

Crown Pastoral Land Tenure Review (Under Part 3)

License name : GLENLEE

License ref : PL5840145.1

Public Submissions

These submissions were received as a result of the public advertising of the Preliminary Proposal for Tenure Review (Under Part 3).

These submissions are released under the Official Information Act 1982.

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Submission for the Glenlee lease review

First I would like to give my background I live in the Avon Valley and own a 500ha block of bush which boudaries the Ferny Gair DOC land. The Glenlee land under review will become part of this Ferny Gair block. I give the public access to this block at the moment and it is the best public access from the Avon. I have lived here all my life im 60 years old I farmed steep hill country here for 30 years with 5000 stock units. then divorced and sold the farm land but kept the bush block. I have spent a lot of time in the South island high country as a hunting guide for Chamios and Thar, I have also worked for DOC as a ranger on Molesworth and elsewhere on historic buildings. My brother and I protected a large area of bush with a QE11 covenant in the 1980s and have always been conservation minded. I am the local Historian in the Waihopai and are writing a book on the history of the Valley.

History

A few points I would like to add to the Glenlee report.

The first person to take up the Redwood run was Frederick Witherby in 1848, he sold to W Adams in 1851 who called it Redwood, the report stated W Adams was the first owner.

The Bridle track into the Avon saddle and down the Grey was first cut in 1864 by unemployed miners [marl express] it was later improved into a dray road as far as the saddle in late 19th or early 20th. It was a well used stock route and for travellers from the Wairau plains to Canterbury up until the second world war when the main trunk railway was completed down the coast.

The Avon Saddle and down the Grey on the Glenlee boundary was one of 4 routes considered for the main trunk railway in 1875 it was measured as being 4 miles shorter than the chosen route[marl express], also as late as 1946 this route was considered as a new tourist route to Hamner springs[scrutiny on the county]

Fences, the fences up the Grey to the bush in the Avon 12 miles, up the Teme 5miles, and onto Ferny Gair 1/2mile , and elsewhere in the area under review were tendered for and cartage of gear tendered for in 1878[Marl express] a lot earlier then expected and a lot earlier than mentioned in the report. So they are covered under the historic places act. Note new fencing material was flown in to the Teme ,Penk saddle by the then Land and Survey to fix the boundary fence in the 1970s.

Maori History in the area

There was a Maori summer camp at the mouth of the Teme which was the site of a slaughter of a remnant of the Rangitane in 1834 by Ngaitahu, The Ngaitahu where returning south via the Avon saddle Grey river route after having come north to fight Te Rauparaha. This proves this route was well known to the Maori.

In the 1980s a musterer found a small Maori adze on Glenlee in the Teme basin, in the holding paddock it is now in the Canterbury museum this also proves the area was used by the Maori.

The Teme basin hut on Glenlee was built by the forest service in the 1960s also a bulldozed road up the Teme to the Glenlee boundary was built at the same time both used in wild animal control, The Leaseholder should not be compensated for this hut as the taxpayer paid for it once already.

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Access into the area

I see the main access into this area as being via the Ferny Gair block either up the Teme or up the Tummil another route could be up the Grey and into Cow stream

The Grey route, legal access should be gained via this review from the legal road in the Grey into Cow stream to the new boundary so the Cow stream hut can be used by the public.

The Teme route, There is a legal road up the Teme that DOC and the Walking access Com is working on opening up for the public this will join up with the old bulldozed road that runs to the Glenlee boundary in the Teme basin this will give a relatively easy days walk to the Teme basin hut on Glenlee from the Main Avon valley public road.

The Tummil catchment route. As mentioned earlier the public has easy access via my land into the Ferny Gair block and my family intend on keeping it that way but if it stops there is a legal road up the Tummil. I have with DOCs permission cut many km of tracks in this DOC land including one to the top of the Ferny Gair range 5000ft from the Lake Alexander hut. This track leads to a straight forward route via the range to the Teme Basin and Penk huts. The track up the Teme and the Tummil both lead to the Teme basin hut on Glenlee which makes it a 3 day loop walk that could be enjoyed by many. I have done it several times in the past with permission of the Glenlee owners. From the Teme Basin hut on Glenlee it is a days walk to the hut in Cow stream on Glenlee .If public access could be secured from the cow stream hut to the legal road in the Grey it would link the Waihopai and Awatere catchments to trampers I feel this is very important and could be the only opportunity to do it.

Grazing

No future grazing should be permitted in the area under review as it is very marginal country and no stock should be permitted to be driven over this country to and from the freehold strips, the only practicle way to get stock into and out of the freehold strips in the Penk catchment is via the Teme Basin and or Cow Stream. If stock movement is stopped the landlocked leased strips under review will be protected from grazing.

My Father was instrumental in having the whole Ferny Gair block closed up from grazing in 1948 it was ravaged by goats deer pigs and wild and domestic sheep. A lot of it was open country and in my familys lifetime we have seen it revert right back to quality bush, Beech forest, and regeneration of protocarps and many other plants either rare or endemic to south Marlborough. We now see Parakeets weka and a Blue duck in the area all supposed to not be there. It would be short sighted to allow grazing to continue on the ajoining land which could in a similar time period surprise us with its regeneration. Also all my life I have seen Glenlee sheep on parts of the DOC land including at 5500 ft so restricting them from the perimeters of the existing Ferny Gair block can only be good.

Yours Bernard Mason
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Ph 03 5724803



Commissioner of Crown Lands
Land Information New Zealand.

22 July 2019.

Dear Mr Harris,

Review of Glenlee Crown land

Federated Mountain Clubs was founded in 1931 and advocates for New Zealand's backcountry and outdoor recreation on behalf of more than 24,000 members in 90 clubs. This core function gives our organisation a strong interest in the review of tenure of Crown land as, through the process, land can be designated for conservation purposes.

Crown Pastoral Land Act 1998 (Part 3 - Reviews of other Crown land)

We note that this review is of a renewable occupation licence, not a pastoral lease, and is being undertaken under Part 3 of the Crown Pastoral Land Act. The priorities of this part of the Act are clear:

Section 83 Objects of Part 3

The objects of this Part are-

- (a) to promote the management of Crown land in a way that is ecologically sustainable; and*
- (b) to enable the protection of significant inherent values of Crown land*

It is equally clear that the following considerations are secondary:

- (c) subject to paragraphs (a) and (b), to make easier-*
 - (i) the securing of public access to and enjoyment of Crown land; and*
 - (ii) the freehold disposal of Crown land capable of economic use.*

The review must be in accordance with the objects of the statute. Negotiation (except in respect of details), fairness, and perception of fairness are not relevant considerations.

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Significance

We note the Department of Conservation's criteria for assessing significance:

- * Representativeness (*the extent to which indigenous biodiversity is typical of the natural diversity of the relevant Ecological District*).
- * Rarity and special features (*rarity is the natural or induced scarcity of biological, physical, and ecological features within an area; special features identify unusual or distinctive features of an area*).
- * Naturalness (*relative absence of human disturbance or modification within an Ecological District*).
- * Size and shape, buffering/surrounding landscape and boundaries (ecological context) (*extent to which the size and configuration of an area and its degree of buffering from a surrounding landscape affect its ability to maintain its indigenous biodiversity*).

Glenlee

This 5,787 hectare Crown land parcel in Marlborough's Awatere valley is mostly steep and with naturally low fertility. Its management has been conservative and its natural values, from single species to large-scale systems and landscape qualities, are largely intact.

Adjoining public conservation land includes the Ferny Gair Conservation Area to the north, the Big Bolton Conservation Area to the east, and the Glazebrook Conservation Area to the west.

A number of legal roads, in many cases not yet formed, provide access to Glenlee.

Proposed CA1

This 1,250 hectare block of mountainous country in Glenlee's northwest is very intact, with landscape coherence and unbroken botanical altitudinal sequences. Faunal elements are largely where they are to be expected. Such representativeness and naturalness are significant.

Special features include the Recovering New Zealand falcon (*Falco novaseelandiae*) and the Nationally Vulnerable moth *Asaphodes aborata*.

The proposed area has some contiguousness with the Ferny Gair Conservation Area.

There is strong potential for increased tramping and hunting in the area.

Recommendation:

- * **that proposed CA1 be adopted.**

Proposed CA2

Focussed on the upper eastern Tin Hut Stream catchment, this proposed 721 hectare block contains intact landscape and botanical altitudinal sequences. Representativeness and naturalness such as these are significant.

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Special features include numerous At Risk plants, the Nationally Critical pink broom (*Carmichaelia australis*), the Declining New Zealand pipit (*Anthus novaseelandiae*), and the Declining Canterbury galaxias (Northern) (*Galaxias vulgaris*).

There is strong potential for increased tramping, climbing, and hunting in the area.

Recommendation:

*** that proposed CA2 be adopted.**

Proposed CA3

This 824 hectare proposed block contains strongly intact landscape and botanical altitudinal sequences. Such representativeness and naturalness are significant.

Special features include numerous Naturally Uncommon plants such as Cockayne's mountain daisy (*Celmisia cockayneana*) and blue fescue (*Festuca matthewsii*), and the Declining New Zealand pipit (*Anthus novaseelandiae*).

The block has significant contiguousness with the Big Bolton Conservation Area.

There is strong potential for increased tramping, climbing, and hunting in the area.

Recommendation:

*** that proposed CA3 be adopted.**

Proposed CA4

Centred on the south branch of the Penk River, this 994 hectare proposed block has highly intact landscape values and largely intact and recovering botanical systems throughout its altitudinal sequence. Representativeness and naturalness such as these are significant.

Special features include numerous At Risk plants as well as the Nationally Critical mahoe (*Melicytus* aff. *crassifolius* 'cliff') and the Nationally Vulnerable bristle grass (*Rytidosperma merum*); and the Recovering New Zealand falcon, the Declining New Zealand pipit (*Anthus novaseelandiae*), and the Declining Canterbury galaxias (Northern) (*Galaxias vulgaris*).

There is significant contiguousness with the Ferny Gair and Big Bolton Conservation Areas.

There is strong potential for increased tramping, mountain biking, and hunting in the area.

Recommendation:

*** that proposed CA4 be adopted.**

Proposed CA5

Landscape and botanical intactness are largely strong or recovering in this 1,103 hectare proposed block in the upper parts of the Teme catchment. There is significance in such representativeness and naturalness.

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Special features include numerous At Risk plants. There are also the Nationally Critical mountain myrrh (*Charerophyllum colensoi* var. *delicatulum*) and *Epilobium pictum*, and the Nationally Endangered Creeping cudweed (*Euchiton ensifer*). Special faunal features include the Nationally Vulnerable moth *Asaphodes obarata*, and the Declining New Zealand pipit (*Anthus novaseelandiae*) and the Canterbury galaxias (Northern) (*Galaxias vulgaris*).

There is significant contiguousness with the Ferny Gair Conservation Area.

There is strong potential for tramping and hunting in the area.

Recommendation:

*** that proposed CA5 be adopted.**

Proposed CA6

This 358 hectare proposed block in the upper Cow Stream has strongly intact landscape and botanical altitudinal sequences. Representativeness and naturalness such as these are significant.

Special features include the Recovering New Zealand falcon (*Falco novaseelandiae*), the Declining *Celmisia insignis*, and the Relict moth *Meterana exquisita*.

There is strong contiguousness with proposed blocks of public conservation land to the north and west.

There is strong potential for tramping and hunting.

Recommendation:

*** that proposed CA6 be adopted.**

Proposed SL1

Centred on the upper parts of the west branch of Tin Hut Stream, this 480 hectare proposed block has intact landscape values and largely intact botanical values throughout their altitudinal sequences. Representativeness and naturalness such as these are significant.

Special features include several At Risk plant species and the Nationally Endangered Creeping cudweed (*Euchiton ensifer*). Special faunal features include the Declining New Zealand pipit (*Anthus novaseelandiae*).

There is strong contiguousness with proposed blocks of public conservation land to the north, west, and east.

There is clear potential for tramping, climbing, and hunting.

The robust values of this proposed block are consonant with those of the other blocks proposed in this review. Their protection is the appropriate and lawful outcome of this process. A short lease would be inappropriate in the context of this review and the natural values it has enabled to be documented; the 20-year special lease proposed would be more so.

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The assertion that this block is 'inseparable from the adjacent Glenlee freehold' is unacceptable. The separability of other land parcels in the region could provide practical guidance on achieving the separation of this one.

For the review to be in accordance with the statute, which prioritises the protection of natural values, this block should become public conservation land along with most of the rest of the relevant land.

Recommendations:

- * that proposed SL1 not be adopted.
- * that proposed SL1 become public conservation land due to its robust significant inherent values.

Proposed FH1

Proposed creation of this 58 hectare block, to the southwest of the Tin Hut and Barometer land parcels, has a degree of reasonableness, as many of its values have been degraded.

However, the block is Crown land, is not devoid of values, and is not unrestorable. It has significance, albeit reduced.

Therefore, FMC proposes a quid pro quo, probably involving one of the eastern gridiron freehold blocks. The Department of Conservation should be involved in determining the best option. Benefits to conservation values of such an exchange would be reduction of edge effects and increased contiguity. Benefit to the licensee would be fee simple title to easily accessible low country already managed as part of the existing farm operation.

Recommendation:

- * that proposed FH1 be adopted conditional on consideration of a quid pro quo as described above.

Land classification

This review should 'enable the protection of significant inherent values'. All land to become public conservation land will need classification that ensures genuine protection ensues.

Technical data informing this stage of the review are appropriate for informing decision-making on final classification.

We understand that if the land is to be held under the Conservation Act 1987, it will first have stewardship classification. However, this classification does not ensure protection through appropriate management and does not provide protection from exchange (s16A(1) says: *Subject to subsections (2) and (3), the Minister may, by notice in the Gazette, authorise the exchange of any stewardship area or any part of any stewardship area for any other land*).

Consequently, a process to expedite specific appropriate classification of the public conservation land created should be set up prior to conclusion of the review.

Recommendation:

- * that a process to expedite specific appropriate classification of public conservation land created be established prior to the review's conclusion.

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Summary

Many aspects of the proposal for the review of tenure of Glenlee are in accordance with the statute. The land proposed for full Crown ownership and control as public conservation land: contains largely intact values that are high in representativeness and naturalness; has a range of special features; and has robust contiguity with existing conservation areas and other parts of the property proposed for such protection.

However, adjustments must be made to the proposal to bring it properly into line with the statute. These are described above and will be achieved readily.

Significant inherent values' protection is not certain when the land is designated as stewardship (conservation area). Therefore, a process to expedite end-point appropriate classification should be set up prior to the review's conclusion.

FMC iterates that the review is not a bargaining process. Negotiation (except with respect to minor details), fairness, and perception of fairness are not relevant considerations. The process must best give effect to the objects of Part 3 of the Crown Pastoral Land Act 1998.

Your sincerely,

Jan Finlayson,
president and tenure review committee convenor.

FMC – FEDERATED MOUNTAIN CLUBS

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22 July 2019

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To Whom It May Concern

Re: Submission on Preliminary Proposal for review of Glenlee Occupation Licence

Thank you for the opportunity to submit on this preliminary proposal.

Background

Forest & Bird is a not-for-profit charitable organisation that has been active since 1923. We have over 70,000 members and supporters across Aotearoa/New Zealand. The purpose of Forest & Bird is *"to take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and natural features of New Zealand."*

We have a branch in Marlborough that has been active since the 1960s and have been involved in conservation action and advocacy since that time.

Submission

Forest & Bird generally supports the thrust of the preliminary proposal, but has some concerns. Forest & Bird has read the reports in full. We had hoped to attend the site visit, but it ultimately clashed with our Annual General Meeting in Wellington, and were therefore unable to attend.

Crown Pastoral Land Act 1998 (Part 3)

We note the land is being reviewed in accordance with Section 83 which outlines the priority of managing the lands so they are ecologically sustainable; and enabling protection of significant inherent values.

We also note that public access and freehold disposal for economic use are secondary values, subject to the aforementioned.

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Therefore we expect this proposal to ensure the land is managed so that it is ecologically sustainable and enables protection of significant inherent values.

Proposed Designations

1. Approximately 5,249 hectares to be retained in full Crown ownership and control as a conservation area ...

Forest & Bird fully supports the retention of these lands in full Crown ownership because of their inherent significant values, and to better protect those values in an ecologically sustainable manner. All of the matters we consider relevant have been outlined in the summary of preliminary proposal outcomes, and other conservation related reports.

We support the land to be controlled as a Conservation Area, and urge appropriate classification in the longer term.

Forest & Bird note the value of the Penk Land system (pp23 – 26), and the issue with the unusual grid boundaries between freehold and Crown land. We would urge some resolution to this if possible through boundary alignment. This could potentially become an opportunity through the desire to freehold 58 hectares (see below).

2. Approximately 480 hectares to be designated as land suitable for disposal by special lease ...

Forest & Bird do not support the rationale for this land being granted special lease for the following reasons:

1. The land has similar or equal values to other lands to be protected under section 86(5)(a)(i) of the CPLA as is evidenced in the various conservation reports, especially *4.3 Mt Hall Land System* (pp 14- 16) in the public information package.
2. The reason for disposing of the land as a special lease is because of difficulty in excluding the stock from adjoining freehold area. Forest & Bird argues this is not an appropriate reason for disposal as it does not meet the legislative requirements. This argument could then be touted for any Crown land with adjoining freehold.
3. The land contains a number of values that could be compromised by grazing, e.g. the presence of four “at risk” and one “threatened” plant species.
4. Cattle are an inappropriate species within this environment as they can damage short stature vegetation.
5. This disposal does not provide adequately for public access.
6. The proposal for a 20 year special lease is too long.

If, after careful consideration, it is determined that the land should be leased we would ask for the following requirements to be met:

1. Only sheep would be allowed into the area because of the presence of endangered plant species.
2. The lease should be for 10 years only.
3. There should be an agreed pest animal and plant control plan.

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4. There should be a formally agreed public access whereby the public were not excluded from the area.

However, in saying this, we want to assure LINZ that we do not support this proposal as it stands.

3. *Approximately 58 hectares to be designated as land suitable for disposal in fee simple under the Land Act 1948 ...*

Forest & Bird is ambivalent about the disposal of this land, however we have some concerns:

1. It assumes that no public access is available to the area, and yet large swathes of connected land have public access. It appears as though public access may be difficult into this area, BECAUSE of the status of the land as it currently operates, rather than because of difficulty in access *per se*.
2. There may be an opportunity here to retain marginal strips (as is proposed in the public notification).
3. There may be an opportunity to “swap” this for the land in the Penk catchment (proposed area for protection CA4).

Other matters

Forest & Bird acknowledges the launch of the Kotahitanga mō te Taiao Alliance strategy – an alliance between the Department of Conservation, Councils across Te Tau Ihu (top of the South Island) including Marlborough District Council, and various iwi who hold manawhenua across the region.

This strategy outlines some bold ecological transformative opportunities for the wider region. The full strategy can be accessed here:

<https://www.doc.govt.nz/contentassets/cf2bf2f877544dc29594442365ca797c/kotahitanga-mo-te-taiao-strategy.pdf>

I have attached the pages of the strategy that relate to the Inland Marlborough region as Appendix One. The securing of this land and reducing ongoing pressures from past stock management regimes, will help to restore this important dryland ecosystem.

Conclusion

There is no doubt that this area holds very high natural values. South Marlborough is one of five hotspots of national importance for endemism, and Glenlee is firmly within that realm. The retention of high natural values is testament to the low pressure on the land – although some species are very fragile to disturbance of any sort. We strongly urge protection of these values and management by the Crown.

We appreciate that the land has had at least some management for pest animal and plant control – and we would urge that the return of management to Crown hands should result in ongoing pest control. Of significant concern are wilding conifers and ungulates.

Glenlee is public land (albeit held by the Crown) and is the inheritance right of all who live in New Zealand. Whilst we accept that an adjoining landholder has had the opportunity to benefit from the use of these lands over several years, the purpose of the Act is to ensure ecologically sustainable Royal Forest & Bird Protection Society of NZ Inc/Glenlee Occupation Licence

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management, and the protection of areas of significant inherent value. We do not support the alienation of land from the public estate unless there are no values, NOR any reasonable opportunity for the values to be better protected, enhanced and restored. In this instance the high values exist, and the potential for further restoration, and public enjoyment, is attainable.

Again, thank you for the opportunity to submit on this proposal. If there is any forum in which we can be heard, we would like to take the opportunity to do so.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Debs Martin', written over a horizontal line.

Debs Martin, QSM

Regional Manager

9. Inland Marlborough

Character	<p>Inland Marlborough is one of five major centres of species endemism nationally, with a large number of threatened and at-risk species. It is influenced by easterly weather patterns and low rainfall, leading to dryland ecosystem types with a strong rainfall gradient west to east, dropping very quickly – a strong driver. It includes mountainous areas and alpine communities with extremes of wet/dry and hot/cold. The Clarence River is the last relatively unmodified braided river system in the eastern South Island. Inland Marlborough has a diverse network of lakes, tarns and wetlands. This area is thinly populated and economic gains are via farming, tourism and forestry. Community connection and belonging are a key attribute for people living in these areas.</p> <p>Challenges:</p> <ul style="list-style-type: none"> • The whole area has been burned and grazed to a point where the unique suite of native species and communities are reduced to scattered remnants. <p>Building blocks:</p> <ul style="list-style-type: none"> • Molesworth offers an opportunity to create a centre of excellence in dryland ecosystem restoration. This would require major new funding to allow a science-led approach to understanding how to coordinate ecosystem restoration at a landscape level in these dry, poorly understood ecosystems. • The area is managed as a Recreation Reserve by the Department of Conservation and the current farming lease expires in June 2020. A review of the management plan is under consideration. • There is an opportunity here to explore reconnection of fragmented ecosystems with building connected communities.
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Our Shared Future

Te Waiau Toa dryland ecosystem has become the focus of dryland ecosystem management in New Zealand. The Waiau Toa Centre of Dryland Ecosystem restoration has grown from small beginnings to create and model innovative approaches to large scale management of weeds and pests, and transitions to sustainable land uses. Many threatened species have become secure and new species have been discovered, as survey and monitoring has intensified. Ecotourism has developed as a feature of the region, carefully managed to avoid risks of fire and overuse of sensitive areas such as lakes. Rare species and threatened ecosystems survive and are restored to thrive, and communities are able to co-exist with these ecosystems in a sustainable manner.

What we want to achieve	This is what success looks like	How to get there
IM 9.0 A landscape free of pest ungulates and exotic woody species (esp. wilding conifers) and land uses in harmony with the restored ecosystems. (Outcomes 1,2 and 5)	Wilding trees have been brought under control.	Control wilding tree species.
	Native shrublands in dry environments have been restored.	Work with landowners to reduce the impact of domestic stock within significant natural areas and other ecologically significant sites, control pest browsers and

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		weeds to build up native woody shrubland species.
	Restored river banks.	Remove willows where appropriate and restore riparian margins with indigenous species.
	Rowan in low densities.	Control rowan at Hanmer Forest.
IM 9.1 Braided river bird populations are sustained. (Outcomes 1, 2 and 5)	Sustained numbers of braided river birds.	Control predators to protect braided river birds and waterfowl, and to ensure increased diversity of birdlife as a result of habitat changes.
IM 9.2 The formal identification and protection of key land area that are important to biodiversity (Outcome 2)	There has been an increase in protection of key land areas.	Promote and support land purchases and creation of reserves. Promote and protect Significant Natural Areas in association with landowners.
IM 9.3 The restoration of ecological processes that will allow the natural regeneration of native species. (Outcomes 2 and 5)	Mosaic of native seed sources established throughout.	Protect existing beech forest areas as future seed source. Re-introduce native seed sources. Manage ecosystems recovering post-earthquake. Plant strategically to allow natural processes to happen. Restore wetlands.
IM 9.4 Matauranga Māori and science led restoration. (Outcomes 1, 2, 4 and 5)	Working in partnership with iwi to scope and co-design Waiau Toa Centre of Dryland Ecosystem Excellence.	Create a centre of excellence in dryland ecosystem restoration based in Molesworth Waiau Toa.
		Model what vegetation was previously located in the Molesworth Waiau Toa, research large-scale control techniques for pests and weeds and for staged restoration managing the effects of de-stocking herbivore pressure reduction.



HERITAGE NEW ZEALAND
POUHERE TAONGA

Crown Land Disposal Advice: Submission on the Preliminary Proposal for Pastoral Lease Tenure Review

Pastoral lease name: Glenlee

10 July 2019

Property Number: Om 025

Legal description: Run 109A

Heritage New Zealand reference: CLDA2019-004

Heritage New Zealand Pouhere Taonga submission on the preliminary proposal for Glenlee pastoral lease tenure review

1. Heritage New Zealand Pouhere Taonga (the submitter) is an autonomous Crown Entity with responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014 and the Crown Land Disposal process to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand.¹
2. The submitter **supports in principle** the Glenlee preliminary proposal (the proposal) publically notified on 29 May 2019.
3. This submission relates specifically to historic resources within the land under proposal.
4. The proposal relates to part of the New Zealand pastoral lease landscape encompassed by Glenlee station in Marlborough.
5. There are a number of archaeological sites recorded in the New Zealand Archaeological Association's Site Recording scheme (NZAA) at the subject land. The sites identified within the subject land are listed in Table 1.

Table 1 – Identified NZAA sites within the Glenlee proposal for pastoral lease tenure review

NZAA site record	Site description	Date	NZAA marker coordinates (NZTM) ²	Preliminary Proposal Designation	Preliminary Proposal Historic
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¹ See Cabinet requirements: CAB min (07) 31/1a, DOM (11) 28, CAB Min (09) 35/4

² Please note that the markers do not necessarily indicate the full extent of the NZAA recorded sites.

