

Crown Pastoral Land Tenure Review

Lease name: Stonehurst

Lease number: Po 276

Public submissions

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

November 03



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

22 August 2002

The Commissioner of Crown Lands,
C/- DTZ New Zealand Ltd.
Land Resources Division
PO Box 27
ALEXANDRA



"RELEASED UNDER THE
OFFICIAL INFORMATION ACT"

Dear Sir

Re: Preliminary Proposal for Tenure Review, Stonehurst Pastoral Lease.

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 13,000 members of tramping, mountaineering, climbing and other outdoor recreation clubs throughout NZ, and indirectly represents the interests and concerns of many thousands of private individuals who also enjoy recreation in the back country.

On their behalf, FMC aims to enhance and have formally recognised, the recreation opportunities on leases under review, to protect significant inherent values, and to ensure public access on high country pastoral leases through the tenure review process.

FMC fully supports the aims of tenure review: "to promote the management of reviewable land in a way that is ecologically sustainable... .. to enable the protection of the significant inherent values of the reviewable land... .. and to make easier the securing of public access to and enjoyment of reviewable land" (Crown Pastoral Land Act 1998, S.24).

FMC is grateful for this opportunity to comment on the preliminary proposal for Stonehurst Pastoral Lease.

THE PRELIMINARY PROPOSAL

The following designations and protective mechanisms are included in the proposal:-

- (1) 2070ha (approximately) to be designated as land to be restored to full Crown ownership and control as a conservation area under Section 35 (2) (a) (i) of the Crown Pastoral Land Act 1998.
- (2) 775ha (approximately) to be disposed of by freehold disposal to J C F James under Section 35 of the Crown Pastoral Land Act 1998 subject to protective mechanisms.

Protective mechanisms:

- (a) An easement under Section 40 (2) (c) Crown Pastoral Land Act 1998 to provide for public access by foot, non-motorised vehicle powered by a person, and horse to the proposed conservation area.
- (b) An easement under Section 40 (2) (b) Crown Pastoral Land Act 1998 to provide for conservation management access to the proposed conservation area.
- (c) A conservation covenant under Section 40 (2) (b) Crown Pastoral Land Act 1998 over approximately 230 ha of the proposed freehold land.

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FMC POSITION

FMC supports the general principles of tenure review and also supports the general thrust of the changes proposed for Stonehurst pastoral lease. We note that this is a relatively small pastoral lease (less than 3,000ha) but one which occupies an important position on the crest and flanks of the Rock and Pillar Range. The reason this lease is important is that the upper part constitutes a critical component of the proposed Rock and Pillar Conservation Park which DOC has foreshadowed in the Conservation Management Strategy (CMS) for Otago. It is important that the boundary on Stonehurst between proposed freehold and conservation land on front faces of the Rock and Pillar Range harmonises with the corresponding boundaries on neighbouring properties. Those neighbouring properties are Kelvin Grove to the north and Burgan Run and Gladbrook (up to Trig B at 1,100m on the crest of the range) to the south.

On Burgan Run, the recommended boundary between conservation land and freehold land was at about 800m on the front face of the range, while Gladbrook is not in the tenure review process. To the north, on Kelvin Grove, the corresponding recommended conservation land/freehold boundary also followed very close to the 800m contour. The logic of this is therefore, that the freehold/conservation land boundary on Stonehurst should also follow close to the 800m contour across the face of the range, in order to maintain landscape integrity. FMC notes that this point was made in the Conservation Resources Report: *"The demarcation between the land that is freeholded and left in Crown ownership should be consistent with the adjoining properties so that the existing landscape character of the overall eastern scarp of the Rock and Pillars is retained"*.

FMC notes that in the Preliminary Proposal the proposed freehold/conservation land boundary runs along the crest of the range, and that the land down to about the 800m contour is proposed for protection under a Conservation Covenant. This is not the preferred protective mechanism as stated in S24 of the Crown Pastoral Land Act 1998. FMC does not accept that this is a satisfactory way of protecting the significant natural and landscape values of this highly visible area near the crest of the range, or of harmonising landscape effects of the new boundaries with those on adjoining properties.

FMC is pleased to note that to a significant extent the recommendations we made at the time of the Early Warning Meeting in 1997, have been adopted in the Preliminary Proposal. Where our recommendations have not yet been adopted we submit that these should be revisited in further dealings with the lessees. For your information we reproduce as Appendix.1, the 1997 Early Warning recommendations.

Land to be disposed of as freehold

FMC notes that the Preliminary Proposal document states in paragraph 3.2 that the land to be disposed of by freehold disposal to J C F James, subject to protective mechanisms consists of an area of approximately 775ha. The designation states: *"This area contains the flats at the eastern end of the property together with the eastern flank of the Rock and Pillar Range. Within this area approximately 180 ha has been cultivated into permanent pasture, a further 400 ha has been oversown and topdressed with the balance being unimproved tussock grasslands and cushionfield. The upper portion of the eastern face of the Rock and Pillar Range is to be protected by a conservation covenant as described subsequently"*.

The proposed freehold is to be subject to the following protective mechanisms:-

- (a) *"An easement to provide for public access by foot, non-motorised vehicle powered by a person, or horse over the route marked "a-b-c" to provide access to the conservation area. This access route provides easy access from Gladbrook Road to the upper level of the cultivated land and then via an existing farm track to the crest of the Rock and Pillar Range.*
- (b) *An easement to provide for conservation management access over the route marked "d-b-e" for conservation management purposes. This route provides for vehicle access across the farm paddocks and then links to the vehicle track in common with the public access up the face of the Rock and Pillar Range.*
- (c) *A conservation covenant to protect significant inherent values on the upper levels of the Rock and Pillar Range from approximately 700 metres to the crest of the range at 1100 m.a.s.l. The vegetation within this area comprises narrow leaved snowtussock leading to cushionfield at the higher altitudes with mixed shrublands in some of the gully systems. The area up to approximately 900 m.a.s.l. has previously been oversown and topdressed and is managed as an integral part of the farming system. Consideration was given*

to separating this area at approximately 900 m.a.s.l. but this was considered impractical for both fencing and also due to landscape impact. A conservation covenant provided the opportunity for conservation management of this transition area between the farmland and the conservation land beyond the crest of the range".

