

Crown Pastoral Land Tenure Review

Lease name : Glen Nevis

Lease number : Po 201

Public submissions

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

August 03

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Ken Taylor

From:
Sent: Wednesday, June 13, 2001 8:55 PM ←
To: Ken Taylor
Subject: Glen Nevis Tenure Review

KLHOTT/PPANK
14 JUN 2001
RECEIVED

Dear Ken

Sorry about the late submission, we had some problems with our e-mail.

We are pleased that this will create a large conservation area, available for public access. However I have some concerns about the proposal as follows;

i) Altitude

I don't believe that land above 1000m should be free-held, it should go to public conservation. Land above this altitude is more suited to public recreation and conservation use than private ownership. This would be in line with previous tenure reviews, where 1000m has been the cut-off for free-holding.

ii) Freehold Covenant

This proposed covenant is inadequate for protecting conservation values in a high alpine area such as this. Free holding would allow grazing, over-sowing and top-dressing above the snow-line fence, causing destruction to delicate alpine ecosystems. The conservation values of this area are high and don't deserve modification simply for grazing purposes.

iii) Public Recreation

The covenant only permits public access during certain periods, ie April to December. This area could become an important recreational area during the summer and I believe that this is an unnecessary restriction. Permission may still be required during these times and there is no prohibition in charging for access. As the proposed covenant stands there is no provision for practical foot access from Lake Wakatipu which would effectively make the covenant an "island" within the proposed conservation land. As this area is so close to Queenstown - the fastest growing population in New Zealand, I believe the importance for the area for recreation cannot be over-stated.

iv) Covenant

Although there have been no problems with the current lessee, there may be problems in the event of a new owner with different ideas about access or land-use. My main concern would be breaches of the covenant agreement being "overlooked" by the Crown. The past history of other high country covenants shows that transgressions are common, with no effective redress for the public.

I would be happy to discuss any of the matters raised above, I can be contacted at;

Phone
Address: ..
or email.

Could you please put me on your mailing list for future reviews. I would be happy to receive information by e-mail.

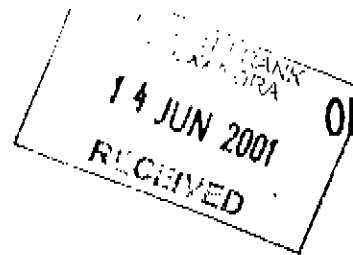
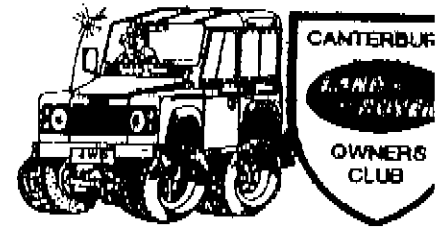
Yours faithfully

(51)

CANTERBURY LAND ROVER OWNERS CLUB (Inc)

P.O. Box 13 275, Christchurch, New Zealand

Commissioner of Crown Lands
C/- Knight Frank (NZ) Ltd
P O Box 27
Alexandra.



RELEASED UNDER THE
OFFICIAL INFORMATION ACT

12/06/01

SUBMISSION ON GLEN NEVIS PASTORAL LEASE

Garston Nevis Road

The 4WD road from Cromwell through the Nevis Valley and over the Garvie Mountains to Garston is an important road and must be available for public use throughout the year. We do realize that the road can be closed at times in the winter by snow and ice.

The main highway from Queenstown to Garston can be close from time to time by slips around the side of the lake and the road through the Nevis Valley is the only alternative route. Our club used this route a few years ago while on a Christmas camp at Lumsdon to bypass a large rock slide on the main road.

We believe that the Garston Nevis Road may not follow the legal alignment throughout its length across the land concerned. We believe that any such road off the legal alignment must carry all access rights as if it was the legal road and public access must be maintained.

Public 4WD access must also be maintained to the various historical sites along the road.

The road is fully described in the book **4WD South Island** (Volume 1 Revised) by Ken Sibly & Mark Wilson.

Yours faithfully,

Ken Sibly
Club Access Officer.

(e-mail sent 12/6/01)

Page 1 of 1 (70)

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KNIGHT FRANK
MILLENBURN
14 JUN 2001
RECEIVED

11.06.01

Commissioner of Crown Lands
c/- Knight Frank (NZ) Ltd
P.O. Box 27
Alexandra
Dear Sir/Madam

Tenure review - Glen Nevis Pastoral Lease

I would like to make some brief comments on the above application for Tenure review.

Transferring part of the Nevis Valley and the eastern side of the Hector Mountains for conservation is supported as there are important conservation values within this area which includes the valley floor of the Upper Nevis. Many rare plants as well as interesting historic mining sites are found in this area. It has good existing public 4WD access into the Nevis Valley.

However, there are some specific aspects which are not acceptable such as, by providing for the continuation of grazing of the high altitude country as such grazing is most likely to be unsustainable. And, while the agreement does provide for a boundary fence, it is unlikely that would be effective because of damage caused by harsh weather conditions and so allow stock to move onto protected conservation lands

It is of concern that there is no provision for practical public foot access from Lake Wakatipu. So, I request a foot access through the property from the main highway, preferably up the centre of the property. And, there could be provision for horse trekking as there is an old pack track crossing the range.

While the covenant is a binding agreement, if there are changes proposed by future owners, then there should be an opportunity for public input and possible review.

It is of some concern that a large area of high altitude and alpine country with high natural values will be freeholded and removed from public ownership and access forever. I understand that the proposed freehold covenant area is largely tall tussock grasslands with a range of alpine and cushion plants along the crest of the Hector Range. This land is part of the highly scenic vista as seen from the State Highway going to and from Queenstown and part of the world renown Remarkable Range. And, should be included in the Remarkables Conservation Park so that its highly scenic vistas are managed and protected for all time.

Yours faithfully

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OFFICIAL INFORMATION ACT

KNIGHT FRANK
ALEXANDRA
14 JUN 2001
RECEIVED



FOREST
& BIRD

ROYAL FOREST &
BIRD PROTECTION
SOCIETY
NEW ZEALAND

Southern Office
P.O. Box 6230
Dunedin
New Zealand
Ph (03) 477-9677
Fax (03) 477-5232
Email suem@earthlight.co.nz

e.mail 13/6/01

June 13, 2001

The Commissioner of Crown Lands
C/- Knight Frank
Box 27
Alexandra

Submission to Glen Nevis Tenure Review – Preliminary Proposal

1.0 Introduction

The Royal Forest and Bird Protection Society is New Zealand's largest, oldest and most active voluntary conservation organisation. Formed in 1923 the Society now has over 45,000 members in 56 branches around New Zealand. The Society's constitution requires it to:

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

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

Forest and Bird has taken an active interest in tenure review since its inception. We have inspected Glen Nevis, and wish to thank the Taylors.

1.1 This Submission

This submission concentrates on the ecological sustainability and the significant inherent values of the land that is proposed for freeholding. We conclude that this land has significant inherent values which should be protected and restored to full Crown ownership and control and that proposals for ongoing grazing of this land are unlikely to result in the promotion of ecological sustainability. Accordingly we believe the preliminary proposal does not fulfill the objectives of tenure review under the CPLA.

We support the proposal to restore to full crown ownership and control all the land on the eastern side of the Hector Mountains. The Nevis Valley and Nevis slopes have

significant inherent conservation values which deserve protection. However as we do not support the freeholding of the upper western slopes of the Hector Mountains we submit that the proposed tenure review be declined in its entirety, unless it can be substantially renegotiated as outlined in our conclusions. This deal is little better than the existing pastoral lease in relation to ability to protect conservation values and provide for recreation.

1.2 Summary of Main Points

1. Notice of Preliminary Proposal is misleading and is inadequate as a basis for consultation.
2. Need for a scenic corridor along Queenstown – Kingston State Highway not recognised.
3. Land proposed for freeholding above 900m on western flanks of the Hectors to their summit at 1,678m is unlikely to be ecologically sustainable under a grazing regime provided for by the covenant. Freeholding this land is contrary to the objectives of tenure review under the CPLA.
4. Land proposed for freeholding includes 1,150ha of high altitude land with extensive and significant inherent values described as *having the combination of attributes to squarely place it in the highest level designation.* This land requires protection and restoration to full Crown ownership and control.
5. The Covenant is contrary to S40 of the CPLA, is fraught with legal difficulties, and is not the preferred mechanism for protecting such a large area with such significant inherent values.
6. Effectively the proposal provides for the continuation of a grazing regime over the full 6,674 ha of land identified as having extensive significant inherent values. It will not result in adequate protection for these values, nor ecologically sustainable management. Overall the proposal fails to provide an adequate mix of ecological sustainability and protection for significant inherent values.
7. The proposal fails to meet the requirements of the CPLA and we submit that the CCL discontinue this review as provided for in S 33, unless the deal can be significantly renegotiated as outlined in our conclusions.
8. Forest and Bird asks that we be given an opportunity to present this submission orally pursuant to S47 CPLA.

2.0 The Proposal

This proposal relates to Glen Nevis, being 6673.6138 ha. It is proposed to:

1. Designate approximately 2,200 ha as land to be disposed of by freehold subject to a Conservation covenant under Section 27, Conservation Act 1987. This includes some 1,150ha, (or 926 ha as two different figures are given in various reports) above the snowline fence at 900m to the summit at 1678m on the western side of the Hector Mountains. The general description of proposal on page 1 and in the summary document on pages 1 & 4 of the preliminary proposal as advertised for public comment are misleading. They describe the area to be designated free hold subject to the Covenant as being 2,200ha and you have to read the detail on p4 to find out that the Covenant only applies to 1,150ha. This means that the proposal also includes freeholding without encumbrance 1050ha or 1,274ha depending on which figure is correct for the covenant. The area to be freeholded without any encumbrances should be clearly stated in the Notice.
2. Designate approximately 4,474 ha as land to be restored to full crown ownership and control as a conservation area.

3.0 Land proposed to be Freeholded – Unencumbered

This land occupies the lower faces of the western Hector Mountains and adjoins the state highway along the margin of Lake Wakatipu. Most of the land is significantly modified. However on the steeper banks immediately above the highway, native vegetation is regenerating and is beginning to form a more scenic strip alongside this scenic highway. If this land were protected from burning and ultimately ideally from grazing it would continue to regenerate so that future generations would end up with a closed canopy native forest. This area is highly visible from the highway, from Kingston and from the Lake. The DOC landscape report notes that despite the high level of modification this unit is significant in terms of the Lake visual catchment, and that landscape protection is best achieved through appropriate District Plan provisions.

Forest and Bird disagrees that landscape protection on Pastoral lease land is best achieved through the district plan, as even if good protective mechanisms were achieved these plans are subject to reviews every 10 years.

Forest and Bird believes the regenerative ability of scenic corridors alongside main high ways are significant inherent values that need to be protected under the objects of the CPLA.

4.0 Land to be Proposed to be Freeholded with Covenant

4.1 Sustainability – The Act

The CPLA requires as part of the objects for tenure review the promotion of “..the management of reviewable land in a way that is ecologically sustainable” S24 (a) (i). Land is only to be freed from management constraints and freeholded if the tenure review will promote ecologically sustainable management and enable the protection of significant inherent values.

4.2 Preliminary Proposal Document - Inadequate

The Commissioners notice of the preliminary proposal for Tenure Review does not provide any information regarding the ecological sustainability of this proposal. The existing pastoral management is not described, so it is not possible to evaluate the likely impacts of the stocking rate proposed under the covenant. There is no information on soils, climate, landuse capability, etc to justify the freeholding of this land. The public can not assess the adequacy or otherwise of the proposal, or evaluate whether it meets the objectives of tenure review under the CPLA without information relating to the sustainability of the land to be freeholded. The proposal as presented for public submission is not an adequate basis for consultation.

4.3 Background Papers Confirm that Grazing unlikely to be Ecologically Sustainable

Papers supplied under a request under the Official information Act confirm Forest and Bird's concern that this high altitude land on the western side of the Hectors is unlikely to be ecologically sustainable under a grazing regime. Knight Frank clearly has concerns over the proposal to freehold land at this altitude as they state that: *“We have accepted the proposal to freehold land at a relatively high altitude with some reluctance. The area now proposed for freehold extends to an altitude of 1678m. Freeholding to this altitude raises issues of ecological sustainability.”* Further on the Authors State that it will be difficult to manage this land in a manner that is ecologically sustainable. The authors indicate that this issue will be tested through monitoring the Covenant.¹

It is clear from the earlier report² that the Western side of the upper Hector Mountains has high inherent values and that the authors considered that the land should become conservation land to best protect the values and to *“promote the ecological sustainability of this land.”* This report goes on to state:

“Most of the Hector Mountains could not be classed as ecologically sustainable for pastoral purposes.”

¹ Report in Accordance with CPL Standard 8: preliminary Proposal. 27th July 2000.

² Submission CPL Proposal Standard 8: Recommendations for Draft Preliminary Proposal. December 1999.

Under the heading Economic Use the report states:

"If the Hector Mountains land unit is capable of an economic use it is not obvious to us. Certainly there are opportunities for heli or cross country skiing and ecotourism. While it is acknowledged that the Nevis Flats do provide a measure of summer grazing balance to the property however pastoralism alone would not constitute an economic use."

Our reading of this background information makes it clear that the Commissioners advisors, have strong reservations about the ecological sustainability of continued grazing on the upper western slopes of the Hectors. It is clear that the new offer of grazing on this land is only to "facilitate a deal" with the Lessee.

Forest and Bird notes that this is not an object of tenure review under the CPLA, nor is it a matter to be taken into account under S25 CPLA. It is not appropriate that the ecological sustainability of continued grazing of this land is tested once it has been freeholded through monitoring done under a covenant. Covenant arrangements were discounted in the draft preliminary proposal as they were considered to be "too weak to fulfill the objectives of the Act."

From the background reports that Forest and Bird has seen it appears that the CCL has not received adequate advice relating to the ecological sustainability of the proposed free hold.

4.4 Forest and Bird considers the land to be Ecologically Unsustainable

We believe that there is adequate scientific information that points to the unsustainable nature of continued grazing of unimproved high altitude tussock grasslands such as those on the upper western slopes of the Hectors, that are not capable of improving through oversowing and topdressing. Oversowing and topdressing is generally considered uneconomic above 1000-1200m because of the short growing season. Further topdressing and oversowing this land is not an option as it would degrade the conservation values.

4.5 Land Use Capability

The land that is proposed to be freeholded includes land ranging in altitude from 900m to 1678m. The Land Use Capability Maps map this land as Class 7e and Class 8, see attached map.

Class 7 lands are lands defined as unsuitable for arable use, and have severe limitations or hazards under a perennial vegetation. It is not usually well suited for grazing as they require special soil conservation practices such as oversowing and top dressing. Part of the summit of the Hector Mountains is mapped as Class VIIe9. This class is described as steep to very steep, extremely erodable slopes and mountain tops often with extreme limitations of climate, or low fertility. This land has such unfavorable characteristics and severe limitations to use that it is unsuitable for grazing or commercial forestry. Its use is restricted to catchment protection and recreation.

4.6 Soils

The mid upper western slopes of the Hector Mountains are mapped as Dunstan Steepland Soils. These have low to very low fertility and are acidic. Because of their susceptibility to erosion the NZ Soil Survey states that vegetation requires complete protection and should not be burnt. Once they become eroded they are very difficult to reclaim.³ Above this the soils are mapped as Obelisk soils, which are strongly acidic and have very low fertility. The Soil survey of New Zealand describes Obelisk soils as being suitable only for water shed protection.

Grazing is known to alter soil fertility and soil chemistry. Nitrogen is lost as a result of transfer to stock camps by sheep, loss into sheep products of wool and meat, loss through soil erosion, leaching of N, volatilisation of urine and burning.⁴

Loss of nitrogen is especially important as all N in soils is derived indirectly from the free-living bacteria, rainfall, and N fixing plants rather than from soil resources. Studies indicate that natural processes are unable to replenish soil nutrient rates at a sufficient rate to replace those lost by the direct or indirect effects of grazing.⁵

Changes in soil chemistry as a result of grazing were recorded for an area of steep hilly tussockgrasslands between 440-810m on the East Side of the Benmore Range.⁶ This study showed that grazing alone (without fertiliser additions) affects topsoil chemistry. Mean organic C declined by 10%, total N declined by 25% and pH declined by 0.34 units between 1978 and 1993. Organic matter removal by grazing animals was considered to be a major influence on the C and N values. Results from enclosures show that eliminating grazing by both sheep and rabbits arrested these declines but to lift both C and N values fertiliser application would be necessary. The pH decline was attributed partly to a net cation loss through grazing, either by transfer off the farm in animal products or to stock camps within the farm. Soils on this land has higher natural fertility and are not as acidic as those on Glen Nevis.

The Martin Report⁷ stated that:

"We are convinced that a decline in soil condition is very likely on the unimproved lands. These lands comprise approximately 80 percent of the land area of the pastoral high country and receive no inputs. In the long-term, the pastoral use of extensive areas of the South Island high country is unlikely to be sustainable."

³ NZ DSIR, 1968. General Survey of the Soils of South Island, New Zealand. Soil Bureau Bulletin 27.

⁴ McIntosh, Peter. 1997. Nutrient Changes in Tussockgrasslands, South Island, New Zealand. *Ambio* Vol 26. No 3.

⁵ Ibid.

⁶ McIntosh, P.D, Allen, R.B., Patterson, R., Aubery, B., and McGlimpsy, P. 1994. Monitoring the effects of pastoral use on upland and high country soils in South Island, New Zealand. *Proceedings of the New Zealand Grassland Association* 56: 233-237.

⁷ South Island High Country Review. Final Report from the Working Party on Sustainable Land Management, April 1994.

4.7 Ecological Sustainability of Grazing High Altitude Tall Tussock Vegetation

The vegetation is predominantly tall tussock grassland dominated by *C rigida* up to around 1500m where it becomes more alpine and changes to a *C macra*, blue tussock grassland interspersed with cushion plants, fellfields, and boulderfields. Few exotic species are found, although *hieractum* is present. The tussocks are generally of fairly low stature indicative of past burning and continued present grazing regimes. A more detailed botanical description is provided in Section 5.1 below.

Tall tussock grasslands have been much reduced from their former post human arrival - pre pastoralism, times. Pre-pastoralism, tussockgrasslands originally descended as low as 500m in Southern South Island. As a result of burning and grazing much of these tall tussock grasslands have been partially or completely transformed into semi-natural short tussock grasslands dominated by *Festuca*.⁸ Today tall tussockgrasslands descend to around 1000 - 1100m through out most of Otago.

Chionochloa macra grassland in particular has been much reduced from its former extent in the South Island High Country. *C macra* is especially susceptible to grazing, as where it remains it is the preferred tall tussock diet of sheep.⁹ *C macra* is unable to sustain annual grazing as it has a relatively low growth rate, producing only about 0.6 of the biomass produced by *C rigida*.¹⁰ It has a very short growing season, being under snow for much of the winter and it appears unable to recover from removal of its meager annual leaf production. *C macra* tussocks according to Allen and Lee¹¹ evidently die when foliage is grazed to 10-15cm in height.

In their study of the vegetation of Unoccupied Crown land in the Dingleburn and Timaru Catchments, Allen and Lee compared the differences between lightly grazed and more heavily grazed tussock grasslands between 600 - 2050m. They found that as a result of grazing *C macra* grassland had been replaced at high altitudes on exposed sites by cushion field/fell field vegetation with large areas of sparsely vegetated ground and on sheltered sites by *Clemista lyallii* and *Poa colensoi*. No *C macra* regeneration was observed in depleted grasslands. Palatable herbs were locally extinct, except where protected on inaccessible rock outcrops. They also found that snow banks are favoured sheep camps in summer, and many form centres from which grazing effects radiate.

⁸ Gibson, Roger, Hewitt, Allan, Sparling, Graham and Bosch, Ockert. 2000: Vegetation Change and Soil Quality in Central Otago Tussock Grasslands, New Zealand. *Rangel.J.* 22(2) 190 - 204.

⁹ Macrae, J.C. and O'Connor, K.F. 1970. The Nutritive Value of New Zealand Tall-Tussocks Fed to Sheep." *NZJ. Agric Research* 13:555 - 66

¹⁰ Williams, P.A 1977: Growth, biomass, and net productivity of tall tussock (*Chionochloa*) grasslands, Canterbury, New Zealand. *NZ J Botany* 15:399 - 442.

¹¹ Allen, R.B., and Lee, W.G. 1990. "Vegetation of Unoccupied Crown Land in the Dingleburn and Timaru River Catchments, Wanaka ecological District. Botany Division DSIR.

Allen and Lee¹² found that *C rigida* grasslands on grazed land were generally of much lower density and stature, and showed negligible regeneration compared to those on ungrazed or retired lands.

The authors stated;

"Continued grazing will lead to removal of Chionochloa macra, as is evident on adjacent pastoral land, over a period of at most a few decades. After the demise of C macra limited grazing would be available from Poa colensoi and small native grasses at higher altitudes. Grazing pressure would increase in lower altitude vegetation." ...C rigida regeneration would decline as seedlings were eaten, and density and stature of mature tussocks would be reduced.

They concluded that limited grazing would be sustainable in the short term but *C macra* grassland would disappear and *C rigida* grassland would become increasingly dominated by exotic pasture species.

Rose and Platt¹³ in a study of Snow tussock (*Chionochloa*) population responses to removal of sheep and European hares, found that virtually all the *C macra* on South facing slopes had been removed on the sites which had been subjected to c. 80 years of sheep grazing. The remaining tussocks were predominantly senescent, with infrequent seedlings. This suggests that snow tussock abundance will continue to decline as senescent individuals die out and are not replaced. In contrast stands retired from sheep grazing for 34 or 21 years were characterised by low proportions of senescent tussocks and high proportions of juveniles and seedlings. Without grazing and with continued seedling recruitment, it is likely that tussock density, basal area and stature will increase. However it was also found that even heavy browsing by hares could inhibit *C macra* vegetative recovery and seedling regeneration.

[Although these studies are from a different ecological district, the findings may be extrapolated to similar tussock grassland communities at similar altitudes with broadly similar soils and climate. As far as I am aware there are no studies that have looked at the impact of grazing in tussock communities on the Hector Mountains, or considered the ecological sustainability of continued grazing. In the absence of such reports it is pertinent to draw conclusions from other studies in similar environments.]

5.0 Significant Inherent Values of the Proposed Free hold

The advertised preliminary proposal document makes no mention of the Department of Conservation's proposal for a Remarkables/Hectors Conservation Park. The Conservation Management Strategy states that the Department will "*through pastoral lease tenure review negotiations, endeavor to add appropriate contiguous areas on the Remarkables, Hectors and in the Nevis Catchment to the core Remarkables Conservation Park Proposal.*"

¹² See 11 above.

¹³ Rose, A.B., Platt, K.H. 1992. "Snow tussock (*Chionochloa*) population responses to removal of sheep and European hares, Canterbury, new Zealand. *NZJ Botany* 30(4).

The proposed boundaries for freehold/conservation land for tenure reviews should be considered in relation to the potential boundaries of the proposed Conservation Park. The existing conservation land on the Hectors includes land surrendered from Loch Linnie Station, this descends to around 1,100m altitude (as far as I can tell from the maps I have) on the western side of the Hectors Mountain. (See Map attached). The remainder of Loch Linnie Pastoral lease separates this land from the Glen Nevis block. The Remarkables/Hector Mountains are a New Zealand Scenic Icon and it makes no sense to have a Conservation Park that begins on the skyline. The park boundary should include the tall tussock grassland ecosystems on the western side of the Hector Mountains down to at least their lowest altitudinal limit. On Glen Nevis this occurs at a convenient boundary – the snowline fence at 900-1100m.

5.1 Botanical Values

The Commissioners notice of the preliminary proposal for Tenure Review contains virtually no description of the natural values found on this land. It is completely inadequate and a disgrace. The public can not assess the adequacy or otherwise of the proposal, or evaluate whether it meets the objectives of tenure review under the CPLA without information that describes the conservation values of the land to be freeholded.

In order for Forest and Bird to assess this proposal we had to submit a request under the Official Information Act for copies of relevant documents. This is not a good process for open Government, nor does it promote accountability under the CPLA.

These documents reveal that earlier proposals were to retain the upper western slopes in full crown ownership and control as they were described as having extensive and very significant inherent values. The 1999 report describes the "*...whole Hectors Mountains block as having the combination of attributes to squarely place it in the highest level designation.*" This land was described as having high landscape values, with a great diversity of native vegetation, landforms and fauna.

The background botanical reports prepared by Mr Neil Simpson for the Department of Conservation also make it clear that the land proposed to be freeholded has similar conservation values as the land that has been judged to be of significant inherent values and is to be retained by the Crown. The botanical report does not distinguish between the proposed freehold land above 900m on the western slopes and summit of the Hector Mountains and the proposed conservation land on the upper eastern slopes.

The botanical report summarizes the areas of special botanical value as:

- ◆ "Upper slopes and tops with their varied plant communities including the slim leaved snow tussock, snow banks, cushion plants, alpine bogs and wetlands, fellfield and boulderfields, bluffs and tors.
- ◆ The narrow-leaved snow tussockland of the mid slopes to about 900m.
- ◆ The dracophyllum and hebe shrublands of the mid and lower slopes repetitively.
- ◆ The mosaic of valley floor grasslands and their associated communities.

The DOC botanical reports indicate that narrow leaved snow tussock dominates the slopes above 900m changing to a more alpine vegetation below the summit around 1500m. The top of the range on the western side according to the DOC reports contains a mosaic of plant communities. Blue tussock grassland is interspersed with areas of slim-leaved snow tussock, *C macra*, small bog communities in hollows and stony ground with herbfield and minor snow bank communities. Some of the threatened plants listed in the report such as *Geum pusillum* found in snow banks may also occur. The blue tussock grassland communities cover large areas of the summit, particularly on the western side. It forms part of the complex of plant communities found here. Cushion plants and a small native grass, *Rytidosperma pumila* are the main plants with a few shrubs of *Dracophyllum uniflorum* and tauhinu. Cushionfields covered the exposed ridge tops of the summit area and the eastern ridges. *Dracophyllum* shrubland occurs between about 1400-1500m.

Narrow-leaved snow tussock, *Chionochoa rigida* dominates the vegetation in a band between 900m to 1500m. According to the Doc Botanical report it has a general cover of 60-80%, getting upto 100% cover and 1.5m tall in sheltered hollows and parts of the broad ridge above Kingston Creek. There is much litter and a range of smaller native grasses, sedges, rushes, herbs and ferns. Sheeps sorrel and cats ear are the only common exotic species.

Forest and Bird carried out an inspection of these lands. Based on this inspection we endorse the botanical report and agree that the vegetation above 900m on the western side of the Hector Mountains is predominantly native with good cover of *C rigida* and a restricted exotic component. The inter tussock community is dominated by small native herbs and shrubs of snowberry, *Pimelea oreophila*, and *Dracophyllum uniflorum*, among others. *Carmichaella spp* (native broom) is also present. There are numerous small flush and bog communities. There is an immediate and very dramatic contrast between the snow tussock community above the snow line fence and the hard tussock dominated community below the snowline fence. Below 900m the vegetation becomes more and more dominated by introduced grasses and weeds as you descend in altitude.

It is clear from our inspection and the DOC botanical reports that the land above the snowline fence on the western side of the Hector Mountains contains land with significant inherent values and that these values are equally as significant as those on the land that is proposed to be retained for conservation. Accordingly we submit that this land should not be freeholded as the proposal does not protect the "significant inherent values of reviewable land" as is required in order for land to be available for freeholding under the CPLA.

5.2 Landscape Values

The advertised proposal does not contain a landscape assessment of the area proposed to be freeholded.

The landscape report obtained under the Official Information Act evaluates the upper Mountain Slopes and Summit (being the upper western and eastern side and summit) as having high inherent values. It forms the skyline ridge and is the visual link between the Remarkables and Hector's Ranges. It is ranked high for landscape intactness, and coherence and has moderate distinctiveness and moderately high visibility. The author recommended these slopes as a priority area for landscape protection.

5.3 Tall-tussock grasslands compared with forests

Tussock grasslands in good condition are important for fixing carbon. This is an inherent value that is not recognised in the proposed tenure review recommendations. Continued grazing will reduce these values.

Williams wrote in his paper on tall tussock grasslands that these grasslands have more characteristics in common with an old growth forest rather than a productive pasture. They have a similar root mass to a forest and twice the accumulated litter. The estimated total annual above ground net production of a mountain beech forest is probably not greatly different from the potential of the tall-tussock grassland with a full canopy cover. *These comparisons emphasise the importance of tall-tussocks in fixing carbon to fuel the ecosystem of a virtually treeless landscape.*¹⁴

5.6 Recreation

There is no provision for recreational access to the summit of the Hector Mountains from the Queenstown Kingston highway. The legal road is not marked and it is an impractical route. The preferred access is up the farm track from the legal road at map ref F42 768:337 and returning via another farm track at the northern boundary.

6.0 Proposed Conservation Covenant

We submit that the proposed protective mechanism is contrary to S 40 of the CPLA. The freeholding of the western slopes subject to the covenant will not protect the significant inherent values as required by S40 (2) (b). Continued grazing of this land is unlikely to be ecologically sustainable in the long-term, thus the covenant will not result in "*the management of the land .. in a way that is ecologically sustainable*" as is required of land to be disposed of subject to protective mechanisms in S40 (2) (b).

The provision in the covenant to allow topdressing and oversowing 100m above the snow line fence will adversely effect the inherent values of this land as it will result in depleting tall tussock cover and introduce exotic pasture species.

¹⁴ Williams, P.A. 1977. Growth, biomass, and net productivity of tall-tussock (*Chionochloa*) grasslands, Canterbury, New Zealand. NZJ Botany, Vol 15.

6.1 Preference for Full Crown Ownership and Control

The CPLA gives a clear preference for land with significant inherent values to be protected by restoration to the Crown. Our understanding of the intent of the CPLA in providing for Covenants was that they were intended to be used for small, discrete areas that were ecologically important, that could be fenced off from stock, but that did not need to be handed over to the Department of Conservation for its management.¹⁵

The area proposed for freeholding under covenant comprises a large area (some 1,150ha) on the upper slopes of the Southern Hectors, which is contiguous with land proposed to be protected and retained by the Crown. It is not small or discrete.

It will not be practical to fence the summit to prevent sheep from grazing on the adjacent land to be retained by the Crown. Sheep are likely to wander over the imaginary boundary to preferentially graze the *C macra* and camp on the snowbank vegetation. They may well head downslope to end up on the Nevis Flats. This deal is little better than the existing pastoral lease in relation to ability to protect conservation values and provide for recreation.

There is already a practical fence line at 900m which should be used as the boundary between the freehold and land to be retained by the Crown.

The original tenure review proposals rejected the idea of a covenant on the grounds that "...the strength of property rights would be too weak to fulfil the objectives of the Act. Even a comprehensive agreement could not predict all eventualities." The greatest concern with a covenant was the restriction of future options available to best manage the proposed conservation land.

6.2 Grazing will not protect significant inherent values or promote ecological sustainability

Forest and Bird contends that grazing is likely to be ecologically unsustainable and it will not result in adequate protection for the identified significant inherent values of this land, consequently it will not be possible to meet the proposed Covenant objective that the land must be managed for conservation purposes. To best manage this land for conservation purposes no grazing would be required to enable the ecosystems to flourish and regenerate, towards a more natural state. Freeholding and covenanting this land will restrict future options for better conservation management, and the full conservation values of this land will never be realised. Management here may end up being out of kilter with the management of the potential conservation park.

There is a significant body of science that points to the effects of grazing on vegetation, and how even light grazing overtime changes the vegetation communities,

¹⁵ Jeanette Fitzsimons, Hansard June 1998. "We were told this by the original promoter of the legislation, the previous Minister of Lands, and no dissent was expressed openly in the select committee—that covenants were intended to be used for small, discrete areas that were ecologically important, that could be fenced off from stock, but that did not need to be handed over to the Department of Conservation for its management."

maintains tussock at low stature, and prevents the establishment of tussock seedlings. See discussion in section 4.5 above. Continued grazing of this area is likely to destroy the *C macra* grasslands, which are an important and significant inherent value.

The effects of long-term (20+) years of grazing on soils and vegetation have been studied at mid altitude sites in Central Otago.¹⁶ This study found that the pattern of vegetation change was related to the increasing effects of accumulated long-term grazing intensity. Sites that had had the lowest long-term grazing pressure had the greatest tussock cover (in this case red tussock, *C rubra*). Those in the mid range show the greatest abundance of short tussocks and sites with the greatest long term grazing pressure were dominated by *hieracium*.

Forest and Bird strongly disagrees with the statement on P6 of the July 2000 Report¹⁷ that .. *"the covenant allows for protection of significant tussock grasslands whilst continuation of grazing above the snowline fence may benefit the inherent value relating to landscape"*.

This covenant provides for a continuation of the status quo. In order to adequately protect the significant inherent values the land needs to be managed for conservation without the encumbrance of continued grazing. Continued grazing will further deplete the tussock grasslands which will reduce the high naturalness landscape ratings of this block.

6.3 Legal Problems with the Draft Deed of Covenant

I do not propose to spell these out in detail here as this has been done satisfactorily by Federated Mountain Clubs and PANZ in their submissions. Forest and Bird does not believe that Covenants can ever offer long term secure protection for large areas of land that have significant inherent values warranting full protection in perpetuity or provide for publicly accountable management.

