Nevis Road before it descends into the Nevis Valley and from knowledge gained from general knowledge of the area. It is also based in part on knowledge and information gathered from other sources. Those sources include both publications and accounts by members of local tramping and outdoor recreation groups that have been consulted about trips undertaken in the area. A study of "Outdoor Recreation in Otago" was undertaken by Mason (1989) and published by the Federated Mountain Clubs of New Zealand (FMC). Reference is made to this recreation plan for Otago in the recreational opportunity discussion below. Land Use Capability (LUC) maps have been used to assess the extent of soil types and topographic areas and their significance with respect to ecologically sustainable use. The Survey Report of the Protected Natural Area (PNA) Programme for the Nokomai Ecological District and the Conservation Management Strategy (CMS) for Otago, have also been used as a source of reference.

GENERAL DESCRIPTION OF GLENFELLAN

Glenfellan is a relatively small pastoral lease of about 1,500ha consisting of both oversown (Fig. 4) and unimproved tussock grassland (Fig. 5) on the flanks and crest of the Nokomai and Slate Ranges above Garston. The Garston Nevis road bisects the property as it climbs above Garston and provides good access for both farming and recreational purposes. From a high point on this road a rough track leads south to Trig C and eventually (on the neighbouring Blackmore property) gives access to a former Raceman's Hut on the disused Roaring Lion Water Race (Fig. 5).

Glenfellan is bounded by Lorne Peak to the north, Nokomai Station to the east (the Nokomai River is the boundary) and Blackmore to the south.

The upper slopes of Glenfellan are characterised by Taringatura Hill soils and associated Carrick Hill soils both of which are classified as High Country Yellow Brown Earths. Some areas of both these soil types have been assessed as Land Use Capability (LUC) Class VI and VII. The Class VII soils (with serious limitations and very limited suitability for pastoral use) occupy the higher ground generally above about 1000m and almost half the total area of the property (Fig. 6). The Class VI soils are generally associated with slopes below about 1,000m and are of higher suitability for pastoral use (Fig. 4). There is also a smaller area of Fairlight Yellow Brown Earth Intergrade soils on the lower slopes which have been classified LUC Class III.

It should be noted that Class VII soils have severe limitations for pastoral production related to both soil and climatic conditions. Natural soil fertility is low and grazing and burning remove essential nutrients from soil reserves. Unless removals through burning and in animal products (meat and wool) are balanced by replenishment in the form of fertiliser, soil depletion will be inevitable and the system will be unsustainable. Nutrient balance might be maintained by fertiliser use but at these higher altitudes, plant growth response is small and it is usually not economically justifiable to apply the necessary fertiliser. Furthermore, the term 'ecologically sustainable' is not defined adequately in the CPL Act, 1998, but it has been suggested that 'ecological sustainability' will involve maintenance of not only nutrient status but also biological diversity. Pastoral use, especially if that included fertiliser use and burning, would not favour or promote biodiversity. For all these reasons, freeholding would not promote 'ecologically sustainable' land use. Under these circumstances, conservation values need to be assessed and considered as an alternative to unsustainable pastoral use.

The Garston Nevis Road (Figs. 1 and 2) does not necessarily follow the legal road alignment despite being well used by the public and well maintained by the Southland District Council. Because of these factors, the opportunity should be taken during tenure review to legalise the actual road formation over Glenfellan.

RECREATIONAL USE AND POTENTIAL NEW OPPORTUNITIES

The existing legal road over Glenfellan has been in existence since the late 1800s when it served the gold miners as a pack track and later as a wagon road. Partly because of this historic interest, and partly because of the scenic attraction of crossing the Nokomai Range and traversing the remote Nevis Valley (Fig. 2), the road is

already extensively used for recreation. This road on Glenfellan and its continuation through the Nevis and over Duffers Saddle is used for heritage exploration of the Nevis, fishing trips to the Nevis River and increasingly by mountain bike enthusiasts, both on an informal basis and for the annual 'Pub to Pub' race from Garston to Bannockburn. The road is also used heavily by 4WD vehicles but because of its standard of construction it can withstand this popular usage.

There are two disused water races on the property which have significant potential for recreational use. The first of these (sometimes known as the Diggers Creek Race) crosses the lower slopes at about 500 to 600m with its source in the mid catchment of Fosters Creek at about 650m (Fig. 7). This would provide an interesting and relatively easy day walk for the increasing numbers of tourists visiting the Athol Garston area as it provides commanding views over the Mataura Valley and into the Eyre Mountains. The second and higher water race was very important in the gold mining era, carrying water from the Roaring Lion Creek in the Nevis to the workings at Nokomai. This race crosses the divide between the Nevis and Nokomai catchments near the northern boundary of Glenfellan at about 1,000m (Fig. 8). It wends its way across the upper Nokomai faces of Glenfellan for some 6km before crossing into the neighbouring Blackmore property. If access could be provided across both properties a very interesting walk along the race would lead to a restored sod cottage (former raceman's hut) adjacent to a beech forest remnant on the Nokomai flanks of the Slate Range (Fig. 5). A visit to this hut is quite easy from the Garston Nevis Road and would help to satisfy the increasing public interest in heritage sites (Fig. 9). A round trip could be made by returning via Trig 'C' and a rough track along the ridge crest. Public foot and mountain bike access along the ridge crest and water race at least as far as the Glenfellan/Blackmore boundary should be provided through the current tenure review.

Any assessment of recreational value should include not only present usage (which is heavy on the Garston Nevis road but little known elsewhere on Glenfellan) but also include future potential usage by trampers, mountain bikers and day walkers. It is likely that with increasing pressure for new recreational areas and increasing knowledge of this area, usage will increase following the completion of this and other tenure reviews.

Finally, it is recommended that the recreational use of Glenfellan should be considered in the wider context of public recreation on the Remarkables, Hectors and Nokomai/Slate Ranges and the development of the Remarkables Conservation Area foreshadowed in the Conservation Management Strategy for Otago.

In summary, this assessment indicates that there is considerable scope for increased recreational use of the water races on Glenfellan, particularly by day walkers and by those pursuing more passive interests such as exploring historic gold mining relics. The major issues for recreation are provision of appropriate access for these activities including easements for foot and mountain bike use along two water races and confirmation of the actual formation of the Garston Nevis Road as the legal road.

SIGNIFICANT INHERENT VALUES AND THEIR IMPORTANCE FOR RECREATION

Conservation interests and significant inherent values (associated with enhancing the recreational experience) are primarily focused on the landscape and natural values of the higher country on Glenfellan (Figs 1 and 3). Also very important are the landscape values of the Mataura faces above State Highway 6 because these can be seen every day by thousands of tourists travelling between Queenstown and Te Anau and Milford Sound.

Interest focuses on the natural and landscape values which are characteristic of the high country and tussock grasslands (Fig. 6) and also on the historic values and relics of the goldmining era (Figs 5, 7 and 8). There are also two important areas which were identified as Recommended Areas for Protection (RAPs) through the PNA survey of the Nokomai Ecological District. These are discussed in more detail below.

Glenfellan occupies a commanding position on the flanks of the Nokomai and Slate Ranges and affords great panoramic views over the Mataura valley and into the Eyre Mountains. The front faces of these ranges provide views of the road leading over the range from Garston to the Nevis. This road can be clearly seen from SH 6 between Queenstown and Milford and it invites exploration of these ranges and beyond to the remote Nevis

Valley. It also indicates the recreational potential of the property which is within very easy reach of population centres, including the major tourist destination Queenstown. Equally, the front faces of the range above Garston have high landscape values of their own which should be protected from the adverse effects of developments such as afforestation.

In practice, the lower slopes of Glenfellan have been modified by pastoral farming and land development over the years (Fig. 4) and parts of the slopes are currently being developed for forestry (Fig. 10). This will have far reaching effects on the landscape value of the front faces. It could be argued that resource consent for such planting should not have been granted because of the adverse visual effects of afforestation on an outstanding natural landscape which is a 'matter of national importance' (Section 6(b) of the RMA 1991). There is an opportunity through tenure review to establish a landscape protection covenant which could prevent further degradation of the front faces. Another reason why afforestation should not be permitted is the high risk of wilding conifer spread such has occurred from erosion control plantings on Mid Dome.