FMC does not accept the conclusion that separating the area at approximately 900m is impractical for reasons both fencing and landscape impacts. Instead we believe that the recommendation in the Conservation Resources Report should have been accepted:- *"That the pastoral lease tenure review negotiations on Stonehurst proceed on the basis that the Crown seeks to retain ownership and transfer to DOC, for conservation purposes all that land hatched black, to be known as the Rock and Pillar Conservation area".* [Note that the lower boundary of the area recommended to become conservation land was situated in the vicinity of the 800m contour].

Furthermore we do not accept that *"A conservation covenant provided the opportunity for conservation management of this transition area between the farmland and the conservation land beyond the crest of the range"*, because the preference clearly stated in the Crown Pastoral Land Act is for *"restoration of the land concerned to full Crown ownership and control"*.

We discuss these matters further in the next section where we refer to the significant inherent values of the land concerned.

Transfer to Crown ownership and control

DOC has conducted an assessment of the natural values of Stonehurst and concluded that:- *"The summit and upper and mid valley slope portions of Stonehurst have impressive natural values by virtue of the extensive summit plateau, the solifluction lobed valley slopes, the intact vegetation communities, and the interconnectedness of the altitudinal sequence. The topographical and bioclimatic sweep imparts wide ecological diversity. Vegetation is comparatively intact down to 750 m and if the altitudinal sequence needed to be extended, the semi-natural or depleted tussock grasslands down to approximately 600 m show promise for recovery and rehabilitation if disturbance was removed. The great majority of the summit plateau and upper and mid valley slopes of the property contain significant intact botanical values. These values extend downhill to the 800 m contour, with less intact native vegetation extending down to the 600 m contour"*.

There are a number of statements in the Resources Report which substantiate these conclusions:

Landscape Unit 3 includes the crest along the Rock and Pillar Range and the scarpland which runs along the eastern face of this mountain range.....Along the crest the snow tussock is intermingled with Hebe and Drachophyllum with this continuous natural cover extending down to about 750m. It is a managed natural landscape with the overall impression of retaining the appearance of tussock grassland down to about the 750m level.

The Stonehurst portion of the extensive intact tussock grassland on the summit plateau, with its relative lack of human modifications and easy public access is ranked as an outstanding natural landscape. The eastern slopes of the Rock and Pillar Range are a significant natural landscape setting for the developed farmland and settlements of the Strath Taieri Plain.

Approximately 80 to 85% of the property is dominated by indigenous tussock grassland, concentrated above the 820m contour. The great majority of it is narrow-leaved snow tussock in comparatively intact condition. The homogeneity of the widespread snow tussock on rolling interflaves is broken by the fingers of wetland vegetation, sharply delineated from the interflave tussock grassland.

The Report recognised the importance of landscape integrity along the front face of the Rock and Pillar Range:- *"The demarcation between the land that is freeholded and left in Crown ownership should be consistent with the adjoining properties so that the existing landscape character of the overall eastern scarp of the Rock and Pillars is retained"*.

With regard to the originally recommended Conservation Area the Report stated:-

"This area extends from about the 800m contour on the eastern face of the range westwards to the property back boundary with the Loganburn Reservoir and the Logan Burn and is justified as follows:

- *An area of significant natural landscape, ranked as outstanding, including the upper eastern slopes of the range, the summit plateau and the visual backdrop to the Loganburn Reservoir. It has high public accessibility.*
- *The peneplained summit plateau is a distinctive Otago landform feature. Rock bluffs are an important feature bordering the Logan Burn.*
- *The area identified has very high natural values due to its ecological diversity with a broad range of bioclimatic zones and topographic variety. Vegetation is comparatively intact above 800 m.*
- *Invertebrate faunal values are considered to be of national importance due to species richness, new species, and the distributional overlap of many species (biogeography). Of particular note is the autumn emerging moth fauna."*

For all these reasons FMC submits that the proposed Conservation Covenant is an inadequate protective mechanism. Instead, we prefer, as does the Crown Pastoral Land Act 1998, the *"restoration of the land concerned [from about the 800m contour on the eastern face of the range westwards to the property back boundary] to full Crown ownership and control"*.

Easements

FMC notes that there are two formed legal roads on, or adjacent to, Stonehurst. These are the historic Dunstan Road, which crosses the western plateau part of the property, and Gladbrook Road which leads to the homestead.

In addition there is Crown land used for irrigation purposes which provides access to Loganburn Dam.

We note that an easement is proposed for non-motorized public use up a track on the front face of the range from Gladbrook Road, through the proposed Conservation Covenant area, to the new conservation land at the top of the range

Subject to our concerns about the proposed covenant area, FMC accepts that this will provide satisfactory access over Stonehurst.

Conservation Management Strategy for Otago

The objective for the Rock and Pillar Special Place is:- *"To nurture and encourage the study of natural processes to allow healing of the vegetation after grazing and fire and to improve landscape values. To continue to document the values and permit research where it will lead to conservation benefits. In the case of the Rock and Pillar Range, to extend the reserve along the summit and to take in altitudinal sequences and secure access where opportunities arise"*.

The implementation statements indicate that this will be achieved by:-

- *"Pastoral lease tenure review on properties on the Rock and Pillar Range will provide opportunities to achieve protection of areas of significant landscape, scientific, natural and historic resource and recreational value. Overall management of these new areas with the existing reserve will confer net conservation and management benefits (eg, fencing), and will provide extensive recreational opportunities. Management of contiguous areas will be integrated and public awareness developed through the concept of a Rock and Pillar Conservation Park.*
- *Legal access to land administered by the department will be negotiated and vehicular access and parking secured at key access points"*.

Finally, we would point out that in the CMS, the stated priority for the Rock and Pillar Special Place is:-
"Negotiation, principally through pastoral lease tenure review, of an extended protected area along the crest of the Rock and Pillar Range will be a priority in this Special Place".

FMC sees the tenure review of Stonehurst as offering excellent opportunities to advance these aims and objectives.

