



Crown Pastoral Land Tenure Review

Lease name : Glenlapa

Lease number : Ps 020

Public submissions

These submissions were received as a result of the public advertising of the preliminary proposal for tenure review.

March 03

GLENLAPA PL DRAFT TENURE REVIEW

May 2002

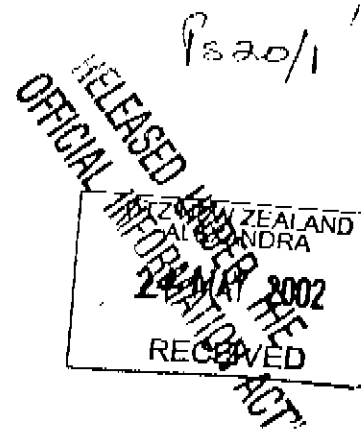
Thank you for the opportunity to comment on this draft report.

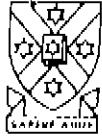
Comment

I have three main suggestions based on my ecological knowledge of the Pastoral Lease and studying the DoC Resources report.

- The steep area between "Area 1" and "Area 3" should be restored to the Crown for its high inherent values and ecological values. In the absence of fire, shrubland and fernland regeneration will continue. In the longer term forest regeneration of both beech and broadleaf is possible too. This regenerating, mainly native vegetated area is likely to be important for native invertebrates. In terms of reserve design it is imperative that these two areas are linked.
- The catchment immediately to the south of "Area 3" should be restored to the Crown in terms of its high inherent values. The native vegetation pattern and content are worthy of restoration to the Crown. This steep land will quickly revert to an even more natural state.
- It is very disappointing that no effort was made to survey either terrestrial or aquatic invertebrates. An assessment of them would make more sense of the regenerating parts of the Pastoral Lease. This Tenure Review process is too important to do half-hearted assessments of the values. How are we going to come up with lasting solutions?

yours faithfully





Department of Botany

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University of Otago
Te Whare Wānanga o Otago

May 14, 2002

DTZ NEW ZEALAND
ALEXANDRA
16 MAY 2002
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Ps 20/11
157
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Manager,
DTZ New Zealand Ltd.,
Land Resources Division,
PO Box 27,
ALEXANDRA.

SUBMISSION ON PROPOSED TENURE REVIEW OF GLENLAPA PASTORAL LEASE

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it. I do so with some detailed knowledge of the area since I was involved with the area during the PNA Survey of the property by Dr Katharine Dickinson, as part of the Nōkomai Ecological District in 1989.

I have read the proposal carefully and am aware that a substantial part of the original Glenlapa Run has been excised since completion of the Nōkomai PNA Survey, to create the East Dome Scenic Reserve.

I note that the proposal is for 4111 ha to be freeholded while only 345 ha in two parcels (Areas 1 and 3) is to be restored to full Crown ownership and incorporated into the East Dome Scenic Reserve, while a third area (Area 2) of 15 ha on the floor of the Dome Burn, is also to be transferred to full Crown control as a Historic Reserve. While the allocation between freehold and Crown ownership thus appears to be highly unequal, the earlier establishment of the East Dome Scenic Reserve is relevant in this context, since this represents a significant area (the actual extent is not given in the report).

Areas 1 and 3 are mostly forested and I am under the impression that much of Area 3 has already been formally covenanted, though these aspects cannot be confirmed from the report. I am aware that the area between Areas 1 and 3 is largely non-forested though this is not stated in the report either. Nevertheless, I believe this latter area should be included in the area to be transferred to the Crown since it complements the conservation values and also the landscape values of Areas 1 and 3, and would also be logical in relation to regularisation of boundaries. It would also obviate the needs for both the new fences proposed along the lines a-b and c-d, as well as the "Easement Concession C1" for "access for farm management purposes" as shown on the Plan 1 (Schedule A) of the proposal. I believe that this area between Areas 1 and 3 has the potential for further enhancement of their conservation and landscape values, with significant areas of indigenous shrubland and tussock grassland, as well as fernland of bracken fern which is obviously seral or successional in this situation. Over time, if reserved, it would allow the natural succession of the adjoining beech forest to occur across this steep western aspect slope. In this context I emphasize my concern for perpetuation of the outdated concept in conservation values, that forest outweighs non-forest ecosystems, and that no provision need be made for natural successional processes in the allocation of land for conservation. I assume that the southern-southeastern boundary between Area 3 and the land to be freeholded, is already fenced. Otherwise, provision would need to be made for this in the final agreement.

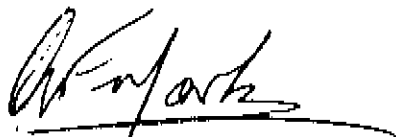
There is also a strong case for including the entire catchment to the west of the airstrip, overlooking the Mataura River, which is largely forested, to also be included in the area requiring to full Crown ownership and management for conservation and recreation purposes.

There should also be provision for legal public access near the Mataura River, to the southern edge of the conservation land that will adjoin the East Dome Scenic reserve, as probably the most logical formal access to this important conservation and ecological area.

Similarly, there seems to be a need to provide formal public access to Area 2, the proposed Historic Reserve on the Dome Burn flats. I assume this waterway has no formal marginal strip since none is shown on the map (thus contrasting with the Mataura River), in which case one should be provided for as part of the tenure review exercise.

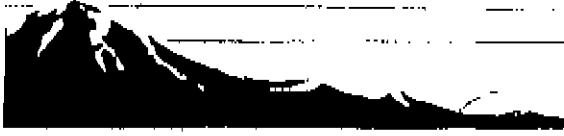
I trust that my recommendations will be given serious consideration.

Yours sincerely,



Alan F Mark, FRSNZ.
Professor Emeritus.

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**HIGH COUNTRY
CONSULTANCY**

DTZ NEW ZEALAND
ALEXANDRA
- 4 JUN 2002
RECEIVED

Dr Mike Floate
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Telephone 03-445 2829

New Fax Number (03) 445 2038

FROM	TO
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Date..... <i>2 June 2002</i>	Name..... <i>DTZ New Zealand</i>
Number of pages..... <i>7</i>	Business.....
(including header sheet)	Address..... <i>Alexandra</i>
If you do not receive all pages please phone (03) 445 2829 immediately	

Sunday 2 June 2002

The Commissioner of Crown Lands
C/- DTZ New Zealand Ltd.
PO Box 27 Alexandra

Please find attached a submission for Federated Mountain Clubs of NZ Inc regarding the Preliminary Proposal for the tenure review of Glenlapa.

We hope you will accept this FAX version of our submission.

Hard copy of this submission, together with the copy of the FMC Report (2000) on Glenlapa, will follow by regular postal mail.

Dr Michael J S Floate
FMC Special Vice President, High Country Tenure Review.

Michael J S Floate
2/6/02



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND
P.O. Box 1604, Wellington.

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2 June, 2002

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

Dear Sir

Re: Preliminary Proposal for Tenure Review: Glenlapa

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 recreation clubs throughout NZ, and indirectly represents the interests and concerns of many thousands of private individuals who enjoy recreation in the back country.

On their behalf, FMC aims to enhance, and to have formally recognised the recreation opportunities on leases under review, to have protected the significant inherent values of those properties, and to ensure public access over high country lands currently under pastoral leasehold tenure, through the tenure review process.

FMC fully supports the aims of tenure review: “to promote the management of reviewable land in a way that is ecologically sustainable... .. to enable the protection of the significant inherent values of the reviewable land... .. and to make easier the securing of public access to and enjoyment of reviewable land” (Crown Pastoral Land Act 1998, S.24).

FMC is grateful for this opportunity to comment on the preliminary proposal for tenure review of Glenlapa pastoral lease.

THE PRELIMINARY PROPOSAL

The following designations and protective mechanisms are included in the proposal:-

- (1) 90 ha to be designated as land to be restored to full Crown ownership and control to be incorporated into the East Dome Scenic Reserve.
- (2) 270 ha to be designated as land to be restored to Crown control as a Reserve for the following purposes:-
 - 15 ha as Historic Reserve
 - 255 ha to be incorporated into East Dome Scenic Reserve, subject to an easement for management purposes.

