



## **Crown Pastoral Land Tenure Review**

**Lease name : Raglan Run**

**Lease number : Pm 019**

### **Public submissions**

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

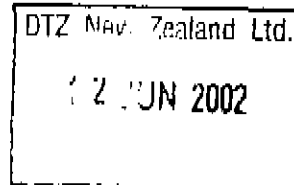
**March 03**



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

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

Commissioner of Crown Lands,  
c/- DTZ New Zealand limited,  
Land Resources Division,  
PO Box 142,  
CHRISTCHURCH.  
11 June 2002.



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Dear Sir,

**RE: Raglan Pastoral Lease - Preliminary Proposal for Tenure Review:**

Federated Mountain Clubs of New Zealand (Inc.) (FMC) represents some 13,000 members of tramping, mountaineering and other outdoor recreation clubs throughout New Zealand. FMC membership also includes several hundred individual supporters and we indirectly represent the interests and concerns of many thousands of private individuals who enjoy recreation in the New Zealand back country. On behalf of both our present members and future generations of back-country recreationists FMC advocates for protection of significant inherent values on high country pastoral lease lands which are subject to the tenure review process, with particular focus on recreational opportunities and public access.

FMC is grateful for the opportunity to comment on the preliminary proposal for Raglan Pastoral Lease. We accompanied the Department of Conservation (DOC) on a three-day inspection of the property in April 1995 and our concerns as subsequently reported to the Department were by and large taken into account in their report on the *Conservation Values of Raglan Pastoral Lease* (Harding, 1995). Our present response accordingly makes frequent reference to this report.

As a general comment FMC is happy with the overall thrust of the preliminary proposal, which generally implements the recommendations of the 1995 DOC report. We are also grateful that the lessees have agreed to surrender some 80 ha. from their freehold block in the western parts of the property. We have however concerns about some aspects of the boundary on the current pastoral lease land between the proposed freehold and new conservation areas. We also have major concerns about a number of matters relating to public access, including the absence from the document summarising the preliminary proposals (Pm019) of any discussion specifically directed to public access issues.

**1. The Preliminary Proposal:**

The key components of the preliminary proposal for Raglan Pastoral Lease are:

1. The restoration to full Crown ownership and control as conservation areas under section 35 (2)(a)(i) of the Crown Pastoral Land Act 1998 (CPLA) of 630 hectares of land comprising

- 550 ha. of mostly higher altitude pastoral lease land adjoining the present Branch Conservation Area; and
  - 80 ha of lower altitude freehold land at the western end of the property.
2. The restoration to (or retention in) Crown control as conservation area under section 35(2)(b)(i) and section 36(3)(b) of the CPLA of 53 ha. comprising principally
- The Bush Camp Stream corridor (20 ha); and
  - Windy Point wetlands and adjacent terrace face (20 ha.).

Both these areas are to be subject to an access easement for farm management purposes.

3. The disposal by freehold under section 35(3) of the CPLA of 1480 ha. of pastoral lease land.
4. The retention as freehold by the owner under section 35(4) of the CPLA of 93 ha. of current freehold land.

## **2. Proposed boundary between freehold and conservation lands:**

With respect to the areas proposed for protection by restoration to full Crown ownership and control, FMC has noted that the size of the area in each case is the same as that proposed in the 1995 DOC report (i.e. 550 ha. on the face of the Raglan Range and 80 ha. from the present block of freehold land at the western end of the property). With regard to the areas across the face of the Raglan Range however there are some significant changes from the boundary shown on the map attached to the 1995 DOC report, in every case reducing - and in places quite substantially reducing - the areas proposed for protection. In our view the boundary shown on the map attached to the DOC report (rather than the estimated size of the area this boundary encompasses) is clearly the most important indicator of the extent of areas of "significant inherent value" on this part of the pastoral lease, given that this boundary was drawn as a result of three days of field surveys whereas the figure of "550 hectares" is only a general estimate of its size.

As mentioned earlier, FMC has concerns about some sections of the proposed boundary between conservation and freehold areas in the Preliminary Proposal. In this respect we note that at the bottom of page 4 of the *Summary of Preliminary Proposals* it is stated that "some minor areas of scrub and bush are included (within the proposed freehold areas) as a consequence of identifying the most practical boundaries" (emphasis added). In our view this is not an accurate statement as there are regularly quite substantial areas of "scrub and bush" included within the proposed freehold areas. These consist mostly of dense regenerating kaunka shrubland along with significant areas of taller kanuka forest, beech forest and mixed broadleaf forest which FMC believes ought to be returned to full Crown ownership and control under section 24(b)(ii) of the CPLA. Nor do we accept that the inclusion of these areas will necessarily result in more "practical" boundaries, especially where the proposed

boundaries make significant inroads into the valleys of the main streams draining through the property from the Raglan Range.

FMC is also concerned that since 1995 there has been considerable burning of areas of dense kanuka shrubland (and indeed kanuka forest) within the areas identified as having significant inherent value in the DOC report. While we are aware that the lessees have worked very hard for more than 20 years to make a success of what is almost invariably difficult pastoral country, burning steep stony regenerating hillslope areas like these which quickly revert to bracken fern does not seem to us likely "to promote the management of reviewable land in a way that is ecologically sustainable" or indeed any of the other objectives set out in section 24 of the CPLA.

For the above reasons FMC believes that the boundary between the proposed freehold and conservation areas needs to be redrawn to coincide much more closely with the boundaries proposed in the 1995 DOC report except between Possum and Bush Camp creeks (where it still needs to be moved down-slope to a point where only "minor" areas of scrub and bush are included). In particular, the entire catchments of all significant streams from Netting Stream westwards should be excluded from proposed freehold areas, upstream of the point where they break clear of their more enclosed mountain valleys. This should include the more enclosed parts of the catchments of the two smaller streams directly opposite the historic Monument on State Highway 63, both of which were included in the areas recommended for protection in the 1995 DOC report on account of kanuka/broadleaf forest (and in one case a sizeable remnant of beech forest) covering virtually their entire catchment area.

### 3. Provision for public access:

The *Summary of the Preliminary Proposal for Tenure Review of Raglan Pastoral Lease* makes no specific reference to issues of public access. This is of major concern to FMC since one of the key objects of the tenure review process is "the securing of public access to and enjoyment of reviewable land" (CPLA section 24(c)(i)). In commenting on the adequacy or otherwise of the provision made for public access FMC has accordingly had to rely on other such information as can be gleaned from other parts of the summary, in particular

- The attached map which gives an indication of the extent to which marginal strips exist or are proposed to be created (it is not made clear which) along the larger streams which flow through the property from the Raglan Range (Branch Conservation Area) as well as indicating in a general way the presence of both marginal strips and legal road along the southern bank of the Wairau River; and
- The description of the proposed Bush Camp Stream corridor which, although not referring specifically to public access, makes it clear to anyone familiar with this stream that the proposed conservation corridor will provide a viable public access route between the bed of the Wairau River and the protected public land on the northern flanks of the Raglan Range ;

Based on the above information FMC

(i) Welcomes the creation of the Bush Camp Stream corridor and the clear identification of marginal strips extending along Wash Stream and Possum Stream the full distance between the Wairau River and present or proposed public conservation lands.