CONCLUSIONS

The tenure review of Stonehurst pastoral leases provides an ideal opportunity to progress the objective stated in the CMS for Otago for the Rock and Pillar Special Place. It also provides an opportunity to move closer to the establishment of the Rock and Pillar Conservation Park. FMC strongly urges DOC to take the appropriate action to achieve these objectives.

With regard to the designations proposed in the Preliminary Proposal, FMC is concerned about the boundary between proposed conservation and freehold land, and the proposed Conservation Covenant area between about 800m and the crest of the range.

We submit that the conservation land boundary should be located close to the 800m contour so that the boundary *"be consistent with the adjoining properties so that the existing landscape character of the overall eastern scarp of the Rock and Pillars is retained"*, as recommended in the Conservation Resources Report.

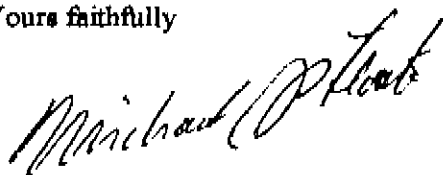
This would be resolved if instead of the proposed conservation covenant over the land down to about the 800m contour, the land was to become conservation land.

Furthermore, we do not accept that the preference for *"restoration of the land concerned to full Crown ownership and control"* clearly stated in S24(b) Crown Pastoral Land Act 1998, has been adopted in this Preliminary Proposal.

We urge that discussion be re-opened with the lessees to seek an improved arrangement which would include the matters we have detailed above.

Finally, we appreciate this opportunity to comment on the Preliminary Proposal for the tenure review of Stonehurst pastoral lease, and wish to be heard in support of this submission if a hearing is held. We would be happy to be involved in further discussions regarding any of the issues discussed in this submission.

Yours faithfully



bp
Barbara Marshall
Secretary, Federated Mountain Clubs of NZ (Inc.)

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Appendix.1 FMC Recommendations to Early Warning Meeting March 1997

1. General Matters of recreational concern over all Rock and Pillar properties

1. Landscape values and natural values are very important on front faces: The upper boundary of proposed freehold land must be coordinated along the length of the Rock and Pillar Range (Fig 1). In general about 900m would be ideal, but there may be cases where some grazing could be justified and sustainable up to 1100m.

In such cases there are three alternatives: -(in order of preference)

- (a) Land to be transferred to DOC: lease back with conditions, and subject to monitoring
- (b) Special lease with conditions as above
- (c) Land freehold subject to Covenant with strict no-bum, and stock limitation conditions.

2. All land above 1100m (this is the maximum altitude, a lower limit would be preferred) to be aggregated into Rock and Pillar Conservation Park on the basis of:-

Tussock grassland and sub-alpine vegetation values (Fig 2)

Scenic values (Fig 3)

Recreational opportunities including tramping, mountain bike use, X-C skiing (Fig 4).

3. Access to Rock and Pillar Conservation Park, along the range, and appropriate entry/exit points to be coordinated through the tenure review process. Some important examples which include the properties in the current Early Warning discussion are:-

From Dunstan Road to McPhies Rock (Fig 5) McPhies Rock -
Museum Rock - Summit Rock Access to Ski Club Hut via
Glencrag/Camberleigh Exit routes to the north to Patearoa,
Hyde etc. Exit via the Burgan/Stonehurst at the south end.
Coordination with the Central Otago Rail Trail (Fig 6).

2. Specific matters related to Stonehurst P9276 (Middlemarch)

1. All land above 1100m to be transferred to DOC (or a lower altitude limit if quality of tussock grassland and co-ordination of the boundary along the front of the range merits this) (Fig 7).

2. Back Block and Middle Block to be transferred to DOC.

3. Top Block and adjacent block at the same altitude to be transferred to DOC or with lease back of grazing under specified conditions and subject to monitoring. (Note that these blocks include a significant area of LUC Class VIIe land).

4. Top boundary of the proposed freehold land to conform with other properties along the range.

5. Access to the shore of Loganburn Reservoir to be provided (Fig 8).

6. Public use of Howells Hut to be negotiated (Fig 9).

7. Protection of the natural conservation values of the bush remnants in some gullies on the front faces is required (Fig 10): This could be in the form of Conservation Reserve (to be preferred) or under Covenant.

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August 27, 2002

Dunstan 4WD Club,
C/o 57 Amott St,
Alexandra.

22 August 2002.

DTZ NEW ZEALAND
ALEXANDRA
28 AUG 2002
RECEIVED

The Commissioner of Crown Lands,
C/o DTZ New Zealand,
Land Resources Division,
PO Box 27,
Alexandra.

Dear Sir,

Subject: Crown Pastoral Land Act, Stonehurst Tenure Review, Preliminary Proposal.

We wish to see access provided for all New Zealanders, by foot and all modes of transport, both onto and through all high country areas reverting to Crown Land under the Tenure Review process.

To achieve this it is extremely important that suitable access for public 4WD vehicles be provided from public roads through areas of lands being Freeholded to all larger areas of Crown Land being withdrawn from the present lease. This is even more important where contiguous areas are to be the subject of Tenure Review at differing times and hence the most appropriate on / off routes at opposite ends of the greater area of Crown Land cannot be considered in relation to a specific Pastoral Review Proposal.

The Dunstan 4WD Club has a current membership of approximately 60 and is itself a member of the international 'Tread Lightly' organisation. It organises for its members, some 20 - 4WD trips per year. These vary in difficulty and length from a half to three days with the majority of trips being located in Central Otago. Its trips are currently repeated every 1 to 4 years.

The club reviews the following in scheduling and setting its quarterly Trip Calendars:

1. Is it within handy reach of its predominantly Queenstown-Alexandra membership?
2. What is the number of properties to be crossed en-route?
3. Is the route generally along an existing track?
4. What is the track difficulty rating?
5. Are there a variety of landform, vegetation, and riverscape for enjoyment and photostops?
6. Has it historical exploration, access, mining or early settlement areas to view?
7. Are their suitable smoko and lunchstops?
8. Has it an ability to be linked to another nearby route to provide for an optional weekend trip?
9. What is a suitable frequency for repeating the trip?