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no.				reference	Site reference ³
O29/5	Old Cow Stream Hut	Possibly early 20th century ⁴	E 1647810 N 5370312	CA6 ⁵	Hist 2
O29/6	Fence	Possibly early 20th century	E 1648749 N 5370697	CA6 or CA1	Hist 4
O29/7	Cairn/Trig mark	Unknown	E 1649698 N 5371094	CA5 or SL1	Hist 5
O29/8	Fence	Late 19th and/or early 20th century	E 1652451 N 5372064	CA5	Hist 7

6. There are also some recorded sites in the subject land’s immediate vicinity, which may extend into the subject land or indicate that there is potential for associated archaeological material to be found in the subject land. These associated NZAA sites are listed in the Table 2.

Table 2 – Identified NZAA sites associated with the Glenlee proposal for pastoral lease tenure review

NZAA site record no.	Site description	Date	Association with subject land	Preliminary Proposal Historic Site reference
O29/4	Avon Saddle horse track	Mid 19th to early 20th century	Approximately 20 metres (m) from subject land and extent/associated material may extend into the subject land	Hist 1
O29/9	Fenced paddock	Late 19th and/or early 20th century	Directly associated with O29/8 which is within the subject land (see Table 1)	Hist 8
O29/10	Hunter’s camp	<i>circa</i> late 19th and/or early 20th century	Approximately 20 metres (m) from subject land and extent/associated material may extend into the subject land	Hist 9

7. Heritage New Zealand notes that the Teme Basin Hut is indicated as potentially having historic values in the ‘Conservation Resources Report’, but it is not indicated on the

³ ‘Crown Property Land Review of Other Crown Land: Conservation Resources Report’, LINZ, May 2019, <https://www.linz.govt.nz/crown-property/crown-pastoral-land/status-and-location-crown-pastoral-land/glenlee-run>, section 2.7, accessed 21 Jun 2019

⁴ Date estimates are those provided on the NZAA site record information for each site. The site record details may require further research or updating.

⁵ See map in ‘Crown Property Land Review of Other Crown Land: Preliminary Proposal’, LINZ, May 2019, <https://www.linz.govt.nz/crown-property/crown-pastoral-land/status-and-location-crown-pastoral-land/glenlee-run>, plate between pp.2-3, accessed 21 Jun 2019

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'Glenlee POL – Historic Values' map in section 2.7. Despite its general location being noted in the narrative about the Yards/Holding Paddocks, Teme Basin, further detail about the hut is not provided in the report.⁶ Therefore, Heritage New Zealand is unable to specifically comment on the heritage values and appropriate protection/s for this place.

8. Heritage New Zealand notes that the Penk Hut is indicated as potentially having historic values in the 'Conservation Resources Report' (Hist 10). Again, there is no further narrative about this place in section 2.7 of the report. Therefore, Heritage New Zealand is unable to specifically comment on the heritage values and appropriate protection/s for this place.
9. The Teme Basin and Penk Huts are not currently NZAA sites. To ensure the continued identification of these places **Heritage New Zealand recommends that NZAA Site Record Forms be prepared by a suitably qualified archaeologist and submitted to the NZAA Site Recording Scheme, if these places are associated with pre-1900 activity.**
10. Heritage New Zealand is satisfied with the significance assessment for the other sites detailed in section 2.7 of the 'Conservation Resources Report'.
11. Heritage New Zealand supports the retention of the built structures on land which is proposed as remaining in Crown ownership, as a conservation area (CA1-6), detailed in the 'Preliminary Proposal' document.⁷
12. It is unclear to Heritage New Zealand if NZAA O29/7 (Hist 5) is located within the land proposed as remaining in Crown ownership, or is within the area proposed for disposal as a special lease (SL1).
 - a. If NZAA O29/7 (Hist 5) is remaining in Crown Ownership, **Heritage New Zealand recommends that this place be added to the list of structures for retention.**
 - b. If NZAA O29/7 (Hist 5) is within SL1, **Heritage New Zealand recommends that the future owner be made aware of its potential heritage/archaeological values.**
13. Archaeological sites that pre-date 1900 are protected under the Heritage New Zealand Pouhere Taonga Act 2014. To ensure appropriate protection of recorded and unrecorded archaeological sites within the land under proposal, we recommend that **a condition be added to the Final Plan to ensure that current and future owners are made aware of recorded and potential archaeological sites** on this land and their responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand is available to provide advice on the wording of conditions relating to historic resources.⁸
14. Heritage New Zealand supports the tenure review process and welcomes the opportunity to provide expert heritage advice prior to the preliminary proposal stage so as not to

⁶ 'Crown Property Land Review of Other Crown Land: Conservation Resources Report'

⁷ 'Crown Property Land Review of Other Crown Land: Preliminary Proposal', p.2

⁸ Please refer to the advisory note regarding archaeological sites which forms part of this submission, p.5

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delay land disposal, especially where heritage values are identified and protection measures recommended.

15. Thank you for the opportunity to comment on Glenlee pastoral lease preliminary proposal for tenure review.

Jamie Jacobs

Director

Central Region

Heritage New Zealand Pouhere Taonga

PO Box 2926

Wellington 6140

infocentral@heritage.org.nz

Advisory Note:

Archaeological Sites and the *Heritage New Zealand Pouhere Taonga Act 2014*

The *Heritage New Zealand Pouhere Taonga Act 2014* makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. If you wish to do any work that may affect an archaeological site you must obtain an authority from Heritage New Zealand before you begin.

This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District or Regional Plan or a resource or building consent has been granted. The Act provides for substantial penalties for unauthorised destruction or modification.

An archaeological site is defined in the *Heritage New Zealand Pouhere Taonga Act 2014* as any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.

As mentioned above, before undertaking any work that may affect an archaeological you must obtain an authority from Heritage New Zealand.

If an owner or potential owner requires further information about their obligations under the *Heritage New Zealand Pouhere Taonga Act* contact: Regional Archaeologist, Heritage New Zealand Central Region, (04) 494 8323 or email archaeologistcr1@heritage.org.nz

Glenlee Station – Submission for Preliminary Proposal of Run 109A



Prepared as a submission
response for Preliminary
Proposal of Run 109A.

Hamilton Family

**Glenlee Station
Private Bag
Blenheim**

03-5757765

01/07/2019

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Appendices

1. Appendix A –
Assessment of Pastoral Occupational Licence March 1991
2. Appendix B –
Map – Preferred Land Designation – Preferred Solution

1. Executive Summary

The purpose of this submission document is to provide a formal response to the Preliminary proposal and highlight the issues the proposal creates.

As stewards and lessee of Run 109A for the past 52 years, we believe the current Preliminary proposal is not a workable solution for either party.

The consultation process has not captured the true views of the family regarding how a meaningful and practical framework may be considered regarding how a longer-term partnership could be created.

The proposal does not address the issue of freehold land gridironed due to the land designations and it has not considered the economic implications of this from an access, fencing and loss of capital value perspective.

Due the legislative and regulatory process, there has been a narrow view regarding the overall land mass and how freehold and leasehold land works together.

The legislative wording of the Part 3 of the CPL Act of how the review is undertaken, has impeded the ability to review freehold land and leasehold land as one land mass and recommend the best outcomes from a conservation and economic viewpoint. We have requested this is addressed so a desirable outcome can be achieved.

This submission highlights not only the key concerns regarding the preliminary proposal but also addresses the economics of the proposed special lease and put forward a 'preferred solution'.

The Hamilton family request that if their 'preferred solution' proposal cannot be accepted due to legal barriers within the legislation concerning Part Three review, that the tenure review is put on hold until such time as legislation change can be made.

The objective of any change would to facilitate pragmatic approach and to achieve practical outcomes.

In particular, the changes being:

- a) allow the option inclusion of freehold land and/or neighbouring conservation area or reserve in a Part 3 review.
- b) That desired covenants are able to be utilised in a Part 3 review.

The 'preferred solution' provided involves reverting 915 hectares of freehold land to full Crown ownership in return for 1623 hectares of leasehold land to be designated as freehold, with consultation between parties of any protective conservation covenants and management of this land that is ecologically sustainable.

The objective is to rationalise complex boundaries, utilise land capable of sustainable economic contribution and to avoid landlocking gridiron freehold land.

The preferred solution outlines several potential public access routes but since the consultation process has been limited, no defined routes through freehold land have been outlined, as this would require further consultation.

We believe the preferred solution deals with the gridiron effect, reduces the need for boundary fencing, captures land suitable for economic benefit with consideration for ecologically sustainability, returns land to crown ownership that is potentially considered with high conservation values and outlines suggestions for public access.

When considering the objectives of Part 3 of the CPL Act, we believe the preferred solution to achieve all of these in workable solution thus being in agreeance by consultation.

2. Background

Glenlee Station is a well- balanced property located on the northern side of the Awatere river and is approximately 11,334 hectares which includes freehold and lease land held in a Pastoral Occupation Licence (POL).

Run 109A has been a Pastoral Occupational Licence since 1951. The lease term was originally 21 years until a further 11-year term was issued in July 1972. Since expiry in 1972, the lease has been rolled yearly, until a 5-year term was issued from the 1st July 2017.

Run 109A is an area 5,787.0046 hectares and is in the Spray and Hodder Survey Districts, with a stock limitation of 1500 sheep. It is currently farmed in conjunction with freehold land of 5,547 hectares.

From historical records, Glenlee Station was first occupied by Edward Bolton in 1851. Since 1966 the property has been occupied by the Hamilton Family when Ian Hamilton bought the property from the Estate of JM Samson.

Ian was joined by his wife Philippa in 1968 and have raised five children on the property. The management of the property now lies with the son, Robert Hamilton, which is supported by involvement from the remaining children (Jane Cooke, Andrew Hamilton, Bruce Hamilton and Jamie Hamilton).

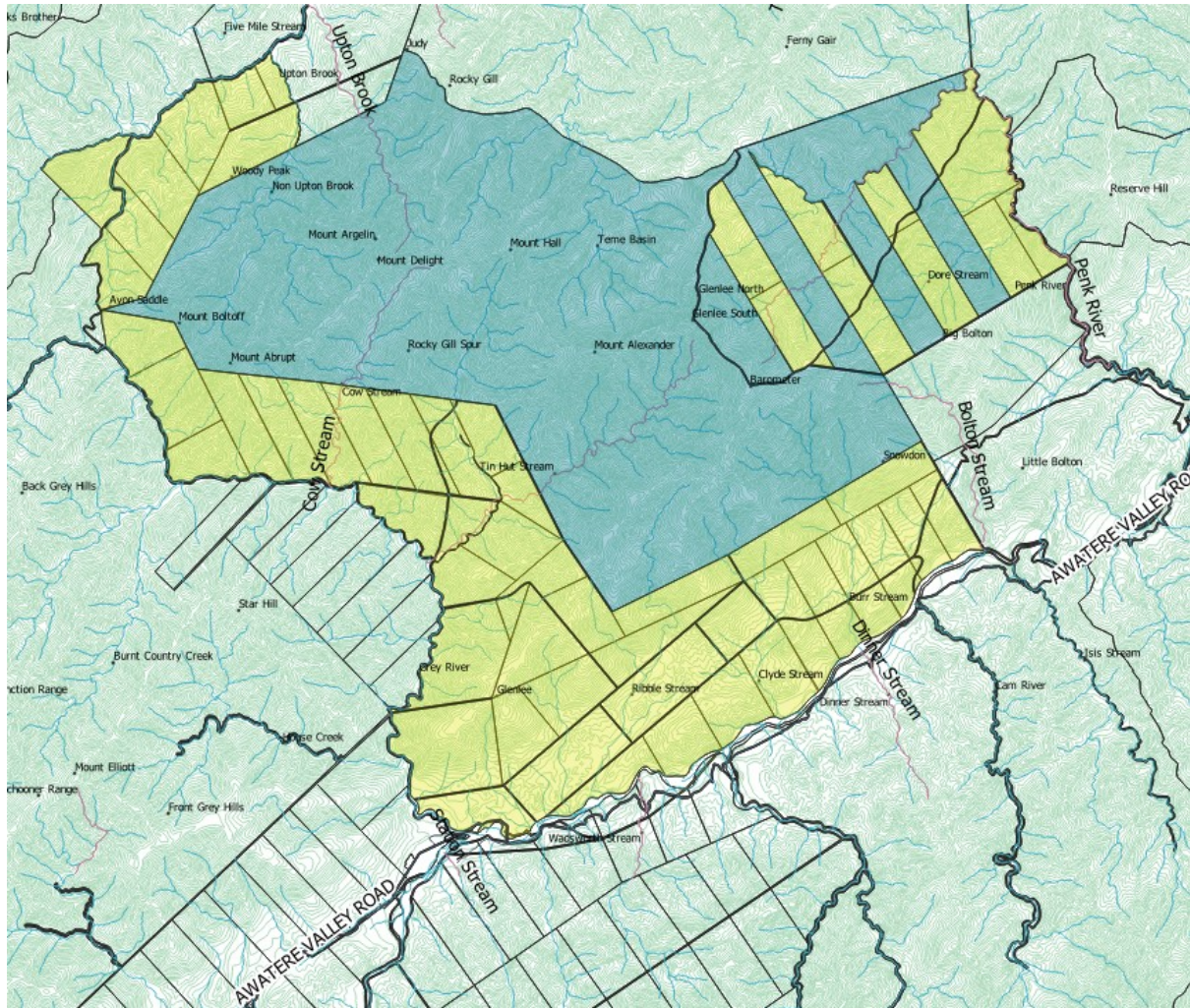
Even though the property is considered a large land mass, economically, the property is marginal due to the overall stocking ability. Currently the property is considered a 4,000-stock unit property, including both freehold and leasehold land.

The property's focus is Merino wool production with a small beef herd. The property has been actively managed by Hamilton family, for the full period of their ownership.

To provide an overall true description of land ownership between freehold and leasehold land, the current gridiron effect and how these areas interact together, please refer to Map 1 reference 'Current land ownership'.

Survey and consenting firm, Landpro based in Cromwell, built references to land areas and maps within this document.

Map 1 – Current Land Ownership



Map Key:

Yellow Areas = Freehold land

Blue Areas = Leasehold land via POL – Run 109A

The property has a large proportion of freehold land that wraps around the leasehold, with areas of freehold gridironed between leasehold land toward the north eastern boundary (and the Penk river and Dore stream).

3. Consultation

As a farming family, we felt the consultation process has not been adequate to capture all information required to provide meaningful and practical outcomes, given the complexities of leasehold and freehold boundaries.

The Hamilton family (Lessee) had requested for a meeting to discuss the aspects concerning Glenlee Run 109A before the preliminary proposal report was made public but was declined due to the legal process.

We have been proactive providing information through email messages and a proposed solution report submitted 21st December 2018 prior to this submission to the preliminary proposal.

It is gathered from subsequent email messages that the Hamilton family report for Run 109A that contains critical information for the review, that was submitted to LINZ on the 21st December 2018 was not viewed by the commissioner or key decision makers before the preliminary proposal was publicly advertised in May 2019.

We request that the commissioner and key decision makers use this submission as consideration for changes to the preliminary proposal.

We requested consideration to achieve a practical and optimal outcome for the land and those involved.

We as the lessee, want interaction to find a way forward given the complex boundaries due to gridiron, not a formalised legal process that prohibits this.

Our intention was to be fully involved in the consultation process and our wishes are to engage with LINZs throughout the process.

It was never our intention that the postponed meeting on the 14th of November 2017 be taken as an end to our initial consultation prior to the preliminary proposal advertised publicly.

Commitment was indicated at the 26th March 2019 Christchurch meeting for legislation change to facilitate desired outcomes for POL tenure review, however If a legislation change cannot be made then we request an Edict with the minister to facilitate pragmatic approach and desired practical outcomes, including positive environmental outcomes.

4. Purpose of Report

To provide a formal submission response to the Crown preliminary proposal dated May 2019. Provided are comments and suggestions from a stewardship perspective to offer our input for consideration.

In addition, consideration has been given to the report completed 28th March 1991, Assessment of Pastoral Occupational Licence completed by SJK Bamford, with Hamilton family input. This assessment provided practical outcomes for gridironed land that were stalled due to the legislative restraints.

We also realise the standards for review under the Part 3 of the Crown Pastoral Land Act 1998 which stipulate the following:

Review of unrenewable occupation licences and unused Crown land are governed by Part 3 of the CPLA. The objects of that Part are set out as follows:

(a) To promote the management of Crown land in a way that is ecologically sustainable; and

(b) To enable the protection of significant inherent values of Crown land; and

(c) Subject to paragraphs (a) and (b), to make easier—

(i) The securing of public access to and enjoyment of Crown land; and

(ii) The freehold disposal of Crown land capable of economic use.

The CCL needs to be provided with complete and up-to-date information on unrenewable occupation licences and unused Crown land proposed for review. It is essential that consultation under the CPLA is completed before decisions are made.

The purpose of this standard is to ensure that Crown land held under unrenewable occupation licences, or unused Crown land, is reviewed in a fair and transparent process that meets the requirements of the legislation.

We are also aware of the current restrictions in legislation when addressing the complexed nature of Run 109A gridironed boundaries. Thus being;

Inclusion of other Land

Part 3 of the CPL Act requires the Commissioner to undertake a review of the land held under an unrenewable occupation licence. The Act does not give the Commissioner the option of including freehold land or neighbouring conservation area or reserve in a Part 3 review.

We request, as part of this submission, the ability for Commissioner to consider the freehold land offered in this proposal in context of the conservation values these areas hold.

Please refer to Appendix A for a copy of the Assessment of Pastoral Occupational Licence completed by SJK Bamford (28th March 1991).

5. Current Management of Run 109A

Historically the POL area has been granted a stocking limitation of 1500 sheep but is not stocked to this capacity as stock trade freely between POL and freehold land. A percentage of the total merino wether flock are now contained on freehold land because of the geological makeup.

Stocking Rate Patterns

The following table outlines average stock numbers on the POL area during the year.

Livestock Movement Timeline												
	2017/2018											
	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18
Glenlee Station												
POL Areas - Teme Basin, Mt Hall Areas												
MA Merino Wethers (900 hd)												
MA Merino Wethers (600)												
MA Merino Wethers (450)												
Fallow Time - 25% pa	winter	winter	winter									

As outlined in the table and due to the trading between freehold and POL areas, the highest stocking rate is 900 head during the spring months with a drop to 600 head and 450 head respectively during the summer, autumn periods to match the pasture growth curve of the land.

The POL area is fallowed for 25% of the time through the winter/early spring period.

Glenlee is run with experienced management that values the importance of conservation and a management regime of rotational grazing, at conservative stocking rates.

We believe for the size of the land mass, that the area is sustainably stocked, and it is totally impractical to fence or physically separate the POL from the freehold areas. If working on an average of 600 wethers or 420 stock units (using the dry sheep ratio), the stocking rate is 0.072 stock units per hectare.

As mentioned in the 1991 report by SJK Bamford, a very small number of sheep that could move into areas above 1400 meters in altitude, but they are not purposefully stocked there. We believe pigs, wild goats and opossums have a serious potential impact on land disturbance and vegetation cover of this type of land.

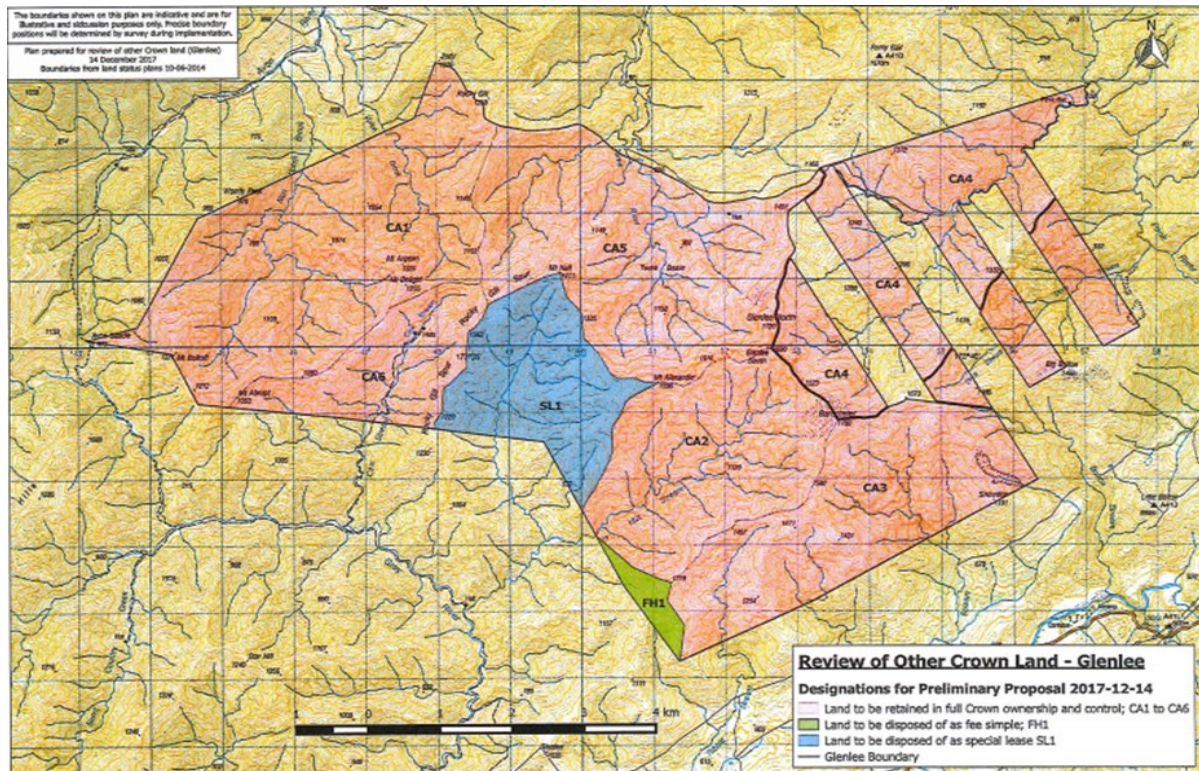
Weed and Pests are a major threat to this POL land area and has been a significant cost to contain. Limited access, even for ourselves, increases the cost of weed and pest control. The area draws feral animals from the vast unoccupied mostly bush clad areas that surround the POL.

Wildling trees are a growing threat to this high country, and we have concerns that if left unchecked that pests and weeds could quickly reach populations that would not only detrimentally affect the POL land but the freehold land that it boundaries.

6. Preliminary Proposal & Designations

The Hamilton family acknowledges and has reviewed the preliminary proposal completed on the May 2019 and would like to provide the following feedback, with reference to Map 2 'Preliminary Proposal Designations Plan':

Map 2 – Preliminary Proposal Designation Plan



- With reference to designations and proposed Deed of Lease for areas SL1, we provide the following comments:
 - Clause 5.1 – permitted use for sheep and cattle, we do not believe that cattle can be sustainably grazed in the designation and could cause land damage and we would prefer them away from the waterways.
 - Clause 7.2 (a) - it would be impossible to contain stock within the designation based on contour and the impracticability to fence the area of SL1. Stock generally move out of this area onto Mt Hall, into the Teme Basin (CA5) and trade with freehold areas. There are stock containment options available within CA6 and CA5.
 - Clause 8.1 - the economic return from 100 stock units versus the management costs and administration cost of the lease would make the venture marginal. Please refer to Table 1 below 'Economic Analysis on Crown Proposal'.

Table 1 – Economic Analysis on Special Lease Proposal

Gross Margin on Special Lease				
Income				
Wool/sales	Head	kg/hd	\$per kg or hd	Total
Wethers	142	5	12	\$ 8,520.00
Culls	21		60	\$ 1,278.00
				\$ 9,798.00
Expenses				
	Hd or SU		\$/hd or SU	
Mustering				\$ 1,850.00
Animal Health	142		3.5	\$ 497.00
Shearing	142		7	\$ 994.00
Weed & Pest				\$ 3,500.00
R & M (tracks)				\$ 3,500.00
Lease compliance				\$ 800.00
				\$11,141.00
Margin				-\$ 1,343.00

- Clause 9.6 – if new fences are required to contain stock within the designation, this is not only cost prohibitive but and is impractical to fence. Stock containment within SL1 is physically impossible to implement.
- Clause 12.1 – public access at all times to SL1 could push stock out of the area to higher altitudes as mentioned this is an undesirable result. Public access at all times would need carefully monitored health and safety considerations in terms of fire in the summer and accessibility risks in winter months.

We believe the special lease proposal is unworkable and is near impossible for the lessee to implement as outlined in the lease document. The current designations, as outlined in the Preliminary Proposal Designations Plan, remove the property balance and its legacy as a high country station.

The current preliminary proposal does not address the issue of gridiron areas of the freehold and leasehold land. It leaves areas of freehold that is landlocked in the north eastern boundary of the property.