As noted in FMC and PANZ submissions there are problems with; the definition of ownership of the land, the provisions which allow the covenant to be altered without public input, and without constraint as to the nature of the alterations, lack obligation to extinguish fires, and the restrictions on provisions for year round public access.

7.0 Matters to be taken into Account

There is a very obvious change in the nature of advice being given to the CCL in the July 2000 report. On page 6 of this report the authors now advise that the proposal *"overall provides an adequate mix of ecological sustainability. Taking in isolation we have concerns about the freeholding of high altitude lands as it will be difficult to manage this land in a manner that is ecologically sustainable."*

¹⁶ Gibson, Roger, Hewitt, Allan, Sparling, Graham and Bosch, Ockert. 2000: Vegetation Change and Soil Quality in Central Otago Tussock Grasslands, New Zealand. *Rangel.J.* 22(2) 190-204.

¹⁷ Report in Accordance with CPL Standard 8: preliminary Proposal. 27th July 2000.

It is clear that the CCL's advisors originally considered that this land should be restored to full Crown ownership and control without any grazing. The change in advice resulted from the current lessee wishing to retain grazing rights and ownership of this land.

"The proposal to include the higher altitude land is the only acceptable means of achieving this (deal) in the eyes of the (current pastoral lessee).

The advertised report notes that this area is important summer grazing to the Glen Nevis property. This may be the case for the current use of Glen Nevis and to the current lessee, however it is likely that over time the use of Glen Nevis will change once the lower land is freeholded, and grazing may not be so important. This wish to graze and retain ownership is not relevant to the Objects of Tenure review.

Forest and Bird strongly disagrees that overall this proposal provides an adequate mix of ecological sustainability. It freeholds a large area of land, some 1,150ha and provides for a continued grazing regime, which is unlikely to be ecologically sustainable. In reality it provides for continued grazing over the remainder of the area that is to be restored to full crown ownership as it will be impracticable to fence the summit in addition to such a fence being a blight on the landscape. This submission has cited some but by no means all, the relevant scientific evidence that indicates that continued grazing of high altitude unimproved tussock grasslands is likely to be unsustainable. As grazing can not be effectively prevented on the proposed conservation land, ecosystems that should be being protected will also continue to be degraded, particular *C macra* and the fragile snow bank vegetation.

The covenant does not provide adequate security to ensure that grazing will be stopped should the monitoring indicate that the objects of ecological sustainability are not being met. Even if it did or could, the public has no confidence that the conditions of the covenant will be enforced, due to our experience with previous covenants, such as on Wiaorau.

Effectively the proposal means that all the land from the snow line fence on the western Hectors to the Nevis Valley is likely to be grazed. Consequently this proposal will not promote the management of some 5,624 ha out of the total land area of 6,673.6ha [84%] in a way that is ecologically sustainable. Nor will it provide adequate protection for the 5,624 ha of land that has been identified as having significant inherent values.

8.0 Conclusions


This preliminary proposal is unacceptable and is contrary to the provisions of the CPLA. Accordingly Forest and Bird submits that the CCL discontinue this review as provided for under S33 CPLA, unless the proposal is amended to provide for:

1. Restoration of all the land from the snowline fence at 900m on the western face of the Hector Mountains to the Nevis Valley to full Crown ownership and control.
2. No covenants or grazing concessions over any of the above land.
3. Practical year round public access on the western faces of the Hector Mountains.
4. Provision for a landscape protection covenant to protect and provide for the restoration of native vegetation in a corridor along the Kingston-Queenstown State Highway.

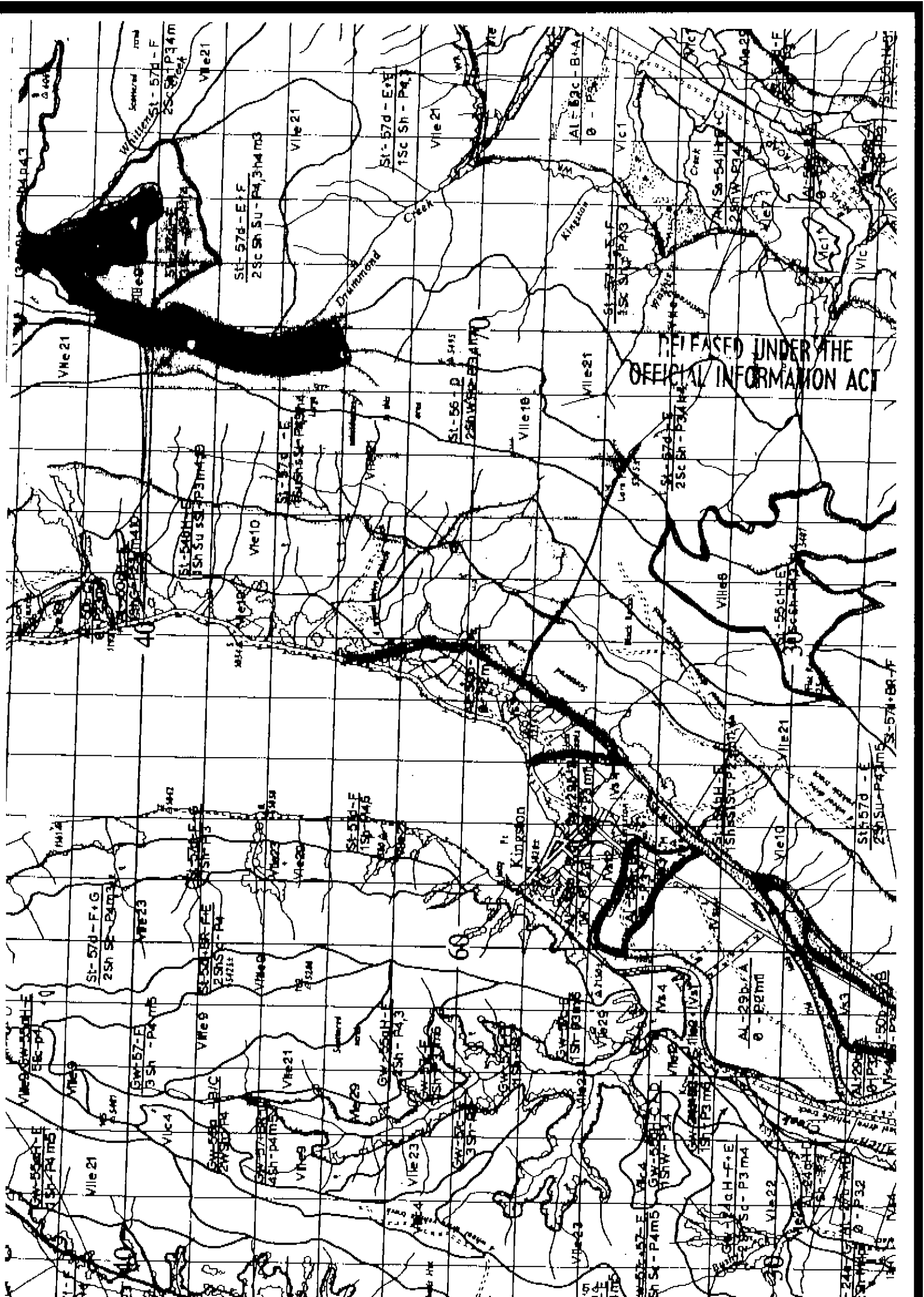
Forest and Bird is disappointed at the poor quality and lack of adequate information contained in the advertised preliminary proposal document. We trust that future documents will provide adequate information to enable the public to fully assess the proposal.

Finally Forest and Bird wishes to present this submission orally as provided for under S 47 CPLA.

Yours sincerely



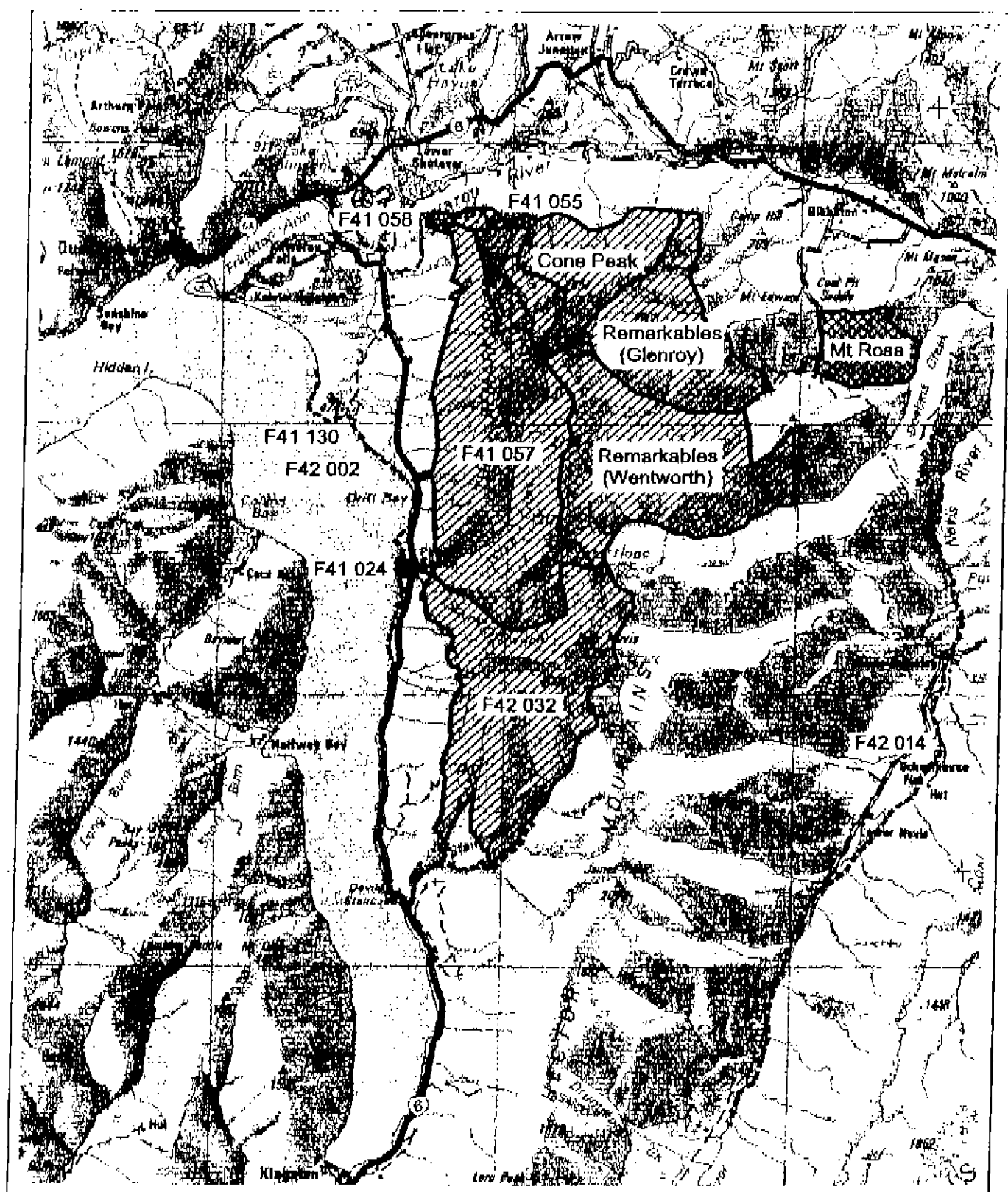
Sue Maturin
Southern Conservation Officer





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OFFICIAL INFORMATION ACT

Map 5-26 Remarkables





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OFFICIAL INFORMATION ACT







kilometres

-  Public Conservation Land / Reserves >30ha
-  Public Conservation Land / Reserves <30ha
-  Marginal Strip
-  Public Access

RECEIVED
14 JUN 2001
RECEIVED

7th June 2001.

Submission on the Proposal to Freehold high altitude land near Lake Whakatipu.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

We and of oppose the Crown's decision to:

- 1) freehold 2200 ha from the shores of Lake Wakatipu to the crest of the Hecker Mts.
- 2) To create a 4470 ha conservation area from the floor of the Upper Nevis Valley to the crest of the Hecker Mts
- 3) To create a conservation covenant over 1150 ha of the above freehold.

Being keen trampers who enjoy the outdoors we feel that by the crown selling these lands that access would be cut off to these magnificent Mts. Future Freehold owners would change the landscape forever with Buildings etc and the natural Beauty of the area lost forever.

Yours faithfully,

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OFFICIAL INFORMATION ACT

Knight Frank
ALEXANDRIA
14 JUN 2001
RECEIVED

8 June 2001

Commissioner of Crown Lands
c/- Knight Frank (NZ) Ltd
Land Resources Division
P O Box 27
ALEXANDRIA

Dear Sir

Submission to the Glen Nevis Tenure Review Proposal

I have read through the details of the proposal relating to the Glen Nevis Tenure Review and would like to voice my full support for the suggestion by the Members of the High Country Coalition (Forest and Bird, Public Access New Zealand, Federated Mountain Clubs, and the Council of Outdoor Recreation Associations), that much of this leasehold be opened up for public recreation and retained in full Crown ownership to eventually become part of a Remarkables Conservation Park.

As a keen trumper I have visited a diverse range of natural environments, and have been amazed to discover an abundance of unique flora and fauna in New Zealand's alpine areas. I am concerned that there are very few of these areas protected by legislation, and I believe initiatives that are directed towards preserving and enhancing such unique environments are much needed.

This tenure review presents an opportunity to address the lack of representative high altitude lands protected within the conservation estate, and to preserve their significant conservation and inherent values. Thank you for the opportunity to express my viewpoint.

Yours sincerely,



Phone
Fax
email

Commissioner Of Crown Lands,
C/o Knight Frank (NZ) Ltd,
Land Resources Division,
P.O. Box 27,
Alexandra.

6th June 2001

Dear Sir,

**Submission From Kingston Station and Lorne Peak
Station Lessees Re The Glen Nevis Tenure Review
Preliminary Proposal:**

We object to the Nevis Flat and the Eastern faces of the Hector Mountains, approximately 4474 ha, being restored to full Crown ownership as a conservation area.

Our reasons are:

1) Boundary Fence:

Over the years there has been a free movement of sheep between the Kingston and Glen Nevis Pastoral Leases.

The number of sheep returned to each of the two properties after the autumn muster has been about the same.

There has been no problem between the lessees with this.

If ownership reverts to the Crown, we cannot stop our sheep straying into what was, previously, Glen Nevis.

In fact, it is most likely that there will be more of our sheep going onto that property, as currently the Glen Nevis sheep discourage our stock from foraging there.

2) Nevis Road:

In 1989 the Southland Pastoral lessees in the Upper Nevis (which was then part of the Southland County Council) contributed a considerable amount of money to repair the road.

I have included documentation regarding the amounts paid, to prove this.

I have grave doubts that the Crown then, or in the future, would contribute in a like manner.

The fact that this land will not pay rates at all, raises the question as to why the local authority should continue to pay to keep this road open in the future.

3) Fire:

If the Glen Nevis land is restricted to full Crown ownership, we presume that will mean no grazing at all.

In our opinion, this means the fire risk will be greatly increased, as the introduced grasses will provide a great base for fire.

It takes forty five minutes by light truck e.g. Hilux, to get into this area from Garston. It takes slightly longer from Cromwell.

A fire could rage for hours before it was brought to the attention of the fire brigade.

The best way to prevent fire, is to reduce the overgrown, dried material. Grazing animals will do this naturally.

There has not been an uncontrolled summer burn in this area, and one very good reason for that would be the current grazing regime.

You would have to agree that there are more uncontrolled summer burns in the South Island tussock country than there used to be, i.e. Marlborough 2001, Central Otago 2000, Arthur's Pass 2001.

These fires come to mind, no doubt there have been more.

4) Condition Of The Country:

The flats are now in a modified state, after more than one hundred and twenty five years of pastoral farming.

There are many species of introduced grasses, especially browntop and sweet vernal.

I have observed that if these grasses are ungrazed they will choke out the tussocks, especially short tussocks.

If you have difficulty believing this, please observe the roadsides between the road and the fence; an example of this is on the tussock flats south of Kingston.

This will also happen on the Nevis flats if there is to be no grazing.

5) Tenure Review:

The clear message that comes from this Preliminary Proposal, is that the intention is for the Nevis Valley (in its entirety) to revert to full Crown ownership.

This offers no encouragement for Pastoral lessees to apply for Tenure Review.

We are of the opinion that the Glen Nevis land in question should be offered to one of the adjoining lessees, being Loch Linnhe or Kingston.

Yours faithfully,

SOUTHLAND COUNTY COUNCIL

If calling please ask for
Mr J Troon

FORTH STREET,
INVERCARGILL.

YOUR REF.
OUR REF. 50/7/1/2

11 April 1988

Messrs P and K Taylor
C/- Lorne Peak Station
GARSTON

Dear Sir

Garston-Nevis Road - Road Improvements

Enclosed for your information is a copy of a report on alternatives for upgrading the Southland County section of the above road.

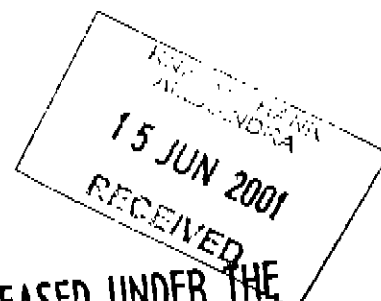
The report has been considered by Council and it was agreed to proceed with basic improvements as detailed in Appendix II of the report (pink sheets) subject to a contribution towards the cost from the local runholders.

Council agreed to meet 70% of the cost of the work amounting to \$24,500 as shown in Section 9 (b) of the report. The remaining \$10,500 of the estimated cost of \$35,000 to be sought from local runholders who would benefit from the improvements.

It is suggested contributions be apportioned based on the areas of each run which would be served by the road (refer Table 1, Section 9 of the report). This would require contributions as outlined below:

Nokomai	\$6,825.00
Lorne Peak)	
Kingston)	1,365.00
Glen Nevis	945.00
Loch Linnha	1,365.00
Total Local Contribution:	<u>\$10,500.00</u>

The County would undertake the ongoing maintenance of the road following completion of the improvements.



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Phone
Fax
email

Commissioner Of Crown Lands,
C/o Knight Frank (NZ) Ltd,
Land Resources Division,
P.O. Box 27,
Alexandra.

14th June 2001

Dear Sir,

**SUPPLEMENTARY Submission From Kingston
Station and Lorne Peak Station Lessees Re The Glen
Nevis Tenure Review Preliminary Proposal:**

Freehold Title:

We agree to the proposal to designate 2200 hectares of land, being the western side of the Hector Mountains, to freehold title.

Yours faithfully,

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65

KNIGHT FRANK
ALEXANDRA
13 JUN 2001
RECEIVED

June 12, 2001

The Commissioner of Crown Lands
C/o Knight Frank
P.O. Box 27
Alexandra

Submission to Glen Nevis Tenure Review – Preliminary Proposal

I submit the following comments on the Glen Nevis Tenure Review – Preliminary Proposal.

Introduction

I am a New Zealand citizen and a professional botanist and plant ecologist. Over the last eight years I have conducted ecological research into grassland and shrubland vegetation, mainly in Otago, but also more widely in the South Island.

I am personally familiar with this landscape and vegetation of this pastoral lease, and have undertaken research on shrublands and valley grasslands on this property.

I support the proposal to restore the land on the eastern side of the Hector Mountains and part of the Nevis Valley floor to crown ownership and control.

However, I am not in favour of the proposal to freehold the upper western slopes of the Hector Mountains subject to a Conservation covenant (Section 27, Conservation Act 1987). This is the land above the snowline fence between 900 and 1678m.

Specifically:

- (1) Continued grazing at any rate is an inappropriate and unsustainable use for this land
 - (2) The location of the covenant is highly inappropriate
- (1) **Continued grazing at any rate is an inappropriate and unsustainable use for this land**

All of the high-altitude land on the Hector Mountains has high landscape values, and a great diversity of native vegetation, fauna and landforms. Vegetation of the tops and upper slopes includes slim leaved snow tussock, snow banks, cushion plants, alpine bogs, wetlands, fellfield and boulderfields, bluff and tor communities. Botanical Reports prepared for the Department of Conservation indicate that the land proposed to be freeholded, subject to a Conservation covenant, has similar inherent conservation values as the land on the eastern slopes which the Crown proposes to retain. My personal observations bear this out. The proposed covenant is extraordinary in allowing for continued grazing of part of this significant area on the upper western Hector Mountains.

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It is difficult to judge from the preliminary proposal document the extent to which the covenanted land will be stocked. However, there is a large body of scientific work showing that any continued grazing is unsustainable on unimproved tussock grasslands at high altitudes, such as these. Whereas the impact of grazing in tussock communities has not been studied on the Hector Mountains themselves, studies in similar environments in Otago tell us much about the likely consequences of continuing to graze.

The tussock grasslands of the Hector Mountains are of low stature due to past burning and grazing. They comprise *Chionochloa rigida* to 1500m, with *C. macra* and blue tussock above this altitude. Cessation of stock grazing at least will be necessary to allow them to recover in stature and biomass.

Of particular concern is the *C. macra* grassland, which has been much reduced in Otago from its former pre-pastoralism extent, and is a priority for conservation. This species is especially susceptible to grazing, due to its comparatively low growth rate and short growing season. It is preferred forage for sheep, but has little ability to recover from removal of its foliage, and generally dies when grazed to low stature. Continued grazing will inevitably further reduce the area of *C. macra* that remains on the Hector Mountains. Even light grazing will maintain or reduce the present low stature, and prevent it from regenerating by the establishment of tussock seedlings.

It is clear to me that the proposed covenant, allowing continued grazing, will not protect conservation values of this area but will lead to further attrition of its natural values.

- (2) **The location of the covenant is inappropriate.**
- **stock access to proposed conservation land on the eastern slopes of the Hector Mountains**

An effective stock barrier cannot be maintained along the top of the Hector Mountains (nor is one desirable due to the scenic values of this area). This means that stock will have access to the proposed Remarkables/ Hectors Conservation Park: the eastern slopes of the Hector Mountains, the Nevis Valley floor, and beyond. The proposed freehold:Park boundary therefore seriously compromises a large area of conservation land. A more appropriate, and easily-maintained stock boundary is the snowline fence at c. 900m on the western faces.

- **relation to the potential boundaries of the proposed Remarkables/ Hectors Conservation Park**

The proposed Park boundary should include the tall tussock grassland ecosystems on the western side of the Hector Mountains down to at least their lowest altitudinal limit. I understand that other conservation land on the western Hector Mountains (previously Loch Linnie Station) descends to around 1,100m altitude. It makes poor sense to have the Glen Nevis section of the Park begin on the skyline.

It is clear that the appropriate boundary between the freehold land, and that to be retained by the Crown, is the snowline fence at 900m on the western faces of the Hector Mountains.

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Other matters

The notice of the preliminary proposal for Tenure Review contains virtually no description of the natural values. This is inadequate for the public to assess the adequacy or otherwise of the proposal.

Conclusions

I support the proposal to restore the land on the eastern side of the Hector Mountains and part of the Nevis Valley floor to crown ownership and control.

However, the proposal to freehold of the upper western slopes of the Hector Mountains, subject to a Conservation covenant, is inappropriate and should be rejected.

Tenure review agreements are irrevocable. I believe that no agreement at this stage is better than a bad agreement and precedent.

Yours sincerely

FACSIMILE COVER PAGE

64

To : Commissioner of Crown Lands
Sent : 12/06/2001 at 10:39:44 p.m.
Subject : submission for Glen Nevis Tenure Review

From :
Pages : 2 (including Cover)

Hi,

Here is a submission for the Glen Nevis Tenure Review (one page).

FRANK ALEXANDRA
13 JUN 2001
RECEIVED

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

12 June 2001

Re: Submission on the Glen Nevis Tenure Review

Dear Sir/Madam,

I applaud the creation of a conservation area from the floor of the Nevis Valley to the crest of the Hector Mountains however I am concerned that an area of 1150 ha, from 3500 ft above sea level to the crest of the Hector Mountains at 5500 ft above sea level is only going to have a conservation covenant on it to protect it. I think this proposed conservation covenant area should be properly protected and be added to the conservation area due to its high conservation and recreational values. Grazing at this altitude is not sustainable and allowing grazing on the covenant area runs the risk of it spilling over into the conservation area. I understand public access the covenant area only permits access from April to December. As a keen trumper I see summer access as important as winter use.

I would like to see the area proposed in the Glen Nevis Tenure Review as a conservation covenant area instead be included in the conservation area where grazing is not allowed and practical public access is provided. If this cannot be achieved then I do not believe the deal should go ahead.

Yours sincerely,

(63)

Otago University Tramping Club
c/o Otago University Students Association
PO Box 1436
Dunedin.



1 June 2001

Commissioner of Crown Lands
c/o Knight Frank (NZ) Ltd
Land Resources Division
PO Box 27
Alexandra

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Dear Sir

Submission on Preliminary Proposal for tenure review of Glen Nevis Pastoral Lease

The Otago University Tramping Club comprises some 300 members who are very active users of the South Island back country for recreation. Our interest in the Glen Nevis tenure review proposal stems from the fact that our members regularly tramp, climb and ski-tour in the nearby Wye Creek and Remarkables Range areas. We value these areas highly for recreation, but they are facing increasing pressure from commercial developments that have potential to conflict with non-commercial forms of recreation and peaceful enjoyment. In the long-term, we are hopeful that tenure review of pastoral leases further south along the Hector Mountains will allow the formation of a Remarkables Conservation Park, with zoning allowing for different forms of recreation to coexist in the park without conflict. In this context, the whole of the Hector Mountains have significant inherent value for low-impact recreation, particularly the areas above 1000m elevation.

We are strongly concerned about one aspect of the preliminary tenure review proposal for Glen Nevis Station. It indicates that no land on the western side of the Hector Mountains will be returned to full Crown ownership and control, but that all this land will be freeholded. It is proposed that the significant inherent values of this freehold land will be protected by a covenant. We note that Section 24(b)(ii) of the Crown Pastoral Land Act 1998 (CPLA) states that the preferred method for protecting significant inherent values of reviewable land is restoration to full Crown ownership and control. This is ranked above both the creation of protective mechanisms (i.e. covenants), and freehold disposal. We do not believe that the proposed covenant offers adequate security for protecting the significant inherent values of the land in question.

A Department of Conservation report to the Commissioner of Crown Lands reveals that the upper western slopes have high inherent value. Furthermore, the report shows that these western slopes have higher inherent value than the equivalent slopes on the eastern side. Under the preliminary proposal, the eastern slopes are to be restored to full Crown ownership and control, while the western slopes are to be protected by a covenant. While we do not wish to devalue the efforts of those who set out the terms of the proposed covenant (its terms appear strong, and the monitoring schedule is

detailed), we cannot understand the logic which gives lesser protection (covenanting) to land of higher inherent value (the upper western slopes).

The Preliminary Proposal states that the upper western slopes of the Hector Mountains provide important summer grazing for the Glen Nevis property. We suggest that the higher parts of the range may not be as important in this respect: both the Department of Conservation report and the Preliminary Proposal identify these areas as containing cushionfield, herbfield and stony ground. Additionally, the higher slopes on the range have greater value for recreational use. However we recognise that lower elevations may have value for grazing. The requirement to protect the significant inherent value of this land therefore conflicts with its value for economic use. This conflict must be resolved according the legislation. Sections 24(a) and 24(b) of the CPLA balance sustainable management against the need to protect significant inherent values, preferably by restoration of the land to full Crown ownership and control. The objectives of Section 24(c), which are to make easier both public access and enjoyment, and freehold disposal of the land, are subservient to the objectives of the two preceding sections.

We feel that a better way to resolve the conflict between protection and economic use would be to restore all the land above 1000m elevation to full Crown ownership and control, on account of its significant inherent value. This would be more consistent with the intention of Section 24(b) of the CPLA. Economic use (grazing) of part of this land could be allowed by means of a concession from the Department of Conservation. Such a concession could include similar conditions to those listed in the proposed protective covenant. However we would request an additional condition: that a fence is constructed to preclude grazing above the 1300m level. We feel this is necessary both to protect the more sensitive high altitude vegetation from grazing, and to maintain the high inherent recreational value of the upper slopes of the range. With respect to the latter, a fence along the range crest and the presence of farm animals will adversely affect recreational enjoyment of the land by our members, who would have expectations of a more natural environment in such an area.

The arrangement we suggest would be consistent with the legislative hierarchy implied by Sections 24(a) to (c) of the CPLA. It would help to ensure that pastoral use of the land is restricted to areas that have the greatest likelihood of achieving sustainable management. It would have the advantage of allowing public participation in future decision making (the proposed covenant does not), and by retaining Crown ownership, would give greater security to protection of the land's significant inherent values (covenants may be extinguished under Section 126(g) of the Property Law Act (1952).

A final concern is that the Preliminary Proposal makes no provision for public access from State Highway 6, along the shore of Lake Wakatipu, to the crest of the Hector Range. We are aware that an unformed legal road crosses the property, but this has no practical use for public access as it has not been surveyed and marked. We suggest that tenure review of Glen Nevis Pastoral Lease provides a good opportunity to improve practical access for the public. SH 6 along Lake Wakatipu is the most accessible point from which such access could begin. We therefore request that an easement for public access be granted along one of the formed farm tracks that ascends from SH6 to the alpine tussock lands. This easement should reach to the boundary between any land that is freeholded, and land that is restored to full Crown ownership and control.

We thank you for providing the opportunity to make this submission. We would like to formally request a copy of the final plan for tenure review of the Glen Nevis Pastoral Lease, when this plan eventuates.

Yours sincerely,

Secretary, Otago University Tramping Club.

KNIGHT FRANK
ALEXANDRIA
13 JUN 2001
RECEIVED

7 June 2001

The Commissioner of Crown Lands
C/- Knight Frank (NZ) Limited
Land Resources Division
Box 27
ALEXANDRIA

**Re: CROWN PASTORAL LAND ACT 1998
GLEN NEVIS TENURE REVIEW**

I have read the preliminary proposal as supplied and wish to highlight some inadequacies in the proposal. Issues that I believe need further consideration are the following:

1. The approach of providing protection via a Covenant is inadequate. I make these comments based on my job experience and experience with a freeholding proposal on the Pisa Range (John and Mary Lee property). Part of the agreement involved providing public access and signs to indicate the area of public access. This has not been complied with. The Conservation Board has had a meeting at the Lee's property and is clearly unhappy with the activities that have occurred. If this is the situation that results where an agreement includes Covenants, then Covenants are clearly a completely inadequate method of protection. My work as a valuer has given me numerous occasions to witness the result of poorly worded contracts and documents.

2. Paragraph 2.4, page 3 - "... provisions of this covenant must be able to be altered if the need arises". Surely there must be a provision for public input if there is provision for future alterations to the covenants. This is especially important given

statements within the document such as clause 2.2 Objectives Of The Covenant.

" Subject to the management of the land in a manner that is ecologically sustainable, the parties also have as an objective the continued economic use of the land " It is quite conceivable that in future these objectives will be shown to be mutually exclusive.

Defining "economic use" provides unlimited scope for debate. What if the only economic use is shown to be a commercial ski field.

Any changes in management or proposals for disposal of conservation areas require public notification with opportunities for objection. **This is the preferred course for this area. Conservation Area instead of freehold with covenants.**

3. While I acknowledge the desire of the runholder to access the land above 1,000 metres for summer grazing, this land does need to be protected, and this is an ideal opportunity to ensure that it is. There is a growing public concern and public debate over the use and management of high country land. This is a once in a life time opportunity to protect a scarce resource. If the honest desire is to safeguard the options of future generation then now is the opportunity.
4. Clauses that allow access at the discretion of the owner are the thin end of the wedge, and can easily result in public access being made difficult. While land owners often contend that there are large areas of recreational space available, there is continuing pressure on these scarce resources for alternative uses.

A recent development in the Old woman Range has Bob Brown running a Skidoo operation on land that adjoins a wilderness area. The landowner attitude seems to be, if it is a wilderness area and nobody goes there, then why can't I run a commercial operation there. This attitude shows a complete lack of understanding for the concept of wilderness or public conservation area. A skidoo operation is not compatible with wilderness values. This example highlights my view that there is increasing pressure for the alternative use of back country areas and that we need to show greater care in how we protect these areas.

I am aware of back country skiers who will not go to the Pisa Range conservation area via the Lee access because the owner has had an attitude which discourages public access. There have been recent problems in the Two Thumbs Range over access to conservation areas. The Local Authority has proposals to limited access to the Old Dunstan Trail. Southland District Council, have previously tried closing the Waikaia Bush Road.

These are examples where access restrictions limit use of conservation areas. There is little point in creating conservation areas if adequate access is not guaranteed even worse freeholding land with public access defined by covenants

5. Two places in the document clause 10.1 and clause 15.1.1 action is discretionary "...the Minister may..." administrators require a stronger direction when protection of the public interest is at stake and should be required to act. The wording should be "the Minister shall ..."

SUMMARY

If the land above 1000 metres and public access to it cannot be adequately and permanently protected, then there seems little point in proceeding with tenure review. Toothless protection in the form of Covenants, and clauses in a document such as 2.5 - "*The parties wish to foster a spirit of partnership in the stewardship of the Land by means of participation and co-operation ...*" and other clauses, in my view give considerable scope for debate. In my experience of the commercial environment it is amazing how attitudes change when new issues arise or circumstances change. The spirit of co-operation rapidly disappears.

A poorly worded covenant is a hopeless and inappropriate basis for a long term commercial arrangement

I have no personal animosity towards the current lessee but whatever is negotiated now has very long term effects and there is only one opportunity to get it right.