Subject to the following qualifications:-

- (i) A grazing concession for ongoing grazing of the proposed Historic Reserve for 30 years.
- (ii) An easement to provide access for the holder on an existing track through the proposed Scenic

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Reserve for farm management purposes.

- (3) 4,111 ha to be designated as land to be disposed of by freehold to the holder subject to:-
- (i) An easement to provide public foot access from the margin of the Mataura River to the proposed addition to the East Dome Scenic Reserve
 - (ii) Easements for management purposes over farm tracks to the proposed Historic Reserve and to the proposed addition to the East Dome Scenic Reserve

FMC POSITION

FMC supports the general principles of tenure review and also supports the general thrust of the changes proposed for Glenlapa. We are aware that there was consultation with recreational interests at an Early Warning Meeting in 1995, although FMC was not directly represented. It seems from the terms of the Preliminary Proposal for the tenure review of Glenlapa that very few of the recommendations made at that time have been carried through into this proposal.

We understand that both the Southland Fish and Game Council and recreational groups represented at the Early Warning Meeting, stressed the importance of public access up the farm track along the Mataura River terraces for fishermen, and to provide the most practical public access to the East Dome Scenic Reserve (and now also to the proposed extensions to that Reserve). Access from the margin of the Mataura River to the proposed extension to the Scenic Reserve (at E3) is not a satisfactory alternative. We note the following in the original recommendations from the Department of Conservation in 1996:- *"The Mataura River faces and gullies with their predominantly natural character enhance the recreation setting of the Mataura River fishery. Also there is the potential for a future short walk into the beech forest (covenant) at the road end near the river as well as the possibility of improved public access to the East Dome Scenic Reserve and to East Dome summit. The lack of practical access currently limits use of this large reserve."* It was recommended that *"the 2WD farm access track along the Mataura River terrace from Glenlapa Road become legal road. (Falling this a section 7(2) Conservation Act 1987 foot only access easement be created with public vehicle access being available with the landholder's permission)."* It is a serious omission from the Preliminary Proposal that neither of these options has been implemented and no satisfactory public access has been provided over the track along the Mataura River terraces.

There are a number of other important issues which do not seem to have yet been satisfactorily addressed in this review. These issues are:-

- (i) Only partial recognition of the significant natural and landscape values of the Mataura faces northwards from Trig J.
- (ii) Failure to recognise the old pack track route up the main ridge leading to Trig J and East Dome as a valuable public recreational route for foot and mountain bike use, and to provide an appropriate easement over the proposed freehold over this route.
- (iii) Failure to provide public access to the proposed Historic Reserve in the Dome Burn.
- (iv) Failure to make any arrangements for public use of either the Musterer's Hut or the Raceman's Hut in the Dome Burn.
- (v) There is no provision for public access either to the Dome Burn, or along the alignment of the Muddy Terrace Water Race to the eastern extremity of Glenlapa, or across the route indicated E2 in the Proposal (Glenlapa Homestead to the Dome Burn), which has been proposed as an easement for management purposes.
- (vi) Wilding pine spread down-wind from sources on Mid Dome is known to be a serious threat to conservation values in the area but there is no provision for wilding tree control as a condition of freeholding some 4000 ha of the Glenlapa pastoral lease.
- (vii) There seems to be no formal recognition of, or laying off of, marginal strips along the Dome Burn and the Garvie Burn.

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FMC notes that in the section of the Preliminary Proposal headed "Land to be disposed of by way of freehold disposal....." There is the following statement:-

"The balance, approximately 237 ha is land that has severe limitations for pastoral or forestry purposes (L.C. Class VII), and is mainly above 850 m being located along the main ridge crest of the southern Garvie Range, with bush and scrub in steep gullies."

This statement appears to be inconsistent with the first purpose of the CPL Act 1998 (S. 24 (a) (i), which is "to promote the management of reviewable land in a way that is ecologically sustainable." We believe that it would only be possible to manage this land in a way that is ecologically sustainable if nutrient losses are made good by fertiliser application, but that this is not economically justifiable in this situation. Accordingly, FMC believes that the Preliminary Proposal is inconsistent with the Act and that the Proposal should be amended such that this land is restored to full Crown ownership and control, to be managed for conservation purposes.

If this change was made to the Proposal it would then be reasonable to delete two unsatisfactory (and challengeable) statements in the section of the proposal dealing with "The Proposal in relation to the Objects of Part 2 CPL Act." Those statements are:-

"The areas where this (land is of a quality and nature as to economically justify development) does not apply are of a relatively minor nature."

"The portion of the land that was identified as containing significant inherent values that is not protected in this proposal is relatively minor."

In fact, the entire 620 ha area (indicated as Area 1 in the 16 June Submission – CPL Preliminary Proposal – Standard 8) should become Conservation Area. We note that Standard 8 recommended:- "620 hectares approximately land to be restored to or retained in full Crown ownership and control to be added to the adjacent East Dome Scenic Reserve under Section 35 (2) (a) (ii) CPL Act. The proposal will protect significant inherent values arising from the regenerating shrublands, beech forest remnants and tussocklands present and which contribute to the naturalness of the visual corridor of the Mataura Gorge and are of such importance that the land deserves protection of management under the Reserves Act 1977.

We understand that subsequent to the original recommendations contained in Standard 8 (June 2000) that the boundaries of proposed conservation land within original Area 1 were revised and that only some 345 ha (the new Areas 1 and 3) are included and that some of the originally recognized and recommended significant inherent values have been overlooked or ignored. Although the now proposed freehold (within the original Area 1) has some farming value it still has significant inherent values as originally recognised: "significant inherent values arising from strongly regenerating shrublands, beech forest remnants and tussocklands which in aggregate contribute to the ecological function of the adjacent East Dome Scenic Reserve and the naturalness of the visual corridor of the Mataura River Gorge.....Induced grasslands are showing evidence of strong regeneration towards woody vegetation and ultimately towards the original forest community which existed here pre-European". Clearly the recovery potential was recognised as a significant inherent value.

FMC would point out that the CPL Act (Section 24 (c)) makes it clear that "the freehold disposal of reviewable land is subject to paragraphs (a) and (b)" which includes the protection of significant inherent values. Therefore, freehold disposal of the land within the original Area 1, and now lying between Area 1 and Area 3 on the map provided with the Preliminary Proposal in April 2002, is not consistent with S.24 of the CPL Act.

FMC strongly recommends that further work be done on the terms of the Proposal so that all the significant inherent values recognised in the Conservation Resources Reports, and originally recommended for protection are so protected by return to full Crown ownership and control.

We note that ownership of the Musters hut in the Dome Burn is unknown. FMC therefore believes that it would be appropriate to provide for public use of this hut, in association with the proposed Historic Reserve in the Dome Burn, as part of the tenura review process.

We do not find any reference to public foot or mountain bike access to the proposed Historic Reserve, and recommend that it would be appropriate to include such use with management purposes over the route of Easement E2 shown on the map. Furthermore, it seems that access to the start of Easement E2, at the edge of the leasehold land is across existing Glenlapa freehold. There seems to be no mention of an easement across the freehold to enable use of Easement E2; this deficiency should be corrected.

Report to FMC on Recreation and Related Public Interest Values on Glenlapa

A report was commissioned by FMC in 2000 to assess the recreational and related significant inherent values of Glenlapa. The report concluded that: *"the tenure review of Glenlapa offers an opportunity to enhance the recreational opportunities of the northern Southland area and to increase the quality of recreational experience on those lands by recognising and protecting the significant inherent natural, landscape and historic values described above and in the Conservation Resources Report."*

We reproduce below some extracts from the FMC Report (in italics), and comment on those extracts in the light of the terms of the Preliminary Proposal.