It is noted the following differences in the draft proposed designations for consultation versus the publicly notified designations for the preliminary proposal where:

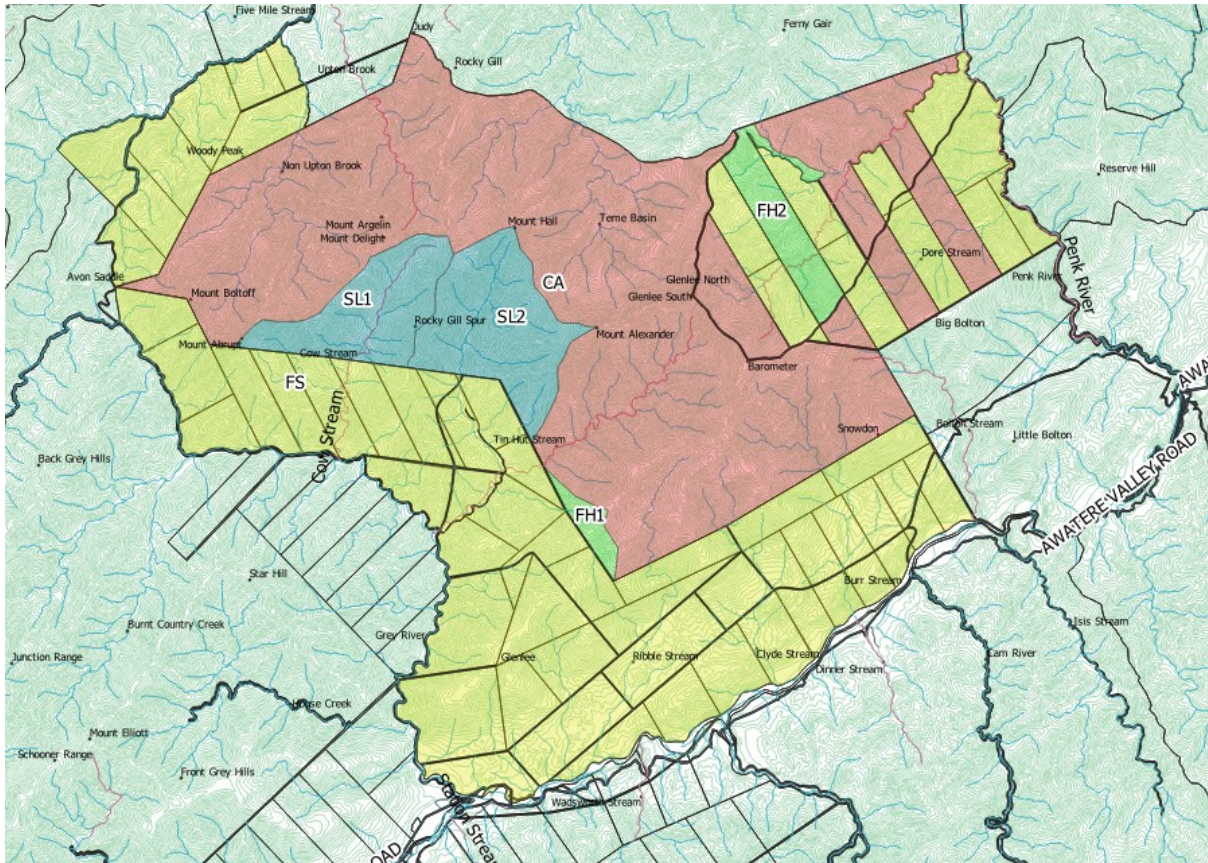
1. Reduction of the proposed special lease area which originally included CA6
2. Reduction of overall stock unit carrying capacity from 180 stock units to 100 stock units.
3. Part of CA4 that was to be offered as freehold and referred to as FH2

When referring to the standard of reviewing unrenovable occupation licences being a fair and transparent process, we would like to highlight that we were not consulted on these changes and therefore feel this standard has not been upheld.

Refer to Map 3 – ‘Preliminary designations with Freehold land included’ which highlights this effect of areas landlocked and gridiron land.

This map also outlines the areas notified within the draft preliminary proposal and are referenced as SL1 & SL2 as well as FH2.

Map 3 –Preliminary designations with Freehold land included



Map Key:

Yellow Areas = Freehold land

Blue Areas = Crown Land to be disposed of as Special Lease

Pink Area = Crown Land to be retained in full Crown Ownership

Green Area = Crown Land to be disposed as freehold.

As a family business, that has occupied and maintained the land for the past 52 years, we feel the Preliminary proposal provides no certainty over the future, no economic viability and that no consideration has been attributed to land, weed and pest management, historically undertaken.

Our family feels the need to put forward what we believe is a workable solution, and we would like the opportunity to do this, as custodians of this land.

7. Preferred Solution and Suggestions

Our proposal outlines the preferred solution in relation to Run 109A. Some of the points raised would need further consultation and an agreement that a common-sense approach is maintained.

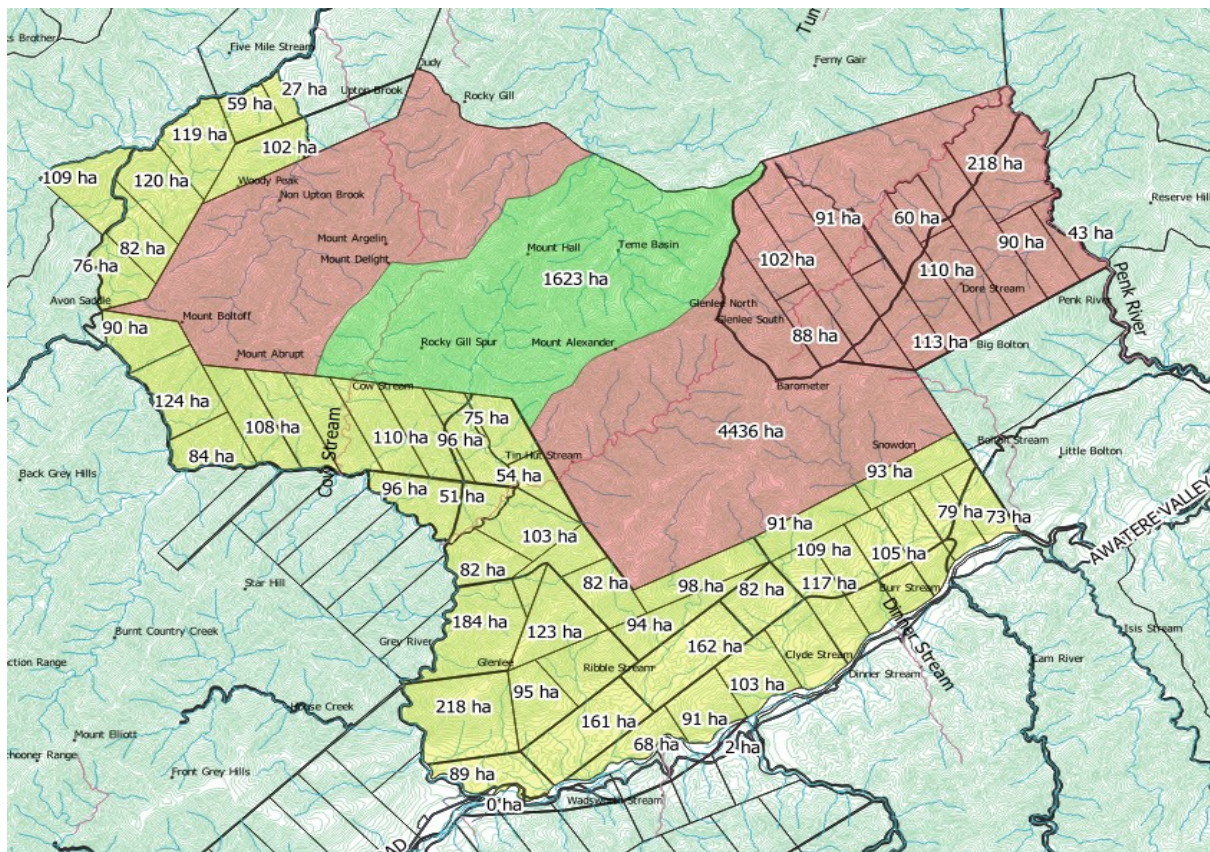
Some points raised fall outside the current legal legislation, and we would need Minister approval to determine certain land transfer mechanisms in relation to these.

Preferred Commercially Productive Land

The preferred area that is benefit from an economic farming perspective, is highlighted in green and reference Map 4 ‘Preferred Land Designations’. A copy of this map is contained within Appendix B.

The boundary lines are indicative and would be subject to survey.

Map 4 –Preferred Land Designations



Map Key:

Yellow Areas = Freehold land

Pink Area = Crown Land with the inclusion of freehold land to be in full Crown Ownership

Green Area = Crown Land to be disposed as freehold.

The land comprises of an area 1,623 hectares that the family would prefer to hold in freehold title which is currently leasehold land contained within Run 109A.

Key reasons why the highlighted area is of value to the property are noted below:

- Rocky Gill Spur, Mt Hall and the Teme Basin are noted as the commercially productive areas for stock. The proposed area freehold does not take in the summits of North or South Glenlee and all consideration has been given to outline areas of productive value.
- The Cow Creek Stream area (CA6) is used for access and has limited stocking.
- Mt Alexander dropping into the Tin Hut stream (SL1) is also used for limited stocking and is mainly used for stock movement access.
- The green area highlighted would be our preference to stock with reference to the stocking rates outlined in the Livestock Movement Timeline table (on page 3). The stock will predominantly be contained within this area due to its natural boundaries.

The family acknowledges that that some protective covenants would need to be considered over the proposed freehold, limiting development and protection of certain plant/bird/aquatic species. This would need further consultation between parties to determine these covenants.

Freehold Land to Return to Crown Ownership - Boundary Rationalisation

Historically, the boundaries between the POL lease areas and freehold land have been impossible to define on the ground, especially the gridiron areas of the Penk River and Dore Streams.

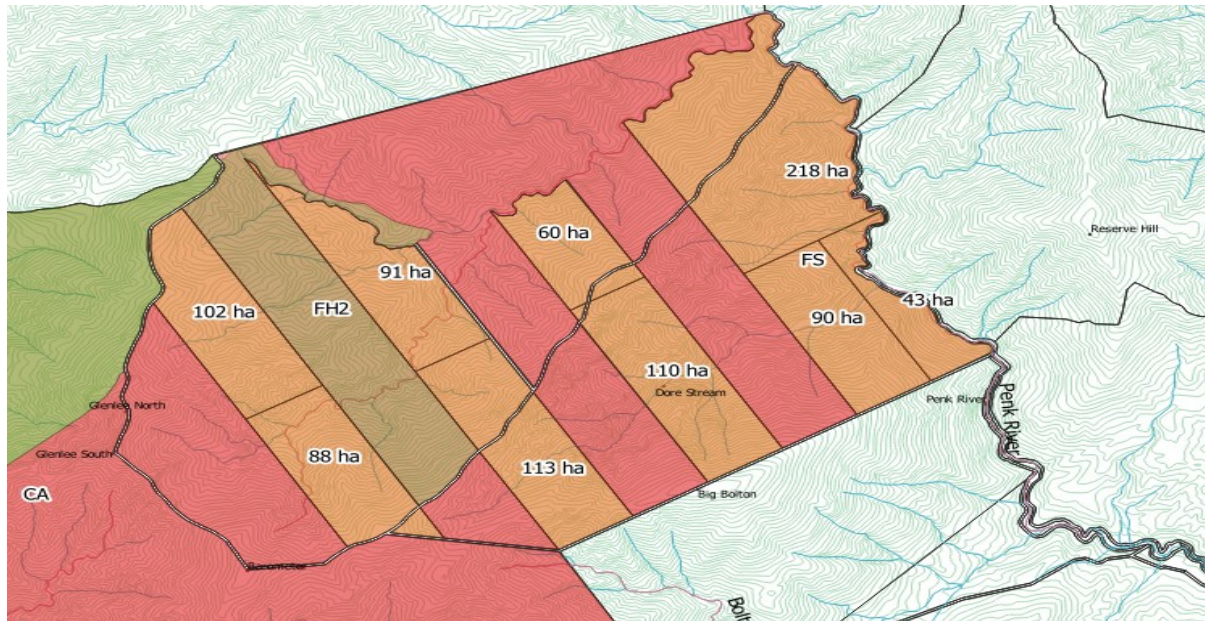
There are ecological values within these gridiron areas of freehold land which are beneficial for conservation consideration and public access.

The Conservation Resources Report dated August 2016, states the Penk Catchment has 'high significant landscape values' and 'the character of the vegetation is overwhelmingly indigenous'

We propose releasing freehold land to the Crown held in the Penk catchment. These are gridiron section numbers 62, 64, 66, 68, 70, 72, 74, 76, 77, that comprises a total of 915 hectares.

Please refer to areas highlighted in orange in the below map 5 that are proposed freehold to return to Crown ownership.

Map 5 – Freehold Land to Return to Crown Ownership



Map Key:

Orange Area = Freehold land to return to Crown Ownership

Pink/Brown Area = Crown Land retained to be in full Crown Ownership

Green Area = Crown Land to be disposed as freehold.

We do not believe that fencing of these areas provides any mutual benefits for either party. Fencing would be costly and practically impossible to maintain a reasonable standard of fencing due to the terrain and any stock would normally be naturally contained in the proposed freehold designation.

Public Access

With consideration regarding public access and considering the Preliminary proposal above, we propose the following options regarding public access:

- Easement access through freehold land from the Avon Valley to the Avon Saddle. This could allow access via permit to be obtained so the public can access the Non-Upton range (CA1). Ideally this could be restricted for trampers/hikers only as we would not approve hunters in the freehold area of the Avon catchment.
- If the freehold land in the Penk catchment is transferred to Crown ownership, then there would be increased public access through via the Penk river to Ferny Gair, Barometer, Nth/Sth Glenlee (CA2, CA3, CA4)
- We would prefer limited access to the Teme Basin/Mt Hall/Rocky Gill Spur areas (CA6, CA5, SL1) as this causes stock disturbances. We view public access for climbing and hiking purposes quite differently to hunting purposes. Access for hunting associations with structured code of conduct and understanding of the property’s climatic risks, would be viewed more favourably.

- Public access through freehold land for climbing and hiking purposes, could be reviewed considering any boundary rationalisations, and acceptable land designation agreements.
- A permit or notification process is suggested to allow communication regarding access and associated climatic risks.

Ecological Values and Protection

As mentioned, we acknowledge that protective covenants could be considered over the proposed freehold land. These covenants could be designed to protect the important interests of LINZ/Department of Conservation within this area.

It has been noted and agreed that there are two important ecological values identified on current freehold land which include the beech forest in the head of the Avon River and the Grey River contains pink broom populations (please refer to Northern Pink Broom in the Wild report completed for the Department of Conservation by Geoff Walls in June 2009).

We would like to emphasise our desire for providing protection of significant inherent values within the SL1, CA5, CA6 map areas by:

- a) High level of weed and pest control prioritising those with the highest potential impact such as wildling conifer spread, pig damage, opossum damage and potential threat for TB – being in a movement control area.
- b) complying with any legal covenants,
- c) conservative stocking rates and stocking timing aligning with vegetative growth to reduce fire risk.

Our observation is with sustainable conservative stocking rates and fallow time, this can enable vegetative growth of minor plant species and assist germination by assisting suppression of dominant species, which assists support biodiversity. Consideration needs to be given that some significant inherent values may exist due to this process.

We are supportive of the Good Management Practice Guidelines for Land management and consideration needs to be given to land capable of economic contribution as well as protection of significant inherent values.

We feel it would be beneficial to the NZ public to understand the Department of Conservation's strategy to achieve the following outcomes:

- a) Land management plan that is transparent to the public and mirrors public consensus.
- b) A Land management plan with consideration of neighbouring land management strategy, and with ability to inject funding to support optimal timing of weed and pest control before problems accumulate exponentially.
- c) An allocated portfolio that can be fully supported by available funding and resources.

We are concerned from viewing current practice in areas around the South Island that the level of introduced weed species infestations are manifesting and creating a seed source that is growing exponentially each year.

The cost of control and eradication to the taxpayer is accumulating exponentially with consequences of changing the landscape, its ability to be utilised by the public, and heightening risk of environmental disaster, such as fire.

We would like the opportunity to discuss the further protection of any other significant inherent values that other parties feel important to be protected.

8. Summary

The purpose of this report is a submission to formally respond to the Preliminary proposal and outline our preferred suggestions for a practical solution for Run 109A.

We wish to consult with LINZ's and DOC to help contribute to a solution of the review that will satisfy requirements, and best outcomes for the POL land and its management

We note through the consultation process we have not had the chance to consult to the level required to achieve the above. We were unaware of the importance of the meeting schedule for the 14th of November 2017 in relation to the consultation process, which we could not attend due to timing. Our intention was, and still is, to be available for consultation.

Glenlee is run with experienced family management that values the importance of conservation and follows a management regime of conservative rotational stocking, including fallow time to allow ecological sustainability.

The Crown preliminary proposal is unworkable for us as it stands, however it could be workable with the inclusion of SL1, and part of CA6 & CA5 into freehold.

This could mean a leasehold land adjustment of 1,623 hectares transferred to freehold and 915 hectares of freehold land reverting to Crown ownership.

The difference of 708 hectares from this adjustment could be in light of protective environmental mechanisms being placed on freehold title and consideration of public access through freehold land.

The Crown preliminary proposal has not considered any of the mutual benefits that have been achieved over the last 52 years around weed and pest management and land management.

We feel the most critical areas of sustainable commercial productivity need to be viewed alongside the need for proactive weed and pest control, given the limited access and location of this land. Our concern is that if left unchecked that weed and pests would not only detrimentally affect the POL area but also the land that it boundaries.

The complexity presented by the freehold and POL boundaries (including fencing difficulty) could be addressed in this review, land locking avoided, and options to increase public access could be available through this.

Public access for climbing and hiking purposes through freehold land could be reviewed considering any boundary rationalisations, and acceptable land designation agreements.

The wether flock contributes towards the economic sustainability of our business, we are not considered a large enterprise, therefore adjustments to the status quo business model can have a considerable effect and are asking for consideration of this, within this review.

We formally request consideration of our proposal and are available for consultation or any questions.

Yours sincerely

The Hamilton Family

Appendix A

Assessment of Pastoral Occupational Licence

March 1991

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JOINT REVIEW AND ASSESSMENT BY:

LANDCORP
AND
DEPARTMENT OF CONSERVATION

OF A
PASTORAL OCCUPATION LICENCE

GLENLEE
AWATERE VALLEY
MARLBOROUGH

Our Ref: OM 16, OM 25

[1]



Landcorp

LAND CORPORATION LIMITED

28 March 1991

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Commissioner of Crown Lands
Office of Crown Lands
CPO Box 170
WELLINGTON

ATTENTION: D GULLEN

Dear Sir

RE: ASSESSMENT OF PASTORAL OCCUPATION LICENCES

1. MT GLADSTONE - AWATERE VALLEY, MARLBOROUGH
2. GLENLEE - AWATERE VALLEY, MARLBOROUGH

Please find attached 2 submissions for the above POL assessments. These licenses expired in 1981 and 1983 respectively and these submissions are the results of negotiations and discussions undertaken by the writer, Department of Conservation and the licensees over the last 2 years.

With respect to the representations made by Mr Harding of Forest and Bird the following has occurred:-

1. Mr Harding met with Mr M Ellis and myself of Landcorp. He was supplied with relevant information and advised he would make further representation to DOC if necessary.
2. Mr Harding met with Mr K O'Connor and Mr M Clare of DOC. Mr Clare was the DOC officer involved in providing most of DOC's input.
3. I met with the above DOC representatives. Some changes were made to the submissions emphasising the gains for conservation and that on both properties important values will be protected under proposed new leases.
4. DOC have now signed the submissions and they are presented as a joint report.

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REVIEW AND ASSESSMENT OF PASTORAL OCCUPATION LICENCE
REFERENCE O25, MARLBOROUGH LAND DISTRICT

1.1 LICENSEE

Ian George Hamilton (1/4), Phillippa Jane Hamilton (1/4) and Ian Hamilton Childrens Trust (1/2).

1.2 LAND

Run 109A situated in Spray and Hodder Survey District.

1.3 AREA

5787.0046 hectares.

1.4 LOCATION

Glenlee is situated in the upper Awatere Valley 90 kilometres from Blenheim. Access can also be gained to the northern part of the property by crossing private land in the Avon and Teme River Catchments.

The P.O.L is farmed with adjoining freehold land of 5547 hectares. The homestead and buildings are located on the freehold. This is a remote location, Schooling is by correspondence, mail delivery is twice per week, power and telephone are connected. Blenheim provides other necessary agricultural services.

1.5 PARTICULARS OF LICENCE

Tenure:	Pastoral Occupation Licence
Term:	11 years from 1 July 1972
Expired:	30 June 1983, has run-on on a year to year basis since expiry
Annual Rent:	\$200
Stock Limitation in Lease:	Not more than 1500 sheep

1.6 LOCAL AUTHORITY

Marlborough District Council

1.7 ZONING

Rural under the Awatere Division of the Marlborough District Scheme for land within the Awatere Catchment. Rural A under Marlborough District Scheme for land within the Teme and Avon Catchments. These are both general farming zones seeking to maintain rural production while preserving and making best use of the resource.

2.0 PREVIOUS HISTORY

Run 109A has been a P.O.L. since 1951. An original P.O.L. was issued for 21 years from 1 July 1951. It was noted that it would be inadvisable to issue a pastoral lease due to the nature of the land comprising high rocky country at the back where erosion is a factor.

A further P.O.L. was issued for 11 years from 1 July 1972. In issuing a P.O.L. it was considered the same risk of erosion was present and the classification given in 1951 should not be changed. Mr Hamilton questioned whether there had been a detailed field inspection at this time. It is unclear from the file although does appear the renewal report was compiled from previous field reports. Since expiry in 1983 the licence has been rolled over year by year pending this review.

3.0 GENERAL DESCRIPTION

The P.O.L. forms part of a well balanced property. It has straight line boundaries with the adjacent Glenlee freehold land in the SE, SW and NW. These boundaries are difficult to define on the ground and totally impractical to fence or physically separate. Remaining boundaries are partially fenced where required mainly against Conservation Land (Ferny Gair) and 1 freehold property. The Catchment of the true right of the Penk River, comprising approximately 1950 hectares is gridironed with both freehold land and licence land.

There is also little in the way of physical stock boundaries within the P.O.L area and stock tends to camp on ridge tops and to drift according to the weather conditions. They will also move long distances if disturbed and could be caught at higher altitudes if disturbed just prior to adverse weather.

3.1 DETAILED DESCRIPTION

(a) **Aspect**

The aspect is very broken and mixed running around several higher peaks along a central spine.

The land above the Penk River is predominantly east/northeast, the Teme Basin is northeast/north. The Upton and Non Upton Brook north/northwest, the Grey River Catchment southwest/south and land above the Awatere River southeast.

(b) **Water Supply**

Adequate natural water.

(c) **Summer/Winter Balance**

Predominantly summer grazing, limited winter grazing in lower basins. Stock disturbance, particularly in winter can effect the balance as there are no boundaries to effectively differentiate between summer and winter grazing. This land could not economically be run by itself.

(d) **Shelter**

Contour and scrub only, generally exposed on high altitude land.

(e) **Reversion**

Harder, drier areas reverted to kanuka/manuka scrub. Further reversion to kanuka/manuka/bracken and Matagouri occurring. See vegetation description for further details.

(f) **Erosion**

There is natural geological erosion at higher altitudes. There is sheet and gully erosion scattered through the remainder. This latter is often the result of high intensity rainfall and storm damage typical of Marlborough that can affect any area regardless of vegetation cover. It appears cover is improving and erosion potential reducing under the present management.

(g) **Weeds and Pests**

From a production point of view scrub reversion would be considered a weed. Hieracium is becoming more prevalent and could be a major threat to the tussock lands in the future.

Goats and pigs have traditionally been the major pest. DOC have carried out regular goat control operations as it is adjacent to Conservation Land.

However, opossums are seen as becoming the major threat, locally as well as nationally. Glenlee has had no TB in cattle to date but neighbours on two sides have. There is real concern that if possum numbers are allowed to build up TB is a real threat.

Rabbits and hares are present. They are presently not a problem but rabbits in particular always have the potential to cause a problem on this class of land.

(h) **Geology**

Strongly folded greywacke and argillite basement rock forms most of the land form of Glenlee.

The Awatere fault forms a distinctive trace along the Awatere Valley cutting through the Grey River and the Glenlee freehold. Between this fault and the Waiiau the land has been uplifted and tilted. Also within this folding process secondary faults of uplift occur within the head of the Teme Basin. Faulting combined with erosive processes have and continue to alter the land forms, providing a variety of geological features, bare rock, areas, slumps and river systems.

(i) **Rainfall/Climate**

The rainfall over the property varies from 750 mm at the homestead to 1500 mm on the range top. This area can receive high intensity rainfalls which can have dramatic effects on a normally stable environment. The property experiences a harsh winter with frequent frosts and some snow and a long dry summer often with particularly high temperatures. The prevailing wind is NW which also provides some moisture. Southerly winds can produce severe weather conditions. Snow falls occur periodically over winter but do not tend to lie except on the high tops.

(j) **Altitude Range**

500 m - 1780 m asl on Barometer with several peaks ranging from 1300 m - 1600 m asl.

(k) **Contour**

There is no flat land. Contour ranges from easy tussock basins rising through steep broken high country to mountain tops.

3.2 SOILS

1255 ha Hurunui Steepland soils
2092 ha Tekoa Steepland soils
1940 ha Kaikoura Steepland soils
500 ha Alpine Soils and Bare Rock
5787 ha

All the soil types have intergrades according to aspect altitude without definite boundaries.

Hurunui Soil - Lowland YBE, greywacke and weathered colluvium parent material; native vegetation silver/fescue tussock grassland with scrub and bush in gullies; medium natural fertility up to 900 m altitude; prone to sheet erosion particularly under bush.

Tekoa Soil - High country YBE, greywacke and greywacke detritus parent material; fescue tussock grassland with some snow tussock, areas of beech forest, some podocarp forest native vegetation; altitude range 350 -1500 m asl; prone to severe sheet, gully and wind erosion.

Kaikoura Soil - High country YBE, greywacke and greywacke detritus parent material; snow tussock grassland with subalpine scrub in places, small areas of beech forest native vegetation; 100-1700 m asl; prone to severe wind, sheet, scree and gully erosion; vulnerable to intense frost action where bare of vegetation.

