

Crown Pastoral Land Other Crown Land

Lease name: MT IDA

Lease number: 00 090

Public Submissions

- Part 8

These submissions were received as a result of the public advertising of the Preliminary Proposal.

July

07

as to the integrity of the syndicate members and that they were prepared to do everything possible to rehabilitate the country — they had promised not to burn unless permission was given by the Catchment Board. They wanted to help the country and had agreed to work hand in glove with the Pastoral Land Officers. If a new licence was not granted the country would become unoccupied Crown land and pests would creep in.

The CHAIRMAN asked what the Board's attitude was as far as Class 8 country was concerned and Mr CARSON said he felt every case should be examined on its merits – he did not think all Class 8 country should be retired; there was a lot of good grazing coming off it, providing it was spelled, and allowed to reseed at the correct time of the year.

Mr JONES asked why, when droughts came this country should be picked on to be thrashed but Mr CARSON said that the land would not be thrashed but that it was being nursed to a greater extent than it had ever been in the last 100 years because of the stock limitation. It was only in dry years that the licensees could ask for an increase and then it could only be done with the approval of the Pastoral Lands Officers.

(4) That the licensees be informed that if there is no further deterioration in the condition of the land and there is an improvement in the native cover on the area then they will be granted a further tenancy for 5 years at the expiration of the proposed

new licence".

In a letter dated 20/03/1963 (see appendix I27) to the CCL from PLO Aitken, it is stated that — "It is pointed out that lessees realize that the Syndicate areas greatest value lies in its use as a safety valve in dry summers and following our discussions with them it is safe to say that in future the Crown and tenants will farm this area in partnership with the main objective being utilization and rehabilitation, working hand in hand".

In a report dated 26/04/1963 (see appendix I28), it is stated that — "The Pastoral Lands Officer recommended that the syndicate area be resumed on the expiry of the licence and that the Crown carry out rehabilitation measures on this and other adjacent country. It was intended that where practicable the Crown should farm some of the resumed country with cattle. The then Chief Pastoral Lands officer endorsed these proposals.

RECOMMENDATION:

2. ... be granted a Pastoral Occupation Licence over:

(a) 33,516 acs for 1.7.62 to 30.6.63 at a rental of \$130 at existing stock limitation

(b) 23,016 acs for a term of 5 years from 1.7.63 at an annual rental of \$140".

Similar correspondence was addressed to both Syndicates. In a letter dated 30/05/1963 (see appendix S75) from the CCL to the Soldiers Syndicate, it is stated that – "

(4) The Syndicate is to conscientiously endeavour to safeguard and improve the cover on the land, particularly where erosion and loss of native cover has already taken place. In this connection the Board has indicated that provided there is no further deterioration in the condition of the land and there is an improvement in

the native cover on the area it will agree to a further 5 year tenancy upon expiry in 1968 of the Licence now being offered.

C.C.L.'s COMMENTS: Departmental experience to date has indicated that the leasing or letting of high country runs to a syndicate of members with other individual land interests has tended not to operate to the advantage of the country. However, a personal inspection of this area as well as that occupied by the Kyeburn Syndicate has been made by the Field Director Carson who endorses the tenancy proposals. Strict supervision of the area by the Pastoral Lands staff will be necessary".

In a letter dated 29/05/1963 (see appendix S20), it is stated that – "The Board has now agreed to grant your Syndicate a POL for a term of 5 years from 1 July 1963 at a rent of \$100.Departmental experience to date has indicated that the leasing or letting of high country runs to a syndicate of members with other land interests has tended not to operate to the advantage of the country".

Correspondence re: long-term lease issue and further terms.

Correspondence relating to long-term lease issue and further terms is contained in appendix I30, please refer to it for full details of 17 letters, some of which are quoted below.

In a letter dated 20/06/1963 (see appendix S76), it is stated that -

"You will recall that when members of your Syndicate met me recently to discuss the renewal of the Syndicate's tenancy over Part Run 573 etc., I undertook to recommend to the Land Settlement Board that subject to there being no further deterioration in the condition of the land a further tenancy be granted to the Syndicate on the expiry of the proposed 5 year licence.

The Board also approved the grant of a further tenancy for 5 years on the expiration of the proposed new licence if there is no further deterioration in the condition of the land and there is an improvement in the native cover on the area".

Yet the fact is that the nearby "Waipiata Syndicate" with 9 shareholders was issued with a Pastoral Lease on 21/05/1959 (see appendix S21), going from a "License to occupy Crown Lands for Pastoral Purposes", which was issued on 01/03/1924 (see appendix S22), with an original term of 35 years. Where is the consistency here; is part of it to do with the attitude of the different Field Officers involved?

In a letter dated 26/08/1963 (see appendix S77) from the CCL to the Director General, it is stated that – "MT IDA, SOLDIERS SYNDICATES"

(1) In both cases (under Case Nos. 7055 and 7056) the Board decided that if there is no further deterioration in the condition of the land and there is in an improvement in the native cover on the area the licensees will be granted further tenancies for five years at the expiration of the extension terms just offered.

(2) Are the renewal rights, conditional as they are, to be incorporated into the licence documents?"

In a letter dated 03/09/1963 (see appendix S80) to Soldiers' Syndicate and the Ida Syndicate from the Director General to the CCL, it is stated that — "
MT IDA AND SOLDIERS SYNDICATES

The new licences are not to contain any clause providing for a right of renewal. The assurances which the Minister of Lands has given the licensees in this regard are sufficient. The assurance which the Minister gave to Mt Ida Syndicate on 11 July can be regarded as amending the Board's decision in so far as they are promised a longer term than five years for any renewal whereas previously they had been told they would, in certain circumstances, get a renewal for 5 years. It would still be necessary that there be no deterioration in the condition of the land and also that there be an improvement in the native cover on the area".

In a report on "Mt Ida Syndicate" written by PLO Webster to the CCL, dated 11/03/1965 (see appendix I21), it is stated that – "Inspection:

A fairly large burn was carried out in the Spring; a flat, plateau country which is usually rank and over(gr) sown. The fire did little damage and recovery is almost complete. Prior to the fire, heavy snowgrass made stock movement difficult.

There is no obvious improvement or deterioration in the condition of cover on the property since the last inspection on 20 November, 1964. Stock seen were in good condition".

In a letter dated 03/10/1966 (see appendix S89) from the Director General forwarded on by the CCL, to both Syndicates

"Enclosed is a copy of the Minister's memorandum. Would you please ensure that Mr W. J. Inder's sons are informed of the decision by the Minister on 4 June 1964".

In a letter dated 08/11/1966 (see appendix S89) from the CCL to Mr C.L.J. Inder (member of the Otago Land Settlement Committee), to discuss with both Syndicates-"Mr A.D.C. Hore the Secretary of the Mt Ida Syndicate was advised that the assurance given by the Minister of Lands that a longer term lease on expiry of the present licence was regarded as binding and will of course be honoured assuming that there is in fact no deterioration in the condition of the land and an improvement in the native cover is evident on the expiry of the five year term.

On expiry of this licence your Syndicate will be offered a ten year licence if you have complied with the conditions originally set down subject to there being no increased

In a letter dated 10/11/1966 (see appendix S90) from the CCL, to both Syndicates it is stated that-

erosion". (This letter was not sent)

"The Minister had of course indicated that provided there was no deterioration in the condition of the land and an improvement in the native cover the Syndicate could expect on expiry to be granted a longer term lease".

File note "Copy has been placed on this file for Soldiers Syndicate because Minister's latest instruction to Dept mentions both Syndicates even though only Mt Ida people are querying position at this stage. See folio 361A of O.41"

In a report on "Renewal of Licence: Mt Ida Syndicate" dated 19/05/1967 by PLO DD Webster, (see appendix I13), it is stated that – "General"

The country contained in this licence is high, cold, damp, with a short growing season of only about 5 months, between November and March. Snowfalls are common within this period and snow frequently lies for up to 9 months. In addition the landscape is bleak, monotonous, featureless, where strong winds blow most of the year.

Growth rates are consequently low and trends of ground cover are imperceptible and at best impressions only. Impressions are influenced by such factors as the weather on the day of inspection and the like. Opinions must be regarded as suspect whether they are given by field staff or licensees, or for that matter by anybody else. Line transects are not perfect as they can give false trends if not interpreted carefully. However in the absence of a better system, a series of line transects are the best method of giving factual evidence. Unfortunately it takes some years to amass sufficient data to establish a trend and since the transects were installed only 2 years ago and read every second year, only the initial reading will be available".

In a report on "Pastoral Land for Renewal" also dated 19/05/1967 by PLO DD Webster, (see appendix I14), it is stated that – "This country is difficult to utilize efficiently. It is high, wet, and cold and generally speaking, unattractive country to sheep. From the point of view of sheep management alone, it would be desirable to burn greater areas more frequently and stock higher numbers. Under this system erosion would soon become rife. The best that can be hoped for is a compromise between the latter system, one of complete destocking, i.e. in other words, a continuation of the present policy".

In a report on "Renewal of Licence: Mt Ida Syndicate" dated 01/06/1967 by PLO DD Webster, (see appendix I15), it is stated that — "I was aware that the Department has a commitment to offer licensees a 10 year licence on expiry of the present term.

Providing the C.P.L.O. agrees, I would amend my recommendation to provide for a 10 year term, with rent, and stock limitation to be reviewed after <u>5 years</u>. This will allow a review when the line transects have demonstrated trends of ground cover.

