



Commissioner of Crown Lands
Land Information New Zealand.

22 July 2019.

Dear Mr Harris,

Review of Glenlee Crown land

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

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

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

Section 83 Objects of Part 3

The objects of this Part are-

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

It is equally clear that the following considerations are secondary:

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

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

Significance

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

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

Glenlee

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

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

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

Proposed CA1

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

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

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

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

Recommendation:

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

Proposed CA2

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

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

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

Recommendation:

*** that proposed CA2 be adopted.**

Proposed CA3

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

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

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

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

Recommendation:

*** that proposed CA3 be adopted.**

Proposed CA4

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

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

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

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

Recommendation:

*** that proposed CA4 be adopted.**

Proposed CA5

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

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

There is significant contiguousness with the Ferny Gair Conservation Area.

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

Recommendation:

*** that proposed CA5 be adopted.**

Proposed CA6

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

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

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

There is strong potential for tramping and hunting.

Recommendation:

*** that proposed CA6 be adopted.**

Proposed SL1

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

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

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

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

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

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

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

Recommendations:

*** that proposed SL1 not be adopted.**

*** that proposed SL1 become public conservation land due to its robust significant inherent values.**

Proposed FH1

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

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

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

Recommendation:

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

Land classification

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

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

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

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

Recommendation:

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

Summary

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

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

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

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

Your sincerely,

Jan Finlayson,
president and tenure review committee convenor.

FMC – FEDERATED MOUNTAIN CLUBS

www.fmc.org.nz | President: Jan Finlayson 021 502 297 | Vice-President: Tania Seward 0204 000 2826
Executive Officer: Danilo Hegg eo@fmc.org.nz Ph 027 339 2688
Federated Mountain Clubs | P O Box 1604 | Wellington 6104 | New Zealand/Aotearoa