3.3 LAND CAPABILITY

(a) History

The land classification shown from previous land capability surveys have not been well accepted in the Awatere Valley. Personal observations by the writer tended to confirm a lack of accuracy and I consequently contacted the Division of Land and Soil Sciences, DSIR. They have provided comment on the previous surveys completed. They have also resurveyed part of the Glenlee in the Avon and Teme River Catchments and have done a provisional report from aerial photographs for the remainder of the property for the purpose of completing this report.

Data compiled early in the NZ Land Resource Inventory programme was originally intended to be reduced to a scale of 1 : 250,000 for publication. A change in policy saw the data published at the scale of 1 : 63360. As a consequence map units for the Marlborough hill and high country are large and boundaries tend to be generalised. Hence a resurvey of Marlborough is presently underway. The Wairau Catchment (including Avon and Teme Rivers) was completed last season and the Awatere Catchment is programmed for this coming season.

Following is a summary of land capability firstly from the NZLRI worksheets and then the provisional capabilities provided in the report from the DSIR. The gridironed area is shown separately.

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(b) NZLRI Worksheet

	Total Gridiron Area	Estimated POL Portion	Remainder POL	Total POL	
Class VI	110	55	605	660	11%
Class VII	1340	590	1495	2085	36%
Class VIII	500	360	2682	3042	53%
	1950 ha	1005 ha	4782 ha	5787	100%

(c) DSIR Provisional Capability

	Total Gridiron Area	Estimated POL Portion	Remainder POL	Total POL	
Class VI	720	215	660	875	15%
Class VI/VII	235	120	275	395	7%
Class VII	435	225	1300	1525	26%
Class VII/ VIII	70	35	520	555	10%
Class VIII	490	410	2027	2437	42%
	1950	1005	4782	5787	100%

(d) Comment

There is considerable variation between various experts reports on Land Capability, particularly in Marlborough. Part of the information provided by the DSIR report is done by aerial photo interpretation which has some limitations but I believe it gives a more accurate assessment on the land as it is today.

Briefly the main differences in the NZLRI sheet and the provisional map can be summarised as follows:

1. An increased area of Class VII in the Teme Basin, (cf to Class VIII)
2. A decreased area of Class VI (currently classified as Class VII) in the Upton and Non-Upton Streams.

- 3. An increased area of Class VI in the tributaries of the Grey River
- 4. An increase in Class VI in the Penk Catchment and a decrease in Class VIII

Numbers 1 and 2 are part of the recent resurvey and 3 and 4 are provisional classifications.

3.4 VEGETATION

(A) The P.O.L. is situated in the Inland Marlborough Ecological Region and lies on the Eastern boundary of the Waihopai Ecological District. As with the majority of Marlborough the vegetation has changed since Polynesian times. And probably considerably since the European arrival in the district in the early 1850's. The natural timber line on Glenlee would have occurred to 1500m and the whole property would have been beech forest. Today remnants are found on the property and tree stumps are evidence of its earlier ground cover.

Today this modified landscape is predominantly tussock grasslands shrublands, kanuka forest, beech remnants. The overall property has great ecological diversity, but the important ecological values are found primarily on the freehold land of the Grey and Upper Avon Valleys.

(i) **Grasslands**

The land below 1500m was originally predominantly forest, and today is a much modified grassland. Silver tussock Poa cita, cocksfoot Dactylis glomerata, brown top Agrostis capillaris, sweet vernal Anthoxanthum odoratum and white clover Trifolium repens are common. Hard tussock, Festuca novai zelandiae and yorkshire fog Holcus lanatus make up the other major component. As with many mountain areas that are highly modified silver tussock occurs on the more fertile sites with hard tussock on the drier less fertile. The former makes a major component of much of the Teme Basin and Penk, whilst the latter occurs throughout the rest of the property.

The grasslands also contain small areas of bristle tussock Rytidosperma setifolium, mountain daisy Celmisia spectabilis, NZ harebell Wahlenbergia albomarginata, Carex spp and 3 species of hawkweed Hieracium lachenalii, H. pilosella and H. praealtum.

The ground cover in the grass lands is highly variable, with no set pattern emerging. Generally the vegetative sword is best in the head of true Right Branch of Tin Hut Creek, upper Penk and eastern portion of the Teme basin. Elsewhere the cover is variable and is a result of soil type, climatic events, fire and grazing patterns.

The vegetation cover is interspersed often by steep rocky slopes, bluffs and guts.

(ii) **Shrub Vegetation**

This is fire induced and occurs over much of the property along with the grasslands. Its density varies from 5% cover in some areas to 80% and is normally interspersed with grassland and alpine plants. The major component is tauhinu Cassinia vauvilliersii and Matagouri Discaria toumatou.

The lower reaches of the Teme basin show active signs of regeneration with scattered manuka. Leptospermum scoparium, five finger, marble leaf and halls totara Podocarpus hallii.

(iii) **Kanuka Remnants**

This forest type is the most widespread on Glenlee and occurs on both freehold and leasehold land. The kanuka shows, various successional stages and forms a mosaic over much of the property, primarily around lower valley reaches. This pattern reflects past early colonial fires and is primarily growing on the barer less productive land.

From an ecological stand point the stands in the Upton and Non Upton are the most important.

Surveys of Marlborough have now revealed that few areas of kanuka growing on alluvium occurs below 650m. Kanuka is now confined to higher altitudes and ridges. The kanuka in the base of the Upton and Non Upton is one of only two areas that are surviving on alluvium at a low altitude (518m).

Elsewhere kanuka grows on drier, shallow soils, has a lower and more open stature. It occurs in isolated pockets scattered throughout the POL.

The plant associations in the scrub also have a diverse range, cabbage tree Cordyline australis, Coprosma spp five finger Pseudopanax arboreaum lancewood Pseudopanax crassifolium and broadleaf. The latter species occurs primarily on the fringes and is especially noticeable in the upper reaches of the Upton Brook.

Often in this forest type the understorey is absent, due to animal browsing. Also mingimingi Cyathodes spp lichens and a few ferns occur.

(iv) **Beech Forest**

On the P.O.L. the most significant beech forest is Mountain Beech Nothofagus solandri var cliffortioides which occurs mainly in the true left of the Teme under Rocky Gill and flows over into Cow Stream. Remnant patches and isolated trees also occur in the Penk, Tin Hut Stream and Upton and Non Upton where Red Beech is found. The understorey in the smaller, remnants is depleted whilst the larger areas contain a variety of shrubs such as coprosma's, ferns, lancewoods, along with mosses and lichens. The Beech Forest is interspersed with species such a kohuhu Pittosporum tenuifolium, broadleaf Griselinia littoralis and marble leaf Carpodetus serratus.

Re-generation of beech is vigorous around the larger remnants and a few isolated trees near Rocky Gill.

(v) **Alpine Vegetation**

Alpine vegetation is induced and is no longer confined to the mountain tops above 1500m. The alpine plant communities are scattered throughout the property along with the tussock grasslands and scrubland.

The alpine are unspectacular and are primarily composed of mountain daisies, Senecio spp, mountain buttercup Ranunculus insignis, spanards Aciphylla spp and Helichrysum spp growing on rocky outcrops.

Tall tussock Chionochloa flavescens is rarely found above 1500m except on inaccessible ledges and crevices.

(vi) Gorge/Bluff Vegetation

The Teme riparian zone contains a few scattered Pink Brooms. One large plant is also found in the grassland of the upper Penk at 1005m. The other dominant bluff plant is the Marlborough Rock daisy Pachystegia insignis that occurs throughout the property.

(B) Vegetation Monitoring

Monitoring sites were established in the Teme Basin in 1985 to assess the impact of grazing. The estimated vegetation cover over the transect sites was 71% - 96% although it was commented that the transects were confined to vegetated areas and located to avoid rock outcrops, bluffs, bracken and scrub.

The figures given probably underestimates the amount of rock and scrub cover over the whole basin. These sites were remonitored in January 1990 and from brief notes received there is no significant change recorded. However, Hieracium has been recorded as becoming more widespread.

The percentage cover shown in this part of the POL implies good grazing is available and the present grazing is having no short term effect.

3.5 LANDSCAPE

The POL of Glenlee is hidden from view to the casual observer being dominated by the mountains of Ferny Gair. However, when viewed from the Awatere the Peak of Barometer is a notable feature of this part of the Awatere.

Internally the mosaic of ridges, basins and vegetation present an interesting landscape. The Teme basin is open but dominated by 5 peaks. The degree of modification, regeneration and early firing present an area of diversity and interest, that also hints at Marlborough's past vegetative cover.

3.6 FAUNA

A wide range of common species are present. The most common being bellbirds, tom tits, rifleman, brown creepers, black birds and chaffinches. Skylarks and pipits occur in the open grassland with an occasional NZ falcon and Harrier Hawk. Quail abound in the lower valleys.

Wild animals are present in varying numbers. Deer, goats, pigs, opossums, rabbits and hares are present, most being commented on as pests.

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4.1 Present Farming Use

Overall stocking on Glenlee including freehold land is 5000 sheep and 280 cattle, being 5750 stock units.

The sheep numbers include a well known and respected stud flock. The sheep stock units while being typical for the Awatere Valley would be understated in comparison to a lot of other high country areas in the South Island. Lambing in the commercial ewes averages just under 100% and wool weights are around 6 kg/head over the flock.

The wool weight from the wethers which graze the POL has averaged 6.2 - 6.3 kg/head in the last 5 years with a micron range of 21-23. This is excellent production above average and shows a conservative stocking regime. Traditional stocking of the POL area including the gridiron area has been 1500 wethers for 8-12 months. For 2 of the last 5 years the POL has been totally spelled for 4 months over the summer.

The POL is very open to stock movement. The wethers are spread throughout and if undisturbed will graze mid-altitude country in the summer and lower areas in winter. However, this pattern is easily broken if disturbed and stock can be put at risk if pushed into higher areas in the winter just before an adverse weather change.

It is also not possible to separately stock the license and the freehold. Boundaries are open and there is some trading, especially in the winter when higher numbers will come into lower parts of the Grey River and tributaries.

No burning has been undertaken on the POL in recent years. There may be a need in some parts to use this as a management tool in the future. Fire has not been used extensively on the remainder of the property and has normally been part of development of a block.

This stocking policy would appear to be allowing vegetation and the cover on the land to improve while stock production has also improved. Production from the wethers utilising the POL has improved at least 0.3 kg/head in the last 10 years which is very significant from stock off this type of country.

4.2 Recreation

Current use of Glenlee is difficult to piece together as the actual use and perceived use appear to be at variance with one another. The main attractions on the POL are Barometer and the Glenlee Peaks. These peaks are technically accessible by following a paper road from the Ferny Gair CLMA and the Penk River. There is however practical problems in identifying these paper roads on the ground.

Mr Hamilton has had 7 requests to climb Barometer in 22 years despite several submissions implying a greater use. The route used by these parties either crosses the Awatere River and follows the eastern boundary of Glenlee to the leading ridge onto Barometer or crosses adjacent freehold land and meets up on the same ridge. This route has minimal impact on Glenlee stock.

However access to the Glenlee Peaks from Ferny Gair over the paper road could cause stock disturbance and Mr Hamilton would not be happy with any promotion of this route.

Associated with the property is a possible walking route following an old pack track across the Avon Saddle, however, this route is all on freehold and not directly part of this report. Mr Hamilton indicated 2 or 3 parties had requested to use this route.

The predominant recreational use of the adjoining Ferny Gair is shooting and it is probable some shooters would stray across the boundary onto Glenlee.

5.0 SUBMISSIONS

The review of this POL was advertised at the same time as the neighbouring Mt Gladstone POL. Hence most of the submissions refer to both. A total of 13 submissions were received. Most were from recreationalists and tramping clubs, with 1 from the existing Licensees of Mt Gladstone and 1 from another runholder.

Attached is a summary of submissions. These submissions generally quoted the land classification given on the NZLRI sheet and recommended the POL was not renewed due to the large percentage of Class VIII land and any grazing rights issued over specific areas with limited rights. Most also recommended rationalisation of the gridiron area in the Penk River.

6.0 HEARING

A hearing of submissions was held on 14 October 1986 before the Marlborough Land Settlement Committee. (A summary copy of proceedings is attached) 2 parties that made submissions appeared along with the Licensees.

The Committee generally agreed that the submissions should be regarded as part of the information base for the review of the 2 POL's.

The committee also indicated they wished to inspect both properties once the Departmental Report had been received and that continued liaison with the Licensees was needed.

The inspection by the LSC never took place as the draft report was not available prior to 30 March 1987.

However a substantial amount of time was spent in the field by M Clare (then Ranger, L & S now DOC) and A Millson (then DFO L & S). The DOC report was prepared from this field input and has been incorporated into this report.

The review lapsed but was reactivated in April 1988. All parties that made submissions were invited to add any comments they wished in light of the time that had passed. No additional information was forthcoming. S Bamford and I McNabb (Landcorp) inspected the POL with the Licensee in January 1990.

In the light of this previous liaison and correspondence it is felt further advertising or correspondence with parties is unnecessary.

7.0 DISCUSSION

It is agreed between Landcorp and DOC that the majority of the lease is suitable for sustained grazing and that a long term renewable lease is justified.

The submissions have quoted land capability information to justify not reviewing the present licence. From our personal observations this land capability information was inaccurate and generalised. This has been supported by the report and comments received from the DSIR. The classes 6 and 7 correspond with personal observations of land capable of sustained grazing.

7.1 PUBLIC USE

Public use of this area is unlikely to increase dramatically in the near future. While there is appeal to climb Barometer and the Glenlee Peaks these are similar to several other peaks on this side of the Awatere River, and it is also close to Mt Tapuaenuku which is recognised as having special appeal.

The main route to climb Barometer is from the Awatere up the eastern boundary and presents no problem to the licensee. (This route passes through freehold prior to getting to the POL). As previously mentioned climbing the Glenlee Peaks from Ferny Gair could cause stock disturbance.

It was felt that the present paper roads provide sufficient use for likely demand.

Mr Hamilton has not refused access to Barometer (that he could recall). In order to formalise his goodwill the following clause was discussed and agreed upon to be included in a new lease.

"That fair and reasonable access is given to climb Barometer and the twin peaks of Glenlee".

Any other activity by the public would be for shooting. Access is presently made available in co-ordination with neighbouring landholders, and due to the nature of the land and possible stock disturbance it is seen as important for this control to be retained.

7.2 ECOLOGICAL VALUES

The upland vegetation is well represented elsewhere in the ecological district, as are beech and some of the kanuka forest. However, forest types growing at low levels on alluvium do have importance.

The Non-upton and Upton Brook Catchments have kanuka/manuka at low altitude on alluvium. The composition of the vegetation in this area presents a different vegetation type that has been lost over the rest of the ecological region and warrants protection. This area has effectively been destocked since Mr Hamilton has farmed the property.

The other major ecological values occur on the adjacent freehold and paper roads. They are in the gorge vegetation in the Grey River of Pink Brooms, kohuhu and mountain ribbonwood, particularly between Cow Stream and Burnt Country Stream and the beech/kanuka forest in the Avon Catchment.

This area in the Penk River means boundaries are virtually impossible to define on the ground and effectively with freehold strips running through the Licence area it would be impossible to control any activities on this area. A land exchange is desirable to reduce it to a single boundary between freehold and POL.

1 scenario is to exchange 1 freehold strip (sections 62 and 70) of 195 hectares for approximately 500 hectares of POL. There is little advantage to Mr Hamilton to take part in this exchange, it is solely to the Crown's advantage to be able to better define its area of control and therefore it requires considerable incentive to achieve it.

In carrying out this rationalisation it would also present the opportunity to redefine the boundary above the tributary of the Penk River. This boundary is partially fenced and a new boundary could follow this until it was practical to drop the boundary into the creek.

Mr Hamilton has indicated at this stage that this proposed exchange does not offer him any real benefit, (despite an addition of 300 hectares into his freehold title) and is not agreeable to it.

7.5 LAND UNSUITABLE FOR GRAZING

As per the LSB policy there is "Land unsuitable for grazing" included within the present POL. This occurs in 2 main parts:

- (i) Land over 1400m situated under the main peaks. This land is totally impractical to separate from lower grazable land. This land is not purposefully stocked and while there might be some stock wandering onto the area there is very little vegetation to induce stock there.
- (ii) Land in the Upton and Non-Upton Brook and Part of True Left of Teme River.

This area is predominantly scrubland with a significant area of beech on the true left of the Teme River and some clear grazeable country above the scrub.

The scrubland and beech area is unsuitable for grazing although there is some potential to develop the lower parts. This potential is increased if considered in conjunction with the adjacent Glenlee freehold. This area has also been identified as having important ecological values.

Policy dictates this land should be excluded from a new lease. However, the policy does not take account of the particularities of the situation or the effect on Glenlee and a neighbouring property.

There is presently little perception of the public requiring use of this area except for some shooting. The most practical access to this area is over the adjacent property of Morven Hills. At present shooters use the area and as Mr Hamilton lets people into this area in conjunction with the owners of Morven Hills.

As previously described stock disturbance on this type of land can have major effects. If this area came under Crown control with unrestricted access this could seriously effect the grazing of this part of the property and put stock at risk if disturbed just prior to adverse weather.

Mr Hamilton is also particularly concerned about the possum population in this area. As mentioned TB is becoming more widespread but he has not been affected yet. Mr Hamilton is quite prepared to fund opposuming of this area if necessary if it remains under his control. This is likely to be far more effective than the open slather if it was Crown Land.

It is also interesting to note that exclusion of this area from the lease was discussed at the previous renewal in 1972. The same points were covered and possible problems acknowledged. Consequently the area remained within the lease.

It has been agreed between Landcorp, DOC and the Licensee that in this particular case this land should stay in a new lease. It is agreed the ecological values will be protected under a Conservation Covenant or a clause in the new lease and monitoring put in place to assess the impact of grazing on the margins.

In summary land unsuitable for grazing would remain within a new lease. Ecological values will be protected by a covenant, higher altitude land will continue to have minimal stocking and fair and reasonable access will be given to the high peaks of Barometer and Glenlee.

7.5 HIERACTIUM

Hieracium is becoming more prevalent in this area as in many areas. This has shown up in the recent remonitoring of transects located in the Teme Basin. This weed appears to provide a real threat to the tussock lands especially if grazing is removed.

Parts should respond well to aerial oversowing and topdressing, and this would combat this weed and also improve the soil conservation values. However, a secure tenure would be required before any investment is likely in this type of remote area.

7.6 BOUNDARIES

This proposal does not alter the present boundaries, hence it is unlikely that any new survey work or cost will be required. The boundary above the Penk River could be considered but it is more logical to do this at some stage in the future if a rationalisation of the gridironed area can be achieved. The land outside the present fence is not stocked, has no important ecological values and as a separate issue is not important to Ferny Gair.

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8.0 LEASE DETAILS

- (i) Area: 5787 hectares.
- (ii) Type of Lease: Pastoral Lease: The present cover, the nature of the land and the need to allow reasonable undisturbed farming justifies a long term lease with security and a right of renewal.
- (iii) Stock Limitation: To remain at 1500 wethers (being 1200 stock units) with a similar personal limitation for Mr I Hamilton.
- (iv) Rental: Assessed on 2.25% of LEI.

Valuation Summary:

Improvements	\$25,000
Land Exclusive of Improvements	<u>\$50,000</u>
CAPITAL VALUE	<u>\$75,000</u>

Rental: \$1,125.00 (exclusive of GST)

- (v) That special clauses be included as follows:
 - that land unsuitable for grazing, particularly that over 1400 metres will not be purposefully stocked;
 - that fair and reasonable access is given to climb Barometer and the twin Peaks of Glenlee, provided that management considerations of the Pastoral lease are recognised.

9.0 OTHER AGREEMENTS

Important ecological values have been identified in the Avon and Grey Catchments on freehold land. There are 2 particular features of note:-

- i) The Beech forest in the head of the Avon River is seen as the most important area on the property.
- ii) The Grey River contains the most interesting plant communities with Pink Brooms, Kohuhu, and mountain ribbonwood Hoheria lyallii. The other dominant bluff plant is the Marlborough rock daisy Pachyteria insignis that occurs throughout the property. A field survey revealed this area contains the most extensive areas of Pink Broom in Inland Marlborough.

Mr Hamilton regards these features as important and his management aims to protect them. He has agreed to enter negotiations to formally protect these features along with the areas to be covenanted in the proposed lease area (Upton, Non - Upton Brook etc).

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His agreement to do this is dependent on receiving a new lease over the total lease area. DOC have now indicated their support for a new lease over the total area is dependent on achieving protection of these important values.

DOC are completing investigations and initiating discussions and negotiations with Mr Hamilton. At this stage it is envisaged the covenant would be:-

- i) The Beech in the Avon Catchment
- ii) An area of scrubland below Mt Abrupt following the ridge to the mouth of Cow Stream.
- iii) The riparian strip running down the Grey up to 50 m wide as required.

10.0 ASSOCIATED ISSUES

A walking route over the Avon Saddle has been identified. This would follow an old pack track. This is seen as a separate issue for DOC to negotiate.

11.0 RECOMMENDATION

1. That the POL area is classified as pastoral and a lease issued under the following conditions:
 - (i) Standard PL conditions issued under Section 66, Land Act 1948
 - (ii) Term: 33 years from 1 July 1990
 - (iii) Rent Review: every 11 years
 - (iv) Annual rent: \$1,125.00 being 2.25% of rental value of \$50,000 (exclusive of GST)
 - (v) Basic Stock Limitation: 1500 wethers being 1200 stock units on an annual basis
 - (vi) Personal Stock Limitation: To I Hamilton as above
 - (vii) That the following special clauses be included:
 - that land unsuitable for grazing, particularly that over 1400 metres will not be purposefully stocked
 - that fair and reasonable access is given to climb Barometer and the twin peaks of Glenlee, provided that management considerations of the Pastoral Lease are recognised.

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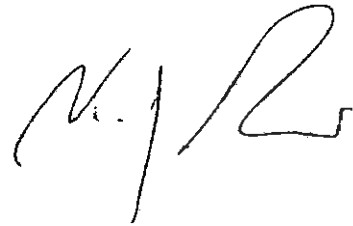
(viii) That a conservation covenant under the Reserves Act 1977 is entered into to protect scrubland and bush values in the Upton, Non Upton Brooks and part of the true left of the Teme River as shown on the attached plan.

2. That the desirability of rationalisation of the gridironed area is noted, but is unable to be achieved at this time.

Yours faithfully



S J K Bamford
for REGIONAL MANAGER



for REGIONAL CONSERVATOR

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Nothing further has been heard from Forest and Bird. DOC have signed the submissions and they believe there are positive gains to the Department and conservation generally in achieving a practical solution to a long running issue.

It should probably be mentioned that the licensees have been very forbearing over the matter in that the future of part of their property has been unknown for 8 years now.

Should you have any queries please do not hesitate to contact the undersigned.

Yours faithfully

LANDCORP MANAGEMENT SERVICES LIMITED

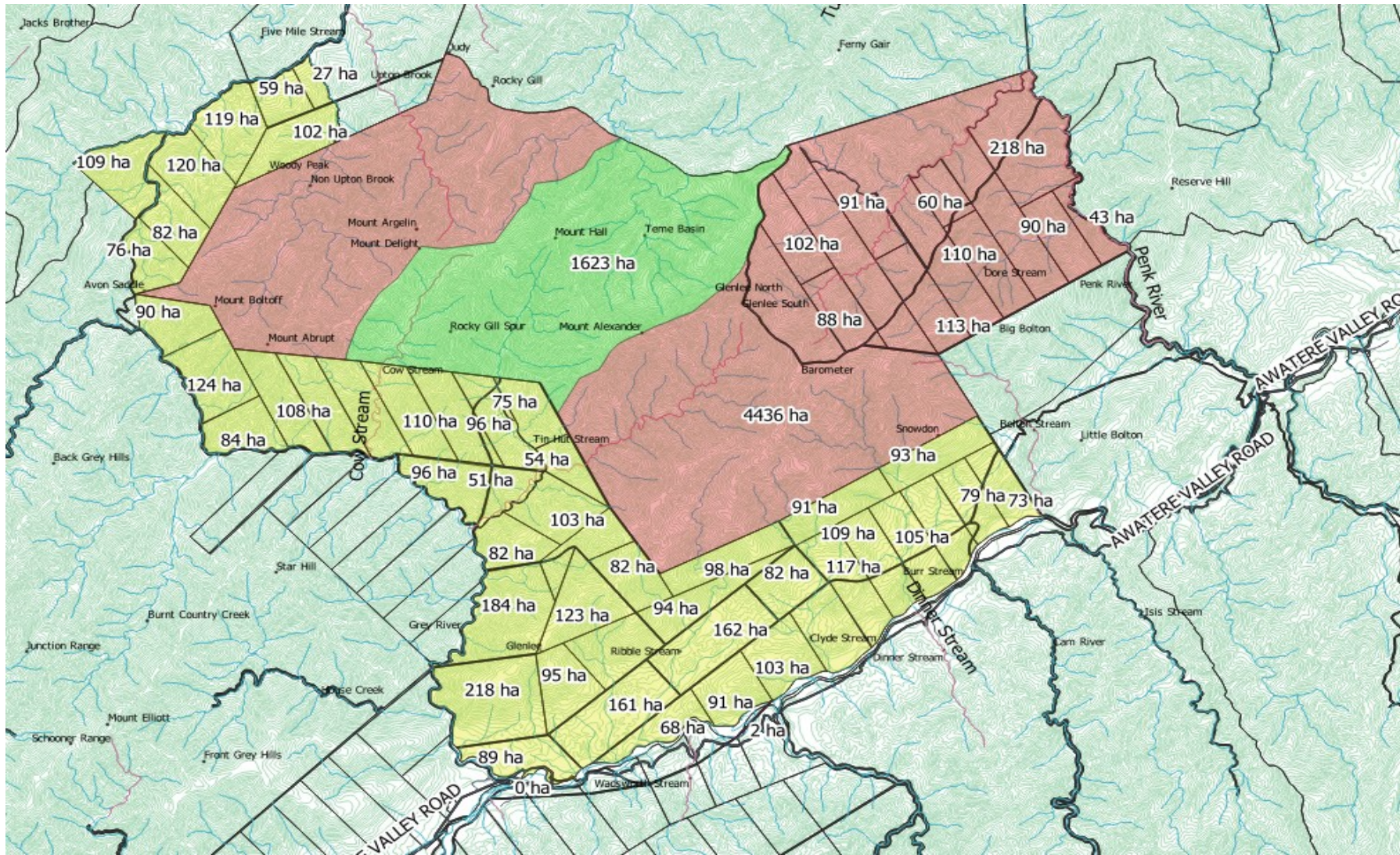
A handwritten signature in cursive script, appearing to read 'SJK Bamford', is written over the typed name.