Your interpretation of my report is exemplary".

In a report on "Pastoral Land - Extension of Licence" dated 02/08/1967, no author mentioned, (see appendix I16), it is stated that — "When inspected in 1954 Run was considered to be over-stocked and over-burnt. The Syndicate was granted a new licence and told that on expiry consideration would be given to amalgamating the land with other land in the locality. P.L.O. Aitken in March 1962 described the Syndicate run as a depleted piece of country with extensive soil erosion and recommended licence be not renewed. C.P.L.O. agreed and licensees were so advised. Following representations from the Syndicate run was aerially inspected by then Fields Director (A. D. Carson) and Mr C. Cran of Land Settlement Board. It was then decided to give the Syndicate a five year licence and that the land should be farmed under strict limitations and that the Syndicate should endeavour to safeguard and if possible improve the native cover on the area.

This was considered by the Land Settlement board on 8.5.63 when by case 7056 it resolved that Part Run 362B and Run 362C of 20,760 acres should be let to the Syndicate which was to be informed that if there was no further deterioration in the

condition of the land and an improvement in the native cover then they would be granted a further 5 year tenancy on expiry of the present term.

The Syndicate was not happy about the renewal condition and made representations to the Minister of Lands who advised then that on expiry of the present term they would be granted a 10 year licence if the conditions laid down had been complied with and there was no increased erosion.

... There is no marked deterioration of the cover and rather, if anything, the position is slightly better that it was in 1963 in the light of the more stringent observance of stock grazing limitations".

In a letter dated 14/08/1967 (see appendix I3), it is stated that – "The Board has now agreed to grant your Syndicate a POL for a term of 10 years from 1 July 1968 at a rent of \$140.

As part of the Licence renewal in 1968 the Mt Ida Syndicate retired the area of some 4,000 ha known as the Mt Ida spurs. To achieve this the Mt Ida Syndicate fenced the "walking Spur", leading to "Homehills" to prevent sheep straying on to this area (see appendix I32).

In a report on "Mt Ida Syndicate" dated 16/08/1974 (see appendix I22), it is stated that — "In general, the run is high, cold and rather wet and this, coupled with its location and consequent difficult accesses, makes effective utilisation of the country, difficult. As a result I feel that the present method of utilisation is satisfactory and would be difficult to improve. With the removal of the wether flock and attendant winter/early spring grazing, the greatest risk of cover deterioration has been removed.

As regards the future use of the Run, I would consider that the recreational potential, apart form some limited shooting, is extremely limited. From P.L.O. Webster's report of 19/5/67, I understand that a reconnaissance survey by the Department of Agriculture in 1961 revealed that only a small portion of the Run is suitable for watershed protection. The bulk of the land is suitable for non-arable farming with grazing".

In a report on "Mt Ida Syndicate: Inspection" dated 04/03/1976 FO PJ Curry, (see appendix I23), it is stated that – "<u>Present Condition:</u>

Inspection after the above stocking suggests that the block was not seriously affected by the treatment. Heavy grazing has occurred along the edges of the tracks which provides ready stock access to much of the block — this would have occurred as the stock spread out when put into the block and again during the re-muster - and adjacent to the huts and holding yards at Tailings Creek, where the stock were held overnight prior to the drive out to the various shareholders home properties. This heavy grazing is expected and is not having any serious detrimental effect. Other than this, there was little noticeable effect on the stock. The block is generally well covered with snow, hard and blue tussock, and inter-tussock cover being fair. Largely because of its easy contour and gentle easterly aspect, there is little evident erosion.

Conclusions:

1) The present syndicate arrangement is working very well and the country is being well cared for.

2) The present use of the country is satisfactory and would be difficult to improve.

3) It is doubtful if any other leases could make better use of the area than the existing Syndicate members.

4) The area has limited potential for other uses other than grazing.

5) Renewal of the boundary fence with Aviemore Station is necessary if both sheep and cattle are to be adequately confined to the respective properties.

6) While the area is held by a syndicate, permanent alienation is not considered desirable".

In a report on "Pastoral Land for Renewal" with a hand written comment some of which are typed up dated 06/07/1977 (see appendix I4), it is stated that – "under 12.RECOMMENDATIONS:

Although relatively high and cold the present policy of summer grazing of breeding ewes on this pastoral land is making wise use of the grazing potential without undue detriment to the land. FO believes this area of land is well suited to this type of grazing and that a long-term lease retaining stocking control is warranted. FO believes a POL is not the right type of lease because it is regarded as a terminating licence by the Board, which is not the case in respect of this area. ... that a POL be granted for a term of 21 years..."

In a report on "LSB Pastoral Land Variation of Decision" dated 13/09/1978 (see appendix I24), it is stated that – "Term: Expired 30 June 1978: Term set upon reissue of licence – 21 years from 1 July 1978.

In a report dated 03/06/1967 (see appendix I5), "Report on Renewal of POL. Generally speaking the block is high, cold and wet and coupled with its location and difficult access the present method of utilisation is satisfactory and would be difficult to improve. With removal of wethers the attendant winter/early spring grazing has also been removed and cured the greatest risk of cover deterioration"."

In a letter dated 29/03/1971 (see appendix S92) from the CCL, to both Syndicates "...SOLDIERS' SYNDICATE REGARDING APPLICATION TO BURN

The 390 acre area consists of well clad snow tussock faces running down into Duffies Creek. Under present levels of stocking, this area will not be harmed by burning and will allow fresh feed to be available. The country is stable and there will be no erosion problem as a result of burning.

The 1200 acres consist of the top of the ridges above Boundary Creek. Cover is mainly snowgrass with reasonable inter-tussock cover and would benefit by burning. The area to be burned excludes the steeper more lightly covered facings into Boundary Creek and Blue Duck Creek.

Stock seen were in good condition and well spread over the block. General grazing pressure has been light except in the south-east corner against Kyeburn Station where stock have tended to hang back"

In a report on "Interview: L. Inder of Mt Ida Syndicate Run" dated 06/09/1973 by DFO AR Aitken, (see appendix I17), it is stated that — "I have to advise that Mr Inder was interviewed in the Dunedin office on 4.9.73 when he was advised that they have carried out over \$3,000 worth of tracking plus subsidy monies associated with this work and have bridged the Otematata Stream with the assistance of the County.

Mr Inder is interested in having an inspection carried out with an idea of seeking an increase in summer carrying capacity only and would like a longer term lease to be considered on renewal if they undertake further development works which would include fencing on the boundary with Otematata and subdivision of the Main Hill block, cutting off of the more high depleted top and some oversowing and topdressing on country below 3,000 ft. This is the first time in the history of the run that occupiers have been prepared to expend money on improvements of the grazing capacity of the area and I must sympathise with them that the residue term of an Occupation Licence is surely insufficient to warrant the anticipated expenditure.

I therefore recommend that this matter be thoroughly considered and a full inspection carried out during the summer of 1973/4".

In a report on "Application for Stock Increase of Pastoral Run" dated 22/01/1974 by PJ Curry, (see appendix I18), it is stated that – "This Run has an extremely limited potential for winter grazing and is best used for summer grazing as under the present stocking system. Reversion is no problem but erosion has been occurring in the past. Most of the rolling tops consist of snow tussock with a very limited intertussock cover. This limited intertussock cover does not appear to be the result of present stocking and the area appears to have stabilised. The gullies are generally in good condition and carry a considerable amount of feed.

The property is definitely not suitable for reclassification. With the removal of wethers from the Run, the lessees have requested a stock increase for the summer period. They have requested an increase to 9000 ewes from mid-January to mid-February. With the increase in feed in gullies since the removal of wethers, I consider that an increase in the ewes over the summer could be granted without causing any deterioration of the country. I recommend that the increase be granted but that the property be inspected before and after the summer grazing in 1975 to ensure that no damage is resulting from the increased numbers".

In a report re "Mt Ida Syndicate" dated 21/10/1974 by PJ Curry, (see appendix I19), it is stated that – "1. <u>COVER:</u> With the removal of wethers there has been an improvement in the cover on the lower country as a result of the change in grazing pressure. On the country above 1100m. there would have been little change in the cover. This higher country has always had a low grazing pressure and in view of the nature of the country, any change in vegetation is going to be slow.

2. <u>LAND INVENTORY: Without</u> a detailed inventory, an accurate assessment of land classes is not possible. From my previous inspection I would estimate the approximate breakdown as follows:

Class VI 17% 1748ha.
Class VII 68% 6995 ha.
Class VIII 15% 1542 ha."

In a report on "Pastoral Land - Approval in Principle to Renewal of Pastoral Occupation Licence: Mt Ida Syndicate" dated 14/02/1975 by PJ Curry, (see appendix I20), it is stated that - "This run has been operated as a syndicate for many years. The present members work well together and all are interested in preserving and improving the area.

This licence does not fall into the category of CVIII or severely eroded CVII lands which should be retired on expiry of the P.O.L. Extension of the P.O.L. is favoured.

The Syndicate's husbandry of this block has been very satisfactory over the years as its strengths and weaknesses are fully appreciated by the Syndicate members. Of the area (that) was retired from grazing its recreational potential apart from some limited shooting is extremely limited. A reconnaissance survey by the department of Agriculture in 1961 revealed only a small portion of the area is suited to Watershed Protection therefore it would appear that the present non-arable grazing use be permitted to continue".

In a report dated 15/09/1973 (see appendix S94), Establishment of Rental Basis for Pastoral Occupation Licences.