There is, near the crest of the range, an area of the LUC Class VII Taringatura and Carrick Hill soils above about 1,000m which is less modified and has high natural and landscape values (Fig. 6). These include the rolling range top, rock tor features, woody shrublands, mountain, silver and red beech forest, tussocklands and the steep slopes and rock bluffs in the Nokomai valley. This includes the areas identified as RAP Nokomai 7 and 8. Most of Nok.7 and some of Nok. 8 are on Glenfellan while most of Nok.8 extends onto Blackmore. The recommended area of Nok. 7 is 575ha (between 395 and 1145m in altitude), while Nok.8 covers 495ha (between 430 and 1145m), only a relatively small part of which is on Glenfellan land. The Criteria Summary in the PNA Report indicates that both these RAPs were ranked (M) for representativeness, diversity, naturalness and landform. This assessment clearly indicates that the areas have significant inherent values which should be protected through the tenure review process, preferably by return to full Crown ownership. Furthermore, it was noted above that the area has serious limitations for pastoral use. It is also unlikely that this area could be managed in a way that is ecologically sustainable as require by the CPL Act 1998 (for the reasons discussed above relating to the maintenance of nutrient balance and biological diversity). It is concluded that this area would be better considered for return to the Crown to be managed for conservation and recreational purposes.

There is increasing public interest in historic heritage generally and Glenfellan is host to two water races which have both historic value and recreational potential. The Roaring Lion Race in particular has significant historic value as the conduit built to provide water to the Nokomai workings across the Nevis/Nokomai divide from the Roaring Lion Creek over a distance of some 20km.

AREAS TO BE PROTECTED

It is recommended that the entire area of the RAPs Nokomai 7 and 8 should be returned to full Crown ownership and control and be managed for conservation and recreation purposes. The reasons for this recommendation include the high landscape, significant inherent natural values, the recreation potential of the rolling range crest, and the lack of suitability for sustainable pastoral use. If the boundaries were to be confined to the limits of the RAPs this would create a number of illogical fencelines and isolate a small area in the head of the Nokomai catchment. Instead, it is suggested that the entire area north and east of the historic ski hut (situated at approximately 1,000m) and over to the Nokomai River should be returned to full Crown ownership and control. In order that this area be contained on the Mataura slopes of the property, it may be possible to make use of a recently constructed fence running from the South Branch of Fosters Creek to close to the ski hut. This would also enable an important area of tussockland in the upper catchment of the South Branch of Fosters Creek to be protected. The southern boundary would be secured by the fence from Trig 'C' down to the Nokomai River.

Because the landscape protection provisions of the District Plan are not sufficiently durable or robust, high quality landscapes on the Mataura face of the Nokomai range should be protected from the adverse effects of inappropriate developments (eg. structures, afforestation, subdivision and tracking). In this case, where much of the land appears to be capable of being managed in a way that is ecologically sustainable and therefore suitable for freeholding, protection under a binding landscape conservation covenant would seem appropriate.

ACCESS REQUIREMENTS

One of the most important recreational features of Glenfellan is the Garston Nevis Road which traverses the property but does not necessarily follow accurately the legal alignment. It is however, well used by the public and well maintained by Southland District Council. The actual formation on Glenfellan should be formally recognised as the legal road as part of the tenure review process.

Two disused water races cross the property and both could provide useful recreational routes for relatively easy day walks. An easement for public access for foot and mountain bike use should be established along the length of the lower race at about 600m on the Mataura face (Fig. 7) from the southern boundary to the intake in Fosters Creek.

Even more importantly, an easement for public access is required along the entire length of that part of the Roaring Lion water race within the boundaries of Glenfellan (Fig. 8). This would provide an excellent walk from near the property boundary at the Nevis/Nokomai divide to the Blackmore boundary to the south. Ideally, public access will eventually become available to the restored raceman's hut on Blackmore but meantime easements for public access both along the water race and along the ridge track to Trig 'C' are required.

CONCLUSIONS

Significant conservation and recreation gains are possible outcomes of this tenure review. FMC recommendations for outcomes from this tenure review are as follows:-

1. Although the current recreational use of the Garston Nevis Road is already heavy and includes the annual 'Pub to Pub' Mountain Bike event, there is increasing demand for recreation opportunities in the greater Queenstown area and potential for walks to be developed along two water races on Glenfellan. One of these races, also has significant historic value as it carried water more than 20km from the Roaring Lion Creek in the Nevis to the gold workings in the Nokomai.
2. The review of Glenfellan pastoral lease should take account of the developing recreational opportunities on the Hector and Remarkables Ranges in the Remarkables Conservation Area foreshadowed in the CMS for Otago.
3. There is a significant area of pasture land classified LUC Class VI (or better) on the lower slopes (below about 1,000m) of the Mataura face of Glenfellan which appears capable of supporting ecologically sustainable pastoral use which should therefore be suitable for freeholding. Forestry has started to be developed in this area but has the potential to cause serious wilding conifer spread and adverse visual effects on an outstanding natural landscape. Forestry consent should not be permitted on the front faces of Glenfellan, but instead a landscape protection covenant should be registered on the freehold title to protect the landscape from the adverse effects of inappropriate developments.
4. The actual formation of the Garston Nevis Road across the property needs to be formally recognised as the legal road through tenure review.
5. Easements for public walking and mountain bike access should be provided over 3 routes on Glenfellan: (i) along the entire length (within the Glenfellan boundaries) of the Roaring Lion water race, (ii) along the lower water race (Diggers Creek) which has its intake in the Fosters Creek catchment as discussed above, and (iii) along the ridge track northwards from Trig 'C' to a bend in the Garston Nevis road above the former Southland Ski Club hut.
6. The historic values of the disused Roaring Lion water race from its source in Roaring Lion to the former Nokomai Gold workings adds considerable interest to recreational use of the area.

7. The land above about 1,000m, classified LUC Class VII, and enclosed by the Nokomai River and the northern and southern boundaries of Glenfellan should be returned to full Crown ownership and control to be managed for conservation and recreational purposes. This area includes the two RAPs identified by the PNA survey of the Nokomai Ecological District (RAP Nokomai 7 and 8). A new fence being erected between the South Branch of Fosters Creek and the historic ski hut might serve to secure the western boundary of this area and thereby also include important natural values of the tussocklands in the upper basin of Fosters Creek.
8. As the Remarkables Conservation Area develops, the conservation land derived from Glenfellan through tenure review could make a significant contribution to the extent and variety of values (natural, historic landscape and recreational) within the developing conservation area.

In summary, this assessment indicates that there is considerable scope for increased recreational use of the Nokomai and Slate ranges and particularly the use of disused but historically interesting water races by day walkers and by those pursuing more passive interests such as exploring historic gold mining relics. The major issues for recreation are provision of appropriate access for these activities by establishment of easements and the formal recognition of the present formation of the Garston Nevis Road as its legal alignment as part of the tenure review process.

ACKNOWLEDGEMENTS

The author is grateful to the staff of DTZ, New Zealand who made arrangements for the inspection of this property and to the runholder and manager of Glenfellan who willingly gave permission for that inspection.

14th April 2009

Central Otago - Lakes Branch
Denise Bruns - Secretary
4 Stonebrook Drive
WANAKA 9305



The Commissioner of Crown Lands
C/o DTZ New Zealand Ltd
Land Resources Division
PO Box 27
ALEXANDRA

alexandra@dtz.co.nz

ROYAL FOREST AND
BIRD PROTECTION
SOCIETY OF
NEW ZEALAND INC

Dear Sir

Glenfellan - Tenure Review - Preliminary Proposal

We thank you for supplying us with a copy of this preliminary proposal. Our branch is conversant with the CPL Act 1998, and supports the process of tenure review.

We are familiar with this property having inspected it before making an earlier report on it on 28th April 2005. It is pleasing to note that some credence has been given to that earlier report by including some of our suggestions in this preliminary proposal. We have read the Conservation Resources Report and have again recently visited the property. We thank the agents for allowing us to do so.

With some modifications, this appears to us a good proposal in that it returns to the Crown for protection, and for the public to enjoy, a considerable area of relatively unmodified higher tussock country with many natural and historic values. This is especially pleasing as it is within easy reach of the public via a reasonable road from SH6. Also, it will eventually form the entrance to a major conservation area as there are several properties to the north of Glenfellan also in the process of tenure review.

We wish to comment as follows: as per heading and sub headings.

Designations:

1.0 An area of approximately 1242 hectares of land to be restored to full Crown ownership and control as a conservation area (under section 35(2)(a)(i) Crown Pastoral Land Act 1998)

1.1 We fully approve of this area being returned to the Crown for protection as it is mostly land above 1000ms and classed as VII under the Land Use Classification survey and not considered to be ecologically sustainable.

1.2 *Ecological values, species and habitat.* The considerable conservation values, both natural and historical, are well described under this heading on page 4 of the proposal.

1.3 It is pleasing to see that heed has been taken to protect the two RAPs identified under the

PNA system - RAP NOKOMAI, 7 and RAP NOKOMAI, 8.