There is only one opportunity for this tenure review to be completed correctly, this covenant binds the parties in perpetuity and it is important that protections are put in

place at this stage. It is too late to try and repair problems when they arise at a later date.

I am opposed to the freeholding of land above the 1000 metre level as such I do not support the proposal. The land above 1000 metres needs to be a conservation area to ensure protection. Clearly defined public access provisions need to be made.

61



**FOREST
& BIRD**

ROYAL FOREST AND
BIRD PROTECTION
SOCIETY OF
NEW ZEALAND INC

KNIGHT FRANK
ALEXANDRA
13 JUN 2001
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Royal Forest and Bird Protection Society
Dunedin Branch
PO Box 5793
Dunedin.

11 June 2001

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Commissioner of Crown Lands
c/o Knight Frank (NZ) Ltd
Land Resources Division
PO Box 27
Alexandra

Dear Sir

Submission on Preliminary Proposal for tenure review of Glen Nevis Pastoral Lease

The Dunedin Branch of the Royal Forest and Bird Protection Society represents approximately 700 members who have a strong interest in the conservation of New Zealand's natural heritage. We organise field trips throughout Otago and Southland, and many of these are to areas of upland grassland and alpine vegetation, often under pastoral lease tenure. It is clear that pastoral practices (burning, grazing, ploughing, oversowing) since the 1840s have greatly reduced the original extent of the region's indigenous upland vegetation. We believe that the remaining indigenous grasslands and cushionfields are nationally and internationally significant and deserve a high level of protection from inappropriate development and use. Our concern about management of these grasslands is reflected by our wilding tree control program, in which volunteers have removed over 50,000 wilding trees from indigenous grasslands in Otago, on lands under both private and public tenure. We are concerned about the sustainability of current pastoral management practices and fear that the continuation of these practices will further erode the natural condition of indigenous upland vegetation. In this context, we are hopeful that the outcome of tenure review of Glen Nevis Pastoral Lease will result in protection of significant upland vegetation, both for its inherent value and recreational enjoyment by the public. We also trust that the outcome ensures sustainable management of any land that is made freehold. We are happy that these views are in accordance with the objectives of the Crown Pastoral Land Act 1998, Section 24(a)-(c).

We are pleased that the preliminary report for tenure review of Glen Nevis Pastoral Lease proposes that all the land on the eastern side of the Hector Mountains will be returned to full Crown ownership and control. In particular, we are delighted that an area of the Nevis Valley floor is included in this land, as it is of a type that is poorly represented in the current suite of protected natural areas in the region. However we are opposed to the proposal to freehold in entirety the steeper slopes on the Hector Range. As the Notice of Preliminary Proposal indicates, the slopes above the snowline fence on the western side support Chionochloa rigida grassland, which passes to Chionochloa maora grassland and cushionfield at higher altitudes. The preliminary proposal

states that this land provides important summer grazing for the Glen Nevis property, and suggests that its values can be protected under a grazing regime by imposition of a protective covenant. We dispute this. In particular, *C. macra* is strongly and preferentially grazed by stock (Allen & Lee, 1990; Connor, 1991). Under grazing regimes, both *C. rigida* and *C. macra* grasslands tend to decrease in stature, suffer regeneration failure, and become invaded by exotic weeds (Allen & Lee, 1990).

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Under tenure review, the status of the upper western slopes must be considered in relation to the objectives of the Crown Pastoral Land Act 1998 (CPL Act).

Section 24(a) of the CPL Act has the objective of promoting the ecologically sustainable management of reviewable land, and freeing such land of its management constraints under tenure review, if this is consistent with its sustainable management. The proposed conservation covenant retains constraints on the upper western slopes, and the scientific evidence we have cited above indicates that continuing pastoral management of this land will not be ecologically sustainable. Therefore the Preliminary Proposal does not conform with the requirements of Section 24(a).

Section 24(b) of the CPL Act aims to protect the significant inherent values of reviewable land, either by the creation of protective mechanisms, or preferably, by restoring of the land to full Crown ownership and control. A 1996 Department of Conservation report on Glen Nevis Pastoral Lease identifies the upper slopes (>1100m) of the Hector Range as having high inherent value. The Notice of Preliminary Proposal provides no justification for its choice of a weaker instrument (covenanting) to protect these values. We note here that conditions of covenants may be modified, or the covenant may be extinguished entirely, without any public knowledge or input. In the absence of substantial reasons for doing otherwise, we argue that the upper western slopes of Glen Nevis Pastoral Lease must be returned to full Crown ownership and control in order to be consistent with the clear preference of Section 24(b): restoration to full Crown ownership and control of land which has high inherent value.

Under the CPL Act, Sections 24(a) and (b) have equal importance, and their objectives must be balanced.

Section 24(c) of the CPL Act has the objectives of making easier both public access and enjoyment of reviewable land, and freehold disposal where this land is capable of economic use. However, section 24(c) is subservient to the two preceding sections. Freehold disposal can only occur where the objectives of Sections 24(a) and (b) are met. As we have argued, there is substantial doubt that the Preliminary Proposal meets the objectives of either of these sections in relation to land above 1000m altitude on the western slopes of the Hector Range. Accordingly, this land should not be made freehold.

A shortcoming of the Preliminary Proposal is that it fails to formalise public access to the upper slopes of the Hector Range from State Highway 6 along Lake Wakatipu. This road provides the most accessible point of access for the general public. We are aware that an existing legal road crosses over the Hector Range on Glen Nevis Pastoral Lease, but that this road is not used by the public as it has not been marked or formed. We suggest that an easement be made for public access over one of the 4WD tracks that runs between SH 6 and the upper slopes of the range. This action would not be inconsistent with sustainable management and protection of the inherent values, and is supported under section 24(c)(i) of the CPL Act.

Conclusion

We support the return to full Crown ownership and control of the parts of Glen Nevis Pastoral Lease that lie east of the Hector Range crest. We argue that protection by full Crown ownership and

control must be extended to the upper slopes (<1100m) on the western side of the Hector Range. These slopes should not be grazed. We wish that public access from State Highway 6 to the upper slopes of the Hector Range be formalised.

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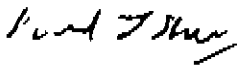
We thank you for considering this submission, and request notice of the final outcome for tenure review of Glen Nevis Pastoral Lease, when this becomes available.

References:

Allen, R.B. & Lee, W. G. (1990) Vegetation of unoccupied crown land in the Dingleburn and Tima River catchments, Wanaka Ecological District. Botany Division, DSIR.

Connor, H.E. (1991) *Chionochloa* Zotov (Gramineae) in New Zealand. New Zealand Journal of Botany 29: 219-282.

Yours sincerely,



Paul Star
Secretary, Forest and Bird (Dunedin Branch).

Backcountry Skier's Alliance Inc.



PO Box 168
Alexandra
Central Otago
New Zealand

Email: backcountry@xtra.co.nz

May 20th 2001

Commissioner of Crown Lands
c/o Knight Frank
Box 27
Alexandra

Submission on PO201 Glen Nevis proposed tenure review

Dear Sir,

Backcountry Skier's Alliance has studied the proposed tenure review for Glen Nevis Station. While we are pleased to see the proposed conservation area to the east, we are at the same time appalled to see extensive free holding proposed on the western side of the Hector Mountains and it is primarily this issue that our submission will concentrate upon.

Conservation

The high country above 1000m has high inherent ecological values. A covenant is not the correct means to protect the significant inherent values of the high country. As stated in the Crown Pastoral Land Act the preference is for:

"...full Crown ownership and control" (24, Objects of part 2, paragraph b).

In addition should the proposed covenant area be grazed, what will stop the sheep traversing the range to the eastern face? A new fence on the ridge would be an unnecessary blight on the landscape, further compromising existing inherent landscape values.

Experience shows that a ridgeline fence would not last long due to snow creep.

Access

We see that there is no provision for public access from the western side of the property. Access from the east via the Nevis valley is 4WD only. At many times of the year even this is not possible.

Access from the west is very important. The map shows a legal road running over the crest and we would expect that this be made a public right of way for foot traffic. Again we make the point that the Act states as an Objective: "The securing of public access to and enjoyment of reviewable land" (c) (i).

Recreation

The land in question offers tremendous backcountry skiing potential, indeed several of our members have skied there in past years. Elsewhere, much of the terrain suitable for backcountry skiing has been compromised by mechanised commercial activity involving Skidoos, car-tire-testing, or heliskiing. We see the vesting to the Public Estate of suitable lease hold land is the obvious thing to do when the land in question has the desired attributes.

Recommendation

BSA recommends the following:

- 1/ The proposed covenant area on the western face be added to the conservation area.
- 2/ A suitable foot access be provided via a marked route from the western (lake) boundary up to the above conservation area starting at approx. 1000m.
- 3/ If the above cannot be agreed upon then we would recommend that the review proceed no further.

Summary

BSA has no confidence in the ability of the proposed conservation covenant to protect either the Ecological or recreational values of the land above 1000m proposed for freehold. History has shown the total reluctance of Crown agencies to police transgressions such as over-grazing or the refusal of public access.

It is vital that the Crown retain full control over these valuable Public lands. In the near future we see that the well being of the general public and the local community will hinge upon the eco-tourism and recreational opportunities that will arise by adding this land to the conservation estate.

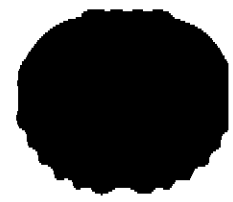
This Review and future ones must provide for this outcome.

Thank you for the opportunity to submit on this import issue

Yours Sincerely,



John Robinson
Secretary



FOREST & BIRD

ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INC

Nelson/Tasman Branch,
24 Jessie Street,
Mapua.
12 June 2001.

KNIGHT FRANK
ALEXANDRA
13 JUN 2001
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Commissioner of Crown Lands,
c/- Knight Frank (NZ) Ltd.,
PO Box 27.
Alexandra.

Dear Sir,

RE: GLEN NEVIS PASTORAL LEASE - TENURE REVIEW:

The Nelson/Tasman Branch of the Royal Forest and Bird Protection Society welcomes the opportunity to comment on the proposals for tenure review of the Glen Nevis pastoral lease. Although this property is at the opposite end of the South Island from the Nelson/Tasman region several of our branch members have been closely involved with the tenure review process in Marlborough and North Canterbury, and as a branch we are concerned to ensure that appropriate outcomes are reached in the tenure review process throughout the eastern high country of the South Island.

Briefly therefore our views on this proposal are:

- (1) We welcome the proposal to retire all parts of the Glen Nevis pastoral lease on the Nevis Valley side of the Hector Mountains.
- (2) Acknowledging that tenure review is a negotiated process which needs to result in outcomes which are acceptable to the lessee we accept the proposal to freehold those parts of the property on the Lake Wakatipu side of the Hector Mountains **BELOW** the existing "snowline" fence at approximately 1000 metres in altitude. Such freeholding should however be conditional on (i) adequate protection being provided for the landscape values of this highly visible part of the Hector Mountains; and (ii) practical year-round public access being secured from State Highway 6 to the area above the existing snowline fence.
- (3) As regards the 1150 hectares on the Lake Wakatipu side of the Hector Mountains **ABOVE** the existing "snowline" fence we **STRONGLY OPPOSE** the proposed freeholding as being both inappropriate and contrary to the intent of s.24 of the Crown Pastoral Lands Act 1998 notwithstanding the proposal to make this area subject to a conservation covenant. Our reasons for this are: (i) This area has some of the highest (if not the highest) inherent values of any part of the Glen Nevis pastoral lease; (ii) Under section 24(b) the Crown Pastoral Lands Act 1998 protection of significant values is **PREFERABLY** to be by restoration to full Crown ownership; (iii) Even if it was appropriate to continue grazing these upper slopes (which we believe it is not) considerable further fencing will be required to confine stock to this area as there is currently no fences along the crest of this part of the Hector Mountains; (iv) As a general principle we believe mountain lands above 1000 metres should not be freeholded unless there are very compelling arguments supporting such an outcome; (v) In our view conservation covenants are appropriate for protecting relatively small areas of significant inherent value in lands otherwise available for economic use but are not

appropriate for protecting large blocks of mountain lands at between 1000 and 1700 metres (a view which would appear to be supported by section 24(b) of the Crown Pastoral Lands Act 1998); and (vii) Tenure reviews of other pastoral leases in the Remarkables and Hector mountains is likely to make available a superb suite of mountain lands for a future Remarkables/Hector Conservation Park the western boundary of which would be severely compromised by freeholding land above the present "snowline" fence.

For the above reasons we urge you to reconsider the proposal to freehold the area above the existing snowline fence on the Lake Wakatipu side of the property. Anxious though we are to see tenure reviews proceed to satisfactory conclusions, we believe it is vital that early tenure reviews under the new Act clearly demonstrate the Crown's resolve to return to full Crown ownership all areas of significant inherent value. Indeed in this case we believe that it would be preferable for the tenure review to fail rather than result in the freeholding of this valuable tract of the Hector Mountains.

Yours sincerely,

A handwritten signature in cursive script that reads "Andy Dennis".

Andy Dennis (Dr)
For the Committee.

KNIGHT FRANK
ALEXANDRA

13 JUN 2001

RECEIVED

Phone

E-mail

11 June, 2001

Commissioner of Crown Lands
C/- Knight Frank(NZ) Ltd
P O Box 27
ALEXANDRA

Dear Sir or Madam:

Submission on Glen Nevis Tenure Review

I support the proposal to create a 4470-hectare conservation area from the floor of the Nevis Valley to the crest of the Hector Mountains. It is essential that as much of the valley floor to mountain crest be protected fully as conservation area. This apart from pastoral modification it is a largely intact valley to mountain crest system. It has high conservation values in terms of flora; fauna; and landscape warranting high protection. Some of the more comprehensive historic mining sites exist along with more recent mining activity. Protection is needed to prevent further modification and loss of conservation values.

Of major concern is the proposal to freehold 2200 hectares from the crest of the Hectors to the Shores of Lake Wakatipu and to consider a conservation covenant over 1150 hectares of the above freehold from the snow line fence to the crest of the Hector Mountains.

My concerns against this proposal are several,

- Firstly, is the unacceptable precedent this will set for ongoing and future tenure reviews? A covenant is not an acceptable form to protect conservation values, especially on part of a significant range as the Hectors. It is a fixed-point agreement, which doesn't account for future conservation changes.
- Grazing at this altitude is not acceptable and to base on going grazing on monitoring to justify withdrawal is too insecure a measure to protect conservation values. This process is un tested to date and existing case history over compliance and restitution with pastoral lease infringements gives one no confidence that appropriate action will be implemented and enforced.
- Grazing will require fencing which at this altitude will cause significant landscape impacts, on the western flank of the Hectors that forms the backdrop to a significant landscape. Maintenance of such a fence will be an issue necessitating frequent use of high altitude tracking and its associated landscape impacts.

• Page 2

June 11, 2001

- The limitations on access are restrictive especially related to summer access. Grazing should be second to public access over this high altitude mountain range. Traversing the Hectors should not be subject to landholder consent.

The land proposed for covenant should be conservation land subject to special lease at the very least.

Sincerely,

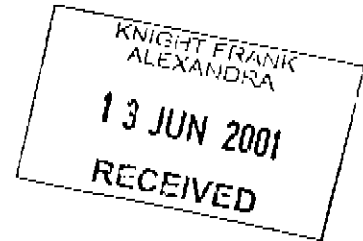


Alpine Recreation

P. O. Box 75
Lake Tekapo
New Zealand

Phone: 0064-3-680 6736
Fax: 0064-3-680 6765
e-mail: alprec@voyager.co.nz

<http://www.alpinerecreation.co.nz>



June 10, 2001

Commissioner of Crown Lands
C/- Knight Frank (NZ) Ltd
P.O.Box 27
Alexandra

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OFFICIAL INFORMATION ACT

Re: Tenure review Glen Nevis pastoral lease

Dear Sir,

I would like to quote from the Crown Pastoral Land Act:

24(a) Promote the management of reviewable land in a way that is ecologically sustainable.

(b) To enable the protection of the significant inherent values of the reviewable land

(i) By the creation of protective mechanisms; or (preferably)

(ii) By the restoration of the land concerned to full Crown ownership and control

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

(i) The securing of public access to and enjoyment of reviewable land. Our company supports the principles of tenure review in order to facilitate freeholding of productive land in exchange for gains for conservation and public recreation.

We support the retirement of part of the Nevis Valley and the eastern side of the Hector Mountains

However, we totally oppose the freeholding of high altitude and alpine lands i.e. alpine land to the west of the Hector Range.

The following conditions for any freeholding should apply:

1. Only lowland that supports sustainable production or small discrete areas suitable for tourism and other development should be able to be freeholded. This obviously excludes any larger blocks of alpine land.
2. Unrestricted public access needs to be secured through freehold land to public land beyond the freehold boundary. Such access must be year round, completely free of any

charge and must be available along lines that are reasonable, i.e. along existing 4WD tracks, along fence lines etc. Such access must be gazetted and binding for all future owners of such land. Queen's chain and marginal strips along waterways must remain in Crown ownership.

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There may be some higher areas that support limited grazing. Such areas should not be able to be freeholded. They should remain in public ownership and should have no restriction on public access. Any such lands need to be fenced by the grazier.

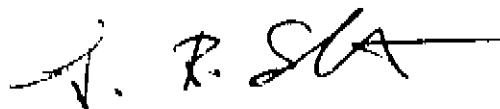
Experience in the Mackenzie Basin has shown that no matter how cooperative a run holder might be today, change of ownership can change everything: A large block of land was retired off the Mount Gerald run in the Two Thumb Range near Lake Tekapo, land ideally suited for public recreation. However, the Crown omitted to secure public access to this block. Now both Richmond and Mount Gerald Stations are denying access across the lowland in order to reach the conservation block. The simple reason behind all this is the owners' desire to run exclusive safaris on the conservation block and to bully the existing operator and the general public off the land. Such a situation must never be allowed to be repeated in New Zealand.

It is high time that New Zealand land managers looked at how public access is managed in all of continental Europe. Whether mountain land is in private ownership, leased or in public hand, the public has the right to walk along existing paths and roads in order to reach rivers, lakes, forests and mountains. Nobody ever has to ask for permission to walk there as it is everybody's right. This greatly benefits the entire nation and not just a handful of landowners. It is high time that we say good bye to any legislation that stems from the time of the landed gentry. At a time when tourism is becoming ever more important to New Zealand we must accept that free and unrestricted public access to mountain lands is vitally important for the wider community.

To sum up:

1. Freeholding only of productive lowland with unrestricted public foot access along reasonable access lines to the land beyond the freehold boundary.
2. Possible limited grazing on other lands which remain in public ownership, with no restriction on public foot access.
3. The proposed deal does not meet the criteria as outlined above. Unless the alpine land to the west of the Hector Range is included in the conservation area the deal should not go through.

Yours sincerely,



Gottlieb Braun-Elwert

KINGSTON
ALEXANDRIA

13 JUN 2001

RECEIVED

The Commissioner of Crown Lands:

I am writing in support of the proposed tenure review between the Crown and Lachie and Fiona Taylor of Glen Nevis Station, Kingston.

We farm the property known as 'Glencairn' in a private company structure which includes my father, my wife and our four children and

The have owned and farmed this property for three generations and consider ourselves to be good tenants of the land. The original area was close to 9,000 acres, after some subdivision the present area is 1900 hectares. Up until early this year we ran an excess of 11000 stock units, breeding and finishing all stock on the place. Late last year a decision was made to convert some of our property to a dairy unit, better utilising the property and thereby making a stronger economic unit. It was very important during the development years at Glencairn and subsequently before deciding this next direction, that the property was freehold. With today's changing technology and more efficient land use options, any decision to invest capital into a property must hinge on the ownership issue. I have known Lachie and Fiona for many years and have followed their progress with farming Glen Nevis. They are exceptional tenants of Crown lands, careful conservators of the land and good managers of the stock with a high regard for effective land use.

and to fully utilise their property and make significant decisions to progress their operation into the future, the security of a freehold title is imperative.

After reading the proposed agreement, I feel they have given up and agreed to significant changes

of land use to offset this freehold decision. The proposed stocking rates agreed to by and in relation to the covenant area, and also to high altitude tussock land, put in place good mechanisms to ensure these areas are ecologically sustainable for the future generations of New Zealanders.

As Owners, conservators and managers of a freehold property, we feel it is important to protect our resources for the future. With the combination of the security of freehold ownership and the ability to effectively farm our property we strongly support the opportunity for Fiona and Lachie to have the same opportunities.

Attn: Commissioner of Crown Lands

FRANK
ALEXANDRA

13 JUN 2001

RECEIVED

The proposal

The Commissioner proposes:

- To freehold 2200 hectares from the shores of Lake Wakatipu to the crest of the Hector Mountains.
- To create a 4470 hectare conservation area from the floor of the upper Nevis Valley to the crest of the Hector Mountains.
- To create a conservation covenant over 1150 hectares of the above freehold. This will be from a "snowline fence" at 1000m to the crest of the Hector Mountains at 1679m.

Re this proposal, some of it sounds great.

① I would like to submit that either
(a) a fence is erected between the private
& covenanted land - (the snowline fence)

OR

(b) The covenanted area is inspected once a year and a report of that inspection sent to Members of the High Country Coalition; at the same time as a prominent public notice is inserted into daily newspapers saying where readers can get ~~information~~ copies of the above report from.

② I submit that any changes to the original covenant agreement require prior public ~~submission~~ consultation.

③ I submit that there must be secure permanent public access through the

(Attn: Commissioner of Crown Lands)
private land to the public entitlement
and that any fees charged are government
monitored.

Thank you.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Southland Tramping Club
PO Box 41
Invercargill

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

KNIGHT FRANK
ALEXANDRIA

13 JUN 2001

RECEIVED

13th June 2001

Commissioner of Crown Lands
C/o Knight Frank (NZ) Ltd
Land Resources Division
PO Box 27
Alexandra

FAX: (03) 448 9099

Dear Sir,

Submission on the Tenure Review of the Glen Nevis Pastoral Lease

The Southland Tramping Club has over 90 members who are active users of New Zealand's High Country for recreation.

Our Club members regularly use Wyo Creek, Remarkables Range as well as the Ben Nevis area areas for ski-touring, mountain biking and tramping. We therefore enthusiastically support the broad thrust of proposals for a conservation area in the Remarkables and Hector mountains and believe that this will form another highly significant recreational reserve for the increasing numbers of New Zealanders and overseas visitors.

In the long-term, we are hopeful that tenure review of pastoral leases along the Hector Mountains will allow the formation of a Remarkables Conservation Park, with zoning allowing for different forms of recreation to coexist in the park without conflict. In this context, the whole of the Hector Mountains have significant inherent value for low-impact recreation, particularly the areas above 650 metre elevation. In this connection we note that the 650 metre contour level has been selected as the boundary for the conservation reserve adjoining Cone Peak station at the northern end of the Remarkables.

It is increasingly evident that the Remarkables and the Hector Range are facing significant pressure from the forces of commercial development which have potential to erode non-commercial forms of active and passive recreation enjoyed by so many New Zealanders.

Our Club is very concerned that the preliminary tenure review proposal for Glen Nevis Station indicates that no land on the western side of the Hector Mountains will be returned to full Crown ownership and control. Instead it is proposed that all this land will be freeholded and that the significant inherent values of this freehold land will be protected by a covenant. We note that Section 24(b)(ii) of the Crown Pastoral Land Act 1998 (CPLA) states that the preferred method for protecting significant inherent values of reviewable land is restoration to full Crown ownership and control. This is ranked above both the creation of protective mechanisms (i.e. covenants), and freehold disposal. We do not believe that the proposed covenant offers strong enough provisions to protect the outstanding natural values of this land.

We understand that a Department of Conservation report to the Commissioner of Crown Lands reveals that the upper western slopes

have high inherent value. Furthermore, the report shows that these western slopes have more significant inherent value than the equivalent slopes on the eastern side. Under the preliminary proposal, the eastern slopes are to be restored to full Crown ownership and control, while the western slopes are to be protected by a covenant. We question the logic of the proposal which gives lesser protection (covenanting) to the upper western slopes which have been recognised as having of higher recreational landscape and scenic value.

The Preliminary Proposal states that the upper western slopes of the Hector Mountains provide important summer grazing for the Glen Nevis property. We suggest that the higher parts of the range may not be as important in this respect: both the Department of Conservation report and the Preliminary Proposal identify these areas as containing cushion field, herb field and stony ground. Additionally, the higher slopes on the range have greater value for recreational use. However we recognise that lower elevations may have value for grazing. The requirement to protect the significant inherent value of this land therefore conflicts with its value for economic use. This conflict must be resolved according to the legislation. Sections 24(a) and 24(b) of the CPLA balance sustainable management against the need to protect significant inherent values, preferably by restoration of the land to full Crown ownership and control. The objectives of Section 24(c), which are to make easier both public access and enjoyment, and freehold disposal of the land, are subservient to the objectives of the two preceding sections.

We believe that a more appropriate way to resolve the conflict between protection and economic use would be to restore all the land above 650 metre elevation to full Crown ownership and control because of its significant inherent value. This would be more consistent with the intention of section 24(b) of the CPLA. Economic use (grazing) of part of this land could be allowed by means of a concession from the Department of Conservation which could include similar conditions to those listed in the proposed protective covenant. In addition we recommend that a fence is constructed to preclude grazing on the extended conservation reserve. We feel this is necessary both to protect the more sensitive high altitude vegetation from grazing and to maintain the high inherent recreational value of the upper slopes of the range. Our Members would not support a fence along the range crest because the presence of farm animals will adversely affect regeneration of indigenous alpine natural vegetation and reduce the recreational enjoyment of the land by our members and the public who would have expectations of a more natural environment in such an area.

This arrangement would be consistent with the legislative hierarchy implied by Sections 24(a) to (c) of the CPLA. It would help to ensure that pastoral use of the land is restricted to areas that have the greatest likelihood of achieving sustainable management; it would have the advantage of allowing public participation in future decision making (the proposed covenant does not), and by retaining Crown ownership, it would give greater security to protection of the land's significant inherent values (covenants may be extinguished under section 126(g) of the Property Law Act (1952)).

A second significant issue is the need to provide for public access from State Highway 6, along the shore of Lake Wakatipu to the crest of the Hector Range and we are concerned that the current proposals do not provide for this. We are aware that an unformed legal road crosses the property, but this has no practical use for public access as it has not been surveyed and marked. It is our view that tenure review of Glen Nevis Pastoral Lease and the proposal for an alpine

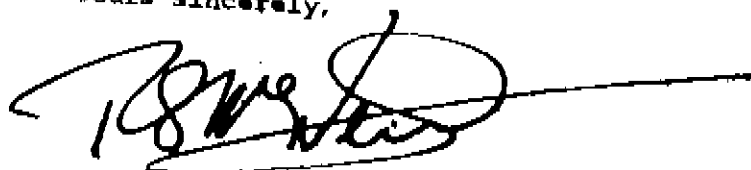
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conservation reserve provides the ideal opportunity to improve public access onto the Hector Range. We therefore recommend that an easement for public access be established along one of the former farm tracks that ascends from SH6 to the alpine tussock lands. This easement should reach to the boundary between any land that is freehold, and land that is restored to full Crown ownership and control.

The Southland Tramping Club is grateful for this opportunity to make a submission and it is our earnest hope that the Club's views will be reflected in any revisions that may be made to the draft proposals.

Finally, we would be grateful if a copy of the final plan for tenure review of the Glen Nevis Pastoral Lease could be sent to the Club.

Yours sincerely,



Robin McNeill
For Secretary



New Zealand Deerstalkers' Association

Incorporated

Commissioner of Crown Lands
C/- Knight Frank Ltd
P O Box 27
ALEXANDRA
Yourfax 03 448 9099

myref Glen Nevis.doc
Ph 04 801 7367
Fax 04 801 7368
e-mail deerstalkers@clear.net.nz
12JUN01

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KINGSTON DISTRICT
ALEXANDRIA
13 JUN 2001
RECEIVED

Dear Sir or Madam,

COMMENT UPON GLEN NEVIS TENURE REVIEW

The NZ Deerstalkers' Association (Inc) exists to retain, enhance and create opportunities for the enjoyment of legitimate recreational hunting and sport shooting for the enjoyment of members of the Association.

The Association has 53 branches containing over 3,500 members from the Far North to Western Southland. However, we note (for the purposes of this comment) that less than 10% of all recreational hunters belong to NZ Deerstalkers' Association (Inc).

Among its policies is one which is especially pertinent for this discussion:

- To obtain to the greatest possible degree, access to the recreational lands of New Zealand for all and to ensure that where demand exceeds accommodation equitable systems of allocation including ballots will apply without favour.

NZDA POSITION

The Association recognises that ^{one of} this is the first major tenure review to be considered since the passing of the Crown Pastoral Land Act 1998.

It notes that the proposal is to create a 4470 hectare conservation area from the floor of the Nevis Valley to the crest of the Hector Mountains, to freehold some 2200 ha from the crest of the Hector Mountains to the shores of Lake Wakatipu and to create a conservation covenant over some 1150 ha of the freehold area, generally from a 'snowline fence' at approximately 3,500 feet above sea level (asl) to the crest of the Hector Mountains at approximately 5,900 ft asl.

The Association views with favour the creation of a large conservation area available for public foot recreation which includes important conservation values. These include interesting artifacts, legacies of the mining days.

ASSOCIATION CONCERNS

The Association has concerns about the proposals. We remain uneasy about the freeholding of alpine lands with 'high interest value' such as those to be transferred to the care of the Department of Conservation. The proposed freehold covenant area

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deserves proper protection because adjoining lands to the north and south should end up as public lands. If this takes place, the result would be a freehold enclave within a future Remarkables Conservation Park.

The Association is concerned with opportunities for grazing and development because it believes a covenant inadequately protects conservation values. Grazing of the high alpine environment is generally unsustainable unless at very low animal densities. Grazing of the covenant area will result in grazing of the adjoining conservation area unless boundary fences are built.

In general, the building of boundary fences in such areas constitutes a 'blot on the landscape', would interfere with other recreational activities such as cross country skiing. It would be also impractical to maintain against snow damage.

Unless the covenant is thoughtfully drafted and detailed in coverage, it could provide for over-sowing, tree planting, the erection of buildings and burning, all without opportunities for public consultation. The owner may carry out other works not expressly prohibited by the covenant.

The covenant only permits recreational use between April and December. Summer recreational activities are as important as winter uses. There is no prohibition for the charging of access to these lands, there is no provision for practical public access by foot from Lake Wakatipu and there is no provision for horse trekking despite the existence of an old pack track crossing the mountain range.

The terms of the covenant suggest there is no security for the public in that there are no provisions for the hearing of public objections to changes in the terms of the covenant.

RESOLUTION

Unless the area proposed for freeholding and covenanting is included in the conservation area, without grazing, and unless practical public access from the west is provided, then the tenure review should not proceed.

The Association believes the current lessee has recognised the legitimacy of present recreational endeavours but this may not remain should the present lessee move on.

Yours faithfully,



C Forsyth
Vice President

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Public Access New Zealand

INCORPORATED

R D 1 Omakau 9182 Central Otago New Zealand
www.publicaccessnewzealand.orgPhone & Fax 64-3-447-3554
panz@es.co.nz

13 June 2001

Commissioner of Crown lands
c/- Knight Frank (NZ) Limited
Land Resources Division
P O Box 27
ALEXANDRA

Fax: (03) 448-9099

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Submission on Glen Nevis Tenure Review – Preliminary Proposal

PANZ is disappointed with the information provided in the summary of the Preliminary Proposal, which is more a justification for the proposals through selective presentation of information, than a balanced rendering of the full document.

We believe that the paucity of relevant information would put most submitters at a disadvantage in making meaningful criticism and comment. It is only because we obtained, a mere two days before the closing date for submissions, the full Preliminary Proposal of 10 December 1999, the Report on Changes to the Draft Preliminary Proposal of 27 July 2000, and DOC's full conservation resources report, that we had sufficient information to critique the proposals.

This is a situation that must be rectified if the tenure review process is to enjoy public credibility.

The severe time constraints caused by LINZ's delays in responding to our official information requests has impacted on our ability to submit a refined view of the proposal. Consequently the following is a unstructured commentary, however our conclusions are clear.

In summary PANZ believes that the advertised proposal, if adopted, would be a poor outcome for the Crown and the public of New Zealand. We believe that the original preliminary proposal would have provided, with minor amendment, an excellent result, being in accord with the requirements of the Crown Pastoral Land Act. However we believe that the advertised proposals are not.

Public Access New Zealand is a charitable trust formed in 1992. Our objects are the preservation and improvement of public access to public lands, waters, and the countryside, through retention in public ownership of resources of value for recreation. PANZ is committed to resist private predation of the public estate. PANZ is supported by a diverse range of land, freshwater, marine, and conservation groups and individuals, totaling approximately 200,000 New Zealanders.

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We submit that unless all the high altitude lands from the snowline fence in the west across the Hector tops, and down to the Nevis River becomes conservation area, with public access from the west secured, then no tenure review should proceed. The Government, and the CCL, has no obligation to proceed with a poor deal, and we believe that this discretion must be exercised in this case.

The central problem is the freeholding of alpine lands.

We have difficulty reconciling the new official advocacy of the present proposals with that recorded previously (Recommendations for Draft Preliminary Proposal, 10 December 1999).

For instance, the whole of the Nevis Mountains block down to the snowline fence, excluding a stock access route, was earlier recommended to be restored to full Crown ownership and control as conservation area-

"In our opinion, the combination of attributes this land unit has squarely places it in the highest level designation".