The report detailed the following access requirements:-

- *"The historic pack track which can be traced over East Dome and which generally follows the main farm track up the ridge to the airstrip on Glenlapa is not a legal road but provision for public use of this track would greatly improve the access to the East Dome Scenic Reserve. An easement for foot and mountain bike use of this route to East Dome should be established through tenure review."*

This is not provided for in the Preliminary Proposal

- *"There is an opportunity for a round trip (mountain bike or tramping) along the ridge to East Dome and returning via Dome Burn. There are 2 huts in the Dome Burn valley which could provide shelter in case of need. Although all this area is likely to be suitable for sustainable pastoral farming and therefore for freeholding, it would be useful during tenure review, to make some arrangement for public use of one of these huts"*

This is not provided for in the Preliminary Proposal, but as the ownership of the Dome Burn Musterers Hut is unknown, provision for public use would be appropriate.

- *"It is recommended that public access to the historic features on the Muddy Terrace Water Race, and the proposed Historic Reserve be provided by way of an easement for foot and mountain bike use. Ideally this would follow the Race and/or the Dome Burn to the Glenlapa/Moonlight Station boundary and thence across Moonlight to McKenzie Road and Freshford."*

This is not provided for in the Preliminary Proposal, but should be provided by including public use of Easement E3.

- *"The best option at this stage in the tenure review process would be to establish an easement down the Dome Burn in anticipation of this route being used at some later date, but meantime to provide a temporary easement out via the Garvie Burn catchment and the main Glenlapa farm access track."*

This is not provided for in the Preliminary Proposal, but this might be achievable by laying off a marginal strip of adequate width to permit public access on foot.

- *"Public access to the full length of that part of the Mataura River which runs through Glenlapa should be provided through tenure review. Public vehicle use of the road over the river flats should be*

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legalised, and an easement established over the track which continues along the foot of the Mataura faces to the East Dome Scenic Reserve."

This is not provided for in the Preliminary Proposal, but should be provided as discussed above.

In order that recreational users get most enjoyment from their experience it was also recommended that the following significant inherent natural, landscape and historic values be recognised and protected as follows:-

- *"It is recommended that the area northwards from Trig J, up the main ridge to East Dome, and extending westwards down to the Mataura River terraces (and including the covenant area), should be retained in Crown ownership and be transferred to DOC to be managed together with the East Dome Scenic Reserve for conservation and recreation purposes."*

This is only partially provided for in the Preliminary proposal, but could easily be accommodated if the land between Areas 1 and 3 was also included in the additions to the East Dome Scenic Reserve.

- *"It is recommended that an area including the historic features of the Muddy Terrace Water Race and the associated raceman's hut be protected as an historic reserve, and that public access be provided by way of an easement for foot and mountain bike use."*

FMC is pleased to note that a 15 ha area including the historic features in the Dome Burn is proposed as Historic Reserve. It is however, unsatisfactory that no public access to this Reserve is provided in the Preliminary Proposal.

- *"As part of the tenure review agreement, a wilding pine control programme needs to be put in place and rigorously pursued to ensure that the tussock grasslands of Glenlapa do not become infested with *Pinus contorta*."*

This is not provided for in the Preliminary Proposal

- *"Recreational use of Glenlapa would also be enhanced by the formal recognition, through tenure review, of marginal strips on the Garvie Burn and Dome Burn, and a moveable marginal strip along the Mataura River."*

It is not clear from the Preliminary Proposal whether marginal strips are to be laid off along any of these waterways. They should be formally recognised.

We enclose a copy of the report for your information, because it presents an account of the recreational use and potential of Glenlapa, and because it details the arguments why FMC believes that these should be made available for public enjoyment.

Recommendations for further work on the Preliminary Proposal

On the basis of our identification of important issues in the Preliminary Proposal for the tenure review of Glenlapa which have not yet been satisfactorily addressed, and on the basis of recommendations made in Standard 8 (June 2000) which have not been adopted, and our recommendations in the FMC Report in 2000, we have come to the following conclusions:

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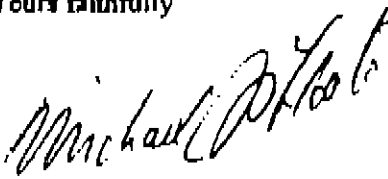
Conclusions

The Preliminary Proposal for the tenure review of Glenlapa contains some good clauses which will result in gains for public recreation and conservation. However, there are many deficiencies in this review which do need to be addressed if the outcome is to be satisfactory from a recreational perspective.

We strongly urge that further work be undertaken on this review with a view to resolving the issues we have detailed in this submission.

Finally, we appreciate this opportunity to comment on the Preliminary Proposal for the tenure review of Glenlapa, and wish to be heard in support of this submission if a hearing is held. We would be happy to be involved in further discussions regarding any of the issues discussed in this submission.

Yours faithfully



MB Barbara Marshall
Secretary, Federated Mountain Clubs of NZ (Inc.)



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GLENLAPA STATION

**Field Survey and Assessment of
Recreational and Related Significant Inherent Values**

April 2000

Compiled for Federated Mountain Clubs of NZ (Inc.)
By Dr Michael J S Floate
High Country Consultancy

Prepared for Federated Mountain Clubs of NZ (Inc.)
With financial assistance from New Zealand Lottery Grants Board

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**RECREATIONAL AND RELATED SIGNIFICANT INHERENT
VALUES ON GLENLAPA STATION**

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

April 2000

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Maps showing the preferred allocation of public conservation land and freehold land (green and red outlines respectively) and important recreational access routes (yellow)	
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LIST OF FIGURES

Fig. 1 Glenlapa is situated on the true left of the Mataura River and is seen here across the river from Cattle Flat Station. Much of the lower country has been improved and the highest land, including East Dome (skyline, centre) was retired under a Southland Catchment Board run plan. East Dome was gazetted as a Scenic Reserve in 1992.

Fig. 2 The East Dome Scenic Reserve, consisting of some 768 ha of the dome itself and the steep faces running down to the Mataura River, contains a diverse variety of plant communities but public access to the dome and upper slopes is not readily available. Public access could be much improved through tenure review.

Fig. 3 The route of an historic pack track is followed by the main farm track to an airstrip at about 900m, and continues on over East Dome (far skyline) to Nokomai and the Nevis. The route passes Trig J at 995m on the prominent knoll beyond the airstrip. An easement for public use on foot and mountain bike over this route should be established during tenure review.

Fig. 4 Most of the lower country has been improved by oversowing and topdressing; it now has little conservation value and appears suitable for freeholding. It will however, be important to ensure that public access is available across the new freehold land to the scenic and historic reserves.

Fig. 5 Looking down the Dome Burn with the raceman's hut by the Muddy Terrace Water Race on the valley floor in the foreground. This valley would provide an excellent way out from a round trip over East Dome. The route could follow the water race or the marginal strip along the waterway.

Fig. 6 The musterer's hut in the upper part of the Dome Burn could provide shelter for recreational users of the area as an alternative to the raceman's hut on Muddy Terrace. Either one or the other should be available for public use as an outcome of tenure review.

Fig. 7 Some of the steep faces and scrubby gullies on the true left of the Mataura River have been included in the conservation covenant area to the south of the East Dome Reserve, but there are other vulnerable areas with significant inherent values to the west of Trig J which should also be included within an enlarged area to become conservation land through tenure review.

Fig. 8 The Muddy Terrace Water Race was constructed in 1907 but is typical of nineteenth century gold mining techniques. The race and its associated engineering relics are totally unprotected under the Historic Places Act 1991 but deserve to be protected as an historic reserve through tenure review.

Fig. 9 The intake to the Muddy Terrace Water Race was extended some 600m upstream when the original dam was washed away. This necessitated the construction of a pipe bridge and a massive berm some 100m long which in turn involved the construction of a light railway. Remains of the pipe bridge are still to be seen at the top of the terrace.

Fig. 10 Two lone pairs of bogey wheels bear testimony to the efforts of gold miners who in the early part of this century even built a railway to extend the water race in their endeavours to extract gold from the alluvial deposits in the lower Dome Burn. Features such as these could add great interest for recreational visitors to Glenlapa.