1.4 There are some wilding conifers throughout this area but if properly handled should not cause any great problem.

1.5 *Recreational Values.* These as described on page 6 are considerable. There are opportunities for various recreational pursuits in this whole area. While not now being used for down-hill skiing it is the starting and exiting point for cross-country skiing. To these values could be added educational values. Because the area is of relatively easy access from SH6 under most conditions, and as there is much of botanical interest in the area, it would be of great interest and value for students studying that subject

1.6 *Landscape values.* The eastern side of the Matura valley, which includes the portion covered by Glenfellann, is a natural tussock landscape in a relatively unmodified state, the lower portion of which is very visible from SH6, an important tourist route. Every effort must be made to retain this landscape and we see the removal of the Douglas fir planted in Fosters Creek as a positive step in ensuring the tussock is protected.

1.7 Driving up the road from SH6 to the old ski club hut and along the ridge to the saddle is an enjoyable experience in itself. To ensure that such enjoyment can be retained for the future we would suggest that in SCHEDULE 2 of the covenant CC, there be a clause added that there be no planting of trees between the formed road and the fence above, from about the access point to the conservation area a-b, rising in a south easterly direction to join the covenanted area at the top of the block. This would ensure a continuous view of tussock from the hair-pin bend right to the gate on the road into the proposed conservation area.

1.8 It is essential that the removal of the Douglas fir be undertaken as soon as possible in order that the underlying tussock suffers the least damage in the process. No mention is made in the proposal as to how the removal is to be undertaken. If they are to be felled the tussock may suffer some damage while the felled trees decay. Spraying may also cause some damage, as it will probably have to be sprayed more than once. We await with interest to see how the removal of these trees is going to be undertaken.

1.9 *Cultural and historic values.* It is pleasing to know that the Roaring Lion water race, and that a portion of the Diggers Creek will be protected in the land being returned to the Crown.

2.0 **An area of approximately 321 hectares to be of by freehold disposal to the holder** (under section 35(3) Crown Pastoral Land Act 1998), and subject to a qualified designation and protective mechanism.

2.1 As this land is classed as VI under the Land Use Capability survey it is suited to moderate pastoral use if the nutrients taken of the property in the way of meat and wool are replenished by the regular application of fertiliser it should be ecologically sustainable. This however could be dependant to a certain extent on its economic viability.

2.2 It is noted that the holder received discretionary consent from the Commissioner of Crown Lands to plant Douglas fir up to the 900m contour in this area but chose not to do so, but

proposes to plant Eucalyptus instead (3rd para. 3.2). While this area is modified short tussock grassland it blends in with the overall landscape and has the same overall appearance as the tall tussock covered landscape above, we see the planting of Eucalyptus as introducing another colour and texture to that landscape which would be an extra intrusion into the landscape as at present.

2.3 While the seed of Eucalyptus has no wing attached and therefore are not carried any great distance by the wind, it is incorrect to say they are a non-spreading species (1st para 4.2). It is not generally appreciated the seed from the species can readily germinate some distance from the parent tree.

2.4 As the present formation of the Garston to Nevis road is not on its legal alignment it is important that this matter be rectified before any substantive proposal is signed; either by the present formation being re-surveyed as the legal road or an effective easement be created to allow for the present road.

2.5 *Historic values.* The Diggers Creek water race passes through this area of proposed freehold land. While it is proposed to protect this race with the covenant CC it is disappointing that the public are not going to be allowed to walk its length.

2.6 *Recreational values.* As mentioned above the main recreational value would be walking the length of the race which is not going to be permitted.

3.0 **Qualified designation** (under section 36(3)(b) Crown Pastoral Land Act 1998).

3.1 We approve of this easement being created to provide walking, horse and non-motorised vehicle access for the public, and also, for conservation management purposes from the legal road to the proposed conservation area CA. As there is a considerable distance between the present formation and the surveyed legal road, this will however be subject to the legal road being re-surveyed to the present formation.

4.0 **Protective mechanisms** (under section 40(1)(b) and 40(2)(a) Crown Pastoral Land Act 1998)

4.1 We fully agree with the covenant to protect the significant inherent conservation values in the land above about 850 metres, shown as CC on the designation map, in particular the landscape values, the texture and colour of which is derived from the present vegetation.

4.2 If stock are grazed on this area, and if the area below is planted in Eucalyptus, there will be a tendency for stock to hang to this upper area and so overgraze it. We believe there should also be in the covenant a condition to adequately monitor this vegetation.

4.3 With regards to the Diggers Creek water race: as eucalyptus are large trees and not much vegetation grows under them, and if the intention is to protect the structure of the race, sufficient light should be allowed to reach the race in order to keep it covered in grass - the present ground cover. The 10 metre strips above and below the race, as described in the covenant document SCHEDULE 1, should be increased in width to at least 15 metres to allow the necessary light for the grass cover to survive.

-4-

4.4 Another reason for increasing the width of this covenant is to allow some protection to the race when the time comes to fell the trees.

5.0 **In Conclusion**

5.1 **The matter of the legalisation of the present road formation, or the creation of a suitable easement for the Garston - Nevis road should be addressed before any substantive proposal is signed.**

5.2 **The covenant to protect the vegetation and landscape values at the top of the land to become freehold should be extended in a north westerly direction, between the formed road and the fence above, down to about the access point a-b at the hair-pin bend, to allow a corridor of tussock for those travelling the road to enjoy.**

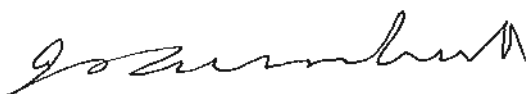
5.3 **It seems somewhat incongruous that there is a covenant to protect the Diggers Water race on the land to become freehold yet the public are not permitted access to the race. Some effort should be made to rectify this.**

5.4 **Again to protect the Diggers Creek water race on the land to become freehold the covenant should be altered to give the race more protection by widening the strip alongside the water race from 10 metres to at least 15 metres.**

If the above matters could be attended to we see this as a good proposal.

We thank you for allowing us the opportunity to comment on the proposal and we await the outcome with interest.

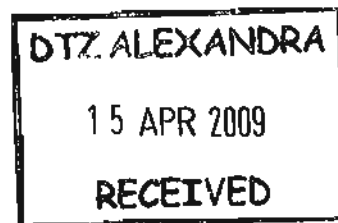
Yours faithfully



Denis Bruns (Secretary)
Central Otago - Lakes branch

pp John L Turnbull (Chairman)

Matthew Tayler
Lorne Peak Station
PO Box 19
Garston
Southland



~~March~~ April 2009

Commissioner of Crown Lands
C / - The Manager
DTZ
PO Box 27
Alexandra 9340

Submission on the Preliminary Proposal of the Glenfellan Pastoral Lease

Dear Sir,

My family are fortunate to have been the lessees of Lorne Peak Station for nearly fifty years. We share a boundary with the Glenfellan Pastoral lease on its north side up through the Fosters Creek catchment and this has contributed to our familiarity with the lease. In recent years we have also had to retrieve our wandering stock from the Glenfellan lease due to gates being left open on the Nevis Road. We have been awaiting with interest the outcome of the Glenfellan tenure review and note the length of time it has taken to reach this stage.

Following the Glen Nevis tenure review and the subsequent establishment of the Remarkables Conservation Area and stated Government high-country objectives, we reluctantly formed the conclusion that the Commissioner would seek all pastoral lease land in the Nevis be restored to full Crown ownership regardless of whether the Significant Inherent Values present warranted it. We were somewhat heartened when we read the Carrick Pastoral Lease preliminary proposal with freehold title granted to the lower altitude country in the Nevis with suitable covenants attached and grazing concessions granted to higher altitude land. The Carrick review indicated that the Commissioner was taking a more balanced and pragmatic to tenure reviews in this area. However upon reading the Glenfellan proposal, the Commissioner seems to have reverted to old habits and ignored several aspects of his advice streams (i.e. the Conservation Resources Report (CRR)) and advocated for a proposal not based on protecting Significant Inherent Values but rather on removing a Douglas Fir plantation at whatever cost. It would appear the contractor involved has the biggest bearing on a tenure review outcome.

Several aspects of the proposal we concur with. Firstly, the conservation covenant on the historic water race and land above 850m a.s.l would appear warranted and practical.

Several NGO's advocated for public access along the water race however the Commissioner has rightly deemed this impractical and unnecessary. Such public access would have placed unnecessary obstacles to the future economic use (i.e. farming and lambing ewes) of the lower portion of the lease and we would submit that the NGO's underestimated how overgrown the race has become in places. These covenants will largely preserve the historical and landscape integrity of the site. As in most freehold farm situations, a keen enthusiast wishing to explore the gold mining heritage of the area would ordinarily be granted access providing a request was made personally.