"The Hector Mountains have high landscape values, especially in a cultural sense, as they are a continuation of the Remarkables Range. The quality of the vegetation cover is very good over this land unit. The variation of altitude, aspect and landform gives a great diversity of plant ecosystems, which in turn support a large diversity of fauna populations. The habitats range from tussock land, alpine cushion and fellfields, shrublands, bogs and flushes".

"These attributes are also recognised by the Otago Conservation Management Strategy which names the Hector Mountains as part of Special Place 26 The Remarkables".

"The mountain section of the property has high landscape values, the Hector's are the southern extension of the Remarkables Range and reach a height of 1678 m.a.s.l. Such mountain landscapes as this are highly valued for tourism, recreation and nature conservation".

"The inherent values found on this lease are varied and very extensive in relation to the total land area of the property. Our recommendation is that this large area should become conservation land to afford the best protection and management of inherent values and to promote the ecological sustainability of this land. The proposal confers most property rights and control to the Crown over 80% of the area of the lease. Covenant arrangements have been discounted as the strength of property rights would then be too weak to fulfill the objectives of the Act. Even a comprehensive covenant agreement could not predict all eventualities."

"Most of the Hector Mountains could not be classed as ecologically sustainable for pastoral purposes".

"No new fencing is proposed... as it would have a large negative impact on landscape values..."

"If the Hector Mountains unit is capable of an economic use, it is not obvious to us. Certainly there are opportunities for heli or cross-country skiing and eco-tourism. We doubt that these activities could be defined on this property alone.... pastoralism alone would not constitute an economic use".

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Contrast the above statements with those in the Report on Changes to DPP, 27 July 2000-

"The DGC delegate accepts that the high altitude land can be freeholded subject to a very restrictive conservation covenant over this area".

"We have accepted the proposal to freehold land at a relatively high altitude with some reluctance. The area now proposed for freehold extends to an altitude of 1678 metres. Freeholding to this altitude raises issues of ecological sustainability. This land has also been subject to some public interest in the past for recreational activity and will no doubt be subject to further close public scrutiny".

"Taking [taken] in isolation we have concerns about freeholding the high altitude land as it will be difficult to manage this land in a manner that is ecologically sustainable".

"Some inherent values have been identified on the land proposed for freeholding however these may well be best protected by the proposed freeholding outcome".

"There are other issues...that we wish to advise the CCL of. In particular we note that it will be impracticable to fence the boundary between the proposed freehold and the conservation land as any fencing on this ridge would be subject to significant snow and wind damage".

Proposal doesn't promote sustainable ecological management

It is clear from the official papers in our possession (other relevant appendices have been inexplicably withheld), that the natural inherent values of the area now proposed for freeholding and covenanting are similarly high in value to those proposed for protection as conservation area.

There is no rationale presented in terms of the requirements of the CPLA in the advice to the CCL as to why one area deserves restoration to full Crown ownership and control and the other does not. The implied rationale is that this compromise was necessary to reach a deal with the lessee, with the most recent advice tailored to justify that end. However there is no requirement on the CCL under the CPLA to reach deals, no matter what the outcome for the Crown. The CCL has a discretion to discontinue tenure review at any time (s33).

Land Use Capability

Most of the area proposed for freeholding with a covenant is classified as LUC VIIc. Class VII is unsuitable for arable use and has severe limitations or hazards under perennial vegetation. In this case the susceptibility to erosion is the dominant limitation to use. Above the snowline fence the slopes are moderately steep with evidence of slump, sheet and slip erosion. Additionally on the rolling range crest there is wind erosion. At these altitudes and aspects, such limitations are to be expected.

We fail to see how such lands with such inherent characteristics, can possibly qualify for freeholding under a grazing regime that can only weaken vegetative cover. This is a profound failure to satisfy the objects of part 2 of the CPL Act to-

"promote the management of reviewable land in a way that is ecologically sustainable" and "to enable the protection of the significant inherent values.

The CPLA defines 'inherent values' to mean a value arising from -

A cultural, ecological, historical, recreational, or scientific attribute or characteristic of a natural resource in, on, forming part of, or existing by virtue of the conformation of, the land.

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In this instance the selection of a protective mechanism (in the form of a covenant) is totally inappropriate given the major deficiencies of its terms and the statutory directive that preference is to be given to "the restoration of the land concerned to full Crown ownership and control" as the means of protection.

Freeholding and covenanting 1150 hectares is not an insignificant issue. Clearly, by the intent of the draft preliminary proposal, restoring full Crown ownership and control over this area was the preference. The fact that the lessee does not now agree with this outcome does not negate this preference as a Crown obligation under the CPLA.

Legal opinion available to PANZ is that Land Use Capability classifications are a direct reflection of inherent values and must be taken into account by the CCL.

Topdressing and overfowing

Why is this being promoted up to 100m above the snowline fence?

We suspected that this may be to keep stock down, in the absence of boundary fencing with the proposed conservation area however the official advice makes no reference to such a rationale. OS &TD appears to be solely to utilise the limited potential for pastoral production. However there is no advice on the sustainability of such development. Work by K F O'Connor, RG Paterson and others, and the conclusions of the Martin Report strongly suggest that such development on this class of land is unsustainable, as is continued grazing of 'unimproved' tussock grasslands. Back in 1980 O'Connor stated that "there are very fundamental uncertainties about the sustainability of almost any form of exploitive pastoralism in most of the South Island and North Island high country, especially in high altitude zones..." (Changes in Tussock Grasslands & Mountain Lands, TGMLI Annual Report 1981).

The Martin report was a major driving force behind the CPLA and should be taken into account by the CCL in any interpretations of his responsibilities under the CPLA. The Minister of Lands referred to the Martin report in his introduction to the CPL Bill (Hansard 6/4/95). Mr Marshall latter said in Parliament-

"We were helped by a very constructive report-the Martin report-chaired by Graham Martin of the Otago Regional Council. A committee came down with a report that suggested that many of the land management practices in the pastoral lands of the South Island were unsustainable. Buoyed by that report we then went on an extensive consultation process, both with the farming community-the pastoral farmers or runholders-and with the conservation groups" (Hansard 7/5/98)

Why wasn't a review of current scientific knowledge included in the advice to the CCL?

Topdressing and overfowing at this altitude cannot qualify as an economic use. It most certainly is ecologically damaging as the diversity of native species which are well adapted to the existing environment will be displaced by a narrow range of exotic plants dependent on further fertiliser applications for their continued dominance.

Wish to graze not a relevant consideration

The only official justification in the proposal for freeholding above the snowline fence is that "this area is important summer grazing to the Glen Nevis property". Such considerations are not relevant to the objects of Part 2 of the CPLA.

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Grazing of this class of land doesn't enhance conservation of inherent values. There is no credible scientific evidence to the contrary. There is a duty to 'promote' ecologically sustainable management. Continuation of a pastoral use regime with its inherent loss of soil fertility and risk of soil loss through diminution of vegetative cover is unavoidably antagonistic to such a goal.

The Covenant provides that after monitoring of vegetation condition the Minister of Conservation "may" require grazing reductions or destocking. However, based on official performance elsewhere in the high country, there is little cause for confidence that any reductions in grazing would ever occur.

Boundary fencing impractical

The agreement provides an option of boundary fencing along the range crest however this would be a blot on the landscape and impractical to maintain against snow damage. Our view is supported by the earlier official papers. The provision for fencing in the latest proposal appears to be no more than an official cop-out, in full knowledge that this is impractical. So the sustainability issue extends onto the proposed conservation area.

The reality is that there will be no fence between the freehold covenanted land and the land that is proposed to be transferred to DOC. Consequently the entire area will be liable to be grazed as if it were still within a pastoral lease.

Other development possible

Under the terms of the covenant the Minister of Conservation could in future agree to tree planting, erection of buildings, and burning, all without any public objection procedures.

The owner may carry out any other works and development not expressly prohibited by the covenant.

For an area of such high natural values this is unacceptable. The only preventative remedy would be provided by public land, with public accountability for administrative decisions made by DoC and the Minister of Conservation.

Contrary to Conservation Management Strategy

The whole of the Hector Mountains, including the area proposed on Glen Nevis for covenanteeing, is designated a 'Special Place'. Actions required to be taken under the CMS include creating and gazetting a conservation park covering this area, subject to its own management plan.

DOC has earlier stated this was the intention in the conservation resources report on Ben Nevis Station which states under 'detailed proposals' that "the Hector Mountains and all the main catchments of the main catchments of the major tributaries will become conservation estate and eventually form part of the proposed Remarkables Conservation Park" (p 9).

We are disappointed that the DOC Glen Nevis conservation resources report implies that the 'Special Place' designation only applies to the Nevis Valley when clearly this is not the case.

We are most concerned that the proposed deal may result in a freehold enclave within a future Remarkables Conservation Park, or it will set a precedent for creating the boundary for the Park high up along the tops of the Remarkables and Hector Mountains.

The inherent values of this land are part of wider inherent natural values of the Hector Mountains. Freeholding with the prospect of pasture 'enhancement' at high elevations, will create a discordant element in the landscape.

when all other comparable areas have either been or are intended to be restored to full Crown ownership and control with such development precluded.

Despite the terms of the covenant stating that the land will be managed consistent with the objectives of the park, prior freeholding and covenanting on Glen Nevis will effectively preempt the future objectives of the park and the public process for the formation of a management plan.

No effective security for covenant

The intention to create the covenant under section 27 Conservation Act is subverted by the express ability to alter its terms without public process. Section 27 deems any interest in land held by the Minister, short of ownership, to require public notification and opportunity for submission in the same way as for disposal of conservation areas.

However any alteration to the covenant, by virtue of its proposed terms, could entail disposal of the Crown's interest in providing for public access and recreational enjoyment of the land, agreeing to detrimental terms of public use, or even the removal of the perpetual nature of the covenant. It is no more than a private arrangement between the Minister of Conservation and the landowner. This is completely unacceptable.

Alternatively any future owner could, under the Property Law Act, unilaterally initiate Court action to extinguish the covenant.

Fostering "a spirit of partnership" is hardly a measurable performance standard for either 'partner'. Such a partnership (undefined) can be deemed to mean whatever either partner/party deems is to mean in any future circumstance. Such a basis for management is an abject failure to meet the requirements of either the CPLA or the Conservation Act.

No assurance for public recreation

Contrary to a claim in the Summary of the Preliminary Proposal, freedom of access for the public is not provided within the covenant area as recreational use is only "permitted". This implies that prior permission is required, with no express prohibition on charging, and with no remedies for the public if permission is denied. We have no confidence in DOC, going by performance elsewhere, of ever upholding the public interest. Direct remedies (political and legal) are needed for aggrieved members of the public, such as are available for public lands.

The owner will "permit" public access the land from 1 April to 31 December. The *Concise Oxford* defines this to mean, "give consent...for entry into a place". This implies prior consent being sought and obtained, which is not comparable to statutory rights of entry under the Conservation Act. Conditions of entry, including demands for payment, could be attached to such 'permission'. This limited provision only caters for the winter and early summer period. It does not permit public recreation 1 January to 31 March when the area is primarily attractive for tramping in this alpine environment. There is need for year-round, free of charge, secure rights of public access and recreation, with legal remedies for the public if such rights were ever breached. Going by existing performance, we have no faith in public officials upholding the public interest when private occupiers are involved.

The proposal therefore fails to 'secure' public access as required by the CPLA (s 24).

We are particularly aggrieved that DOC does not see provision for public recreation as a priority, despite have a statutory duty to 'foster' recreation. Why couldn't they have negotiated for instance for any member of the public "the full free uninterrupted and unrestricted right liberty and privilege from time to time and at all times

by day and by night to pass, re-pass and recreate by foot" over the land, as has been provided in other tenure review agreements?

Irrespective of any covenant provisions for public access and recreation on privately occupied land, no matter how strong, the requirements of the Health and Safety in Employment Act will have primacy. This will be an occupied 'place of work' where the occupier has legal liabilities for visitors. If a hazard is created by commercial or other activities on the land, this could be used as a reason for overriding the owner's covenant obligation to permit public access. This highlights the inappropriateness of continued private occupation of lands which clearly should be returned to full Crown ownership and control, as public places.

Burning and fires

While there are express prohibitions on owner activities "unless agreed in writing by the parties" there is only an obligation to "control" any fires. There should be an obligation to extinguish any fires, unless there is an intention by the Minister to permit 'controlled' burning. That prospect is totally unacceptable as this would damage the inherent values of the covenanted area and endanger the adjoining conservation area from escaped fires.

Breaches of covenant

The provisions for dealing with any breaches to the terms of the covenant are no more than private arrangements between the parties. In the absence of any mechanisms for public information or accountability for the performance of DOC and the Minister, we have no faith in these provisions. The Waiomau-Lee case of major breaches of legally binding agreements has destroyed any residual public confidence in 'protective mechanisms' other than full Crown ownership and control.

We have no reason for suggesting that the present lessee of Glen Navis has any intention of not honouring the terms of the proposed covenant, but future owners may think differently. Unlike on public lands, on freehold there are no legal remedies available to the public.

However, irrespective of whom the freehold landowner may be, we believe that the Crown is no longer a credible protector of public values on private property.

Proposal for freeholding with covenant contrary to Government policy

The Labour policy on the South Island pastoral leases & tenure review states that "covenants should be confined to relatively small, isolated, non-critical natural areas because they don't provide adequate protection of conservation values or security for public access and recreation".

"Labour will establish a network of high country tussock grassland parks and reserves and promote ecological sustainable land use under the Crown Pastoral Land Act".

The Alliance policy is - "a comprehensive programme for high country lands in the South Island is needed which will include substantial transfer to DOC of those parts of the high country which have ecological and recreational value and which must be protected from grazing, including adequate reserves for tussock grassland, shrublands and wetlands".

The Greens "support the use of covenants as a means of fostering conservation and recreation on private land. However they are not the appropriate option for the protection of large areas, in the context of the South Island high country".

Other aspects of proposal

In the official reports it is noted that the Nevis Road "only appears to follow the legal road line". This matter must be resolved as part of tenure review so that there is assured legal public vehicle access along the road.

Land between State Highway 6 and Lake Wakatipu

It is crucial that all land in the narrow ribbon between the road and lake that is still within the pastoral lease be retained as recreation reserve.

Conclusion

The CCL has no legal obligation to continue with any tenure review under the CPLA.

In this case the deal is so poor in realising the Crown's objectives, that we believe that the CCL has an obligation to withdraw from it unless all areas of significant inherent value (i.e. from the snowline fence eastwards) can be negotiated for return to full Crown ownership and control as a conservation area, with secure, practical public foot access provided from the west.

PANZ would welcome meaningful consultations to this end. We suggest, because of the importance of this case and its wider ramifications, that the Commissioner exercise his discretion under s 47(2) CPLA to hear oral submissions from us.

Yours faithfully



Bruce Mason
Co-Spokesman

Suzanne Smith

From: Rob Mitchell [rmitchl@clear.net.nz]
Sent: Wednesday, June 13, 2001 1:55 PM
To: Suzanne Smith
Cc: office@alpineclub.org.nz; jnankervis@budfin.co.nz
Subject: Glen Nevis Tenure Review

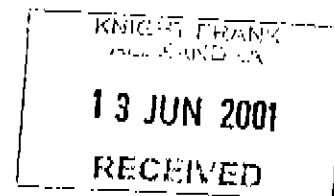
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Glen Nevis Tenure
Review Subml...



ATT01894.txt



Dear Suzanne,

Attached is the submission from the New Zealand Alpine Club relating to the Glen Nevis Tenure Review.

Will you please pass this to Ken Taylor for his consideration.

I will be sending a confirmation hard copy by conventional mail as discussed.

Please contact me if you have any questions about the Club's submission.

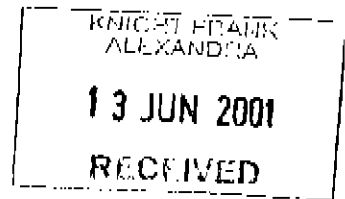
Regards

Rob Mitchell
for the New Zealand Alpine Club



New Zealand Alpine Club Inc.

Founded 1891



13th June 2001

Commissioner of Crown Lands
c/o Knight Frank (NZ) Ltd
Land Resources Division
PO Box 27
Alexandra

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Dear Sir

Submission on the Tenure Review of the Glen Nevis Pastoral Lease

The New Zealand Alpine Club is the national climbing organization representing some 2,200 members who are active users of New Zealand's mountain lands for recreation.

Our Club members use Wye Creek, Remarkables Range as well as the Ben Nevis area areas for rock and ice climbing, ski-touring and tramping. We therefore support the broad thrust of proposals for a conservation area in the Remarkables and Hector mountains and believe that this will form another highly significant conservation reserve for the increasing numbers of New Zealanders recreationists and overseas visitors.

In the long-term, we are hopeful that tenure review of pastoral leases along the Hector Mountains will allow the formation of a Remarkables Conservation Park, with zoning allowing for different forms of recreation to coexist in the park without conflict. The whole of the Hector Mountains have significant inherent value for low-impact recreation, particularly the areas above 650 metre elevation. In this connection we note that the 650 metre contour level has been selected as the boundary for the conservation reserve adjoining Cone Peak station at the northern end of the Remarkables.

It is increasingly evident that the Remarkables and the Hector Range are facing significant pressure from the forces of commercial development which have potential to erode non-commercial forms of active and passive recreation enjoyed by so many New Zealanders.

Our Club is very concerned that the preliminary tenure review proposal for Glen Nevis Station indicates that no land on the western side of the Hector Mountains will be returned to full Crown ownership and control. Instead it is proposed that all this land

will be freeholded and that the significant inherent values of this freehold land will be protected by a covenant. We note that Section 24(b)(ii) of the Crown Pastoral Land Act 1998 (CPLA) states that the preferred method for protecting significant inherent values of reviewable land is restoration to full Crown ownership and control. This is ranked above both the creation of protective mechanisms (i.e. covenants), and freehold disposal. We do not believe that the proposed covenant offers strong enough provisions to protect the outstanding natural values of this land.

A Department of Conservation report to the Commissioner of Crown Lands reveals that the upper western slopes have high inherent value. Furthermore, the report shows that these western slopes have more significant inherent value than the equivalent slopes on the eastern side. Under the preliminary proposal, the eastern slopes are to be restored to full Crown ownership and control, while the western slopes are to be protected by a covenant. We question the logic of the proposal which gives lesser protection (covenanting) to the upper western slopes which have been recognised as having of higher recreational landscape and scenic value.

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The Preliminary Proposal states that the upper western slopes of the Hector Mountains provide important summer grazing for the Glen Nevis property. We suggest that the higher parts of the range may not be as important in this respect: both the Department of Conservation report and the Preliminary Proposal identify these areas as containing cushion field, herb field and stony ground. Additionally, the higher slopes on the range have greater value for recreational use. However we understand that lower elevations may have value for grazing. The requirement to protect the significant inherent value of this land therefore conflicts with its value for economic use. This conflict must be resolved according the legislation. Sections 24(a) and 24(b) of the CPLA balance sustainable management against the need to protect significant inherent values, preferably by restoration of the land to full Crown ownership and control. The objectives of Section 24(c), which are to make easier both public access and enjoyment, and freehold disposal of the land, are subservient to the objectives of the two preceding sections.

We believe that a more appropriate way to resolve the conflict between protection and economic use would be to restore all the land above 650 metre elevation to full Crown ownership and control because of its significant inherent value. This would be more consistent with the intention of Section 24(b) of the CPLA. Economic use (grazing) of part of this land could be allowed by means of a concession from the Department of Conservation which could include similar conditions to those listed in the proposed protective covenant. In addition we recommend that a fence is constructed to preclude grazing on the extended conservation reserve. We believe that this is necessary both to protect the more sensitive high altitude vegetation from grazing and to maintain the high inherent recreational value of the upper slopes of the range. Our Members would not support a fence along the range crest because the presence of farm animals will adversely affect regeneration of indigenous alpine natural vegetation and reduce the recreational enjoyment of the land by our members and the public who would have expectations of a more natural environment in such an area.

This arrangement would be consistent with the legislative hierarchy implied by Sections 24(a) to (c) of the CPLA. It would help to ensure that pastoral use of the land is restricted to areas that have the greatest likelihood of achieving sustainable management; it would have the advantage of allowing public participation in future decision making (the proposed covenant does not), and by retaining Crown ownership,

it would give greater security to protection of the land's significant inherent values (covenants may be extinguished under Section 126(g) of the Property Law Act (1952).

A second significant issue is the need to provide for at least one route for public access from State Highway 6, along the shore of Lake Wakatipu to the crest of the Hector Range. We are concerned that the current proposals do not provide for this. We are aware that an unformed legal road crosses the property, but this has no practical use for public access as it has not been surveyed and marked. It is our view that tenure review of Glen Nevis Pastoral Lease and the proposal for an alpine conservation reserve provides the ideal opportunity to improve public access onto the Hector Range. We therefore recommend that easement(s) for public access be established along at least one of the formed farm tracks that ascend from SH6 to the alpine tussock lands. The easement(s) should reach to the boundary between any land that is freeholded, and land that is restored to full Crown ownership and control.

The New Zealand Alpine Club is grateful for this opportunity to make a submission and it is our earnest hope that the Club's views will be reflected in any revisions that may be made to the draft proposals.

Finally we would ask that a copy of the final plan for tenure review of the Glen Nevis Pastoral Lease be sent to the Club for our information.

Yours sincerely,

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Rob Mitchell
For the Recreation Advocacy Committee
New Zealand Alpine Club

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14 JUN 2001
KINGSTON OFFICE
POLICE SERVICE

Ken Taylor

From: Ken Taylor
Sent: Wednesday, June 13, 2001 10:24 AM
To: Ken Taylor
Subject: Nevis vally submission Camerons Gully



Nevis Submission

Leslie,
Attached Submission.

Regards (See attached file: Nevis Submission) Joe

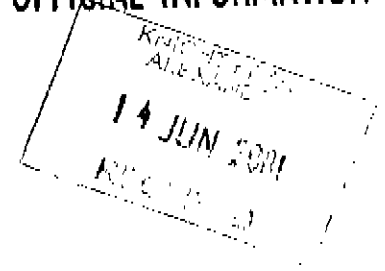
FAXED

Attention: The Commissioner of Lands c/o Knight Frank Alexander
13th June 2001

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From:
Address:
Phone:

Subject: Family property Nevis Valley, Camerons Gully.



Dear Sir,

I am the son in law to [redacted] and [redacted]

[redacted] and [redacted] on our holidays.

It seems odd that the DOC appear to have no records of habitation and property ownership with in this valley as this particular property has been surveyed.

There seems to be some confusion from the D.O.C. regarding the property usage and maintenance on the water races as per the Notice of Preliminary Proposal.

I do not know where you have acquired the information regarding the Nevis Valley, but there still remains a small community here.

At present this proposal is only affecting the Upper Nevis at Cameron's Gully but I anticipate this will be a trend for the rest of the Valley.

Regarding the Flora and Fauna, this valley has been subjected to Gold mining, Snow, Flood, drought, cattle, and sheep and has survived.

As for this beetle, it would almost take Armageddon to eradicate any type of insect.

We have maintained roads, water races and at some point a phone line into the [redacted] claim.

Over the years we have also helped and welcomed countless people who have visited and underestimated the valley's grandeur and dangers, [redacted] maintained a logbook of visitors while she was alive.

As I understand one of your staff was assisted as well.

We would like to, with [redacted] and [redacted] submission, apply for permission to retain the residence in Cameron's Gully in upper Nevis after D.O.C. takes over the pastoral lease of [redacted], Lorne Kingston in the year 2005.

Please advise of any recommendations or criteria that need to be adhered to, as we are more than willing to work in with the Department Of Conservation to maintain the use of this property for our current family and future generations.

Regards

GlenNevisCORASubMay01.doc

Council of Outdoor Recreation Associations of New Zealand Inc

P O Box 1876

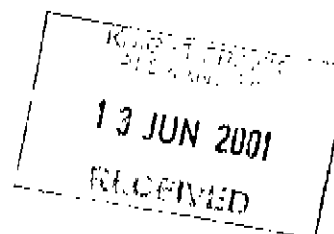
Wellington

Tel&Fax +64 4 934 2244

hugh@infosmart.co.nz

13 June 2001

Commissioner of Crown Lands
c/- Knight Frank (NZ) Ltd
P O Box 27
Alexandra
Phone (03) 448 8935
Fax (03) 448 9099



RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Dear Sir

Submission: Glen Nevis Tenure Review Unsatisfactory

1 Introduction: CORANZ

This submission is made on behalf of the Council of Outdoor Recreation Associations (CORANZ). CORANZ is the National Council of national Outdoor Recreation Associations, open to all national outdoor recreation associations. Current membership includes: New Zealand Deerstalkers Association (NZDA), New Zealand Federation of Freshwater Anglers (NZFFA), Public Access New Zealand (PANZ), New Zealand Salmon Anglers Assn (NZSAA), New Zealand Bowhunters Society.

CORANZ promotes the common interests of New Zealand outdoor recreationalists. The Council was formed because of concern that, although outdoor recreation users are an important component of the New Zealand psyche, they are not being adequately consulted or listened to by politicians and other decision makers.

The objects of the Council include :

2. To retain and protect all publicly owned outdoor recreation resources in public ownership
3. To work for free, egalitarian public access to and use of publicly managed lands, waters, and other resources, and a recreational user say in the management of those resources

Our member bodies total membership is some 25,000 members. We are the largest national outdoor recreation alliance, after Fish and Game New Zealand. There are more than a million New Zealanders who recreate outdoors, and we endeavour to advocate broadly for these people on issues of common interest, as well.

Many of our national associations will be making their own submissions, as tenure review is a major recreational issue. This submission highlights our common areas of concern.

2 Summary of Our Concerns about Glen Nevis Tenure Review Proposal:

1 We oppose the area on the west of the Range, from the Crest of the Hector Mountains, down to the "snowline fence", (1150 Ha, or 2200 Ha, it is not clear which), proposed for covenanting and summer grazing, or just summer grazing, which rises to 1879 metres, being freeholded. This land has significant inherent values, scenic, recreational and ecological. The CPLA (Crown

Pastoral Lands Act) instructs that the preferable way to protect Inherent values is by "the restoration of the land to full Crown ownership and control", and that S 24 (c) of the Act requires "The securing of public access to and enjoyment of reviewable land".

2. We request provision of practical year round public foot access to the snowline fence from the shores of Lake Wakatipu.

3 If you are unable to achieve these two results we submit that no tenure review be approved for this property. The covenant is counter to S's 24 and 40 of the CPLA.

4 We support transfer to Conservation Area of the area of the lease to the east of the Crest (4488 Ha), and 6 ha around the stream (Marginal strip?) flowing into Lake Wakatipu.

5 We support the area below the "snowline fence" on the Wakatipu side, excluding the 6 ha, (1050 ha) being freeholded.

6 This preliminary proposal is unacceptable, and is contrary to the provisions of the CPLA

3 Comments:

3.1 GRAZING AND DEVELOPMENT ALLOWED

The proposed covenant over some lands from the crest of the range to the snowline fence, inadequately protects conservation values. Grazing of this high alpine environment is unsustainable. The CCL must take this opportunity to surrender and retire this mountain land in the interests of sustainability.

Grazing of the covenant area will spill over on to the adjoining conservation area, unless the owner erects boundary fencing. However such fencing would be a blot on the landscape, impractical to maintain against winter snow damage and expensive to install.

After monitoring of vegetation condition the Minister of Conservation "may" require grazing reductions or destocking. However, based on official performance to date, CORANZ has no confidence that any reductions in grazing would ever occur.

The covenant provides for oversowing and topdressing above the snowline fence.

The Minister of Conservation could in future agree to tree planting, erection of buildings, and burning, all without any public objection procedures. A covenant is a private contract between the covenantor and the agency the covenant is held with. It can be altered secretly, and there is never any opportunity for public comment, scrutiny, or real input.

The owner may carry out any other works and development not expressly prohibited by the covenant.

3.2 UNCERTAIN & INADEQUATE PROVISION FOR PUBLIC RECREATION

The covenant only "permits" recreational use from April to December. Prior permission may be required. Summer recreation is as important as winter use, yet this is not provided for. It should be. There is no prohibition of charging for access.

There is no provision for practical public foot access from Lake Wakatipu.

No provision for horse trekking despite an old pack track crossing the range.

3.3 NO SECURITY FOR PUBLIC OR RIGHT OF OBJECTION, NOTIFICATION OR PUBLIC SCRUTINY OF PROPOSED CHANGES

The covenant binds the parties in perpetuity. However this provision could be extinguished by secret agreement between the parties or by unilateral Court action initiated by any future owner.

There are express provisions for changing the covenant's terms. There are no provisions for public objections. The changes are a secret process, not under public scrutiny.

Recent experience on Crown land in the high country suggests that even the most gross, recurring and blatant breaches of legally binding agreements do not result in official sanctions. The perpetrators invariably get 'wet bus ticket' treatment, then are rewarded for their misdemeanors. CORANZ has no gripes with the current lessee, however future owners may have no inclination to honour agreements for protection or public access. Unlike on public lands, on freehold there are no remedies available to the public.

3.4 PROPOSED CONSERVATION AREAS

These have been identified as having "high inherent values", something with which we strongly agree. The area above 1150 metres is subject to winter snow, and has a short growing season. It is not suitable for grazing.

This is the main reason why the Covenant over half of such land in the lease is wrong, given the Objects of Part 2 of the Crown Pastoral Lands Act to promote "ecologically sustainable" management.

3.5 NEGOTIATE TO CHANGE THE 1150 HA (or is it 2200 Ha?) COVENANT TO CONSERVATION AREA

This is part of the scenic Remarkables-Hector Mountains a national icon and internationally renowned view, viewable from all around Lake Wakatipu. Its scenic landscape values need to be protected. This is most readily achieved by conservation area status, not by some secret, always re-negotiable covenant.

The area above the snowline fence (2200 Ha) is expensive to fence further, so sheep grazing this area will inevitably be able to wander anywhere, including over to the eastern side. There is therefore need for a rangecrest fence to protect the conservation area. The expense and infeasibility (will be knocked down by winter snow) of this makes the grazing covenant ineffective at protecting "inherent values" both in the covenant and in the conservation land on the east of the range. The land use capability is Class 7a and 8, wholly unsuitable for grazing. Equally the soils are Dunstan Steepland soils (midrange) have low to very low fertility, and are acidic. Above these are Obelisk soils, which are strongly acidic and have very low fertility. The Soil Survey of New Zealand describes Obelisk soils as being suitable only for watershed protection.

By far the best solution is to include the area above the fence line in the conservation area, with no grazing. This protects it unequivocally, and does not require additional expensive and ineffective fences, and removes the compromise. We urge the CCL to re-negotiate, with additional funding if necessary, to achieve this end.

3.6 PRACTICAL PUBLIC FOOT ACCESS FROM THE WEST

Practical public foot access also needs to be provided from the west. Existing 4WD tracks could be utilised. The unformed legal road up the western face is undefined, and would require expensive survey, clearing and marking to be of any use.

If you are unable to achieve these two last results we submit that no tenure review be approved for this property.

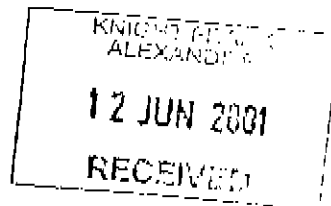
We ask to be heard in support of this submission, as provided under S 47 CPLA.

Thanking you

Yours Sincerely

Hugh Barr
 Secretary





9th June 2001.

Commissioner of Crown Lands,
c/o Knight Frank,
P.O.Box 27,
Alexandra.

Dear Sir,

Re: Proposed tenure review of Glen Nevis Str.

As the .. we would like to
submit our concerns regarding the proposed tenure review.

Firstly, we annually graze our ewe flock in the Nevis Valley which entails us driving them through Glen Nevis around the head of Drummonds Creek and down to Whittens Creek where we leave them. As there has always been a spirit of co-operation between the two properties with regard to stock access, grazing and mustering we would hope that this tradition can continue, i.e. we would still be allowed the same access in/out of the valley.

There is no boundary fence east of the Hector summit. We would not expect to fence the "new" boundary as maintaining a fence at that altitude would be impractical and unnecessary as witnessed by our recent muster. We did not actually find a single sheep on the Glen Nevis side of the boundary therefore a boundary fence would be of minimal benefit.

Secondly, a previous incarnation of the Landcorp etc. known as The Land Settlement Board spent huge amounts of time and energy ensuring the economic viability of Pastoral Leases by juggling the balance of summer and winter country. We believe that by closing off the Nevis country from that lease would penalise future owners of Glen Nevis Str as that summer grazing has been regarded by the two generations of Taylors to be essential to their farming operation even in years of plentiful rainfall and feed surpluses.

This point is even more valid given that out of the previous three summers we have witnessed severe drought conditions in two of them. We would therefore suggest that an "Emergency Grazing" proviso be set in place to alleviate any hardship which will naturally occur. We do not see this as compromising the "unique" flora/fauna which has evolved in this area because of or in spite of management practices over the last one hundred years. In fact the argument could be advanced that changing management to this extent could put some of these species at risk, e.g. witness the evacuation of the Woolly Chafer Beetle from their reserve at the

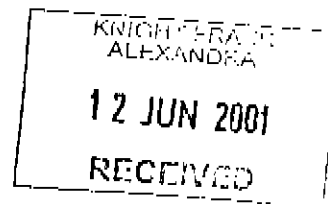
old Cromwell tip after their habitat was modified in the name of conservation.

