

Crown Pastoral Land Tenure Review

Lease name: MUZZLE STATION

Lease number: PM 027

Public submissions – Part 3

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

March

04

10 FEB 2004

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Federated Mountain Clubs of New Zealand (Inc),
PO Box 1604,
WELLINGTON.
8th February 2004.

Commissioner of Crown Lands,
C/- DTZ New Zealand Limited,
Land Resources Division,
PO Box 564,
TIMARU.

Dear Sir,

Re: Muzzle Pastoral Lease Tenure Review.

Federated Mountain Clubs (FMC) welcomes the opportunity to make a submission on the Preliminary Proposal for tenure review of the Muzzle Pastoral Lease in the Clarence Valley. We have long campaigned for better protection and public access in this part of inland Marlborough, and are therefore happy with some aspects of the present proposals (especially the protection of almost 11,000 hectares of mountain country on the Inland Kaikoura Range). We do however have a number of major concerns both about the manner in which this tenure review has evolved and the adequacy of its proposals for protection and public access.

1. General concerns:

The first of our more general concerns is the time it has taken to reach a preliminary proposal and the manner in which key high country NGOs have been sidelined from the process throughout this time. FMC spent eight days inspecting the Muzzle pastoral lease in October 1994 and making a submission over nine years later (and without further opportunity to revisit the property since the Preliminary Proposal was advertised) has presented the Federation with significant difficulties. In our view the Muzzle pastoral lease and neighbouring Clarence Reserve presented a very obvious solution back in 1994 which we believe would have been acceptable to all key stakeholders. That it has taken nine years of secret procrastination to come up with a proposed solution which will inevitably be seen as unacceptable by a number of key stakeholders and which FMC believes fails to meet several of the main objects of section 24 of the Crown Pastoral Land Act 1998 (CPLA) clearly highlights the inadequacies of the current tenure review process.

The other general matter that is of major concern to FMC is the proposal to freehold almost 7000 hectares in this part of the Clarence Valley. At the time FMC inspected the property in 1994, lessees Colin and Tina Nimmo indicated to us that provided they could obtain a secure long-term lease over those areas of both the Muzzle and Clarence Reserve that were suitable for sustainable pastoral use they did not regard freeholding as a necessary component of a successful tenure review. Given the opportunity this would have created to enable the whole of this part of Clarence

Valley to remain in at least residual Crown ownership, this seemed to FMC to be a highly desirable and appropriate outcome - at least while the scars of 150 years of burning and animal pest and weed invasion are allowed to heal. Had such a course been followed options would have been retained for deciding - after a period of more ecologically sustainable management - the most appropriate balance between private economic use and the wider landscape, nature conservation, recreation and other public amenity values of this whole part of the Clarence Valley. The Department of Conservation's 5 August 1999 Conservation Resources Report has therefore correctly predicted (paragraph 4.2.8.1.) that there would be "strong concerns expressed [by NGOs] about the lessee being offered freehold title over his farmland". In our view any proposal for freeholding in this location and in this type of country should have been on a very much more modest scale than the 6,791 hectares proposed in the Preliminary Proposal.

In raising these concerns about the appropriateness of freeholding FMC is aware that the Department of Conservation's "Muzzle Station Tenure Review - Revised Conservation Resource Report Recommendations" of 5 August 1999 states at paragraph 4.2.8.1. (p.6) that "a reassessment of the Conservation resource under the CPLA clearly indicates that the land being identified for freehold does not have significant inherent values that indicate that there should be some form of Crown control". This conclusion however is seriously at odds with the Department's own earlier report on the property (attached as the "Proposed designations report" but originally forming part of Mike Harding's comprehensive 1994 survey of the property for the Department). Among other things that report identified a number of Recommended Areas for Protection (RAPs) that have very high conservation values but which have not been included in the areas proposed for protection in the current Preliminary Proposals (and in some instances not even within the area proposed to be managed under a sustainable management covenant). In contrast there are substantial areas of lower and middle altitude country on the Clarence Reserve side of the Clarence River which have very low value for nature conservation or public recreation (including considerable tracts of degraded hill country with major weed problems) but which have nonetheless been deemed as appropriate to be restored or retained in full Crown ownership and control. It thus seems clear to FMC that a very different set of criteria have been applied to the Muzzle side of the river in determining the various proposed designations from those that have been applied to the former Clarence Reserve.

2. Ravine Stream limestone areas:

Of particular concern to us in this respect is the failure to fully protect important areas of limestone at the northern end of the Muzzle pastoral lease. The proposed RAP 4 (Ravine Stream catchment - see Proposed Designations Report pp. 22-23) identified "the entire catchment of Ravine Stream, including the lower gorge, upper basin and slopes, and adjacent limestone hogsback" as worthy of protection. In the event however the lower section of the lower gorge and highly significant eastern side of the limestone hogsback have not been included in the areas proposed for protection (and are also outside the area proposed to be managed under a sustainable management covenant). In our view this entire RAP should have been designated as one of the highest priorities for protection - the more so since the Muzzle tenure review has

provided a rare opportunity to get at least some part of the ecologically highly significant Chalk Range limestone protected (which currently remains unprotected and subject to grazing except for a small covenanted area at its northern end). The lower gorge of Ravine Stream also provides an opportunity, with little sacrifice of grazing land, to create a corridor of protected land between the extensive areas of present and proposed public conservation land on the Inland Kaikoura Range, the bed of the Clarence River and the Seaward Kaikoura mountains.