Prepared by Chief Pastoral Lands Officer

...and shall be for such term, not exceeding 21 years, and at such annual rent, as the

Board in each case determines.

Where the licence is for a term of not less than 5 years the Board must determine not later than I year before the expiry date of the licence whether or not the land is to be again let on lease or licence.

Following the passing of the Land Act 1948 pastoral Occupation Licences tenure was generally granted where:

(a) A pastoral run licence expired and it was considered desirable to make adjustments to boundaries when other licences in the district expired.

(b) Where the condition of the land was such that it was not deemed advisable to give long term renewable tenure. In such cases a proviso was sometimes included stating that a pastoral lease would be issued if the land was improved.

In more recent years Pastoral Occupation Licences have frequently been granted where a lessee enters into a soil conservation run plan where one of the objectives is to retire completely or at least to reduce grazing pressure on higher erosion-prone land.

The rates recommended may appear low but it must be remembered that the Board's policy is primarily directed towards the welfare of the land and that some parallel must be drawn with proposed rentals for pastoral leases on renewal.

In a Land Settlement Board report on "Establishment of Rental Basis for Pastoral Occupation Licences" dated 05/09/1973 (see appendix S93), it is stated that - "The Chairman advised that Mr Gregan had prepared this paper with the object of tidying up what had been left out of the Board's Pastoral Lands Policy. Where restricted

stocking is permitted the rental should be based on the stock limitation using as a guide a weekly grazing rate varied according to the general desirability of the pasturage offering with a minimum of 1 cent per head of dry stock per week and a maximum of 2 cents.

In my view considering the location and mustering problems and the rental set means that the pasturage on offer must be of excellent quality. Personally, in light of my research, I take exception to the above comments. As you will see latter properties such as Otematata Station which went from non-renewable Licences to Pastoral Leases, were paying less than 20% of this rental per stock unit on an annual basis up until 1998. How could Lands and Survey Officers be so out of touch with what was happening elsewhere on their own patch?

In a report dated 06/07/1977 (see appendix I6), LSB <u>Pastoral Land Renewal and Issue of Special PL</u>. Whilst the heading is very interesting only page one was on the file, although the confusion is probably explained in appendix I7, I8 and I9. After more research I located all of the above report (see appendix I38)...

Comments on Management:

Since last renewal the wether flock has been disposed of and stocking now consists of summering ewe flocks from the lowland summer drought prone farms for 2-3 months. This system of stocking is extremely favorable to the recovery of depleted ground cover, allowing spelling over the growing and seeding period of the native species present. Sheep grazing does however make the control of snow grass difficult. Cattle grazing would be a difficult undertaking considering the distance from the home properties and the likely damage that would occur to boggy gullies on the Run.

General

Although relatively high and cold, the present policy of summer grazing of breeding ewes on this pastoral land is making wise use of the grazing potential without undue detriment to the land.

FO believes this area of land is well suited to this type of grazing and that a long-term lease retaining stocking control, is warranted. FO believes a POL is not the right type of lease because it is regarded as a terminating licence by the Board, which is not the case in respect of this area.

A longer-term lease should be granted which would encourage the Syndicate, controlled by an early but well drawn up Agreement, to undertake more readily, fencing and any other development necessary for the betterment of the land.

In a letter dated 22/07/1977 (see appendix I39), from the Director-General to the CCL, "I have attached a copy of the LSB submission approved by the Board at its meeting on 6 July 1977. You will note that the recommendation approved varies from that submitted. I think that you have misinterpreted the Board's policy regarding the issue of POL's. The Board's policy for short term POL's relates solely to land that has been retired. The Board when it considered this case in 1975 agreed that the policy did not apply. The land is properly classified as pastoral and should be let on POL. The Board felt your desire to grant a term of 20 years with rental reviews could be achieved with the issue of a licence.

In a letter dated 10/07/1978 (see appendix I10), from the CPLO to the CCL, "there is the mention of offering a concession of half of the rental (\$1,620) for the first 11 years, if the amount had been spent on the property". Why was this not followed through?

In a letter dated 16/08/1977 (see appendix S99) from the DFO Alexandra to the DFO Dunedin it is stated that "As with the Mt Ida lease, I am firmly of the opinion that some short lengths of fence would prevent the majority of stock at present straying on to the UCL. To infer through the board that it has in mind a highly expensive lengthy Fence, would be wrong and it was certainly not in my mind".

In a report dated 26/09/1977 (see appendix S100), on the issue of POL LSB minutes, - "In suggesting the 5 year term (over the whole area) for the POL the management plan would have been completed and consideration could then be given to a longer term Licence or alternatively a Pastoral Lease. Members supported Mr Ashton's comments and resolved..." Was this also the intention for the Mt Ida Syndicate?

In a letter dated 26/09/1977 (see appendix S102), from the CCL to the Soldiers Syndicate — "It should be pointed out at this stage that the Department is at present carrying out a management plan of the vacant Crown Land on the Mt Ida range and this may include the area west of Blue Duck Creek. It is for this reason that a shorter term has been granted to the Syndicate and upon completion of the investigations into the management plan consideration will be given to a longer-term licence.

In a report on "Pastoral Land For Renewal" with no date but presumably sometime in 1978 (see appendix S106), under FO's recommendation it is stated that – "I agree. A ten year term is reasonable but possibly an indication can be given that a further extension would be favourably considered. The Syndicate has been going a long time, is looking after the land reasonably well and better tenure would encourage development".

In a report on "Pastoral Land Issue of POL" with no date but presumably sometime in 1978 (see appendix S25), it is stated that — "...unless deterioration of the syndicate licence is occurring, they can expect renewal for a further 10 years. ... That the rental be fixed at \$1,170 per annum (based on 6500 breeding ewes at 1.5c/head/week for 12 weeks)".

In an "Extract From Minutes of LSB dated 08/11/1978 (see appendix I40), - "Mr Scaife thought it was neither consistent nor appropriate for the licensees of Mt Ida to pay 50% more for three months grazing than they would for a Pastoral Lease.

Mr Scaife commented that the difference of \$500 would not break either party, but there was a principle involved: the licensees had the welfare of the land at heart, and he believed that if the Board could do anything to encourage good husbandry it should do it.

In a letter dated 17/10/1978 (see appendix I41), from the CCL, to the Director-General – "The Land Settlement Committee similarly was aware of the finance expended by this Syndicate over the years in respect of fencing, bridging and

roading and its recommendation was that the LSB approve the renewal of the POL on the basis of 9000 breeding ewes at one cent per head per week for 12 weeks thus recommending a rental of \$1080 which, coincidentally, is 3% of the current land value.

I also can sympathise with the comments of the Secretary that it would appear that the rental now asked is greater than that which would be sought under a full Pastoral Lease based on the proposed new policy criteria.

In a letter dated 24/07/1978 (see appendix S96), from the FO in the Alexandra office to the CCL. APPEAL AGAINST RENTALS: Soldiers Syndicate AND Mt Ida Syndicate. "78 cents/week. That this is the value put on renewable leases surprises me. ... I believe a longer term licence, say ten years with a right of renewal for a further ten years could be granted to this land which is suited to permanent grazing, particularly summer grazing with the snow risk.

Summary:

I believe the rents set are fair and no change should be made.

There maybe slight grounds for the Soldiers Syndicate in the face of the short term but as it is unlikely that the licence will be cancelled at the end of its present term, I believe the rent should be left as is".

In a report on "Application for Stock Increase and/or Routine Inspection of Pastoral Run" dated 16/06/1983 (see appendix S42), it is stated that — "This is a high altitude block suited only to summer grazing. The present stock limit appears appropriate as cover is generally being maintained and in some areas is improving".

In a report on "Proposed Reserve: Ida Range" dated 18/05/1985 (see appendix S43), it is stated that — "...following discussions with Chief Ranger T Perrett has indicated the large area of unoccupied Crown land on the above Range and possibly adjacent POL's (063, 070, 074, 091 and 092) should be investigated for reserve, due to its apparent significance".

In a report on "Application for Stock Increase and/or Routine Inspection of Pastoral Run" dated 27/01/1988 (see appendix S45), it is stated that – "<u>History/Management</u> Since the changes in management the vegetative cover of this block has improved well.

Class VII/VIII Land

Class	Area	%
VIIc	3,700	44
VIIe	4,241	50.5
VIIIe	460	5.5

The small area of class VIIIe land comprises the land at the highest point of the property. The cover of this country is mainly bare rock as due to the altitude and exposed nature, vegetation will not grow. The class VIIc and VIIe country is in good condition and showing no signs of overgrazing.

Condition of Cover

The condition of the vegetative cover has improved immensely since 1962, when it was recommended that the licence not be reissued. The area was described as "a depleted piece of country with extensive soil erosion."

On this inspection the bulk of the country has a good level of vegetative as can be seen in the attached photographs. Inter-tussock cover was also good with native grasses and herbs.

Summary

This is a straight Summer block at fairly high altitude. This Run has had a chequered career but has improved substantially since having tighter conditions placed on its management in 1962.

Waitaki Catchment Commission

It is very clear from the nature and tone of the correspondence between Lands & Survey and the Waitaki Catchment Commission, that in the late 1970's through to the time of the disestablishment of the Waitaki Catchment Commission, that there were contrasting interpretations of the roles and statuatory authority of both organisations. This coupled with ongoing personality clashes which directly engendered uncooperative and unproductive liaisons. I personally experienced this ongoing saga, on "Longslip Station" Omarama, resulting in an acrimonious Land Settlement Board inquiry in the mid 1980's.