Other concerns which should be addressed are that of fire suppression once the uncontrolled growth creates a huge fuel supply for any fire which may start as the result of the actions of one of the many travellers that pass through the Nevils Valley in any given summer. A fire at that time of year would be catastrophic for everyone surrounding the new reserve and we believe that judicious grazing would at least lessen that risk.

Yours faithfully,

8th June 2001

The Commissioner of Crown Lands
C/o Knight Frank
Box 27
ALEXANDRA



Dear Sir

GLEN NEVIS : TENURE REVIEW PROPOSAL

It is good that it is proposed to review the tenure of this property. There are considerable conservation issues that can be addressed during the process. When the lower country is freed from the constraint of a lease, the owner will then have various opportunities to develop a good economic unit that is ecologically sustainable.

I would like to make the following points:

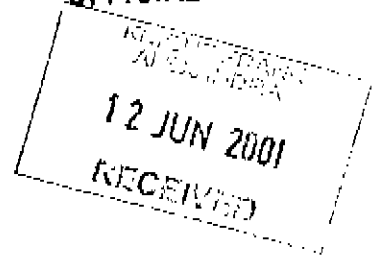
1. The land below the snow-line fence, outlined in blue on the map, to be made freehold, is good. Above the 1000 metre level the land becomes less viable economically and ecologically, to farm.
2. The snow-line fence is in a good position and should be able to be maintained in reasonable order as it is on a bench or terrace for most of the way.
3. The land to the east of the main dividing ridge, outlined green on the map, to be retained in Crown control is a sound decision. However I find it odd that this proposal allows this area to be grazed for three months during the summer, apparently with the approval of the Department of Conservation. The significant inherent conservation values will not be maintained or enhanced by grazing.
4. The middle block, west of the main ridge, hatched green on the map, should not become freehold. The 1000 metre contour has been proven - during the Catchment Board days - at which level to cease grazing. Most of the subsidised retirement fences of those days were built at that level and the divisions resulting have been very satisfactory - the higher ground is visibly recovering from previous grazing.
5. The covenant produced, to protect the conservation values of the middle block, leaves a lot to be desired. I cannot see how a covenant is much good at all, when it states that: when, through grazing, the vegetation cover has been reduced to a certain threshold, the Minister "may" reduce the stocking rate by a certain percentage. Any protective mechanism should also be suitable for any future owner.-
6. While there is good access available to the Nevis side of the ridge by 4WD vehicles, there is no mention of access on the west side of the ridge. Good walking access to the snow line fence could, and should, be made available up the present formed track starting at trig Q near SHB.
7. The proposal makes no mention of any stock limitations, or personal stocking rates.

-2-

However on a property of this size the gains to be made from gaining freehold title would far outstrip any loss incurred by foregoing the grazing of the middle block by 1500 sheep for 3 months of the year. therefore it is my view that all that land from the snow-line fence, at the top of the proposed freehold to the Nevis river be returned to full Crown ownership to protect the significant inherent values, and the land below the snow-line fence be disposed of to the applicant. If this cannot be achieved then the deal should be cancelled.

Thank you.

Yours faithfully



8th June . 01.

Commissioner of Crown Lands.
Alexandria.

Dear Sir.

AGAINST

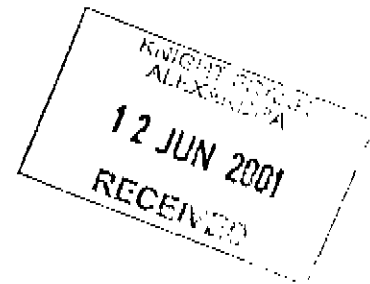
SUBMISSION re Freehold of High
Altitude Land

I would place on record my objection
to the freeholding of this crown land
for the following reasons.

- 1) There is no gain in selling off this land
as when in crown hands its use can
be monitored in view of prevailing
needs of the time.
- 2) Once in private hands it is lost
for ever for any use, be it
recreational, environmental, or other.
- 3) Land leased from the crown can
serve the same purpose for the
"farmer" or land user without it
going from ownership of the people
of New Zealand.
- 4) There is no guarantee that in
private hands this large area
of land would be put to "best use"
or the environment considered
in any way.
- 5) Loss of access for majority of New
Zealanders.

Yours Sincerely .

11 June 2001.



Phone:
E mail:
8 June 2001

Commissioner of Crown Lands
c/- Knight Frank (NZ) Ltd
P O Box 27
Alexandra

Dear Sir

Submission - re Proposal to freehold land from the shores of Lake Wakatipu to the crest of the Hector Mountains presently on Glen Nevis Pastoral Lease

We understand the proposal includes:

- creation of a 4470 hectare conservation area from the floor of the upper Nevis Valley to the crest of the Hector Mountains
- creation of a conservation covenant over 1150 hectares of the proposed freehold land.

We have the following concerns:

(1) Grazing and development

If a fence is built between the freehold covenanted land and the land that is to be transferred to the Department of Conservation then there will be an undesirable and very visible blot on the landscape. Maintenance of such a fence is likely to be difficult and inadequate and there is a real danger that the fence will therefore either not be built or, if constructed, will not remain stock proof for long. Thus the entire area will continue to be grazed ie there will be a 'de facto' pastoral lease over the entire area.

We understand that the Minister of Conservation could, in theory, agree to future tree planting, erection of buildings and burning without any means by which the public could object to such steps.

(2) Provisions for Public Access and Recreation are Uncertain and Inadequate

The covenant only 'permits' recreational use for the period April to December. This is not adequate for those wishing to use the area in summer. Prior permission to access the land may be required. The levying of a charge for access is not prohibited. No provision has been made for adequate public foot access from Lake Wakatipu. Such access could be made by way of a 4WD

track in the centre of the property. Notwithstanding the existence of an old pack track across the Hector Mountains no provision has been made for horse trekking activities.

(3) Insecure Covenants

In the proposed covenant there are express provisions for changing the terms. We understand this can occur in secret, since there are no provisions for public submissions. Although the covenant binds the parties in perpetuity there is nothing to prevent this provision being removed in secret by either joint agreement between the parties or by unilateral court action initiated by some future owner.

(4) Recent experience on Crown Land in the high country.

Even blatant breaches of legally binding contracts have not resulted in official sanctions in the past. Future owners may have no inclination to honour agreements for protection or public access. Precedents suggest such an attitude will not be penalised by the authorities and there are unlikely to be adequate remedies available to the general public since the land will no longer be in public ownership.

(5) Overall Conclusion

This case is crucial as it will provide precedents for reviews of tenure elsewhere in the South Island. We submit that the Crown should decline the proposed arrangement unless:

- the area proposed for freeholding and covenanting is included in the conservation area with grazing to be excluded and
- practical public access is provided on an ongoing basis.

We trust you will give these matters serious consideration. Much is at stake.

Yours sincerely

(44)

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ALBERTA TOPIC

1

9th June 2001.

Submission on the proposal to freehold the Glen Nevis pastoral lease.

Dear Sir,

I wish to object to the proposal to freehold 2200 hectares of pastoral lease land and the conservation covenant on the 1150 hectares of the above land.

There is already enough private land in New Zealand and the remaining Crown land should protected and remain the property of all New Zealanders. Once a land is freeholded it is privatized and lost to the public forever. This results in the land being lost to the recreational use of the majority of New Zealanders.

It is particularly bad in this instance for three reasons, firstly it is the first advertised major tenure review since the Pastoral Land Act of 1998 and thus sets a precedence of privatizing Crown Lands. Secondly it is in the way of a future Remarkables Conservation Park and will allow privatized inroads into this Conservation Park. Thirdly it sets another precedence of setting the Boundary of protected public lands too high up.

Covenants don't work as proved by other covenants in the past. The problems with covenants in general are as follows.

- * Covenants can be extinguished by secret agreement between the parties.
- * Covenants can be done away by unilateral Court Action initiated by any future owner.
- * Covenants can be changed.
- * Covenants can be changed in secret.
- * Binding agreements have in the past been broken without any official sanctions and such breaking of sanctions have even been rewarded.

Ultimately covenants are not binding and the public have no redress to this on freeholded land. The only way the public have of protecting the land, and have free access to it, is for the land to be in public ownership.

In particular this covenant is bad for the following reasons.

- * It will mean the continued grazing of high altitude lands. The option of a boundary fence along the crest of the range would not work, even if it were implemented, as it could

- not be maintained against snow damage and would therefore allow animals through.
- * This covenant says that after monitoring, the Minister of Conservation "may" require grazing reductions or destocking, but in the past this has not usually happened in other areas where it should have happened, so it is unlikely that it will happen to this area.
- * The covenant allows the oversowing and topdressing above the snowline fence.
- * The Minister can agree to other changes without the right of public objection.
- * The owner can do any developments not expressly prohibited by the covenant.
- * This covenant only permits recreational use April to December and prior permission may still be required.
- * There is no prohibition on charging for access.
- * No provision for practical public access from Lake Wakatipu.
- * There is an old pack track crossing the range but no provision for horse trekking has been provided.

The grazing of high country lands is unsustainable and should now be stopped.

Crown land that has a pastoral lease on it is in effect acting as private land while the lease remains, but many New Zealanders think such land should always be considered Crown land and as such should also be considered publicly owned.

Areas of publicly owned lakeside areas are now at a premium in this developed country, and any such remaining Crown land should now be protected, by remaining public land and allowing free public access.

Please do not go ahead with this deal unless, at the very least, the area proposed for freeholding and covenanting is included in the conservation area, without grazing, and with practicable public access from the west provided. But also any Crown owned lakeside area should now be publicly owned with free public access.

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Knight Frank
ALEXANDRIA

12 JUN 2001

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10th June, 2001.

Commissioner of Crown Lands,
C/o Knight Frank (N.Z.) Ltd,
P.O. Box 27,
ALEXANDRIA.

Dear Sir,

I am writing in response to your proposal to freehold high country land at Lake Makatipu and the Hector Mountains, and to create a conservation covenant over part of the freeholded area.

The intention to create a conservation covenant over part of the freeholded area will not provide adequate protection against grazing and development of the land.

The proposal provides inadequate provision for public access to areas of high recreational value.

The covenant would provide insufficient security for matters of public interest and environmental issues, and is too easily ignored, or extinguished without proper public consultation.

I believe the property should be retained in Crown ownership to become, in due course, part of a Remarkables Conservation Park.

Yours/faithfully,

10-6-01

COMMISSIONER OF CROWN LANDS

C/- KNIGHT FRANK (NZ) LTD

P.O. Box 27

ALEXANDRIA

RECEIVED

12 JUN 2001

RECEIVED

DEAR COMMISSIONER,

I WISH TO REGISTER MY DISAPPROVAL, OF THE PROPOSALS TO FREEHOLD HIGH ALTITUDE LANDS, WITH THE HIGH PROBABILITY OF LOSS OF ~~FREE~~ AND EASY ACCESS BY THE GENERAL PUBLIC.

THESE LANDS SHOULD REMAIN IN FULL CROWN OWNERSHIP, AND BE RETAINED FOR PUBLIC RECREATION AND CONSERVATION PURPOSES.

FREEHOLDING, WILL EVENTUALLY LEAD TO THE LOSS OF THESE LANDS TO OVERSEAS OWNERSHIP AND CONTROL.

I REFER IN PARTICULAR, TO THE PROPOSAL TO FREEHOLD THE "GLENN NEVIS PASTORAL LEASE", AND ALL SIMILAR PROPOSALS IN GENERAL.

YOURS SINCERELY

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12 JUN 2001 RECEIVED

Commissioner of Crown Lands
C/- Knight Frank (N.Z.) Ltd
P.O Box 27
ALEXANDRA
12th June 2001

Dear Sir/Madam

**Re PROPOSAL TO FREEHOLD HIGH ALTITUDE LAND
GLEN NEVIS PASTORAL LEASE.**

As one of probably not many North Islanders I have had the good fortune to experience the distinctive beauty of the Upper Nevis Valley and was delighted to learn recently of proposals to include this in a significant conservation area.

However the proposals to freehold 2200 hectares from Lake Wakatipu to the crest of the Hector Mountains does have some thorns as highlighted in Public Access N.Z. recent Newsletter of which you will no doubt be aware. The points made are valid and I would strongly support them.

The area under consideration really needs to be preserved for all time for all N.Zers and the responsibility of ensuring this must rest largely with the government agency concerned. It is of concern that once such land is freeholded it effectively disappears from public access for all time. There must be a better way.

It is my expectation that full weight will be accorded the genuine concerns raised by Public Access N.Z. for the benefit of all N.Zers, in the decisions which are finally made.

Yours faithfully

Phone
Fax

KNIGHT FRANK
ALEXANDRIA
12 JUN 2001
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OTAGO TRAMPING & MOUNTAINEERING CLUB INC.
P O Box 1120 Dunedin

June 12, 2001

Commissioner of Crown Lands
c/o Knight Frank (NZ) Ltd
Land Resources Division
PO Box 27
Alexandra

Dear Sir

Submission on Preliminary Proposal for tenure review of Glen Nevis Pastoral Lease

The Otago Tramping & Mountaineering Club Inc. was established in 1923 and has approximately 200 members. It has a long history of tramping, climbing and skiing in the Hector Mountains and surrounding areas.

The club supports the proposal to surrender the portion of the lease on the Nevis side of the range.

The club opposes the proposal to freehold the western side of the range to the crest. We note that Section 24(b)(ii) of the Crown Pastoral Land Act 1998 (CPLA) states that the preferred method for protecting significant inherent values of reviewable land is restoration to full Crown ownership and control. We believe that the proposed covenant are would be more appropriately surrendered for the following reasons:

- The area has high inherent conservation, recreation and landscape values
- Grazing at that altitude is incompatible with those values, and in particular with the conservation values.
- Freeholding such a key portion of the range will limit the effectiveness of future tenure reviews by preventing the creation of a significant contiguous area of high altitude land in the conservation estate.

Irrespective of whether the upper land is freeholded or covenanted, completion of the tenure review process should include formal legal and practical foot access from State Highway 6 to the conservation land. The most practical method would be by easement over an existing farm track. While accepting that access is currently and will probably in the future be readily available with the permission of the lessee/landowner, it is important to secure such access to important new conservation lands in a manner that is guaranteed.

Thank you for the opportunity to make this submission. Any enquiries about it can be directed to David Barnes, phone 03-4719874 (work), 03-4544492 (home), e-mail mcilroy.barnes@clear.net.nz.

Yours faithfully,



p.a. Alan Thompson
President

Commissioner of Lands.

c/- Knight Frank (NZ) Ltd.
Alexandra

Golden Bay Alpine & Tramping Club

c/- D. Kingston

R.O.P., TAKAKA 7172

RECEIVED
12 JUN 2001
KINGSTON FRANK
ALEXANDRIA

101.

The Glen Nevis Tenure Change Proposal.

The Golden Bay Alpine and Tramping Club shares the concerns of PANZ and FMC re this proposal.

We believe that only the land lying between the Lakeshore and the 1000 m line should be freeholded.

REFUSED UNDER THE OFFICIAL INFORMATION ACT

We do not believe that the conservation covenant over the high altitude mountain land provides either assured permanent protection or assured permanent accessibility for public recreational use along the tops of the Hector mountains. We hope that one day it will form part of a future Remarkables observation Park.

It is also essential that practical public access ^{inwards} this mountain land is provided, eg by making the existing LWD road from the west a legal road.

Yours faithfully,
Dery Kingston
D. Kingston (Sec./Treas.)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

07 June 2001.

Commissioner of Crown Lands
c/- Knight Frank (NZ) Ltd
PO Box 27
Alexandra

KNIGHT FRANK
ALEXANDRA
11 JUN 2001
RECEIVED

Dear Sir,

FREEHOLDING WESTERN SLOPES OF THE HECTOR MOUNTAINS.

I write as a past resident of both Otago and Southland, still a keen trumper and explorer, a member of the Waikato Conservation Board, a member of 2 tramping clubs, and a frequent visitor to the area in question.

I am totally opposed to the freeholding of the western slopes of the Hector mountains.

I would strongly recommend that the land in question remain in public ownership and in due course be made part of a Conservation Park.

Yours sincerely,

11 JUN 2001
RECEIVED

June 7 2001.

The Commissioner of Crown Lands
Alexandria

Dear Sir

Hector Mountain proposals

The proposals are not adequate to protect some communities of plants regarded by DOC as having inherently high values which are the object of the Crown Pastoral Act 1998 for protection or return to the Crown for full protection

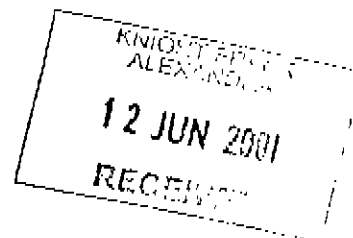
The high boundary prepared is in the wrong place for protection of these values against grazing.

These proposals should be abandoned.

Yours faithfully

Mr David Bullen,
The Commissioner of Crown Lands,
c/o The Manager,
Knight Frank (NZ) Limited,
Land Resources Division
P.O. Box 27
Alexandria.

June 8th, Friday
RELEASED UNDER THE
OFFICIAL INFORMATION ACT



Dear Sir,

I realise that you already know our views on Glen Nevis tenure review and that it is probably not appropriate to put a submission in on your own property.

However, I had heard that some of the occupants of the huts which are on our land in the Nevis Valley were not happy with the tenure review of Glen Nevis.

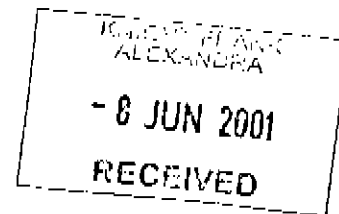
Apparently they feel they have some rights as they had a verbal agreement on the hut sites with my father, who has been dead since 1980.

I do not share an empathy with these people and do not believe they have a great deal of rights on tenure issues.

None have ever bothered to approach me or have even come and introduced themselves, let alone ask for permission to camp there in the 20 years I have been involved in the management of Glen Nevis.

Thankyou, in anticipation, for your consideration.

Yours sincerely,



28 May 2001

Commissioner of Crown Lands
C/- Knight Frank (NZ) Ltd
P O Box 27
Alexandra

Dear Sir or Madam:

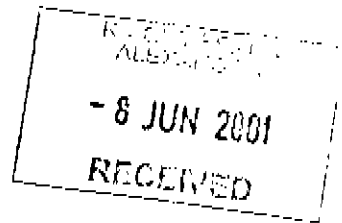
Glen Nevis Tenure Review

Thank you for the opportunity to comment on your proposal for tenure review of the Glen Nevis Pastoral Lease. I would like to make a submission against part of your proposal where you intend to transfer ownership of the high country lands above the snowline fence on the Wakatipu side to private ownership.

I adamantly believe that all land between the snowline (approximately 1000m) to the crest of the Hector Mountains on the Lake Wakatipu side should not be disposed of by freehold disposal to the current lessees but should remain in public ownership by becoming part of the proposed conservation area from the floor of the Upper Nevis Valley to the crest of the Hector Mountains. I do not think that the proposed conservation covenant satisfactorily protects the natural, historical and recreational features of the area.

I do support the proposal to restore land to public (DOC) ownership on the Nevis side of the Hector Range and would applaud the addition of the high country above the snowline on the Wakatipu side, securing it for the use of all people for eternity.

Yours sincerely



**PROPOSED FREEHOLD OF HIGH ALTITUDE LAND
IN THE HECTOR MOUNTAIN REGION**

Sir

I am writing to you to express my concern at the proposed freehold area of high altitude land in the Hector Mountain region. The following points in the proposal particularly alarm me:

1. Loss of high altitude land of important conservation value
2. The inadequate provision for (year round) public access through the proposed freehold area
3. Potential problems with the control of grazing between the proposed freehold area and the adjacent conservation area

I ask you to reconsider the proposal and retain the land in Crown ownership. It would make an excellent addition to a future Remarkables Conservation Park.

Yours faithfully,

16 JUN 2001

RECEIVED



FOREST
& BIRD

Upper Clutha Branch
C/- PO Box 38
Lake Hawea
Central Otago 9192

Tel: (03) 443 8253
Fax: (03) 443 7888

7th June 2001

The Manager
Knight Frank
41-43 Tarbert Street
ALEXANDRA

Your Ref: Po201/1

Dear Sir

TENURE REVIEW - GLEN NEVIS

We thank you for your letter of 6th April 2001 and the amendment of 1st May 2001 regarding this property. As this property is within our area we would like to make the following comments on the proposal.

1. **THE PROPOSED FREEHOLD LAND:** (margined blue on map) We find this to be a reasonable and practical division. Being free of the management restraints of a lease it will become an ecologically sustainable and economic unit. The snowline fence which is at the top of this area is roughly on the edge of two natural features, a terrace and trough, and should not be too difficult to maintain in good order. It is also at the top boundary of the shorter tussock grassland where it merges into the taller tussock. This is significant, as given time, with continual aerial top-dressing there will be a visible boundary between this proposed freehold land and the proposed covenanted freehold land above it (hatched green on the map).
2. **ACCESS:** While there is good 4WD access to the Nevis side of the property there is no mention of public access to the proposed freehold covenanted land. Although there is a legal road shown on the map the route for this is not practical, therefore provision should, and could, be made for walking access via the present formed track from SH6 which starts from approximately trig Q on the map. This would be eminently suitable as there is ample car parking across the road in the lay-by alongside lake Wakatipu.
3. **PROPOSED CONSERVATION AREA UNDER CROWN CONTROL:** (margined green on map) This will be an important and valuable addition to the type of land already reserved in the Remarkable and Hector mountains. It also fits in with the present Conservation Management Strategy for Otago.

It has considerable historical value, most of it undamaged.

ROYAL FOREST AND
BIRD PROTECTION
SOCIETY OF
NEW ZEALAND INC

CENTRAL OFFICE
172 TARANAKI ST
PO BOX 831
WELLINGTON
PH 04 388 7374
FAX 04 388 7373
E M A I L
OFFICE@WN.FOREST
-BIRD.ORG.NZ

-2-

It has considerable recreational value in that it is most suitable for cross-country skiing in winter and walking in the summer.

The vegetation of the area is very important as it has "significant Inherent values". We fully approve of this being restored to "full Crown ownership and control".

However we cannot understand as to why DOC has appeared to have acceded to this preliminary proposal for these values when it is aware that the area will be grazed during the summer by sheep coming from the block to the west. It will not be protected if it is grazed.

3. PROPOSED FREEHOLD LAND SUBJECT TO A CONSERVATION COVENANT: (hatched Green on map) While this particular country differs in some respects from the Nevis valley side of the ridge, in that it has not the same amount of south lying country, it still has considerable "Inherent values" and like the Nevis side is far too high to be considered for "ecologically sustainable" management. It is far more exposed to the drying N/NW winds coming down the lake, therefore more vulnerable to damage. While not carrying all the plant species intended for protection on the Nevis valley side of the ridge there is still a very significant diversity of plant species and communities that need protecting.

No reason is given as to why it is intended to top-dress and over-sow an area of 100ms (vertical) above the snow line fence. This will have the effect of concentrating stock on that area and the demise of the tussock from it will be far more rapid than on the land above it. When the tussock is removed it will have an overall effect on the landscape.

As there is no fencing, we cannot see how the substantial conservation values of the land on the Nevis valley side of the ridge are going to be protected when sheep are going to have ready access from the Wakatipu side. We are not suggesting there be a fence. A fence would be a most undesirable feature on the ridge and would be very hard, if not impossible, to maintain in reasonably effective order.

4. THE PROPOSED COVENANT:

We find this a little confusing in parts, and not conforming to the CPL act.

a BACKGROUND A. The Commissioner of Crown Lands is deemed to be the owner of the land. Under INTERPRETATION the "Owner" means the person registered as the proprietor(s) of the land.

-3-

b. ACCESS (para 4) states that access will only be available at certain times. This is not in keeping with Objects of Part 2 of the CPL "the securing of public access to and enjoyment of reviewable land".

c. That the covenant can be altered without public input under certain and undefined circumstances is not in the best interest of the "inherent conservation values" and the public interest. It must be remembered that any "protective mechanism" should be not only for the present owner, but for any subsequent owner.

5. IN CONCLUSION, This proposal as presented, does not, as has been done in other proposals in the past, give the stock limitations imposed on the lessee, or the stock being carried at the moment, as we would expect under section 43 (1) (b) of the CPL. However, it is our considered opinion that on this type of property the benefits to be gained by obtaining the freehold title to the lower country would far outstrip any hardship suffered by the owner not being able to graze 1500 stock units for 3 months, (which equates to 375 stock per annum) on the land above the snow-line fence.

We believe that the covenant in this proposal gives no real protection to the significant conservation values above 1000ms - it should be withdrawn.

It also creates an unjustifiable precedent for any further tenure review proposals on country of this nature

We are quite happy to see the land below the snow line fence on the west side of the ridge being freeholded. And believe that all the land from the snow-line fence on the Wakatipu face to the Nevis river being retained in full crown ownership as per CPL Act 1998, sec 24. (b) (ii) and (c) (i).

If this cannot be achieved the Crown should not proceed with this tenure review.

Thank you.

Yours faithfully



JL Turnbull

for Upper Clutha Branch

32
KNIGHT FRANK
ALEXANDRIA
- 8 JUN 2001
RECEIVED

6th June, 2001.

Mataura Valley Station
P.O. Box 2,
Garston, 9660
Southland

The Commissioner of Crown Lands
C/o Knight Frank Ltd.
Land Resources Division.
Alexandra.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Dear Sir,

We wish to support the proposal for freeholding Glen Nevis Station, Kingston. For aesthetic reasons, the need for uniformity of tenure on the lake face of this property, is extremely important. This section of the landscape is visible from every vehicle travelling the major tourist route from Queenstown to Milford Sound and the high value of this Landscape to our tourism industry must be considered.

To divide this face horizontally, into separately managed areas under different ownership, would not only be impractical from a Land Management perspective, but visually undesirable. Differently managed areas can create a very unnatural appearance to a landscape.

The ecology of this property, when made freehold, will be adequately protected by both the proposed covenant and the Resource Management Act.

Consideration for Public access and conservation values is being made with the retirement of the Nevis country and the practical aspects of managing the remaining grazing land must be considered. Some higher altitude grazing can be incredibly important to the viability of a property. During some drier Summer months when the lower altitude land dries out and cannot sustain the stocking levels required to remain economic, light grazing of these higher altitude pastures can be imperative.

Continued grazing of this country is of considerable importance in maintaining the current landscape in native tussock grasslands and lower altitude improved pastures thus preventing the invasion of undesirable species and woody weeds. Managed grazing currently controls the spread of European pasture species into higher altitude native grasslands. Grazing prevents the seeding of the more edible European grasses, thus preserving the higher altitude native grasslands in their current natural state. To exclude this higher altitude area from the property would lead to an invasion of European grasses and allow the spread of undesirable weeds at the expense of the current native vegetation.

It is important to include these slightly higher areas in the freehold property and continue the current grazing techniques to ensure the preservation of the native grasslands.

Yours sincerely,

D. F. Parker

KNIGHT FRANK
ALEXANDRIA
- 8 JUN 2001
RECEIVED

7 June 2001

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OFFICIAL INFORMATION ACT

Commissioner of Crown lands
c/o Knight Frank (NZ) Ltd
Alexandra

SUBMISSION ON TENURE REVIEW - GLEN NEVIS PASTORAL LEASE

I look forward to the time when there will be a Remarkables Conservation Park and support the formation of a conservation area from the floor of the Nevis valley to the crest of the Hector Mountains.

However I do not support the freeholding of the area between the crest of the Hector Mts to the shores of Lake Wakatipu because access to and protection for its intrinsic values will not be protected.

A freehold covenant provides no protection from grazing and development and no guarantee of continued public access.

Signed:



4 June 2001

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Mr David Gullen
The Commissioner of Crown Lands
c/- The Manager
Knight Frank (NZ) Limited
Land Resources Division
PO Box 27
Alexandra

Dear Sir

We are writing this submission in favour of the freeholding proposal for Glen Nevis Station, Kingston, farmed by Rachie and Fiona Taylor.

Introduction we are and we farm at on 200 acres running sheep and beef. We have three children and have lived in the area for 14 years.

I am a keen hunter and fisherman and have travelled and tramped most of the region.

The Nevis area is very special with exceptional trout fishing and deer stalking.

We know Rachie and Fiona have been trying to freehold Glen Nevis for many years and it was very pleasing to see they have allowed for public access to the tops.

We feel it is very important that the future generations of New Zealanders have the ability to access these Mountain Tops.

I know Lachie would have preferred to freehold more of Glen Nevis. However we feel they have come up with a good compromise where both Lachie and Fiona can concentrate on the more fertile and productive front country and the Nevis area can be conserved in its very natural and unaltered state. By way of covenant they have been able to keep some summer safe country which will give them enough balance for Glen Nevis to remain economic. We feel their stocking rate on this country is very conservative and there are good guidelines in the covenant to make sure that this more vulnerable high altitude area is protected.

Fiona and Lachie are both a very hard working couple working from dawn to dusk making sure that all their stock and property are well cared for putting a 100% plus into it and everything they do at home and in the community. Most of all they appreciate the land they farm on and have taken the time to teach and show their children the enjoyment and true value of the high country today.

and I am in favour of this Tenure review for Glen Nevis and hope the crown accepts this proposal.

Yours faithfully

The Commissioner of Crown Lands,
c/o Knight Frank (N.Z.) Ltd,
P.O.Box 27,
Alexandra.



Dear Sir,

GLEN NEVIS PASTORAL LEASE
TENURE REVIEW .

REFERS YOUR ADVERTISED PROPOSAL :

I WOULD SUBMIT :

My understanding of your proposal is that -

- (a) You would freehold approximately 2200 hectares of this Pastoral Lease from the shores of Lake Wakatipu to the crest of the Hector Mountains .
- (b) Of that proposed freeholding area some 1150 hectares would be covered by a Conservation Covenant — that area involved being from an existing "snowline" fence at approximately 1000 metres height , to the crest of the Hector Mountains at 1679 metres .
- (c) That you would create a Conservation Area of some 4470 hectares from the floor of the Nevis Valley to the crest of the Hector Mountains .

Your proposal (c) is welcomed as recognition of an area of prime land holding important conservation values , with acceptable public access , and that part of your proposal is applauded .

I am however much less happy with your proposals (a) and (b) as they appear not to provide adequate protection of the public interest arising out of Tenure Review .

Your proposal would create freehold rights from the shores of Lake Wakatipu to the crest of the Hector Mountains , with some covenant "protection" . That covenant "protection" would allow grazing of this area up to a proposed fence at the crest of the Hector Mountains This fence would clearly be vulnerable to snow damage , would require regular maintenance , and would be of doubtful integrity . It would have the potential to fail . . allowing grazing stock from the covenanted freehold land to cross into that land transferred to DOC on the eastern face down to the Nevis Valley floor . Effectively as though the "protected" area was still subject to a Pastoral Lease.

The proposed freehold /covenanted land from the snow fence to the crest of the Mountains is an area with very high inherent conservation and landscape values and I believe you should take this opportunity to adequately protect those values .

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The area of proposed freehold/covenanted land is clearly not an area which could sustain grazing but that that is the intention is signalled by the Covenant allowing oversowing and topdressing above the snowline fence at 1000 metres .

Public access and recreation interests are not securely provided for in your proposal . There is no prohibition against charging for access – and this prohibition should be part of any agreement

There is no practical public foot access from Lake Wakatipu –and this is an essential requirement .

Generally I am highly distrustful of Covenants when used in the manner suggested . The areas in your proposal are not small ,discrete, areas of special significance . They are large tracts of land comprising a large proportion of the contestable area of the whole .

With immediate past experience in an area not far removed from Glen Nevis we have seen substantial , recurring and blatant breaches of previously agreed conditions relating to Crown land and protection in that case , by the Authorities in whom protection is vested , has been woefully lacking .

I believe my concerns can only be satisfied by your inclusion, of the proposed Freehold/Covenanted land from the snowline at 1000 metres to the crest of the Hector Mountains, within and added to that area to be transferred to DOC on the eastern side of the range under full Department of Conservation control

Thank you for the opportunity to make this submission

Sincerely

27 May 2001



6 June

Mr David Cullen
The Commissioner of Crown Lands
The Manager
Knight Frank (NZ Ltd)
Land Resources Division
PO Box 27
Alexander

Dear Sir

This submission is in favour of the
tenure review proposal of L & F Taylor
Glen Nevis Station, Kingston.

We are _____ and we
have 3 children and we live in Garston
on our family farm.
We farm 8 thousand acres which run
12500 sq of sheep, deer, and cattle
which is partly freehold and leased.
Half of the hill blocks have been deve-
loped and would not have been done
if we hadn't been partly freehold.
We think Fiona and Lachie with Glen Nevis
freeholded will have more ability to
develop and also more confidence to

develop to its best potential.

The way the management of farming has gone most farmers in this area have had to concentrate on their most productive areas of the farm. We see The Taylors freeholding as a further step towards their security in farming. We believe they are very good farmers with some sound practical ideas for the future of farming. They have spent a good part of their lives in the Tenure review process and hopefully it will be finalised soon so they can get on with their lives and on with the practicalities of developing a high country farm. We think Fiona & Kachie with the benefit of a lot of time in this process have come up with a sound freeholding proposal, they have concentrated the freeholded area in the Wakatipu Valley with the Conservation Area in the Nevis Valley, so there is no visual impact between zones in an area where visual impact has become increasingly important. They have allowed public access and recreation. Considered very carefully the sustainability of values in the more vulnerable higher altitude covenant area. We feel the stocking rates they have restricted themselves to are very conservative in this area and feel there is any amount of mechanisms

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Within this covenant which protect this
are for future generations. We support
this tenure review and believe it is
a very worthy compromise for all
parties concerned.