Secondly, from a conservation stand point, it is desirable to protect all the land that was identified in the PNAP program as RAP NOK 7 comprising c. 575 acres. The RAP extends from approx. 900m a.s.l on the western slopes overlooking Fosters Creek back toward the Nokomai River. This area has little grazing appeal given its aspect and altitude and given its ecological intactness and inherent values present warrant return to full Crown ownership.

The area we would contend that should not be restored to Crown ownership but freeholded with suitable covenants attached is the area in the Fosters catchment below 850-900m a.s.l down to the newly erected fence at c. 450m a.s.l. Through the many advice streams the Commissioner received and which have been made public, the Significant Inherent Values identified in this area did not warrant full Crown ownership. Indeed, in the Conservation Resources Report (page 25) DoC identify :'

"a) western section below the 900 metre contour

This section was in the process of being planted up with Douglas Fir during the site visit, and is characterized as improved pastures with low conservation values (at lower elevations) through to grazed tussock land at higher reaches. "

This would hardly indicate the area is worthy of protection, especially when it didn't warrant a mention as a significant altitudinal sequence but the area from the Nokomai River to the summit did. The CRR identified the remnant beech forest as worthy of protection, which could be accomplished through the use of a covenant. The Commissioner in his decision to grant the lessee permission to plant Douglas Firs up to 900m a.s.l must also have deemed the area to have low SIV's - especially as the Commissioner declined permission to plant Douglas Firs on the Eastern slopes overlooking the Nokomai River (i.e. note the relative importance placed on each area conveyed by this decision). The lessee has demonstrated by the establishment of a Douglas Fir plantation that this area has significant economic use. It could also be argued that he is using the area to best environmental use as a carbon sink. While many would dispute the appropriateness of a Douglas Fir plantation in this location, the area is sufficiently modified and of suitable aspect and altitude to warrant more intensive sustainable grazing through OSTD and further subdivision. Our area in Fosters Creek directly adjoining this area demonstrates the potential of this area. It is of similar aspect and altitude and been historically oversown & topdressed. It is suitable for lambing ewes in the spring and grazes a large number of sheep and cattle through the summer and autumn months.

It would appear that the lessee is being unnecessarily penalized for erecting at his cost a new fence alongside the Nevis Road. The NGO's seized upon this at an early stage as an appropriate delineation between freehold and Crown ownership. We would contend that a fence could be erected along roughly the 850-900m a.s.l contour through the Fosters Creek catchment relatively easily and with minimal landscape disruption to the casual observer from the Nevis Road. Although reasonably lengthy at c. 3km, the economic benefit derived from the continued grazing of this block of c. 200 hectares would more than warrant this investment.

So why has the Commissioner deemed this area to be restored to full Crown ownership? We would contend that it is due to the presence of a Douglas Fir plantation and the subsequent pressure exerted upon him by various NGO's, local bodies and follow Government departments to remove them at whatever cost. While their removal may be warranted (personally we would prefer they weren't there as there is a threat of wilding pines onto our lease), this needs to be weighed against the cost of removal. The Commissioner will through the tenure review process, have to value the relative L.E.I's and improvements upon the lease. The Douglas Fir plantation it is imagined will form the majority of the lessee's interest with an establishment cost of c. \$500,000 plus the forgone future opportunity/cashflow – a total value \$1,000,000 could be justified. Additional to this will be the actual cost of physically removing the trees, now some 5 years old. This would appear rather large investment on the Crown's behalf for an end result where no ongoing economic benefit will be derived (only the cost of ongoing weed suppression) and that low conservation values will be preserved (although granted, wilding trees from the plantation would have destroyed conservation values in a wider context given the lax control provisions imposed). If the removal of the plantation is an absolute requirement of this tenure review (as several NGO's stated), then recompense could be provided to the lessee to remove them (he had been granted permission by the Commissioner and was acting within the applicable district plans at the time) with a subsequent covenant placed on the area prohibiting future plantation forestry. This would in all likelihood reduce the cost the Crown/taxpayer and allow (through freehold title with attached covenant) the best economic and sustainable use of the area, namely farming. This area is already prone to wilding pines from the Scotts Creek plantation on the western slopes and volunteer gorse and broom from the Nevis Road. This problem will only be (and has been) accentuated by the removal of grazing from this area. Restoring this area to full Crown ownership will create a conservation enclave, one not readily appreciated or desired by the general public as the inherent values identified within it are relatively limited. Although not expressly provided for under the CPLA, another alternative would be for the Crown to set aside the area in anticipation of adjoining tenure reviews. As it has low SIV's, it would be suitable for offsetting/exchange for the acquirement of more ecologically desirable land off adjoining pastoral leases. This would potentially limit the investment required by the Crown to acquire more ecologically sensitive land in future and offset the cost of removing the Douglas Firs.

From personal experience, we note the importance the Commissioner is placing on the LENZ classification system for identifying areas worthy of protection. It should be noted that of the 12 LENZ level IV units identified on this lease, 4 units were 'critically

underprotected' representing only 491 hectares. Interestingly, the majority of this area is on the lower western slopes designated for freeholding. This would demonstrate some of the shortcomings inherent in this system and that it should not be relied upon for decision making.

Provision for public access would appear to be more than reasonable and should be practical for the lessee and DoC provided people demonstrate respect and common-sense for the opportunities provided. The CRR identified the area east of the summit as accessible for back-country 4X4 enjoyment and restoring this area to full Crown ownership will provide for this. Indeed, the majority of people will confine their experience of the area to the formed Nevis Road.

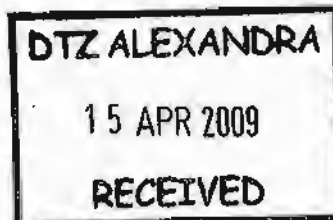
In conclusion, we do not support the preliminary proposal in its present form. We believe the ecological values and landscape attributes of the area below the 900m contour in the Fosters catchment do not warrant restoration to full Crown ownership and that other less costly mechanisms could be employed to remove the plantation while allowing the best ongoing economic and sustainable use of the area (i.e. freehold with covenants to allow OSTD for grazing purposes).

Sincerely,

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

Matthew Tayler
On behalf of the Tayler Family

The Commissioner of Crown Lands
C/o DTZ Ltd.,
PO Box 27
Alexandra



**FOREST
& BIRD**
Dunedin Branch
PO Box 5793
Dunedin
12.4.09

Dear Sir,

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

Thankyou for the opportunity to make submissions on this proposal.

Yours sincerely

A handwritten signature in cursive script that reads "Janet Ledingham".

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

Email jledingham@xtra.co.nz
622 Highgate, Maori Hill, Dunedin 9010.
Phone 03 467 2960

Submission on the Preliminary Proposal for Glenfellan 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 565 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 recently stated 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.*

Introduction

The Glenfellan lease runs from the edge of the Matakura Valley floor up over the ridge linking the Hector Mountains and the Slate Range and has the Nokomai River as its Eastern boundary. The Garston-Nevis road runs through the property from the southern boundary and zig zags up the face of the hill to the old Southland Ski Club then turns towards the north east and runs up to the saddle between the Nokomai and Nevis river catchments which is the Northern boundary.

The proposal:

Land to be restored to Crown Control

1.1. Conservation area (CA)

1,242ha approximately to be designated as land to be restored to full Crown ownership and control as conservation area pursuant to Section 35(2)(a)(i) Crown Pastoral Land Act 1998 (Marked CA on the Plan).

We absolutely support the creation of this Conservation Area. The significant inherent ecological, recreational, landscape and historic values noted by us at the time of our original inspection of the lease are also well documented in the Conservation Resources Report (CRR).

As Dunedin Branch stated in our report at the early warning stage, Glenfellan had already been identified as having an area of high conservation value during the Nokomai PNA Survey in 1989 and there is a recommended area for protection, RAP7 Upper Nokomai, an area of 575 hectares, on the property which extends from a strip on the West side of the Nokomai-Nevis road above the old Ski Club hut and across the road down to the Nokomai River, an altitude range from 395m to 1145m. This area has a wealth of sub-alpine vegetation including tussock and shrubland some large rock tors covered with plants and lichens and with the Garston-Nevis road providing excellent basic

access it can easily be enjoyed by botanists of all ages and varying degrees of fitness and mobility. Further down on the Nokomai Face there are significant stands of mountain and silver and red beech, Halls totara and on the eastern margin, olearia shrublands; thus the RAP contains a well preserved vegetation sequence. There are also some patches of scrub in some side valleys of Fosters Creek above the old Ski Hut which the CRR confirms are worthy of protection.