3. Upper boundary of the proposed freehold area:

Our other major concern with the proposed freehold area is the position of the upper boundary and the proposal to confine sheep behind fences but allow grazing of cattle in areas where the boundary between proposed freehold and conservation land will remain unfenced. FMC members are probably more aware than most of the damage cattle can – and very regularly do – cause to conservation lands (especially to wetland areas, rivers and streams and forest margins). We are accordingly disturbed to read in a Department of Conservation Conservation Resources Report (5 August 1999, p.3 under “Management and boundary Issues”) that “It is considered desirable that all sheep are kept behind fences and that a cattle only regime be allowed in areas where there are no fences.” A more appropriate fencible boundary was proposed in the 1994 Conservation Resources Report and we believe this conservation land/grazing land boundary is much more in keeping with the Objects set out in section 24 of the CPLA than the boundaries proposed in the present Preliminary Proposal.

4. Public Access:

FMC also has major concerns about a number of aspects of the proposals being made for public access. While we are pleased that the public access provisions in section 3.1.3 (A) include provision for “any member of the public” being able to “pass and repass on foot, and with or without non-motorised vehicles powered by a person or person” we do not consider an easement under section 7(2) of the Conservation Act 1987 to be an adequate safeguard of future public access needs. Given that the topographical situation of the Clarence Valley and its importance as a major corridor between the two biggest mountain ranges in the northeast of the South Island, we consider it absolutely essential to take advantage of the opportunity provided by tenure review to create a legal road through the proposed Muzzle freehold along the line of the principal farm road running through the property (or such variation of this present road line as is deemed most suitable for a possible future public road). While access restrictions across freehold land on both the former Clarence reserve pastoral lease and on Bluff and Remuera stations north of Muzzle Station will ensure that the only vehicles able to use this road in the foreseeable future will be those with permission from all these owners, it would, in our opinion, be a serious dereliction of public responsibility not to create a legal road through this major eastern South Island valley in the current tenure review process. As a leading lobby group for back-country recreation and public access FMC is constantly reminded of how fortunate we are that early surveyors had the foresight to lay off legal roads in areas where they believed public access at some time in the future might be required. That there is not such a

road currently through this part of the Clarence Valley is, in our view, an historic oversight that needs to be corrected in the present tenure review provisions.

There are additionally a number of more particular matters relating to public access which we believe also need attention. These are:

- Access between the Clarence River and proposed conservation land on the Inland Kaikoura Range across the proposed freehold land is only available via Red Hills Stream, Bluff River, Muzzle Stream and Dart Stream. However, in as much as foot access along any of these streams is not relatively easy in normal flows, access easements need to be provided to by-pass the difficult sections.
- As Muzzle Stream saddles with the Hodder River in the Awatere Valley and hence forms part of an important access route across the Seaward Kaikoura Range, an access easement should be provided from the general area of the Ravine Hut into Muzzle Stream upstream of the lower forks along the line of the track shown on the map attached as Appendix 2.
- An area of public land should be set aside from the proposed freehold in the vicinity of the Ravine Hut and easily accessible from the bed of the Clarence River to provide a camping area for trampers, mountain-bikers, kayakers and rafters at this end of the property.

5. Conclusion:

While some of the comments which have been made in this submission may seem to indicate acceptance of the proposals relating to freehold tenure, these references have been made to relate the matters raised in this submission to the designations described in the proposals. As stated in the second and third paragraphs of the section headed “General considerations”, FMC’s position is that a secure lease arrangement is a far more appropriate tenure for the areas of this particular pastoral lease that are not to be given permanent protection. In addition to the reasons stated earlier we do not consider an adequate case has been made in the Preliminary Proposal that freeholding of 6,791 hectares in this part of the Clarence Valley will “promote management in a way that is ecologically sustainable” as prescribed by section 24(a)(i) of the CPLA.

We also believe that the Muzzle tenure review needs to be concluded in a way that is compatible with other major changes in land tenure that have taken place in this part of inland Marlborough over recent times. The present proposals however appear to be of a very different order to the tenure changes that have either taken place or are scheduled to take place on the two very large properties which surround much of the Muzzle pastoral lease. On both Clarence Reserve and Molesworth Station the guiding principles behind tenure changes that have either already taken place or are scheduled to take place in the near future appear to have been: (i) retention of all, or virtually all, of the property in public ownership and control; and (ii) a future management regime which is based on either permanent protection or ecologically sustainable pastoral use, with ultimate management responsibility in both cases being with the Department of Conservation. In our view the tenure review of the Muzzle pastoral lease should

have been based on these same two general principles to a very much greater extent than is evidence in the present Preliminary Proposal.

FMC would be happy to provide you with further representations on any of the issues we have canvassed in this submission.

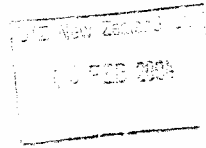
Yours sincerely,

Andrew Dennis (Dr)

For Barbara Marshall,
Secretary, FMC.



The
Ornithological Society
of New Zealand (Inc)
PO Box 12397 Wellington



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Post Office	

DTZ New Zealand Ltd
P.O.Box 142
Christchurch.

7 February 2004

Dear Mr. Holgate,

Thank you for the proposal for Muzzle Station Tenure Review. We advise that we have no comment to make, but appreciate being sent the proposal.

Please note the change of address for the Marlborough Region of the Ornithological Society of New Zealand is –

Brian D. Bell
35 Selmes Road
Rapaura
R.D.3
Blenheim.

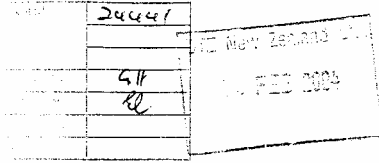
Yours faithfully,

Brian D. Bell



21 Ward Street,
Blenheim.
3rd February 2004.

Geoff Holgate,
Manager – Land Resources Division.