Yours faithfully

Nokomai Station

RELEASED UNDER THE
OFFICIAL INFORMATION ACTPhone 0-3-248 8837
Fax 0-3-248 8841R.D. 3 Lumsden
SouthlandCommissioner of Crown Land
C/o Knight Frank (NZ) Ltd
Land Resource Division
P.O. Box 27
AlexandraKNIGHT FRANK
ALEXANDRA

- 6 JUN 2001

RECEIVED

6th June 2001

Dear Sir,

We would like to make the following submission re tenure review of the Glen Nevis Pastoral Lease.

Cattle Grazing

To enable Nokomai Station to be able to use the Nevis block for summer grazing cattle from mid-March to early June, it is important that the cattle boundary fence between the Nevis road and Nevis river remain where it is.

The fence was put there in agreement between the late David Taylor, previous owner of Glen Nevis and Nokomai. It is not practical to fence on the Nokomai side of the river due to the terrain.

The area to the west of the cattle fence toward the foot of the hill near the disused water races is also good cattle grazing country and should be made available to one of the adjoining properties.

The low concentration of cattle along this area would do little damage and would remove the fire hazard i.e. long grass from near the road and river where the public are most likely to be. If there was to be a summer fire in the area above the disused water races in windy conditions it would be uncontrollable.

We see cattle grazing in this area would be positive for all parties involved. The grazing could be allocated to any of the three neighbouring leaseholders.

Yours truly,

B.2. Hore

Brian Hore

To the Commissioner of Crown Land,
C/- Knight Frank Limited,
P.O. Box 27,
Alexandria.

KNIGHT FRANK
ALEXANDRIA

- 6 JUN 2001

RECEIVED

21st May 2

Dear Sir,

My name is
and my husband is
We reside at
and we own a
house situated in in

We would like to ask for permission to retain our residence in Upper Nevis after Department of Conservation take over the pastoral lease of Mr. Lochie Taylor, Run No 3 Lorne, Kingston in 2005. We would be more than happy to negotiate any terms and conditions you may want to apply.

Since 1980 we have tried to gain permanent ownership of at least an acre of ground around our Nevis home. We first approached the Lessees, Mr. + Mr. Dave Taylor at Kingston. They were more than pleased to grant us access at any time and they felt a sub-lease was unnecessary. The only proviso placed on us was that we should respect the area about us and maintain a tidy locality - which we have always done as a matter of principle. Mr. Lochie Taylor carried the same attitude as his parents toward us.

apparent take over by [redacted]
We then met, by accident, a young lady by the name of [redacted], who, we understand, was evaluating the proper we are situated on for Knight Frank. We spoke very briefly to her about our situation and asked her up for a cup of tea where we hoped we could possibly speak a little further - unfortunately we didn't see her again - that was over 12 months ago.

The History of the Family in Nevis.

The [redacted] family have lived in Nevis since [redacted], his wife and two small children arrived in 1865. They toiled as miners in the Lower Nevis and as their family grew and married they became settlers in the Upper Nevis including [redacted] where we are today.

The [redacted] and [redacted] (both nee [redacted]) families were mining at Whitten's Creek, thus the freehold section at this site, they also mined at [redacted] where the [redacted] family built a small home just below us.

[redacted] was the first occupier of our house while he prospected - mining licence No. 9120. He built a small section of our home - a small room 10ft x 6ft

In 1930s the house was home to [redacted] and [redacted], a grandse of [redacted]

was the Ath son of _____ and _____ who were miners at Lower Nevis. _____ was a dredgemaster on Ngapara I dredge at Upper Nevis.

+ _____ added the kitchen area which was originally part of the dredge winch house, hence the length and narrowness of the room it is 16ft x 6ft and _____ mined here for many years and brought a family of four children up in this home. _____ the mother, being a teacher home-taught the children in the summer and later they wintered in their home at Milton.

When _____ and _____ took over mining at Baileys Hill on _____ property they built another home nearer the new mine. The house at _____ was then occupied by _____ junior with his wife and two children until he was killed in a motor accident at Parawa in 1973. The house was then used by various people, mostly hunters, but latterly by _____ while he was prospecting - 1974 - 75. We were the next owners in 1976.

When the mine was being established at Baileys Hill, a power house and line was built to bring power to both the mines and the homes. The power house was built by _____ and his sons _____ and _____ was the engineer who

3 We contacted the Department of Land and Survey in August, 1984 to find out the status of the land as per lot. In 1985 we contacted the Mines Department in Dunedin and asked if there was any way we could secure our position in Nevis. We spoke to a man in the office called Mike and were told that the best for us was to apply for a "Special Site Licence," this had replaced the old "Homesteaders Licence." In 1986 we received a letter, as per copy, from the Ministry of Energy. This excluded us from applying for the "Site Licence" as L+M were the incumbent holder of a prospecting licence and that had been extended. Unfortunately after that conversation with the Mines Department and many toll calls later, we discovered that the Mines Department had been disbanded and we had no-one to deal with. By this time we had had an acre of ground surveyed and pegged ready for a "Site Licence" but had no where to send it. We spoke to several Mines Inspectors at different times but nobody could help us and point us in the right direction.

In 1999 we received a phone call from the Department of Conservation re-proposal. I promptly rang Knight Frank in Alexandra and spoke to a who denied knowledge of the

installed the equipment. The power line was built by my husband, Mr Colin C who was a qualified linesman with the Otago Electric Power Board in Balclutha. The mine at Baileys Hill was in production and Mr. Crook spent many hours and weeks helping installing power down the mine and in the house. In March 1976 the house at [redacted] was given to us by [redacted] as an appreciation for the services rendered.

Since 1976 we have upgraded the house to a good liveable standard. Without changing the outside appearance of the house we have repaired and painted. We feel that to alter the look of the house on the exterior would put it out of character for the era it was built in. We have always maintained a high responsibility for the area around us by keeping our own environment clean and tidy. We both have a very good knowledge of the Nevis, having been part of the community for at least 45 years.

The last 30 years, in all seasons and weather my husband [redacted] has maintained a water race behind us as a water supply for the house. It was also maintained for the house at Baileys Hill and prior to that the [redacted] and [redacted] looked after it during their occupancy of the house.

We have always tried to maintain the general area as we would wish others would do. We work at running water tables off the road in both the gorge and the valley. We fill pot holes, carting gravel and rocks. We pick up rubbish that litters the road and surroundings, particularly cans and bottles which we dispose of properly. We both have a fair knowledge of the flora in the area and make sure nothing is removed. All these principles have been installed in all members of our family even the little ones.

Our house in [redacted] is constantly used by both ourselves, our sons and daughters, their children and partners plus my sisters and their families. We are all descendants of the [redacted] our great grandfather. We are now seeing the 6th generation in the same house - a testimony of how our family has maintained and appreciated the property and area for generation to come.

We have family pets, ours is a 10 year old Fox Terrier, they always accompany us on our holidays. They are well dosed and controlled at all times. The dog Control Officer at Milton will attest to my statement.

Thank you for reading my submission
Yours respectfully.

DEPARTMENT OF LANDS AND SURVEY

TELEGRAPHIC ADDRESS: 'LANDS'

FOR VERBAL INQUIRIES
PLEASE ASK FOR MR Brash

TELEPHONE No. 770 650



OUR REFERENCE: P 201

YOUR REFERENCE:

DISTRICT OFFICE,

P.O. BOX 896

DUNEDIN

8 August 1984

Mrs F Crook
Box 65
Stirling
SOUTH OTAGO

Dear Mrs Crook

Your letter of 22 July addressed to the Commissioner of Crown Lands has been referred to me for reply.

The area you are interested in, is in Run 354B not Run 345B as stated in your letter.

The status of the land is pastoral lease. A copy of the lease title is attached. Note also that there is also a Prospecting Licence in favour of L & M Mining Ltd over the area you are interested in. A search of that document is also attached.

Should you wish to pursue your interest in the area you refer to you would need to approach the lessees and the Commissioner of Crown Lands.

Any survey required for title purposes would be carried out by a private surveyor at your expense. Note also that no legal road exists in the vicinity of the old house. This would be a matter which would need to be discussed with the Vincent County Council.

Answers to the questions raised in your letter are:

- A. The claim licence is no longer valid. I enclose a print of SO 9120 being the most recent mining survey plan in my records in that area. The old house you are interested in would probably be situated in the south western portion of this old application or possibly just outside it.
- B. I know of no other person with claim rights apart from L & M Mining Ltd who currently hold a prospecting licence over the area.
- C. The area forms part of Pastoral Lease 201 leased to Mrs Z A Taylor and others by the Crown. See copy of pastoral lease document attached.

Yours faithfully

W N Brash
for Chief Surveyor

3

APPLICATION FOR SPECIAL SITE LICENCE UNDER
THE MINING ACT 1971

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Secretary of Energy
P O Box 6342
Tg Aro
WELLINGTON

NOTE : 8 copies required

I, (Full name, address and occupation)

hereby apply for a special-site licence over the following unalienated Crown
land: (Specify the land by reference to its area, legal description and by
its location in relation to cadastral boundaries, survey monuments,
topographical features etc, and annex plan)

State the mining purpose for which licence required and give the number(s)
of the mining privilege(s) concerned.

State precise time of marking out: (eg, 20 September 1981 at 2 pm)
.....

Address for service:

Notice posted on ground (Date)

Application fee \$50 must accompany this application.

I, the undersigned being the applicant for the licence or his duly authorised
agent, do hereby certify that the above particulars are correct.

Dated at this day of 19...

.....
Signature of Applicant

- (a) Work and mine the land in respect of which the licence was granted for the minerals that are specified in the licence and any minerals that he has been authorised to mine under section 80 of this Act;
 - (b) Take and remove from the land all such minerals and dispose of them; and
 - (c) Do all acts and things that are necessary to effectually carry out mining operations on or under the land.
- (2) Subject to the provisions of this Act, the holder of a mining licence shall—
- (a) Be entitled to use, occupy, and enjoy the land in respect of which the licence was granted for mining purposes; and
 - (b) Be the owner of all minerals lawfully mined from the land under the licence.
- (3) The rights conferred by this section shall be exclusive rights for mining purposes in relation to the land in respect of which the mining licence was granted.

Cf. 1926, No. 15, s. 99

Special-site Licences

88. Grant of special-site licences—(1) Subject to subsection (2) of this section, the Minister may, in his discretion and subject to such conditions as he thinks fit to specify in the licence, grant to the holder of a prospecting or mining licence a special-site licence in respect of any unalienated Crown land.
- (2) No special-site licence shall be granted in respect of any land if, in the Minister's opinion—
- (a) The land is required for mining purposes; or
 - (b) The grant would adversely affect or unreasonably interfere with any mining operations; or
 - (c) The grant would be contrary to the public interest.
- (3) The area of land in respect of which any one special-site licence is granted shall not ~~exceed five acres~~ or such lesser area as the Minister from time to time or in any particular case determines.

Cf. 1926, No. 15, ss. 144, 146; 1927, No. 40, s. 7; 1940, No. 18, s. 35

89. Purposes for which special-site licences may be granted—(1) A special-site licence shall entitle its holder and his agents and employees to the exclusive occupation of the land in respect of which it was granted for all or any of the following purposes:
- (a) A battery site:

- (b) A machine site;
 - (c) A site for the deposit or treatment of minerals or tailings;
 - (d) A site for any other specified purpose directly connected with mining operations.
- (2) The purpose or purposes for which a special-site licence is granted shall be specified in the licence.

Cf. 1926, No. 15, s. 145

90. Plan of land to accompany application—(1) Before making an application for a special-site licence, the applicant shall mark out in the prescribed manner the land in respect of which the licence is sought. Any such marking out need not be done by a registered surveyor.

(2) The application shall be accompanied by a plan that has the land in respect of which the licence is sought clearly delineated and identified on it by reference to the area of the land and its legal description and ownership, and by reference to its location in relation to cadastral boundaries, survey monuments, topographical features, or existing mining privileges, as the case may require.

(3) A special-site licence shall not be granted until the Chief Surveyor has certified the plan as being satisfactory for the purpose of identifying the land.

91. Term of licence—(1) Subject to the provisions of this section, every special-site licence shall remain in force until the date of expiry of the prospecting or mining licence in respect of which it was granted, and shall then expire.

(2) If a prospecting licence is renewed under section 50 of this Act, any special-site licence granted in respect of the prospecting licence shall also be deemed to have been renewed.

(3) If a mining licence is obtained in exchange for a prospecting licence under section 57 of this Act, any special-site licence granted in respect of the prospecting licence shall continue in force until the date of expiry of the mining licence.

(4) The holder of a mining licence in respect of which a special-site licence is in force shall have the right in priority over every other person to have granted to him a new special-site licence in respect of the land to which the existing special-site licence relates if he applies for the new licence not later than thirty days before the expiry of the existing licence:

Provided that a new special-site licence shall not be granted if a new mining licence is not obtained in substitution for

the mining licence in respect of which the existing special-site licence was granted.

Cf. 1926, No. 15, s. 176 (c), (d), (dd); 1948, No. 26, s. 3 (1) (a)

92. Rent payable—(1) Every holder of a special-site licence shall pay rent at such rate as may be prescribed.

(2) All rent shall be paid six-monthly in advance within thirty days after the first days of January and July:

1/7/12

Provided that the first payment of rent shall be made within seven days after the date on which the licence was granted; and the amount of that payment shall be such as will cover rent from that date to the thirtieth day of June, or the thirty-first day of December, as the case may require, next following.

Licences for Roads, Tramways, Aerial Ropeways, Pipelines, Tunnels, and Bridges.

93. Grant of licences for roads, tramways, etc.—(1) The Minister may, in his discretion and subject to such conditions as he thinks fit to specify in the licence, grant to the holder of a prospecting or mining licence, in respect of any land that is open for mining, the following classes of licence:

1/30

- (a) A road licence;
- (b) A tramway licence;
- (c) An aerial ropeway licence;
- (d) A pipeline licence;
- (e) A tunnel licence;
- (f) A bridge licence.

(2) No licence shall be granted under this section except for purposes directly connected with mining operations.

(3) Such of the provisions of the Tramways Act 1908 as the Minister specifies by notice in the *Gazette* shall apply to every tramway constructed or used under a tramway licence granted under this section.

Cf. 1926, No. 15, s. 154 (1), (3)

1/7/15
unc

94. Plan of land to accompany application—(1) Before making an application for the grant of a licence under section 93 of this Act, the applicant shall mark out in the prescribed manner the land in respect of which the licence is sought. Any such marking out need not be done by a registered surveyor.

(2) The application shall be accompanied by a plan that has the land in respect of which the licence is sought clearly delineated and identified on it by reference to the area of the land and its legal description and ownership, and by reference

1/7/15

to its location in relation to cadastral boundaries, survey monuments, topographical features, or existing mining privileges, as the case may require.

(3) A licence shall not be granted under section 93 of this Act until the Chief Surveyor has certified the plan as being satisfactory for the purpose of identifying the land.

95. Term of licence—(1) Subject to the provisions of this section, every licence granted under section 93 of this Act shall remain in force until the date of expiry of the prospecting or mining licence in respect of which it was granted, and shall then expire.

(2) If a prospecting licence is renewed under section 50 of this Act, any licence granted under section 93 of this Act in respect of the prospecting licence shall also be deemed to have been renewed.

(3) If a mining licence is obtained in exchange for a prospecting licence under section 57 of this Act, any licence granted under section 93 of this Act in respect of the prospecting licence shall continue in force until the date of expiry of the mining licence.

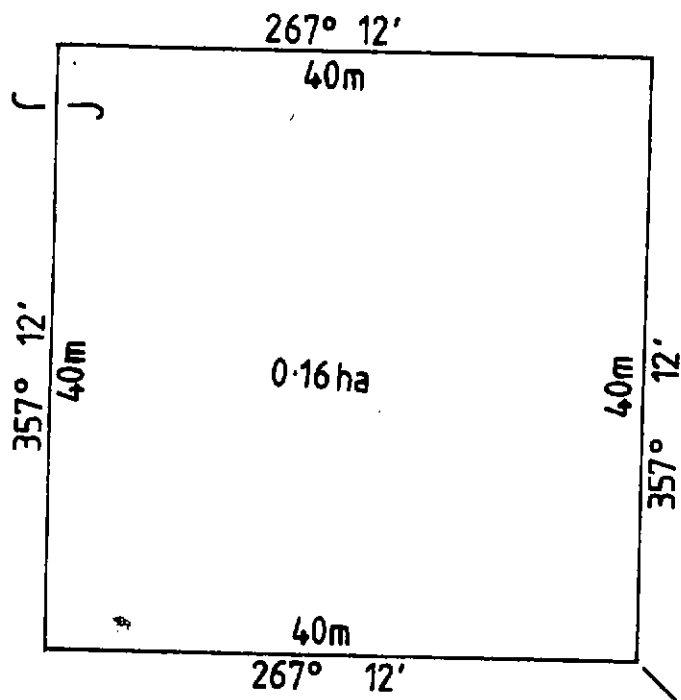
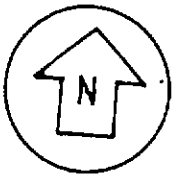
(4) The holder of a mining licence in respect of which a licence granted under section 93 of this Act is in force shall have the right in priority over every other person to have granted to him a new licence under the said section 93 in respect of the land to which the existing licence granted under that section relates if he applies for the new licence not later than thirty days before the expiry of the existing licence:

Provided that a new licence shall not be granted under the said section 93 if a new mining licence is not obtained in substitution for the mining licence in respect of which the existing licence under that section was granted.

96. Rent payable—(1) Every holder of a licence granted under section 93 of this Act shall pay rent at such rate as may be prescribed.

(2) All rent shall be paid six-monthly in advance within thirty days after the first days of January and July:

Provided that the first payment of rent shall be made within seven days after the date on which the licence was granted; and the amount of that payment shall be such as will cover rent from that date to the thirtieth day of June, or the thirty-first day of December, as the case may require, next following.

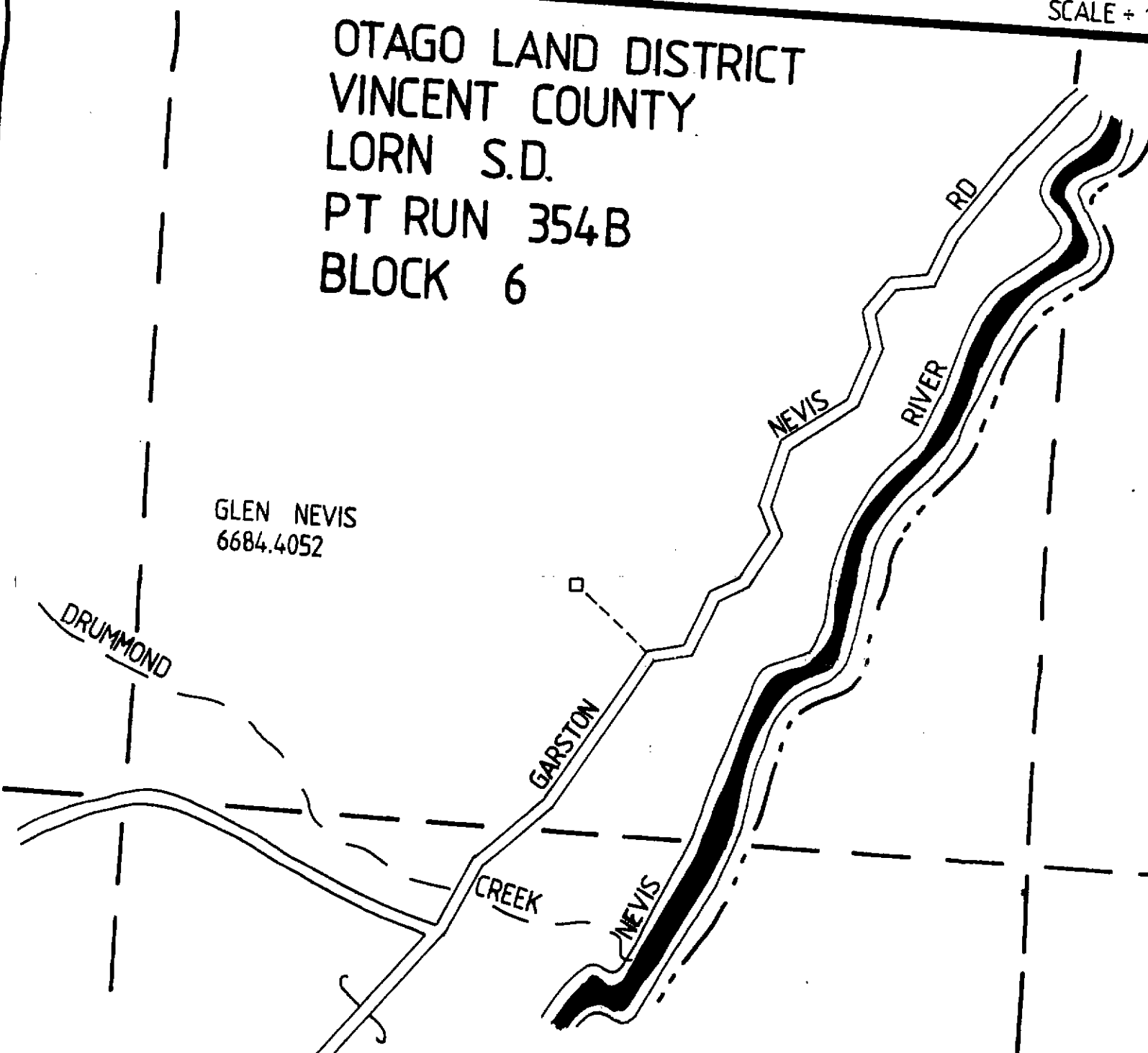
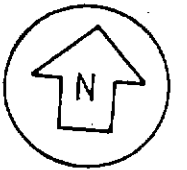


SITE PLAN

315° 00' 310m

SCALE + 1:500

OTAGO LAND DISTRICT
 VINCENT COUNTY
 LORN S.D.
 PT RUN 354B
 BLOCK 6



LOCALITY PLAN

AMENDMENT		DRAWN <i>WMB</i>	DRAUGHTING ENTERPRISES	SCALE AS SHOWN ABOVE	FILE
		TRACED			
		DATE 27-2-87	APPLICATION FOR SITE LICENCE	AE 379-134	SHEET OF ISSUE
		CHECKED <i>WMB</i>			
		APPROVED <i>WMB</i>			

NZM 261 F2

RELEASED UNDER OFFICIAL INFORMATION ACT

5.



Our Ref.

Your Ref.

30 April 1986

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Dear

PROSPECTING LICENCE 31 895 HELD BY L & M MINING LTD

As requested I am writing to inform you that L and M Mining ltd have renewed the above licence for a second term.

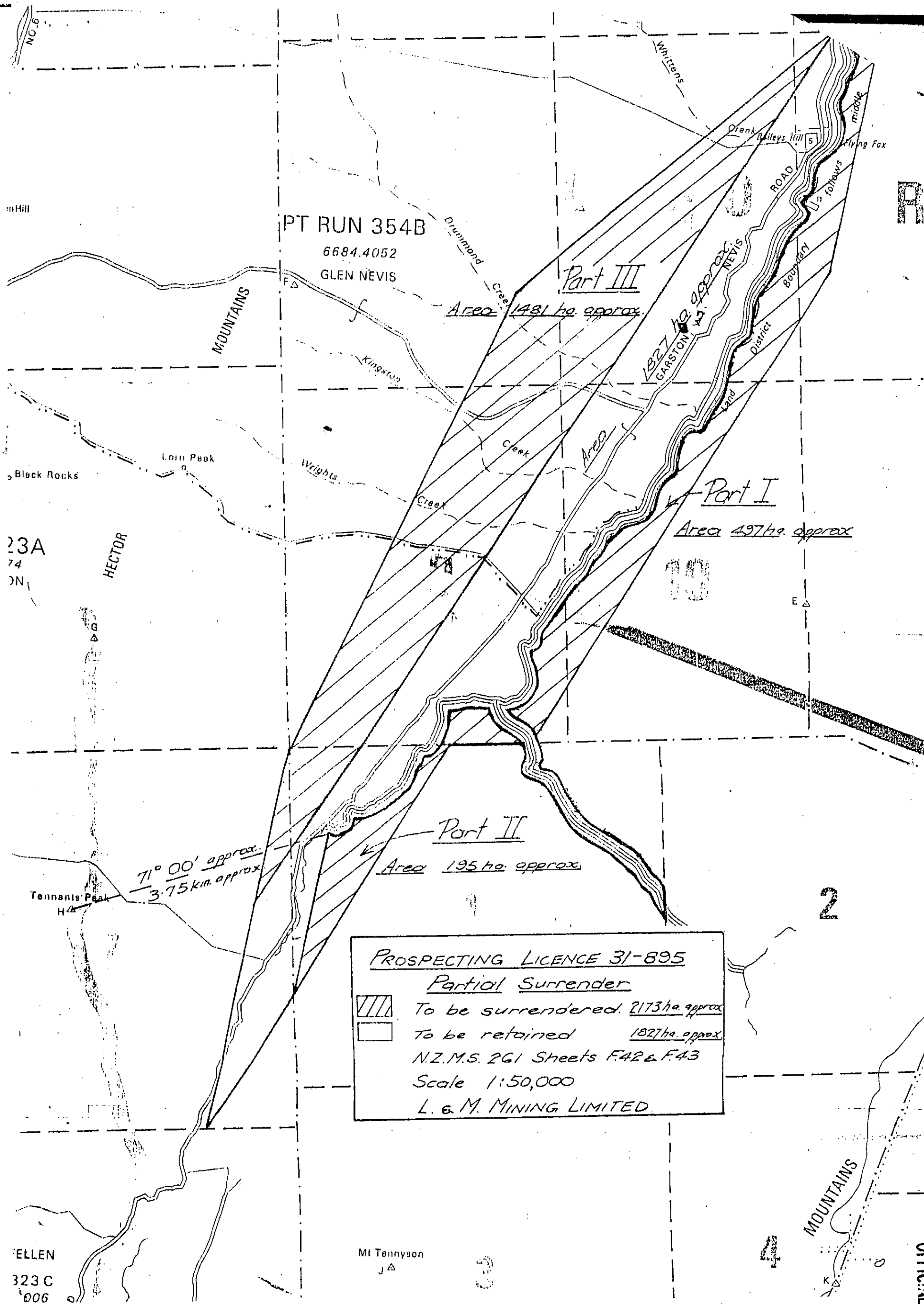
At the sametime a partial surrender has been accepted by Mines Division. The area surrendered is marked on the enclosed plan of the licence area.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'John Walrond', written over a horizontal line.

John Walrond
INSPECTOR OF MINES & QUARRIES

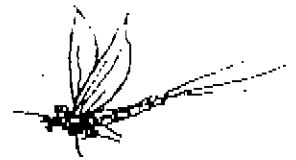
Enc



PROSPECTING LICENCE 31-895
Partial Surrender
 [Hatched Box] To be surrendered. 2173 ha approx.
 [White Box] To be retained 1827 ha approx.
 N.Z.M.S. 261 Sheets F.42 & F.43
 Scale 1:50,000
 L. & M. MINING LIMITED



Stream 2000



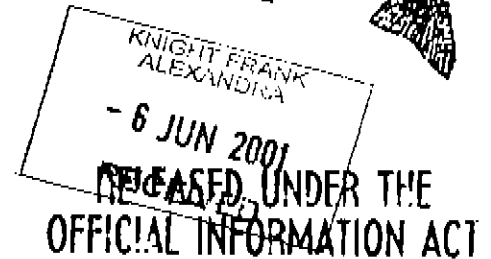
(STUDYING TROUT RIVER ECOLOGY AND MANAGEMENT.)

POSTAL ADDRESS 1. McGRATH STREET, NAPIER. NEW ZEALAND
PH/FAX 06 (+646) 8356426

CO-ORDINATOR: Brian Lowe. 1. McGrath Street, Napier.

CO-ORDINATOR & RESEARCHER: Derek Williams. 15 Sheehan Street, Bay View, Napier.

SECRETARY: Shona Lowe. 1. McGrath Street, Napier.



The Commissioner Of Crown Lands
C/- Knight Frank (NZ) Ltd
P.O. Box 27
ALEXANDRIA

STREAM 2000 SUBMISSION ON THE TENURE REVIEW IE:-
GLEN NEVIS PASTORAL LEASE, THE REMARKABLES-HECTOR MOUNTAINS.

A. We are against the Free holding of Alpine Lands with "High Inherent Values". The proposed freehold covenant area deserves proper protection and should end up as Public land.

B. We are against the proposal to graze and develop this land as we believe it would be unsustainable and would spill over to adjoining Conservation land without the proper boundary fences and this would blot the landscape and would also be impractical.

C. There remains uncertainty about the Public having provision and recreation in the area apart from April to December and prior permission may be required.

1. There is no prohibition to charge for access.
2. No provision for public foot access from lake Wakatipu.
3. No provision for Horse trekking despite old Pack Track crossing the range.

D. We are against the provisions for changing the covenant terms at some later date without Public submissions.

STREAM 2000 believes that this land is instead included into the conservation area, without grazing and with practical public access from the west.

B Lowe

BRIAN LOWE
CO-ORDINATOR
STREAM 2000

DATED: - June 1st 2001.

Commissioner of Crown Lands
c/o Knight Frank (NZ) Ltd
P O Box 27
Alexandra



Submission re Proposal to freehold high altitude land at altitudes of up to 1679m along tops of Hector Mountains.

It is my considered opinion after reading of and studying the CCL proposal to freehold high altitude land along the tops of the Hector Mountains, and also being familiar with the area mentioned through tramping mainly that this proposal should NOT go ahead.

I believe that this deal should not be accepted unless the area proposed for freeholding and covenanting is included in the conservation area, without grazing, and that public access from the west is provided in a practical way.

I am most certainly in favour of creating the 4470 hectare conservation area from the floor of the upper Nevis Valley to the crest of the Hector Mts. I am also in favour of creating a conservation covenant with certain reservations.

However to freehold is ridiculous as it will be lost forever to public ownership. This land is predominantly tussock grassland with alpine herbs and cushion plants and has highly inherent conservation and landscape values and deserves all the protection we can give it.

As for grazing on covenant land, it seems the boundary fence is optional and in reality means no fence. I have absolutely no confidence that grazing would not occur. The covenant provides for over-sowing and topdressing above the snowline fence and other works and development could be carried out not expressly prohibited by the covenant.

The covenant does not permit recreational use from December to April which is an important omission. There is no prohibition on charging for access. There is no provision for practical public foot access from Lake Wakatipu. There is no provision for horse trekking even though an old pack track crosses the range.

Covenants are not secure. They can be changed by secret agreements between parties or by court action initiated by any future owner. The covenant's terms can be done in secret as there are no provisions for public submissions.

Therefore my firm belief is that this deal should be turned down unless the area proposed for freeholding and covenanting is included in the conservation area, without grazing, and that practical public access be provided from the west.

4 June 2001

(25)
WILDELY FILMS

RECEIVED
- 6 JUN 2001



5.6.01

Commissioner of Crown Lands
c/- Knight Frank (NZ) Ltd
P.O. Box 27
Alexandra.

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OFFICIAL INFORMATION ACT

RE : TENURE REVIEW

I say no to freeholding of alpine lands.

This area needs permanent protection from :

- grazing
- the new owner carrying out work not prohibited in the covenant
- charging for access
- right of access
- changing the terms of the covenant without public consultation
- creates a precedent for the future of freeholding of alpine areas and indeed any of the DOC estate.

The area proposed for covenanting should be included in the conservation area with public access assured for future generations.

Regards

Steve Couper.



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

KNIGHT FRANK
ALEXANDRA
- 6 JUN 2001
RECEIVED

2 June 2001

The Manager
Knight Frank, Land Resources Division
PO Box 27
ALEXANDRA

Dear Sir

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Re Tenure Review: Glen Nevis Station

Thank you for your letters of 6 April and 1 May 2001 providing details about the proposed designations for this review.

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 13,000 members of tramping, mountaineering, climbing and other outdoor clubs throughout NZ, and indirectly represents the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country.

On their behalf, FMC aims to formalise and enhance recreation opportunities, to protect public interest values, and to ensure public access on high country pastoral leases through the tenure review process. FMC fully supports the aims of tenure review to promote sustainable land management and to protect significant interest values in conservation and recreation. FMC is grateful for this opportunity to comment on the draft proposal for Glen Nevis Station.

You will recall that in April 1997 FMC submitted its views about the Glen Nevis pastoral lease in the form of a "Preliminary Report on the Recreation and Public Interest values" of the property. That Report included 12 colour Figures illustrating various aspects of the property from a recreational perspective. For your information I now enclose a copy of the Preliminary Report and black and white copies of the illustrations.

Submissions on the Proposed Designations for Glen Nevis

We present our submissions in respect of both the current proposals, and our previous commentary and recommendations regarding the recreation and public interest values of Glen Nevis. These submissions are structured to refer to the paragraphs of our 1997 Report.