As we noted previously, the proposed CA includes a stretch of the Roaring Lion water race which is of major historical significance. The race runs from Roaring Lion Creek in the Nevis Valley up to the saddle at the head of the Nevis before it continues on round the Slate Range. An ultimate aim should be to protect it over its whole length, and securing the part of it that runs on Glenfellan for the Crown is an important first step. Walking the whole length of the water race is a most enjoyable exercise and the botanical interest adjoining it makes it a special experience. The whole of the proposed CA lends itself to outdoor recreation pursuits and these are enhanced by the Nevis Valley, with its opportunities for recreation of various sorts, being in close proximity to the Northern boundary of Glenfellan.

This CA could ultimately become a part of the Remarkables Conservation area.

Land to be freeholded

1.2. FH on designations plan

321ha approximately to be designated as land to be disposed of to Glenfellan Forest Limited pursuant to Section 35(3) Crown Pastoral Land Act 1998, subject to qualified designation and protective mechanism.

We have no objection to the proposal to freehold this area, although there are good reasons why all the land above 900m should have been included in the CA since some of it is LUC Class VII soils, which are probably not capable of sustaining ecological values under grazing. However, we accept that the siting of the new fence above 900m at the time of the Fir plantings and the landscape protection provisions together with the undertaking that the Douglas Fir plantings will be removed as a reasonable compromise.

We do note that the values of the Diggers Race, both recreational and historic have been noted in the CRR and regret that no walking access along it is available. It would provide an easy walk with very scenic views and ask that the provision of such access be revisited.

We note the intent to address the legality of the Nevis-Garston Road in consultation with the Holder and the District Council prior to putting a Substantive Proposal and consider this is a vital part of the deal.

Qualified Designation:

1.2.1 The proposed freehold is subject to a Right of Way easement for public access on foot, horse and non motorised vehicle and access for management purposes pursuant to Section 36(3)(b) Crown Pastoral Land Act 1998.

We support the provision of access (a-b) to the upper part of Diggers Race and to Fosters Creek but it surely should be from the formed Garston Nevis road, rather than the legal road

Protective mechanism:

1.2.2 The proposed freehold is subject to a Conservation Covenant over approximately 70ha to protect the historic integrity of the Diggers Creek water race structure and to protect the landscape values above 850 metres altitude pursuant to Section 40(1)(b) and 40(2)(a) Crown Pastoral Land Act 1998.

We fully support the proposed protection for the Diggers Creek water race and the landscape values above 850m. As stated above we also feel there should be foot access along the race to allow the public to appreciate the construction and the views from along its course

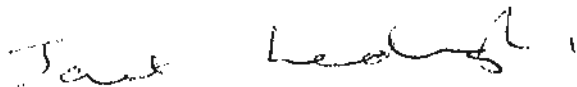
Re the landscape covenant; we note that grazing by cattle and sheep will be permitted and submit that provision for monitoring should be a part of the conditions to ensure the grazing does not affect the vegetation cover on the CC since that is an important component of the landscape value. We also suggest that grazing by sheep only would be desirable.

Summary

1. We fully support the creation of the CA for the ecological and recreational values contained within it.
2. We do not object to the proposal to freehold area FH, but suggest that foot access only should be obtained to Diggers Race along its length within the lease.
3. We fully support the creation of CC to protect the historic water race and landscape above 850m.
4. We support the access easement 'a-b' but suggest it should be linked to the current road formation.
5. We note the intent to address the legality of the Nevis-Garston Road in consultation with the Holder and the District Council prior to putting a Substantive Proposal and consider this is a vital part of the deal.

In due course we hope that the Glenfellan CA will be a valuable extension to the Remarkables Conservation area

We thank the Commissioner of Crown Lands for the opportunity to comment on the Preliminary Proposal of this pastoral lease.



Janet Ledingham,

For the Management Committee of the Dunedin Branch, Royal Forest and Bird Protection Society.

New Zealand Historic Places Trust
Pouhere Taouga

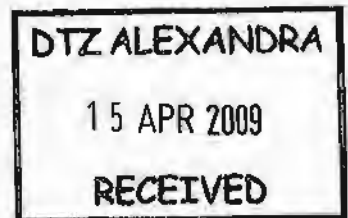


Our Ref: 22015-001
Your Ref: Ps038/1

Titoua
His Excellency The Hon
Anand Satyanand, PCNZM
Governor General of New Zealand

15 April 2009

The Manager
DTZ New Zealand Ltd
PO Box 27
ALEXANDRA 9340



Attn.: Luana Pentecost
Property Administrator

Dear Ms Pentecost

RE: GLENFELLAN PASTORAL LEASE TENURE REVIEW

Thank you for your letters of 13 February and 20 March 2009 concerning the above.

The NZHPT is Crown Entity and is New Zealand's lead agency in historic heritage management. Its purpose is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand, as provided for in Section 4(1) of the Historic Places Act 1993. The NZHPT's powers and functions are set out in Section 39 of the Historic Places Act.

NZHPT has developed guidelines based on internationally recognised best practice to assist in the identification and protection of historic heritage values. This includes a specific guideline on the undertaking of archaeological assessments. NZHPT monitors "one off" opportunities such as this to ensure the Crown's commitment to the identification of significant inherent heritage values and other features warranting recognition and protection on pastoral lease lands subject to the tenure review process.

NZHPT has the following comments to make with respect to the Glenfellan Station proposal:

- The NZHPT has checked the Conservation Resources Report prepared by the Department of Conservation to inform this proposal with respect to conservation values. It notes that this suggests the following features are likely to be of historic heritage significance:
 - Roaring Lion Race, Diggers Creek Race (or Fosters Creek Race) and alluvial ground workings along the western banks of the upper Nokomai River and its tributaries. Because these sites are pre-1900, they are archaeological sites pursuant to the Historic Places Act 1993; and
 - The Garston ski hut and possible remains of other skifield facilities associated with the Southland Ski Club. Although these are 1930s in origin, hence not technically archaeological sites, their association with the origins of recreational skiing in New Zealand is significant;

- The NZHPT's own investigations confirm that neither the Summary of Preliminary Proposal nor the Conservation Resources Report have been informed by an archaeological assessment. Rather, the findings with respect to the property's historic heritage values and their significance are based on a desktop analysis only. This was in spite of an archaeological survey of the Upper Nevis and Nokomai gold workings (Hamel, 1989, 1990 and 1991) noting the significance of the Roaring Lion Race and Diggers Creek Race. The NZHPT believes such findings should have acted as a "trigger", in terms of suggesting further items of heritage significance could be found, thereby necessitating an archaeological assessment before the property reached preliminary proposal stage in any tenure review;
- By contrast, considerable reliance has been placed on the New Zealand Archaeological Association's (NZAA) Site Record Database. The quality of information and extent of coverage varies considerably between locations. It is far from a comprehensive record of New Zealand archaeology and should not be relied upon to demonstrate whether or not sites of historic heritage significance are present. There are in fact many areas of the High Country yet to be thoroughly investigated. Glenfellan Station is one of these, the above-mentioned investigations by Hamel being focused on gold mining only and with specific reference to the Upper Nevis and Nokomai;
- The NZHPT **supports** the inclusion of the Diggers Creek Race in the proposed conservation covenant which will apply to the area proposed for freeholding. As noted below, however, it believes that the area of coverage, hence extent of protection offered to the race, needs to be revisited; and
- The NZHPT **notes** that the Roaring Lion Race, other Nokomai gold field relics thus far noted and the Southland Ski Club facilities are within that area to be retired from grazing and pass into the conservation estate.

The NZHPT has undertaken its own desktop analysis for the property. This has included checking the NZHPT Register of Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu Areas, the Southland District Council's District Plan Schedules 6.9 and 6.10: Registered and Locally Significant Historic Buildings, Places and Sites and the NZAA Database, plus preliminary advice from the NZHPT's Regional Archaeologist for Otago/Southland. Indications from this are that:

- Diggers Creek Race is a water race and archaeological site of national significance. It was built by Choie Sew Hoy and served the Nokomai Hydraulic Sluicing Company during the late nineteenth century;
- It is questionable whether the 20 metres extent on either side of the water race in the proposed conservation covenant area in fact captures, hence protects, Diggers Creek Race in its entirety. A 1922 survey map in fact shows the race being in two separate parts. The NZHPT believes that further field work is required to more accurately define the extent of the race and recommend appropriate conditions for its protection. The NZHPT would, for instance, be keen to see the race protected from earthworks and vegetation intrusion within a distance of 30 metres either side;
- The protection of public access to the race is also highly desirable;
- The proposed conservation covenant should make reference to the fact that Diggers Creek race is an archaeological site pursuant to the Historic Places Act 1993. Pursuant to that Act, it is an offence to modify, damage or destroy any archaeological site without an authority from the NZHPT being obtained; and

- The above-mentioned survey map also shows a pack track and old fence line which may date from the nineteenth century.