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Dear Sir.

Please find below the comments of the Marlborough Branch Committee of the Historic Places Trust on the Muzzle Tenure Review.

The only sites of historic value identified in a Department of Conservation report produced in 1994 are as follows;

1. Original Cob homestead .Built in the early 1860's. The original snowgrass – thatched roof was replaced by corrugated iron about 1906.
2. Cob Stables. At the time of the survey were in good condition but continued maintenance would be required to protect their historic features.
3. Quail Flat Cookhouse.
4. Dry stone walls built about 1880s.
5. Old musterers huts at Cow Stream and Bluff Stream.

It is relatively easy to protect these sites from physical damage by defining the area to be protected. However it is much more difficult to protect them from neglect ,do nothing and let them fall down.

Without thorough investigation with trained personnel almost to the level of plant surveys, it is not possible to say there are no maori archaeological sites on Muzzle Station. However it is fair to say that it is an area of less likelihood, apart from the fact ,Tapuae-o-Uenuku lies close to the northern boundary. The crowns settlement with Nga Tahu indicates that the mountain has special value to that iwi.

Barbara Murray .
Barbara Murray
Secretary Marlborough Branch Historic Places Trust.

08/02/2004 19:57 R&HGREEN 03 5758679
8/02/2004 7:58 PM FROM: R&HGREEN 03 5758679 REMUERA TO: 036880407 FAX: 001 OF 001

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REMUERA

urgent

f a c s i m i l e

To: Commissioner Crown Lands
Fax Number: 036880407

From: RJ & AE GREEN
Fax Number: 0063 3 5758679
Business Phone: ""
Home Phone: (03) 5758678

Pages: 1
Date/Time: 8/02/2004 7:58:01 p.m.
Subject: Muzzel Tenure Review- Submissions

We wish to comment on the following.3.1.2 page7. Refers toClarence Reserve as "" part of a through route for bicycle and horse riders from the inland Kaikoura road over the seaward Kaikoura Ranges." We assume that another part of this "through route" will then take these people as far as point'o' on the map.The end of the D.O.C./public easement.We are somewhat sceptical that the public will be happy to end their travels and return the way they came!! We wish to emphatically state, that access across our property_ Remuera-adjoining Bluff Station is not public access.Whilst maps may give the impression that we too are part of a "through route"Remuera is private property and the granting of tourist concessi ons for ClarenceReserve must reflect this.

There is a right of way to which both the Nimmos and BluffStation Ltd are parties to.However both parties require our consent(clause 5 1845862 land registry marlborough dated4 April1996) for access across the right of way for tourism activity. Neither have this consent. We would expect signs to be erected at point 'o' indicating the end of public access.

The same reference to the end point of public access to be noted in any advertising and promotional material relevant to the tourism concession(s) and general public access documents prepared byD.O.C. relating to this matter. Yours faithfully,
Robin Green.

AinslieGreen. Remuera Station.

Feb 5/2/04

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SUMMISSION TO TENURE REVIEW OF MUZZLE STATION PASTROL LEASE.

This submission represents the Auckland University Canoe/Kayak Club with a membership of approximately 250 members. We'd like to thank you for the opportunity to comment on this Tenure Review. As a group of outdoor users many of us are very familiar with the Clarence river and the Clarence River system and catchment. Many of us have raft guided trips on the river, group kayaked or tramped the river and environs in summer or solo in winter. Some have also climbed Tapuae-o-uenuku from the Dart river area, Mt Alarm via Red Hill and spent time in the Limestone hill area, river right - across from the Muzzle run.

We do not think the proposed designation for the Muzzle Station tenure review is a desirable outcome for the New Zealand public. It should remain in crown ownership through a special lease.

Reasoning:

1. The Clarence River Catchment is a unique tenure situation not protected in the present outcome.

The Clarence River is now the only east coast river in the South Island and only one of two east coast rivers in New Zealand (the Motu River in the North Island is the other) which remain in wild and/or semi-wild state in catchment and flow from source to sea. The Clarence has the distinction as the only river in New Zealand with almost its entire catchments and length owned by the crown. This is a unique and very significant situation in New Zealand and internationally. The current proposal does not protect this rare quality of The Clarence River catchment, which includes Muzzle Station. We believe Muzzle station should remain as crown lease and operate under a special lease. Tenure decisions should consider the future of all land tenure along the Clarence river very carefully.

The current Muzzle Station proposed designation opens up the Clarence to the first major private land ownership in the catchment. This change of tenure has even more impact because of its remote nature, being in the middle reaches of the Clarence between the Kaikoura ranges, where no major public roads or infrastructure exists. Cultural (including farming), historical, ecological and recreational values that are found on no other New Zealand river catchment are at stake.

2. The Clarence valley (including Muzzle Station) is physically 'remote' and psychologically 'wild', these SIV qualities will be compromised or disappear in the current outcome.

a. In the 'conservation resources report' it mentions that Muzzle is one of the last places you can experience the remoteness and isolation of early runs. If Muzzle becomes freehold this 'remote' quality maybe eroded. It is not unreasonable to assume development and roads to alleviate isolation would be part of farm management. We feel it is inappropriate to freehold Muzzle station and this does not provide protection to this quality under the present proposal.

b. As river guides we mention to groups that the Clarence river is unique as it is surrounded by crown land for its almost its entire catchment. This gives a sense of security to the wilderness construct of clients and fellow boaters or trampers. They feel comfortable that as New Zealand citizens (or members of the public even from abroad) they can participant (whether real or imagined) in the management process

to help maintain the catchments unique semi-wild qualities. This 'concept' can not exist on private property.