SJK Bamford
for REGIONAL MANAGER

Appendix B

Map – Preferred Land Designations

Preferred Land Designations



Map Key:

Yellow Areas = Freehold land

Pink Area = Crown Land with the inclusion of freehold land to be in full Crown Ownership

Green Area = Crown Land to be disposed as freehold.

Commissioner of Crown Lands

Land Information New Zealand Crown Property
CBRE House, 112 Tuam Street
Private Bag 4721
CHRISTCHURCH 8140

Sent via email pastoral&tenurereview@linz.govt.nz

Monday 22 July 2019

Response to Summary of Preliminary Proposal Review of Crown Land – Om025 GLENLEE

Dear Commissioner

The Marlborough Branch of the New Zealand Deerstalkers Association wishes to make a submission on your current crown land review of Glenlee under Part 3 of the CPL Act.

The main thrust of our submission introduces new information and important perspectives that have not been considered under the preliminary proposal. In addition, there are issues that have been considered, where we believe alternative outcomes are more clearly in line with the requirements of CPLA.

Thank you for the opportunity to make a submission.

Kind regards
Marlborough Branch NZ Deerstalkers Association

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Section 3	Summary of MNZDA’s response to the proposed designations	6
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Abbreviations

CMS	Conservation Management Strategy
CRR	Conservation Resources Report
DOC	Department of Conservation
MNZDA	Marlborough Branch New Zealand Deerstalkers Association
PP	Preliminary proposal
SP	Substantive proposal
SPP	Summary of preliminary proposal outcomes

1. Objects and designations.

We note that the **Objects of Part 3** are:

- a) To promote the management of Crown land in a way that is ecologically sustainable; and
- b) To enable the protection of significant inherent values of Crown land; and
- c) Subject to paragraphs (a) and (b), to make easier
 - i. The securing of public access to and enjoyment of Crown land; and
 - ii. The freehold disposal of Crown land capable of economic use.

Section 86(5) CPL Act requires that land in a **Part 3 review be designated** as

- a) Land to be retained in full Crown ownership and control:
 - i. As conservation area: or
 - ii. As a reserve to be held for a purpose specified in the proposal; or
 - iii. For some specified Crown purpose; or

- b) Either or both of the following:
 - i. Land suitable for disposal by special lease (on terms specified in the proposal).
 - ii. Land suitable for disposal in fee simple under the Land Act 1948.

MNZDA will anchor its responses back to the Part 3 objects and review designations.

2. Difficulty of access.

The issue of public access and complying with Part 3, Objects clause (c)(i) is critically important. There is not a single element of the SPP or PP that currently “secures” public access.

The way this issue is treated both in the Summary Preliminary Proposal (SPP) itself but particularly in the proposed clause 12.1 of the Special Lease conditions in the Preliminary Proposal (PP) does not capture key information or other important perspectives. The proposed solution presented in clause 12.1 is completely unworkable for the reasons laid out below.

Throughout the issue of access is, in MNZDA’s view, poorly treated and incorrectly laid out and hence warrants its own section early in this submission.

- Nowhere in either the SPP or the PP is it clearly stated that the reason public access is not available is because of the existence of previous and now the current lease! **This is the fundamental problem. The SSP lacks balance because it makes no mention of this fact.**
 - It is difficult to ascertain from the incomplete chronology presented in the Due Diligence report of September 2004 how long the public has been locked out of these areas, but it appears to be now over half a century!! It is long overdue that this public land is returned for public use.
- It is more than unfortunate that the SPP then uses that same lack of access, in effect, as its main argument to support a special lease recommendation.
 - Just one example on p16 of the SPP in respect to the SL1 block makes this point. It states, *“this catchment can only be accessed via the Glenlee freehold we understand that there is very little public use of the area at present”*. Similar language appears throughout at p10, p13, p19, p22, p26 and p31. Not a single one of these statements provides balance to the SSP by explaining why there is *“little public access.”*
 - These statements are also factually incorrect and certainly factually incomplete. All these areas could easily be accessed via helicopter but not while a lease has existed. Likewise, there is little public access (via land) for the simple reason access across Glenlee station to the Crown Land boundary is not granted.
 - In terms of the SPP there are numerous references throughout to *difficult access* or *public access not currently available*. These comments appear to then go on and cloud the conclusions, judgements and finally recommendations reached in the report. There is no easy public access currently - simply because the block of land has been locked up under lease and public access is not facilitated!
- **The proposed Clause 12.1 simply just enshrines the locked-up status quo.** It is a disingenuous clause purporting to enable public access, when in fact it provides the very mechanism for the lessee to continue to “lock out” public access.
 - Helicopter access is specifically omitted in the draft clause presumably in the full knowledge that this is highly likely to be a primary method of access to these areas. No rationale or argument is provided for this omission again creating a further lack of balance in the SSP and PP. All, DOC helicopter concessions should be allowed to land in these crown land areas as they do for adjacent DOC estate unless compelling reasons exist to exclude them. Compelling reasons are unlikely to exist which is probably why none are presented in the SSP or PP to support the exclusion of helicopter access. In addition, there is no evidence in either the SSP or PP that this issue has been given consideration (further comments at the end of this section highlight the importance of this issue).

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- Clause 12.1 then goes on to say, *“the public shall have the right to enter on the land at all times, and from time to time, on foot, mountain bike or horse without the consent of the lessee”*. This is fairly cynical of course because anyone wanting to use these modes of transport [on the Crown Land in the absence of helicopter access] will first need to get permission to cross freehold Glenlee Station land in order to reach the Crown Land boundary!
- Clear evidence exists, over many decades now, that conclusively demonstrates permission for such public access has not be given.
- Vague references on page 38 of the SSP to *“future arrangements with the neighbouring landowners”* is a woefully inadequate response to the access problem created by occupational and now proposed special leases being entered in to.
- Ipso facto, with a new special lease as proposed, the land is once again locked up with no effective public access for a further unreasonable period of 20 years.
- There appears to have been no consideration given in either the SPP or PP as to whether this clause would work in practise.
- The clause therefore fails completely to comply with Objects, Part 3(c)(i) *The securing of public access to and enjoyment of Crown Land*. The key word in this clause is *“securing”* and this would not be given effect by a special lease with such a clause.

In terms of public usage by way of a real-life example the Ferny Gair Conservation Area to the North is DOC estate. The critical role of helicopter access is highlighted by MNZDA long history of using helicopters and volunteer labour for hut & track maintenance. That in turn opens up both public access and then greater usage of the DOC estate. A recent example is the relocation of the Black Birch Hut which has significantly increased the usage of this part of the DOC estate for all public users including trampers, mountain bikers and hunters alike.

In addition, MNZDA provides goat control operations at numerous locations such as Blackbirch, Omaka, Horrible Spur, Penk, Ferny Gair, the northern Teme Basin etc having undertaken over 2500 person hours of such control work in recent years at no cost to the taxpayer.

It is important to note that many hunting parties (i.e. non-MNZDA members) also utilise these drop off points for their own hunting trips.

Many of these areas are adjacent to the current leased Glenlee blocks. The key point to make here is that as soon as public access is restored similar levels of public utilisation will also occur for the blocks of land from the Glenlee POL that revert to Crown owned conservation areas.

3. Summary of NZDA's response to the proposed designations

1. *Approximately 5,249 hectares to be retained in full Crown ownership and control as a conservation area pursuant to Section 86(5)(a)(i) CPL Act (shown shaded pink and marked CA1, CA2, CA3, CA4, CA5 and CA6 on the plan).*

Response **MNZDA supports this recommendation.**

This complies with Part 3, Objects (a), (b) and (c)(i). It also complies with Part 3, Designations (a)(i).

2. *Approximately 480 hectares to be designated as land suitable for disposal by special lease pursuant to Section 86(5)(b)(i) CPL Act (shown shaded blue and marked SL1 on the plan).*

Response **MNZDA DOES NOT support this recommendation.**

- It does not comply with Part 3, Objects (b) *to enable the protection of significant inherent values of Crown Land* as laid out in the Conservation Resources Report, August 2016.
- It does not comply with Part 3, Objects (c)(i) *the securing of public access to and enjoyment of Crown Land*. Furthermore:
 - No case, logical argument or for that matter evidence as to why “the land is suitable” has been presented in either the SPP or PP to support a Special Lease option. There is no explanation for why the recommendation is put forward?
 - Public access will not be enabled under the proposed clause 12.1 of the Special Lease. This clause disingenuously purports to provide public access, when in fact it provides the mechanism for public access to continue to be “locked out”.
 - The land will, in effect, remain locked up for private use and gain for an unreasonable period of 20 years. In other words, the status quo will remain as it has now for some decades.

The proposed option to dispose by special lease under clause (b)(i) of Section 86(5) CPL Act is subservient and subject to the requirements under clause (a)(i) that the land is to be retained in full Crown ownership and control as conservation area.

It would also be in breach of the principle that public assets should not be appropriated for private gain as outlined under “other matters” below.

3. *Approximately 58 hectares to be designated as land suitable for disposal in fee simple under the Land Act 1948 pursuant to Section 86(5)(b)(ii) Crown Pastoral Land Act 1998 (shown shaded green and marked FH1 on the plan).*

Response **MNZDA supports this recommendation however, given the value of this land, the transfer of 58 hectares to fee simple needs to be offset with a compensatory addition to the conservation estate.**

4. Detailed response to preliminary proposal 1.

1. *Approximately 5,249 hectares to be retained in full Crown ownership and control as a conservation area pursuant to Section 86(5)(a)(i) CPL Act (shown shaded pink and marked CA1, CA2, CA3, CA4, CA5 and CA6 on the plan).*

Detailed Comments.

We understand that these areas will be given the same conservation (DOC) estate designation as the adjacent Ferny Gair Conservation Area to the North. We support this as it's important that all these areas are returned to the Conservation Estate so public use of the area can resume.

In addition, it is also important because the return of this land makes contiguous DOC estate from the mouth of Blackbirch Stream (close to SH1) all the way through to the Branch / Leatham and then Nelson Lakes areas something the SSP and PP has not identified. That creates an opportunity to develop a unique tramping route running East to West for over 100 kilometres with Seddon at one end and St Arnaud at the other as the closest logistic bases. It could also link in to the Te Araroa national walkway.

In terms of DOC's **Conservation Resources Report** (CRR - p3) such an opportunity is consistent with their recommendation *"that all northwest and eastern parts of the property be protected and administered by the Department of Conservation."*

The CRR (p12) also recommends *"Protection of this area will enhance the natural character of the area over a period of time and create an integration and connectivity with the adjoining landscapes."* Page 63 of the report also states, *"The property provides a high natural setting for recreation due to the property's isolation and limited development."*

Page 64 of the report states **Conservation Management Strategy (CMS)** for Marlborough specifically *"identifies improved tussock land tramping in Inland Marlborough as a key objective."* It also *"seeks to maintain facilities and seek opportunities to improve access for recreational hunting in South Marlborough; of which this property (Glenlee) contributes in part to."* Page 65 goes further and comments that the *"Area is really good for tramping."*

While the SPP and PP do *"note the conservation values"* derived from the CRR they both appear to have overlooked entirely any direct consideration and response to DOC's specific recommendations in both the CRR and CMS.

The opportunity to create a unique tramping route as outlined above would be a huge asset and economic boost to the region. It could link into what is becoming an increasingly popular Te Araroa walkway. It would give effect to the DOC recommendations referenced above.

5. Detailed response to preliminary proposal 2.

2. *Approximately 480 hectares to be designated as land suitable for disposal by special lease pursuant to Section 86(5)(b)(i) CPL Act (shown shaded blue and marked SL1 on the plan).*

Detailed Comments.

It seems to be an omission that there is no logical, coherent or compelling argument presented in the SPP (Pages 14-16) as to why this block of land is designated “suitable” and then recommended for special lease status. No supporting evidence whatsoever is presented for this recommendation. It just seems to emerge largely from nowhere in the SSP and PP.

Such an action would appear to fall under Part 3, Objects clause (c)(ii). This clause is subject to clauses (a) & (b) which take precedence so appears to be inconsistent with the CPL Act.

On page 33 (para 3) of the same report there is a section titled *Consideration of Options*. The special lease block (Mt Hall) SL1 warrants a paltry three-and-a-half-line paragraph **substantially less** than all the other blocks of land discussed under the same section of this report. That is certainly insufficient consideration of options to then try and justify the creation of a special lease. In fact, there is no actual analysis of options whatsoever for the SL1 block as no other options are presented.

Para 3 (p33) states “*is unable to be separated from the adjacent freehold land*” but yet provides no reasons why it can’t be separated (the first bullet below highlights the completely inconsistent treatment of such statements in the SPP itself).

Nor does the paragraph explain what the notion of “*unable to separate*” actually means? If it is inferring that the land use either side of the boundary can’t be separated, then that notion also can’t be substantiated. In terms of evidence for a counter view there are dozens of examples of DOC estate adjacent to high country stations, in Marlborough alone, where different land use either side of the boundary occurs including of course a number sitting within this current review!

This paragraph then goes on to state “*from a pragmatic point of view this land could be considered for either freehold disposal or a special lease*” but no reasons are then presented as to why this could be considered “pragmatic”. Pragmatic from whose perspective? Certainly not from the public’s perspective.

In summary there seems to be three weak points being used to try and justify the creation of a special lease namely (1) being unable to separate from adjacent freehold land, (2) difficulty of access and (3) economic. None of them survive even a cursory examination:

- *Unable to be separated from adjacent freehold.*

All the other blocks, with the exception of CA5, also border adjacent freehold land. The nonsense of the “unable to separate” assertion is actually highlighted by the inconsistent treatment in the SPP itself.

The same “unable to separate” notion is made in respect to the Cow Creek block (CA2, p13 of the SPP under the heading economic use) and the Barometer block (CA3, p22 of the SPP under economic use) where the language is slightly stronger using the term “*This area is inseparable*”.

If the assertion was true for SH1 block (which it is not) then the SPP would have reached the same conclusions and recommendations for the CA2 and CA3 blocks which it didn’t.

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The inconsistent treatment of recommendations has clearly not been fully considered in the SPP.

- *Difficulty of access*

Covered under Section 2 above. Solved simply by restoring full public access to this Crown Land.

- *Economic*

P16 of the SPP estimates SL1 has an inconsequential 100 stock units. Why would 480 hectares of public land be locked up for 20 years for such a trivial amount of privately gained economic return?

We have requested the Economic Reports noted on p6 of the SSP, but these have been denied so we are unable to form our own view of the economic benefits of a special lease.

However, we do know the rateable value of the total area of land under review is \$840,000 and that the proposed Special Lease rent is for a very low sum of \$4000 pa (+GST). That low level of rent strongly suggests the economic argument of a special lease is also weak.

A much better economic argument would be the new tramping route suggested in section 4 of this submission. That would be not only a larger economic benefit it would have the added advantage of being taken up by varying degrees through multiple commercial entities stretching from Seddon to St Arnaud. This might well include the stations such as Glenlee that straddle such a tramping route.

That point aside for a moment even combined it's difficult to see how the three weak points above could be used to justify the establishment of a Special Lease.

6. Detailed response to preliminary proposal 3.

3. *Approximately 58 hectares to be designated as land suitable for disposal in fee simple under the Land Act 1948 pursuant to Section 86(5)(b)(ii) Crown Pastoral Land Act 1998 (shown shaded green and marked FH1 on the plan).*

Detailed Comments.

MNZDA agrees with this recommendation however the transfer of 58 hectares to fee simple title should not be handed over without a compensatory offset to the conservation estate.

We would propose the Eastern freehold gridiron blocks sitting within CA4 comprises that compensatory offset. It would be entirely sensible for this to be negotiated as part of this review process as it is less likely to occur if left to the post review period.

This would bolster the public access options up the Penk River to the DOC estate areas which would be a pragmatic action as part of this review while also giving further effect to Part 3, Objects clause (c)(i).

7. Other matters.

This submission recognises that there is clear guidance given under the Crown Pastoral Land Act as to what matters can be taken into account when reviewing a preliminary proposal.

While some of the “other matters” below may be given consideration others may be disallowed. However, they are all valid concerns for MNZDA, and this submission is the only opportunity for them to be tabled as a matter of public record.

1. We understand the current lease holder may be considering seeking special lease, or fee simple freehold status, for blocks CA5 & CA6 in addition to SL1 and may table this during consultation towards a Substantive Proposal (SP). If true, then in total this is then 1941 hectares of public land that would then remain locked up for private gain and unavailable for public use. If this should transpire, the MNZDA wishes to take this opportunity to state it would oppose any such move to lock up public land for a further 20-year period or freeholding of public estate. Such a move would be inconsistent with the CPL Act and earlier lease agreements that clearly states that there is no right of renewal.
 - a. If a draft SP is substantively different to the advertised PP, we understand it must be re-advertised for further public submissions. Any change of Conservation Areas to Special Lease would constitute substantive change in our view.
2. It is clear from the Conservation Resources Report that the Department of Conservation (DOC) are of the view that the lease areas have a high conservation / biodiversity value and would be a great link through to the Glazebrook and other conservation areas. It is our understanding that DOC is keen to see the entire area added to the existing Conservation Area.
3. Likewise, we understand the Walking Access Commission’s view is that this land should be returned to full and unfettered public use.
4. We also propose the principle that public assets (which these are), such as Crown land, should not be appropriated for private gain particularly where this excludes the rightful access of New Zealanders to the enjoyment of those same public assets. With the current proposals that is clearly the case here.
5. In terms of the information available to the public consultation process, we had to first ascertain the existence, and then request a copy, of the current lease which was a significant omission from the consultation material made available to submitters. Likewise copies of the Occupational Lease’s between there period 1 Jan 2009 to 30 Jun 2017 both days inclusive only arrived late on Friday 19th July so there has been insufficient time to consider any issues that may relate to these documents.
 - a. We note that the Notice of Preliminary Proposal refers to land “*previously held in the Glenlee occupation licence.*” We presume this may be referring to the land held under the current lease which was signed in mid 2017?



New Zealand Deerstalkers' Association Inc
RAKAIA BRANCH (Est. 1959)

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22 July, 2019

**Submission On Preliminary Proposal for Review of Other Crown Land
LICENCE TO OCCUPY - GLENLEE RUN**

Reference: Om 025
District: Marlborough

Introduction

New Zealand Deerstalkers Association

Founded in 1938, the New Zealand Deerstalkers Association Inc. (NZDA) advocates for recreational big game hunting for its 10,000-odd members spread across almost 50 Branches around New Zealand.

NZDA - by virtue of its Membership, and it's broad coverage of Branches across the country - is the pre-eminent voluntary organisation representing Recreational Hunters of game animals, in New Zealand.

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NZDA has, as some of its objectives:

- To obtain to the greatest possible degree, access to the recreational game herds of New Zealand for all
- To negotiate with the landholders of private land for the right of access to the game herds thereon
- To maintain the principle of recreational use as of right for all outdoor sports men/women of all unoccupied land held by the Crown and other public bodies
- To oppose the freeholding of Crown lands held under pastoral lease or licence – for all recreational land and wetlands – unless satisfactory public access has been retained in Crown ownership / control.

NZDA's Rakaia Branch

NZDA's Rakaia Branch was established in 1959.

As one of NZDA's Branches, Rakaia Branch provides for it's 100-odd Members.

Recommendation: That this Submission be accepted in the spirit, and cognisant, of it being on behalf of one of NZDA's 50 Branches and part of the greater collective of 10,000 odd Members, nationwide.

Legal Framework

This Submission seeks to align itself with the objectives of the Crown Pastoral Land Act 1998 (CPLA), in particular section 83(c)(i) - see below. Furthermore, this Submission addresses the protection of significant inherent values, ecologically sustainable land management, public access and public enjoyment matters specified in subsection (2) (a)-(d) of section 40 of the CPLA (Protective Mechanisms).

Section 83 of the Crown Pastoral Land Act states:

83 Objects of Part 3

The objects of this Part are —

- (a) to promote the management of Crown land in a way that is ecologically sustainable; and
- (b) to enable the protection of significant inherent values of Crown land; and
- (c) subject to paragraphs (a) and (b), to make easier—
 - (i) the securing of public access to and enjoyment of Crown land; and

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- (ii) the freehold disposal of Crown land capable of economic use.

As may be noted elsewhere in this Submission, Recreational Hunting is reflected amongst the above objects in several ways:

1. Recreational Hunting helps promote the management of Crown land in a way that is ecologically sustainable - as population management of introduced wild animals is an important part of land management - and doing so by way of Recreational Hunting is amongst the most benign / environmentally sustainable forms of such population management;
2. Recreational Hunting represents enjoyment of significant inherent cultural values (harvesting of natural resources).
3. Recreational Hunting contributes to the protection of significant inherent values - as population management of introduced wild animals is an important part of protection of such values;
4. Recreational Hunting helps with justification for the securing of public access for public enjoyment and recreation.

Recommendation: That public Recreational Hunting access to Public Conservation Land be given priority - under CPLA s.83, with consideration also of CPLA s.40, subsection (2) (a)-(d).

The Important Contributions of Recreational Hunting

Recreational hunting is an important national pastime, for around 167,000 New Zealanders (with a further 28,500 participating overseas visitors), with many millions of recreational hours spent in the activity. New Zealand Recreational Big Game Hunters alone spend upwards of \$200 million on the activity, per annum (excluding the considerable further contribution of overseas visitors who also hunt) - thereby making an important contribution to the national economy. It provides important environmental, economic, social and mental / physical health benefits - while also providing sustainable, organic, free range, nutritious and humanely gathered meat for many New Zealanders who would otherwise not be able to afford such food.

The total annual spend of all Recreational Hunters (including big game, small game and game birds) is estimated to be in the range of \$250-\$350 million.

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In addition to those who hunt themselves – hundreds of thousands of family and friends enjoy benefits associated with Recreational Hunting through accompaniment on the hunting experience, and consumption of game meat harvested.

Recreational Hunters make a major contribution to ecological protection - by harvesting some 150-200,000 big game animals (deer, pigs, tahr and chamois) - as well as hundreds of thousands of small game animals (goats, wallabies, rabbits, hares, possums), game birds (ducks, Canada geese and others), and other species more generally recognised as pests (feral cats, mustelids etc).

In summary - Recreational Hunting makes an important contribution to ecological protection, and the wellbeing of a significant number of New Zealanders.

Recommendation: That the important contributions of Recreational Hunting be noted - and provided for to the fullest extent possible, while reviewing tenure / occupation of Crown Land.

Broad Network of Recreational Hunting Access Points

Wild big game animals spread far and wide – into every nook and cranny of the land. Populations of game animals may vary over time - so where there are none now, there may be a high population in years to come - and vice versa. Recreational Hunters require a broad network of access points to Public Conservation Land (PCL) - to enable us to optimally provide efficient, sustainable and humane management of game animal populations. Recreational hunting is the most environmentally sustainable and benign form of wild, introduced animal population management (compared to other forms of management such as aerial culling, and the use of poisons).

Recreational Hunting requires not just public access to and around the bottom of the hill - but also spaced access up the hill. The general rule to be desired is that such access is provided into PCL areas at sufficient frequency to allow a ½ day or day hunt to be undertaken from one legal access point, to the next (from wherever a vehicle may be parked). Marginal Strips may be included in such access point consideration. This is to allow hunters to harvest animals uniformly across the PCL, and prevent build-up of animal numbers in less accessible areas (the location of which may vary with the seasons, and across the decades).

No other public access activity requires this breadth and depth of access.

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More access points also improves safety - as it spreads Recreational Hunters apart. Both from each other - and from other members of the public (who may not always enjoy sharing spaces with those carrying firearms, or game animal carcasses and meat). It also enables improved emergency response, both access and evacuation.

Recommendation: That a broad network of multiple public access points to Public Conservation Land is provided for while reviewing Crown Land, to the fullest extent possible.

Vehicular Access “To The Bottom of the Hill”

Experience informs that the greater majority of Recreational Hunters (along with other Recreational Users) will range up to 3 hours walk from where they can park their vehicle. Recreational Hunters must consider the walk out - heavily laden with meat, after a successful hunt. For this reason - and to maximise our effectiveness, in terms of introduced animal population management - we require vehicular access “to the bottom of the hill”. This expression is intended to mean “to the limit of practicable vehicle access, due to the nature of the terrain”. It should be noted that vehicular access may be by way of highly capable four-wheel drive, quad bike, side-by-side, or two-wheeler motorcycle. Care is required not to obstruct vehicle access due to a misplaced perception of the practicality of access - many are surprised where Recreational Hunters may achieve vehicular access, for the purposes of recovery of animals or meat.

Recommendation: That provision for vehicle access “to the bottom of the hill” (or to the limit of practicable vehicle access, due to the nature of the terrain) is made wherever practically possible within the scope of this review, while traversing over all public access to Public Conservation Land.

