



8 July 2016.

Commissioner of Crown Lands  
Land Information New Zealand  
Christchurch.

Dear Mr Gullen,

**Re: tenure review of Glenfalloch Crown pastoral lease**

Federated Mountain Clubs (FMC) was founded in 1931 and advocates for New Zealand's backcountry and outdoor recreation on behalf of 20,000 members. This core function gives FMC a strong interest in Crown pastoral tenure review as, through the process, Crown leasehold land can be redesignated for new purposes including conservation and recreation.

The prioritised objects of the statute enabling tenure review, Part 2 of the Crown Pastoral Land Act 1998, are of particular significance to FMC due to our organisation's interest in biological, landscape, and historic values and recreation access. The objects are:

**Section 24**

*(a) to-*

*(i) promote the management of reviewable land in a way that is ecologically sustainable*

*(b) to enable the protection of the significant inherent values of reviewable land-*

*(i) by the creation of protective mechanisms; or (preferably)*

*(ii) by the restoration of the land concerned to full Crown ownership and control,*

and the following object:

*(c) subject to paragraphs (a) and (b), to make easier-*

*(i) the securing of public access to and enjoyment of reviewable land.*

Additional objects, *to enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument, and the freehold disposal of reviewable land*, must also be considered, though their priority is not as high as those of (a)(i), (b)(i), and (b)(ii).

FMC notes that the objects of Part 2 of the Crown Pastoral Land Act 1998 must be given effect to and that though information flow is vital to an optimal outcome, tenure review is not a bargaining process.

## **Glenfalloch**

Bounded by the Rakaia River to the north and Lake Stream to the west, dropping almost to Lake Heron in the south, and comprising the western part of the Palmer Range, this 10,898 hectare property is predominantly mountainous country rising to 2,003 metres above sea level at Smite Peak. Much of the steeper, higher land is undeveloped. Along the waterways, flats areas - some extensively modified - begin at around 550 metres above sea level. Glenfalloch has been run as a commercially diverse operation that includes non-agricultural components.

The following submission views Glenfalloch's preliminary proposal through the lens of the objects of Part 2 of the Crown Pastoral Land Act 1998 and their hierarchy.

## **Proposed CA1 (including GC)**

Strong landscape and visual values support this proposed 8,626 hectare designation, as do outstanding and high invertebrate values; several significant lizard and bird values; numerous high and medium botanical values; and areas of strong aquatic values, along with the catchments supporting them. These qualify proposed CA1 for full Crown ownership and control, as preferred by the statute.

Significant natural values exist beyond proposed CA1, however, and FMC believes Station Creek's lower reaches within the property and much of the western part of the property should be included in the designation; this will be dealt with on page 4 (Station Creek) and pages 5-8 (western areas of Glenfalloch)\*.

There is much of significant recreational interest in the proposed designation. Smite and Lagoon Peaks are achievable objectives for single-day or weekend trips, for example, and there are good hunting opportunities.

Proposed access to CA1 is very prolix and needs to be more direct to meet the Act's obligation to recreational access and enjoyment, however. FMC would like to see creation of easements, through proposed freehold (CC4) (to be discussed further on pages 5-6), and through the

proposed freehold without protective mechanisms, to proposed CA1, along the fenceline beginning slightly west of 'h' (to be discussed further on pages 8-9)\*\*.

FMC supports the proposed farm management transition mechanism, grazing concession GC, to apply to around 2,560 hectares. However, to allow for protection of natural and recreation values as required by the Act, and in recognition that proposed GC is to enable an operational segue only, we propose its length be reduced to a maximum of five years.

The proposed 20-year tourism activities concession is too permissive, in duration and in potential client numbers (several thousand per annum). Negative effects on recreational users' enjoyment would be significant. FMC supports the granting of a tourism activities concession, but proposes that its duration and client numbers be very considerably reduced to meet the Act's obligations to public recreation.