It is difficult to explain the psychological effects of the 'wild' or 'remote' but we will attempt make some observations from our experiences using the Clarence valley. The feeling in the Clarence valley is one of wilderness. Glorious isolation. It has a sense of big open range country. Some members are former raft guides (including places such as the *Grand Canyon - USA*). We compare the Clarence to the American West. Deliciously uninviting. This is the *essential* reason why many individuals and groups frequent the Clarence river valley for this feeling of 'isolation' and 'wild-ness'.

As wilderness users we must travel along way to find solitude or 'a sense of wilderness'. Wilderness or remoteness are *rare qualities* in the western world, qualities that generally shrink over time - the Muzzle review case in point. On the *Grand Canyon* where strict regulation is vital to achieve a wilderness experience we had to pack out of own faeces and clients now face a 4year waiting list to simply raft down the canyon. It is only a matter of time before the New Zealand outdoor 'backcountry' explosion starts to impinge on users experiences in a similar way.

Already some outdoor users feel they are being pushed to the furthest reaches of New Zealand's backcountry. The *U.S term* for this phenomena is 'park displacement'. One of our members (a former Kiwi Experience bus driver) relates that many thousands of tourists arrive in NZ each year and seek a 'remote' or 'wilderness' experience. Tourists and Kiwi's alike 'displace' us from *The Central Lakes District, The Mackenzie Basin* - roads, development, prices and crowds. The remote and the wild qualities of the entire 'Clarence River catchment' are nationally more important than ever. Inland Marlborough now offers the last place east of the 'Alps' where a river valley almost from source to sea retains a sense remoteness.

The idea of wilderness does not depend solely on the presents of 'indigenous elements' or quality *verses* an 'exotic'. Wildness, wilderness or remoteness can also be a *mental, cultural and historical perception*. Wilderness by NZ law must meet strict criteria and accordingly less than 1% of New Zealand (the U.S has 2%) is designated as such. The Clarence region does not fit this 'technical definition' of wilderness and is considered backcountry or 'remote experience'. Nevertheless, it is also the *'idea of wilderness' or 'remoteness'* that is important to us and this *'idea'* is destroyed immediately with the thought of 'private property' in the middle reaches of the Clarence.

People will argue that it is already farmed therefore removing these 'wild' values. But there is a subtle difference. As it is still 'owned' by the crown it is still public land and this implies a right no matter how tenuous. It gives a feeling we can maintain its present remoteness or that one day it could 'become' more wild-like, even if this opportunity exists only in the mind.

Absurd perhaps, but to entertain daydreams that one could 'runaway and lose oneself in wild country' though completely fanciful is no the less important in modern day life than actual 'technical wilderness'. Obviously it will never become a wilderness by law - but who knows - it can remain so in spirit.

'Free holding' *Muzzle Station* or parts of it will not protect the inherent values 'remoteness' and 'wild qualities' of the area. By giving freehold title, even if nothing else changed but the act of changing the title, it is this action that closes this door

forever on the 'idea' in the mind that this wild place can exist. As we can never again have the right to wander or participate in the management (no matter how tenuous) of the area. The Clarence river valley is our Grand Canyon of the mind. Many people are glad it's there though they may never visit. Sold off it loses its integrity, its remoteness and its magic.

If the tenure review is to protect and by definition under the conservation act protection means maintain and includes; restoration to its former state and augment, enhance or expand then protecting the rare SIV of 'wild' or 'remote' quality is a most important issue.

Friends and former clients remark that it is the feelings of isolation and freedom that brings a sense of joy. This remote, isolation with little human intrusion is what they seek and find in the Clarence valley. Sometimes, relics of human activity such as a ruined barn, can enhance this isolation heightening the sense that they are going where others have been but not lasted. Therefore signs of past human presence can sometimes enhance the experience of wilderness or remoteness. It is the 'waning of the human hand' that provides lessons in timelessness of nature, humility and camaraderie. Freehold title creates a 'permanence', the thought that an area is 'free hold' undermines and can destroy the wild nature in the mind as surely as actual physical change in the landscape itself. Arguably the size of freehold could effect the mental concept of remote. For example. A private lodge on a hectare of cleared land presents a different frame of permanence from 10,000 hectares of pasture.

We would like to see Muzzles Pastoral lease go to DoC or some type of 'special lease' to safe guard *Muzzle Stations* rare qualities. Thought must given to Muzzle Station and how it affects the other Clarence River catchment properties as it is a unique catchment situation. The current report mentions *not* investigating the options of a special lease as "without 'detail' settlement would be unlikely". The tenure review is the forum to provide 'the detail' so why has this not been discussed at *great* length considering the unique values of the Clarence river system.

If one of the objectives is to protect or enhance the recreational interest of remote experience users then the free holding of a 'strategic property' such as Muzzle Station does not achieve this aim. The 1994 Muzzle Station Conservation Resources Report for Muzzle Station states that "*freehold title is not recommended for Muzzle station*". How has this changed. The idea of wildness has not changed for us. At the *very minimum* the current proposal should specify in the final contract as part of the sale terms and conditions that the crown has 'first right of purchase' if the owner wants to sell in the future.

At least this small gesture does not 'close' the door forever and allows us to 'dream'. We're sure some people reading this may not understand our perspective or even care to. So to put it bluntly. Try living in a large urban environment like Auckland or *Los Angeles* (where some of us lived whilst guiding on the Grand Canyon) and you will quickly appreciate the remote and egalitarian nature of the Clarence area and crown ownership.