I only located the odd letter from the WCC to Lands on the Mt Ida file, but I have included some of the WCC and Soldiers Syndicate letters, as some of them have indirect implications for the Mt Ida Syndicate.

In a letter dated sometime 1979 (see appendix S50) from the Waitaki Catchment Commission presumably to Lands and Survey, it is stated that – "Accordingly, it would now be appropriate for a Pastoral Lease to be issued for the Soldiers Syndicate. … The type of stock limit on the run at present seems appropriate from a Soil Conservation point of view".

In a Waitaki Catchment Commission report dated 26/09/1979 entitled "HAWKDUN RANGE CATCHMENT AREA – SOLDIERS SYNDICATE & UCL Soil Conservation and Water Management Report" (see appendix S108) states under – Future Management Upon expiry... in 5 years the western part of Soldier's Syndicate would become the nucleus of a proposed Hawkdun Range Catchment Management Area. The short term of the Licence was to allow for the determination of a realistic boundary line by the runholders, Lands & Survey and the Waitaki Catchment Commission; a more secure tenure will be considered when the management relationship between the Soldier's Syndicate and the adjacent UCL is clarified.

Subject to the provision of a secure Western boundary, the future pastoral use of the Soldier's Syndicate will probably continue with little change.

In October 1979 the WCC released a 13-page report entitled "Hawkdun Range Catchment Management Area Soldiers Syndicate, not appended to this submission.

In a letter dated 3/10/1979 (not appended to this submission.), it is stated that — "... Throughout the report the area is described as the Hawkdun Range Catchment Management Area. This is neither physically correct as more than one catchment is involved, nor is it the title accepted by this department. Obviously there was little I could do except voice my disapproval at the term.

In para. 2.2 Future Management, last paragraph, it is suggested that the area is to be managed for Catchment Protection Purposes. I disagreed in that whilst this may be the primary aim it is not necessarily the sole future use of the area – I believe this paragraph should be amended to indicate this.

In paragraph 2.4.3. This paragraph ignores the fact that three properties already have retirement fences at low level excluding stock — it thus applies to only 3 out of the 6 or so properties".

In a letter dated 7/1/1980 (see appendix S112), it is stated that — "... Catchment Management Plans ... The report is to assist your staff in the preparation of a Catchment Management Plan for retired lands on the Southern Hawkdun Range"

In a letter dated 10/05/1985 (see appendix S121), it is stated that – "...Re HAWKDUN RANGE CATCHMENT MANAGEMENT AREA SOLDIERS SYNDICATE AND UNOCCUPIED CROWN LAND

"Future Management... The short term of the Licence was to allow for the determination of a realistic boundary line by the runholders, the Department of Lands and Survey, and the Waitaki Catchment Commission; a more secure tenure review will be considered when the management relationship between the Soldiers Syndicate and the adjacent Unoccupied Crown Land is clarified". "

In a report on the Renewal of POL SOLDIERS SYNDICATE dated 06/04/1982 (see appendix S116), it is stated that — "...
RENEWAL OF P.O.L.: SOLDIERS SYNDICATE

The area west of Blue Duck Creek was offered to Soldiers' Syndicate to it being surrendered at expiry of licence should the Crown require it for Mt Ida management plan".

File Comment: "Endorsed. There is no need to exclude the land west of Blue Duck creek from the new P.O.L. as it is quite suitable for controlled grazing purposes and would be difficult if not impossible to efficiently administer if left as U.C.L. I am also currently investigating the possibility of incorporating the adjoining U.C.L. area (South West of the P.O.L. area) into this P.O.L. or into one of the other adjoining leasehold properties. Recommend term to be 21 years with 7 year rent reviews."

"...Carrying capacity of P.O.L. estimated at 1360 s.u. on a yearly basis"

In a report dated 21/03/1984 (see appendix S118) from the CCL to the Director General, "The POL could be incorporated into the Pastoral Lease with block limits imposed and I am now seeking the DFO's comments on the matter before taking any

over approximately 4450 hectares. ... Very little land could be regarded as unsuitable for grazing although conservative management is required...Vegetation cover and density has steadily improved on this property under the current grazing regime. This is the personal observation of Ken Taylor who has been associated with the Licence since 1982. This is also evident when comparing the current situation with that described on file in 1962. This was also discussed with employees of the former Waitaki Catchment Commission in 1985, and they confirmed the improvement.

This area provides essential summer grazing for three Maniototo properties. The Crown established the licence originally in recognition of this need. To withdraw the area from grazing would have severe viability implications for the properties.

Doc already has substantial holdings in the vicinity, totaling 25,200 hectares.

The only reason the area has been on POL historically was the limitation to summer grazing only. The POL was never intended as a phase out for grazing. The proposed lease recognises the combined pastoral and conservation value of the subject land."

The CPLA 1998 process

The Mt Ida Syndicate wrote a letter to Ken Taylor as the CCL consultant on 20/07/1997 requesting that as the POL expires in 2 years time, that the tenure procedure be implemented, hopefully towards freeholding or a full Pastoral Lease (see appendix I33). The Mt Ida Syndicate was written to by the CCL, in a letter-dated 24/12/1998, on Consultation and Review in regard to whether or not they should be offered a further Licence. The Mt Ida Syndicates reply is in appendix I32.

In a report dated 26/11/1999, entitled Limited Grant of Further Occupation Licence: Section 14, CPLA 1998 (see appendix I46). It is stated that - "The area provides extensive summer grazing for up to 9000 ewes belonging to Syndicate members who all farm freehold properties in the Maniototo Plain. The block has been held under various pastoral licences since it was originally taken up in the late 1800s.

Analysis of views expressed by Licensee

Key points raised by the holders of this licence in their original letter received 22 February 1999 are summarised as follows,

1. The licence known as Mt Ida Syndicate has been an integral part of five farms on the Maniototo Plain for 102 years.

2. Without the Syndicate most farms concerned would have to dispose of capital stock during dry periods (such as that experienced during the summer of 1998/99). This statement underestimates the significant contribution that summer ewe grazing makes to the economic viability of member's downland properties year in year out. See the personal submissions of members for details.

3. The Syndicate members have over the years been prudent tenants as evidenced by a recent Protected Natural Areas survey of the Hawkdun area, which found many

plant species being maintained in excellent condition.

4. Over the years, Syndicate members have added numerous assets to the area to provide for better management (including roading, fencing and accommodation). These have lead to better spread of stock over the Run.

5. The boundary fence with Aviemore has been replaced and the leading spur to

Home Hills fenced to prevent stock movement.

6. Many requests for access to the licence area are received and reasonable requests

are not declined.

7. On renewal (sic) of the licence in 1968 an area of 4000 ha (Mt Ida Spurs) was retired and as a result the Walking Spur leading to Home Hills was fenced to prevent stock straying.

The letter concludes with a reiteration of the importance of the licence area to the Syndicate member's farms and the record of prudent management and co-operation with the Crown.

Comment

This licence has not been the subject of a formal review under the previous Land Act process, primarily due to the fact that the licence did not expire until 30.06.99.

The holders of the present licence have requested that a further licence be granted for the maximum period allowed of 5 years. They have signalled their intention to 'apply' for a tenure review of their licence.

The holders present a number of reasons as to why they should be granted a further licence, largely relating to the importance of the licence area as summer grazing for their freehold properties particularly in dry seasons such as that experienced in 1998/99. The holders argue that their record of prudent management, willingness to improve the asset by undertaking fencing etc. and their record of co-operation with the Crown should justify the granting of a further licence.

In a letter dated 05/12/2000, from the CCL contractor to the Licensees, a back dated POL under the CPLA 1998, for 5 years, is offered to the Licensees, which expires on the 01/07/2004. The signed "Occupation Licence" is in appendix I34.

A brief resume of the history of the Mt Ida Syndicates is in appendix I35. A letter written by CAG Richardson to Jim Sutton expressing concerns about the future of the Syndicate is in appendix I36 and the Ministers reply is in appendix I37.

1. The CPLA 1998 is based on an interpretation of the Martin report (SI High Country Review: Final Report from The Working Party on Sustainable Land Management April 1994) that 80% of the high country is being farmed in a nonsustainable manner. Whereas the following was actually stated - "We are convinced that a decline in soil condition is very likely on the unimproved lands. These lands comprise approximately 80% 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".

A report was prepared by AK Metherell, dated April 1997, for the Canterbury Regional Council on "Soil Nutrient Budgets - Nutrient Management Undeveloped High Country", see appendix S169. Metherell's report concluded that in unimproved tussock grassland stocked with sheep at low stocking rates (<1 su/ha/annum) where burning was infrequent, the rate of depletion of nutrients from the overall ecosystem would be slow with only a small impact on soil nutrient status. That is the ecosystem was likely to be virtually sustainable. This presumes continued rabbit population control. Metherell's report was reviewed by CC Boswell, in a report dated May 2000 to the Canterbury Regional Council. Boswell stated that – "I believe that the assumption of sustainable management grassland of unimproved tussock at low stocking rates and in the absence of burning is accurate. Because of this the report remains a useful document which Environment Canterbury personnel can use to base their management decisions of land use in the high country." (bold is from the report)

Tenure Changes on Other Properties

The titles down through the ages for the Mt Ida and Soldiers Syndicate are contained in appendices S148 and S156 respectively. A record of other POL's is contained in appendix S171, but has not been fully updated as yet to reflect the significant number of other POL's unearthed by this exercise.