METHODS OF SURVEY AND ASSESSMENT

In part this report is based on knowledge of the property and in part it is based on information gathered from other sources. Field inspection of the property was carried out in February 2000. The other 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 (1988) 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. The Conservation Management Strategy for Mainland Southland has also been used as a source of reference, together with an early version of the Conservation Resources Report for Glenlapa Station.

GENERAL DESCRIPTION OF GLENLAPA STATION

Glenlapa is a medium sized property consisting of about 4,500 ha with some adjoining freehold land. It is located on the southern end of the Garvie Mountains between the Dome Burn and the Mataura River. The homestead is on Glenlapa Road some 24 km north of Balfour in northern Southland. The property extends from the floor of the Mataura River valley at about 200m to about 900m at the northern end of the property adjacent to the boundary with the East Dome Scenic Reserve (Fig. 1).

The East Dome Scenic Reserve was formerly part of the Glenlapa pastoral lease but was retired under a Southland Catchment Board run plan. It was identified as a Recommended Area for Protection (RAP) during the Protected Natural Area (PNA) survey conducted in 1986-87. In 1989 an area of 768 ha (most of the RAP Nokomai #5, East Dome), was surrendered and transferred to DOC, and subsequently, in 1992, was gazetted as the East Dome Scenic Reserve which forms the northern boundary of the property (Fig. 2).

There is currently little recreational use of Glenlapa other than for fishing in the Mataura River which has an international reputation. There is a need for improved access to the East Dome Scenic Reserve and if such access became available it is highly likely that a greater variety of recreation could occur on Glenlapa. Such use might include a mountain bike trip up the main ridge to East Dome (Fig. 3), returning via the historic gold workings in Dome Burn which include the very large, disused Muddy Terrace water race, to make a round trip.

East Dome is a prominent feature of the northern Southland landscape (Fig. 1) and together with the associated steep shrubby Mataura River faces, has important and significant inherent value as the backdrop to wilderness fishing in the Mataura. Brian Turner (1983) eloquently described it thus: *"Steep tawny hills enfold the sparkling river. The country is not picturesque - it is beautiful and the walking well worth it. Several days will be needed to explore the fishing around Nokomat and Cattle Flat."*

One of the threats to this landscape is the spread of wilding pines from the protection plantings which had been carried out in the past on the nearby Mid Dome. A control programme needs to be put in place and rigorously pursued to ensure that the tussock grasslands of Glenlapa do not become infested with *Pinus contorta*.

Most of the lower country on Glenlapa has been much modified from its original natural condition by oversowing and topdressing. It appears to be capable of supporting sustainable pastoral use and is therefore likely to become freehold through tenure review. One of the most important aspects of this tenure review for recreational users will be to gain formal public access to the new conservation and historic reserve land by the establishment of an easement for foot and mountain bike use across the land to become freehold (Fig. 4).

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RECREATIONAL ACTIVITIES AND POTENTIAL

The recreational significance of the property lies in its location in northern Southland where there are currently limited opportunities for backcountry recreation and in the scenic attraction of the East Dome country for day walking, tramping and mountain bike trips.

Mason (1988) describes the Southern Garvies as being a very dissected greywacke landscape with steeply graded catchments off the leading ridges, which is very different from the schist landscapes of the Northern Garvies. Beyond that description, the Southern Garvies are not considered in detail in the Outdoor Recreation plan for Otago.

There was an historic pack track which provided a more direct and more open route from Southland to Nokomai and the Nevis than the bogs and forests of the valleys (Fig. 3). The old pack track can be traced over East Dome. The main farm track on Glenlapa follows approximately the same route but it is not a legal road. An easement for foot and mountain bike use should be established through tenure review and this would greatly improve the access to the East Dome Scenic Reserve.

There is an opportunity for a round trip (mountain bike or tramping) along the ridge to East Dome, returning via Dome Burn (Fig. 5). There are 2 huts in the Dome Burn valley which could provide shelter in case of need. The top hut is a typical musterer's hut (Fig. 6) and the lower hut, is a reconstructed raceman's hut beside the Muddy Terrace Water Race (Fig. 8). Although all this area is likely to be suitable for sustainable pastoral farming and therefore for freeholding, it would be useful during tenure review, to make some arrangement for public use of one or other of these huts.

The most interesting route out from the Raceman's hut for recreational users would be to follow the Muddy Terrace Water Race over the Glenlapa boundary and join up with a track leading across Moonlight Station to McKenzie Road and Freshford. The best option at this stage in the tenure review process would be to establish an easement down the Dome Burn in anticipation of this route being used at some later date, but meantime to provide a temporary easement out via the Garvie Burn catchment and the main Glenlapa farm access track.

An increasing problem for people wishing to do trips involving overnight stays in the backcountry is security of car parking at road ends. Consideration should always be given during the tenure review process to making provision for car parking where possible off highways, and in the most secure places possible near the start of new easements over land which becomes freehold through tenure review. In the case of Glenlapa, the most suitable car parking area would be in the vicinity of the yards at the saddle above the homestead.

The recreational significance of this property should be assessed not only on its present usage, which is minimal, but also on its potential. This is because current usage is much less than its potential for a number of reasons. Partly because of the current land tenure under pastoral lease, the recreational use of Glenlapa and the East Dome Scenic Reserve, is less than it might otherwise have been the case if no impediments existed. There is potential for greater use for day walking and mountain biking as well as more passive enjoyment of the conservation and historic features described elsewhere in this report. It is the full range of possibilities which should be considered during this tenure review.

The greatest recreational use of Glenlapa at the present time is by fishermen enjoying the wonderful opportunities for trout fishing in the Mataura River. As all the terrace country is likely to be suitable for freeholding, it is important that during tenure review access is provided to the full length of that part of the Mataura River which runs through Glenlapa.

Recreational use of Glenlapa would also be enhanced by the formal recognition, through tenure review, of marginal strips on the Garvie Burn and Dome Burn, and a moveable marginal strip along the Mataura River.

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RECREATION ACT

SIGNIFICANT INHERENT VALUES AND THEIR IMPORTANCE FOR RECREATION

This report focuses on those features of Glenlapa which are known to be important or potentially important for public recreational interests. It should be noted that while much of this interest focuses on access, the natural values and landscapes of the areas concerned have a fundamental impact on the recreational value of the back country and greatly influence the quality of recreational experience enjoyed. It is for this reason that reference is also made to both natural and landscape values of the property.

In many places, the assessment of the significance of such natural values is aided by the reports of Protected Natural Area (PNA) surveys and the Recommended Areas for Protection (RAPs) which they highlight. In the case of Glenlapa which is in the Nokomai Ecological District, PNA surveys were carried out in 1986-87 and one area on East Dome was identified as an RAP. This area had already been retired from the pastoral lease under the terms of a Southland Catchment Board run plan and RAP Nokomai #5 (768 ha) was gazetted in 1992 as the East Dome Scenic Reserve.

Another smaller area (172 ha) was protected under a conservation covenant. This area is not contiguous with the Scenic Reserve but lies some one km to the south on the true left of the Mataura valley. It is situated opposite the Mataura Range Scenic Reserve and commands a good view of that reserve with which it is complementary. It extends from the Mataura River terraces to the crest of the main ridge running up to East Dome.

While the East Dome Scenic Reserve is no longer actually part of the Glenlapa pastoral lease, it is adjacent to the northern boundary of the property and the conservation covenant is included within the leasehold land. Together, these two areas are of considerable interest to the public because they contain a diverse variety of native plant communities. These include red beech and silver beech forests on colluvial slopes, gullies and alluvial flats, subalpine shrublands and tussock grasslands on colluvial slopes, scree slopes and rockfields, herb tussocklands and herb fields on colluvial slopes and ridge crests, and of particular interest are the significant scree habitats and their flora which is of biogeographic and scientific importance. Most of these features cannot easily be accessed from the road by the river, so access up the main ridge leading to East Dome is important.