Carriage of Firearms

The vast majority of Recreational Hunters utilise Firearms for their hunting (although the use of Hunting Bows is becoming more popular, amongst a small minority).

Therefore - to be of practicable use - public access through privately-controlled land for the purposes of gaining access to PCL for Recreational Hunting must provide for the legitimate carriage of unloaded Firearms.

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Recommendation: That provision for the carriage of unloaded firearms is made, while traversing over all public access across privately controlled land to Public Conservation Land.

Accompaniment of Dogs

The use of dogs to assist with the locating of animals is common overseas - and is becoming increasingly popular, here in New Zealand.

Some specialised forms of hunting - eg hunting of pigs - make more frequent use of dogs, to improve hunting efficiency and effectiveness.

Therefore - to be of practicable use - public access for the purposes of Recreational Hunting should provide for the legitimate accompaniment of dogs. Such dogs - at all times when traversing over all public access across privately controlled land - to be restrained in or on a vehicle (where applicable), or on a lead (when on foot).

Recommendation: That provision for the accompaniment of dogs is made, while traversing over all public access across privately controlled land to Public Conservation Land.

General acceptance of Legal Process and Outcomes

NZDA accepts the legal situation – and the broad aims of the Crown Pastoral Land Act 1998 - including the appropriate review of tenure / occupation of Crown land, under Part 3.

Our concern is that the opportunity must be properly taken as part of such review, to ensure that the objectives of the Act – and what is otherwise right and proper - are met. In particular, that the opportunity is properly met to optimally support recreational hunting as a means to achieve the objectives around ecological protection, protection of significant inherent values, and public access.

NZDA's view is that LINZ / the Commissioner must properly consider the ongoing (public) access interests – and the appropriate legal mechanisms to reasonably safeguard and protect such access interests - as would any other landowner on the review of tenure / occupation or disposal of land. It is upon such review or disposal, that

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appropriate legal mechanisms for public access can most easily and most cost-effectively be put in place.

It is in this regard that NZDA rejects the historical stance apparently taken by LINZ / the Commissioner – that the realignment of legal roads with formed tracks is a matter for the local authority. This is certainly true under “business as usual”. But review of tenure / occupation of Crown Land is far from “business as usual”. So while this is true *prior* to such review – and it remains true *after* such review – *during* such review, LINZ / the Commissioner is in a unique position to exercise his responsibility “to make easier the securing of public access to and enjoyment of Crown land”.

NZDA therefore sees any failure by the Commissioner to effect such realignment during review of Crown Land as a failure to properly exercise all reasonable options available to him, under s.24.

Failure to do so misses what may be a rare or one-off opportunity.

Recommendation: that LINZ / the Commissioner put in place such mechanisms as are at its disposal - to fully safeguard and protect ongoing public access interests - including but not limited to: (1) realignment of any ULR's with adjacent formed tracks (or similar practicable vehicle access routes); and (2) creation of appropriate public access easements.

Customary, Traditional and Historical Expectation of Reasonable Public Access

A key issue for the public – including Recreational Hunters and NZDA Members in particular - is restoration or preservation (and where possible, enhancement) of what is a generally-held customary, traditional and historical reasonable expectation for provision of practical access. Particularly, access across privately-controlled land – to adjoining PCL beyond. This may be characterized by the expression “a reasonable request for access .. reasonably granted”.

This expectation appears particularly valid – where access is across effectively publicly-owned Crown land under the Crown Pastoral Land Act.

It cannot be stressed enough how untenable it is considered to be that this historical / customary / traditional public expectation of access is denied, or excessively restricted across Crown land - especially where this is to effectively provide (or where as a consequence this does provide) an exclusive benefit to the adjoining Landholder.

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Whether this benefit be exercised by himself / for himself – or to provide, for example, exclusive access for commercial guided hunting.

It is noted that such public access expectations are based upon **150 years** of egalitarian access reasonably provided by New Zealand Landholders - such egalitarian values having formed a basis of European settlement of New Zealand. And that by and large have been part of our New Zealand culture, throughout our recent history.

Recommendation: That care is taken not to provide exclusivity of access to PCL - for all intents and purposes - to an adjoining Landholder - who may then utilise such effectively exclusive access, for his / her own pecuniary advantage.

Health and Safety

Hunters will always legitimately hunt – and provision is made for them to lawfully be able to do so.

As mentioned elsewhere – multiple lateral access points to PCL serve an important purpose in spreading hunters apart. This reduces the probability of hunters encountering other hunters or backcountry users - and thus obvious associated risks, however minor.

Also, while most trampers and other backcountry users are unfazed by encountering hunters – lawfully carrying firearms and perhaps laden with animal carcasses or meat – some may prefer to avoid this experience. The more spread out hunters are able to be – the more the probability of backcountry users encountering each other is reduced.

Thus, the responsibility to make provision for not only public access to PCL, but also multiple access points to that PCL (under CPLA Part 2, s.24) is important from a health and safety perspective.

Recommendation: That the number of public access points be maximised wherever possible - to enhance health and safety for all concerned. (This to include making even a single access point available, to an otherwise inaccessible hunting ground / area of PCL).

A Fresh Look (Any Recent Restricted Public Access Irrelevant)

NZDA gratefully acknowledges that existing Landholders may (or may not) have generally been very good about generously accommodating and granting permission in response to public access requests, eg for recreational fishing or hunting.

However, many Landholders (including Leasee's / Other Occupiers of Crown Land) have actively restricted public recreational access (including access for Recreational Hunters). It is asserted that whether or not current and/or past landholders have allowed recent practice of public access across Crown Land (to get to the PCL beyond) is irrelevant. The process for review of tenure / occupation of Crown Land represents what must be treated as if it may be a rare or even unique, one-off and last-chance opportunity to negotiate for and entrench legal public recreational access across Crown land – before the review process is concluded, and crown control or public influence over privately-controlled Crown land may be lost for a period, or potentially / effectively forever.

Also, as has often already proven to be the case in the past – adjoining land may change hands following review. New Landholders – who may be non-resident foreigners – may bring a completely different attitude to land stewardship. Hunting opportunity can be a major drawcard for foreign owners to purchase land – as access to hunting grounds can be very expensive and sought after, overseas. The opportunity to restrict public access over privately-controlled land to the PCL beyond – thus creating effective exclusivity of access to the PCL - can be just too tempting. Experience informs that the potential for land to change hands must be assumed – and that new owners may be as obstructive as they legally can be, towards public recreational access (including access for recreational hunting). It is for this reason – as much as any other - that outcomes of the review of Crown Land must legally entrench the public's expectation for “reasonable, practical, certain and enduring public access” to the fullest extent possible.

Recommendation: That any review of tenure / occupation of Crown Land takes a fresh look at the potential for “reasonable, practical, certain and enduring public access”, irrespective of whether such access has been recently available or not.

“Thinking Outside the Square” for Negotiation of Public Access

By way of an example – it is understood early negotiations regarding public access across proposed freehold for the Godley Peaks Tenure Review indicated that any such public access would be excluded.

However, our understanding is LINZ / the Commissioner wisely elected to commission a Surveyor’s Report to determine effective coincidence or otherwise between the ULR and the adjacent Farm Track.

We understand the Surveyor’s advice was that the ULR and Farm Track should be considered as one and the same – which provided a breakthrough in negotiations around public access across the proposed freehold.

This is an example of synergistic or perhaps “outside the square thinking”, around public access. Public access can be negotiated as a compensatory trade-off for some other concession – or, perhaps as the result of a Surveyor’s Report to determine any coincidence or otherwise between an ULR and any adjacent Formed Track.

Recommendation: that synergistic and/or “outside the square” thinking be adopted, in any approach to public access determinations.

Vehicle Access as a Means to Minimise Access Discrimination

Consideration of vehicle access (covered elsewhere in this Submission) is also important to avoid public access discrimination, and establish equitable public access (as envisaged under CPLA s.83) for different groups of New Zealanders – including the aged, the infirm, and the disabled. For example, the vision of the Disability Strategy 2016-2026 is that, “We access all places, services and information with ease and dignity”).

Recommendation: that vehicle access as a means of establishing equitable public access and minimising access discrimination – for the aged, the infirm and the disabled - be fully considered, in any approach to public access determinations.

Specific Points of Submission on the Glenlee Run Preliminary Proposal

We fully support the submission by the Marlborough Branch of NZDA (herein attached as "Appendix A" and in addition would like to propose that public access to the areas CA1 to CA6 and SL1 be given priority consideration, as current foot and vehicle access to this area is impossible.

In summary, this means that this Submission:

1. **supports** the restoration to full Crown ownership and control as Public Conservation Land all of CA1 to CA6 (5249ha), with unfettered rights of public access thereon;
2. **does not support** the proposed disposal of SL1 (480ha) by special lease, as it will impose unacceptable conditions on public access (prohibiting firearms and dogs).
3. **furthermore, recommends that** - if any special lease were to be considered for issue over any part of the land - it must include provision for unfettered public access (whether by vehicle, or on foot, horse, mountain bike or similar), and with firearms or dogs.

Recommendation: That the Submission of NZDA Marlborough (attached as Appendix A") be considered fully supported by, and part of, this Submission.

Note: please contact us for clarification, in the event of any apparent conflict that may exist between the NZDA Marlborough Submission, and the balance of this Submission.

Alignment of ULR's with Formed / Farm Tracks

Regardless of any practical restrictions in accessing any such sections of track - we submit a request that every effort be undertaken for the current unformed legal road (ULR) along the Grey River to be made coincident with the existing farm track on any part of Glenlee Run that is possible, within the scope of the current review (or by negotiation outside of it). We also submit a request the ULR be extended and made coincident with the farm track that runs alongside Cow Stream. This would then provide access for walkers and vehicles (wherever currently or futuristically possible) into the CA1-CA6 & SL1 areas. Such access to include unfettered provision (where applicable) for the carriage of firearms, and the accompaniment of dogs.

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In the above, “wherever currently or futuristically possible” does not necessarily mean “currently practically possible”. We are seeking to provide for both currently practicable, and futuristically possible public access - and so access restrictions outside the scope of this current review are considered to be of no consequence. It is impossible to predict what may occur in the future, including on neighbouring properties / adjoining land - and therefore, how current access restrictions outside the scope of this current review may change.

Qualifying Waterbodies Report

We note a number of water bodies in the CA1 to CA6 and SL1 areas and request for these to be assessed as Qualifying Water Bodies - the objective being to define these as legal access routes (whether this be for current or possible future purposes).

Contacts for Submission

NZDA appoints as it's representative for the purposes of this Submission our Branch Submissions Officer, Stewart Hydes (refer contact details as per letterhead above, and email to which this Submission is attached).

Yours Faithfully

A handwritten signature in black ink, appearing to read 'S Hydes', with a large, stylized 'S' at the beginning.

(Stewart Hydes)
Submissions Officer

ON BEHALF OF:
Tom Beams – President
New Zealand Deerstalkers Association Rakaia Branch Inc.
Ashburton

APPENDIX A:

SUBMISSION OF MARLBOROUGH BRANCH OF NZDA

Commissioner of Crown Lands

Land Information New Zealand Crown Property
CBRE House, 112 Tuam Street
Private Bag 4721
CHRISTCHURCH 8140

Sent via email pastoral&tenurereview@linz.govt.nz

Monday 22 July 2019

Response to Summary of Preliminary Proposal Review of Crown Land – Om025 GLENLEE

Dear Commissioner

The Marlborough Branch of the New Zealand Deerstalkers Association wishes to make a submission on your current crown land review of Glenlee under Part 3 of the CPL Act.

The main thrust of our submission introduces new information and important perspectives that have not been considered under the preliminary proposal. In addition, there are issues that have been considered, where we believe alternative outcomes are more clearly in line with the requirements of CPLA.

Thank you for the opportunity to make a submission.

Kind regards
Marlborough Branch NZ Deerstalkers Association

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Abbreviations

CMS	Conservation Management Strategy
CRR	Conservation Resources Report
DOC	Department of Conservation
MNZDA	Marlborough Branch New Zealand Deerstalkers Association
PP	Preliminary proposal
SP	Substantive proposal
SPP	Summary of preliminary proposal outcomes

1. Objects and designations.

We note that the **Objects of Part 3** are:

- a) To promote the management of Crown land in a way that is ecologically sustainable; and
- b) To enable the protection of significant inherent values of Crown land; and
- c) Subject to paragraphs (a) and (b), to make easier
 - i. The securing of public access to and enjoyment of Crown land; and
 - ii. The freehold disposal of Crown land capable of economic use.

Section 86(5) CPL Act requires that land in a **Part 3 review be designated** as

- a) Land to be retained in full Crown ownership and control:
 - i. As conservation area: or
 - ii. As a reserve to be held for a purpose specified in the proposal; or
 - iii. For some specified Crown purpose; or

- b) Either or both of the following:
 - i. Land suitable for disposal by special lease (on terms specified in the proposal).
 - ii. Land suitable for disposal in fee simple under the Land Act 1948.

MNZDA will anchor its responses back to the Part 3 objects and review designations.

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2. Difficulty of access.

The issue of public access and complying with Part 3, Objects clause (c)(i) is critically important. There is not a single element of the SPP or PP that currently “secures” public access.

The way this issue is treated both in the Summary Preliminary Proposal (SPP) itself but particularly in the proposed clause 12.1 of the Special Lease conditions in the Preliminary Proposal (PP) does not capture key information or other important perspectives. The proposed solution presented in clause 12.1 is completely unworkable for the reasons laid out below.

Throughout the issue of access is, in MNZDA’s view, poorly treated and incorrectly laid out and hence warrants its own section early in this submission.

- Nowhere in either the SPP or the PP is it clearly stated that the reason public access is not available is because of the existence of previous and now the current lease! **This is the fundamental problem. The SSP lacks balance because it makes no mention of this fact.**
 - It is difficult to ascertain from the incomplete chronology presented in the Due Diligence report of September 2004 how long the public has been locked out of these areas, but it appears to be now over half a century!! It is long overdue that this public land is returned for public use.
- It is more than unfortunate that the SPP then uses that same lack of access, in effect, as its main argument to support a special lease recommendation.
 - Just one example on p16 of the SPP in respect to the SL1 block makes this point. It states, *“this catchment can only be accessed via the Glenlee freehold we understand that there is very little public use of the area at present”*. Similar language appears throughout at p10, p13, p19, p22, p26 and p31. Not a single one of these statements provides balance to the SSP by explaining why there is *“little public access.”*
 - These statements are also factually incorrect and certainly factually incomplete. All these areas could easily be accessed via helicopter but not while a lease has existed. Likewise, there is little public access (via land) for the simple reason access across Glenlee station to the Crown Land boundary is not granted.
 - In terms of the SPP there are numerous references throughout to *difficult access* or *public access not currently available*. These comments appear to then go on and cloud the conclusions, judgements and finally recommendations reached in the report. There is no easy public access currently - simply because the block of land has been locked up under lease and public access is not facilitated!
- **The proposed Clause 12.1 simply just enshrines the locked-up status quo.** It is a disingenuous clause purporting to enable public access, when in fact it provides the very mechanism for the lessee to continue to “lock out” public access.
 - Helicopter access is specifically omitted in the draft clause presumably in the full knowledge that this is highly likely to be a primary method of access to these areas. No rationale or argument is provided for this omission again creating a further lack of balance in the SSP and PP. All, DOC helicopter concessions should be allowed to land in these crown land areas as they do for adjacent DOC estate unless compelling reasons exist to exclude them. Compelling reasons are unlikely to exist which is probably why none are presented in the SSP or PP to support the exclusion of helicopter access. In addition, there is no evidence in either the SSP or PP that this issue has been given consideration (further comments at the end of this section highlight the importance of this issue).

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- Clause 12.1 then goes on to say, *“the public shall have the right to enter on the land at all times, and from time to time, on foot, mountain bike or horse without the consent of the lessee”*. This is fairly cynical of course because anyone wanting to use these modes of transport [on the Crown Land in the absence of helicopter access] will first need to get permission to cross freehold Glenlee Station land in order to reach the Crown Land boundary!
- Clear evidence exists, over many decades now, that conclusively demonstrates permission for such public access has not been given.
- Vague references on page 38 of the SSP to *“future arrangements with the neighbouring landowners”* is a woefully inadequate response to the access problem created by occupational and now proposed special leases being entered into.
- Ipso facto, with a new special lease as proposed, the land is once again locked up with no effective public access for a further unreasonable period of 20 years.
- There appears to have been no consideration given in either the SPP or PP as to whether this clause would work in practice.
- The clause therefore fails completely to comply with Object, Part 3(c)(i) *The securing of public access to and enjoyment of Crown Land*. The key word in this clause is *“securing”* and this would not be given effect by a special lease with such a clause.

In terms of public usage by way of a real-life example the Ferny Gair Conservation Area to the North is DOC estate. The critical role of helicopter access is highlighted by MNZDA long history of using helicopters and volunteer labour for hut & track maintenance. That in turn opens up both public access and then greater usage of the DOC estate. A recent example is the relocation of the Black Birch Hut which has significantly increased the usage of this part of the DOC estate for all public users including trampers, mountain bikers and hunters alike.

In addition, MNZDA provides goat control operations at numerous locations such as Blackbirch, Omaka, Horrible Spur, Penk, Ferny Gair, the northern Teme Basin etc having undertaken over 2500 person hours of such control work in recent years at no cost to the taxpayer.

It is important to note that many hunting parties (i.e. non-MNZDA members) also utilise these drop off points for their own hunting trips.

Many of these areas are adjacent to the current leased Glenlee blocks. The key point to make here is that as soon as public access is restored similar levels of public utilisation will also occur for the blocks of land from the Glenlee POL that revert to Crown owned conservation areas.

3. Summary of NZDA's response to the proposed designations

1. *Approximately 5,249 hectares to be retained in full Crown ownership and control as a conservation area pursuant to Section 86(5)(a)(i) CPL Act (shown shaded pink and marked CA1, CA2, CA3, CA4, CA5 and CA6 on the plan).*

Response **MNZDA supports this recommendation.**

This complies with Part 3, Objects (a), (b) and (c)(i). It also complies with Part 3, Designations (a)(i).

2. *Approximately 480 hectares to be designated as land suitable for disposal by special lease pursuant to Section 86(5)(b)(i) CPL Act (shown shaded blue and marked SL1 on the plan).*

Response **MNZDA DOES NOT support this recommendation.**

- It does not comply with Part 3, Objects (b) *to enable the protection of significant inherent values of Crown Land* as laid out in the Conservation Resources Report, August 2016.
- It does not comply with Part 3, Objects (c)(i) *the securing of public access to and enjoyment of Crown Land*. Furthermore:
 - No case, logical argument or for that matter evidence as to why “the land is suitable” has been presented in either the SPP or PP to support a Special Lease option. There is no explanation for why the recommendation is put forward?
 - Public access will not be enabled under the proposed clause 12.1 of the Special Lease. This clause disingenuously purports to provide public access, when in fact it provides the mechanism for public access to continue to be “locked out”.
 - The land will, in effect, remain locked up for private use and gain for an unreasonable period of 20 years. In other words, the status quo will remain as it has now for some decades.

The proposed option to dispose by special lease under clause (b)(i) of Section 86(5) CPL Act is subservient and subject to the requirements under clause (a)(i) that the land is to be retained in full Crown ownership and control as conservation area.

It would also be in breach of the principle that public assets should not be appropriated for private gain as outlined under “other matters” below.

3. *Approximately 58 hectares to be designated as land suitable for disposal in fee simple under the Land Act 1948 pursuant to Section 86(5)(b)(ii) Crown Pastoral Land Act 1998 (shown shaded green and marked FH1 on the plan).*

Response **MNZDA supports this recommendation however, given the value of this land, the transfer of 58 hectares to fee simple needs to be offset with a compensatory addition to the conservation estate.**

4. Detailed response to preliminary proposal 1.

1. *Approximately 5,249 hectares to be retained in full Crown ownership and control as a conservation area pursuant to Section 86(5)(a)(i) CPL Act (shown shaded pink and marked CA1, CA2, CA3, CA4, CA5 and CA6 on the plan).*

Detailed Comments.

We understand that these areas will be given the same conservation (DOC) estate designation as the adjacent Ferny Gair Conservation Area to the North. We support this as it's important that all these areas are returned to the Conservation Estate so public use of the area can resume.

In addition, it is also important because the return of this land makes contiguous DOC estate from the mouth of Blackbirch Stream (close to SH1) all the way through to the Branch / Leatham and then Nelson Lakes areas something the SSP and PP has not identified. That creates an opportunity to develop a unique tramping route running East to West for over 100 kilometres with Seddon at one end and St Arnaud at the other as the closest logistic bases. It could also link in to the Te Araroa national walkway.

In terms of DOC's **Conservation Resources Report** (CRR - p3) such an opportunity is consistent with their recommendation *"that all northwest and eastern parts of the property be protected and administered by the Department of Conservation."*

The CRR (p12) also recommends *"Protection of this area will enhance the natural character of the area over a period of time and create an integration and connectivity with the adjoining landscapes."* Page 63 of the report also states, *"The property provides a high natural setting for recreation due to the property's isolation and limited development."*

Page 64 of the report states **Conservation Management Strategy (CMS)** for Marlborough specifically *"identifies improved tussock land tramping in Inland Marlborough as a key objective."* It also *"seeks to maintain facilities and seek opportunities to improve access for recreational hunting in South Marlborough; of which this property (Glenlee) contributes in part to."* Page 65 goes further and comments that the *"Area is really good for tramping."*

While the SPP and PP do *"note the conservation values"* derived from the CRR they both appear to have overlooked entirely any direct consideration and response to DOC's specific recommendations in both the CRR and CMS.

The opportunity to create a unique tramping route as outlined above would be a huge asset and economic boost to the region. It could link into what is becoming an increasingly popular Te Araroa walkway. It would give effect to the DOC recommendations referenced above.

5. Detailed response to preliminary proposal 2.

2. *Approximately 480 hectares to be designated as land suitable for disposal by special lease pursuant to Section 86(5)(b)(i) CPL Act (shown shaded blue and marked SL1 on the plan).*

Detailed Comments.

It seems to be an omission that there is no logical, coherent or compelling argument presented in the SPP (Pages 14-16) as to why this block of land is designated "suitable" and then recommended for special lease status. No supporting evidence whatsoever is presented for this recommendation. It just seems to emerge largely from nowhere in the SSP and PP.

Such an action would appear to fall under Part 3, Objects clause (c)(ii). This clause is subject to clauses (a) & (b) which take precedence so appears to be inconsistent with the CPL Act.

On page 33 (para 3) of the same report there is a section titled *Consideration of Options*. The special lease block (Mt Hall) SL1 warrants a paltry three-and-a-half-line paragraph substantially less than all the other blocks of land discussed under the same section of this report. That is certainly insufficient consideration of options to then try and justify the creation of a special lease. In fact, there is no actual analysis of options whatsoever for the SL1 block as no other options are presented.

Para 3 (p33) states "*is unable to be separated from the adjacent freehold land*" but yet provides no reasons why it can't be separated (the first bullet below highlights the completely inconsistent treatment of such statements in the SPP itself).

Nor does the paragraph explain what the notion of "*unable to separate*" actually means? If it is inferring that the land use either side of the boundary can't be separated, then that notion also can't be substantiated. In terms of evidence for a counter view there are dozens of examples of DOC estate adjacent to high country stations, in Marlborough alone, where different land use either side of the boundary occurs including of course a number sitting within this current review!

This paragraph then goes on to state "*from a pragmatic point of view this land could be considered for either freehold disposal or a special lease*" but no reasons are then presented as to why this could be considered "pragmatic". Pragmatic from whose perspective? Certainly not from the public's perspective.

In summary there seems to be three weak points being used to try and justify the creation of a special lease namely (1) being unable to separate from adjacent freehold land, (2) difficulty of access and (3) economic. None of them survive even a cursory examination:

- *Unable to be separated from adjacent freehold.*
All the other blocks, with the exception of CA5, also border adjacent freehold land. The nonsense of the "unable to separate" assertion is actually highlighted by the inconsistent treatment in the SPP itself.

The same "unable to separate" notion is made in respect to the Cow Creek block (CA2, p13 of the SPP under the heading economic use) and the Barometer block (CA3, p22 of the SPP under economic use) where the language is slightly stronger using the term "*This area is inseparable*".

If the assertion was true for SH1 block (which it is not) then the SPP would have reached the same conclusions and recommendations for the CA2 and CA3 blocks which it didn't.

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The inconsistent treatment of recommendations has clearly not been fully considered in the SPP.

- *Difficulty of access*
Covered under Section 2 above. Solved simply by restoring full public access to this Crown Land.
- *Economic*
P16 of the SPP estimates SL1 has an inconsequential 100 stock units. Why would 480 hectares of public land be locked up for 20 years for such a trivial amount of privately gained economic return?

We have requested the Economic Reports noted on p6 of the SSP, but these have been denied so we are unable to form our own view of the economic benefits of a special lease.

However, we do know the rateable value of the total area of land under review is \$840,000 and that the proposed Special Lease rent is for a very low sum of \$4000 pa (+GST). That low level of rent strongly suggests the economic argument of a special lease is also weak.

A much better economic argument would be the new tramping route suggested in section 4 of this submission. That would be not only a larger economic benefit it would have the added advantage of being taken up by varying degrees through multiple commercial entities stretching from Seddon to St Arnaud. This might well include the stations such as Glenlee that straddle such a tramping route.

That point aside for a moment even combined it's difficult to see how the three weak points above could be used to justify the establishment of a Special Lease.

6. Detailed response to preliminary proposal 3.

3. *Approximately 58 hectares to be designated as land suitable for disposal in fee simple under the Land Act 1948 pursuant to Section 86(5)(b)(ii) Crown Pastoral Land Act 1998 (shown shaded green and marked FH1 on the plan).*

Detailed Comments.