The proposed 20-year aircraft tourism activities concession is too long. Potential negative effects on natural quiet, and the potential for high client numbers to impinge on recreational enjoyment, mean that the proposed concession's duration should be greatly reduced and that conservative maximum client numbers should be established. There is insufficient guarantee of veracity of flight tracking; judicial grade recording should be obligatory. These adjustments to the proposed concession should be made to ensure the Act's obligations to public recreation are met.

**Recommendations:**

***\* that proposed CA1 be adopted.***

***\* that the maximum term of proposed GC be five years.***

***\* that the proposed tourism activities concession's duration and client numbers be significantly reduced.***

***\* that the proposed aircraft tourism activities concession's duration should be significantly reduced, that it include modest maximum client numbers, and that it include obligatory judicial grade flight tracking.***

\* Note: proposed CA1's boundary is discussed on page 4 and pages 5-8

\*\* Note: proposed public access to CA1 is discussed on pages 5-6 and 8-9.

**Proposed LA**

Significant birds such as the Nationally Endangered black-fronted tern, and the black-billed gull, in Serious Decline, exist in this 40 hectare proposed block, which is habitat for the Threatened banded dotterel. Representativeness and diversity and pattern of vegetation are high.

The riverbed adds significant value to recreational access opportunities.

Significance of natural and recreational values means that full Crown ownership and control - the Act's preference - are appropriate, therefore FMC supports creation of LA.

**Recommendation:**

***\* that proposed LA be adopted.***

**Proposed freehold (CC1 - Station Creek bush remnant)**

This 32 hectare block contains outstanding invertebrate values and high landscape and significant visual resource values, and, very diverse botanically, it contributes greatly to the Palmer Range catchments' full vegetation sequences. It provides important habitat for the area's bird communities. The strength of significance of its values means that this lower section of Station Creek should be retained in full Crown ownership and control, as preferred by the Act, for the protection of those values.

FMC believes that proposed freehold (CC1) should become part of proposed CA1 (GC) and that grazing should take place as described for proposed CA1 (GC), albeit for a reduced period of no more than five years, as FMC has proposed for CA1 (GC) on page 3.

If proposed freehold CC1 does not become part of CA1 (GC), it will still need strong protection appropriate to its natural values' high significance, as required by the Act; in this case, it should be secured from unauthorised stock and grazed as described in proposed CA1 (GC) for a reduced period of no more than five years.

**Recommendations:**

***\* that proposed freehold (CC1) become part of CA1 (GC) with grazing to take place as described for proposed CA1 (GC) for a reduced period of no more than five years.***

***\* that if freehold (CC1) is created as proposed, it should be secured from unauthorised stock and grazed as described for proposed CA1 (GC) for a reduced period of no more than five years.***

**Proposed freehold (CC2 - Glenfalloch Stream tributary bush remnant)**

This 12 hectare proposed covenanted freehold area, hosting a good invertebrate complex, could support a near-complete botanical altitudinal sequence if grazing is withdrawn as proposed. However, in the proposed absence of fencing, proper protection and recovery are uncertain.

FMC supports the proposed designation but favours unequivocal stock exclusion by fencing to enable the block's restoration to high health; boundary alterations may be needed to enable fence construction where difficulties are presented by the terrain.

**Recommendations:**

***\* that proposed freehold (CC2) be adopted.***

***\* that proposed freehold (CC2) be fenced; this may mean boundary alterations.***

### **Proposed freehold (CC3 - Shingly Creek bush remnant)**

Diverse scramblers, shrubs, and trees exist in this proposed 29 hectare remnant which should be fenced to ensure the benefits of proposed stock exclusion are achieved. Boundary alterations may be needed to allow fence construction where terrain is difficult.

If a stock laneway is established as the proposal allows, it should be fenced.