(ii) Is concerned that similar strips do not appear to have been set aside along Netting and Dover streams. In the case of Netting Stream there is no justification for not extending the existing marginal strip the short distance required to intersect the lower boundary of the proposed new conservation area in this catchment, given the clear requirements of section 24 of the Conservation Act 1987 (see below). As regards Dover Stream, the maps supplied to both FMC and DOC at the time of our 1995 field inspection clearly showed marginal strips extending along the entire length of Dover Stream to the present boundary of conservation land (see map in Harding 1995). In view of the requirements of section 24 of the Conservation Act 1987 (formerly section 58 of the Land Act 1948) that, on the sale or other disposition of any land by the Crown, marginal strips shall be deemed to be reserved along any river or stream whose bed averages three metres or more in width, FMC believes it to be mandatory that adequate marginal strips be retained or reinstated along this major stream both to facilitate public access and to protect the riparian vegetation along what is clearly another important wildlife corridor. (With respect to the latter objective the width of marginal strips along Dover Stream will frequently need to be considerably wider than 20 metres if they are to "promote the management of reviewable land in a way that is ecologically sustainable" as required by section 24(a)(i) of the CPI.A.)

(iii) Is concerned that while the map attached to the preliminary proposal indicates marginal strips and legal road extending along most of the boundary of the property adjoining the Wairau River, no further information or discussion has been provided on

- The extent to which such marginal strips and legal road are continuous along this important riparian boundary;
- The location of this legal road and marginal strip in relation to the present course of the river (i.e. how much of them today remains above flood levels and how much has shifted out into the bed of the river?); and
- The extent to which they provide practical (as opposed to hypothetical) foot access given the changing course of the river and the presence of high gravel bluffs at a number of places along the property river boundary. The Wairau River is an important recreational waterway which can often be difficult or impossible to cross. It is therefore essential that adequate provision be made in the tenure review process for safe, practical, legal foot access along the entire river boundary of the present pastoral lease.

(iv) Is concerned that no provision has been made for direct access to the Raglan Range peak Blowhard from the Wash Bridge area of State Highway 63 (as proposed on p.16 of the 1995 DOC report). While the marginal strips along Wash Stream provide theoretical access to this end of the Raglan Range from close to the Wash Bridge, a much more practical route would be directly along the fence line at the eastern boundary of the present pastoral lease. (FMC is aware that reasonable access to Blowhard is currently available from the Branch River side of the range, either across public conservation land or via forestry roads. Nonetheless we believe

it to be in the long-term public interest to make provision for foot access to this end of the Raglan Range directly from SH 63. The tenure review of Raglan pastoral lease is seen as providing what may well be the only opportunity to do this unless an alternative route is likely to be available further to the east where the boundary of the public conservation land descends to much closer to SH63 than it does in the immediate Wash Bridge area.)

#### 4. Conclusion

Although about two-thirds of the present Raglan Pastoral Lease is now a highly modified landscape it is located in an area of generally high conservation, recreation and landscape values (including the Branch and Rainbow conservation areas, the highly distinctive Red Hills Range and Nelson Lakes National Park). As such it is critical that the process of tenure review takes full account of the long-term public values of the area as well as providing an outcome which is fair and equitable to the present lessees. It is accordingly of major concern to FMC that there is no discussion of public access issues in the *Summary of Preliminary Proposals*, and that members of the public obtaining this summary may thus not be in a position to make a proper assessment of this important component of the tenure review process. That said, FMC believes that as far as the future needs of our members are concerned adequate provision for public access would be made if all concerns identified in section 3 of this submission were to be incorporated into the final tenure review agreement.

As to the proposed boundaries, FMC is concerned that substantial areas of dense kanuka forest and shrubland as well as significant tracts of beech and broadleaf forest have been included in the areas proposed for freeholding. FMC believes that a more appropriate boundary needs to be drawn following more closely that proposed in the 1995 DOC report on the property. Such a boundary would not only be more in keeping with the objectives of tenure review as set out in section 24 of the CPLA, but would also more accurately coincide with the description given at the bottom of page 4 of the *Summary of the Preliminary Proposal* that only "some minor areas of scrub and bush are included [within the areas proposed for freeholding] as a consequence of identifying the most practical boundaries".

Thank you again for providing the opportunity to comment on this Preliminary Proposal for the tenure review of Raglan Pastoral Lease. FMC looks forward to hearing from you in due course about the outcome of this process of public consultation.

Yours sincerely,

Andy Dennis

pp. Barbara Marshall,  
Secretary.

#### Reference:

Harding, Mike: *Conservation Values of Raglan Pastoral Lease, Wairau Valley, Marlborough*, (1995), Department of Conservation, Nelson/Marlborough Conservancy Internal Report No. 19.

- 1 JUL 2002

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ROYAL FOREST AND  
 BIRD PROTECTION  
 SOCIETY OF  
 NEW ZEALAND INC

25 June 2002

Gcoff Holgate  
 Manager  
 DTZ  
 PO Box 142  
 Christchurch

## SUBMISSION ON PRELIMINARY TENURE REVIEW PROPOSAL FOR RAGLAN, RAGLAN RANGE, WAIRAU VALLEY, MARLBOROUGH

### 1. INTRODUCTION

The Royal Forest and Bird Protection Society (Forest and Bird) is New Zealand's oldest and most active voluntary conservation organisations. Formed in 1923 the Society has around 38,000 members in 56 branches around New Zealand. This evidence is on behalf of the Central Office. The Society's constitution requires it to:

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

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

The writer inspected the property in May 2002 with Andy Dennis of FMC and thanks Mr and Mrs Lacey for this opportunity.

### 2. PRELIMINARY PROPOSAL

Forest and Bird understands the preliminary proposal to be:

1. The restoration to full Crown ownership and control as conservation land of:
  - a) Around 550 ha of beech and kanuka forest and shrubland on the north facing upper slopes of the Raglan Range adjacent to Branch Conservation Area.
  - b) Bush Camp Stream corridor - around 20 ha of beech and kanuka forest along the lower reaches of Bush Camp Stream.
  - c) Windy Point wetland - around 23 ha of wetland and terrace scarp with an easement for stock and vehicle access and farm management.
2. The protection of c80 ha of freehold land at the western end of the property as conservation land.
3. The freeholding of 1480 ha of pastoral lease land.

### 3. GENERAL COMMENTS

#### 3.1 Crown undervaluing its interest in pastoral leases

The Crown appears to be significantly undervaluing its interest in pastoral leases. Documents obtained under the Official Information Act suggest that the Crown proposes

to allow some 1480 ha to be freeholded for \$15,000 plus GST.<sup>1</sup> Some consideration for the 80 ha of freehold is expected but this cost equates to \$10.13 per hectare. This is ridiculously low.

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### 3.2 More information (maps) needed as part of Preliminary Proposal

Very limited information was supplied to submitters as part of the preliminary proposal for Raglan. It contained no map of proposed new fencing nor of easements. Other agents of the Commissioner (including other DTZ NZ Ltd or Knight Frank offices) have included this information with preliminary proposals and it has been very useful in ensuring that the public and submitters fully understand the proposal. Forest and Bird had access to additional background reports on Raglan (not provided to other public submitters) which contained information on fencing and easements. It would be more efficient and helpful if such maps were part of the preliminary proposal and if the Christchurch/Marlborough offices of DTZ Ltd followed the model used by the Alexandra and Timaru offices.