MNZDA agrees with this recommendation however the transfer of 58 hectares to fee simple title should not be handed over without a compensatory offset to the conservation estate.

We would propose the Eastern freehold gridiron blocks sitting within CA4 comprises that compensatory offset. It would be entirely sensible for this to be negotiated as part of this review process as it is less likely to occur if left to the post review period.

This would bolster the public access options up the Penk River to the DOC estate areas which would be a pragmatic action as part of this review while also giving further effect to Part 3, Objects clause (c)(i).

7. Other matters.

This submission recognises that there is clear guidance given under the Crown Pastoral Land Act as to what matters can be taken into account when reviewing a preliminary proposal.

While some of the “other matters” below may be given consideration others may be disallowed. However, they are all valid concerns for MNZDA, and this submission is the only opportunity for them to be tabled as a matter of public record.

1. We understand the current lease holder may be considering seeking special lease, or fee simple freehold status, for blocks CA5 & CA6 in addition to SL1 and may table this during consultation towards a Substantive Proposal (SP). If true, then in total this is then 1941 hectares of public land that would then remain locked up for private gain and unavailable for public use. If this should transpire, the MNZDA wishes to take this opportunity to state it would oppose any such move to lock up public land for a further 20-year period or freeholding of public estate. Such a move would be inconsistent with the CPL Act and earlier lease agreements that clearly states that there is no right of renewal.
 - a. If a draft SP is substantively different to the advertised PP, we understand it must be re-advertised for further public submissions. Any change of Conservation Areas to Special Lease would constitute substantive change in our view.
2. It is clear from the Conservation Resources Report that the Department of Conservation (DOC) are of the view that the lease areas have a high conservation / biodiversity value and would be a great link through to the Glazebrook and other conservation areas. It is our understanding that DOC is keen to see the entire area added to the existing Conservation Area.
3. Likewise, we understand the Walking Access Commission’s view is that this land should be returned to full and unfettered public use.
4. We also propose the principle that public assets (which these are), such as Crown land, should not be appropriated for private gain particularly where this excludes the rightful access of New Zealanders to the enjoyment of those same public assets. With the current proposals that is clearly the case here.
5. In terms of the information available to the public consultation process, we had to first ascertain the existence, and then request a copy, of the current lease which was a significant omission from the consultation material made available to submitters. Likewise copies of the Occupational Lease’s between there period 1 Jan 2009 to 30 Jun 2017 both days inclusive only arrived late on Friday 19th July so there has been insufficient time to consider any issues that may relate to these documents.
 - a. We note that the Notice of Preliminary Proposal refers to land “*previously held in the Glenlee occupation licence.*” We presume this may be referring to the land held under the current lease which was signed in mid 2017?



22 July 2019

Commissioner of Crown Lands
Land Information New Zealand
Crown Property and Investment
Private Bag 4721
CHRISTCHURCH

**Preliminary Proposal for Review of Other Crown Land
Glenlee Licence to Occupy.
Submission from the Walking Access Commission**

Thank you for the opportunity to comment on the Preliminary Proposal for the review of the Glenlee licence.

The Commission's public access statutory role is described below, under section **A. Introduction**, and the detailed submission is presented in section **B. Submission**.

In summary, the Commission;

***Supports** the restoration to full Crown ownership and control as Conservation Area of the identified 5249ha (CA1 to CA6).*

***Does not support** the disposal of the identified 480ha by special lease.*

***Recommends** that if any special lease was to be issued over any part of the block, it includes provision for members of the public to have the right of unfettered access*

***Recommends** that the Preliminary Proposal document be updated to reflect the status of 'The Land' as expressed in the Summary of the Preliminary Proposal, and that there is a current licence in place.*

A. Introduction

Purpose, Objective and Functions of the NZ Walking Access Commission

The Walking Access Act 2008 (WA Act) (sections 3, 9 and 10) sets out the purpose, objective and functions of the NZ Walking Access Commission.

The Commission is the Crown agency with statutory responsibility¹ for leading and supporting the negotiation, establishment, maintenance, and improvement of –

- walking access (including walkways, which are one form of walking access) over public and private land; and
- types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, and motor vehicles.

¹ Section 3(b) Walking Access Act 2008

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Central to its role is the negotiation and provision of free, certain, enduring and practical access to the outdoors for New Zealanders and visitors.

Focus of Submission is Public Access

The Commission's submission on the Preliminary Proposal for the Glenlee licence is designed, as envisaged by the WA Act, to consider free, certain, enduring and future-focused public access.

The Commission's submission reinforces the objectives of the Crown Pastoral Land Act 1998 (CPL Act), in particular section 83(c)(i) which is to make easier the securing of public access to and enjoyment of Crown land. Specifically, our submission addresses the public access and public enjoyment matters specified in subsection (2) (c) and (d) of section 40 of the CPL Act (Protective mechanisms).

B. Submission

Documentation and Process

We note that since 1951 this block of land has been subject to approximately 5 fixed term and usually 'unrenewable' licences and appears to have been occupied without the benefit of any licence from 2009 until July 2017. The timeliness of, and the way the requirement to review this land under sections 86 (1)(a) or (b) of the Crown Pastoral Land Act 1998 has been applied is not clear.

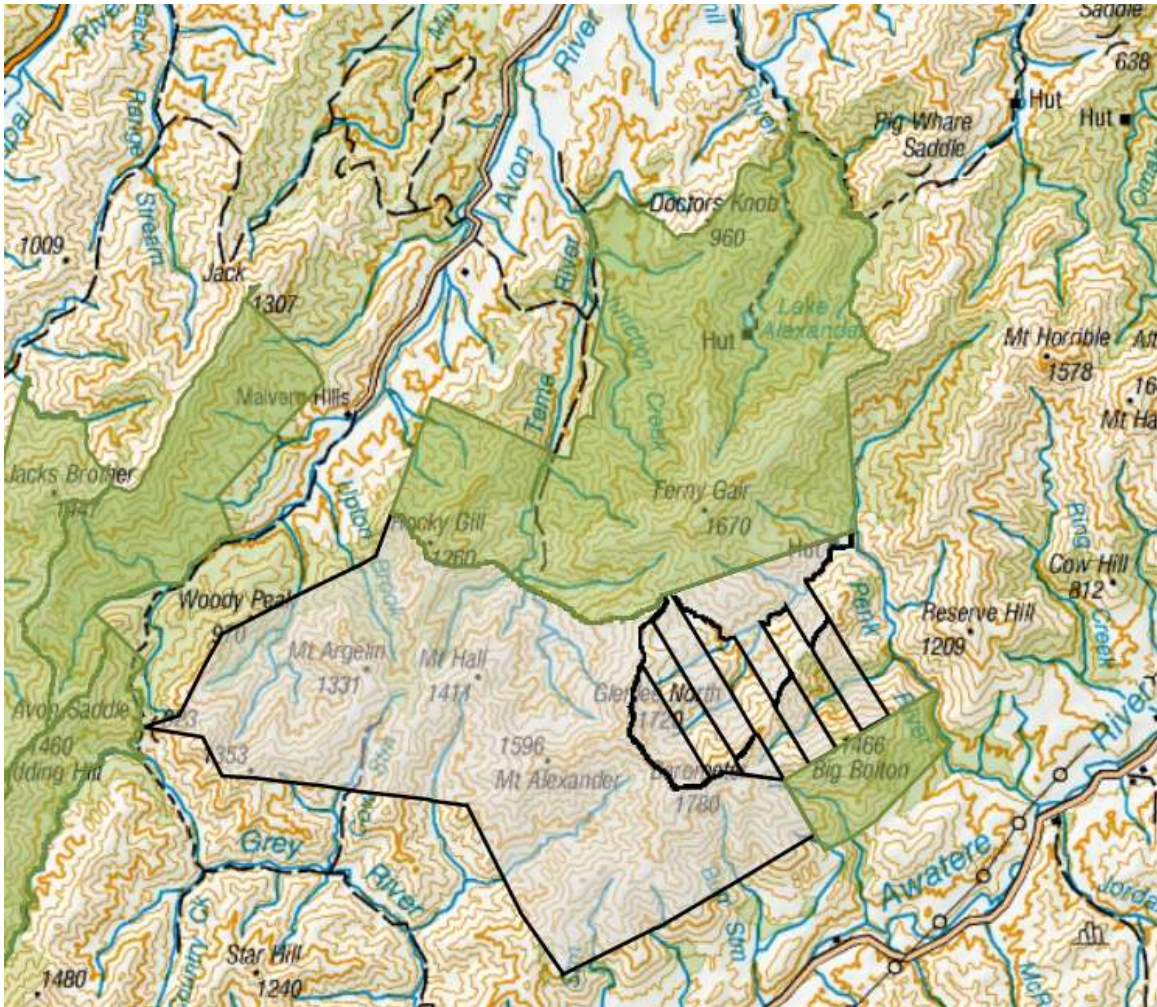
There are discrepancies between the Public Notice, the Summary of the Preliminary Proposal and the Preliminary Proposal in how the status of the land is presented. We believe that the Summary of the Preliminary Proposal most accurately reflects the situation and recommend that the Preliminary Proposal be amended to provide the same description of the land that is in the Summary.

Given that there is a current licence over the land until 30 June 2022, the Summary of Designations (a) and (b) in the Preliminary Proposal should be changed to read "*Upon the expiry of the Licence to Occupy or the registration of the Final Plan (whichever is the earlier).....*"

Physical Context

The 5787ha block subject to the Glenlee Licence to Occupy is located on the northwest side of the mid-Awatere Valley. It is moderate to steep broken country with a chain of mountains from Barometer towards the east, through Glenlee North, Glenlee South, Mt Alexander, Mt Hall, Mt Delight, Mt Argelin and Mt Abrupt to Mt Boltoff near the Avon Saddle in the west. The valleys and gullies running off this mountainous chain form the headwaters of catchments of the Penk River in the east, Awatere and Grey Rivers to the south and the Avon and Teme Rivers to the north (see Map 1 below).

The Ferny Gair Conservation Area borders the block to the north, the Big Bolton Conservation Area borders the block in the south east, and the Glazebrook Conservation Area lies to the west. The eastern boundaries of the block reflect the historical practice of 'grid ironing' where only intermittent strips of land would be taken up, but effective control of the other strips was also achieved.



Map 1: Physical Context (Glenlee licence area in grey)

(source www.wams.org.nz)

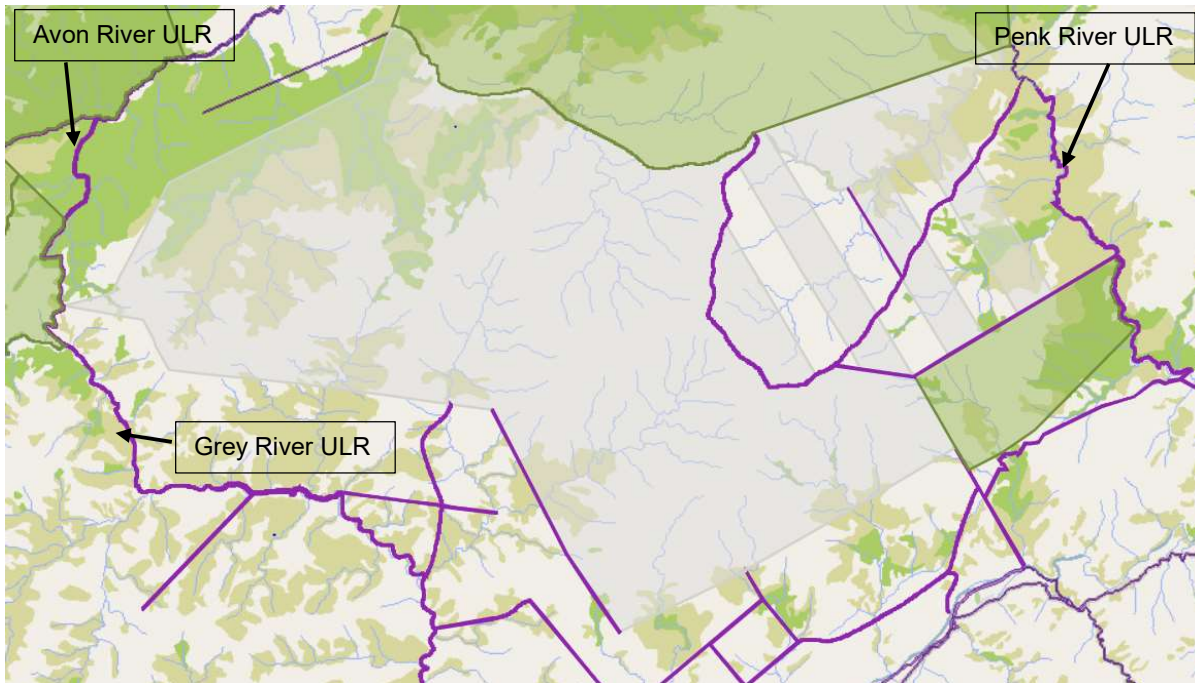
The area offers good hunting for wild animals, and the mountainous peaks are desirable tramping destinations. Recreational activity has been limited by the isolation of the block and the general lack of practical public access in the area.

Existing public access

Existing legal public access is extremely limited. While there are several unformed legal roads (ULR) which intersect, adjoin or connect to the block, only the ULRs up the Penk, Grey and Avon Rivers provide any practical access (see Map 2 below).

The ULR up the Avon and Grey Rivers reflects the historic Avon Saddle Pack Track. The ULR unfortunately does not appear to always be coincident with the formed tracks, which is likely to be a result of digital translation from original plans. The tracks are effectively managed by the adjoining landholders.

Public access is available from the Ferny Gair Conservation Area to the north, but public access to that Conservation Area is also very limited.



Map 2: ULRs (in purple)

(source www.wams.org.nz)

Public access proposed in the Preliminary Proposal

The Preliminary Proposal makes no specific provision for public access. However, the discussion in the Summary of the Preliminary Proposal correctly notes that the securing of public access to and enjoyment of Crown land is likely to be an outcome of retaining land in full Crown ownership and control.

The proposed special lease over 480ha includes a provision (clause 12.1) that the public shall have the right to enter the land at all times and from time to time on foot, mountain bike or horse, but prohibits dogs and firearms on the land.

Recommended additional public access

Retaining the total area in full Crown ownership should have been the default position to promote the ecologically sustainable management of the land and the protection of the identified significant inherent values. It would also have achieved the optimal securing of public access to and enjoyment of the land.

While a pragmatic approach is stated as having been taken regarding designation boundaries in relation to adjoining freehold land and the ability to control stock, an equally pragmatic and justified approach would have been to have returned the total area to full Crown ownership and control. Many of the boundaries of the block are not currently logical or stock proof, and won't be as a result of the review. Retaining the total area in full Crown ownership as Conservation Area would then present an opportunity for negotiation to rationalise boundaries as necessary.

We believe that there should unfettered public access over all the block, and to the block. We do however recognise the constraints of process, and therefore recommend that unfettered public access be provided over the area currently proposed as a special lease.

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Conclusion

The Commission;

1. **supports** the restoration to full Crown ownership and control as Conservation Area of the identified 5249ha (CA1 to CA6) as it will enable unfettered public access on the area:
2. **does not support** the disposal of the identified 480ha by special lease, as it will not enable unfettered public access on the area

and **recommends** that;

3. if any special lease was to be issued over any part of the block, it include provision for members of the public to enter on the land at all times and from time to time on foot, mountain bike or horse, including with unloaded firearms, without the consent of the Lessee.
4. the Preliminary Proposal document be updated to reflect the status of 'The Land' as expressed in the Summary of the Preliminary Proposal.
5. the Preliminary Proposal document be updated to take account of the current Licence to Occupy, by amending the Summary of Designations to read "Upon expiry of the Licence to Occupy or the registration of the Final Plan (whichever is the earlier), ..."

Thank you again for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Glenlee Licence to Occupy.

Yours sincerely



Ric Cullinane
Chief Executive



New Zealand Deerstalkers' Association Inc
South Island Access Committee

c/- office@deerstalkers.org.nz
P :+64 4 499 6163

Submission to:

Attn: Craig Harris
Commissioner of Crown Lands
c/- Land Information New Zealand Crown Property
CBRE House, 112 Tuam Street
Private Bag 4721
CHRISTCHURCH 8140
Email: pastoral&tenurereview@linz.govt.nz, tenurereview@linz.govt.nz

22 July, 2019

**Submission On Preliminary Proposal for Review of Other Crown Land
LICENCE TO OCCUPY - GLENLEE RUN**

Reference: Om 025
District: Marlborough

Introduction

New Zealand Deerstalkers Association

Founded in 1938, the New Zealand Deerstalkers Association Inc. (NZDA) advocates for recreational big game hunting for its 10,000-odd members spread across almost 50 Branches around New Zealand.

NZDA - by virtue of its Membership, and its broad coverage of Branches across the country - is the pre-eminent voluntary organisation representing Recreational Hunters of game animals, in New Zealand.

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NZDA has, as some of its objectives:

- To obtain to the greatest possible degree, access to the recreational game herds of New Zealand for all
- To negotiate with the landholders of private land for the right of access to the game herds thereon
- To maintain the principle of recreational use as of right for all outdoor sports men/women of all unoccupied land held by the Crown and other public bodies
- To oppose the freeholding of Crown lands held under pastoral lease or license – for all recreational land and wetlands – unless satisfactory public access has been retained in Crown ownership / control.

NZDA's South Island Access Committee

The South Island Access Committee was formed by the New Zealand Deerstalkers Association Incorporated with the following mandate:

1. To advocate for free, certain, enduring and practical access for all Recreational Hunters
2. To represent and guide the South Island Branches on resolving access issues that impact Recreational Access
3. To represent the National NZDA Organisation and all its collective members on Recreational public access matters that pertain to the organisation's policies objects and rules.
4. To form and maintain relationships with the decision makers and stakeholders
5. To educate and highlight the importance of free, certain, enduring and practical access to and for the public.

Recommendation: That this Submission be accepted in the spirit, and cognisant, of it being on behalf of NZDA's 50 Branches and 10,000 odd Members, nationwide.

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Legal Framework

This submission seeks to align itself with the objectives of the Crown Pastoral Land Act 1998 (CPLA), in particular section 83(c) (i) - see below. Furthermore, this submission addresses the protection of significant inherent values, ecologically sustainable land management, public access and public enjoyment matters specified in subsection (2) (a)-(d) of section 40 of the CPLA (Protective Mechanisms).

Section 83 of the Crown Pastoral Land Act states:

83 Objects of Part 3

The objects of this Part are —

- (a) to promote the management of Crown land in a way that is ecologically sustainable; and
- (b) to enable the protection of significant inherent values of Crown land; and
- (c) subject to paragraphs (a) and (b), to make easier—
 - (i) the securing of public access to and enjoyment of Crown land; and
 - (ii) the freehold disposal of Crown land capable of economic use.

As may be noted elsewhere in this Submission, Recreational Hunting is reflected amongst the above objects in several ways:

1. Recreational Hunting helps promote the management of Crown land in a way that is ecologically sustainable - as population management of introduced wild animals is an important part of land management - and doing so by way of Recreational Hunting is amongst the most benign / environmentally sustainable forms of such population management;
2. Recreational Hunting represents enjoyment of significant inherent cultural values (harvesting of natural resources).
3. Recreational Hunting contributes to the protection of significant inherent values - as population management of introduced wild animals is an important part of protection of such values;
4. Recreational Hunting helps with justification for the securing of public access for public enjoyment and recreation.

Recommendation: That public Recreational Hunting access to Public Conservation Land be given priority - under CPLA s.83, with consideration also of CPLA s.40, subsection (2) (a)-(d).

The Important Contributions of Recreational Hunting

Recreational hunting is an important national pastime, for around 167,000 New Zealanders (with a further 28,500 participating overseas visitors), with many millions of recreational hours spent in the activity. New Zealand Recreational Big Game Hunters alone spend upwards of \$200 million on the activity, per annum (excluding the considerable further contribution of overseas visitors who also hunt) - thereby making an important contribution to the national economy. It provides important environmental, economic, social and mental / physical health benefits - while also providing sustainable, organic, free range, nutritious and humanely gathered meat for many New Zealanders who would otherwise not be able to afford such food.

The total annual spend of all Recreational Hunters (including big game, small game and game birds) is estimated to be in the range of \$250-\$350 million.

In addition to those who hunt themselves – hundreds of thousands of family and friends enjoy benefits associated with Recreational Hunting through accompaniment and consumption of game meat harvested.

Recreational Hunters make a major contribution to ecological protection - by harvesting some 150-200,000 big game animals (deer, pigs, tahr and chamois) - as well as hundreds of thousands of small game animals (goats, wallabies, rabbits, hares, possums), game birds (ducks, Canada geese and others), and other species more generally recognised as pests (feral cats, mustelids etc).

In summary - Recreational Hunting makes an important contribution to ecological protection, and the wellbeing of a significant number of New Zealanders.

Recommendation: That the important contributions of Recreational Hunting be noted - and provided for to the fullest extent possible, while reviewing tenure / occupation of Crown Land.

Broad Network of Recreational Hunting Access Points

Wild big game animals spread far and wide – into every nook and cranny of the land. Populations of game animals may vary over time - so where there are none now, there may be a high population in years to come - and vice versa. Recreational Hunters require a broad network of access points to Public Conservation Land (PCL) - to enable us to optimally provide efficient, sustainable and humane management of game animal

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populations. Recreational hunting is the most environmentally sustainable and benign form of wild, introduced animal population management (compared to other forms of management such as aerial culling, and the use of poisons).

Recreational Hunting requires not just public access to and around the bottom of the hill - but also spaced access up the hill. The general rule to be desired is that such access is provided into PCL areas at sufficient frequency to allow a ½ day or day hunt to be undertaken from one legal access point, to the next (from wherever a vehicle may be parked). Marginal Strips may be included in such access point consideration. This is to allow hunters to harvest animals uniformly across the PCL, and prevent build-up of animal numbers in less accessible areas (the location of which may vary with the seasons, and across the decades).

No other public access activity requires this breadth and depth of access.

More access points also improves safety - as it spreads Recreational Hunters apart. Both from each other - and from other members of the public (who may not always enjoy sharing spaces with those carrying firearms, or game animal carcasses and meat). It also enables improved emergency response, both access and evacuation.

Recommendation: That a broad network of multiple public access points to Public Conservation Land is provided for while reviewing Crown Land, to the fullest extent possible.

Vehicular Access “To the Bottom of the Hill”

Experience informs that the greater majority of Recreational Hunters (along with other Recreational Users) will range up to 3 hours walk from where they can park their vehicle. Recreational Hunters must consider the walk out - heavily laden with meat, after a successful hunt. For this reason - and to maximise our effectiveness, in terms of introduced animal population management - we require vehicular access “to the bottom of the hill”. This expression is intended to mean “to the limit of practicable vehicle access, due to the nature of the terrain”. It should be noted that vehicular access may be by way of highly capable four-wheel drive, quad bike, side-by-side, or two-wheeler motorcycle. Care is required not to obstruct vehicle access due to a misplaced perception of the practicality of access - many are surprised where Recreational Hunters may achieve vehicular access, for the purposes of recovery of animals or meat.

Recommendation: That provision for vehicle access “to the bottom of the hill” (or to the limit of practicable vehicle access, due to the nature of the terrain) is made wherever

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practically possible within the scope of this review, while traversing over all public access to Public Conservation Land.

Carriage of Firearms

The vast majority of Recreational Hunters utilise Firearms for their hunting (although the use of Hunting Bows is becoming more popular, amongst a small minority).

Therefore - to be of practicable use - public access through privately-controlled land for the purposes of gaining access to PCL for Recreational Hunting must provide for the legitimate carriage of unloaded Firearms.

Recommendation: That provision for the carriage of unloaded firearms is made, while traversing over all public access across privately controlled land to Public Conservation Land.

Accompaniment of Dogs

The use of dogs to assist with the locating of animals is common overseas - and is becoming increasingly popular, here in New Zealand.

Some specialised forms of hunting - eg hunting of pigs - make more frequent use of dogs, to improve hunting efficiency and effectiveness.

Therefore - to be of practicable use - public access for the purposes of Recreational Hunting should provide for the legitimate accompaniment of dogs. Such dogs - at all times when traversing over all public access across privately controlled land - to be restrained in or on a vehicle (where applicable), or on a lead (when on foot).

Recommendation: That provision for the accompaniment of dogs is made, while traversing over all public access across privately controlled land to Public Conservation Land.

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General acceptance of Legal Process and Outcomes

NZDA accepts the legal situation – and the broad aims of the Crown Pastoral Land Act 1998 - including the appropriate review of tenure / occupation of Crown land, under Part 3.

Our concern is that the opportunity must be properly taken as part of such review, to ensure that the objectives of the Act – and what is otherwise right and proper - are met. In particular, that the opportunity is properly met to optimally support recreational hunting as a means to achieve the objectives around ecological protection, protection of significant inherent values, and public access.

NZDA's view is that LINZ / the Commissioner must properly consider the ongoing (public) access interests – and the appropriate legal mechanisms to reasonably safeguard and protect such access interests - as would any other landowner on the review of tenure / occupation or disposal of land. It is upon such review or disposal, that appropriate legal mechanisms for public access can most easily and most cost-effectively be put in place.

It is in this regard that NZDA rejects the historical stance apparently taken by LINZ / the Commissioner – that the realignment of legal roads with formed tracks is a matter for the local authority. This is certainly true under “business as usual”. But review of tenure / occupation of Crown Land is far from “business as usual”. So while this is true *prior* to such review – and it remains true *after* such review – *during* such review, LINZ / the Commissioner is in a unique position to exercise his responsibility “to make easier the securing of public access to and enjoyment of Crown land”.