Ecologically sustainable use in the tenure review.

Exotic pasture currently covers over 52% of New Zealand (the world average is 37%) and another 12% is used for various agriculture/horticulture and forestry. *Only* 4% of New Zealand's land area capable of agriculture, horticulture and forestry is set aside for conservation. So the actual sacrifice for the agricultural and forestry sectors historically has been *very* little. While the 'impact' on New Zealand's ecology has been enormous.

A cursory observation of tenure outcomes reveals a continuing clear trend, 'the tops' go to DoC, the lowlands become freehold. Again this holds true for the *Muzzle Station* review. As the *raison de tres* for the tenure review process was to achieve 'ecologically sustainable' land use, I find it strange this division is still perpetuated. *We have yet to find a definition of ecologically sustainable use in the tenure review or see it applied.* Most farms are built on 'unsustainable practices'.

For example. We cannot see how shipping fertiliser from overseas to New Zealand for *top-dressing* can be sustainable. Even the fuel that drives the trucks, that carry the ore, that is required to smelt the steel to build a ship, that transports the fertiliser, to... you get the picture. So the entire process is flawed to begin with.

Nevertheless as we have a process why not enforce some ecologically sustainable principles. For example. How about an attempt at 'the enhancement or re-establishment' of native flora. What about trying to replace some exotic pasture lands with native pastures to create a 'native fodder' to be used for farming. This may *seem* impossible but surely this is the only ecology sustainable direction to be following. To draw fences and determine this is private property and will be exotic, and this is conservation land and will be indigenous is a human matrix that nature will not adhere to in the long term. Something always gives be it soil erosion, water quality, decline in diversity, weeds, pests or...

Flatly, in the big picture over the long term free holding or even farming Muzzle Station or is hardly a necessity considering the percentage of pasture land in New Zealand. Yes I'm sure that the Muzzle Station deal may fit the conventions of 'tenure review horse trading'. But at the stroke of a pen you destroy some very rare qualities that many enjoy, many more desire and many in the future will want. It simply makes more sense to protect this *unique situation* rather than destroy it. Of course I'm sure that this letter will be stamped 'not accepted' and we will get another farm. Ho hum.

RIVER USERS COMMENTS

As river users we can't determine from the web site map supplied (as the map 'key' is missing) 'what is designated what'. But as we read it, it appears the recreational interests of river users have been not addressed.

River parties tend to drift at days end, eddy's and tired paddlers mean you just camp anywhere. This is also part of the joy and freedom of the wild quality of the Clarence. We favour sites not fouled by cattle as they carry ticks, dung attracts flies and dirties water. Has the issue of marginal strips and riparian vegetation and/or fencing been addressed. What are the conservation margins to be and how will be cattle be deterred from the river? At present water quality appears fine but what are the guarantees as change in tenure changes land use? All New Zealanders now know what some lakes are like such as the algae blooms in *Lake Rotoiti* and we have personal experience on many polluted NZ rivers.

Twenty meters seems to be the standard width for a riparian strip for a river the size of the Clarence, naturally this *hopelessly* inadequate. Sometimes tremendous winds blow down river (flooding is usually not a problem on the Clarence) requiring more shelter by camping *further* inland. Someone kicking a ball, those wanting solitude from a group, couples wanting privacy or someone wanting to defecate safely away from water ways require *more than* twenty metres. These issues face 'new complications' as more users impact on this environment.

Reading other tenure reviews reveal grave errors by not addressing these things now. New Zealand's declining water quality is a rapidly becoming *national* concern and has international ramifications. All creeks should have marginal strips and vegetation to enhance water quality and cool water temperature. As a further note, marginal strips round large bodies of water, with high public use potential such as coastlines, big lakes and large popular rivers should have at the very minimum 50 metre riparian strips laid off to facilitate increasing use and management. END.

Sincerely yours.

For further contact:
Auckland University Canoe/kayak club,
James Gunn (Club President),
30 Douglas street,
Grey Lynn,
Auckland.

Ray Ward-Smith

5

From: Neil Deans [ndeans@nmfgc.co.nz]
Sent: Thursday, 5 February 2004 4:12 p.m.
To: Ray Ward-Smith
Cc: Vaughan Lynn
Subject: Muzzle and Clarence Reserve tenure review

Dear Ray

Further to our conversation today, I would like to point out that the Fish and Game easements should include access to the river as well as through the property on Muzzle to be freeholded. Specifically, on page 8 in para B there is reference to the Department having access to all parts of the road, including reach i-j on the map which goes to the river bed near Bluff Hill. Fish and Game would also like to have access to this road, as we are usually interested in as much vehicle access to the river as is practicable. In general, we wish to see any access to the river included as part of our easement. I can't imagine this would concern Colin Nimmo.

The only other comment is a correction to one of the Annexures which refers to the Central South Island Fish and Game Council, which should be amended to Nelson Marlborough Fish and Game Council.

Please contact me if this is unclear.

Neil Deans
Manager
Fish and Game NZ
Nelson Marlborough Region
PO Box 2173, Stoke, Nelson
ph 64 3 544 6382
fax 64 3 544 4058
mobile 025 394 381

5/02/2004

Duncan Cotterill
LAWYERS

2 February 2004

Ms Anna Furie
DTZ New Zealand
P O Box 142
CHRISTCHURCH

Dear Ms Furie

Re: **Muzzle Ten-Year Review Preliminary Proposal and
Mr & Mrs R J Murray**

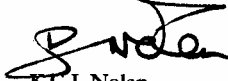
We act for Mr & Mrs R J Murray, the equitable proprietors of Bluff Station which, as you will know, adjoins the Muzzle.