### 3.3 Confusion over size of areas to be protected

1. The Bush Camp Stream corridor and Windy Point wetland are part of the Wairau River Flats area which the proposal document refers to as being around 53 ha and which earlier documents have referred to as being around 65 ha and around 85 ha. The area needs to be accurately mapped and it is of concern if looseness with the area boundaries reduces the eventual area to be protected as conservation land.

2. The proposal states that 550 ha on the Raglan Range upper slopes is to be protected. Yet the boundary in the preliminary proposal is significantly different from that proposed in the DoC's Conservation Values report (Harding, 1995)<sup>2</sup> which was lower down the slopes and included a significantly greater area of shrubland and forest. This needs to be clarified.

## 4. SUMMARY OF CONCERNS

### Changes required

Forest and Bird opposes the preliminary proposal as failing to promote ecologically sustainable management and not adequately protecting inherent values. The proposal is contrary to section 24 of the Crown Pastoral Land Act 1998 (the Act or CPLA), in particular section 24(a)(i) and s24(b) because it proposes the freeholding of extensive areas of shrublands and forest with significant inherent values.

The proposal does not safeguard the public interest by allowing such a substantial area of Crown land to be freeholded and so little protected for conservation.

The parts of the proposal of concern where Forest and Bird believes changes are required are:

- 1) The Commissioner's failure to protect significant inherent values identified by DoC in its 1995 conservation values report by allowing the lessee to burn and clear extensive areas of kanuka/manuka shrubland through the discretionary consent process.

<sup>1</sup> Submission from WA and RA Lacey 31 October 2001.

<sup>2</sup> Harding, M (April 1995) "Conservation Values of Raglan Pastoral Lease, Wairau Valley, Marlborough (and recommendations for protection) for Department of Conservation . Nelson/Marlborough Conservancy Internal Report No 19.



- 2) Raglan Range upper slopes - The failure to protect as conservation land extensive areas of strongly regenerating kanuka and manuka shrubland in gullies and on the upper parts of the property and their proposed freeholding.
- 3) The failure to protect as conservation land four gullies (three gullies with dense forest and shrub cover) between Dover Stream and Bull Paddock Flat.
- 4) The need for a larger area of the Bull Paddock Flat freehold land to be protected as conservation land.
- 5) The absence of any protection for the scarps/terrace faces adjacent to the Wairau River given their high landscape values and regenerating tall shrubland cover.
- 6) The lack of a public access easement at the north-eastern boundary of the property near the Wash Bridge to provide foot access to Blowhard.
- 7) Fencing requirements need clarification particularly for the Windy Flat wetland and should be part of the proposal.
- 8) The concession for farm access and stock movement at Windy Flat should be a 30 year licence or permit rather than an easement in perpetuity.
- 9) Marginal strips on Netting, Possum and Dover Streams need to be extended to join up with the proposed conservation land.
- 10) A sustainable management covenant is required which prohibits forestry on the land proposed for freeholding given the potential wilding spread problems, the dominance of wildings in the lower Wairau Valley and the high landscape values of the area proposed to be freeholded.
- 11) A sustainable management covenant is required which prohibits any more than spot spraying and burning of indigenous shrubland vegetation.
- 12) Wider riparian corridors are needed to protect diverse riparian vegetation, and water quality.

These concerns are dealt with in more detail below.

#### **4.1 Commissioner's failure to protect significant inherent values while tenure review occurs**

The Department of Conservation's 1995 conservation resources report<sup>3</sup> identified much larger areas as having significant conservation values than are proposed for protection as conservation land. See Map 1 attached. During a recent field inspection extensive recent burning was evident on faces and in the Bush Camp Stream gully and an unnamed gully to the south west (See Photographs 1-6 attached). These areas are within Area 1 recommended for protection by DoC in 1995. This was presumably known to the lessees if they were provided with a copy of the 1995 DoC report and it was certainly known to the Commissioner and his agents.

The Commissioner of Crown Lands (CCL) and his agents are failing to protect the public interest in Crown land or ensure tenure review promotes ecologically sustainable management by allowing lessees to burn or clear vegetation in areas which have been identified by DoC and recommended for protection. This provides a strong incentive to lessees to destroy or degrade areas recommended for protection so that they can freehold them. Through the discretionary consent process the Commissioner can and should decline consent to degradation and modification of any area which DoC has identified as having significant conservation values.

<sup>3</sup> Ibid.

It undermines the tenure review process if the Commissioner allows lessees to destroy or degrade areas identified as significant and thereby potentially increasing the area available for freeholding. Forest and Bird strongly opposes lessees being rewarded for and able to benefit from the Commissioner's negligence. Allowing this to occur here would set a very poor precedent for other tenure reviews and may encourage other lessees to similarly destroy conservation values.

While the shrublands on the lower slopes between Bush Camp Stream and Possum Stream have been significantly reduced by burning they have the potential to regenerate if no further burning or spraying occurs. Restoration potential should be part of any consideration of significant inherent values.

#### Decision sought

Either:

- a) Include all of Area 1 identified as having significant conservation values in Map 1 of DoC's 1995 report (attached) despite some of these values have been since degraded; or as a minimum
- b) Redraw the proposed conservation land/freehold land boundary to follow the shrub edge as shown in the photographs of Landscape Panorama 1 and Landscape Panorama 2 attached.

#### **4.2 Raglan Range upper slopes- Proposed freeholding of kanuka/manuka shrublands**

The freeholding of extensive areas of tall kanuka and manuka shrubland is strongly opposed and does not promote ecologically sustainable management, particularly given the extensive burning which has occurred recently on terrace faces in the Bush Camp Stream area and in unnamed stream gullies to the west.

Burning has occurred close to waterways and right up to at least one stream margin. Riparian buffers have not been adequately protected. The 1995 DoC resource report recommended against burning in the gullies and proposed only to allow burning on the faces.

The Knight Frank submission (17.12.99)<sup>4</sup> states: "An area of approximately 100 ha was originally recommended to be included with the above area. Following discussions with the DGC's delegate it was agreed that values had been diminished on this area after part was burnt and it should no longer be restored to full Crown ownership and control."

Extensive areas of dense strongly regenerating kanuka, manuka shrubland and mixed broadleaf forest are within the area proposed for freeholding. This is opposed as not promoting ecologically sustainable management, particularly given the extent of recent burning in areas which are likely to quickly revert to bracken fern.

Freeholding these upper slopes is not ecologically sustainable because:

- Shrublands have high habitat values particularly for insectivorous birds such as grey warbler, tom tit, South Island robin and rifleman. Burning degrades those values.

<sup>4</sup> Submission CPL Preliminary Proposal Standard 8 "Recommendations for Draft Preliminary Proposal incorporating Drafting Instructions" dated 17.12.99 sent from Knight Frank Christchurch to LINZ on 20.12.99.