Blackstone Hills was freeholded under the land Act 1948 process, with the title issued on 28/07/1999, over 2667 ha (see appendix S138). Before this it was a Pastoral Lease -P.92 dated 07/12/1955, area 5720 ha, Runs 224a, 582 and 227. Prior to that it was a Lease of Small Grazing Run dated 01/03/1928 for 21 years. The point here is that Runs 582 and 227 are located on the southern and northern sides of the Hawkdun Mountains, in close proximity to the two grazing syndicates. However because Blackstone Hills was awarded a Pastoral Lease, the lessees would have received a substantial credit for the surrender of these area in terms of the trading of the property rights, towards freeholding the balance of the Pastoral Lease.

Idaburn Hills was freeholded under the land Act 1948, with the title issued on 14/11/1989, over 3505 ha after a Renewable Lease was issued on 23/07/1987 over 3569 ha (see appendix S155). Before this it was a Pastoral Lease -P.194 dated 14/01/1959, area 4714 ha, Run 227d. Prior to that it was a Licence to Occupy Crown Lands for Pastoral Purposes dated 21/03/1921 for 8 years. The point here again is that Run 227d is located on the southern side of the Hawkdun Mountains, in close proximity to the two grazing syndicates. However because Idaburn Hills was awarded a Pastoral Lease, the lessees would have received a substantial credit for the surrender of this area in terms of the trading of the property rights, towards the creation of the Renewable Lease from the balance of the Pastoral Lease.

Part of Kyeburn Station was a Pastoral Run Licence, then transferred into a POL and has since been made into Pastoral Lease (see appendix S146).

Mt Ida (see appendix S148) was a POL No O.18 dated 11/12/1979, and before that 09/07/1968 etc.

Part of the Mt Ida Syndicate POL (see appendix S10) was amalgamated into the Sunny Peaks Pastoral Lease (see appendix S158).

Little Mt Ida before being made into pastoral lease 01/01/1968 (see appendix 154) was a POL dated 30/09/1965. On 31/10/1975 a POL covering 315 hectares as phase out grazing under a LIA was created from the PL.

Beeches II before being made into pastoral lease 01/07/1959, had 5 owners (see appendix 149) was a Licence to Occupy Crown Lands for Pastoral Purposes. Beeches II was used as a summer runoff, with a stock limitation of 4400 sheep plus 10%, grazing to be confined to 4 month period January to April.

Mt Soho before being made into Pastoral Lease 01/01/1982 (see appendix S150) was a POL No O.14 dated 11/121954 and 20/09/1968. Prior to that it was a Licence to Occupy Crown Lands for Pastoral Purposes.

Braeside before being made into pastoral lease 01/01/1958 (see appendix S147) was a POL No O.18 dated 15/09/1957 and O.19 dated 15/09/1957. Prior to that both were Licences to Occupy Crown Lands for Pastoral Purposes.

Nokomai before being made into pastoral lease 15/12/1967 (see appendix S151) was a POL No 021 dated 07/09/1962 and 20/09/1968. Prior to that it was a Licence to Occupy Crown Lands for Pastoral Purposes.

Whitecomb before being made into pastoral lease 01/07/1987 (see appendix S153) was a POL No 11 dated 29/05/1956, with a term of 33 years from 01/07/1954. Prior to that it was a Licence to Occupy Crown Lands for Pastoral Purposes.

Allan Peaks before the Gazette Notice 818743 declaring the within land to be held for Conservation purposes – 24/11/1992 (see appendix S157) was a POL No 99 for a term of 5 years (rent \$400). Before that, O.74 dated 03/05/1974, for 10 years from 01/07/1973 (rent \$200), No O.44 dated 15/06/1965 10 years from 01/07/1963 (rent \$40) area 1414 ha. Prior to that it was Run 575, a "lease of Small Grazing Run". 21 years from 01/03/1942 (rent \$95), containing 2135 ha (5276 acres). In a memorial on this title – "286714 Within land now known as Runs 738 and 739 areas 3,493 and 1807 (total 5300 acres) acres respectively – 08/06/1965.

The Oamaru Harbour Board Endowment lands, which included Bog Roy, Rostriever and Otematata Station, provide interesting reading and clarification of the Crowns position. Upon inspecting The Oamaru Harbour Board Endowment lands files and records there are over 200 pages of relevant records, minutes of Board meetings, correspondence with the Licensees, the Minister of Lands, the CCL and legal opinions concerning the change in tenure from a non-renewable licence to pastoral leases.

Prior to the 1881 Act, which vested control in the Oamaru Harbour Board, the Endowment was leased to Teschmaker & Co for \$6,170 per annum (see appendix \$143).

In a letter dated 15/11/1951 from the Minister of Lands to the Oamaru Harbour Board on its Otematata Endowment lands referred to as High Country Pastoral Runs (see appendix S140) it is stated that – "You will probably be aware that, following upon the passage of the Land Act, 1948, and the publication of the report of the Royal

Commission on the Sheep Farming Industry of New Zealand, the LSB has been giving special attention to the administration of the Crown Lands in the High Country of the South Island held under Pastoral Licences.

It is well known that, in most localities, there has been over the years a gradual deterioration of vast areas of this country due to several factors. It has been established that on the average, the situation is sufficiently serious that, in the interests of the community as a whole there is an obligation for the State to initiate and prosecute a bold and far-sighted policy in administering this high country having always in mind:

- (a) that pastoral land-holders should have security of tenure at fair and reasonable rentals;
- (b) that so far as possible each pastoral land-holder has a well balanced run with suitable winter and summer country, and
- (c) that overstocking and uncontrolled burning of tussock is eliminated.

Under the Land Act, 1948, a new tenure of pastoral land known as a Pastoral lease was introduced. This lease is for a term of 33 years with perpetual rights of renewal and contains suitable convenants regarding stocking, burning etc. The Land Settlement Board has already made considerable progress in planning and regrouping of runs with the objective of obtaining a better balance of country for each unit.

To assist the Board in its contacts with runholders and to advise the Board in its decisions in the granting of leases and the regrouping of run country, a well known officer of the Lands and Survey Department, experienced in high country management, (Mr J. M. MacDonald of Dunedin) was appointed two years ago to the full time position of Pastoral Lands Officer. On the Board itself, the Government appointed a farming member, Mr C. G. Cran of Hororata, whose special knowledge and experience of high country is proving to be of great value. In addition, the High Country Committee, of the Federated Farmers of New Zealand is consulted form time to time on policy matters.

It will be seen, therefore, that legislative and administrative machinery is operating to cope with this important national problem.

My object in addressing this letter to you is to solicit the co-operation of the Board in ensuing that there is a common approach to the rehabilitation and the maintenance of production of these areas. I understand that your Board has vested in it as an endowment, the land quoted in the schedule below, and that the areas are in the high country belt. It is considered that great advantage would accrue if the Land Settlement Board itself were in a position to administer the areas in line with the policy which is being applied to pastoral runs which are vested in the Crown.

In certain cases, and particularly where regrouping is considered essential, the Land Settlement Board would prefer that the endowment areas be completely resumed by the Crown and that the beneficial local bodies be suitably compensated on a capital basis for the loss of their endowments, but it is realised that at present some local bodies may prefer not to part with the land endowment.

... small charge for administration, say, five percent. If this were done, the Board would be in a position to exercise effective overall administration of the high country. Adjustments essential for the preservation of its grazing land would be greatly facilitated.

In the aggregate these endowments compromise approximately 300,000 acres and it

will therefore be appreciated that if a common policy is pursued...".

In a letter dated 10/01/1952 from the Minister of Lands to the Oamaru Harbour Board headed up High Country Pastoral Runs (see appendix S142) it is stated that - "The revenue to be derived from the Run is dependant on a number of factors over which the administration body has no control. I refer to economic conditions generally, the price of wool in particular, and last but by no means least, the condition of the Run itself. The rents for the Run are at present fixed by auction on expiry. The danger of this method of determining the rent lies in the likelihood that the Run will be "mined" in order to meet an excessive commitment, which could only result in the destruction of natural cover to the detriment of both revenue and the national interest. The Land Settlement Board adopts the practice of determining rents based on the average carrying capacity of the Run on the assumption that the property is in good heart. By this method the lessee is not penalised for improving the carrying capacity during a previous term, nor is he encouraged to allow the property to deteriorate in the hope that the rent for the new term will be lowered thereby.

If in general the administrative policy is such that the practising of good husbandry is not encouraged it is considered that the "high country" will become a wasting asset".

Mr Eville the CCL attended an Oamaru Harbour Board meeting on 04/11/1961 (see appendix S145) he is recorded in the minutes of that meeting as stating the following - "that the Crown had a big problem as well as the Board because of the upsetting of runs through the construction of the Benmore Hydro and the object of the meeting was to see if any of the Board's Land could be made available to combine with Crown Leases or vice versa.

Mr Eville considered that any tenure should be 33 year leases with perpetual rights of renewal. He asked if it was likely that any one of tenants would not get a new lease. Mr Mitchell pointed out that if the Board had a moral obligation to any of it's tenants it applied equally to all three ... "

In a legal opinion dated 30/03/1962 provided by EC Adams to Lee, Grave, Fitch & Mackay, on behalf of the Oamaru Harbour Board on its Otematata Endowment lands (see appendix S144) it is stated that - "One of the purposes of the Land Act 1948 was to lessen the number of tenures and secure more uniformity; it is in short a sort of legal shorthand".