Our clients have received the preliminary proposal for ten-year review which accompanied your letter of 26 November 2003. Unfortunately, at that time I was in Europe on business, and in the latter part of January was on leave, only returning to the office this morning.

Mr Murray is out at the back of his property and is not due to return until either tomorrow or Wednesday.

It would be appreciated if you could accept this as a pro forma submission which will be fleshed out just as soon as we can receive instructions. It is expected this will be in your hands certainly before the end of this, short, week.

Yours faithfully
Duncan Cotterill



K G L Nolan
Partner

k.nolan@duncancotterill.com

Noted	24384
Action by	GK/RMS
Recorded	ll
Bin date	
File ref	

DTZ New Zealand Ltd.
03 FEB 2004

4

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Mark Smith
Dean Palmer
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Ewan Chapman
Richard Neave
Richard Smith
Paul Dorrance
Struan McOmish
Richard Raymond
Cindy Robinson
Hugh Lindo
Garth Galloway
Scott Moran
Scott Wilson
Paul Calder
Alistair Darroch
Ben Tohill (Notary)

Associates

Colin Marshall
Peter O'Donnell
Christine Darling
Ian Dalley (CFP)
Andrew Watkins
Kim Penketh (L/Exec)
Duncan McGill
Pauline Shoemack
Browyn Maysmer (L/Exec)
Ian Duncan
Richard Lang
Hamish Culbert
Robyn Daglish
Jonathan Forsey
Camilla Owen
Stephen Brent
Terence Ng

Consultants

Brian Stokes
Michael Smith
Tim Herrick

Offices

Christchurch
Auckland
Wellington
Nelson
Sydney

1017 New Zealand Ltd
30 JAN 2004

No.	24361
Action by	GH/RWS
Records	30
By	
Date	

10 Smacks Close
Papanui
Christchurch.

3

Muzzle Pastoral Lease

Dear Sir

Basically I am happy with this tenure review except for the grazing concession and would prefer a five yearly review at the most.

My understanding of this property is that it borders the Seaward Kaikoura Range which has been mentioned as a possible National Park and also borders the Molesworth Station. The Molesworth Station has recently been placed in the care of DOC.

Previously in the Molesworth Trust's report many areas in Molesworth were recommended to be protected [RAP]. This included the Tone/McRae region and the Clarence faces of Molesworth Station. These areas basically border Muzzle lease land.

I would have thought that there was a possibility of the Seaward and Inland Kaikoura's and Molesworth Station 'RAP's,' being joined up into one park or conservation area. If this is/could be the case the proposal of allowing grazing for thirty years seems strange. I would prefer this to be sorted out before a long term grazing concession is allowed.

I am not so much against grazing of sections of proposed conservation land ie ca3,ca4 because large areas of Molesworth will be continued to be grazed. However that the grazing is supposed to be beneficial and yet there is no right of renewal after thirty years seems contradictory.

I would therefore prefer grazing rights to run for no more than five years maximum .

Thus I would question the necessity of erecting fence VWX. Molesworth only graze cattle, from memory, and I would expect the same here and would rather see stock grazing into Conservation land than visually seeing fences erected.

Regards
Geoff Clark.

26 JAN 2004



**COMBINED
4WD CLUBS
P O BOX 5457
CHRISTCHURCH**

27th January 2004

The Manager
DTZ New Zealand Ltd
Land Resources Division
P O Box 564
TIMARU

RE Muzzle Tenure Review Preliminary Proposal

Dear sirs

Combined 4WD Clubs Inc represents over 500 family members of our 8 member clubs wish on their behalf make a submission to this Muzzle Tenure Review preliminary proposal.

Our Member Clubs, being eight separately incorporated societies, situated in Christchurch, formed for the purpose of running outdoor 4WD recreational activities for their members, are all represented by our organisation Combined 4wd Clubs Inc. Predominantly we represent the Clubs on issues of public and on going access to remote areas, and as such we form a single point contact that allows for better communication between land managers and our members. We have made submissions on Land Tenure in the past, and also work with land managers on issues involved with 4WD access. We believe we will be significant potential users of the new area, and we make our submission accordingly.

Our submission has two parts to it, firstly our submission, then the background to our submission.

Our Submission:-

- 1 Access Route.
That the route marked;- a-b d-h h-j be designated as a legal road.
- 2 Tourist Concession
That the concession be allowed only so long as this does not interfere or detract from ongoing public access. Additionally the Concession holder must not be able to determine who and whom else can or cannot be granted access, that can be determined only the Grantor (the Minister of Conservation)

In all other aspects we agree with the Preliminary proposal, and support its implementation subject to the consideration for our two points raised here.

Background:-

Access

Access to this area for public recreation, especially recreational 4WD activities has over the years been very poor. This has been a matter of considerable concern to our members.

Our members have had access to this area for many years probably going back over some generations, and our members welcome this tenure review as it will allow better (we expect) access that has been experienced in the past. Over the years access has been an issue, and it has gone from reasonable access to virtually no access allowed to recreational users. This later aspect is of great concern to us and our members are of the opinion that the various Government departments involved and land owners have deliberately blocked access to this area.

Therefore it is the access to this area that we see as a key issue, and hence our request for improved access for all recreational users more especially our members.

Fundamentally this land is owned by the Crown, (and we view that as owned by the common people of New Zealand) and it is a significant property for recreation, and should remain open for recreational use.