- The extent of recent burning to clear tall shrublands for pasture indicates that burning is likely to continue if the property is freeholded and the Resource Management Act is unlikely to provide effective controls to promote sustainable management.
- The thin soils and potential for erosion.
- Without burning, shrubland areas would continue to regenerate back to beech forest. Given the extensive forest clearance and destruction which has occurred in New Zealand, the establishment of additional forest cover would better promote ecologically sustainable management than further burning and expansion of pasture areas.
- The shrublands contain diverse understorey species including prickly mingimingi, tauhinu, broadleaf, lancewood and beech seedlings.
- The upper slopes have high landscape values. They are easily visible from State Highway 63. Given the extensive clearance of indigenous vegetation and exotic forestry plantings for much of the Wairau Valley downstream of the Wash Bridge, Raglan is important in retaining wild and indigenous character in the landscape.
- Substantial regeneration has occurred in the seven years which has passed since the property was first inspected for the Department of Conservation. Vegetation height has increased and potentially the diversity of species, understorey vegetation and conservation values. No updated conservation resources report is evident on the file. This is an oversight by DoC.
- In the absence of fencing on the top boundary dense adequate shrublands are needed to buffer beech forest in the gullies and the Branch Conservation Area from the effects of stock browsing. Regenerating shrublands can provide an effective physical barrier for stock.

These tall shrublands are not capable of economic use for pastoral farming without burning. No case has been made as to why the shrublands should be freeholded.

#### Decision sought

Redraw the boundary between proposed conservation and freehold land on the upper slopes of the Raglan Range to follow the original 1995 boundary recommended by DoC (Harding 1995) so that all shrublands in Area 1 on Map 1 (attached) become conservation land. See revised boundary of Landscape Panorama 1 attached. A new boundary should be redrawn using recent aerial photographs to ensure all the shrubland areas are included.

All of the catchments of all significant streams from Netting Stream westwards should be included as conservation land upstream of the area where they emerge from their more enclosed mountain valleys.

#### **4.3 Forested and shrubland gullies between Dover Stream and Bull Paddock Flat**

Four gullies in the western part of Raglan (three with heavy shrubland and forest cover) were proposed as conservation land in the 1995 DoC report as part of Area 1 on Map 1. There is heavy shrubland and forest cover in these gullies (see Landscape Panorama 2 attached). Aerial photographs show that beech and kanuka manuka shrubland behind the ridge is spreading and if natural processes continue unimpeded (ie without burning, spraying or heavy stocking) then the small area of grassland above the gullies will soon become kanuka/manuka shrubland.

These gullies have significant inherent values because of their dense and strongly regenerating indigenous vegetation cover, their habitat values, particularly for invertebrates and insectivorous birds and their contribution to a natural landscape. The

absence of a formal landscape assessment means that landscape values have been understated and not fully described.

The gullies form a major part of the view for travellers on State Highway 63, particularly those who stop at the Monument. The gullies are not capable of economic use for pastoral farming unless they are burnt, sprayed or otherwise cleared. This would not promote ecologically sustainable management. The small area of grassland above the gullies is unlikely to sustain many stock.

No reasons are given in the preliminary proposal or any of the background reports as to why the gullies are now proposed for freeholding and why DoC's 1995 recommendations have not been implemented. No information is given about their current economic use.

It is contrary to the public interest and to section 24(a)(i) and s24(b)(ii) of the CPLA to allow these western gullies to be freeholded, particularly given the extent to which the lessees have been able to clear significant shrublands and areas proposed for protection in 1995 elsewhere on the property, advantaging their position for tenure review.

#### Decision sought

Amend the proposed boundary between conservation and freehold land to include the four gullies between Dover Stream and Bull Flat Paddock by following the boundary proposed by DoC in 1995 on Map 1 attached or following the edge of the kanuka/manuka shrubland along a boundary similar to that identified in Landscape Panorama 2 attached.

#### **4.4 More of Bull Paddock Flat freehold deserves protection**

The lessees' agreement to include this area in tenure review is appreciated. As the 1995 DoC report notes, the area has significant inherent values with tall red beech forest on gentle toe slopes, tall kanuka forest and an induced frost flat community with an unusual ground cover which is slowly being colonised by kanuka. The forested area contains the best forest bird populations encountered on the DoC field inspection.

It is disappointing that so little of the freehold area is proposed for conservation status given its high inherent values. A larger area was identified as having significant conservation value in the 1995 DoC report. (See Area 4 on Map 1 attached).

No reasons are given in any of the information available to Forest and Bird as to why the area has been reduced from that proposed by DoC in 1995. This lack of transparency and accountability by the Commissioner's agents is opposed.

#### Decision sought

Amend the proposed freehold/conservation land boundary for the freehold area to follow that proposed by DoC in 1995 and identified as Area 4 on Map 1 attached.

#### **4.5 Wairau River scarps/terrace faces – Landscape and ecological values not adequately investigated**

DoC's 1995 conservation values report did not include a professional landscape assessment as has been done for most other conservation resource reports. This is a major oversight by DoC, particularly given the length of time available to undertake such a report. Not having such a professional assessment means landscape values are understated and significant inherent values have not been adequately identified. Section 24 of the Crown Pastoral Lands Act (CPLA) has not been fully implemented.

Landscape values contribute to both "cultural" and "ecological" attributes and characteristics and are part of inherent values as defined in section 2 of the CPLA. The terrace faces or scarps adjacent to the Wairau River are a dramatic and obvious landscape feature and have high landscape values in Forest and Bird's opinion. Despite being cleared in the past indigenous vegetation is now regenerating strongly. See Landscape Panorama 1.

Some of the scarps appear to be legal road but it is unclear whether the legal road follows the base of the terrace face or the top or goes across it.

The scarps and the absence of weeds such as broom in the river bed and exotic species such as willows contribute to the section of the Wairau river adjacent to Raglan having high natural character. This deserves recognition and protection through tenure review as it contributes significantly to amenity values and the recreational experience. The scarps are obvious to fishers, picnickers, walkers and other river users and travellers on State Highway 63. The indigenous character and dramatic height of the scarps make a strong contribution to the feeling of being in a wild and natural landscape, particularly when compared to the much more heavily modified riparian areas downstream of the Wash Bridge.

The steep slopes of the scarps mean that the land is not suitable for or capable of economic use for pastoral farming and there is no justification for freeholding. Continued regeneration of indigenous vegetation should be encouraged to better protect soil conservation values and water quality.

#### Decision sought

Amend the preliminary proposal so that the freehold land boundary runs along the top of the first terrace adjacent to the Wairau river for the length of the property or inside of the legal road boundary (whichever is further from the river). This is intended to ensure that all of the scarps or terrace faces adjacent to the river upstream of Netting Stream are protected as conservation land. See Landscape Panorama 1.

Provide a 30 year easement concession for any farm tracking which crosses these faces.

#### **4.6 Need for public access up eastern boundary to Blowhard**

The preliminary proposal does not identify any direct access to the Blowhard peak on the Raglan Range from the area near the Wash Bridge on State Highway 63 as the 1995 DoC report proposed (see page 16). While the marginal strips along Wash Stream in theory could provide access to Blowhard a more practical route would be as DoC proposed directly long the fenceline at the eastern boundary of the present pastoral lease. While there is access to Blowhard from the Branch River an alternative route from the east is desirable. Raglan appears to be the only property which is going through tenure review where this is possible.