NZDA therefore sees any failure by the Commissioner to effect such realignment during review of Crown Land as a failure to properly exercise all reasonable options available to him, under s.24.

Failure to do so misses what may be a rare or one-off opportunity.

Recommendation: that LINZ / the Commissioner put in place such mechanisms as are at its disposal - to fully safeguard and protect ongoing public access interests - including but not limited to: (1) realignment of any ULR's with adjacent formed tracks (or similar practicable vehicle access routes); and (2) creation of appropriate public access easements.

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Customary, Traditional and Historical Expectation of Reasonable Public Access

A key issue for the public – including Recreational Hunters and NZDA Members in particular - is restoration or preservation (and where possible, enhancement) of what is a generally-held customary, traditional and historical reasonable expectation for provision of practical access. Particularly, access across privately-controlled land – to adjoining PCL beyond. This may be characterized by the expression “a reasonable request for access ... reasonably granted”.

This expectation appears particularly valid – where access is across effectively publicly-owned Crown land under the Crown Pastoral Land Act.

It cannot be stressed enough how untenable it is considered to be that this historical / customary / traditional public expectation of access is denied, or excessively restricted across Crown land - especially where this is to effectively provide (or where as a consequence this does provide) an exclusive benefit to the adjoining Landholder. Whether this benefit be exercised by himself / for himself – or to provide, for example, exclusive access for commercial guided hunting.

It is noted that such public access expectations are based upon **150 years** of egalitarian access reasonably provided by New Zealand Landholders - such egalitarian values having formed a basis of European settlement of New Zealand. And that by and large have been part of our New Zealand culture, throughout our recent history.

Recommendation: That care is taken not to provide exclusivity of access to PCL - for all intents and purposes - to an adjoining Landholder - who may then utilise such effectively exclusive access, for his / her own pecuniary advantage.

Health and Safety

Hunters will always legitimately hunt – and provision is made for them to lawfully be able to do so.

As mentioned elsewhere – multiple lateral access points to PCL serve an important purpose in spreading hunters apart. This reduces the probability of hunters encountering other hunters or backcountry users - and thus obvious associated risks, however minor.

Also, while most trampers and other backcountry users are unfazed by encountering hunters – lawfully carrying firearms and perhaps laden with animal carcasses or meat –

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some may prefer to avoid this experience. The more spread out hunters are able to be – the more the probability of backcountry users encountering each other is reduced.

Thus, the responsibility to make provision for not only public access to PCL, but also multiple access points to that PCL (under CPLA Part 2, s.24) is important from a health and safety perspective.

Recommendation: That the number of public access points be maximised wherever possible - to enhance health and safety for all concerned. (This to include making even a single access point available, to an otherwise inaccessible hunting ground / area of PCL).

A Fresh Look (Any Recent Restricted Public Access Irrelevant)

NZDA gratefully acknowledges that existing Landholders may (or may not) have generally been very good about generously accommodating and granting permission in response to public access requests, eg for recreational fishing or hunting.

However, many Landholders (including Leasee's / Other Occupiers of Crown Land) have actively restricted public recreational access (including access for Recreational Hunters). It is asserted that whether or not current and/or past landholders have allowed recent practice of public access across Crown Land (to get to the PCL beyond) is irrelevant. The process for review of tenure / occupation of Crown Land represents what must be treated as if it may be a rare or even unique, one-off and last-chance opportunity to negotiate for and entrench legal public recreational access across Crown land – before the review process is concluded, and crown control or public influence over privately-controlled Crown land may be lost for a period, or potentially / effectively forever.

Also, as has often already proven to be the case in the past – adjoining land may change hands following review. New Landholders – who may be non-resident foreigners – may bring a completely different attitude to land stewardship. Hunting opportunity can be a major drawcard for foreign owners to purchase land – as access to hunting grounds can be very expensive and sought after, overseas. The opportunity to restrict public access over privately-controlled land to the PCL beyond – thus creating effective exclusivity of access to the PCL - can be just too tempting. Experience informs that the potential for land to change hands must be assumed – and that new owners may be as obstructive as they legally can be, towards public recreational access (including access for recreational hunting). It is for this reason – as much as any other - that outcomes of the review of Crown Land must legally entrench the public's

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expectation for “reasonable, practical, certain and enduring public access” to the fullest extent possible.

Recommendation: That any review of tenure / occupation of Crown Land takes a fresh look at the potential for “reasonable, practical, certain and enduring public access”, irrespective of whether such access has been recently available or not.

“Thinking outside the Square” for Negotiation of Public Access

By way of an example – it is understood early negotiations regarding public access across proposed freehold for the Godley Peaks Tenure Review indicated that any such public access would be excluded.

However, our understanding is LINZ / the Commissioner wisely elected to commission a Surveyor’s Report to determine effective coincidence or otherwise between the ULR and the adjacent Farm Track.

We understand the Surveyor’s advice was that the ULR and Farm Track should be considered as one and the same – which provided a breakthrough in negotiations around public access across the proposed freehold.

This is an example of synergistic or perhaps “outside the square thinking”, around public access. Public access can be negotiated as a compensatory trade-off for some other concession – or, perhaps as the result of a Surveyor’s Report to determine any coincidence or otherwise between an ULR and any adjacent Formed Track.

Recommendation: that synergistic and/or “outside the square” thinking be adopted, in any approach to public access determinations.

Vehicle Access as a Means to Minimise Access Discrimination

Consideration of vehicle access (covered elsewhere in this Submission) is also important to avoid public access discrimination, and establish equitable public access (as envisaged under CPLA s.83) for different groups of New Zealanders – including the aged, the infirm, and the disabled. For example, the vision of the Disability Strategy 2016-2026 is that, “We access all places, services and information with ease and dignity”).

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Recommendation: that vehicle access as a means of establishing equitable public access and minimising access discrimination – for the aged, the infirm and the disabled - be fully considered, in any approach to public access determinations.

Further Specific Points of Submission on the Glenlee Run Preliminary Proposal

We fully support the submission by the Marlborough Branch of NZDA (herein attached as “Appendix A” and in addition would like to propose that public access to the areas CA1 to CA6 and SL1 be given priority consideration, as current foot and vehicle access to this area is impossible.

In summary, this means that this Submission:

1. **supports** the restoration to full Crown ownership and control as Public Conservation Land all of CA1 to CA6 (5249ha), with unfettered rights of public access thereon;
2. **does not support** the proposed disposal of SL1 (480ha) by special lease, as it will impose unacceptable conditions on public access (prohibiting firearms and dogs).
3. **furthermore, recommends that** - if any special lease were to be considered for issue over any part of the land - it must include provision for unfettered public access (whether by vehicle, or on foot, horse, mountain bike or similar), and with firearms or dogs.

Recommendation: That the Submission of NZDA Marlborough (attached as Appendix A”) be considered fully supported by, and part of, this Submission.

Note: please contact us for clarification, in the event of any apparent conflict that may exist between the NZDA Marlborough Submission, and the balance of this Submission.

Alignment of ULR’s with Formed / Farm Tracks

Regardless of any practical restrictions in accessing any such sections of track - we submit a request that every effort be undertaken for the current unformed legal road (ULR) along the Grey River to be made coincident with the existing farm track on any part of Glenlee Run that is possible, within the scope of the current review (or by

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negotiation outside of it). We also submit a request the ULR be extended and made coincident with the farm track that runs alongside Cow Stream. This would then provide access for walkers and vehicles (wherever currently or futuristically possible) into the CA1-CA6 & SL1 areas. Such access to include unfettered provision (where applicable) for the carriage of firearms, and the accompaniment of dogs.

In the above, “wherever currently or futuristically possible” does not necessarily mean “currently practically possible”. We are seeking to provide for both currently practicable, and futuristically possible public access - and so access restrictions outside the scope of this current review are considered to be of no consequence. It is impossible to predict what may occur in the future, including on neighboring properties / adjoining land - and therefore, how current access restrictions outside the scope of this current review may change.

Qualifying Waterbodies Report

We note a number of water bodies in the CA1 to CA6 and SL1 areas and request for these to be assessed as Qualifying Water Bodies - the objective being to define these as legal access routes (whether this be for current or possible future purposes).

Yours faithfully



James Steans – Convenor
New Zealand Deerstalkers Association Inc.
South Island Access Committee (SIAC)
Christchurch

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P: +64 4 499 6163

APPENDIX A:

SUBMISSION OF MARLBOROUGH BRANCH OF NZDA

Commissioner of Crown Lands

Land Information New Zealand Crown Property
CBRE House, 112 Tuam Street
Private Bag 4721
CHRISTCHURCH 8140

Sent via email pastoral&tenurereview@linz.govt.nz

Monday 22 July 2019

Response to Summary of Preliminary Proposal Review of Crown Land – Om025 GLENLEE

Dear Commissioner

The Marlborough Branch of the New Zealand Deerstalkers Association wishes to make a submission on your current crown land review of Glenlee under Part 3 of the CPL Act.

The main thrust of our submission introduces new information and important perspectives that have not been considered under the preliminary proposal. In addition, there are issues that have been considered, where we believe alternative outcomes are more clearly in line with the requirements of CPLA.

Thank you for the opportunity to make a submission.

Kind regards
Marlborough Branch NZ Deerstalkers Association

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Abbreviations

CMS	Conservation Management Strategy
CRR	Conservation Resources Report
DOC	Department of Conservation
MNZDA	Marlborough Branch New Zealand Deerstalkers Association
PP	Preliminary proposal
SP	Substantive proposal
SPP	Summary of preliminary proposal outcomes

1. Objects and designations.

We note that the **Objects of Part 3** are:

- a) To promote the management of Crown land in a way that is ecologically sustainable; and
- b) To enable the protection of significant inherent values of Crown land; and
- c) Subject to paragraphs (a) and (b), to make easier
 - i. The securing of public access to and enjoyment of Crown land; and
 - ii. The freehold disposal of Crown land capable of economic use.

Section 86(5) CPL Act requires that land in a **Part 3 review be designated** as

- a) Land to be retained in full Crown ownership and control:
 - i. As conservation area: or
 - ii. As a reserve to be held for a purpose specified in the proposal; or
 - iii. For some specified Crown purpose; or

- b) Either or both of the following:
 - i. Land suitable for disposal by special lease (on terms specified in the proposal).
 - ii. Land suitable for disposal in fee simple under the Land Act 1948.

MNZDA will anchor its responses back to the Part 3 objects and review designations.

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2. Difficulty of access.

The issue of public access and complying with Part 3, Objects clause (c)(i) is critically important. There is not a single element of the SPP or PP that currently “secures” public access.

The way this issue is treated both in the Summary Preliminary Proposal (SPP) itself but particularly in the proposed clause 12.1 of the Special Lease conditions in the Preliminary Proposal (PP) does not capture key information or other important perspectives. The proposed solution presented in clause 12.1 is completely unworkable for the reasons laid out below.

Throughout the issue of access is, in MNZDA’s view, poorly treated and incorrectly laid out and hence warrants its own section early in this submission.

- Nowhere in either the SPP or the PP is it clearly stated that the reason public access is not available is because of the existence of previous and now the current lease! **This is the fundamental problem. The SSP lacks balance because it makes no mention of this fact.**
 - It is difficult to ascertain from the incomplete chronology presented in the Due Diligence report of September 2004 how long the public has been locked out of these areas, but it appears to be now over half a century!! It is long overdue that this public land is returned for public use.
- It is more than unfortunate that the SPP then uses that same lack of access, in effect, as its main argument to support a special lease recommendation.
 - Just one example on p16 of the SPP in respect to the SL1 block makes this point. It states, *“this catchment can only be accessed via the Glenlee freehold we understand that there is very little public use of the area at present”*. Similar language appears throughout at p10, p13, p19, p22, p26 and p31. Not a single one of these statements provides balance to the SSP by explaining why there is *“little public access.”*
 - These statements are also factually incorrect and certainly factually incomplete. All these areas could easily be accessed via helicopter but not while a lease has existed. Likewise, there is little public access (via land) for the simple reason access across Glenlee station to the Crown Land boundary is not granted.
 - In terms of the SPP there are numerous references throughout to *difficult access* or *public access not currently available*. These comments appear to then go on and cloud the conclusions, judgements and finally recommendations reached in the report. There is no easy public access currently - simply because the block of land has been locked up under lease and public access is not facilitated!
- **The proposed Clause 12.1 simply just enshrines the locked-up status quo.** It is a disingenuous clause purporting to enable public access, when in fact it provides the very mechanism for the lessee to continue to “lock out” public access.
 - Helicopter access is specifically omitted in the draft clause presumably in the full knowledge that this is highly likely to be a primary method of access to these areas. No rationale or argument is provided for this omission again creating a further lack of balance in the SSP and PP. All, DOC helicopter concessions should be allowed to land in these crown land areas as they do for adjacent DOC estate unless compelling reasons exist to exclude them. Compelling reasons are unlikely to exist which is probably why none are presented in the SSP or PP to support the exclusion of helicopter access. In addition, there is no evidence in either the SSP or PP that this issue has been given consideration (further comments at the end of this section highlight the importance of this issue).

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- Clause 12.1 then goes on to say, *“the public shall have the right to enter on the land at all times, and from time to time, on foot, mountain bike or horse without the consent of the lessee”*. This is fairly cynical of course because anyone wanting to use these modes of transport [on the Crown Land in the absence of helicopter access] will first need to get permission to cross freehold Glenlee Station land in order to reach the Crown Land boundary!
- Clear evidence exists, over many decades now, that conclusively demonstrates permission for such public access has not been given.
- Vague references on page 38 of the SSP to *“future arrangements with the neighbouring landowners”* is a woefully inadequate response to the access problem created by occupational and now proposed special leases being entered into.
- Ipso facto, with a new special lease as proposed, the land is once again locked up with no effective public access for a further unreasonable period of 20 years.
- There appears to have been no consideration given in either the SPP or PP as to whether this clause would work in practice.
- The clause therefore fails completely to comply with Objects, Part 3(c)(i) *The securing of public access to and enjoyment of Crown Land*. The key word in this clause is *“securing”* and this would not be given effect by a special lease with such a clause.

In terms of public usage by way of a real-life example the Ferny Gair Conservation Area to the North is DOC estate. The critical role of helicopter access is highlighted by MNZDA long history of using helicopters and volunteer labour for hut & track maintenance. That in turn opens up both public access and then greater usage of the DOC estate. A recent example is the relocation of the Black Birch Hut which has significantly increased the usage of this part of the DOC estate for all public users including trampers, mountain bikers and hunters alike.

In addition, MNZDA provides goat control operations at numerous locations such as Blackbirch, Omaka, Horrible Spur, Penk, Ferny Gair, the northern Teme Basin etc having undertaken over 2500 person hours of such control work in recent years at no cost to the taxpayer.

It is important to note that many hunting parties (i.e. non-MNZDA members) also utilise these drop off points for their own hunting trips.

Many of these areas are adjacent to the current leased Glenlee blocks. The key point to make here is that as soon as public access is restored similar levels of public utilisation will also occur for the blocks of land from the Glenlee POL that revert to Crown owned conservation areas.

3. Summary of NZDA's response to the proposed designations

1. *Approximately 5,249 hectares to be retained in full Crown ownership and control as a conservation area pursuant to Section 86(5)(a)(i) CPL Act (shown shaded pink and marked CA1, CA2, CA3, CA4, CA5 and CA6 on the plan).*

Response **MNZDA supports this recommendation.**

This complies with Part 3, Objects (a), (b) and (c)(i). It also complies with Part 3, Designations (a)(i).

2. *Approximately 480 hectares to be designated as land suitable for disposal by special lease pursuant to Section 86(5)(b)(i) CPL Act (shown shaded blue and marked SL1 on the plan).*

Response **MNZDA DOES NOT support this recommendation.**

- It does not comply with Part 3, Objects (b) *to enable the protection of significant inherent values of Crown Land* as laid out in the Conservation Resources Report, August 2016.
- It does not comply with Part 3, Objects (c)(i) *the securing of public access to and enjoyment of Crown Land*. Furthermore:
 - No case, logical argument or for that matter evidence as to why “the land is suitable” has been presented in either the SPP or PP to support a Special Lease option. There is no explanation for why the recommendation is put forward?
 - Public access will not be enabled under the proposed clause 12.1 of the Special Lease. This clause disingenuously purports to provide public access, when in fact it provides the mechanism for public access to continue to be “locked out”.
 - The land will, in effect, remain locked up for private use and gain for an unreasonable period of 20 years. In other words, the status quo will remain as it has now for some decades.

The proposed option to dispose by special lease under clause (b)(i) of Section 86(5) CPL Act is subservient and subject to the requirements under clause (a)(i) that the land is to be retained in full Crown ownership and control as conservation area.

It would also be in breach of the principle that public assets should not be appropriated for private gain as outlined under “other matters” below.

3. *Approximately 58 hectares to be designated as land suitable for disposal in fee simple under the Land Act 1948 pursuant to Section 86(5)(b)(ii) Crown Pastoral Land Act 1998 (shown shaded green and marked FH1 on the plan).*

Response **MNZDA supports this recommendation however, given the value of this land, the transfer of 58 hectares to fee simple needs to be offset with a compensatory addition to the conservation estate.**

4. Detailed response to preliminary proposal 1.

1. *Approximately 5,249 hectares to be retained in full Crown ownership and control as a conservation area pursuant to Section 86(5)(a)(i) CPL Act (shown shaded pink and marked CA1, CA2, CA3, CA4, CA5 and CA6 on the plan).*

Detailed Comments.

We understand that these areas will be given the same conservation (DOC) estate designation as the adjacent Ferny Gair Conservation Area to the North. We support this as it's important that all these areas are returned to the Conservation Estate so public use of the area can resume.

In addition, it is also important because the return of this land makes contiguous DOC estate from the mouth of Blackbirch Stream (close to SH1) all the way through to the Branch / Leatham and then Nelson Lakes areas something the SSP and PP has not identified. That creates an opportunity to develop a unique tramping route running East to West for over 100 kilometres with Seddon at one end and St Arnaud at the other as the closest logistic bases. It could also link in to the Te Araroa national walkway.

In terms of DOC's **Conservation Resources Report** (CRR - p3) such an opportunity is consistent with their recommendation *"that all northwest and eastern parts of the property be protected and administered by the Department of Conservation."*

The CRR (p12) also recommends *"Protection of this area will enhance the natural character of the area over a period of time and create an integration and connectivity with the adjoining landscapes."* Page 63 of the report also states, *"The property provides a high natural setting for recreation due to the property's isolation and limited development."*

Page 64 of the report states **Conservation Management Strategy (CMS)** for Marlborough specifically *"identifies improved tussock land tramping in Inland Marlborough as a key objective."* It also *"seeks to maintain facilities and seek opportunities to improve access for recreational hunting in South Marlborough; of which this property (Glenlee) contributes in part to."* Page 65 goes further and comments that the *"Area is really good for tramping."*

While the SPP and PP do *"note the conservation values"* derived from the CRR they both appear to have overlooked entirely any direct consideration and response to DOC's specific recommendations in both the CRR and CMS.

The opportunity to create a unique tramping route as outlined above would be a huge asset and economic boost to the region. It could link into what is becoming an increasingly popular Te Araroa walkway. It would give effect to the DOC recommendations referenced above.

5. Detailed response to preliminary proposal 2.

2. *Approximately 480 hectares to be designated as land suitable for disposal by special lease pursuant to Section 86(5)(b)(i) CPL Act (shown shaded blue and marked SL1 on the plan).*

Detailed Comments.

It seems to be an omission that there is no logical, coherent or compelling argument presented in the SPP (Pages 14-16) as to why this block of land is designated "suitable" and then recommended for special lease status. No supporting evidence whatsoever is presented for this recommendation. It just seems to emerge largely from nowhere in the SSP and PP.

Such an action would appear to fall under Part 3, Objects clause (c)(ii). This clause is subject to clauses (a) & (b) which take precedence so appears to be inconsistent with the CPL Act.

On page 33 (para 3) of the same report there is a section titled *Consideration of Options*. The special lease block (Mt Hall) SL1 warrants a paltry three-and-a-half-line paragraph substantially less than all the other blocks of land discussed under the same section of this report. That is certainly insufficient consideration of options to then try and justify the creation of a special lease. In fact, there is no actual analysis of options whatsoever for the SL1 block as no other options are presented.

Para 3 (p33) states "*is unable to be separated from the adjacent freehold land*" but yet provides no reasons why it can't be separated (the first bullet below highlights the completely inconsistent treatment of such statements in the SPP itself).

Nor does the paragraph explain what the notion of "*unable to separate*" actually means? If it is inferring that the land use either side of the boundary can't be separated, then that notion also can't be substantiated. In terms of evidence for a counter view there are dozens of examples of DOC estate adjacent to high country stations, in Marlborough alone, where different land use either side of the boundary occurs including of course a number sitting within this current review!

This paragraph then goes on to state "*from a pragmatic point of view this land could be considered for either freehold disposal or a special lease*" but no reasons are then presented as to why this could be considered "pragmatic". Pragmatic from whose perspective? Certainly not from the public's perspective.

In summary there seems to be three weak points being used to try and justify the creation of a special lease namely (1) being unable to separate from adjacent freehold land, (2) difficulty of access and (3) economic. None of them survive even a cursory examination:

- *Unable to be separated from adjacent freehold.*
All the other blocks, with the exception of CA5, also border adjacent freehold land. The nonsense of the "unable to separate" assertion is actually highlighted by the inconsistent treatment in the SPP itself.

The same "unable to separate" notion is made in respect to the Cow Creek block (CA2, p13 of the SPP under the heading economic use) and the Barometer block (CA3, p22 of the SPP under economic use) where the language is slightly stronger using the term "*This area is inseparable*".

If the assertion was true for SH1 block (which it is not) then the SPP would have reached the same conclusions and recommendations for the CA2 and CA3 blocks which it didn't.

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The inconsistent treatment of recommendations has clearly not been fully considered in the SPP.

- *Difficulty of access*
Covered under Section 2 above. Solved simply by restoring full public access to this Crown Land.
- *Economic*
P16 of the SPP estimates SL1 has an inconsequential 100 stock units. Why would 480 hectares of public land be locked up for 20 years for such a trivial amount of privately gained economic return?

We have requested the Economic Reports noted on p6 of the SSP, but these have been denied so we are unable to form our own view of the economic benefits of a special lease.

However, we do know the rateable value of the total area of land under review is \$840,000 and that the proposed Special Lease rent is for a very low sum of \$4000 pa (+GST). That low level of rent strongly suggests the economic argument of a special lease is also weak.

A much better economic argument would be the new tramping route suggested in section 4 of this submission. That would be not only a larger economic benefit it would have the added advantage of being taken up by varying degrees through multiple commercial entities stretching from Seddon to St Arnaud. This might well include the stations such as Glenlee that straddle such a tramping route.

That point aside for a moment even combined it's difficult to see how the three weak points above could be used to justify the establishment of a Special Lease.

6. Detailed response to preliminary proposal 3.

3. *Approximately 58 hectares to be designated as land suitable for disposal in fee simple under the Land Act 1948 pursuant to Section 86(5)(b)(ii) Crown Pastoral Land Act 1998 (shown shaded green and marked FH1 on the plan).*

Detailed Comments.

MNZDA agrees with this recommendation however the transfer of 58 hectares to fee simple title should not be handed over without a compensatory offset to the conservation estate.

We would propose the Eastern freehold gridiron blocks sitting within CA4 comprises that compensatory offset. It would be entirely sensible for this to be negotiated as part of this review process as it is less likely to occur if left to the post review period.

This would bolster the public access options up the Penk River to the DOC estate areas which would be a pragmatic action as part of this review while also giving further effect to Part 3, Objects clause (c)(i).

7. Other matters.

This submission recognises that there is clear guidance given under the Crown Pastoral Land Act as to what matters can be taken into account when reviewing a preliminary proposal.

While some of the “other matters” below may be given consideration others may be disallowed. However, they are all valid concerns for MNZDA, and this submission is the only opportunity for them to be tabled as a matter of public record.

1. We understand the current lease holder may be considering seeking special lease, or fee simple freehold status, for blocks CA5 & CA6 in addition to SL1 and may table this during consultation towards a Substantive Proposal (SP). If true, then in total this is then 1941 hectares of public land that would then remain locked up for private gain and unavailable for public use. If this should transpire, the MNZDA wishes to take this opportunity to state it would oppose any such move to lock up public land for a further 20-year period or freeholding of public estate. Such a move would be inconsistent with the CPL Act and earlier lease agreements that clearly states that there is no right of renewal.
 - a. If a draft SP is substantively different to the advertised PP, we understand it must be re-advertised for further public submissions. Any change of Conservation Areas to Special Lease would constitute substantive change in our view.
2. It is clear from the Conservation Resources Report that the Department of Conservation (DOC) are of the view that the lease areas have a high conservation / biodiversity value and would be a great link through to the Glazebrook and other conservation areas. It is our understanding that DOC is keen to see the entire area added to the existing Conservation Area.
3. Likewise, we understand the Walking Access Commission’s view is that this land should be returned to full and unfettered public use.
4. We also propose the principle that public assets (which these are), such as Crown land, should not be appropriated for private gain particularly where this excludes the rightful access of New Zealanders to the enjoyment of those same public assets. With the current proposals that is clearly the case here.
5. In terms of the information available to the public consultation process, we had to first ascertain the existence, and then request a copy, of the current lease which was a significant omission from the consultation material made available to submitters. Likewise copies of the Occupational Lease’s between there period 1 Jan 2009 to 30 Jun 2017 both days inclusive only arrived late on Friday 19th July so there has been insufficient time to consider any issues that may relate to these documents.
 - a. We note that the Notice of Preliminary Proposal refers to land “*previously held in the Glenlee occupation licence.*” We presume this may be referring to the land held under the current lease which was signed in mid 2017?