1. FMC is pleased to note that our commentary on the high recreational and other public interest values of a large part of Glen Nevis has been recognised at least in part in the proposal. FMC is however, disappointed at the lack of formal protection over the front faces between the snowline fence and the crest of the Hector Mountains (see below).
2. The proposals fall short of restoration to full Crown ownership and control, and instead suggest protection under a Conservation Covenant (S27, Conservation Act, 1987). Given the stated objectives of the proposed Covenant "to preserve and protect natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options for future generations." this appears, at first sight, to be satisfactory. However, closer examination of the Deed of Covenant reveals a number of unanswered questions and weaknesses regarding (i) the ownership of the land, (ii) the terms and conditions under which the provisions of the Covenant can be altered, (iii) public access to the

land and (iv) the monitoring of vegetation other than tussock grassland. FMC finds these matters unsatisfactory and we deal with them in greater detail later.

FMC believes that the Agents of the Commissioner have fallen short of their responsibilities under the Crown Pastoral Land Act, 1998 (CPLA). The Act (S24(b)) requires the protection of significant inherent values of reviewable land by the creation of protective mechanisms; or (preferably) by the restoration of the land concerned to full Crown ownership and control. In this case we believe that the significant inherent values which are known to exist in the upper part of the proposed freehold area (above the snowline fence) should be protected, as indicated in the Act, by restoration to full Crown ownership and control.

We do not accept that the proposed covenant will provide the required level of protection for a number of reasons. Under the heading "Problems with the DRAFT Deed of Covenant" below, we detail our concerns about the Covenant itself. Additional to those concerns is the practical reality that fencing is impractical and grazing would not be confined to the freehold area as stock would be free to wander over the crest of the range into the proposed conservation area. The consequence of that would be that not only would the significant inherent values in the proposed freehold area be inadequately protected, but also that the values in the proposed conservation area would also come under threat. This is totally unsatisfactory.

The Act requires that the management of land to become freehold should be ecologically sustainable. However, the Martin Report in 1994 stated that in the absence of appropriate inputs, the management of much of the high country was unsustainable. FMC argues that while some pasture improvement with oversowing and topdressing on the lower parts of the proposed covenant area might be technologically feasible it would be ecologically inappropriate and probably economically unsustainable over most of the land above about 1000m.

Paragraph 3.2 of the Preliminary Proposal states that the snowline fence ranges in altitude from 700 to 1100m which from the map, appears to be accurate. However, the map (Schedule: Draft Plan) shows the lower boundary of the proposed Conservation Covenant area in the altitude band between 900 – 1100m. Presumably some new fencing will be required to continue the snowline fence at this altitude. Any mention of this in the Preliminary Proposal seems to have been overlooked. This oversight should be rectified.

If the review was to proceed as indicated in the Preliminary Proposal and the entire front face to the crest of the Hector Mountains became freehold, this would pre-empt the intention, foreshadowed in the Conservation Management Strategy for Otago, to create a Remarkables Conservation Park. FMC is surprised that DOC appears to have acceded to the Preliminary Proposal and thus prejudiced its own objectives to create a Remarkables Conservation Park. If the Proposal proceeded it would also establish a very undesirable precedent for the split between freehold and conservation land on other pastoral leases on the Remarkables and Hectors.

3. Below the snowline fence, natural values are lower and production potential is higher. The requirement of the Act to "promote the management of the reviewable land in a way that is ecologically sustainable" appears to be satisfied. The freeholding proposal therefore appears to be acceptable, but provision needs to be made for the more secure protection of this highly visible landscape. The Environment Court has stated (Decision C180/99) that the provisions in the 1998 Revision of the Proposed District Plan for Queenstown Lakes District for the protection of landscapes are "completely inadequate". A binding covenant to protect the landscape values of the front faces, which are so prominent alongside the very heavily used tourist route between Queenstown and Milford Sound, is required.

4. Access provision has been made over the proposed new conservation land from the Nevis side of the Hector Range but access still needs to be provided to the land above the snowline fence on the front face whether this land is to be freehold land under Conservation Covenant or not. Although there

is a legal road this is an impracticable route and provision for public access, as indicated in the FMC (1997) recommendations, still needs to be provided. The preferred access would be up the farm track starting from the legal road at map reference F42 768.337 and returning via another farm track near the northern boundary of Glen Nevis.

5. See commentary under paragraph 3. above.

6. These recommendations have been accommodated in the 2001 proposals

7. These historic values will be protected under the proposal to designate this area as land to be restored to restored to full Crown ownership and control as a conservation area.

8. There is no indication in the proposal that the actual alignment of the Nevis-Garston Road coincides with the legal road. This needs to be confirmed by an appropriate statement in the final agreement.

Problems with the DRAFT Deed of Covenant.

Whether or not the Covenant proposed in this review survives the submission process, FMC has problems with the terms of the Covenant which could become a model for future tenure reviews. We therefore present this critique as a general commentary on the terms of the Covenant as proposed in this review.

1. Ownership of the land: The BACKGROUND states that "The Commissioner of Crown Lands (CCL) is deemed to be the owner of the land under S80(5) of the Crown Pastoral Lands Act, 1998" (CPLA). But Paragraph 1.2.4 states that "Where the parties disagree over the interpretation of anything contained in this Covenant, and in determining the issue, the parties must have regard to the matters contained in the BACKGROUND". And Paragraph 3 refers to the OWNER'S OBLIGATIONS, but it appears from the list of obligations, including 3.1 (the type of animals to be grazed) and 3.2 (the activities the owner may not carry out) that the 'Owner' referred to is in fact the person(s) managing the land (ie LJ and FJ Taylor) and probably the freehold owner of the land (See paragraph 2.2 of the proposal), rather than the CCL. Paragraph 14.3 refers to change of ownership and states that for the purposes of this clause, the term "OWNER" does not include the CCL. These statements appear to be inconsistent with the ownership statement in the BACKGROUND. The whole issue of OWNERSHIP needs to be clarified in the DEED.

2. The terms and conditions under which the provisions of the covenant can be altered

Paragraph 2.4 of the Deed of Covenant refers to "the nature of the parties objectives, and the possibility of an evolution of the state of knowledge about the Land and its ecology," may be such that a need may arise to alter the provisions of the Covenant. It is acknowledged that there may be such an evolution of the state of knowledge, and that such a need may arise, but the Covenant should spell out clearly the terms and conditions, and by whom, the provisions of the Covenant can be altered. It should also be made clear that the stated aims and objectives of the covenant shall remain sacrosanct.

3. Public access to the land

Paragraph 4 makes clear the times when the land will be accessible to the public, but it does not make clear how access to the land within the Conservation Covenant will be gained. Based on previous arguments FMC contends that access to the Conservation Covenant area on the Lake face would ideally be provided by two easements to permit a round trip to that land so that there would be provision for "appreciation and recreational enjoyment by the public" as spelled out in the definition of "Conservation purposes". An appropriate amendment should be made to the Deed of Covenant to accommodate this, and at the very least, provision should be made for access by one route up the lake face, for example by an extension of the legal road from map reference F42 768.337, up the farm track leading south of east to spot height 1020m (on the snow-line fence) from that point. This would lead

recreational users directly to the saddle to the north of Lorne Peak, and along the crest of the Hector Mountains from that point.

4. The monitoring of vegetation other than tussock grassland

Schedule III spells out the grazing restrictions which appear to be a reasonable starting point from which to monitor the effects of the prescribed grazing regime. The schedule also defines two ecological units to be monitored. These are:-

- (i) Narrow-leaved snow tussockland and associated shrubland... up to approx. 1500m.
- (ii) Slim snow tussockland/narrow-leaved tussockland and associated cushionfield above (i).

The actual monitoring schedule appears satisfactory except for the following:-

There is no provision to monitor shrublands when there is more than 20% shrub cover, and there is no provision to monitor the high altitude cushionfields. Given that these communities are likely to be at risk from grazing pressure, there should be provision in Schedule III for the regular monitoring of these communities. Furthermore, there should be provision in Clause 2 of the Schedule to specify the appropriate actions (reduction in stocking rate or destocking) in response to measured adverse effects.

5. The absence of other provisions relating to the Covenant area

We note that there are no provisions to prohibit the charging for access over the freehold land to the public conservation land beyond or "*for their appreciation and recreational enjoyment by the public*" of the proposed covenant area itself.

There is no provision for horse trekking despite an old pack track which crosses the range.

The lack of these provisions should be corrected in any future covenant proposals.

FMC concludes that this Covenant is an unsatisfactory way of protecting the significant inherent values of the front faces of Glen Nevis, and is also unsatisfactory as a model for possible use in other tenure reviews in future. We recommend that all the matters referred to above are addressed before any use of Covenants is contemplated in future.

CONCLUSION

Although the proposal contains some good features, FMC believes that the Crown should not accept this Proposal unless the proposed covenant area is returned to full Crown ownership and control and included in the conservation area, with no grazing, and with public access from the west.

Finally, FMC is grateful for this opportunity to comment on the Preliminary Proposal for the Glen Nevis tenure review and would be willing to take part in further discussions on any of the matters raised in this submission.

Yours faithfully



Barbara Marshall,
Secretary, Federated Mountain Clubs of NZ Inc.

(30)
FMC Preliminary Report and submission on the Tenure Review of
Glen Nevis Station, April 1997.

FRANK
ALEXANDRA

6 JUN 2001

RECEIVED

1. There are large areas of high recreational and other public interest value on Glen Nevis Station. These consist of the actual and potentially increasing recreational opportunities along the Remarkables and Hector Ranges, both as a tramping or X-C ski traverse of the range and as a possible future extension to the Remarkables Conservation Park (Fig 1). The property dominates the front faces and extends over the crest of the Hector Range (Fig 2) down to the Nevis River at about 800m. Public interest is also very high in the Nevis Valley, both in terms of the natural values of the largely unmodified tussock grasslands above about 900-1000m (Fig 3), and in terms of the historic values associated with the rich gold mining history of the valley (Fig 4).
2. FMC recommends that the front faces above the snowline fence at approximately 1000m should be transferred to DOC as a possible future extension to the Remarkables Conservation Park (Fig 5).
3. Below the snowline fence, natural values are lower and production potential is higher. This land could become freehold farmland, but with conditions to prevent the adverse effects of inappropriate development such as subdivision, or forestry (Fig 6).
4. If the land above the retirement fence is to be transferred to DOC, then public access will be required to that land. Especially important will be access for tramping, X-C skiing and enjoying the natural values protected in the new public conservation land. Because of the obvious advantages of round trip travel (as opposed to there and back trips) two points of access using existing farm tracks are suggested. The actual choice of tracks could be negotiated.
5. The lower parts of the front (Wakatipu) faces are extremely important from a landscape perspective as they dominate the tourist route along the length of the Remarkables/Hector Ranges which are regarded as a tourist icon of New Zealand (Fig 7). If these faces are to become freehold, then adequate landscape protection against the adverse effects of subdivision, afforestation, tracking, structures or other inappropriate forms of development, must be provided. FMC does not consider that District Plans under the RMA provide sufficiently secure or long term protection of landscape values. We therefore recommend at least a Covenant over landscape values as an essential outcome of tenure review.
6. On the Nevis side of the property, the valley floor reaches almost 900m and therefore it's production potential is limited and use is probably restricted to summer grazing (Figs 3 and 8). It is recommended that because of this and the high natural values of the tussock slopes that all land above 900m be transferred to DOC. There may be some possibility of lease back of limited grazing of the lower slopes with strict stock limitations.
7. The valley floor alongside the river provides good summer grazing (Fig 8) but there are also high historic values associated with gold mining, mainly along the foot of the slopes (Figs 9 and 10). A historic reserve is recommended for the land which is bounded at its upper level by the top water race and at its lower level by the Nevis-Garston Road. This would include the extensive system of water races and other water works, remains of cottages, old sluice workings (Figs 9 and 10) and more modern mining remains (Fig 11).
8. The Nevis-Garston Road (Fig 12) is now well used by mountain bike enthusiasts as well as 4WD vehicles. It's legal alignment for unrestricted public use should be confirmed as part of the tenure review process.

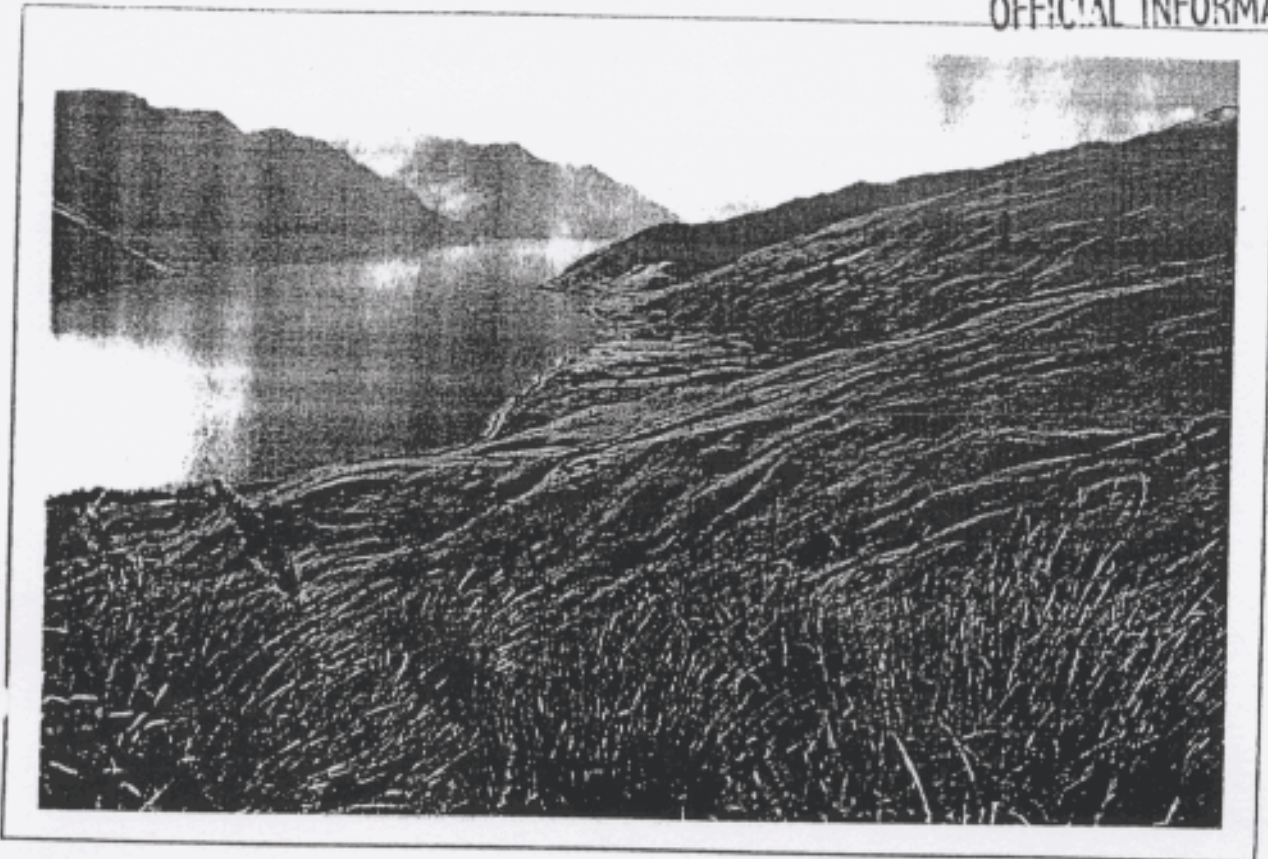


Figure 1. This view from 1000m on the front face of Glen Nevis Station gives an impression of the "top of the world" nature of the skyline traverse of the Hector Range

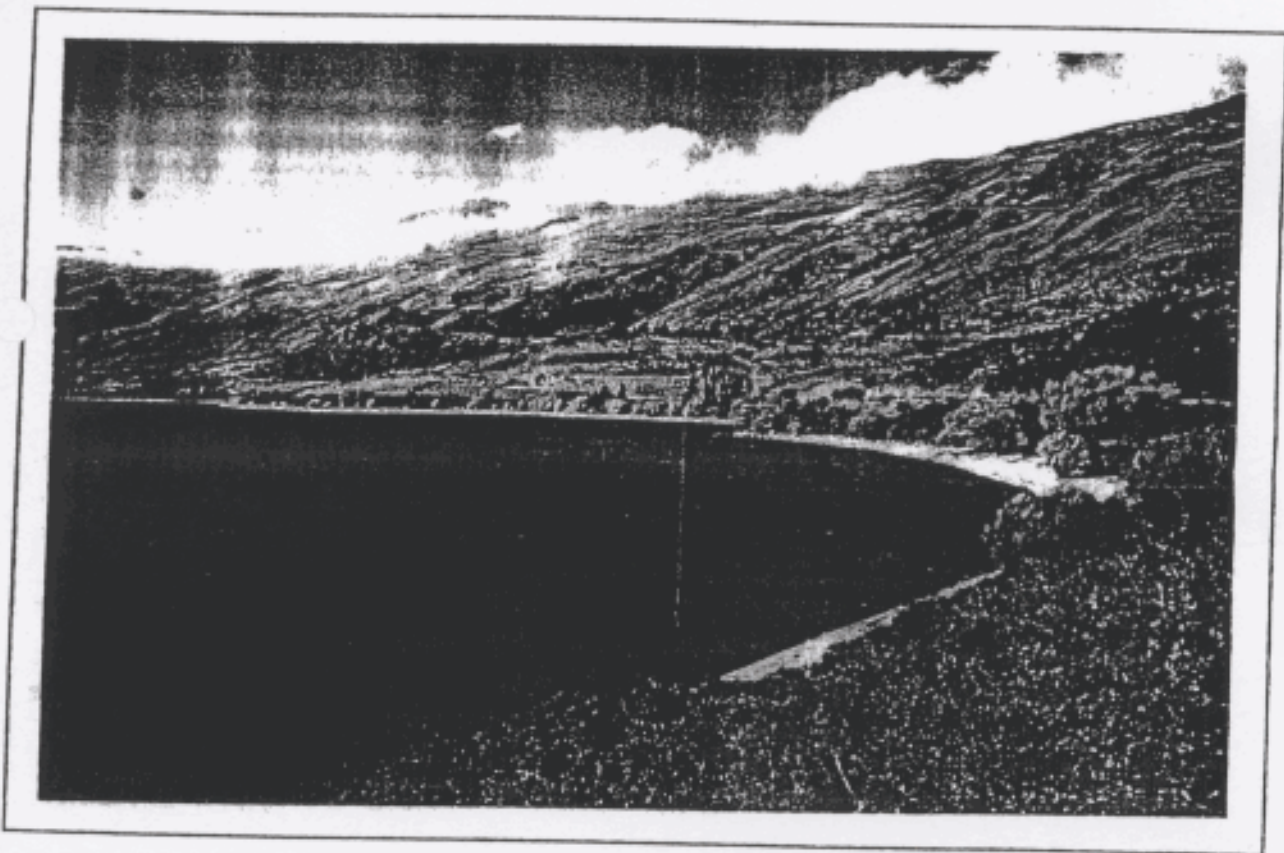


Figure 2. Glen Nevis occupies the front face of the Hector Range from Lorne Peak in the south to James Peak (among the clouds) in the North. The property dominates the landscape, and maintenance of its high scenic qualities and landscape value is therefore very important

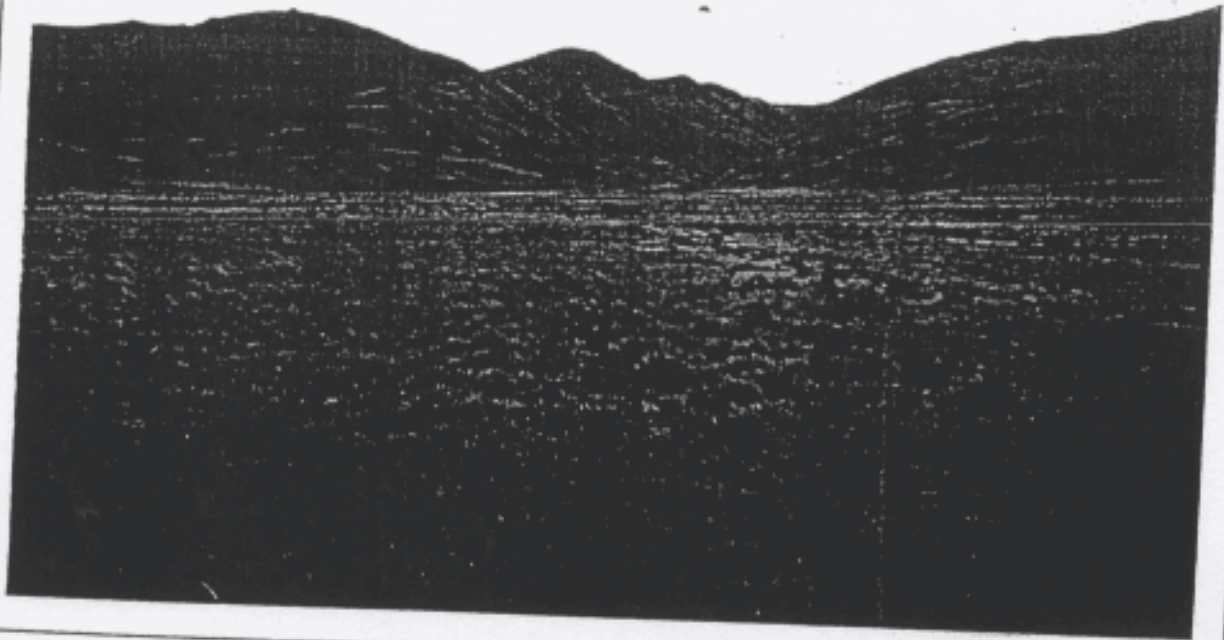


Figure 3. Glen Nevis Station extends over the crest of the Hector Range (skyline in this photo) and descends to about 800m at the Nevis River. The tussock faces have high natural and landscape values



Figure 4. The Nevis Valley was also an important historic gold mining area and considerable interest attaches to the gold mining remains which should be protected in an Historic Reserve



Figure 5. It is recommended that all land above the snowline fence (centre of photo and approximately 1000m above sea level) is transferred to DOC for addition to the Remarkables Conservation Park.

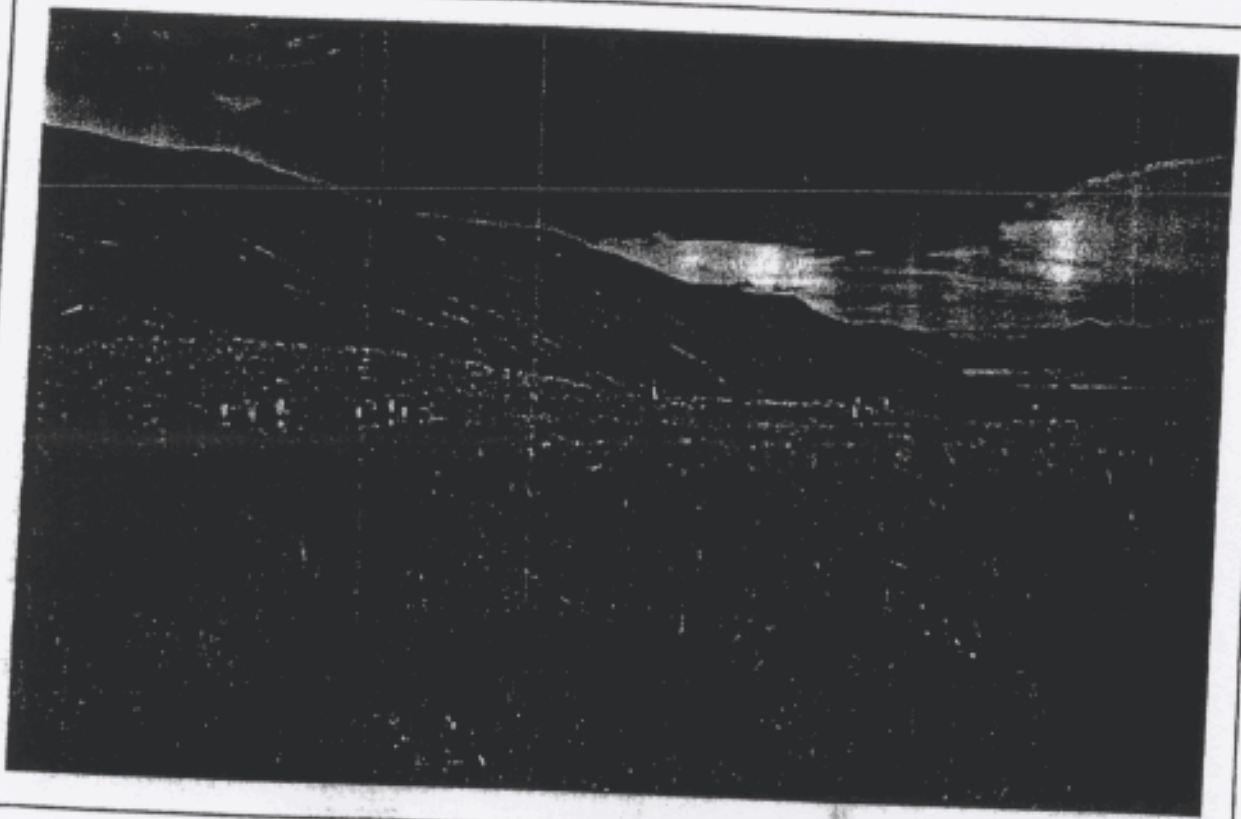


Figure 6. Below the snowline fence natural values are reduced and production values are greater. This land could become freehold, but with conditions to avoid the adverse effects of inappropriate development such as forestry and building

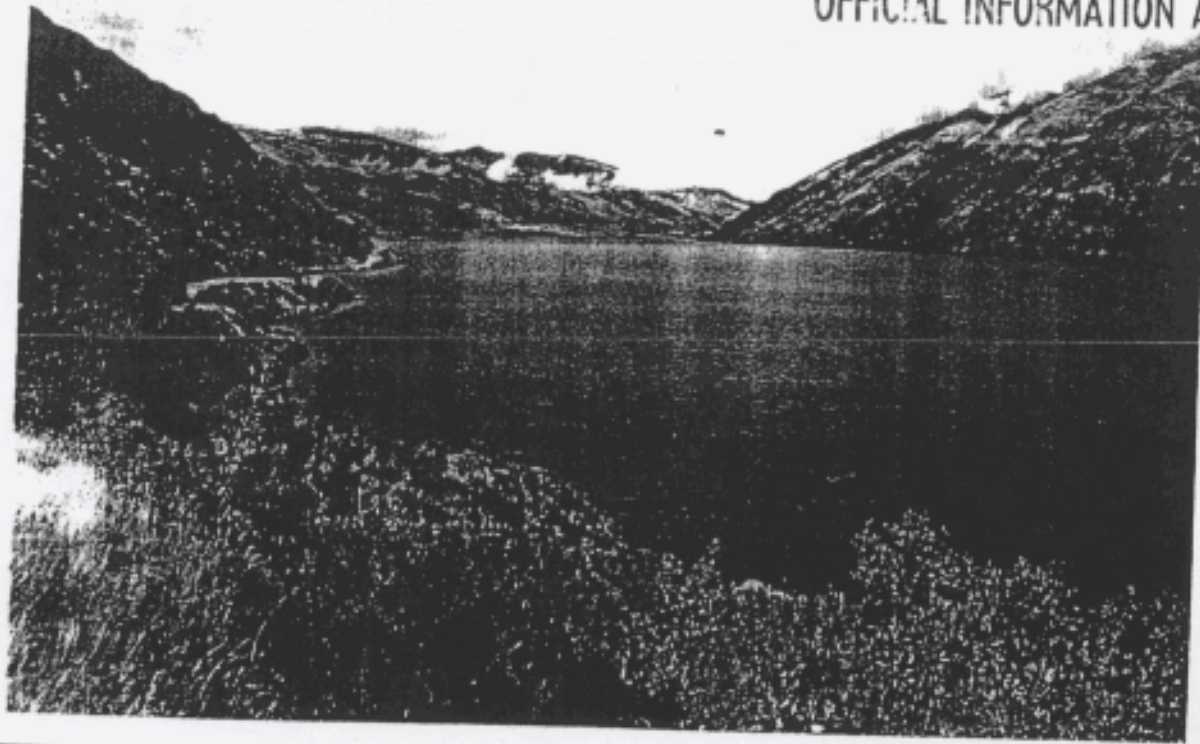


Figure 7. Looking south from Staircase Creek, the faces of Glen Nevis Station with Lorne Peak on the centre of the skyline, dominate the view. Because of the tourist importance of the scenic highway, landscape protection is vital



Figure 8. The grazing land by the Nevis River is about 800m above sea level and production is therefore limited. There are features of historic importance adjacent to the road and along the lower slopes, while natural values are high on the tussock grasslands above the water races

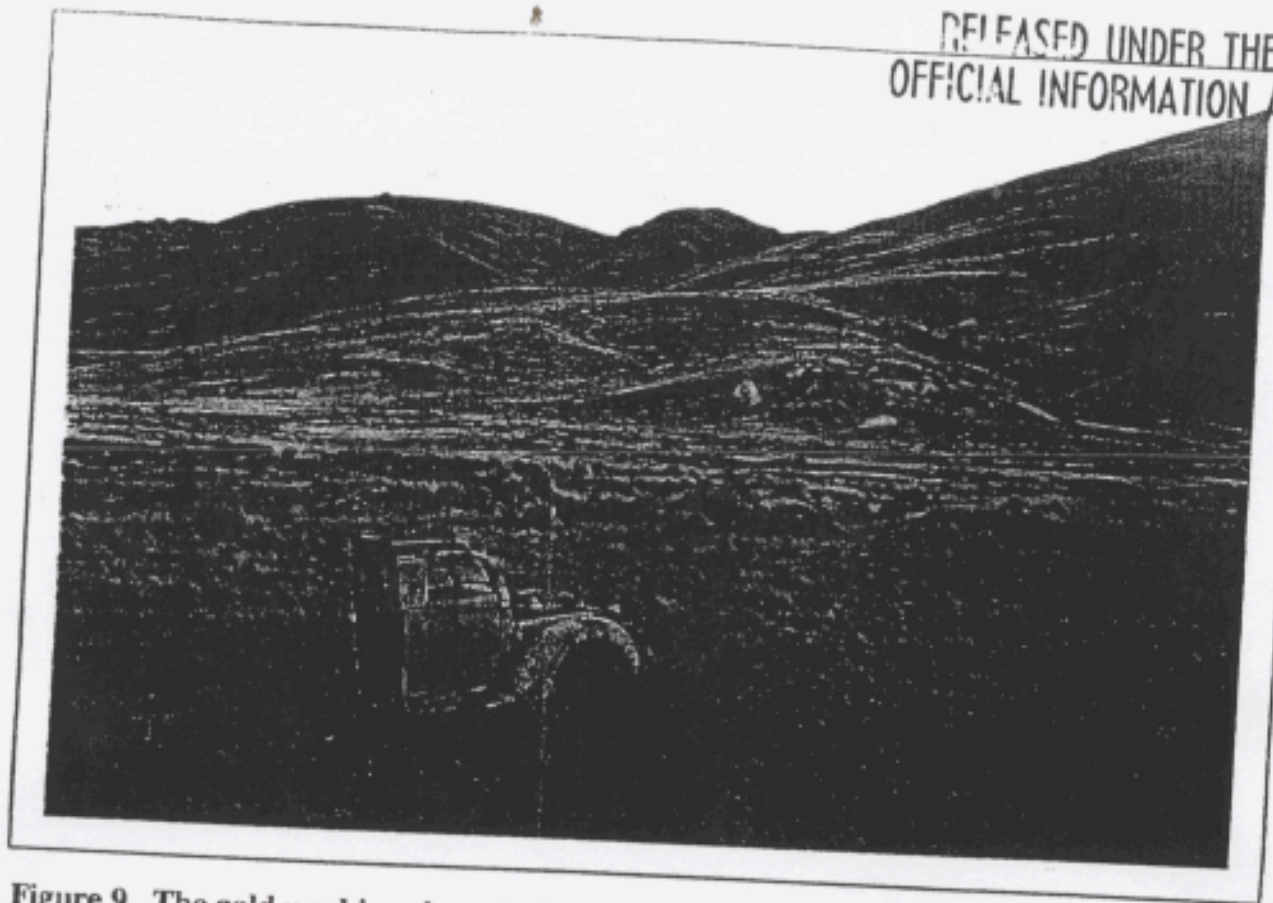


Figure 9. The gold workings have had a varied history, some of which is indicated in the present day remains which include water races, sluicings, ponds and deserted dwellings and vehicles. These deserve protection in an Historic Reserve

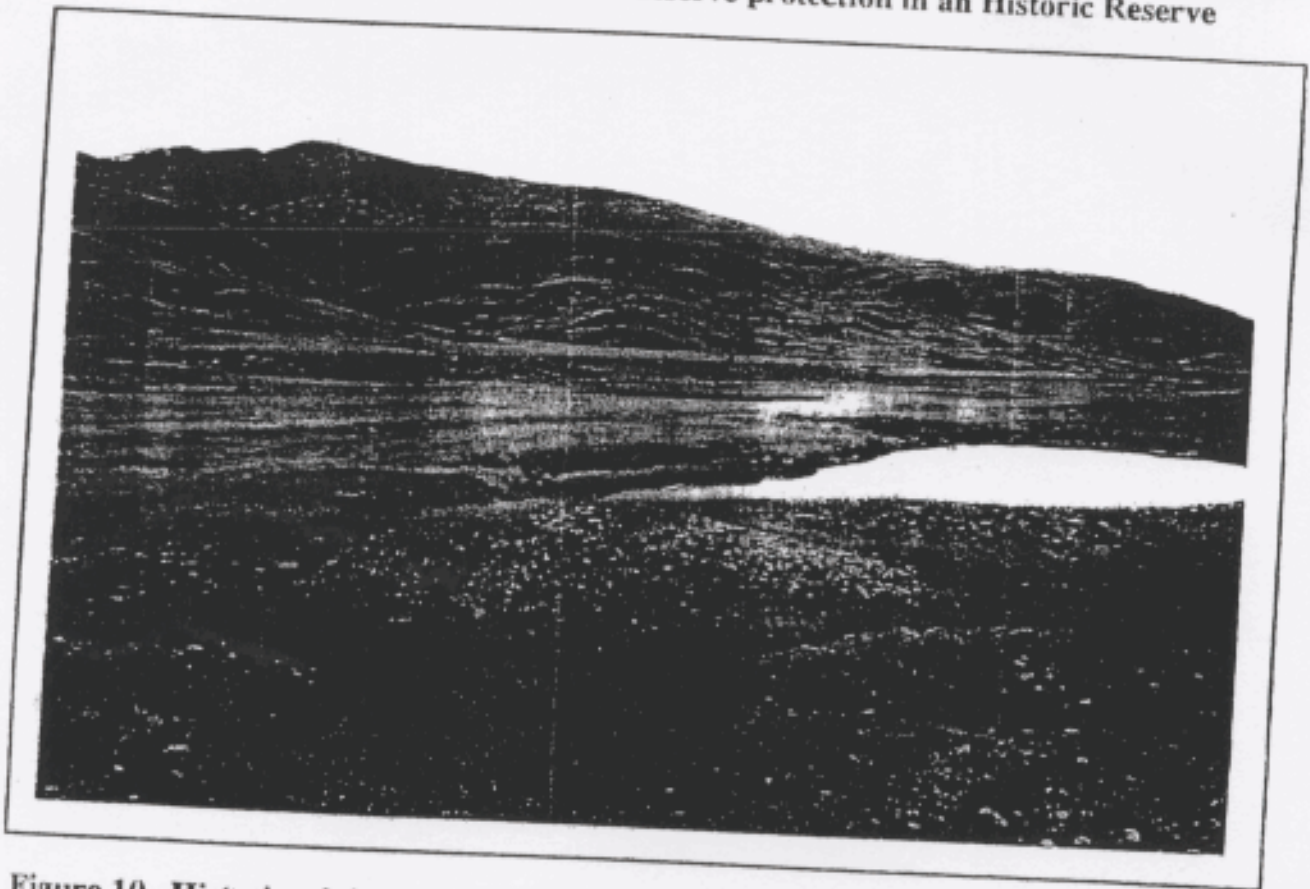


Figure 10. Historic mining ponds near the northern boundary of Glen Nevis at Bailey's Hill, showing also James Peak (Loch Linnhe Station) on the skyline



Figure 11. Modern gold mining in Drummond Creek. Land restoration is a condition of the mining permit



Figure 12. The Nevis-Garston road, which is well used by mountain bikers as well as 4WD enthusiasts, traverses the Nevis part of Glen Nevis Station and its legal alignment should be confirmed as part of the tenure review process

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

The Commissioner
of Crown Lands

% P O Box 27, Alexandria

RECEIVED
FRANK
ALEXANDRIA
- 6 JUN 2001

4th June, 2001

Dear Sir,

PROPOSAL TO FREED PART OF GLEN
NEVIS PASTORAL LEASE

I submit that the freeholding of 2,200 hectares of the above lease is unsatisfactory and, for the following reasons, not in the public interest.