We the committee having read the "Proposal" consider that the objectives of the Crown Pastoral Land Act, Part 2, Tenure Reviews, General, Cl. 24 (c) Subject to paragraphs (a) & (b), to make easier - (i) "The securing public access to and enjoyment of reviewable land." will be severely compromised by the present proposal and as a result are unable to support it in full.

The Stonehurst review together with those of adjacent Stations will result in a large block of Crown Land along the crest of the Rock & Pillar Range and hence public access to an area of high country not readily able to be visited at present. With suitable access to the immediate area already available from the Old Dunstan Trail it will in the future become possible for our club to traverse the length of the ridge. However, because it is not clear whether the summit track is entirely within the proposed Crown Land we request free passage over it, according to the conditions detailed below, in all areas in which it lies within the area of the Proposed Conservation Covenant.

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The Dunstan 4WD Club requests that changes to reflect the following, be incorporated into the easement documents to safeguard the interest of bona fide 4WD recreation groups and for those who wish to partake in organised events on occasions in order to try their vehicles and / or experience the normally inaccessible back country in a controlled and safe manner:

- a) that easement documentation be required to provide for summer access to recognised 4WD Clubs affiliated to "Tread Lightly" and Community organisations running non profit fund raising events across the Freehold land on the alignment described.
- b) that permission for access be by a permit system administered by DoC (it is suggested that a maximum of 5 permits per year be granted)
- c) that such permission be required to be approved by the Freehold landowner whose permission for free access should not be unreasonable withheld but subject to normal high country and grazing considerations being respected, eg - track and weather conditions, lambing, gates, fires, rubbish removal.

The club wishes to be notified of any other access or 4WD type submissions to the Proposal and the dates of any hearings. We thank you for the opportunity to comment on the proposal.

Yours faithfully,



Ross Jones,
President.

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Royal Forest and Bird Protection Society of New Zealand Incorporated
Upper Clutha Branch
PO Box 38
LAKE HAWEA



FOREST
& BIRD

28 August 2002

The Commissioner of Crown Lands
C/- DTZ
Land Resources Division
PO Box 27
ALEXANDRA



Dear Sir

**Submission on preliminary proposal for tenure review
For Stonehurst Pastoral Lease**

Thank you for sending us a copy of this proposal. We would be pleased if you would accept and seriously consider this submission from our branch of Forest and Bird.

Forest and Bird is well known throughout New Zealand for its work in protecting the environment, and the interests of the public in this respect. Our society supports the aims of the Tenure Review process, and our branch takes a strong and active interest in the process throughout Central Otago, the Upper Clutha and Wakatipu Basins.

We have inspected Stonehurst on foot, walking from the edge of the ploughed paddocks (at approximately 300m a.s.l.) to where the proposed conservation covenant area of 230 ha adjoins the Land to be restored to full Crown ownership and control as a conservation area (at approximately 1000m a.s.l.). We were encouraged by the extent of the tussock cover and shrubland remnants remaining from where the ploughed land finished right up to and including the tops with very few weedy species apart from some gorse along the sides of the formed track.

We believe that the proposal to restore 2070 ha of land to full Crown ownership and control as a conservation area under Section 35 (2) (a) (i) of the Crown Pastoral Land Act 1998 is excellent as this augments the existing conservation land on the Rock and Pillars.

Proposed conservation covenant

Ranging in altitude from 700 masl to 1100 masl, the area proposed for a conservation covenant on freeholded land has an excellent cover of tussock *Poa cita* on the lower parts and increasingly *Chionocloa rigida* and with extent of native vegetation between increasing with altitude. Rock outcrops provide a refuge for broadleaf, coprosmas, *Melicytis* and *Aciphylla*. We consider the altitude makes this land marginal for topdressing and oversowing and rather than providing a landscape buffer between intensively farmed land below and the conservation land above we feel this proposed land management regime will gradually pull the farmed aspect higher up the slopes of the range.

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ROYAL FOREST AND
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The DOC report on Stonehurst identifies that "Vegetation is comparatively intact down to 750m and if the altitudinal sequence needed to be extended, the semi-natural or depleted tussock grasslands down to approximately 600 metres show promise for recovery and rehabilitation if disturbance was removed."

We also disagree with proposals to allow burning of the tussock cover subject to the prescribed tests of recovery. The DOC report on Stonehurst to the Commissioner of Crown Lands identifies that the uncontrolled spread of fire is a serious risk in the Rock and Pillar Range.

How is it proposed to prevent the fire spreading into the conservation area above? The DOC report identifies that the visual landscape integrity of this tussock land would be compromised by further insensitive sitings of amongst other things firebreaks. This comment was made in the context of the Loganburn Reservoir but it is equally applicable to the rest of this landscape. We would argue that this is pertinent to the boundary between the proposed Crown conservation land and the proposed conservation covenant. How would the spread of fire between the two areas be prevented?

While on our inspection we witnessed the fire described in the attached ODT newspaper article which was a sobering reminder of how little real control we have over fire once it is lit. Given that 98% of fires in the high country spread from 'controlled burns' (Alan Mark – Personal communication) it is our opinion that controlled burns are not an effective method of preventing the extensive fires that are feared from the build up of combustible material in the tussock grasslands. Rather than preventing the uncontrolled spread of fires they are largely the cause of them.

It would be important to eradicate the gorse along the access track to prevent any further spread. Generally we saw very few weedy species, only the gorse and a very small amount of Hieracium in this part of the property.

Land to freeholded

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We agree the land should be freeholded from Gladbrook Road to where the ploughed land finishes at the narrowest part of the run at approximately 300m a.s.l. From this point upwards though we have some reservations particularly in respect of the gully that heads up to the north of the access track. This gully contains relatively intact altitudinal sequence of native shrubby vegetation which is generally under-represented in conservation land. There is a particularly good selection of tall tussock and native shrubs – broadleaf, *Olearia* species, *Hebe*, *Coprosma* species, *Melicytus*, hard fern, toe toe, mountain flax, . Following up the gully there are kowhais, *Dracophyllum* species, *Astelia*, *Acipylla* species, a large leaf *Olearia* and mountain flax. There is a good cover of silver tussock on the sides of the gully. The spurs are well covered with silver tussock but are largely interspersed with introduced grasses at the lower altitude apart from the rock outcrops that provide a refuge for woody plants and some species like geranium, and several fern species. The native content of the vegetation between the tussocks increases with altitude. At 900m a.s.l. native species predominate.