In a legal opinion dated 17/09/1962 provided by Lee, Grave, Fitch & Mackay, to the Oamaru Harbour Board on its Otematata Endowment lands (see appendix \$139) it is stated that - "A POL...is the ...class of lease ... under the Land Act 1948 ... that approximates most closely to the Pasturage Licence formerly held by Otematata Station Limited and the Board's other lessees".

In a letter dated 20 /12/1962 from the CCL to Mr C.J. Munro re "Mt Thomas" - Run 235D Longslip Lindis S.D."s (see appendix S141) it is stated that - "As you may be aware, your Pastoral Occupation Licence over the above land expires on the 31

March 1963 and the Land Settlement Board has now decided to grant you a further term of 1 year at the same annual rental of \$100. The rental is subject to a rebate of 10% for prompt payment.

The rent is based on the carrying capacity which has been fixed at 550 dry sheep for 12 months and 1500 ewes for 4 months (February – May inclusive). These numbers must not be exceeded without prior consent of the Commissioner of Crown Lands. The reason for the issue of the further 1 year term is that the future of the Oamaru Harbour Board Leases is not yet finalised and until such time as this is done, no concrete proposals for the future of Mt Thomas can be made".

The Mt. Thomas POL (see appendix S141) was upgraded to become part of the Rostriever Pastoral Lease. It seems that the Mt. Thomas POL was effectively under multiple ownership at the time. The Mt. Thomas POL has parallels to the Soldiers and Mt Ida Syndicates being totally unimproved and in one block. The Mt. Thomas POL was used as a summer runoff, with a stock limitation of 1500 ewes for 4 months and also ran 550 dry sheep for 12 months. The ewes equate to 350 stock units per annum and the wethers 385 stock units per annum. So the ewe grazing accounts for just under half of the stock limitation. The titles for the Mt. Thomas POL and the Rostriever Pastoral Lease are in appendix S159.

Lakes Station went from a Pastoral Run Licence to a Pastoral Lease. In a report dated 06/10/1954, between 3,000 and 4,000 acres of "the Crawford Tops", which was in the Pastoral Run Licence, was excluded from the Pastoral Lease (now 4284 hectares). However "the Crawford Tops", was given a stock limitation, being the adult sheep for 2 to 3 months each year. The stock limitation was 1275 wethers, 1575 ewes, 450 ME and 1,000 hoggets i.e. a maximum of 5,000 sheep and 300 cattle. Rent was charged on all of the stock units carried, being 3600 EW @ \$140 per thousand (\$510) and 300 Cattle @ \$30 per 100 (\$90), meaning a total of \$600. The report went on to state that "if the "Crawford Tops" (highest altitude is 1518 meters) are not used a reduction in stock numbers will be required". Words to this effect are endorsed on to the Pastoral Lease title

(see Appendix S152).

The Primary Production Committee in its report on the Crown Pastoral Land Bill made an important statement as to the review of a POL and its effect on the whole farm when it said:

"Conservation and recreation groups want POLs omitted from the definition of "reviewable instrument" and for POLs to be reviewed under existing procedures rather than the tenure review process. We proposed in our issues paper to redefine "reviewable instruments by omitting POLs. Farming groups stated there should be provision to renew POLs where appropriate, that lessees should be able to trigger a review at any time, and the effect on the whole farm, rather than just POLs, should be considered. We agree and have reinstated POLs in the definition of "reviewable instruments".

Background to the Lack of Decision Making, by the Land Administrators from 1985 on.

I will now quote directly from a series of Letters and Reports put out by the Land Administrators, which indicate some of the thinking that they were prepared to commit to paper, which lead to the lack of decision making from 1985 on (see appendix S160).

In a 10 page letter dated 11/04/1984 from the Deputy Chairman of the Land Settlement Board to Pastoral Lessees/Licensees regarding the findings of "the Committee of Inquiry into Crown Pastoral Leases" it is stated that -"... recognising primary production values and the effective management and economic viability of the farming enterprise concerned".

"It is therefore proposed to amend the High Country Policy to make it clear that no pastoral occupation licences or no further renewal of existing pastoral occupation licences will be approved. The policy changes would amend existing policy 4.2(b) and create new policies 4.5 and 4.6".

"(c) Inspection

(a) ... and to involve appropriate departmental staff with expertise in farm management, natural and recreational value identification and management (b) ...likely consequences of excluding area to farming viability of holding".

The LSB policy on destocking and Surrender

In a 2 page Press Statement dated 24/09/1986 from the Deputy Prime Minister, the Minister of Lands, and the Minister of Conservation headed up Pastoral Leases/Licences regarding the findings of "the Committee of Inquiry into Crown Pastoral Leases" it is stated that - "The Government has now resolved the difficult issues concerning land in the SI high country which is subject to Crown Pastoral Leases and Licences.

We are satisfied that an appropriate balance has been struck between commercial use of land and ecological considerations," the Ministers said. They went on to state -"The Corporation will work with the lessees to realise the considerable productive potential of high country pastoral farming," the Ministers concluded.

In a 2 page letter dated 03/06/1992 from David Gullen for the CCL to the Regional Manager Landcorp Christchurch on the "Assessment of POL's Mt Gladstone, Glenlee and Clarence River (sic Reserve) it is stated that -

"Those reports highlight some shortcomings in applying current policies to these POL reviews which is further complicated by the past history of the cases and more importantly government's social and economic policy for pastoral leasehold and licence land which we anticipate in a Land Bill

(1) Had a series of meetings with DoC Head Office and Regional Office to discuss issues related to these reviews.

(2) Met with representatives of the Public Lands Coalition and particularly the Royal Forest and Bird Protection Society to respond to both written and verbal submissions on your joint reports.

It is to account for grazing where it exists on a substantial basis and promote conservation land status where it isn't. In respect of the joint reports we have indicated that your recommendations are declined. The reason for the decline are (a) Government's decision that no new pastoral leases will be issued either under the

present Act or under the proposed Land Bill.

(b) We anticipate that a land bill will seek to demarcate commercial and conservation

land, and perhaps there may be no mixed tenure accommodating both. (c) The current occupiers have no proprietarial rights to the Land and the joint

reports do not reflect that.

(d) The grazing lands are to be accommodated by a special lease which if necessary will address conservation, public recreation and sustainable land management issues".

In a 3 page Statement undated the Minister of Lands addressed - To All Pastoral Leaseholders it is stated that -

"Two reports on land management and tenure issues relating to the South Island high country will be ready for public release in late April. ...the report on the Working Party on the Review of South Island High Country Land Management Issues and the Rabbit and Land Management Programme and a discussion paper prepared, at my direction, by the Commissioner of Crown Lands on the tenure of Crown pastoral land.

Pastoral occupation licences... (There are only a few such licences still in existence and the intention is to phase these out as they expire).

...the retention of crown control...was considered to be justified on soil conservation grounds

In a 39 page (plus 12 pages of appendices) report dated 18/02/1994 from the CCL entitled "The Tenure of Crown Pastoral Land - the issues and options - A discussion paper" - it is stated that --

In 1986, the Government decided that because a pastoral lease land contained conservation as well as farming values, it would, for the time being, be retained in Crown ownership. The leases were to be managed by Landcorp, in consultation with the Department of Conservation, in terms of a management agreement under Section 23(1)(b) of the State-Owned Enterprises Act 1986. The latter abolished the Department of Lands and Survey and the Land Settlement Board, and established the Department of Lands which continued to apply Land Settlement Board policies.

In June, 1990, the Department of Lands was abolished (by the State-Owned Enterprises No 6 Act). Its statutory functions were assigned to the Office of Crown Lands and the Commissioner of Crown Lands. The position of Commissioner of Crown Lands was established by amendment to the Survey Act 1980.

The Commissioner is also guided by the former Land Settlement Board (LSB) policies. Many of these were formulated over the years to reflect changing public perceptions of the way in which the Crown pastoral leasehold land should be managed and, to that extent, were "ahead" of the legislation. In recent years, Crown Law opinions have indicated that some of the LSB's policies relating to issues which go beyond soil and water values, were, in fact, ultra vires. It is intended that the LSB policies be reviewed in the course of the review of the Land Act 1948 and that they will be supplanted by provisions in a revised Act.

The tenure reviews which have taken place are based on existing statutory and administrative policies, in particular, the provisions of the Land Act 1948 and the 1985 reclassification package developed by the former Land Settlement Board (see Appendix 2).

...and the implications of the claim by Ngai Tahu over South Island lands.

... a recent legal opinion suggests that the discretionary decisions of the Commissioner must be limited by the purpose of the Act, namely, the use of the land for farming purposes. Consequently, while the Commissioner could decline, on soil conservation grounds, an application from a lessee to undertake one of these activities, he could not do so in defence of the public interest in nature conservation and recreation.

The Land Settlement Board's High Country Policy recognised nature conservation, landscape preservation and public recreation as legitimate uses of pastoral leasehold land. (see Appendix 3). In recent years, however, various legal opinion have concluded that some of these policies are ultra vires the Land Act 1948 to the extent that they detract from the primary purpose of the legislation.

It may be concluded from the above that, under current tenure arrangements, it is not always possible for the Crown to ensure that the public interest in pastoral lands is adequately safeguarded.

The Land Act 1948 could be amended to enable the Commissioner of Crown Lands to tag the freehold titles with a covenant at the time of disposal of the land. Covenants would be binding on both parties (the Crown and the freeholder). The purpose of covenants would be specified in the Act and could include provision for public access and the promotion of sustainable land management.