#### **Recommendations:**

***\* that proposed freehold (CC3) be adopted.***

***\* that proposed freehold (CC3) be fenced; this may mean boundary alterations.***

***\* that if a stock laneway is established on proposed freehold (CC3), it will be fenced.***

### **Proposed freehold (CC4 - Whaleback shingle fan)**

There is high landscape significance throughout this proposed 114 hectare block and significant visual resource value in the section facing the Rakaia River.

Invertebrate values in the shingle fan area are outstanding, and the *carex*-dominant Whaleback wetland area, host to four species of dragonflies and damselflies, is of high significance in terms of invertebrates. Other wetlands in the southern half of this proposed block have botanical diversity which is based on diversity of surfaces (wetlands are an ecosystem type nationally prioritised for protection).

Botanical representativeness in Whaleback's surrounds is medium-high and notable plants such as bog pine and *Hebe anomala?* are present. Trees and shrubs provide habitat for numerous birds, including the banded dotterel, which is in Gradual Decline. There is high long-term botanical viability in the vegetation of the fans in this block, and fans and screes existing here provide good habitat for lizards.

Proposed recreation access is satisfactory only; in combination with the legal roads, which allow passage between Glenfalloch and Lake Stream, public recreational access provision would be reasonable, but not all users will be aware of legal roads present, and nor can enduring practical passage on these roads be guaranteed.

Setting legal roads aside from the discussion, FMC believes public recreation access is insufficiently addressed by the proposal; the proposed public access easement runs roughly parallel with the boundary of proposed CA1 at some distance from it for its entire length, providing linkage with proposed CA1 only at the southernmost point of the proposed freehold, point W. FMC

expects that, in order to fulfil obligations to public access and recreation under the Act, visitors with objectives in proposed CA1 will have more opportunities to access it.

The additional route we propose on pages 8-9 goes some way to remedying this but visitors entering the property from Double Hill Run Road would still have many kilometres of confinement to a poled route before access to proposed CA1 were next encountered. Further access to proposed CA1 is needed. FMC suggests that this be either along proposed fenceline X-Y, which would incorporate a safety element, or from the point in proposed freehold (CC4) where the proposed public access easement is in close proximity to proposed CA1. Either of these will help the proposal meet statutory public access and enjoyment requirements; however, for recreationists such as bird-watchers and photographers, the constraint of the proposed public access route, in this extensive and healthy environment, would be sub-optimal, and FMC suggests appropriately-placed signage alerting the public to the nearby legal roads that will give access to Lake Stream and the western boundary of proposed CA1.

FMC believes that the combined natural values of proposed freehold (CC4) are so high that full Crown ownership and control, preferred by the Act, are triggered; if this occurs, there will be open public recreational access. A less preferable outcome, given the degrees of significance present, would be establishment of specific grazing conditions, designed and reviewable by the Department of Conservation. The proposed covenant is insufficient to protect values present.

**Recommendations:**

- \* that proposed freehold (CC4) not be created and the land be restored to full Crown ownership and control instead.***
- \* that if proposed freehold (CC4) is created, specific grazing conditions be incorporated, designed and reviewable by the Department of Conservation.***
- \* that if proposed freehold (CC4) is created, access to proposed CA1 is provided either along proposed fenceline X-Y or from the point where the proposed public access easement is in close proximity to proposed CA1.***
- \* that appropriately-placed signage be established alerting the public to legal roads present.***

**Proposed freehold (CC5 - Lake Stream lower slopes and Shaggy Hill)**

The southern half of this 766 hectare block contains high landscape values, significant natural character, and intact landscape patterns and ecological processes. Shaggy Hill is a distinctive natural feature. In landscape terms, completeness of the altitudinal vegetation sequence in this southern part is significant.

Outstanding invertebrate values exist in the Lake Stream old alluvial riverbed and high invertebrate values are present on lower parts of the Palmer Range above Shaggy Hill.

Diverse wetlands (wetlands are a national protection priority), many notable plants such as the threatened *Carex tenuiculmis* and bog pine, a sweeping area of densely-growing red tussock, and strong long-term viability are some of the proposed block's strongly significant botanical features.