The Crown has an obligation to both the lessee and the public to properly inform itself of significant inherent values on Glenfellan Station. That should have occurred prior to proposals being developed to identify those lands to be retained by the Crown and those proposed for disposal to the lessee. Where appropriate adequate protection measures should be recommended as part of the tenure review process.

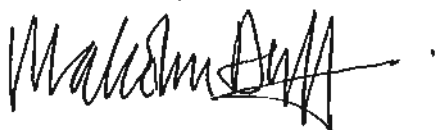
On the strength of the above, the NZHPT recommends:

1. That a thorough field based archaeological assessment should now be undertaken within the area proposed for freeholding on Glenfellan Station to properly, locate, assess and recommend appropriate levels of protection for all historic heritage values identified. As noted above such an assessment should have been undertaken during the earlier investigation phases. The NZHPT is able to provide advice on how to undertake this work and should be provided with a copy of the assessment once completed and can provide advice on appropriate protection measures should these be deemed necessary.
2. The proposed conservation covenant for Diggers Creek Race be revised so that:
 - It is protected from earthworks and vegetation intrusion within a distance of 30 metres either side.
 - Cattle are excluded from grazing within this covenanted area to protect the race from cattle damage. and
 - The public are granted access to the race.

Please address any enquiries concerning the above in the first instance to:

Doug Bray
Heritage Adviser (Planning)
Otago/Southland Area Office
New Zealand Historic Places Trust
PO Box 5467
DUNEDIN 9058
Ph (03) 447-9871
DDI (03) 477-9819
Mob (027) 241-3624
Fax (03) 477-3893
Email: dbray@historic.org.nz

Yours sincerely



Malcolm Duff
General Manager (Southern Region)



Southern Office

Forest and Bird
Box 6230
Dunedin
00643 477 9677 ph
s.matiri@forestandbird.org.nz



FOREST
& BIRD

The Commissioner of Crown Lands
C/o DTZ Ltd.,
PO Box 27
Alexandra
Attention: Luana Pentecost
alexandra@dtz.co.nz

15 April 2009

Submission to Glenrellan Preliminary Proposal

1.0 Introduction

This submission is on behalf of the Central Office of Forest and Bird.

The Royal Forest and Bird Protection Society Inc. (Forest and Bird) has campaigned for more than 80 years for the protection of New Zealand's native species and the habitats on which they depend. Around 38,000 New Zealanders in 55 branches nationwide belong to Forest and Bird, supporting the Society's objectives of secure protection for native species, ecosystems, and landforms.

Forest and Bird's constitution requires it to:

"Take all reasonable steps within the power of the Society for the preservation and protection of indigenous flora and fauna and natural features of New Zealand or the benefit of the public including future generations."

"Protection of natural heritage includes indigenous forests, mountains, lakes, tussock lands, wetlands, coastline, marine areas, offshore islands and the plants and wildlife found in those areas."

2.0 land to be restored to full crown ownership and control as conservation area CA 1242 ha

The Society strongly supports the proposal to restore the area marked CA to full crown ownership and control.

This area contains a significant proportion of under-protected and critically under-protected environments, dominated by indigenous vegetation including forest remnants,

shrublands, and tussock grasslands which contain a number significant species including threatened plants, NZ falcon. the giant land snail and the flat head galaxias.

Removal of the Douglas Fir will help ensure this area is ecologically sustainable as will removal of grazing and burning.

Decision Sought

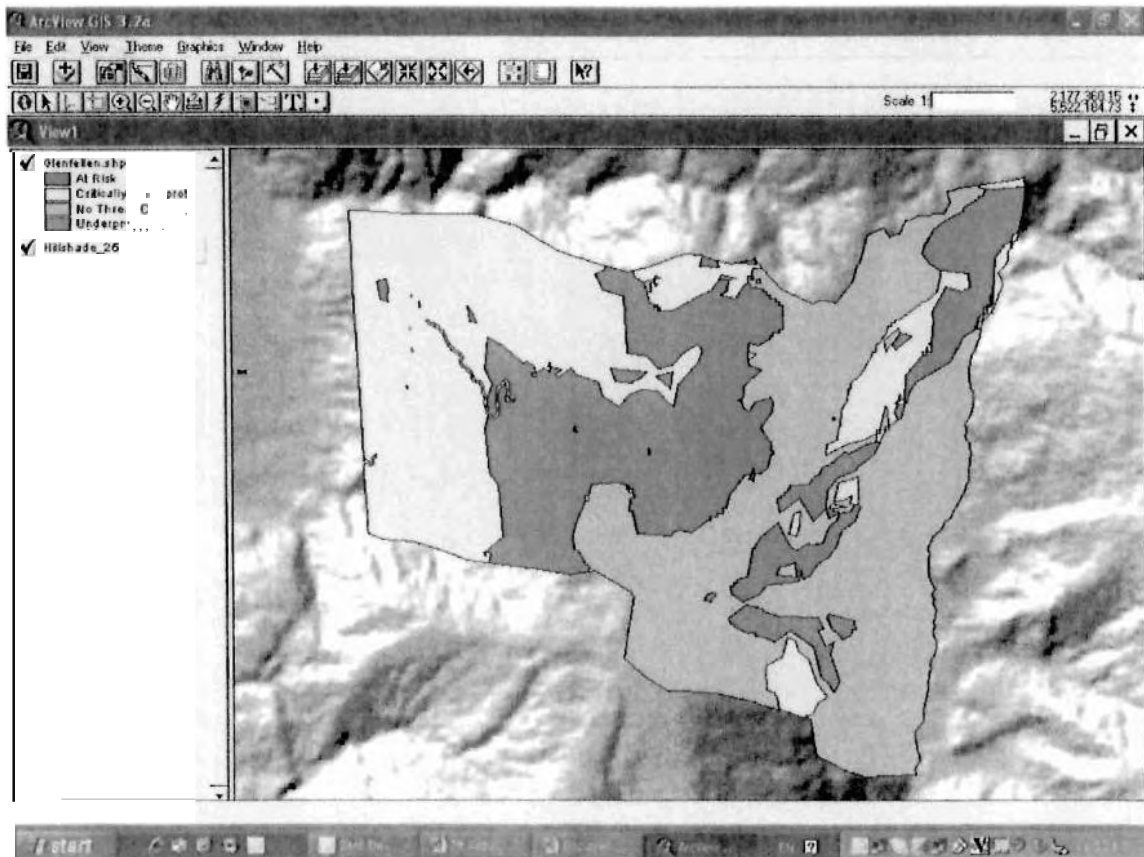
Ensure the final settlement returns the proposed CA as advertised to full crown ownership and control.

3.0 Land to be disposed of by freehold disposal to the holder subject to a Conservation Covenant under the Reserves Act

3.1 Covenant Boundary

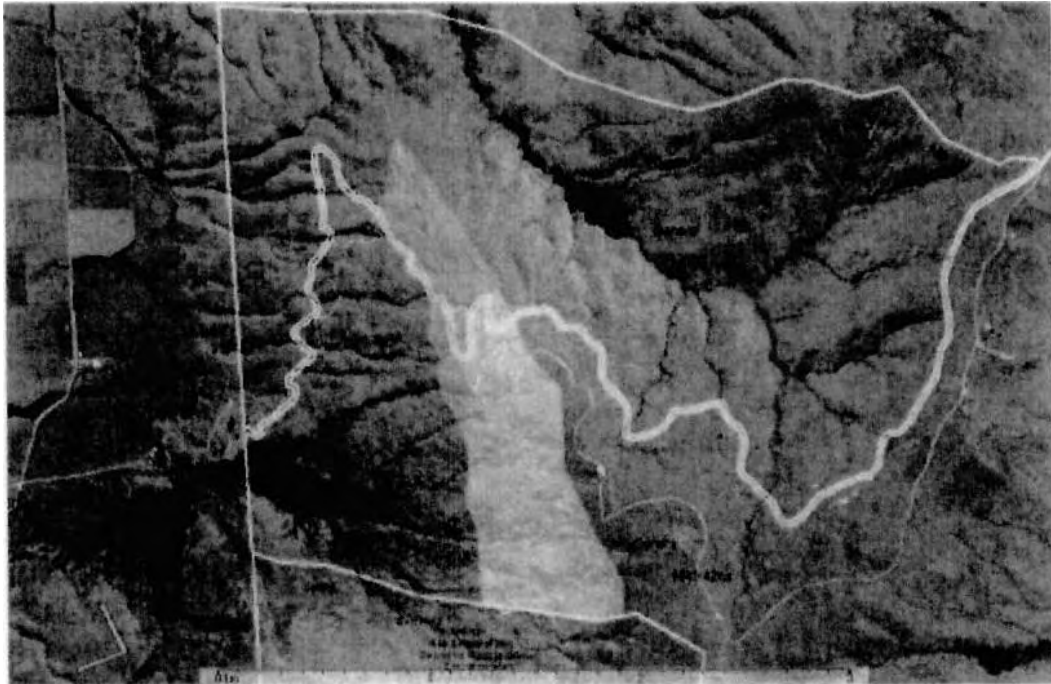
The Society accepts the proposal to covenant this area but submits that it fails to protect the outstanding landscape sivs associated with the recreational experience of the Nevis Road. This area includes indigenous tussock grasslands and shrubs on critically under protected and under-protected environments.