#### Decision sought

Provide an easement for public foot access up the fenceline on the eastern boundary of the current Raglan pastoral lease.

#### **4.7 Fencing**

##### **a) Raglan Range conservation land/freehold land boundary**

The preliminary proposal contains no suggestions that the boundary between proposed conservation and freehold land on the upper slopes will be fenced. Yet an aerial

photograph among information obtained under the Official Information Act shows some proposed fencing. A map attached to a "Report on Consultation on the second revised Draft Preliminary Proposal" (26 October 2001) shows no fencing on the upper boundary. This confirms the need for more of the shrublands to be included as conservation land to provide an effective buffer against stock.

Decision sought

Include the majority of kanuka/manuka shrublands as conservation land following the boundaries of the attached photographs (Landscape Panoramas 1 and 2).

**b) Windy Flat wetland (river terrace between Possum Stream and Bush Camp Stream)**

DoC<sup>5</sup> has noted that there is a requirement to fence approx 1650 metres of the wetland area yet the preliminary proposal contains no indication that this will be done. If an easement is to be granted for stock access as part of tenure review then fencing should be done at the same time. It is inequitable and inefficient to leave this to be done by DoC at some unspecified later date.

A 26 October 2001 report by the Commissioner's agent (Knight Frank) has noted: "*The fencing details and specifications were not referred to in the second revised DPP most likely because of the extended period over which the three DPPs have been developed and produced. It was always anticipated that fencing would be required, and the estimated cost of fencing has been taken into account in previous financial reports.*"<sup>6</sup> That report (section 2) also notes that the lessee Bill Lacey had noted that one part of the Windy Flat wetland would not need fencing in his view and that another part would be harder to fence than originally anticipated. It suggests that agreement was reached over the fencing line (section 5). A map ("Raglan proposal") attached to the October report shows proposed new fencing. See Map 2 attached. The preliminary proposal and the accompanying map make no mention of and do not show any proposed fencing.

Decision sought

Amend the preliminary proposal to include LINZ funding the fencing of approx 1600 metres of the Windy Flat wetland to prevent stock damage to the wetland.

**4.8 Perpetual concession term opposed**

A concession through conservation land to allow access for farm management and stock movement is not opposed. Forest and Bird questions why an easement is necessary and why the right to move stock cannot be safeguarded through a licence or permit rather than an easement. The perpetual term is strongly opposed.

Section 49 of the CPLA strongly discourages the use of easements where a lease, licence or permit could be used. The easement report by DoC<sup>7</sup> give no reasons (other than to

<sup>5</sup> Letter Mike Clare to Simon Bamford 7 February 2001 and Fence Specifications 25 October 2001.

<sup>6</sup> Report in accordance with Crown Pastoral Land Standard 8: Preliminary Proposal "Report on Consultation on the second revised Draft Preliminary Proposal" by Simon Bamford for Knight Frank Date 26 October 2001. Sent to LINZ 30 October 2001.

<sup>7</sup> Raglan Pastoral Lease: Provisional consent of Minister of Conservation to Preliminary Proposal - consent to easement concession. Letter Mike Clare to Simon Bamford Knight Frank 19 February 2001 with consent to easement concession attached.

maximise the security of tenure for the concessionaire) as to why an easement is more appropriate than a licence or permit. The DoC report appears to have not even considered section 49 and its preference for mechanisms other than easements.

Grazing stock impede regeneration, trample vegetation, damage wetland edges through pugging, and degrade water quality. If fencing is ineffective in preventing stock damage to the wetland or if land uses change, it may be appropriate to phase out stock access some time in the future. A perpetual concession would not allow this. The Conservation Act allows a 60 year concession term in exceptional circumstances. A shorter term would allow the usage and appropriateness of the concession conditions to be reviewed. A licence or permit rather than an easement would also provide greater flexibility for the future.

#### Decision sought

Change the easement to a licence or permit. Amend the term of the concession for access for farm management purposes to 30 years and.

#### **4.9 Sustainable management covenants needed for forestry and vegetation clearance**

Raglan is in marked contrast to other properties in the Wairau Valley in that the lessees have maintained the property largely free of weeds and exotic trees. There are no willows or pine plantations along the river. Gullies and lower slopes of the range are clothed in beech forest and kanuka and manuka shrublands. Indigenous vegetation and grasslands predominant. There are few obvious structures. The high natural character of the Raglan Range is an important part of the views from State Highway 63 and the approach to and descent from St Arnaud and Nelson Lakes National Park. These landscape and botanical values need to be maintained to preserve the integrity of the larger landscape and the tourist and visitor experience from the road and in the riverbed.

The corridor of exotic conifers on Rainbow Station beside State Highway 63 on the north bank of the Wairau shows how poorly sited pines can compromise landscape and amenity values. Further downstream, large scale pine plantings on Manuka Island have destroyed areas of significant indigenous vegetation, degraded landscape values and created a major potential wilding problem for the Red Hills and adjacent conservation land.

Any future change in ownership of Raglan means there is no guarantee that the landscape sympathetic management of the current lessees will continue. The Resource Management Act does not provide adequate mechanisms to control forestry. The proposed Wairau-Awatere Resource Management Plan contains few controls on earthworks, vegetation clearance or forestry plantings. Appeals on the plan were lodged in the Environment Court by DoC and Forest and Bird in 1998. These have yet to be resolved and may not be resolved for some years.

Forestry and shelter belt plantings would be an obvious disruption in the landscape, gridding its expansive tawny and shrubby character with lines of dark green trees. This would disrupt views and obscure the glacially smoothed landforms. Forestry on the river terraces could deplete wetlands and small streams of water. Trees could cause a major wilding spread problem for the Branch Conservation Area, particularly if shade tolerant species such as douglas fir were grown. These impacts could be avoided by a sustainable management covenant under section 97 of the Crown Pastoral Lands Act which prohibited exotic afforestation.

While kanuka and manuka may regenerate after burning, herbicide spraying could destroy these shrublands permanently. The Wairau-Awatere Resource Management Plan contains only weak controls on forestry and indigenous vegetation clearance including burning. The plan has been appealed to the Environment Court but is currently inadequate to promote or ensure sustainable management under the Resource Management Act. Controls on burning in gullies and a requirement to not burn any vegetation in a broad setback from waterways would better promote ecologically sustainable management by preventing erosion, protecting water quality, landscape values and the natural character of waterways.

A sustainable management covenant is needed to prohibit forestry and spraying and prevent permanent loss of shrublands on the property.

Decision sought

Make the freeholding on Raglan subject to a sustainable management covenant which:

- a) prohibits exotic afforestation; and
- b) prohibits herbicide spraying to clear extensive areas of indigenous vegetation other than spot spraying intended to control weeds such as gorse, broom, and briar.
- c) allows burning only on faces and not on steep slopes, in gullies or within 50 metres of any waterway.

**4.10 Wider marginal strips or expanded riparian conservation area**

Attachment "C" (Waterways in Pastoral Lease 19 along which section 24 Conservation Act 1987 applies) shows marginal strips apply along the true right of the Wairau River, Wash Stream, the lower part of Netting Stream, the lower part of Possum Stream and only a very small portion of Dover Stream.