Habitat for the grey duck, in Serious Decline; the New Zealand falcon, in Gradual Decline; and many other bird species as well as several lizard species, exist here.

All parts of the Leach Stream catchment and the Shaggy Hill and tarn area are important with respect to aquatic fauna values. There is a habitat mosaic. Naturalness and viability are high. Rarity and special features - such as the presence of freshwater mussels - and representativeness are medium-high.

Public access relating to proposed freehold (CC5) is satisfactory. The proposed access easement, though confining recreationists to a poled route, is complemented by the legal road running mostly on the true left of Lake Stream, and the legal road that joins the CA1 boundary.

Proposed freehold (CC5) contains such strong significant inherent values that it should be restored to full Crown ownership and control, as preferred by the Act. If this occurs, there will be open public access. An alternative, though less preferable, outcome, considering the high levels of natural significance present, would be much stronger covenant conditions, including reduced grazing and no permission for topdressing or oversowing, designed and reviewable by the Department of Conservation. The covenant presently proposed will not properly protect existing values.

**Recommendations:**

***\* that proposed freehold (CC5) not be created and that the land be restored to full Crown ownership and control instead.***

***\* that if proposed freehold (CC5) is created, stronger protection be incorporated, including reduced grazing and no permission for topdressing or oversowing, in conditions designed and reviewable by the Department of Conservation.***

**Proposed freehold (CC6 - Charlies Fan)**

This 142 hectare proposed block contains high landscape values that include fully intact landscape patterns and ecological processes, and naturalness of character.

Botanically there is much of significance, including silver and mountain beech forest, uncommon on alluvial surfaces in the ecological district, *Pimelea prostrata*, not recorded in the ecological district by the Protected Natural Areas Programme survey, *Coprosma atropurpurea*, rare in the ecological district, and a wide variety of plant communities, including diverse shrub species. Altitudinal sequences extend to a low elevation here.

The silver and mountain beech forest present is a key habitat for bird communities.

Proposed public access to CA1 is practical and expeditious; however, confinement to a poled route is sub-optimal given the high quality of the natural environment and recreational opportunities it presents.

Strength of natural values' significance should be protected by full Crown ownership and control, as preferred by the Act. If this occurs, public access will be open. An alternative, though less preferable, given the values' high quality, would be to proceed with establishment of proposed freehold (CC6) with stronger covenant conditions, designed and reviewable by the Department of Conservation. These would need to include very reduced grazing, to allow recovery where damage has occurred, and for sustained necessary improvements in water quality.

**Recommendations:**

***\* that proposed freehold (CC6) not be created and that the land be restored to full Crown ownership and control instead.***

***\* that if proposed freehold (CC6) is created, stronger protection be incorporated, including very reduced grazing, in conditions designed and reviewable by the Department of Conservation.***

**Proposed freehold (area without protective mechanisms)**

FMC believes that this area should be created as proposed, excepting the eye-catching roche moutonnee Whaleback, whose natural values should be protected by a covenant. Its high landscape value is due to the legibility of its formation through glacial action. It has good quality red tussock and is known to host the New Zealand falcon, in Gradual Decline. Covenant conditions should be determined and monitored by the Department of Conservation.

Amendments to the proposed public access and conservation management easement are needed to enable it to meet the Act's recreation access and enjoyment requirements. From Double Hill Run Road, the proposed easement would carry recreationists on a protracted route between, and roughly parallel with, the proposed long, narrow, freehold designation's margins, with no proposed links with proposed CA1.

Statutory obligations to recreational access and enjoyment mean that reasonable, efficient access to proposed CA1 should be offered. The fenceline slightly west of point 'h' would satisfy the obligation, in FMC's view, as it is unobstructed, reached quickly, and, as a fenced line, provides some safety to recreationists.

A reasonable maximum period should be applied to any temporary conservation management and public access easement closures able to be authorised by the Grantee.