Most of Glenlapa consists of developed pastures and modified tussock grasslands, lying between about 500m and 900m, which have been improved by oversowing and topdressing. Much of this country is classified as Land Use Capability (LUC) Class VI or higher and is therefore likely to be capable of supporting ecologically sustainable pastoral production and could be considered to be suitable for freeholding. Because of the extent of modification for farming purposes most of the natural value has been modified and cannot be considered to have significant inherent value for conservation.

The only areas of more or less natural vegetation which have significant inherent values for their landscape and botanical composition are on the Mataura faces south of the East Dome Scenic Reserve, including and extending south of, the covenant area (Fig. 7). The Mataura faces and East Dome itself are important for their significant inherent landscape value as the backdrop to wilderness fishing in the Mataura. Brian Turner (1983) eloquently described it thus: *"Steep tawny hills enfold the sparkling river. The country is not picturesque - it is beautiful and the walking well worth it. Several days will be needed to explore the fishing around Nokomai and Cattle Flat."*

It is recommended that to enhance the value of both the East Dome and Mataura Range Scenic Reserves, and to add value to the recreational experiences of people enjoying the landscapes of the Mataura valley north of the Cattle Flat huts, the area northwards from Trig J, and extending westwards down to the Mataura River terraces (and including the covenant area), should be retained in Crown ownership and be transferred to DOC to be managed together with the East Dome Scenic Reserve for conservation and recreation purposes.

There are also features that are of historical interest on Glenlapa. Gold mining occurred in the Dome Burn and there are about 10 areas of river-edge sluicings. There are also the remains of a sluiced water race. The Muddy Terrace Water Race is one of the largest mining races in Otago or Southland, being up to 6 ft deep and up to 12 ft across at the top (Fig. 8). It was apparently designed for 40 heads but the extension to the intake via an iron pipe (which still spans the Dome Burn at the top of the terrace, Fig. 9) limited its capacity to about 30 heads. The race runs for some 23 kms to the gold workings on the upper terraces at Freshford, and the first 4 km of the race across Glenlapa is still largely intact with some major rock cuttings and revetment work near the southern boundary. The race is historically significant for its size and complex engineering (Fig. 10). Though constructed after 1900 the technology used, both on the race and on the surviving hut are typical of nineteenth century gold mining. The whole system is totally unprotected under the Historic Places Act 1991.

The historic features of the race, together with the reconstructed raceman's hut beside the race also add significant interest for recreational visitors (Figs. 8, 9, and 10). It is recommended that the area of these historic features be protected as an historic reserve, and that public access be provided by way of an easement for foot and mountain bike use. This easement should ideally lead across Moonlight Station to Freshford but such access may not be easily available to the public. An alternative, perhaps temporary easement should be established through tenure review over a farm track from the Dome Burn to the Garvie Burn catchment (Fig. 4) and thence to the main farm access track at the saddle above the homestead.

CONSERVATION MANAGEMENT STRATEGY FOR MAINLAND SOUTHLAND

The Conservation Management Strategy (CMS) for Mainland Southland includes a section on the Garvie Landscape Unit, which includes Glenlapa and East Dome. The CMS states that "the PNA survey of the Nokomat Ecological District identified 11 areas for protection."

The objectives include:-

- "To continue to seek protection for those areas recommended by the PNA survey, and
- To provide opportunities for winter and summer access to the open mountain tops for remote recreation experiences where these do not compromise natural and historic values."

AREAS TO BE PROTECTED

There are significant inherent natural, landscape and historic values on Glenlapa which should be retained in full Crown ownership and control and transferred to DOC to be managed for conservation and recreation purposes. These areas will also enhance the recreational value of Glenlapa for public use.

It is recommended that the area northwards from Trig J, up the main ridge to East Dome, and extending westwards down to the Mataura River terraces (and including the covenant area), should be retained in Crown ownership and be transferred to DOC to be managed together with the East Dome Scenic Reserve for conservation and recreation purposes.

It is recommended that an area including the historic features of the Muddy Terrace Water Race and the associated raceman's hut be protected as an historic reserve, and that public access be provided by way of an easement for foot and mountain bike use.

As part of the tenure review agreement, a wilding pine control programme needs to be put in place and rigorously pursued to ensure that the tussock grasslands of Glenlapa do not become infested with *Pinus contorta*.

Recreational use of Glenlapa would also be enhanced by the formal recognition, through tenure review, of marginal strips on the Garvie Burn and Dome Burn, and a moveable marginal strip along the Mataura River.

ACCESS REQUIREMENTS

The following access provisions will be required:-

The historic pack track which can be traced over East Dome and which generally follows the main farm track up the ridge to the airstrip on Glenlapa is not a legal road but provision for public use of this track would greatly improve the access to the East Dome Scenic Reserve. An easement for foot and mountain bike use of this route to East Dome should be established through tenure review.

There is an opportunity for a round trip (mountain bike or tramping) along the ridge to East Dome and returning via Dome Burn. There are 2 huts in the Dome Burn valley which could provide shelter in case of need. Although all this area is likely to be suitable for sustainable pastoral farming and therefore for freeholding, it would be useful during tenure review, to make some arrangement for public use of one of these huts.

It is recommended that public access to the historic features on the Muddy Terrace Water Race, and the proposed Historic Reserve be provided by way of an easement for foot and mountain bike use. Ideally this would follow the Race and/or the Dome Burn to the Glenlapa/Moonlight Station boundary and thence across Moonlight to McKenzie Road and Freshford.

The best option at this stage in the tenure review process would be to establish an easement down the Dome Burn in anticipation of this route being used at some later date, but meantime to provide a temporary easement out via the Garvie Burn catchment and the main Glenlapa farm access track.

Public access to the full length of that part of the Mataura River which runs through Glenlapa should be provided through tenure review. Public vehicle use of the road over the river flats should be legalised, and an easement established over the track which continues along the foot of the Mataura faces to the East Dome Scenic Reserve.

Car parking will be required at the end of the road along the river flats, and it would be very useful if arrangements also be made for car parking in the vicinity of the yards at the saddle above the homestead.

CONCLUSIONS

The tenure review of Glenlapa Station offers an opportunity to enhance the recreational opportunities of the northern Southland area and to increase the quality of recreational experience on those lands by recognising and protecting the significant inherent natural, landscape and historic values described above and in the Conservation Resources Report.

The outcome of the tenure review of Glenlapa, if it includes the recreation and conservation recommendations included in this report, could contribute to the achievement of the objectives declared for the Garvie Landscape Unit in the Conservation Management Strategy for Mainland Southland.

ACKNOWLEDGEMENTS

Permission to visit and inspect this property was kindly given by the runholder. This is gratefully acknowledged. Knight Frank provided access to LUC maps, and local tramping club members and others were helpful in providing accounts of trips undertaken in the area.

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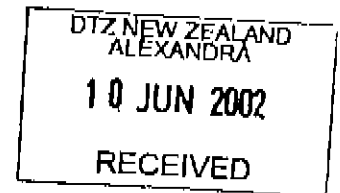
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4 June 2002

Commissioner of Crown Lands
C/- DTZ New Zealand Ltd
P O Box 27
Alexandra



Submission on Preliminary Proposal Glenlapa Tenure Review

PANZ wishes to make comment on the following aspects of the proposal.

- Mataura River faces
- Mataura valley access
- Incomplete reclassification action
- Marginal strip provision
- Proposed historic reserve already marginal strip
- Lack of public access to Dome Burn

Mataura River Faces

While we acknowledge and appreciate the lessee's earlier voluntary surrender without compensation of leasehold for the East Dome Scenic Reserve, the tenure review preliminary proposal is inadequate in making further necessary reservations.