The marginal strips on Netting Stream and Possum Stream do not extend all the way to conservation land. In the interests of extending the Queens Chain the marginal strips should also be created along the remainder of Netting and Possum Streams to join up with the proposed conservation land.

The Bush Camp Stream conservation area is supported. Riparian protection is also needed beside Netting Stream, Possum Stream and Dover Stream.

There is increasing recognition of the value of protective management of riparian vegetation in buffering water quality from the impacts of adjacent land uses and in protecting aquatic ecosystems. Nutrient run-off (especially nitrogen and phosphorus) as a result of fertiliser application and stock effluent run-off close to waterways can stimulate aquatic plant growth and can cause nuisance growths of algae (algal blooms) and other aquatic plants. Maintaining shrublands, forest and indigenous vegetation on riparian margins safeguards the natural character of the waterway. During the field inspection of Raglan bellbirds and grey warbler were loud in the bush edging both sides of the stream and obviously present in reasonably high numbers.

Retaining corridors of protected vegetation alongside these major streams from the conservation land to where they join the Wairau River would help protect corridors for bird and wildlife movement and maintain stream health and water quality in the Wairau. It would also retain a stronger element of natural character on the lower terraces given that with freeholding these may be developed for more intensive grazing.

Decision sought



Extend the marginal strips on Possum and Netting Streams so that they join up with the proposed conservation land.

Widen the marginal strips or protect an additional 100 metre area as conservation land on both banks of Netting, Possum and Dover Streams the length of the streams to provide a protective riparian buffer.

*E M Sage*

Eugenie Sage  
Regional field officer

#### **Attachments**

##### **Map 1 Raglan Station Significant Conservation Areas.**

The map is from Harding, M (April 1995) "Conservation Values of Raglan Pastoral Lease, Wairau Valley, Marlborough (and recommendations for protection)" for Department of Conservation. Nelson/Marlborough Conservancy Internal Report No 19.

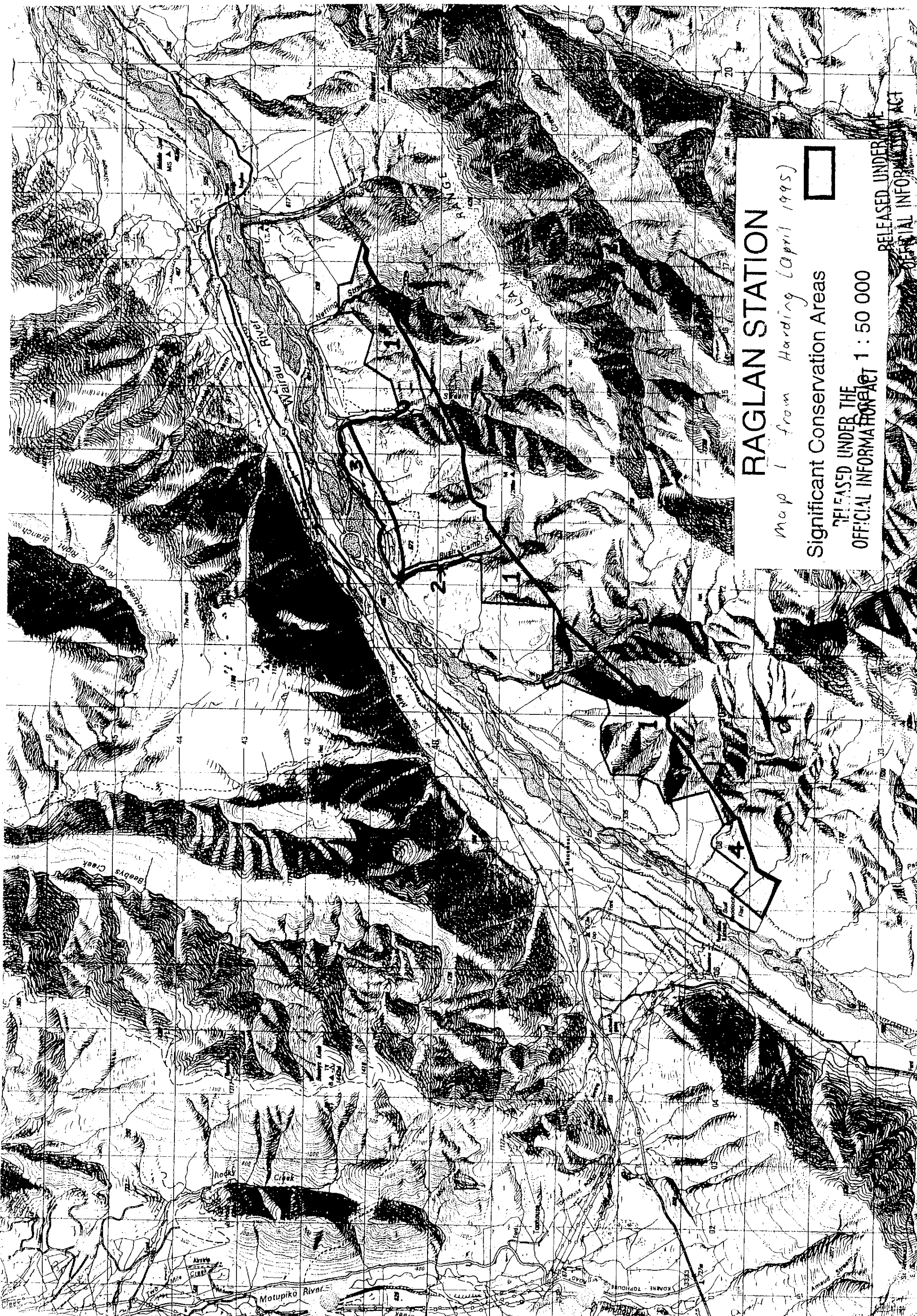
**Landscape Panorama 1 Raglan Range from Bush Camp Stream, unnamed stream and Dover Stream**

**Landscape Panorama 2 Raglan Range -four gullies to south-west of Dover Stream between Dover Stream and Bull Paddock Flat . (NZMS 260 N29 St Arnaud Grid reference N29 around 090360).**

**Landscape Panorama 3 Raglan Range -three of the four gullies to south-west of Dover Stream between Dover Stream and Bull Paddock Flat**