- 1) Such freeholding is likely to set a very dangerous precedent which can only encourage the pirating of publicly-owned land.
- 2) People such as skiers, hunters and trampers, would under your proposal, be deprived of the use of this land - either partially, seasonally or both.
- 3) Future changes to the proposed covenant could be made without any provision whatsoever for public submissions.

Public ownership of this land should be retained not removed! If a change has to be made why can't this land become the initial contribution to a "Remarkable Conservation Park?"

Yours faithfully

KNIGHT FRANK
ALEXANDRA
- 5 JUN 2001
RECEIVED

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

29th May, 2001

Commissioner of Crown lands,
c/- Knight Frank, Alexandra

Dear Commissioner,

Subject: Glen Nevis

I strongly oppose the proposal to freehold 2200 hectares of land flanking the Hector Mountains on this property as part of a tenure review. This land has high conservation and recreation values. I was one of the first to enjoy cross country skiing on the Hector Mountains in the mid 1970's and have a real appreciation of the landscape and natural values of the area. Part of the tenure review outcomes for Glen Nevis are certainly worthwhile—the plan to create a 4470 hectare conservation area which includes part of the valley floor, but the plan to freehold high mountain lands is a blot on the review and provides encouragement to other lessees in the area to freehold mountain lands which have the potential to form part of a future conservation park. I also oppose the device of covenants as a means of protecting part of the run. Covenants have been amply shown to be insecure and unsatisfactory in ensuring adequate protection. There are also problems relating to public access, which make this solution untenable. I hope that you will see fit to revisit the problem conditions in the review and look forward to this. Unless this is done I propose that there be no agreement with the lessee.

Yours sincerely,

10
RELEASED UNDER THE
OFFICIAL INFORMATION ACT

SOUTH OTAGO BRANCH
c/- 31 BOIR ST
DUNEDIN



FORE
& BIF

ROYAL FOREST
BIRD PROTECTION
SOCIETY
NEW ZEALAND

1 June 2001

COMMISSIONER of CROWN LANDS
c/- KNIGHT FRANK (NZ) LTD
PO BOX 27
ALEXANDRA

HECTOR MOUNTAINS TENURE REVIEW

Members of the South Otago Branch of Forest & Bird while applauding the creation of a conservation area from the Novis Valley to the crest of the Hector Range, believe that by freeholding the 2200 ha. from the crest to the shores of Wakatipu, much land with high inherent conservation and landscape values will be lost to the public.

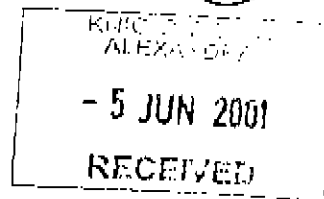
The proposed covenant does not provide absolute protection to the area and could in the future see the area being restocked by unsympathetic owners.

The areas proposed for freeholding and covenanting should be included in the conservation area excluding all grazing, thus protecting significant and diverse native plants and unique landscapes.

M. J. McClintock

Marylyn McClintock
Secretary

28/5/2001



Commissioner Crown Lands,
of Knight Frank (NZ) Ltd,
10 Barr St,
Alexandra

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Dear Sir,

Submission - Hector Mountains

I view with alarm the proposal to freehold 2200ha from the shores of Lake Waikarepo to the crest of the Hector Mountains. To create a 4470ha Conservation Area from the floor of the Upper Neve Valley to the crest of the Hector Mountains. To create a Conservation Covenant over 1150ha of the above freehold. This will be from a fence a snowline fence, at the 1000m to the crest of the Hector Mountains at 1679m.

My submission is based on the following:
Transferring part of the Neve Valley and the eastern side of the Hector Mountains will create a large Conservation Area for public foot recreation. There are many rare plants and historic mining sites. There are of important conservation values. I support this.

If the proposal proceeds, a huge area of high altitude and alpine lands with "high inherent values" will be freeholded and lost from public ownership forever. The proposed freehold covenant area is predominantly tall tussock grassland, with alpine herbs and cushion plants along the crest of the range. It is also very visible from along the State Highway leading to Queenstown. This land has "high inherent conservation" and landscape

values and deserves proper protection. It is also good cross country skiing and summer tramping terrain. These are my reasons for opposing the proposal.

The idea of a High Country Remnantable Conservation Park which could come into being as adjoining lands to the North and South Is through tenure review should be considered.

New Zealand has lost so much. 92% of our wetlands gone, North Island native forest decimated, South Island native forest now receiving more protection. Much reclamation has been carried out. 30% of the Queen's Chain has been lost. The public are losing out through the increasing number of shellfish and fish farms being approved. The Abel Tasman Park is under threat due to over use. We are seeing the threat to our rivers due to the demand from dairy farming wanting huge amounts of irrigation.

If the above proposal succeeds then it will set a precedent for tenure reviews elsewhere in the South Island. Many more deals in Southland, Otago, Canterbury and Marlborough will be influenced by what is decided for Glen Nevis. Protect our Country.

Commissioner of Crown Lands
c/-Knight Frank(NZ) Ltd
PO Box 27
Alexandra

RECEIVED
- 1 JUN 2001
RECEIVED

31st of May 2001

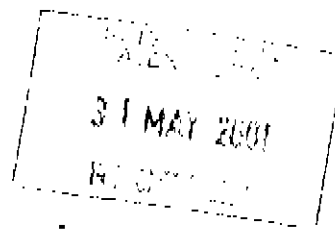
REFUSED UNDER THE
OFFICIAL INFORMATION ACT

Dear Sir,

This submission is about the Covenant of Glen Nevis. This Covenant inadequately Protects conservation values as it provides for continued grazing of high altitude lands. The Covenant provides that after monitoring of vegetation condition the Minister of Conservation "may" require grazing reductions or destocking. However, based on official performance to date, there is little cause for confidence that any reductions in grazing would ever occur. The Minister of Conservation could in future agree to tree planting, erection of buildings, and burning, all without any public objection procedures. The owners may carry out works and developments not expressly prohibited by the covenant. Another objection is the uncertainty and inadequate provisions for public access and recreation. There is no prohibition on charging for access. There is no provision for practical public foot access from Lake Wakatipu. There is no provision for horse trekking despite an old pack track crossing the range. Covenants are not secure. The covenants bind the parties in perpetuity however this provision could be extinguished between the parties or by unilateral Court action initiated by any future owner. There are express provisions for changing the covenants terms which can be done in secret as there are no provisions for public submissions. Recent experience on Crown land in the high country suggests that even the most gross, recurring breaches of legally binding agreements do not result in official sanctions. The perpetrators are being rewarded for their misdemeanors. Future owners may have no inclination to honor agreements for protection or public access. Unlike on public lands, on freehold there are no remedies available to the public. These are my objections. No deal is preferable to a poor deal. This case provides a crucial precedent for reviews elsewhere in the South Island. Many more deals will be influenced by what is decided for Glen Nevis. I thank you for your time.

Sincerely Yours

Commissioner of
Crown Lands,
P.O. Box 27,
Alexandra.



29 May 2001

Dear Commissioner,

The creation of a 4470 hectare conservation area from the floor of the upper Nevis Valley to the crest of the Hector Mountains is most welcome.

However I would like to make a submission with regard to the following proposals.

1 To freehold 2200 hectares from the shores of Lake Wakatipu to the crest of the Hector mountains

This would be a disastrous decision for conservation, recreation and scenic values.

2 To create a conservation covenant over 1150 hectares over the above freehold.

I believe that all this area should be included in a Remarkables Conservation Park.

I believe that the covenant
inadequately protects the conservation
values. It — 2

a provides for oversowing + top
dressing

b The Minister of Conservation could in
future agree to tree planting, erection
of buildings and burning, all without
any public objection procedures.

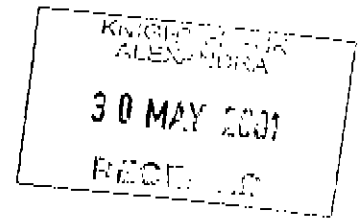
c The owner may carry out any other
works and development not expressly
prohibited by the covenant.

I believe that the Crown must
reject this deal, unless the area
proposed for freeholding and
covenanting is included in the
conservation area without grazing; and
that practical public access is provided
from the West.

Yours Sincerely,

27 May 2001
Commissioner of Crown Lands.

C/- Knight Frank 'NZ' Ltd.
P.O. Box 27
Alexandra.



Re. Glenn Nevis Tenure review.[c]

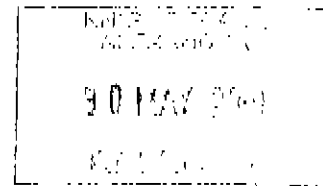
Glenn Nevis Pastoral Lease
The Remarkables - Hector Mountains Location south of Queenstown; east of
Kingston at the bottom of Lake Wakatipu.

Dear Commissioner,

I ask that you do not freehold the 2200 hectares from the crest of the Hector
Mountains to the shores of Lake Wakatipu.
I believe grazing of high alpine environment is unsustainable and grazing of the
covenant area will spill over onto the adjoining conservation area.

I believe any necessary future reductions in stock numbers to curb overgrazing may
not happen. Resulting in accelerated erosion and destruction of this fragile landscape.

Yours faithfully,



28 May 2001

Commissioner of Crown Lands
c/- Knight Frank (NZ) Ltd
P O Box 27
Alexandra

Dear Sir/Madam

Submission on GLEN NEVIS TENURE REVIEW

I write, in utmost support of another submission to you, to propose;

"That all country retired from grazing be formally reserved as an open-range deer park, for recreational hunter management and control, under New Zealand Deerstalkers Association. Models for this exist elsewhere, such as at Woodhill, near Auckland. Of course there would be a cost, but it could all be done as cost recovery.

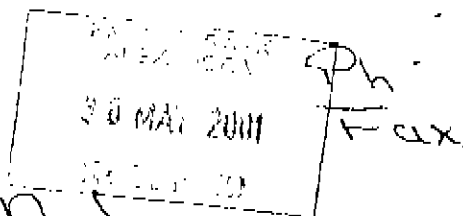
It is magnificent country, which has been regularly grazed by cattle & sheep and would make the most marvellous deer resource and demonstration of hunter management.

I oppose any of this area being rendered into conservation area or conservation park, without the above proposal in place."

Yours sincerely

Commissioner of
Crown Lands

28 5 01



Dear Sir or Madam,

This is a submission on the proposal to freehold 2200 hectares from the shores of Lake Wakatipu to the crest of the Hector Mountains.

To create a 4470 hectare conservation area from the floor of the upper Nevis valley to the crest of the Hector Mountains.

To create a conservation covenant over 1150 hectares of the above freehold from a snowline fence to the crest of the Hector Mountains.

I oppose the proposal on the following grounds:

That the freeholding of the alpine and high altitude lands will take them out of public ownership and threaten the conservation values of the flora and fauna found there.

- 2/ That the proposed covenant fails to recognize and protect these conservation values in allowing grazing to continue at high altitude against a boundary which will probably prove to be impossible to secure. Thus providing lack of protection at all levels.
 - 3/ That the proposed covenant does not provide for free and unrestricted use by the public for recreation purposes.
 - 4/ That the proposed covenant is not a tool which will preserve access and use for future generations as it may be overturned by court or negotiated away without public submission.
- I suggest that the proposed area for freeholding and covenanting be included in the conservation area, free of grazing, and provision made for practical public access.

Yours Sincerely

Safari Excursions – Wild Flower Walks
41 Glencarron Street
Alexandra
TELEPHONE 03 448 7474
E-mail jdouglas.alex@xtra.co.nz

29 May 2001

Commissioner of Crown Lands
c/- The Manager
Knight Frank (NZ) Ltd
PO Box 27
ALEXANDRA

Dear Sir

GLEN NEVIS TENURE REVIEW - PRELIMINARY PROPOSAL

The Commissioner of Crown Lands has advertised a proposal to freehold high altitude land, with high conservation and landscape values at altitudes of up to 1679m along the tops of the Hector Mountains. The land is on Glen Nevis Pastoral Lease south of Queenstown and The Remarkables, near the "bottom" of Lake Wakatipu.

THE PROPOSAL The Commissioner proposes:

- To freehold 2200 hectares from the crest of the Hector Mountains to the shores of Lake Wakatipu.
Comment: Support
- To create a 4470 hectare conservation area from the floor of the upper Nevis Valley to the crest of the Hector Mountains.
Comment: Support
- To create a conservation covenant over 1150 hectares of the above freehold. This will be from a "snowline fence" at 1000m to the crest of the Hector Mountains at 1679m.
Comment: Very much against.

WHAT'S RIGHT WITH THE DEAL?

Transferring to DOC part of the Nevis Valley and the eastern side of the Hector Mountains will create a large conservation area available for public foot recreation. There are important conservation values within the area including the valley floor of the Upper Nevis, which has many rare plants and interesting historic mining sites going back to the 1860's into the 1900's. This will be the first tenure review proposal to include some lowland valley floor, which is definitely worth celebrating! Not only are there some rare plants on the valley floor *Ranunculus ternatifolius*, a very small rare buttercup that is only found were *Chionocholea ruba* ssp. *cuprea* (copper tussock) grows on the foothill slopes, and along with some alpine species on the river terrace of the valley floor like *celmisia sessiliflora* – a cushion mountain daisy. Also associated within the plant communities are a wide collection of insect fauna, which includes four species, recently identified – a black carabid beetle, a chafer beetle and two types of moths.

There is also good existing public road access to the Nevis Valley, the Nevis / Garston Road providing 4WD access to the upper Nevis Valley.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



WHAT'S WRONG WITH THE DEAL?

If the deal goes ahead as is, a large area of high altitude and alpine lands with "high inherent values" will be freeholded and lost from public conservation forever. The proposed freehold covenant area is predominantly tall tussock grassland, with alpine herbs and cushion plants along the crest of the range. It is very visible from all along the State Highway. This land has "high inherent conservation" and landscape values and deserves legal protection by return to full Crown ownership and control. It also provides good cross country skiing and summer tramping terrain. I and other organizations believe that it should be included in a Remarkables Conservation Park, which will gradually come into being as adjoining lands to the north and south go through tenure review. This deal may result in a freehold enclave within a future Remarkables Conservation Park, or it will set a precedent for creating the boundary for the Park high up along the tops of the Remarkable and Hector Mountains.

SPECIFIC PROBLEMS

Grazing and Development

The proposed covenant would inadequately protect conservation values as it provides for continued grazing of high altitude lands. The agreement provides an option of boundary fencing along the range crest however this would be a blot on the landscape and impractical to maintain against snow damage as do all snow fences especially those on summit tops. This means that in reality, there will be no fence between the freehold covenanted land and the land that is proposed to be transferred to DOC.

Consequently the entire area will continue to be grazed as if it were still within a pastoral lease, i.e. business as usual. In our opinion neither the Crown nor the public are getting a good deal.

The Covenant provides that after monitoring of vegetation condition the Minister of Conservation "may" require grazing reductions or destocking. However, based on official performance to date, there is little cause for confidence that any reductions in grazing would ever occur. A further problem arises from stray stock that again can find their way into owners properties as was seen this summer with cattle stock from Nokomai Station found grazing to the foothills of the Hector Range.

The covenant provides for over sowing and topdressing above the snowline fence. How silly as this predominantly tall tussock grassland, with alpine herbs and cushion plants all along the crest of the range.

The Minister of Conservation could in future agree to tree planting, erection of buildings, and burning, all without any public objection procedures. Tree planting and burning in predominantly tall tussock grassland is not an acceptable environment practice.

The owner may carry out any other works and development not expressly prohibited by the covenant.

Uncertain and Inadequate Provisions for Public Access

The covenant only "permits" recreational use from April to December, and prior permission may still be required. Summer recreation is as important as winter use. There is:

- No prohibition on charging for access.

- No provision for practical public foot access from Lake Wakatipu. There is an unformed legal road, (direct valley access to Kingston) however foot access up a 4WD track in the center of the property would be best.
- No provision for horse trekking despite an old pack track, which crosses the range.

Covenants are NOT Secure

The covenant binds the parties in perpetuity but this provision could be extinguished by secret agreement between the parties or by unilateral Court action initiated by any future owner.

There are express provisions for changing the covenant's terms, which can be done in secret, as there are no provisions for public submissions.

Recent experience on Crown land in the high country suggests that even the most gross, recurring and blatant breaches of legally binding agreements do not result in official sanctions. The offenders invariably get 'wet bus ticket' treatment, and then are rewarded for their misdemeanors.

There are no problems with the current lessee, however future owners may have no inclination to honor agreements for protection or public access. Unlike on public lands, on freehold there are no remedies available to the public.

NO DEAL IS PREFERABLE TO A POOR DEAL

This case provides a crucial precedent for tenure reviews elsewhere in the South Island. Many more deals in Southland, Otago, Canterbury and Marlborough will be influenced by what is decided for Glen Nevis.

Not only myself but also other organizations like PANZ, Forest and Bird, FMC, and CORANZ believe that the Crown should turn down this deal unless the proposed covenant area is included in the conservation area, with no grazing, and with practical public access from the west.

It is likely that future freehold owners will be very interested in the lakeside flats for their subdivision potential. Therefore there appears to be no necessity to perpetuate grazing of high altitude lands to maintain economic viability for the property. In any event, such grazing is unsustainable.

Thank you for the opportunity to comment on the Glen Nevis Preliminary Proposal and wait for your reply.

Yours sincerely



John Douglas
Manager / Guide

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

25 May 2001

KWIGHT PETERSON
ALEXANDRIA
29 MAY 2001
RECEIVED

Commissioner of Crown Lands
c/- Knight Frank (NZ) Ltd
Box 27
Alexandra

Dear Sir,

I submit my opposition to the Commissioner's proposal to freehold certain high altitude land up to 1679 metres along the tops of the Hector Mountains on the Glen Nevis Pastoral Lease south of Queenstown and the Remarkables in the Lake Wakatipu region.

1. This land ought ~~to~~ to be freeholded, but retained in full and complete Crown ownership in perpetuity;
2. This land should ~~should~~ become at the earliest date a Remarkables Conservation Park and kept for public recreation and quiet enjoyment; ^{importance}
3. The terrain has a unique and irreplaceable botanical/which will be all to rapidly degraded by 'development' a la Queenstown;
4. SO KEEP THE WILD HECTOR MOUNTAINS UNSBOILED AS GOD MADE THEM, ALL THEIR CREATURES FREE UNDER THE ELEMENTS, THE SKY AND AN UNTRAMMELED SUMMIT: NO BUSY BODY BUREAUCRATS WHO SEE OUR BACKCOUNTRY AS PAPERMILLS FOR THEIR PETTY AMBITIONS.

Please acknowledge this submission, and keep me regularly informed on the Mt Hector matter.

(9)

P020111

UNITED STATES
ALEXANDRIA
28 MAY 2001
RECEIVED

26.5.2001

Commissioner of Crown Lands

Box 27 Alexandria

Dear Sir,

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

The island has been sold X

Retain 1 easement - put in Rematchables Book ✓

Yours sincerely

⑧

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

To Fax 03 4489099

Commissioner of Crown

From Fax :

Date 28/5/01 re Glen Nevis Pastoral Lease

I write to urge you to retain this leasehold
water the long term view of retaining much
(including the Hector Mountain Taps) for the
Remarkables Conservation Estate.

KNIGHT FRANK
ALEXANDRA
29 MAY 2001
RECEIVED

26.5.01

Commissioner of Crown Lands
B/o Knight Frank (N.Z.) Ltd.
Alexandra

KNIGHT
ALEX.
29 MAY 2001
RECEIVED

Dear Sir

Re permission to freehold 2200
hectares from shores of Lake Wakatipu
to crest of Hector mountains.

I am writing against this
freehold proposal which will
take the land from public
ownership forever.

This land is predominantly
tussock grassland, with alpine
herbs & cushion plants near the
crest of the range. It is a very
visable natural landscape from
the State Highway leading to
Queenstown.

This land has high inherent
conservation & landscape values,
and deserves proper protection.
It is also good cross country
skiing and summer tramp
terrain.

I hope it will be included in a
future Remarkables Conservation
Park where it can be enjoyed
by all New Zealanders and our
visitors.

Yours faithfully

Commissioner of Crown Lands
c/- Knight Frank (NZ) Ltd
P O Box 27
Alexandra



27th May 2001

Dear Sir/Madam

Submission on GLEN NEVIS TENURE REVIEW

I propose, that all country retired from grazing be formally reserved as an open-range deer park, for recreational hunter management and control, under New Zealand Deerstalkers Association. Models for this exist elsewhere, such as at Woodhill, near Auckland. Of course there would be a cost, but it could all be done as cost recovery.

It is magnificent country, which has been regularly grazed by cattle & sheep and would make the most marvellous deer resource and demonstration of hunter management.

I oppose any of this area being retired as conservation area or conservation park, without the above proposal in place.

I wish to be hard in support of this submission.

Yours faithfully

Ph/Fax

KNIGHT FRANK
ALEXANDRA
28 MAY 2001
RECEIVED

23rd May 2001

The Commissioner of Crown Lands,
C/- Knight Frank (NZ) Ltd.,
P.O. Box 27,
ALEXANDRA,
SOUTH ISLAND

Dear Sir,

Re: Tenure review - Crown Pastoral Land Act 1998
Glen Nevis Pastoral Lease, The Remarkables - Hector Mountains

I wish to make the following submissions on the advertised proposal for the freeholding and reservation of the abovementioned high country Crown Land:

1. I agree with the proposal to create a conservation area from the floor of the Nevis Valley to the crest of the Hector Mountains.
2. I object to the proposal to freehold the 2200 hectares from the crest of the Hector Mountains to the shores of Lake Wakatipu on the basis that the land in question deserves conservation protection and that it should be included with adjoining land in a Remarkables Conservation Park elsewhere proposed.
3. I object to the proposed conservation covenant over the remaining 1150 hectares of land on the basis that:
 - (a) it does not adequately protect conservation values;
 - (b) it does not adequately cover provision for public recreation;
 - (c) It is not sufficiently binding on future owners and could be overturned in future without provision for public objections.

Yours faithfully,

④

24801.

Tenure Review Subm.

Doc Sir,



Re Glen Novis

tenure review -

1 object to restriction
of horse tracking when
managed correctly here,
especially on historic
pack tracks

Glen Nevis Tenure Review (c)

KNIGHT FRANK
ALEXANDRA
28 MAY 2001
RECEIVED

To
Commissioner of Crown Lands
C/- Knight Frank (NZ) Ltd.,
P.O. Box 27
Alexandra.

I object to the proposal to Freehold the land described in the above Tenure Review.

The area has high Conservation values and this is inimical with grazing parts of it, even with the mentioned "safeguards".

Tourism activity is high in the Wakatipu Basin and is likely to increase. The Tourism Industry has a much greater earning capacity than Pastoral Farming and if the former grows as much as predicted, then pressure by tourism operators to increase their use of this area is predicated. How will this growth take place if the land is locked up in private ownership? And what a goldmine it would be to a private property developer!

In addition, once privatised, the eventual ownership and use of the area would be completely out of DOC control. Eventually the present private owners will receive an offer they cannot refuse and flick the property on. Just to where and for what use is impossible to say. Consider Lilybank Station!!

As an example of what can happen, look at the sale of the major part of the North Island electricity generation to Contact Energy. It has just been bought by Edison via the sharemarket.

I would not like to see us playing Stook Market Roulette or its equivalent in land sales with our remaining lands so important to conservation and the future requirements of the Tourism Industry.



19 May 2001

Commissioner of Crown Lands
c/- Knight Frank (NZ) Ltd
P O Box 27
Alexandra

Dear Sir,

Submission

Glen Nevis Pastoral Lease, The Remarkables - Hector Mountains

THE PROPOSAL

- to create a 4470 hectare conservation area from the floor of the Nevis Valley to the crest of the Hector Mountains.
- to freehold 2200 hectares from the crest of the Hector Mountains to the shores of Lake Wakatipu.
- to create a conservation covenant over 1150 hectares of the above freehold. This will be from a "snowline fence" at 3500 feet asl to the crest of the Hector Mountains at 5500 feet asl.

OBJECTION

I object to the freeholding of alpine lands with "high inherent values". They should be transferred to DOC's care. The proposed freehold covenant area deserves proper protection. Adjoining lands to the north and south should end up as public land. This deal may result in a freehold enclave within a future Remarkables Conservation Park.

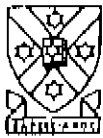
Specific problems-

GRAZING AND DEVELOPMENT

The covenant inadequately protects conservation values. Grazing of this high alpine environment is unsustainable.

Grazing of the covenant area will spill over on to the adjoining conservation area, unless the owner erects boundary fencing. However such fencing would be a blot on the landscape and impractical to maintain against snow damage.

After monitoring of vegetation condition the Minister of Conservation "may" require grazing reductions or destocking. However, based on official performance to date, PANZ has no confidence that any reductions in grazing would ever occur.



RELEASED UNDER THE
OFFICIAL INFORMATION ACT

May 22, 2001

Manager,
Knight Frank,
Land Resources Division,
PO Box 27,
ALEXANDRA.



SUBMISSION ON GLEN NEVIS TENURE REVIEW

Thank you for sending me the details, including the revised map, of this proposed tenure review, the first in Otago to reach this stage under the Crown Pastoral Lands Act. My comments on the proposal are as follows:

I strongly support the proposed conservation area, under Crown (Department of Conservation) control, over the 4470 ha of land from the Nevis Valley floor to the crest of the Hector Mountains. There are many ecological values in this area which justify its transfer to Crown control and management. However, the lack of a fenceline boundary along the crest of the range, being the western margin of the proposed conservation area, is quite unsatisfactory in terms of the proposals for the western slopes of the property overlooking Lake Wakatipu. I accept, however, that a fenceline here would be impractical.

This being the case, the proposed uses of the area of 1150 ha above the snowline fence on the upper Wakatipu faces, as "conservation covenant", given the proposed conditions of this covenant, are unacceptable. This area is at high elevation, about 1100 m at the snowline fence to more than 1600 m and, in my assessment (and having first hand knowledge of the area) should be retired from grazing use and formally transferred to the Crown for management in the public interest by the Department of Conservation. This would be consistent with the policy of previous governments in resolving the future use of Land Capability Classes VIII and VIIe lands in the South Island high country.

As proposed, there will be no hinderance to stock moving across the mountain crest in summer, to graze the conservation land on the Nevis faces, and this is unacceptable. Clearly these covenant provisions do not adequately protect the high conservation values of the land on either the Nevis faces or the upper slopes of the Wakatipu faces. I believe the monitoring provisions proposed for the area for covenanting on the upper Wakatipu faces are unlikely to be successful in deciding on any future modifications to the proposed grazing regimes that are outlined in the proposed tenure review document.

I am also concerned that the covenant provisions appear to allow for oversowing and topdressing on the land above the snowline fence on the Wakatipu faces, though I doubt this could ever be considered economic.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

I am also concerned that the covenant provisions can allow the owner to deny public access during the peak summer period of January to March. This is also unacceptable to me. Also there apparently remains the option of the owner charging for access to this area if he so wishes. This is also unacceptable to me. Also, there is no provision in the proposal for formal foot access from the highway along Lake Wakatipu to the land above the snowline fence.

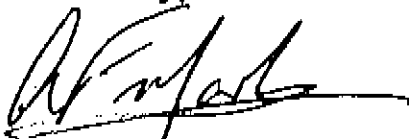
In relation to the benefits to the present lessee if the Crown is allowed to resume all of the land to the east of the retirement fence on the Wakatipu face, there must be very considerable financial gain, at least potentially, from the freeholding of the land between the Wakatipu lakeshore and the snowline fence on this face.

As a concession in times of drought, I believe a reasonable compromise would be to allow emergency grazing on the Wakatipu faces, above the snowline fence, at the discretion of the Department of Conservation and/or the Commissioner of Crown Lands, in up to one year in ten.

In conclusion, I wish to emphasise that this tenure review appears to be inconsistent with the provisions of the Crown Pastoral Lands Act in relation to the acquisition of lands by the Crown. Moreover, this tenure review is critical to the outcome of a proposed Remarkables-Hectors Conservation Park, and will almost certainly set the pattern for future tenure reviews of adjacent properties on the Hector Mountains. This being the case, my recommendation is that the tenure review of Glen Nevis Pastoral Lease should not proceed unless the land above the snowline fence on the Wakatipu faces, together with all of the land on the Nevis faces, is transferred to full crown ownership, to be managed in the public interest, by the Department of Conservation.

I thank you for the opportunity of making a submission on this important issue and I trust you will give it your serious consideration.

Yours sincerely,



Alan F. Mark FRSNZ., CBE., DCNZM.

Professor Emeritus

The covenant provides for oversowing and topdressing above the snowline fence.

The Minister of Conservation could in future agree to tree planting, erection of buildings, and burning, all without any public objection procedures.

The owner may carry out any other works and development not expressly prohibited by the covenant.

UNCERTAIN & INADEQUATE PROVISION FOR PUBLIC RECREATION

The covenant only "permits" recreational use April to December; prior permission may be required. Summer recreation is as important as winter use.

No prohibition of charging for access.

No provision for practical public foot access from Lake Wakatipu.

No provision for horse trekking despite an old pack track crossing the range.

NO SECURITY FOR PUBLIC

The covenant binds the parties in perpetuity however this provision could be extinguished by secret agreement between the parties or by unilateral Court action initiated by any future owner.

There are express provisions for changing the covenant's terms. There are no provisions for public objections.

Recent experience on Crown land in the high country suggests that even the most gross, recurring and blatant breaches of legally binding agreements do not result in official sanctions. The perpetrators invariably get 'wet bus ticket' treatment, then are rewarded for their misdemeanors. PANZ has no gripes with the current lessee, however future owners may have no inclination to honour agreements for protection or public access. Unlike on public lands, on freehold there are no remedies available to the public.

NO DEAL IS PREFERABLE TO A POOR DEAL

This case provides a crucial precedent for tenure reviews elsewhere in the South Island.

I believe that unless the area proposed for freeholding and covenanting is instead included in the conservation area, without grazing, and practical public access from the west is provided, then the deal should not proceed.

Yours faithfully,