Glenfellan LENZ Threatened Environments



Decision sought

To ensure that the range of significant inherent values (landscape, recreational setting, indigenous vegetation on threatened environments) associated with the Nevis Road is protected, the proposed covenant be extended to provide a landscape corridor of at least 150m wide, as shown below.



GLENFELIAN PASTORAL LEASE - RECOMMENDED EXTENSION TO CC AREA

3.2 Covenant Conditions

The covenant does not constrain grazing, or type of grazing. Cattle grazing and mob stocking risk degrading and destroying the values that are to be protected. Deer may also degrade the values.

The covenant has a range of significant inherent values that warrant monitoring to ensure the covenant provisions are adequate.

Decision sought

Ensure that the covenant conditions will protect the values and promote ecologically sustainable management of the covenant area by restricting grazing to sheep and setting an ecologically sustainable stock limit, and require monitoring.

3.3 New Values to be protected

To protect the values described above Schedule 1 of the covenant needs to be amended to describe the values associated with the Nevis Road.

Decision sought

Add the following description to Schedule 1 clause 3.

"The mid to upper slope areas within 150-200m of the Nevis Road also provide an outstanding landscape experience of high altitude back road driving through a snow

tussock grassland landscape, with wide views beyond over the upper Maitava Valley and towards Mid Dome and the Kingston area."

3.4 Diggers Race Covenant

The Society supports the proposed covenant to protect the Diggers Race, except that it is questionable that protection will be ecologically sustainable should Eucalypts or other trees be planted adjacent to the boundary. Ten metres is insufficient to protect the water race from the impacts of shading and forestry operations. The Society recommends that the covenant be extended to 15m strips above and below the Diggers Race.

Decision sought

Amend Schedule I, Clause I Description of the Land to provide for 15m strips above and below the water race.

4.0 Access

4.1 Easement a-b

The Society supports access a-b but notes that it must link to the existing road formation as this is the access point where people will be travelling along.

Decision sought

Ensure that access a-b meets the current road formation.

4.2 Access along Diggers Water Race

The Diggers Water Race has significant recreational values, so it is very disappointing that access along this race is not to be provided. This significantly undermines the possibility of access and enjoyment of the proposed covenant, and the intent of the CPLA. There is significant potential for a short walk from the Nevis Road along the Diggers Water Race, which will not be provided for by this proposal.

Decision sought

Provide for walking access along the Diggers Water Race.

5.0 Land to be Freeholded

The proposal document notes that there are numerous wilding pines and that the holder intends to plant Eucalyptus. To ensure that this land and the adjacent proposed covenant and conservation areas are ecologically sustainable, it is preferable that this area be freeholded with a sustainable management covenant that has conditions requiring the control of all current and future wildings. Eucalyptus and other species also have the potential to become wildings. The District Plan can not be relied upon to ensure that appropriate conditions to protect adjacent lands from wildings will be incorporated in any resource consent, as such conditions are reliant upon third party agreement.

Decision sought

To ensure that the proposed freehold and adjacent conservation covenant and conservation LTCs are ecologically sustainable, the proposed freehold be subject to a sustainable management covenant to control wildings.

6.0 Nevis Road

The proposal is incomplete as it does not propose a method for providing access along the Nevis Road, and therefore fails to provide for secure public access to and enjoyment of the proposed conservation land. The tenure review should not proceed until this matter is settled. It would be preferable to establish the legal road along the existing formation. If this is not possible then the public should be given another opportunity to comment on any proposed method of providing full and unrestricted public access along the road.

Decision sought

Ensure the final settlement provides for the legal road to follow the existing formation.

Thank you for this opportunity to submit.

Yours sincerely

Sue Maturin
Otago Southland Field Officer
Royal Forest and Bird Protection Society

15 April 2009

Commissioner of Crown Lands
 c/- DTZ New Zealand Limited
 POBox 27
 ALEXANDRA

DIZ ALEXANDRA
15 APR 2009
RECEIVED

Attention: Luana Pentecost

Dear Luana

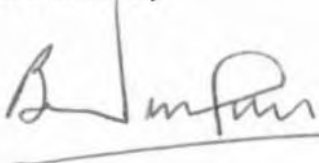
**GLENFELLAN PASTORAL LEASE
 TENURE REVIEW SUBMISSION BY CROWN MINERALS**

The Commissioner of Crown Lands has invited public submissions on the tenure review of Glentallan Pastoral Lease which occupies an area of some 1,242 hectares at the southern end of the Hector Mountains in northern Southland.

An assessment of the area has shown that the lease area, and much of the surrounding land, is prospective for a range of metallic minerals and is currently overlain by a granted prospecting permit.

Please find enclosed a written submission on this tenure review proposal.

Yours sincerely



Barry Winfield
 Senior Analyst, Petroleum and Minerals Policy

Crown Pastoral Land Act 1998
Tenure Review
Preliminary Proposal

Lease name: GLENFELLAN

Lease number: PS 38

Submission by Crown Minerals
Ministry of Economic Development

April 2009

GLENFELLAN PASTORAL LEASE PRELIMINARY PROPOSAL FOR TENURE REVIEW

SUBMISSION BY CROWN MINERALS TO COMMISSIONER OF CROWN LANDS

BACKGROUND

1. The Crown Pastoral Land Act 1998 provides a framework for the review of high country land in the South Island. In order to gain ownership of the all or part of the land leaseholders may request that their lease be considered for tenure review.
2. An invitation to undertake tenure review has been accepted for the Glentallan pastoral lease and the review has reached the stage where the Commissioner of Crown Lands has put a preliminary proposal to Glenfallan Forests Limited as lessees of this pastoral lease. The Commissioner of Crown Lands has invited public submissions on this preliminary proposal for tenure review.
3. Glenfallan comprises some 1,563 hectares of land located at the Garston end of the Nevis Road, on the southern end of the Hector Mountains, in northern Southland.
4. It is proposed that 1,242 ha be restored to Crown ownership/control (as conservation area) and 321 ha to be passed into freehold ownership (subject to a protective mechanism and ROW easement).

CROWN MINERALS

5. Crown Minerals, a group within the Ministry of Economic Development, is the government agency that manages New Zealand's state owned oil, gas, mineral and coal resources known as the Crown mineral estate. Crown Minerals is responsible for the efficient allocation of prospecting, exploration and mining rights, the promotion of the mineral estate to investors, and ensuring that the Crown receives a fair financial return for the use of its mineral estate.
6. The Crown (on behalf of all New Zealanders) owns all in-ground petroleum, gold and silver and approximately half of the in-ground coal, non-metallic and other metallic minerals including industrial rocks and building stones.

LAND TENURE REVIEW

7. The Minister of Energy and Crown Minerals have previously registered their concern to both the Minister for Land Information and L1NZ officials that the land tenure review process gives little consideration to the land's mineral value and potential for mineral development and that it does not recognise existing mineral permit and licence holders interest in the land. As a consequence of the ongoing review of pastoral leases, some land that is highly prospective for mineral development is passing into the Conservation estate, or into private ownership, where it may become more difficult, if not impossible

in some cases, for individuals and companies to gain access to this land for the purpose of exploration **and** mining. This represents a significant loss of economic development opportunity.

8. The objectives of tenure review are set out in section 24 of the Crown Pastoral Land Act and include "enabling reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument".
9. The economic benefits from mineral development can be substantial and should not be overlooked. If the land has high mineral potential and for significant mineral content, then **consideration** should be given to the mineral value when determining future ownership and use of such land.
10. The purpose of this submission is to bring to your attention the known and potential mineral wealth of the land subject to the Glenfellan review and to request that this be taken into consideration when making a final decision on the review.

REGIONAL GEOLOGY

11. The area comprises schist of the Haast Schist group, which formed during the juxtaposition of Rakaia and Caples terrane rocks along a complex fault zone **during** the Jurassic to Cretaceous. The schistose parts of the Caples and Rakaia terranes are known collectively as the Haast Schist, and are divided into Otago, Alpine, Haast and Marlborough schists on the basis of geography. Caples and Rakaia terrane rocks become increasingly metamorphosed and deformed towards the centre of the schist belt.