Hence our submission to have access to the area by way of legal roads. That is the only mechanism that can guarantee access to the public in perpetuity, and additionally safeguards the public of New Zealand as the road can only be closed (legally called stopped) by way of Public due process.

Historically we believe that it has always been the intention of the Crown, when the runs were first established, to allow public access as well as access for the run holders. This is evidence by the fact that survey maps of the area show legal roads, and these roads date well back in time, however in actuality the tracks and property access never totally followed the drawn roads totally due to the geography of the country, and the uncertainty of the Clarence River. Hence over the years the tracks now do not truly follow the original survey drawings. Therefore if the route a-b d-h h-j as we submit is added to the existing legal roads on the property, good legal access that is also practical access will be the result. This route follows a good and well formed track, and has over time shown to be well positioned away from floods and the vagaries of the weather and has been a proven all year track access to the property.

Additionally this route would enhance fishing access route that the proposal allows for.

Our Members intended Recreational use

Our method of recreation is to drive our 4WD vehicles on the tracks and roads of the property for the purpose of viewing the scenery, and partaking in the general vastness of the property. Overnight camping and future exploration on foot or mountain bikes also appeal to us. Our access would be in groups of three or more vehicle and the access run as a 4WD Club trip, so that the activities are governed under club rules, lead by a competent person, and that enhances the safety of the people, the area and the party as a whole. Club trips are in the main self sufficient, which means should there be a vehicle breakdown, or incident the group is able to handle the situation without seeking outside help or rescue. In the past 40 years or more none of our 4WD Club members has ever had a trip whereby they have called out emergency services to assist, nor have they ever sufferer personal injury or death of a member. This is a record we are proud of and keen to continue, and shows us up as a leader in this aspect when compared to other recreational groups and users that use out back and remote areas.

This method of self-reliance as a group is also enhanced as our 4WD member Clubs have emergency management plans, and develop our own health & safety aspect so that we insure ongoing safety of our members, and too most importantly any damage to the environment. We are not for sport or competition; we support recreational and environmental values.

Because of our Club trip methodology we also are able to take out all of our waste (we run 'Pack it in pack it out '). Additionally because we are self-sufficient we also raise no fire danger. This is due to the fact that all vehicle carry fire fighting equipment, shovels, and fire extinguishers, and this combined with a large number of people on a trip (usually about 12 vehicles) there are enough people on hand to deal quickly with any fire issues. We have a 'take only photographs and leave only foot prints' a philosophy derived from the International Treadlightly! code. Some see large tyre tracks and ruts as a result, we dispute this point and if we create track damage as part of our activity we fix it as we go. Large rutting of tracks and other types of track damage that does sometimes result from 4WD access is not a result of our member club activities.

Management of Public Access

We understand the implications of a legal road has to the local councils and land managers, as this may seem to be a down side of our submission, however we stress that this is not a unique situation in New Zealand and issues relating to use and maintenance can be resolved at a local level, and our organisation is willing to help should our input be required.

The issue we do raise here is the style and method of the management of access to the area. Whilst we support ongoing public access to the area, the method of how this access is achieved may need addressing. We believe there may be a case in this instance for individual access not to be practical, and access through organised groups may be more appropriate. Again our offer to assist in consultation is made to the land managers should they consider options here.

Recreational Significance

We agree that this property including both run 119 and 121 has significant recreational significance, and we believe that for us this is a key and important aspect of this tenure review. The area is remote, scenic and will be a major attraction to our members as well as other recreational users namely mountain bikers, hikers, photographers, horse trekkers, canoeists, fishers, campers, and rafters, to name but a few of the key groups as we see it. It will appeal to those who have a real attraction to the remoteness and the variety of scenic aspects, and those looking for a true outdoor high country experience.

Geology & Flora

Whilst we have not undertaken any checking of what the proposal has suggested as we have no real experience in that area, but we support the overall aspects of the proposal, and support from a scenic and experience aspect the scenic attributes, the closeness of the two mountain ranges, and the landscape that the geology and flora generates in this area is unique to New Zealand in our view.

Granting of a tourist concession

As pointed out earlier we have no major objection to the concession for tourist activities. In fact the run holder wishing to run tourist trips in the area significantly supports our view of the areas 4WD sightseeing activities potential. However our concern is that this concession to the run holder must not conflict with public access especially Club or organised group access.

We see that what the run holder is running will enhance the opportunity for people without their own means to explore and recreate in the area. Additionally this is a controlled form of recreation which is what we support..

Use of existing buildings and building additions

This area is somewhat grey in the proposal. Specifically, the use of the historic of the buildings at Quail Flat, and the addition of new buildings on the land.

The use of the Historic buildings is unclear, and we suggest that this needs addressing, but stress that use should be granted fairly to public and or any other use, and with the new buildings we stress that these should be discouraged, and a key aspect of this land is its remoteness and lack of buildings.

Thank you and we look forward to the outcomes. Please keep us advised of all and any outcomes.

Yours faithfully

Paul A Dolheguy
Access Officer

05 JAN 2004

NELSON TRAMPING CLUB (Inc)
c/o 114 Vanguard Street, Nelson

①

27 December 2003

The Commissioner of Crown Lands
C/o DTZ New Zealand Ltd
Land Resources Division
PO Box 564
TIMARU

Dear Sir/Madam,

REVIEW OF MUZZLE PASTORAL LEASE

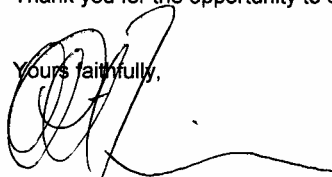
We have read the Summary of the Preliminary Proposal for Tenure Review of Muzzle Pastoral Lease.