We would like to see the land above 300m a.s.l. to the north of the proposed access retained by the Crown for conservation to protect the conservation values of this gully. The land to the south of the access track above 300m a.s.l. to be freeholded with a conservation covenant to

900 metres. All the land above 900m a.s.l. to be restored to full Crown ownership for conservation purposes.

Access

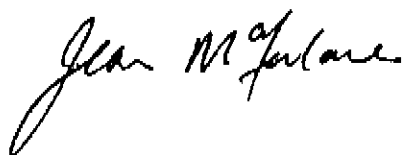
The access easement to the proposed conservation area – the existing farm track above 300m a.s.l. - has a manageable gradient and a good walking surface and provides great views of the surrounding countryside. We enjoyed our walk and predict it will become a popular day walk.

Conclusion

- 1 We would see this as a good proposal if the Crown were to consider this property for whole property purchase. The DOC report identified all the land above 600m a.s.l. would recover if protected and the gully to the north of the proposed access track above 300m a.s.l. is also very worthy of protection in our opinion.
- 2 Failing the acceptance of the above we would like to see the following outcomes from the Tenure Review of Stonehurst.
 - i The land above 300m a.s.l. to the north of the proposed access track be restored to full Crown ownership and control as a conservation area.
 - ii The land above 300m a.s.l. to the south of the proposed access to be freeholded to 900m a.s.l. but with the protection of a conservation covenant which would help protect the high conservation and landscape values of this land. We would be opposed to any deliberate burning of tussock on this land.
 - iii All the land above 900m a.s.l. to be restored to full Crown ownership and control as a conservation area.

Thank you for the opportunity to make this submission.

Yours faithfully



Jean McFarlane
Chairperson

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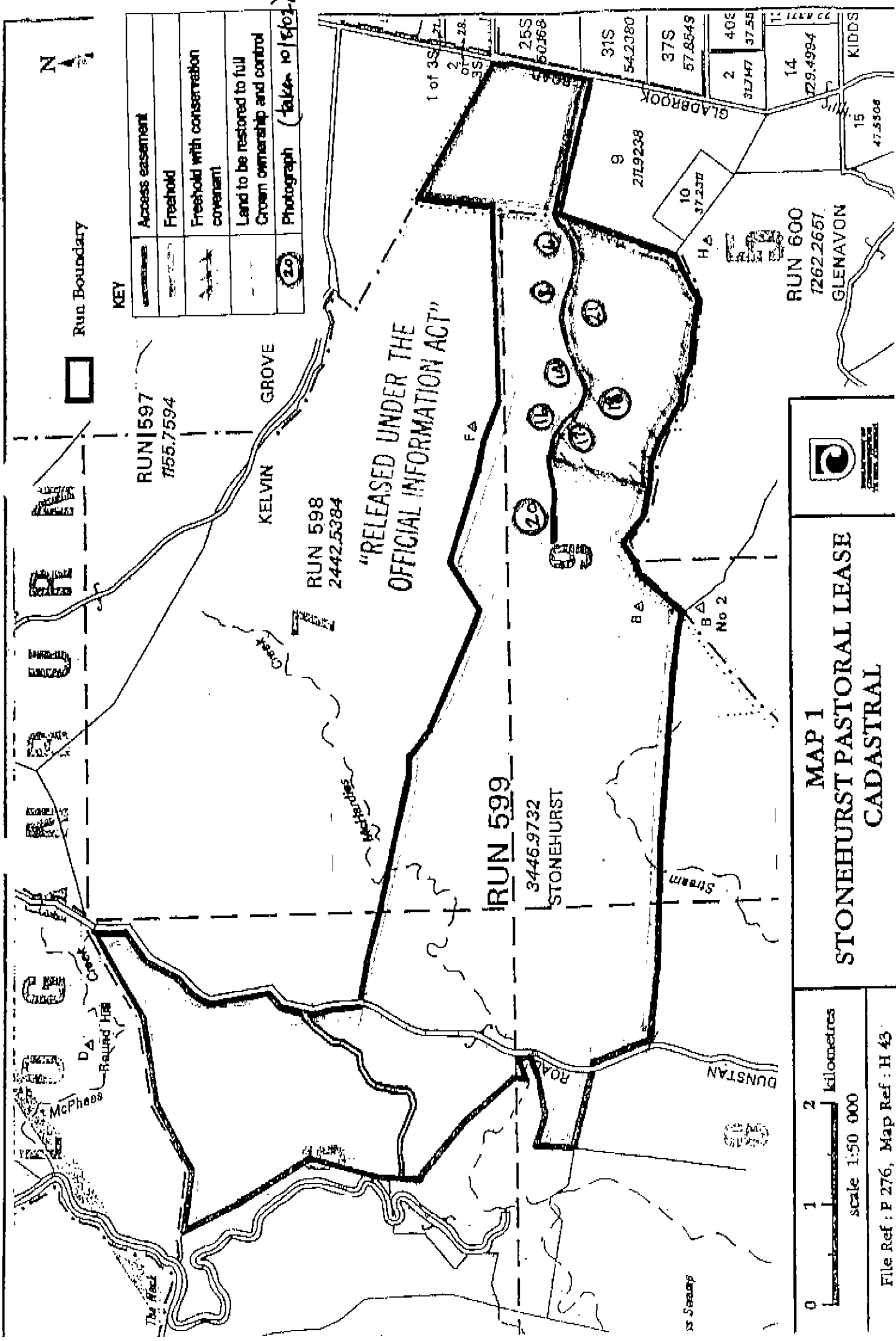
Burn-off blows up

Staff Reporter

Wind hampered efforts to extinguish a fire in Kiddle Rd, Middlemarch, on Saturday. Middlemarch volunteer brigade chief, fire officer Warren Tisdall said the call was to a controlled burn in a paddock which had been blown out of

control by the wind. The blustery weather then hampered the brigade, who had to "sit and watch it for a while until the wind died down. We then just had to control it and stop it from spreading into a neighbour's property," Mr Tisdall said. The fire crew was at the scene for about two hours.