**Photographs 1-5 Burning in Bush Camp Stream area and in unnamed stream to south west.**

**Attachment "C" Waterways in Pastoral Lease No 19 along which section 24 Conservation Act 1987 applies.**



# RAGLAN STATION

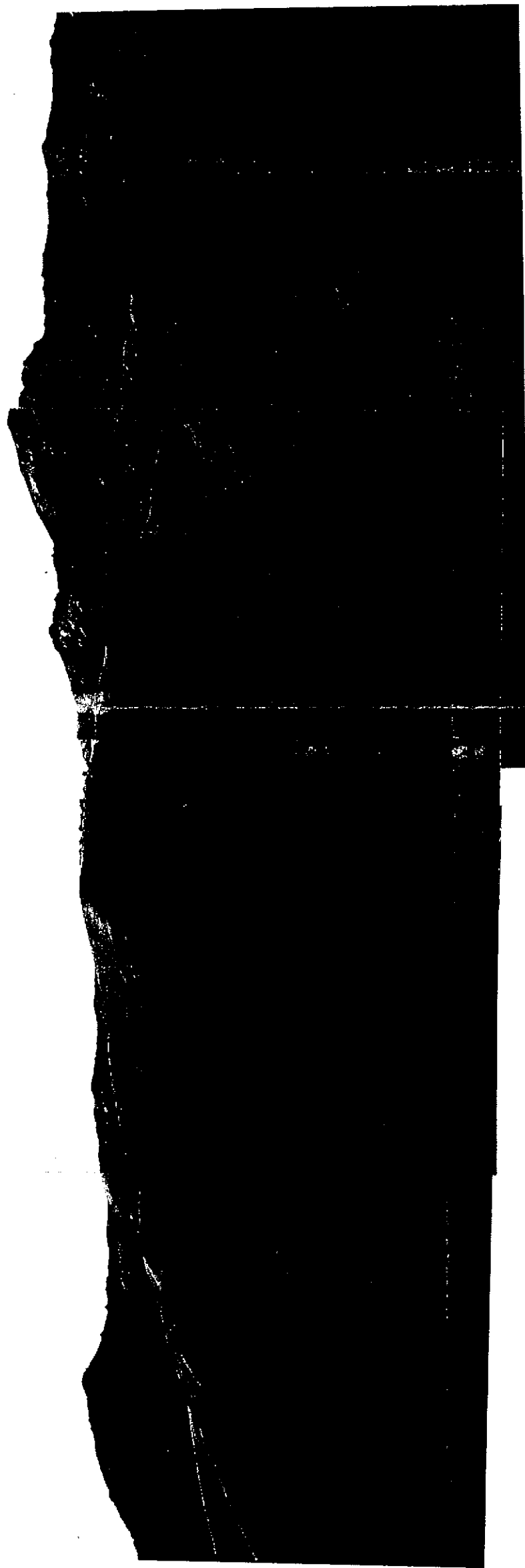
Map 1 from Harding (April 1995)

Significant Conservation Areas



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OFFICIAL INFORMATION ACT 1 : 50 000

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT



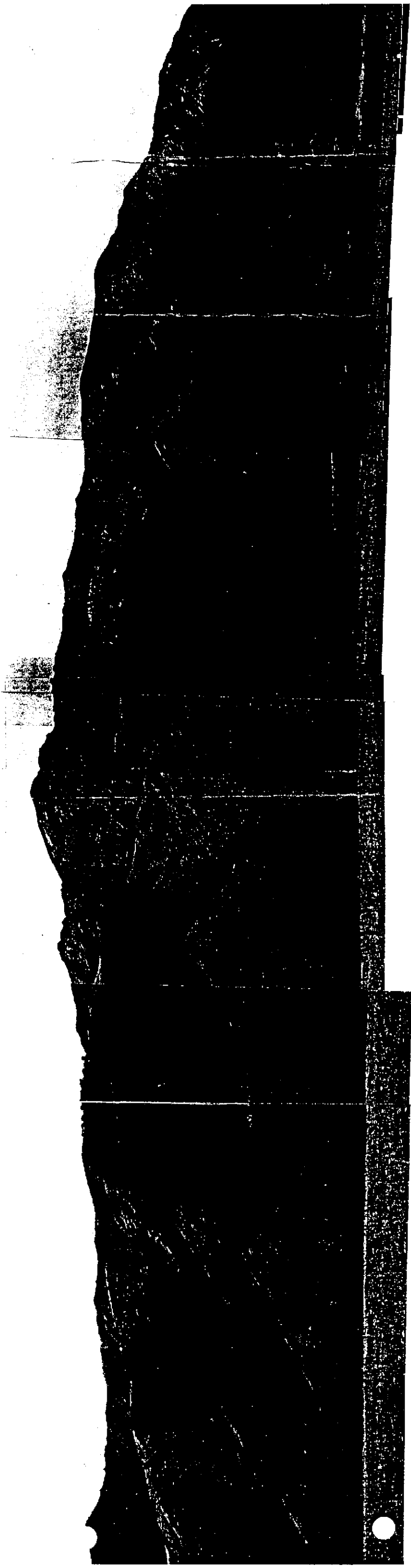
←  
Dover  
Stream

Landscape Panorama 3  
May 2002 from ~~the~~ north bank of Waivua River  
Three of the four gullies between Dover Stream  
, and Bull Paddock Flat which deserve protection  
as conservation lan

Conservation      Revised boundary.  
Free hold

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OFFICIAL INFORMATION ACT

m



Dover Stream  
←

Landscape Panorama 2 - from the monument. SH 63, May 2002.

Gullies to north-west of Dover Stream and between Dover stream, Bull Paddock Flat which deserve protection as conservation land

conservation Revised boundary between conservation  
freehold & freehold land

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- from the monument SH 63, May 2002.  
over stream and  
Paddock Flat which  
reservation land  
ery between conservation  
& land



Bush Camp Stream  
Burning on true right

Landscape panorama 1 from  
May 2002

Unnamed gully  
burning on true right

from north bank Wairau River.

Dover Stream

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Conservation  
Freehold

Revised boundary  
between conservation and  
freehold land.



Region

Photograph 1

May 2002 From knoll on true left  
of bush camp stream - recent burning on  
true right looking downstream Waitara River