As DOC's conservation resource report states (p 5) "native vegetation sequences on the faces and gullies adjoining the Mataura River and the East Dome Scenic Reserve are the most significant botanical feature on the property". These are part of "an area of vulnerability" extending from the East Dome Scenic Reserve to an existing conservation covenant area. The report concludes, "for the existing landscape character to be maintained and enhanced, the steeper and more visible slopes on Glenlapa should be managed to enable natural succession to occur... Apart from recent and obvious oversowing along the dividing ridgeline, there is a strong successional trend to woody native vegetation occurring. To allow this block to fully regenerate would mean that a physical linkage between East Dome Scenic Reserve and the covenant area is protected and enhanced" (our emphasis).

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In a regional context "these western slopes form the immediate backdrop to one of New Zealand's best known brown trout fisheries, with many overseas anglers visiting this section of the Mataura River on a regular basis. This area's amenity values are well known. *"Steep tawny hills add to the sparkling river. The country is not picturesque - it is beautiful and the walking well worth it. Several days will be needed to explore the fishing around Nokomai and Cattle Flat"*.

In DOC's original recommendations (pp. 11-12) the protection of a contiguous **Area 1** (approximately 620 ha) was justified on the following basis -

"Landscape

This area extends southwards from the southwestern boundary of the East Dome Scenic reserve along the Mataura river faces and gullies. It includes the forested gully west of Trig J. The western slopes of East Dome and the Mataura River corridor with their forests, shrublands and tussocklands contribute to the natural character of the river setting and associated recreation use and add to the quality of the recreational experience.

Vegetation

Native vegetation sequences on the faces and gullies adjoining the Mataura River downstream of the East Dome Scenic Reserve are the most significant botanical feature on the property. These sequences are largely intact and where disturbance has occurred strong regeneration is evident especially at lower altitudes where the trend is towards woody vegetation and ultimately a forest community. Tall tussockland vegetation is still largely intact despite some overgrowing and top dressing below 800 metres.

Protected Area Design

Whilst there are no species and communities present not already represented in the adjoining East Dome Scenic Reserve, the acquisition of this area can be justified on the grounds of deficiencies in the design of the boundaries of the existing scenic reserve. The southern boundary of the reserve conforms with that selected for the RAP Nokomai 5 during the PNAP survey and largely was based on representativeness criteria. This resulted in the adoption of the forest margin as the southern boundary which cuts in half the largest catchment that drains off East Dome into the Mataura River.

The reserve boundary is unfenced and the forest margin cannot be readily protected from adverse impacts such as intensive grazing and probably burning to control shrubland regeneration on the adjacent predominantly shrub and tussock covered southern part of this catchment.

The adoption of ridgelines to protect sensitive natural and catchment values is the most effective long-term strategy for protected area management. The protection of this southern part of the catchment will therefore benefit both the existing scenic reserve as well as the remaining area of relatively intact native vegetation sequences along the Mataura River Faces.

This area also consolidates an expanded protected natural area by expanding to encompass the existing conservation covenant.

The river faces between the covenant and the existing reserve display the greatest disturbance of native vegetation sequences but shrubland regeneration is very strong and given time and the removal of burning and grazing, vegetation should eventually return to a more natural forest/shrubland sequence. The shrubland communities have current intrinsic value also. Shrubland communities may provide good habitat for mobile invertebrate and bird species and potentially enhance unsurveyed native faunal elements.

Recreation

The Mataura River faces and gullies with their predominantly natural character enhance the recreation setting of the Mataura River fishery..."

These recommendations survived revision in 1999, and expanded the justification in terms of the requirements of the Crown Pastoral Land Act (CPLA).

"Justification

The land is characterised by:

- 1 Areas which alone or collectively sustain the special natural quality and integrity of the high country landscape especially the indigenous component.
- 2 Areas which sustain the most culturally valued attributes (eg, Maori, scenic, aesthetic, recreational and historic) and their context within a natural high country landscape.
- 3 Habitats of threatened species (including those which are regionally threatened).
- 4 Areas which make a special contribution to the overall quality natural functioning and ecological integrity of significant values (e.g., linkages, buffers, etc) whether in their present or potential state.
- 5 Settings of high natural or historic value for outdoor recreational opportunities in the high country.

DOC's recommendations were adopted in the *Draft Preliminary Proposal*, as being compliant with the objects of the CPLA. However after consultation with the holder, Area 1 was reduced to 90 ha, and part of the original 620 ha, being a new Area 3, proposed for freeholding. This is 275 ha between Areas 1 and 3.

This change of stance is explained in the *Report on Consultation* (p 3) – "although this area does contain some native shrub cover, its significance in terms of inherent value has been reduced by previous grazing, oversowing and topdressing. The area is capable of economic use for pastoral purposes. The importance of this area to the pastoral farming operation is likely to justify future maintenance of fertility by topdressing and thus the disposed of this area on freehold title is likely to promote sustainable land management" (our emphasis).

Further reasons are advanced that –

"The holders advised that they were not prepared to accept the proposal on the basis of the entire 620 ha of Area 1 in the original Draft Preliminary Proposal being retained for conservation purposes due to the importance of the area to their farming operation. The proposed amendment identifies the area which has the greatest potential economic use and which coincides with the area having the least significant inherent values within this area. The areas containing the most significant inherent values comprising beech forest, mixed broadleaf shrubland and alpine tussock grassland, is proposed to be retained in Crown control".

It was also stated (p6) that—

“Although this area was identified as having shrublands of significant inherent values, it was considered on inspection that these values have been somewhat degraded by previous overgrazing and topdressing in conjunction with grazing. This area has potential for economic use for pastoral purposes which is sufficiently high to justify ongoing fertiliser maintenance to render such use ecologically sustainable”.

Discussion of official justifications

From the above, it is apparent that no new information as to the inherent qualities of the area influenced the most recent recommendations. It was known that the inherent values “were somewhat degraded” when the original and revised DOC recommendations and *Draft Preliminary Proposal* were written. They were then seen as being compliant with the CPLA. All that has changed has been the emphasis to justify the new proposals.

However, despite the inadequately justified change in emphasis, significant inherent values remain over the entire original 620 ha Area 1 to justify addition to the scenic reserve.

Distinguishing inherent values into “most” and “least” categories is not in accord with section 24 (b) and the section 2 definitions of ‘inherent value’, ‘significant inherent value’ and ‘natural resource’.

There are well argued justifications in the DOC recommendations and the DPP, on the basis of landscape protection, botanical values, potential for forest succession/recovery, and reserve boundary design to justify retention of all of the original 620 ha in Crown ownership. It should be noted that even if our view on botanical values is not accepted, there is an obligation under the CPLA, accepted by the CCL, for landscape protection. There is no specific advice to the CCL on this. Therefore the Preliminary Proposal fails in this requirement.

Whilst it is argued that “the importance of this area to the pastoral farming operation is likely to justify future maintenance of fertility by topdressing, it does not necessarily follow that “thus the disposed of this area on freehold title is likely to promote sustainable land management”.

The active regeneration of shrublands along the lower Mataura faces (**photo 1**) can only be suppressed by repeated burning or herbicide application. There is no scientific evidence to suggest that, even with fertiliser application, that this is “ecologically sustainable”, being the primary requirement of s24. There is vigorous tall tussock above the shrubline (**photo 2**) that will, as a consequence of burning of adjoining shrublands, also be burnt. Even with fertiliser inputs, burning and grazing will eventually result in depletion and loss of tussock cover.

The Mataura faces, due to their imposing presence as viewed from the river, dominate the scene. They must be protected in Crown ownership. The almost complete reversion to woody species along the lower slopes testifies to the fact that these faces cannot sustain pastoral farming and should never be freeholded.

The Mataura River is a world class brown trout fishery. The setting, for this and other recreational activity in and along the river, is an integral part of the experience. Original Area 1 fronts onto the most confined part of the Mataura gorge, with steeper gradients than immediately downstream where there is an obvious transformation to developed pasture.

What is proposed in the PP is a disjointed reservation that bears no relationship to landscape values, and due to its shape, provides little practical protection for the areas proposed for reservation. Original Area 1, as depicted in the DPP, is the minimum area that should be retained in Crown ownership. If inclusion of this into the scenic reserve cannot be agreed we submit that the CCL does not proceed with tenure review.