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Run Boundary

KEY

	Access easement
	Freehold
	Freehold with conservation covenant
	Land to be restored to full Crown ownership and control
	Photograph (taken 10/15/01)

RUN 597
7755.7594

KELVIN GROVE

RUN 598
2442.5384

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RUN 599
3446.9732
STONEHURST

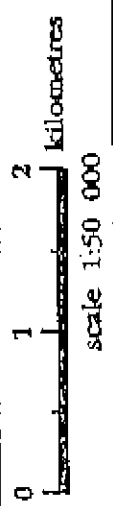
9
219238

10
37237

RUN 600
7262.2657
GLEMAYON



MAP 1
STONEHURST PASTORAL LEASE
CADASTRAL



File Ref : P 276, Map Ref : H 43

⑥

North of access easement



⑧

a gully worthy of protection?

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14

Kowhai mountain flax to north
of access easement.



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16

from track looking north from
below covenanted area



"RELEASED UNDER THE
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(17)

900 metres a.s.l.



(20)

1100 metres a.s.l.

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(18)

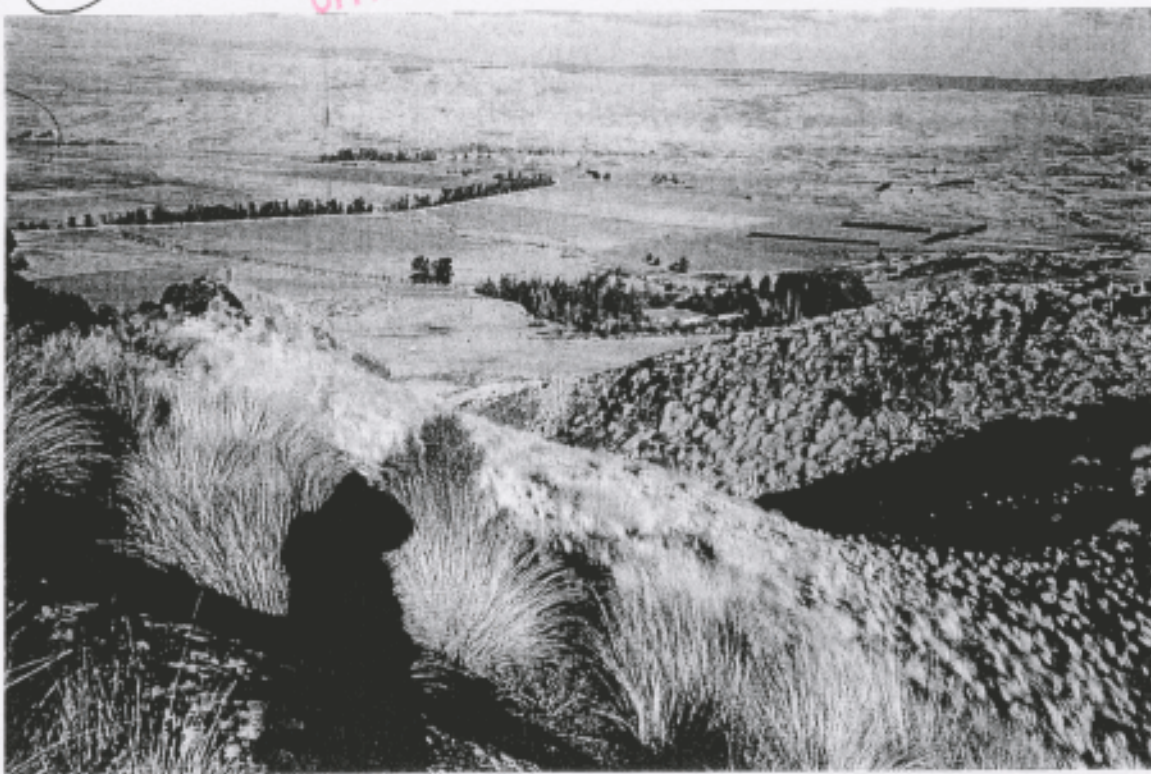
Conservation values to south
of easement for access.



Note - fire
Subject of OOT
article.

(21)

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**COMBINED
4WD CLUBS
P O BOX 13 275
CHRISTCHURCH**

27th August 2002

The Manager
DTZ New Zealand Ltd
Land Resources Division
P O Box 27
ALEXANDRA



RE Stonehurst Tenure Review

Dear sir

Please find enclosed our submission relating to the Crown Pastoral Land Act 1998, Tenure review Stonehurst.

Our submission is made on behalf of Combined 4WD Clubs Inc a duly incorporated society who represents the seven 4WD Clubs based in Canterbury.

We understand that public hearings will not be held, and we look forward to hearing from you in due course.

Yours faithfully

Paul A Dolheguy
Secretary

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INCORPORATING
CANTERBURY LAND ROVER OWNERS CLUB - CHRISTCHURCH 4 WHEEL DRIVE CLUB - CANTERBURY JEEP CLUB
NORTH CANTERBURY FOUR WHEEL DRIVE CLUB - PEGASUS BAY LAND ROVER OWNERS CLUB - SUZUKI 4WD CLUB
SOUTH ISLAND NIVA DRIVERS ASSOCIATION

**Submission to the Commissioner of Crown Lands
Regarding Tenure Review of Stonehurst Lease
Under Crown Pastoral Act 1998**

Dated 27th August 2002

**A Submission By:- Combined 4WD Clubs Inc
P O Box 13275 Christchurch**

Introduction:-

Combined 4WD Clubs is a duly incorporated society based in Canterbury and it represents its member Four Wheel Drive Clubs on access issues. The society has seven member four Wheel drive Clubs, and that represents a total of 520 individual members and families. Member Clubs in the main run 4WD off road back country trips for their members, these trips normally being run over weekends, and some of a single day or two day with a camp over. These trips have been run at irregular intervals and with the purpose of recreation and enjoying the driving and scenery, photography and other recreational values that the station has had to offer.

