

Confusion over land surrender

The conflicting stories that abound in South Canterbury as to how much of Lilybank Station will be surrendered from the pastoral lease to the crown and when, typifies the confusion that pervades the issue of high country land surrender.

The confusion is so rife that, of 324,000 hectares of high country pastoral lease in South Canterbury scheduled to be handed back to the crown, only a fraction — 17,000 hectares — has been formally surrendered.

Department of Conservation and Landcorp staff say the process now has a high priority and more action should be seen over the next few months.

But there is a lot to catch up on. Land surrender agreements for most of the 14 South Canterbury high country properties involved have been on the books for some years but negotiations have been subject to constant deferment.

In 1991 the Public Lands Coalition found the issue throughout the South Island high country to be confused and conflicting.

Conflict

Official information was in conflict with other official information from different sources and there was no clear picture as to what was happening on individual properties. That situation still applies.

The coalition said the confusion was a reflection of the large number of agencies responsible for having high country land surrendered but which did not have the jurisdiction to see the arrangements through to completion.

At stake is more than the issue of destocking (retirement) of alpine marginal lands for conservation purposes and the means to make that retirement permanent by taking the land out of the pastoral lease title (surrender).

Groups like the Deerstalkers Association and the Public Lands Coalition want to ensure that negotiations between crown and runholders do not end up precluding public access.

They also want to ensure that land earmarked for surrender does not slip back into leasehold or private title because of the delays in the surrender process.

High country farmers say the leasehold titles have become a battle ground for the differing objectives of a wide range of groups and

Conservationists and outdoor recreationalists are coming into increasing conflict with high country farmers over access to, and management of, large areas of alpine lands that have been earmarked for surrender back to the crown. Reporter Steve Attwood backgrounds the issue.



The High Country farmer ... confusion is so rife over land that has been earmarked for surrender to the crown that only a tiny fraction of the 324,000 hectares involved has been formally handed back.

that, according to the *Spirit of the High Country*, a positional and policy publication by the South Island High Country Committee of Federated Farmers, even government agencies have conflicting goals.

Farmers seek to freehold their runs and negotiate with the crown as to what lands should be surrendered before free holding takes place.

Individual negotiation was the way to balance the farmer's needs against those of the public, the high country committee said, adding that private ownership of pastoral lease need not conflict with public access.

Land retirement and surrender began in the 1970s. High country land that was marginal or sub-economic for grazing purposes was retired from grazing in order that the fragile environment could be protected for water and soil conservation purposes.

Catchment boards offered

runholders a subsidy to improve land elsewhere on the station to lift its stock carrying capacity and so compensate for the loss of alpine grazing.

The agreements were to retire only. The marginal areas remained in the leasehold title. Compensation was paid as work to develop alternative land progressed.

The National Soil and Water Conservation Authority and the Land Settlement Board later agreed that retired land was a liability on the runholder.

The land could not be grazed but, while it was still in the title, the runholder was paying land and pest destruction rates and other management costs. It was agreed that the land should be surrendered to the crown.

There was no further compensation because that had been paid as subsidy for developing alternative grazing.

Some progress was made on surrender of previously retired land, but the whole process came to a halt with the reorganisation of the old Department of Lands and Survey in 1987.

Ray Ward Smith, manager Landcorp Property Ltd Timaru, said the division of Lands and Survey into various bodies, including DOC, the Department of Survey and Land Information and, later, the state-owned enterprise Landcorp, saw the land surrender issue left hanging for some years.

It was no longer clear whose responsibility it was to pursue the matter.

Even when the Department of Conservation's authority to pursue the deals and take the surrendered land into DOC conservancy was clarified, there was a problem. Bruce Mason, of the Public Lands Coalition, said it was widely believed that DOC was reluctant to

move on the issue because the financially strapped department had no money to pay for the survey costs.

However, DOC has since received a special provision of funds to finance surrender surveys.

This was confirmed by Mr Ward Smith who said that DOC and Landcorp, as DOC's surveyor, had "got into high gear" with survey teams at, or scheduled to visit, a number of properties.

The slow progress of land surrender has led to conflict between farmers and groups with an interest in public access.

Mr Ward Smith said there was probably confusion between retired land and surrendered land.

Retired land was still legally part of the pastoral lease and therefore the runholder was within his/her rights to expect individuals to seek permission before entering the property.

Surrendered land

Surrendered land reverted to the crown with attached rights of public access. But, as the statistics for South Canterbury's high country show, only a fraction of the property scheduled to be surrendered has been handed over.

Until surveys were completed and the surrender gazetted, the land remained the leasehold property of the runholder and under his/her control.

Mr Ward Smith said that where access to surrendered

land was through remaining leasehold property, properly surveyed access routes were included in the plan. But this was often foot access only.

There was no obligation for the runholder to provide, or for the crown to seek, vehicle access to the new crown lands. Neither was there any obligation on either party to define the legal access by any means other than the legal description in the survey information and the survey lines on a map.

It would still be up to the outdoor recreationalist to find out from the farmer or DOC just where the public access route was.

As to the future of the 300,000 plus hectares of high country land in South Canterbury that is supposed to be surrendered, Department of Conservation operations manager Graeme Ayres said DOC had only just started working on management plans for the land.