LOCAL GEOLOGY

12. The area is wholly located within the Late Paleozoic to Early Mesozoic age Caples Terrane portion of the Otago Schist. The Glenfellan pastoral lease is almost entirely made up of undifferentiated volcanoclastic sandstones and siltstones of textural zone III. This zone is characterised by a planar schistosity identified by metamorphic micas in all rocks, barely recognisable bedding planes, developed metamorphic segregation laminae, and quartz veining oriented parallel to foliation.

KNOWN MINERALISATION

13. Alluvial gold occurs within the lease area in Miocene to Recent sediments, and is derived ultimately from lodes or disseminated gold in adjacent schist.
14. The main river and stream-beds of the Nokomai River catchment have been worked sporadically for alluvial gold from the 1860's **until** the present day, and by the end of 1996 yielded approximately 251,000 oz of gold. Gold has been sourced from hard-rock, Pleistocene terraces, and Recent alluvial stream-beds. The only recorded hard-rock mine in the area is Commissioners Reef, from which no production figures are available.

CURRENT ACTIVITY

15. At present, there is a granted permit that entirely overlaps the Glenfellan lease. The permit, Glass Earth (New Zealand) Limited's prospecting permit 39322, covers an area of 18,050 km² that extends over most of the Otago region, and is targeting a wide range of metallic and non metallic minerals. A map showing the relationship of the lease to the prospecting permit is attached.
16. Work completed to date by Glass Earth over the lease area includes ultra-detailed magnetics, radiometries, resistivity, altimetry, hi-map geophysical survey. The majority of the region was flown at a scale suitable to delineate significant mineralogical systems, and totalled approximately 25,000 line kilometres of flying. This will be followed by a programme of data retrieval, levelling, gridding, modelling and interpretation to identify anomalies. Targets **will** be assessed utilising a combination of ground-based geophysics, geochemical sampling, geological and mineralogical interpretations and could include targets in the Glenfellan area.

COMMENT

17. Prospecting is a relatively high **risk** business and the very nature of mineral prospecting and exploration means that a company starts with a large area of land and with time it reduces the area after eliminating areas of no interest. Where early reconnaissance work under a prospecting permit justifies further exploration expenditure, a company will apply for an exploration permit. Progressively the size of the area will be reduced to only a fraction of the **original** area and more often than not, a company will fail to identify economic mineralisation and the ground will be surrendered or the permit will be allowed to expire. Modern day prospecting and exploration techniques present little threat to the environment and yet the ultimate outcome of exploration can be the development of a mine with numerous economic **spin-offs** for the local economy.
18. Crown Minerals acknowledges that the transfer of areas of the Glenfellan lease to both the Department of Conservation ("DOC") and private ownership does not preclude access to the land **for** the purpose of prospecting, exploration and mining. Permit holders can apply to DOC and the private landowner for an access arrangement under section 61 of the Crown Minerals Act 1991. However, because the Minister of Conservation's consideration of an application for access largely relates to conservation objectives, it is fair to say that it becomes more difficult for an exploration or mining company to secure a workable access agreement on conservation land.

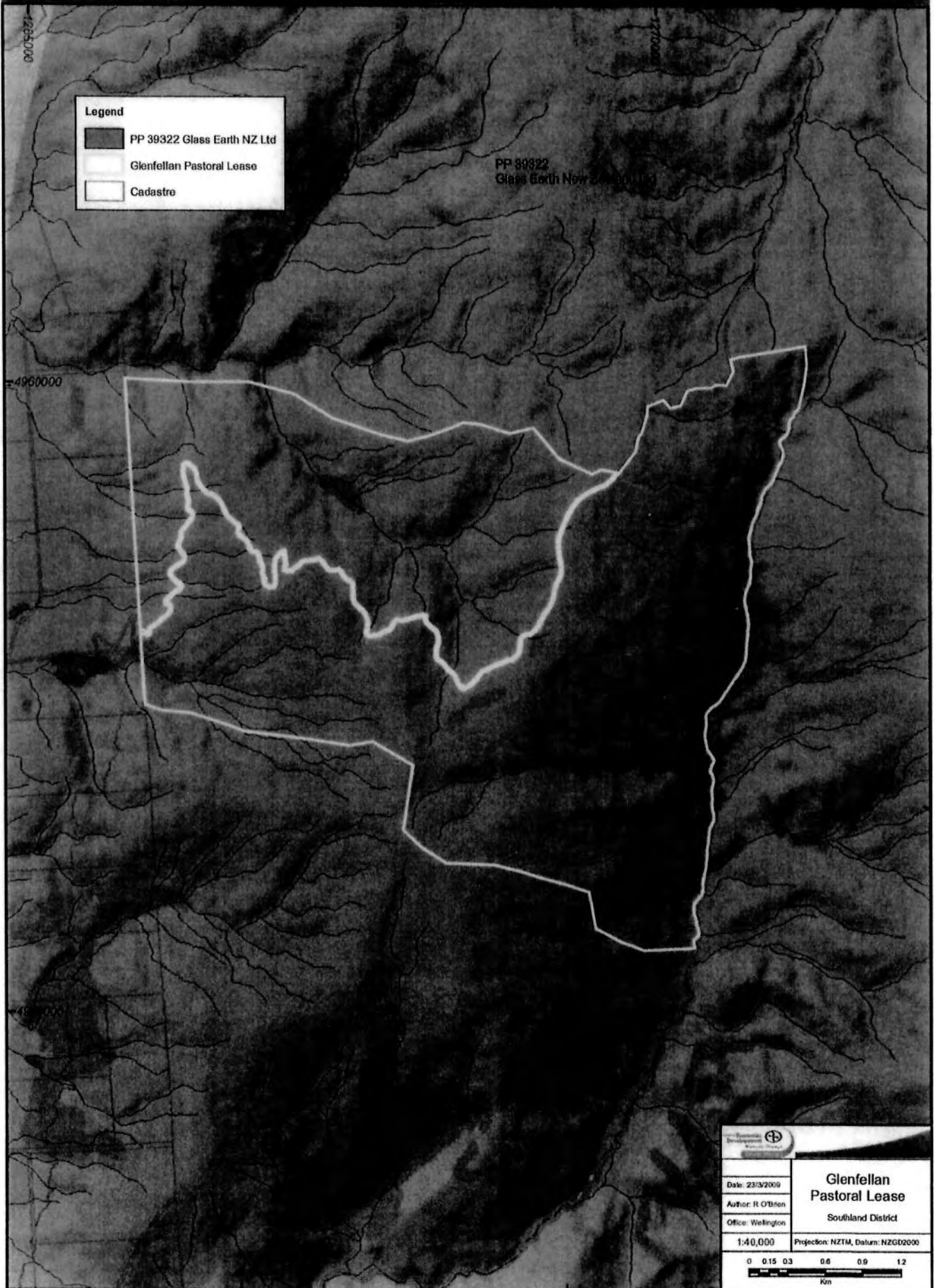
CONCLUSION

19. The current and proposed prospecting activity by Glass Earth highlights the new interest being shown to assess the mineral potential of the Glenfellan lease area and the surrounding region, and testifies to the economic mineral potential of the area.
20. The Glenfellan pastoral lease area should be recognised as being prospective for minerals. To further assess the mineral potential of the area it is critical that exploration and mining companies get ongoing access to this land. Whatever the outcome of this review, Crown Minerals would want to see provision made to allow for mineral prospecting activities to continue to be undertaken.
21. Crown Minerals requests that the Commissioner of Crown Lands takes notice of the mineral potential of Glenfellan pastoral lease. Consideration should be given to some

form of transitional provisions to ensure that future explorers and developers have a right to access to Crown and freehold land on reasonable terms for the purpose of carrying out prospecting and exploration activities and also any development activities under subsequent permits granted in accordance with section 32 of the Crown Minerals Act.

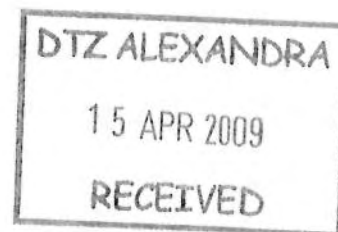
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Active Mineral Permits in the vicinity of Glenfellan Pastoral Lease



Our ref: SBC-08-34

16 April 2009



Commissioner of Crown Lands
c/- DTZ New Zealand Ltd
Land Resources Division
Box 27
ALEXANDRA 9340

Dear Sir

SUBMISSION ON TENURE REVIEW OF GLENFELLAN

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of Glenfellan.

The Otago Conservation Board supports the Preliminary Proposal as advertised.

Yours faithfully

A handwritten signature in black ink, appearing to read "H. Langsbury". The signature is stylized with a large, sweeping underline.

Hoani Langsbury
Chairperson