Land Tenure

Our organization supports the Commissioner of Crown Lands actions and intentions in securing additional lands to be secured under Crown ownership, and its use as a conservation area. However we regard that public owned Crown Land should be held for the benefit of all of our countries citizens to enjoy and view, other wise there is little purpose in the public of New Zealand owning unproductive lands as a capital asset. It must be held as an asset for its other purpose, land as used for, scenic, preservation of animals and species and for its recreational and historic values.

Access

We believe that all Crown Land that is held for Conservation purposes must have preserved in it access as a protective mechanism. Where there are existing 4WD tracks on a property, and there is the topography allows for vehicular access we believe that all easements should allow for continued vehicle use of these tracks on.

Our submission

We support this proposal, and support the recreational values it is trying to uphold. The proposed conservation land runs close to the Old Dunstan Road, a legal road that is used by 4WD enthusiasts during the year. Member Clubs periodically run club trips along the road, and trips are popular among members. The proposed conservation land will enhance the trip as members can park up and walk the land to take in the views and enjoy the countryside.

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Protective Mechanisms

Under the preliminary proposal for land tenure at Stonehurst, there is allowance for a Protective Mechanism, Clause 2.2. Protective mechanisms clause a should be amended by removing reference to non-motorised vehicle. We suggest the clause reads as follows:-

'An easement to provide public foot, mountain bike, motor vehicle and horse access over the route marked "a-b-c" on the plan attached in Appendix 1. The terms and conditions of this easement are contained in the draft easement document attached in appendix 2'

Additionally the easement clause in the land transfer agreement needs to be altered to allow for motorised vehicle access.

In the terms and conditions we suggest that motorised public access on the right of way be for groups of vehicles that are authorised by the Department of Conservation. That would mean that Clubs and other groups wishing to use the easement would need the consent of the department.

Points we wish to make regarding the Review:-

1. The proposed conservation land runs along the boundaries of the Old Dunstan Road, a public road often used by 4WD enthusiasts and also our member clubs on Club trips. Members are often keen to park up and walk , and making allowance for this would enhance the public's use of the land.
2. Signage explaining the highlights of the area would be an advantage.

Thank you for the opportunity to make a submission, and we hope our submission is helpful in the creation of another successful conservation area. The Old Dunstan road is a popular route for persons with 4WD Vehicles, and the comments we make would greatly enhance the visitors experience.

Submission signed on behalf of Combined 4WD Clubs



Paul A Dolheguy
Secretary
26th August 2002

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27th August 2002



The Commissioner of Crown Lands
C/o DTZ New Zealand Ltd.
Land Resources Division
PO Box 27
ALEXANDRA

Dear Sir

STONEHURST - TENURE REVIEW - PRELIMINARY PROPOSAL

Although I have been involved in making numerous submissions for tenure review through an NGO, I am writing this submission as a private individual. I believe this proposal to be somewhat different in many ways than some I have been involved with. I believe I can have some input that may be of benefit.

Although now retired from farming, my background has been the farming of tussock country both in Central and North Otago, commencing just after the Second World War. I was involved in the development of tussock country by the use of the aeroplane, starting with the Tiger Moth. In the mid nineteen-fifties I was employed as a farm manager on a development block by the then Lands and Survey Department.

I am familiar with the western side of the property (on the Old Dunstan Road), and have recently inspected the eastern side of the property, having walked up the proposed public access route to the crest of the Rock and Pillar Range.

MY COMMENTS:

- (1) Both the tall tussock over all this run, and the short tussock on the lower eastern slopes, are mostly in very good order.
- (2) The woody plants - the most obvious being, olea, coprosma, broadleaf, matagouri, dracophyllum, hebe and kowhai, together with the ferns and aciphylla are well represented and also in very good order.
- (3) The intactness of the vegetation and subsequently the landscape of this property is impressive.
- (4) The property has been prudently farmed for some time. There is not much evidence of heavy or consistent topdressing.

THE CONSERVATION COVENANT:

- (1) I note that instead of the preferred method of protecting the significant inherent conservation values by returning the land to full Crown ownership and control, the area below the eastern crest of the range down to approximately 700 m.a.s.l. is to be protected by a covenant. I see this as being of doubtful value, especially so when burning of the tussock is going to be permitted under certain circumstances and conditions. Burning of tussock is not a reliable or efficient tool, long term.

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(2) This covenant is endeavouring to protect the tussock. No mention is made in the proposal, or the covenant, of protecting the woody shrubs that are a feature of this property, especially low down in the gullies both to south and to the north of the access track. This omission is of concern and should be rectified.

CONCLUSION:

(1) As it is proposed to return approximately 75% of this property to full Crown ownership and control as conservation land, and, as two thirds of the remaining 25% is in very good order. I would suggest that a better arrangement would be that a full property purchase be considered in this instance.

(2) The silver tussock down to the cultivated paddocks at the bottom of the hill on the eastern side is still very much in evidence, and if given the chance is recoverable.

(3) The woody shrubs in the gullies on this eastern side have significant inherent conservation values and should be given protection, something which is not being offered under the proposal.

(4) Having a conservation area stretching from the Taleri plains to the Loganburn dam would be of considerable value to the nation for future generations to enjoy.

(5) The area has high landscape values.

(6) Without going into the economics of farming the land to be freeholded it is obvious that it will not be as productive as it would be, before tenure review.

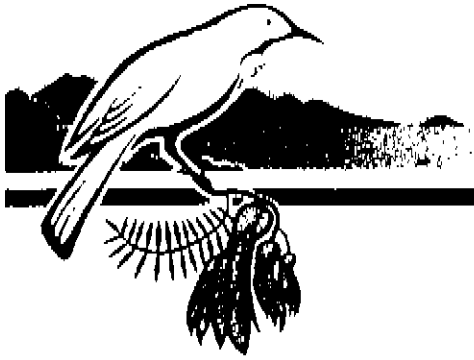
(7) Having conservation land starting from the valley floor will give a good altitudinal sequence of vegetation stretching to the top of the range.

I would be pleased if you would give the suggestion of full property purchase the consideration it deserves.