It seems from this summary that under the proposed new tenure, all the mountain country becomes DOC land as well as various blocks of other topography which has high ecological value. Also, substantial areas of foothills will revert to DOC ownership but be leased to Muzzle for cattle grazing with public access guaranteed. Being sold outright to the Muzzle owners are easy fertile valley floors.

The proposal is a sensible recognition of appropriate uses of land with varying topography. The Nelson Tramping Club is obviously pleased that access to outdoor recreation in the Clarence Valley will be much easier, and hope that the proposal is adopted.

Thank you for the opportunity to comment on this tenure review.

Yours faithfully,



Lindsay Twiname
Correspondence Secretary



28 JAN 2004

NGAI TAHU Development

Level 1, Te Waipounamu House
158 Hereford Street
PO Box 13-046, Christchurch
Phone 03-366 4344
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DTZ NEW ZEALAND LTD
27 JAN 2004

22 January 2004

R A Ward Smith
DTZ New Zealand Ltd
PO Box 142
CHRISTCHURCH

24337
GH/RW-S
ec

Tēnā koe Ray

NGĀI TAHU SUBMISSION ON THE MUZZLE PRELIMINARY PROPOSAL

Te Rūnanga o Ngāi Tahu and the relevant Papatipu Rūnanga, Te Rūnanga o Kaikōura, has considered the information in the Muzzle Preliminary Proposal, and have the following comments.

The Clarence River / Waiau Toa

The Clarence Valley and Clarence River / Waiau Toa is of immense cultural, spiritual and traditional significance to Ngāi Tahu.

Māori occupied the Kaikōura district for over 800 years before the arrival of the first Europeans, which is as long as people have lived in New Zealand. The Clarence River is regarded as one of the most important rivers to Ngāti Kuri (hapū of Ngāi Tahu based at Kaikōura), and is associated with numerous trails, pā, urupā, gardens, and kainga. The Clarence River / Waiau Toa is also associated with one of the most significant archaeological areas in New Zealand.

The Clarence Valley is also of immense significance to Ngāti Kuri, and was the location of many famous battles, which have defined Ngāi Tahu as an iwi today. There are many areas within the Clarence Valley that are regarded as significant to Ngāti Kuri.

Most of the Māori settlements were concentrated along the coastline rich in marine resources, which Māori utilised and managed. However, the mahinga kai (resource areas) of the high country, in particular the Clarence Valley, were of utmost importance. These areas were later to be called 'waste land' by the Europeans. Up until this time Māori had known no concept such as 'waste land'.

By 1859 the pressure of European settlers' demands for the potential grazing land of the Kaikōura region forced the Government to 'purchase' the Kaikōura district. As Ngāi Tahu were unwilling to sell, several subterfuges were resorted to and steady pressure applied until a forced 'sale' agreement was signed by Ngāi Tahu.

The Clarence Reserve

There is limited information provided on the conservation values of the Clarence Reserve. Considering the majority of the reviewable land in this Preliminary Proposal is the Clarence Reserve, Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu request appropriate information on conservation values is provided before Ngāi Tahu can make an informed decision on this matter.

A concern raised is the inclusion of the Clarence Reserve in this Preliminary Proposal. While the CPLA (1998) allows for the inclusion of Crown Land within a Preliminary Proposal, the large amount of Crown Land included in this Proposal is, at this stage, is of some concern.

Recommendation:	That a Conservation Resource Report of the Clarence Reserve is sent to Te Rūnanga o Ngāi Tahu.
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Recommendation:	That a meeting be held with appropriate representatives of Te Rūnanga o Kaikōura, Te Rūnanga o Ngāi Tahu, DoC & LINZ to discuss possible future management options for the Clarence Reserve.
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Grazing Licence for Clarence Reserve

3.1.2 b) of the Preliminary Proposal states:

- That DoC may establish an environmental management programme on the on-going effects of grazing on conservation values.
- That the licence concession document requires stock limitation to be reviewed every 3 years.

Considering the importance of the Clarence Valley to Ngāi Tahu we request that a meeting be held with appropriate representatives of Te Rūnanga o Kaikōura, Te Rūnanga o Ngāi Tahu, DoC & LINZ to discuss possible future management of the Clarence Reserve.

2 (a)(ii) of Schedule 1 (Special Conditions) of the Concession Document for Grazing and Tourism Concessions states:

“The exclusive use and occupation of the Land on which are situated the woolshed and stockyards at Quail Flat for the purposes associated with the grazing concession”.

This clause is different to the standard clause in DoC concessions:

“Nothing expressed or implied in this Document shall be construed as conferring on the Concessionaire any right of exclusive occupation or use of the Site.”

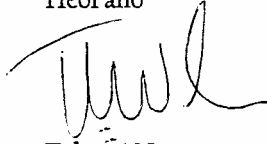
Ngāi Tahu is concerned with the exclusive use of part of the Clarence Reserve for grazing purposes.

Recommendation:	That a meeting be held with appropriate representatives of Te Rūnanga o Kaikōura, Te Rūnanga o Ngāi Tahu, DoC & LINZ to discuss the proposed grazing licence for the Clarence Reserve.
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Considering the concerns raised in this letter we suggest that a meeting be held to discuss this Preliminary Proposal.

If you have any queries please do not hesitate to contact me.

Heoi anō

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

Takerei Norton
Kairuruku Pūrero Ngā Rawa Taiao
Natural Resources Unit Project Co-ordinator

cc *Te Rūnanga o Kaikōura*
 Murray McKenzie