Rugby

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OFFICIAL INFORMATION ACT

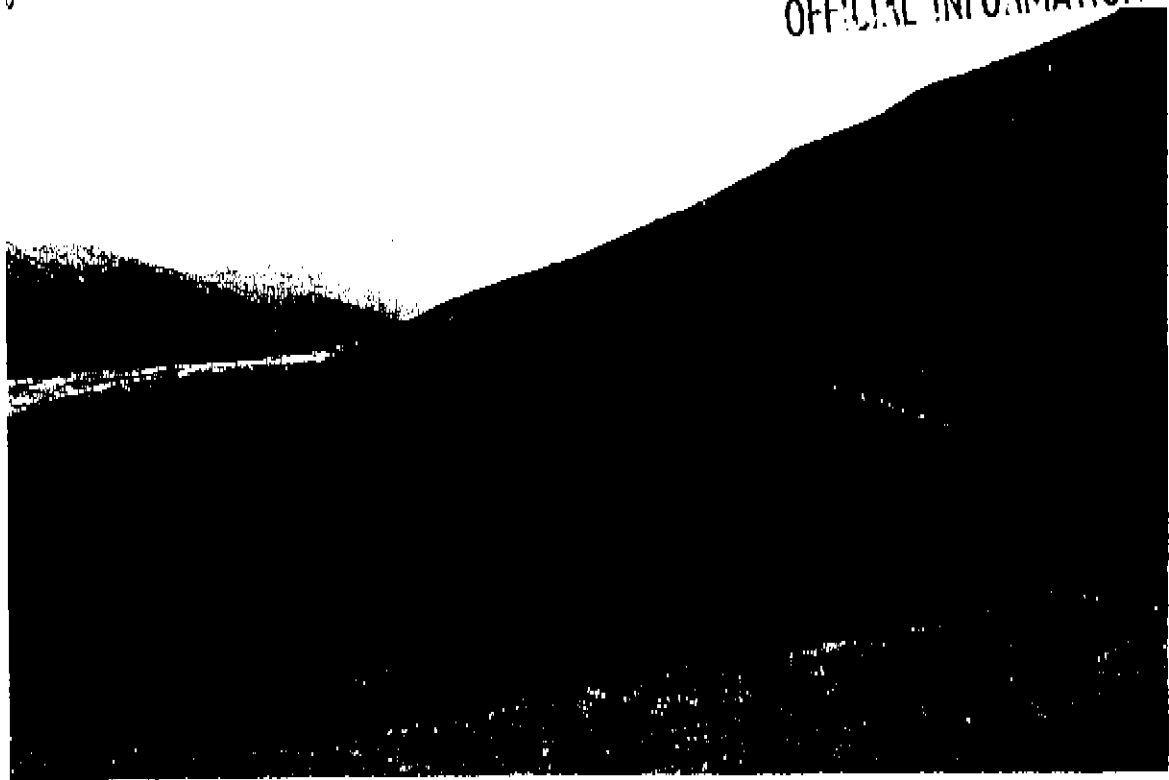


Photo 2

Recent burning Bush Camp Stream area  
May 2002



Photo 3

Recent burning Bush Camp Stream area  
May 2002





Region

Photo 4

May 2002 Recent burning in gully to north-  
west of Bush Camp Stream  
NOTE burning to stream margin



Photo 5

May 2002

Recent burning in gully to  
northwest of Bush Camp Stream

Approvals

Streams shown labelled A - E will be subject to Section 24(9) Conservation Act 1987 (marginal strip upon the renewal of the Pastoral Lease under the Land Act 1948.

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DATUM : GEODETIC 1949  
CIRCUIT : MARLBOROUGH  
ORIGIN : GOULTER HILL  
700000mN 300000mE

Sections annotated 'Marginal Strip' are marginal strips by Section 24(3) of the Conservation Act 1987

Streams shown labelled A - E have been digitise from Infomap 270 Topoplots.  
Pastoral Lease No 19 encompasses Pt Run 217 and Sections 1 & 2 SO 6565.

Total Area

Comprised in CT 46/197

I, Philip Dudley NORTON  
Registered Surveyor and holder of an annual practicing certificate may act as a registered surveyor pursuant to section 27 of the Survey Act 1986. I hereby certify that this plan has been made from surveys executed by me or under my direction, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1977 or any regulations made in substitution thereof.

Dated at Blenheim this 29th day of April 1993  
Signature

Field Book A  
Reference Plans

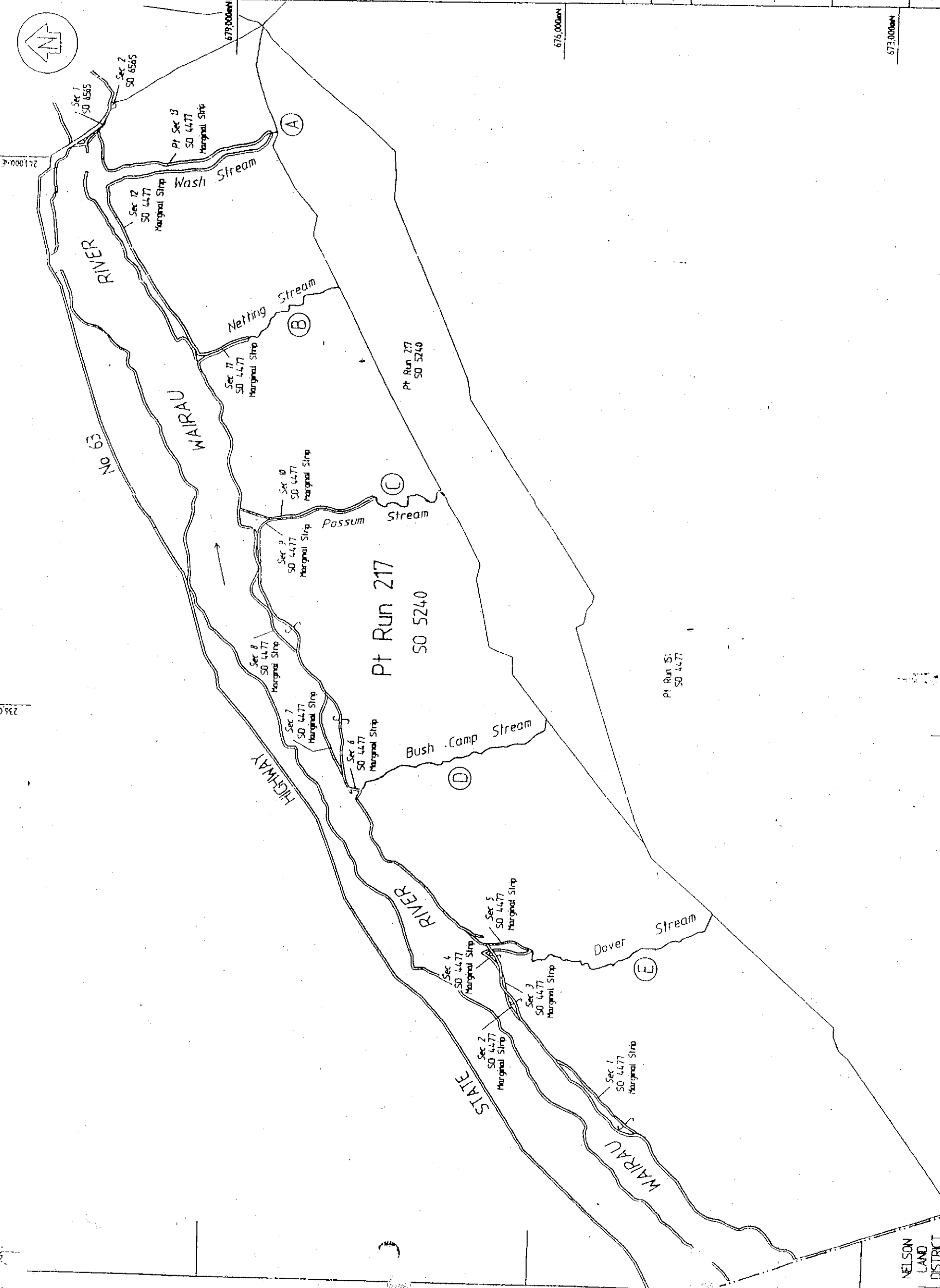
Examined 23-4-93  
Correct Reason 4-5-93

Approved for Record Purposes  
Chief Surveyor

44/5/1993

Deposited this day of 19....

RELEASED UNDER THE OFFICIAL INFORMATION ACT



COMPILED PLAN

TERRITORIAL AUTHORITY: MARLBOROUGH DISTRICT  
Surveyed by Dept of Survey and Land Information  
Scale 1:25000  
Date MARCH 1993

Waterways in Pastoral Lease No 19  
along which Sec 24 Conservation Act 1987 applies

LAND DISTRICT: MARLBOROUGH  
Survey Blk. & Dist. III, IV, V RAGLAN & I LEATHAM  
NZMS 261 Sheet N29 Rcd Map No. 1.1 & 2.1