Mataura valley access – access to East Dome Scenic Reserve

The *Land Status Report*, p 2, notes that the scenic reserve has no legal access. The *Conservation Resource Report*, p 12, states that "the lack of practical access currently limits use of this large reserve". Page 16, 'NGO Consultation' recorded "concerns about the need for improved public access to the East Dome Scenic Reserve along the Mataura River terraces and the need to make the 2WD farm access track a legal road, with foot access at strategic points to the Mataura River". DOC states in their 'Justification and Recommendations', p 11, "there are important requirements for access to the east bank of the Mataura river and to existing and proposed conservation lands that need to be addressed".

The *Submission on Draft Preliminary Proposal*, Appendix 1, states that "there is potential to provide access through the Glenlapa lease to the upper reaches of the Mataura River for fishing however a more practical solution would be to pursue public access through Cattle Flat Station on the opposite side of the river". This view depends on "a moveable Section 24 Conservation Strip adequately providing for access to the Mataura River". However the official view, which we contend, is that it is not possible to create a movable strip along the full length of the river, in place of the existing fixed strip.

While we understand that under normal river conditions it is not difficult to ford the river on foot and so gain access to the Glenlapa river bank and the scenic reserve, reliance on access from Cattle Flat Station provides no assurance that this is legally provided for now, or will be as a result of future tenure review on this property. Our inspection of NZMS 261 sheets shows discontinuous strips, either marginal strips or roads, along the true right bank, with gaps or uncertain connections to the public Ardlussa Cattle Flat Road. If legal road access cannot be assured to the right bank, concurrently with tenure review on Glenlapa, then the Crown has failed in it's duty to secure access to public lands ex Glenlapa, unless alternative arrangements are made over Glenlapa. The 2WD standard farm track along the river terrace, with foot access routes off this track to get to the riverbank, is the obvious alternative.

We submit that unless convenient public road access is assured to the Cattle Flat river bank, that a public vehicle access easement be secured over the Glenlapa 2WD farm track, with at least two foot access easements to the river bank.

Unless satisfactory public access is secured, we believe that the tenure review should not proceed.

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Incomplete reclassification action

We note that there were two conditions attached Land Settlement Board approval of reclassification of 946 ha, notified to the lessee on 27 June 1978. These were that public road access be created to the remaining pastoral lease, and that 20 metre strips were to be reserved from sale along rivers and streams.

Whilst the first condition has been complied with, the second has not. The Garvie Burn within the now freehold (part section 3 Block IV Garvie SD) does not have any marginal strips laid off.

DOC notes in its *Conservation Resource Report* (p 14) that "The Garvie Burn flows through Glenlapa freehold and for some reason, no section 58 Land Act marginal strips were created at the time of freehold title being issued. The Southland Fish and Game Council are particularly keen to see marginal strips created and are anxious that the matter be considered as part of the pastoral lease tenure review negotiations".

The *Due Diligence Report*, while noting the completion of road access to the PL failed to mention lack of compliance with the other condition of reclassification. This is a serious omission that must be rectified as a condition of any review of the balance of the property. If no effort is made to rectify past Crown freeholding omissions, there can be no confidence in current freeholding actions.

We note that the CCL decided that the *Draft Preliminary Proposal* would exclude an easement in favour of DOC over this freehold land. This was on the basis that a concurrent process for negotiation of that easement be run at the same time as tenure review on the pastoral lease (Penelope Stevenson, Barrister to DOC 18/9/00).

As the CCL is in favour of concurrent action affecting this freehold that is in favour of DOC we would have considerable difficulty in accepting a lack of concurrent action in favour of the public in the form of marginal strips.

Marginal strip provision

For all the reasons outlined in other recent tenure review submissions from us, (refer to these as part of this submission), it is completely untenable for decisions on marginal strips to be divorced from the tenure review process. We will not accept continuation of the CCL's hands-off policy.

Examination of official information supplied to PANZ reveals that—

1. Unlike in many Canterbury pastoral lease renewals, despite a variation of lease mechanism being used on Glenlapa in 1992, as distinct from a straight lease renewal, a marginal strip was laid off

along the Dome Burn. This is a section 24(9) movable strip. We congratulate the officials involved. It provides a welcome contrast to the conduct of officials in Canterbury who have used lease variation as a means of circumventing the marginal strip requirements of the Conservation Act. The Glenlapa case demonstrates that there was no necessity for the Canterbury situation.

2. SO 11911 records the above strip and an existing section 58 strip along the bank of the Mataura River, but **no strips along the Garvie Burn within the leasehold**. The Southland Fish and Game Council believes that the upper reaches of the Garvie Burn are useful for brown trout spawning (*Preliminary Proposal Standard 8*, p 8). DOC reports (*Conservation Resource Report*, p 14) "it is also possible that the lower part of the Garvie Burn may be sufficiently wide to warrant marginal strips being laid off". Any marginal strip should be created so as to be movable.

There must be transparent official action to assess the width of this stream, with the findings of such assessment made part of the public tenure review process. If it does not qualify for a marginal strip then consideration should be given to creating a reserve of some other classification to protect the fisheries values the Fish and Game Council identify.

3. Moveable marginal strips required

SO 11911 records a fixed-position section 58 strip along the true left bank of the Mataura River.

The *Due Diligence Report*, p 2, states that "the Mataura River channel has altered greatly", and on p5, that "there has been many requests for the existing section 58 strip to be converted to a strip that moves with the river (under s24(9))". Plans of property boundaries supplied for this tenure review confirm that the present river course coincides with the existing marginal strip for less than half of its length.

The Conservation Resource Report, p 14, states—

"A former section 58 Land Act 1948 originated marginal strip exists along the true left Mataura River bank. This marginal strip is fixed and does not move with any changes in the channel of the watercourse. The Mataura River is recommended for protection by a National Water Conservation Order due to its outstanding international reputation as a brown trout fishery. Legal riverbank access is crucial to enable public use and enjoyment of this resource. It is proposed to negotiate during the tenure review the replacement of this unmovable marginal strip with a moveable marginal strip under Part IVA Conservation Act 1987".

However on p 14, DOC's commentary on NGO consultation (p 16) states—

"The concerns raised are all generally supported by DOC except for the proposal to replace the section 58 Land Act marginal strip along the Mataura River with a Part IVA Conservation Act marginal strip. Legal advice indicates that this is not possible under existing legislation. A Part IVA Conservation Act marginal strip will automatically be laid off along the river where the channel no longer conforms to the fixed location of the section 58 strip. The section 58 strip would remain in its entirety".

We believe that this advice is flawed to the extent that replacement "is not possible under existing legislation". Section 24E of the Conservation Act reads—

S 24E. Exchange of marginal strips--(1) The Minister may, by notice in the Gazette, authorise the exchange of any marginal strip for another strip of land.

(2) The Minister shall not authorise the exchange of any marginal strip unless the Minister is satisfied that the exchange will better achieve the purposes specified in section 24C of this Act.

(3) The land taken by the Crown in exchange for any marginal strip shall be deemed to be reserved as marginal strip.

(4) The Minister may authorise the payment or receipt by the Crown of money by way of equality of exchange in any case under this section; and all money so received shall be paid into the Department of Conservation Grants and Gifts Trust Account, and shall be applied, without further appropriation than this section, for the purposes of this Act.

(5) The Minister or the Director-General may, on behalf of the Crown, do all such things as may be necessary to effect any exchange authorised under this section.

(6) District Land Registrars are hereby authorised and directed to make such entries in registers and do all such other things as may be necessary to give effect to exchanges authorised under this section.

This is an express provision that over-rides the general prohibition of sale or other disposition under section 24. Section 24E was specifically designed for the purpose of making fixed strips movable or in other situations where relocation is desirable. I should know, as I was involved in negotiations with then Minister of Conservation, Phillip Woollaston, which resulted in introduction in 1990 of this section. In any event, it's clear, unambiguous terms authorise exchange actions over any marginal strips, something, that DOC inexplicably denies.