The public should be permitted to carry guns and be accompanied by dogs, with strict rules around both. Proposed prohibition is in tension with the Act's obligation to recreational access and enjoyment, as recreational hunters will wish to pursue their sport on proposed CA1 (the proposed tourism activities concession, which includes guided hunting as a proposed activity, suggests high quality hunting opportunities exist on the proposed designation). It is likely, in any case, that prohibition would be counter-productive because recreationists wishing to be supported by dogs and guns would be able to use the legal roads instead.

**Recommendations:**

- \* that a covenant for protection of Whaleback's significant inherent values be designed and monitored by the Department of Conservation.***
- \* that, with the exception of a covenant for Whaleback, the proposed freehold (without protective mechanisms) be adopted.***
- \* that the proposed easement for public access and conservation management purposes be amended to include a reasonable maximum period for any temporary closure by the Grantee.***
- \* that guns and dogs should be allowed, with strict conditions, on the proposed easement for public access and conservation management purposes.***
- \* that access to proposed CA1 from the proposed public and conservation management access easement be established along the fenceline to the west of point 'h'.***

**Marginal strips**

FMC has proposed alterations to the preliminary proposal for tenure review of Glenfalloch's Crown pastoral lease. If our advice leads to changes in proposed designations, marginal strip requirements will need adjustment accordingly. As far as the present preliminary proposal is concerned, marginal strip protection should apply to the following reaches of stream or river:

- \* Station Stream along both banks where it runs through the area proposed for freehold disposal.***
- \* Glenfalloch Stream along both banks where it runs through the area proposed for freehold disposal.***
- \* Leach Stream along both banks from the point where it enters the area proposed for freehold disposal to where it meets Charlies Stream.***
- \* the Rakaia River, along its true right bank where it abuts the property.***
- \* Lake Stream, along its true right bank where it abuts the property.***
- \* Shingly Creek, along both banks where it runs through the area proposed for freehold disposal.***
- \* the unnamed stream running along the base of Whaleback, along both banks from roughly 5203324mN, 1450910mE to roughly 5203538mN, 1451761mE.***
- \* Charlies Stream, along both banks from the point where it enters the area proposed for freehold disposal to where it meets Lake Stream.***

**Recommendation:**

***\* that marginal strips as described above be adopted; where alterations to proposed designations occur, adjustments should be made accordingly.***

**Legal roads**

All legal roads should remain open to protect present and future recreation access and connectivity, and conservation and farm management access.

**Recommendation:**

***\* that all legal roads remain open.***

**Land classification**

This Crown pastoral tenure review should 'enable the protection of the significant inherent values'. Therefore, as part of the review, all property to become public conservation land should be given final classification based on the technical data that have informed the review.

Stewardship classification does not ensure protection through appropriate management and does not provide protection from exchange (Section 16A(1) of the Conservation Act 1987 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*); therefore, FMC proposes precise classifications that will address the Act's requirement that the review should 'enable the protection'.

**Recommendation:**

***\* that public conservation land created by this tenure review be specifically classified as part of the process.***

**Conclusion**

There is much in the preliminary proposal for Glenfalloch's Crown pastoral tenure review that is in agreement with the enabling statute's objects. However, better protection for natural values on the property is needed for the proposal to meet the Act's foremost demands of promoting ecologically sustainable management and enabling protection of significant inherent values.

Fulfilling public access and recreational enjoyment requirements of the Act will require adjustments be made to the proposal; these should be achieved readily.

Significant inherent values' protection on public conservation land is uncertain unless the land has specific classification. Technical data produced to support Glenfalloch's tenure review should be used to help the review meet the Act's requirement of protection for significant natural values by informing specific classifications for parts of the property to be redesignated for public conservation purposes.

FMC iterates that Crown pastoral tenure review is not a bargaining process; all available information relevant to Glenfalloch should be used to enable the result that best gives effect to the objects of Part 2 of the Crown Pastoral Land Act 1998.

Yours sincerely,

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