Such a move could be accompanied by the insertion of a clause in the Land Act enabling the Commissioner to transfer the administration of the covenants to another agency, such as the Minister of Conservation or regional councils. It could, perhaps, be used as an interim measure pending the putting in place of adequate Resource Management Act controls and/or monitoring mechanisms.

This type of approach would be contingent on lessees accepting some degree of constraint on farming activities on some parts of their properties in return for freeholding".

Other Pastoral Leases, Which Are Utilized for Summer Ewe Grazing

Particularly throughout Central Otago, there are a number of pre-1948 "Runs" which are utilized for summer ewe grazing, as a significant part of their overall grazing regime, have many similarities to the Mt Ida Syndicate, but have been awarded Pastoral Lease tenure. All of the following is quoted directly from the relevant "valuation reports" and titles, which are not always attached as appendices.

Po307 - Mt Hope, 998 ha. Pt Run 425c and Pt Run 519.

Tenure: Pastoral Lease from 25/11/1954. Prior to that the tenure was "Licence to

Occupy Crown Land for Pastoral Purposes" dated 01/03/1928.

Lease Stock Limit: 750 sheep.

Personal Stock Limit: 910 stock units. The subject property is stocked from early January to early April. Stock vary from year to year but are generally 2200 perendale ewes and 700 hoggets, cattle are sometimes run in dry years. This equates to 750 stock units in an average year. The property is in its native state having had no seed or fertilizer. This is a small Pastoral Lease which is used to complement other land (600 ha freehold). There are no steadings or farm buildings on the Pastoral Lease.

Po - "Bain's Block", 4128ha. Run 758. Purchased by DoC several years ago. Tenure: Pastoral Lease from 25/07/1972. Prior to that the tenure was "Licence to Occupy Crown Land for Pastoral Purposes" dated 01/03/1929. Lease Stock Limit: 1100 sheep during the three summer months.

Po290 - Silverbirch, 1012 ha. Run 529A.

Tenure: Pastoral Lease from 01/06/1963. Prior to that the tenure was "Licence to Occupy Crown Land for Pastoral Purposes" dated 01/03/1942. Lease Stock Limit: no more than 1200 breeding ewes in the months of February, March and April, 300 wethers January, February, March, April and December.

Po302 – Grafton Hills, 745 ha. Run 760.

Tenure: Pastoral Lease from 01/07/1966. Prior to that the tenure was "Licence to Occupy Crown Land for Pastoral Purposes" dated 01/03/1942.

Lease Stock Limit: 420 sheep.

Personal Stock Limit: 500 stock units. Stocking in recent years has been between 220 and 300 su per annum in the months of January to April. It is the mixed age Merino ewes from the main flock that are run on the subject property. The subject property has had no development by way of seed or fertilizer and is in its native state. This is a small block used for summer grazing and run in conjunction with other lower land (358 ha freehold). There are no steadings or farm buildings on the Pastoral Lease.

Po212 - Beeches II, 2206 ha. Run 204 D.

Tenure: Pastoral Lease from 01/07/1959 (Appendix S149). Prior to that the tenure was "Licence to Occupy Crown Land for Pastoral Purposes" dated 01/09/1924

(Appendix S149).

Lease Stock Limit: 4400 sheep, confined to a four month period January to April. Personal Stock Limit: 5000 sheep, for three months mid January to mid April. The only improvements are the boundary fence. The Pastoral Lease is run in conjunction with other lower land but no area is stated in the report. There are no buildings on the Pastoral Lease.

Po214 - Waipiata Syndicate, 1133 ha. Run 204 f.

Tenure: Pastoral Lease from 01/07/1959 (Appendix S21). Prior to that the tenure was "Licence to Occupy Crown Land for Pastoral Purposes" dated 01/03/1924 (Appendix 22).

Lease Stock Limit: 1650 sheep.

Personal Stock Limit: 2900 stock units on an annual basis follow two block limits on the Top Block of 2500 ewes from 1 February to 1 April. 1000 wethers 1 January to 1 May and 100 cows from 1 April to 1 June. The lease is essentially unimproved. The Pastoral Lease is run in conjunction with other lower land but no area is stated in the report. There are no steadings or farm buildings on the Pastoral Lease.

Po142 - Patearoa Syndicate, 3490 ha. Run 248 J.

Tenure: Pastoral Lease from 01/07/1988 (Appendix S52). Prior to that the tenure was "Licence to Occupy Crown Land for Pastoral Purposes" dated 01/09/1918 (Appendix S52).

Lease Stock Limit: 1650 wethers for 12 months and an additional 1650 ewes for a period of 2 months between February and April.

Personal Stock Limit: 2450 wethers for 12 months and an additional 2500 ewes for a period of 2 months between February and April. The lease is essentially a native block. The Pastoral Lease is run in conjunction with other areas of lower land but no area is stated in the report. There are no steadings or farm buildings on the Pastoral Lease.

Po125 - The Homestead, 3466 ha. Run 248 K.

Tenure: Pastoral Lease from 25/11/1954. Prior to that the tenure was "Licence to Occupy Crown Land for Pastoral Purposes" dated 09/03/1912.

Lease Stock Limit: 1650 sheep.

Personal Stock Limit: 2900 stock units on an annual basis follow two block limits on the Top Block of 2500 ewes from 1 February to 1 April. 1000 wethers 1 January to 1 May and 100 cows from 1 April to 1 June. The lease is essentially unimproved. The Pastoral Lease is run in conjunction with other lower land but no area is stated in the report. There are no steadings or farm buildings on the Pastoral Lease.

Po333 - Styx Run, 3142 ha. Run 248M.

Tenure: Pastoral Lease from 01/07/1972. Prior to that the tenure was "Licence to Occupy Crown Land for Pastoral Purposes" dated 01/03/1942. Lease Stock Limit: 1800 ewes for three months mid January to mid April, 1700

wethers all year.

Po197 - Kyeburn Station, 6586 ha. Run 574 (see appendix S146).

Tenure: Pastoral Lease from 01/07/1955 and 01/07/1988. Prior to that the tenure was a "Pasturage Licence" dated 01/03/1920.

Lease Stock Limit: 4730 sheep from PL title 01/07/1955, but as stated in the property valuation report not applicable since surrender and incorporation of different areas.

Personal Stock Limit: 4500 ewes January – April on Run Block 4677 ha, which is unimproved. The Pastoral Lease also includes a Homestead block of 1909 ha and is run in conjunction with 961 ha of freehold. Again one must ask the question, as to why and upon what basis that a Pastoral Lease was issued for the neighbouring Kyeburn Station and not for the Mt Ida Syndicate? Especially when the number of

wethers on Kyeburn Station had to be reduced by 800 head from 3,500 to 2,700 in 1964/65 and from 2,700 to 1,900 in 1965/66 (see appendix I12).

Po293 - Shortlands Station, 4988 ha. Run 736.

Tenure: Pastoral Lease from 01/07/1964. Prior to that the tenure was "Licence to Occupy Crown Land for Pastoral Purposes" dated 01/03/1929.

Lease Stock Limit: 2500 su.

Personal Stock Limit: 6500 stock units on an annual basis, with no specific details, but no wethers are listed, so clearly it is utilized for ewes especially after weaning. The lease is essentially unimproved, apart from 300 ha of cultivated flats. The Pastoral Lease is run in conjunction with an adjoining 1045 ha of good quality land. There is a house and haybarn on the Pastoral Lease.

Po308-Clover Flats, 2185 ha. Run 206E. (see appendix S165)

Tenure: Pastoral Lease from 01/07/1965. Prior to that the tenure was POL No. 0.31 for 5 years, dated 01/07/1960, rent \$160. There are no prior references on this title to trace it back further.

Lease Stock Limit: 750 su from the property report. From the PL title - "no more than 600 sheep and 40 cattle (no more than 25 breeding cows) endorsed to read all year plus a further 1500 ewes for four months from January to April inclusive". Personal Stock Limit: 1777 stock units on an annual basis. The Pastoral Lease is utilized by 1800 ewes all year except for July, August and September plus an additional 600 ewes from mid-January to mid-April. 100 cows are run, except for December/January. 1300 ha of the lease is OSTD. The Pastoral Lease could not be run by itself as a unit and is in fact run with 520 ha of lower country at Kyeburn. There are no steadings or farm buildings on the Pastoral Lease.

Po321-Little Mt Ida, 2339 ha. Part Run 790. (see appendix S154)

Tenure: Pastoral Lease from 01/01/1968. On the 01/12/1960, a POL was issued for a term of 5 years. On the 30/08/1965, a POL was issued for a term of 2 years. Prior to that the tenure was "Licence to Occupy Crown Land for Pastoral Purposes" dated 01/03/1925.

Lease Stock Limit: 2600 dry sheep.

Personal Stock Limit: 3200 sheep and 40 cows. Overall and run in conjunction with 741 ha of freehold - 7700 sheep and 140 cattle. 330 ha cultivated and well maintained, some of the lease is OSTD but only a small portion has been maintained. If the Pastoral Lease was managed in isolation, it should now be self sufficient for wintering some 3000 su. It would still be an economic unit in its own right. There are no steadings or farm buildings on the Pastoral Lease.

Idaburn Hills, 3505 ha. Part Run 227d. (see appendix S155) Tenure: Freehold 14/11/1989 from a renewable lease 23/07/1987. Pastoral Lease from 14/01/1959 over 4713 ha. Prior to that the tenure was "Lease of a small Grazing Run" dated 01/03/1928 over 5621 ha. Pastoral Lease Stock Limit: 1870 sheep.