A couple of years ago I heard a claim by Tony Perrett of DOC that fixed strips cannot be exchanged for movable strips. I pointed out to him the existence of s24E and supplied him with a copy. There has been no response.

For all the reasons stated in our other submissions, the existing fixed strip must be replaced with a movable strip. Nothing less is required for a nationally important river.

We submit that the CCL ignores DOC and just gets on with ensuring that the department takes such action as a condition of tenure review. No performance; no tenure review.

Proposed 'Muddy Terrace' historic reserve already a marginal strip

It is proposed that approximately 15 ha (Area 2) in the Dome Burn be retained as historic reserve.

The boundaries of this proposal are based on an incorrect assumption in the *DOC Conservation Resource Report*, p 15, that there is no marginal strip existing in the Dome Burn. However SO 11911 shows otherwise.

The DOC report states –

"The Dome Burn marginal strip may need to be wider than 20 metres along that section of the creek adjacent to the Muddy Terrace water race unallocated crown land. A normal 20 metre wide marginal strip may leave small parcels of land between it and the water race land. The land between the water race land and the creek contains important historic sites associated with early gold mining. Section 24(6) Conservation Act 1987 should be used to justify this action being taken.

Where the existing berm fencing is more than 20 metres from the creek upstream of the unallocated crown land, it is suggested that the berm fencing be adopted as the boundary of the new marginal strip".

Whilst we agree that the existing fence should become a landward reserve boundary, we disagree that the marginal strip should be replaced by an historic reserve if that means that movability is lost. In any event disposition of the marginal strip is prohibited by s 24. We believe that a variable width strip be created with one fixed boundary, if legally possible, rather than creating an historic reserve. Or, make a smaller area an historic reserve, leaving the marginal strip alone. Another uncertainty is the width of the movable marginal strip as this is not recorded on SO 11911 (another inadequacy of LINZ's plan records). The width will affect the area required as a historic reserve.

PANZ cannot get wildly excited about the historic reserve proposal as, without any provision for public access, it serves no public purpose. We note that DOC will be well provided with access to this site. However, public needs apparently don't count in the scheme of things. To set aside a public reserve without public access, when there is opportunity to provide such, is unconscionable.

Lack of public access to Dome Burn

The Dome Burn is the major drainage from the southern Garvie Mountains, partly on Glenlapa, and mostly on Nokomai pastoral lease. Marginal strips exist on both banks for many kilometres upstream, however there is no practical access to these mid and upper reaches. The Glenlapa tenure review provides the only immediate opportunity to provide public access to this catchment, however nothing is officially proposed. As noted above, a historic reserve consisting of goldfield remains is proposed on Glenlapa but with no public access. This failure to secure public access to and enjoyment of reviewable land is contrary to the objects of s24(c) CPLA.

Downstream from Glenlapa there is no marginal strip or road access over Moonlight Station on the true right bank. A marginal strip on true left bank is steep, incised and partly forested, and therefore access would be difficult.

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Given that there is no practical access from the lower Dome Burn to the mid and upper catchment there is need for practical, convenient access over Glenlapa.

We submit that a public foot access easement be created from the ridge crest at point 913m on the enlarged East Dome Scenic Reserve boundary down an easy ridge to the valley floor. There is a farm track that could be utilised (photo 3). This would allow access both up and down valley along marginal strips. These appear to provide practical access.

We believe that providing access via the scenic reserve is preferable to utilising a farm track from the Glenlapa homestead area (as is to be used for DOC vehicle access), as this will be shorter and provide better utilisation of the scenic reserve through a linkage to the very large Dome Burn catchment. In the longer term, with tenure review on Nokomai Station, this southern access could become very important for access to possible conservation areas in the Dome Burn headwaters.

Yours faithfully



Bruce Mason
Researcher & Co-Spokesman

Appendices: 3 photographs

East Dome
1348 m

Glenlapa Tenure Review

EXISTING
SCHEMATIC
REVISIONS

Manapura River

PHOTO 1

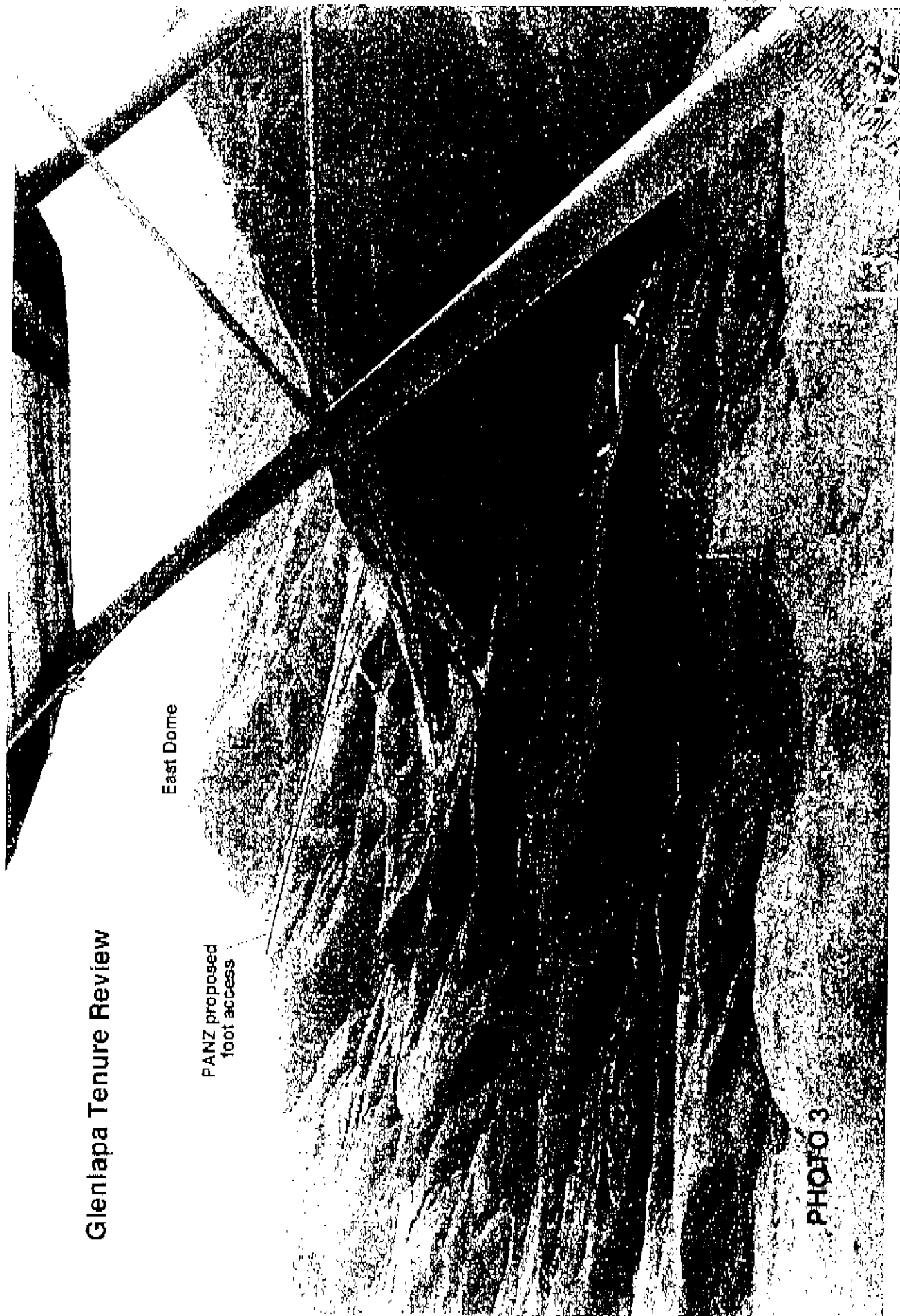
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Glenlapa Tenure Review



Glenlapa Tenure Review



East Dome

PANZ proposed
foot access

PHOTO 3