Po181 - Braeside, 12355 ha. Run 227B and 227C (see appendix S147). Tenure: Pastoral Lease from 01/01/1958 and 01/01/1991. On the 15/08/1957 a POL was issued. Prior to that, the tenure was a Lease of two small Grazing Runs both dated 01/03/1928.

Lease Stock Limit: 5500 sheep and 80 cattle.

Personal Stock Limit: 7600 sheep and 200 cattle. This is a virtually undeveloped property carrying a similar number of stock as what it was carrying when the Pastoral Lease was issued in 1958. The Pastoral Lease has an old woolshed with no electricity supply and no other buildings. The Pastoral Lease is run in conjunction with 763 ha of freehold. Again one must ask the question, as to why and upon what basis that a Pastoral Lease was issued for Braeside and not for the Mt Ida Syndicate?

Po383 - Home Hills, 3200 ha. Run 227A (see appendix S164).

Tenure: Pastoral Lease from 27/02/1956 and 01/07/1986. Prior to that, the tenure was a Lease of a small Grazing Runs both dated 01/03/1928.

Lease Stock Limit: 1600 sheep.

Personal Stock Limit: 3450 su. 750 ha good OSTD, 240 ha OSTD not maintained, 16 ha poor Lucerne and 2194 ha native. The Pastoral Lease has no buildings. The Home Hills Pastoral Lease is considered a relatively hard property and is run in conjunction with 294 ha of freehold.

Po382- Two Mile 3111 ha. Run 582 (see appendix S163).

Tenure: Pastoral Lease from 01/07/1986, 1696 ha was surrendered from the lease 23/05/1994, which ran up to the top of the Hawdun Range. On the 27/02/1956, a PL was issued. Prior to that the tenure was "Licence to Occupy Crown Land for Pastoral Purposes" dated 22/03/1917. Before that a Lease dated May 1907.

Lease Stock Limit: 1100 su.

Personal Stock Limit 2000 su.

The Run is stocked with 1800 wethers for 10.5 months and 100 cows for 12 months. The Home block handles the wethers for the remainder of the year and the deer farm is estimated to add a further 750 su. 325 ha of the Run block is OSTD and 34 ha of the Home block the remainder of both blocks is poor native.

The Pastoral Lease is in two blocks, 25 km apart, the Run block is 2958 ha and the Home block is 153 ha plus some unspecified freehold. The only building on the Pastoral Lease is a small tin hut.

There are many other Pastoral Leases throughout the South Island that are utilized mainly for the summer early autumn grazing of breeding ewes. Islay Downs Po363, Gem Lake Po122, Breast Hill Po216, Mt Thomas Po309 and Scotsburn Pt 080 are just five of many examples.

Key Points

- The members of the Mt Ida Syndicate take a tremendous compliment from the DOC CRR report, pointing out the excellent condition of the Run, which has been under management by the same families since 1897.
- 2. It is clear from this and other comments that PLO Ford, was reporting his own views and that he was on another agenda. Rather than reporting the reality of the situation, in an unbiased and objective manner, as he ought to have been as an employee of the Crown. This was to the detriment of the long-term interests of the Syndicate and probably prevented the issue of a Pastoral Lease over the Syndicates area! (Appendix I29). The proposed formation of another "Molesworth" (Appendix I25), by PLO Ford, was an unfortunate distraction. "Molesworth" with its vast areas of river flats and

other flats suited to Cattle grazing, is a completely different kettle of fish to the Mt Ida and Kyeburn areas.

- 3. Correspondence relating to long-term lease issue and further terms, is contained in appendix 30, please refer to it for full details of 17 letters
- 4. This POL was not set up by the Crown with the intention, as a phase out for grazing and the non-suitability of POL tenure was recognised, because they are regarded as a terminating Licence by the Board, which is certainly not the case in respect of this area, see appendix I4.
- 5. A pastoral lease should have been issued over the whole area, when the Licence to occupy Crown Lands for Pastoral Purposes, over an area of 9896.2698 hectares, Run 362 B and C which expired on 01.07.1955. As was done for the Waipiata Syndicate, Patearoa and Beeches II at that time.
- 6. The Crown effectively charged rent as if it was a Pastoral Lease when in a report on "Pastoral Land Issue of POL" with no date but presumably sometime in 1978.
- 7. The cost to the Crown of building stock proof retirement fences to suit its retirement policies.
- 8. Great emphasis was placed on the use of Line Transects to assist the FO's in establishing vegetation trends and therefore the condition of the land (see appendices I13 and I15). The fact that these were put in (see appendix S51) but never reread or expanded over different classes of country shows a total lack of commitment by the Crown agencies of the day.
- 9. The Primary Production Committee in its report on the Crown Pastoral Land Bill made an important statement as to the review of a POL and its effect on the whole farm when it said: and the effect on the whole farm, rather than just POLs, should be considered.

Due to the inability of Lands & Survey to make timely and decisive decisions it was making elsewhere in similar circumstances Mt Ida Syndicate went from a Pastoral Run Licence, to a Pastoral Occupation Licence "subject to finding a way to attach it to other land" in 1955. Was this because:

- The Mt Ida Syndicate was under multiple ownership?
- A change in Field Officer and his attitude to burning and the size of land holdings meant that the question of transferring the POL to a PL was put on hold for some years.
- In some reports the Mt Ida Syndicate members are good guys in others they are the opposite.
- The down country farms were big enough (History on the number of su required for an economic unit tells us otherwise)?
- The area was perceived to be nearly all Class VIII land rather than Class VII land which it actually is?
- Was it because of the "sword crossing" between the Department of Lands & Survey with the WCC?

- The muddling over the Hawkdun Range Management Plan?
- It is clear that when Landcorp was awarded the contract to administer Pastoral Leases on behalf of the Crown, that they did not want to "rock the boat". By insisting that the CCL make timely decisions encompassing the law of the day, in case it placed the future of their lucrative contracts in jeopardy.

From studying the papers presented in appendix 160 (which indicate some of the thinking that they were prepared to commit to paper) it is clear that the lack of decision making by the Land Administrators, from 1985 on was due to several principle causes:

- Not knowing how to deal with the Martin report since found to be deficient and misleading in its reporting of the science, behind sustainable farming in the high country.
- Unresolved issues such as the Nagi Tahu land claim.
- Unreasonable pressure and fettering by the NGO's.
- The Land Administrators of the day, were making decisions on LSB policy and what they perceived Government positions might actually lead to in terms of law changes to the Land Act 1948, both approaches were ultra vires the law at the time.

The Crown has not treated the Mt Ida Syndicate on a fair and equitable basis since at least 1955, when all other similar cases except for the Soldiers Syndicate progressively received pastoral lease title. Over the years the Mt Ida has on numerous occasions been treated as if it were a pastoral lease. If the Crown had practiced what it was preaching in regard to creating well-balanced pastoral leases, it would have rationalised the boundaries with the neighbouring Otematata Endowment Lands in the early 1960's.

There seems to be two main categories of POL's. Historic ones that go back to Pastoral Run Licences and "Licences to occupy Crown Land for Pastoral Purposes", issued before the Land Act 1948, and were not made into Pastoral Leases under the Land Act 1948 for one reason or another. Some were considered to be uneconomic in there own right, some had multiple owners, some were run in conjunction with freehold or renewable lease and some were considered to be high altitude marginal land. The second type of POL's, were created from Pastoral Leases, in the catchment board era from the early 1960's until the early 1990's to provide for short term phase out grazing. In reality, if a third type of Pastoral land had been allowed for under the Land Act 1948 and the Crown Pastoral Land Act 1998, with the right of renewal and freehold. The exceptions below would be able to be sorted in a practical, fair and equitable manner, rather than being an historic relic too difficult for the Crown to handle and sort out under prevailing policy. For example if a POL has an adjoining Pastoral Lease under the same ownership, the two can be reviewed together, which has to be a better process for both the Crown and the Holder.

All of the long-term holders of POL's had a legitimate expectation that the CPLA 1998 would be an enabling piece of legislation which would recognise and resolve the long standing issue in regard to the pastoral instruments which are an integral part of their farming operations.

In summary Mt Ida Syndicate is a "community thing" to provide for seasonal grazing of livestock to allow the wintering country to recover. This tradition endures in Europe today where it has been going on for thousands of years and should also in this case. The review process forces the farmer into defence of their historically proven production base - when in fact they are the most conservation oriented of all interested parties taken over the total context of the land interest. There must be a balanced view of all aspects of the land, its production, soil condition, pests and weeds as well as the elusive significant inherent values before deciding the future usage in the best interest of the land and of the users of it. This exercise dramatically highlights the danger of having "Authorities", who are responsible for "legislative advocacy", also performing the scientific measurement input without a full explanation of the scientific methods used, the persons undertaking the measurement and with no scientific report on production, soil condition and pest and weed management. Inherent values always appear to be based on "Landscape" and a listed "Methodology" which is not scientific but relies on common sense and comes to this; how was it formed, what has nature left there, what does it look like and is there any history attaching to this place?

The personal submissions of the three farming families, who are members and still involved in the Mt Ida Syndicate, have already been posted into DTZ Alexandra.

Due to many delays in receiving official information act requests, I would appreciate the opportunity of providing more in depth and detailed analysis of many of the issues and points raised in this submission if you require them.

Yours faithfully

Rod G Patterson MAgSc, MNZIPIM, CPAg