I look forward to seeing the outcome of this proposal and I thank you for the opportunity to comment.

Yours faithfully,

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Royal Forest and Bird
Protection Society
of New Zealand Inc.



Dunedin Branch,
P.O. Box 5793,
Dunedin.

Commissioner of Crown Lands
C/o DTZ New Zealand Limited
Land Resources Division
P.O. Box 27
Alexandra

28 August 2002

Dear Sir

Submission on preliminary proposal for tenure review of Stonehurst Pastoral Lease

Introduction

The Dunedin Branch of the Royal Forest and Bird Protection Society represents approximately 700 members who have a strong interest in the conservation of New Zealand's natural heritage. We organise field trips throughout Otago and Southland, and many of these are to areas of upland grassland and alpine vegetation that are or have been under pastoral lease tenure. It is clear that pastoral practices (burning, grazing, ploughing, oversowing) since the 1840s have greatly reduced the original extent and composition of the region's indigenous upland vegetation. We believe that the remaining indigenous grasslands, wetlands and cushionfields are nationally and internationally significant and deserve a high level of protection from inappropriate development and use. We are concerned about the sustainability of current pastoral management practices in the high country and fear that the continuation of these practices will further erode the natural condition of indigenous upland vegetation. In this respect, we support the objectives of the Crown Pastoral Lands Act 1998 (CPLA) as they relate to management and tenure review of pastoral land.

Preliminary proposal

- (1). 2070 ha to be restored to full Crown ownership and control as conservation area
- (2). 775 ha to be disposed of by freehold disposal to the holder, subject to the following protective mechanisms under Section 40 of the Crown Pastoral Land Act 1998:
 - (a) An easement to provide for public foot, non-motorised vehicle powered by a person, and horse to the proposed conservation area.
 - (b) An easement to provide for conservation management access to the proposed conservation area.
 - (c) A conservation covenant over approximately 230 ha of the proposed freehold land.

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Land to be restored to full Crown ownership and control

Section 24(b) of the CPLA has the objective of protection, preferably by restoration to full Crown ownership and control, of areas of reviewable land that have significant inherent values. The proposal to return 2070 ha of upland land on the western slope of the Rock and Pillar Range to full Crown ownership and control is consistent with Section 24(b) and is supported by the Dunedin Branch. While the tussock grassland vegetation of this area has been reduced in stature by grazing and invaded by *Hieracium*, it remains dominated by indigenous species and is likely to improve in condition following removal of stock. The size of the area and its diversity of habitats give it very high inherent value. The area also has very high landscape value, which is easily appreciated from the Old Dunstan Road.

Land to be designated as freehold

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Dunedin Branch appreciates the difficulty in separating land with high inherent value from land capable of economic use, on the upper part of the eastern side of the range. The Preliminary Proposal attempts to address this by imposing a conservation covenant over land proposed for freeholding. We note, however, that the Crown Pastoral Land Act 1998 specifies a preference for protecting land holding significant inherent values by return to full Crown ownership and control, rather than by covenant. In the case of Stonehurst Pastoral Lease, the inherent values on the upper eastern slopes cover a large area and are of such significance as to demand a stronger form of protection than covenanting. Above 800 m altitude, the indigenous vegetation is relatively intact. Returning this land to full Crown ownership and control is more than justified, and is consistent with the recommendations of the Department of Conservation's Conservation Resources Report. If necessary, a short-term concession from the Department of Conservation, for grazing of the area by sheep in summer, could be used to help the landholder adjust to any changes in farming practice engendered by retirement of the high altitude land.

One startling omission from both the Conservation Resources Report, and the Preliminary Proposal, is the lack of any information on the significant shrubland remnants that occupy gully areas near the eastern base of the range. Dunedin Branch members have recently visited these shrublands and report a diverse array of indigenous woody taxa including *Sophora microphylla*, *Coprosma rugosa*, *C. propinqua*, *C. crassifolia*, *Gaultheria*, *Olearia bullata*, *O. lineata*, *Rubus schmidelloides*, *Parsonia capsularis*, *Discaria toumatou*, *Hebe salicifolia*, *Phormium cookianum*, *Muehlenbeckia*, *Carmichaelia*, *Helichrysum lanceolatum*, and *Griselinia littoralis*. The latter four species are absent from the nearby Sutton Salt Lake Reserve, illustrating the diversity that occurs among the montane shrublands in the area. Montane dryland shrublands of this type are New Zealand's richest natural ecosystems in terms of invertebrate diversity (personal communication from Brian Patrick, Otago Museum). As an example, Derraik *et al.*

(2001) recorded 250 invertebrate species from a shrubland elsewhere in the valley. Ninety percent of these invertebrates were endemic to New Zealand, emphasising the importance of such remnant habitats for the protection of New Zealand's biodiversity. Low altitude shrublands are particularly rare in the Otago region, with the remaining examples largely confined to fire refuges.

It is clear that the low altitude shrublands must be protected if tenure review of Stonehurst Pastoral Lease is to be consistent with the requirements of the Crown Pastoral Land Act, *i.e.* to protect significant inherent values. As these shrublands are vulnerable to grazing as well as fire (evident from the lack of regeneration and obvious browse signs on palatable species such as *Carmichaelia*, *Griselinia* and *Cortaderia*) we suggest that protection would be best achieved by return to full Crown ownership and control with secure fencing of boundaries. An appropriate fenceline is suggested on the accompanying aerial photo (Appendix 1).

Public access

The proposed public access easment will greatly enhance the ability of our members to visit and enjoy the conservation lands that are created following tenure review. Dunedin Branch regularly undertakes field trips to sites of interest in Otago. We request that provision for public access is also made to the shrublands described above, which are likely to be of particular interest to our members. It is not clear whether any provision has been made for car parking. We would prefer an arrangement where cars could be parked away from the roadside, where they might be at risk of accident or theft.

We are grateful for the opportunity to comment on the preliminary proposal for tenure review of Stonehurst Pastoral Lease, and request notice of the final outcome when this becomes available.

Yours sincerely,



Kelvin Lloyd (Chair)
and Scott Dunavan

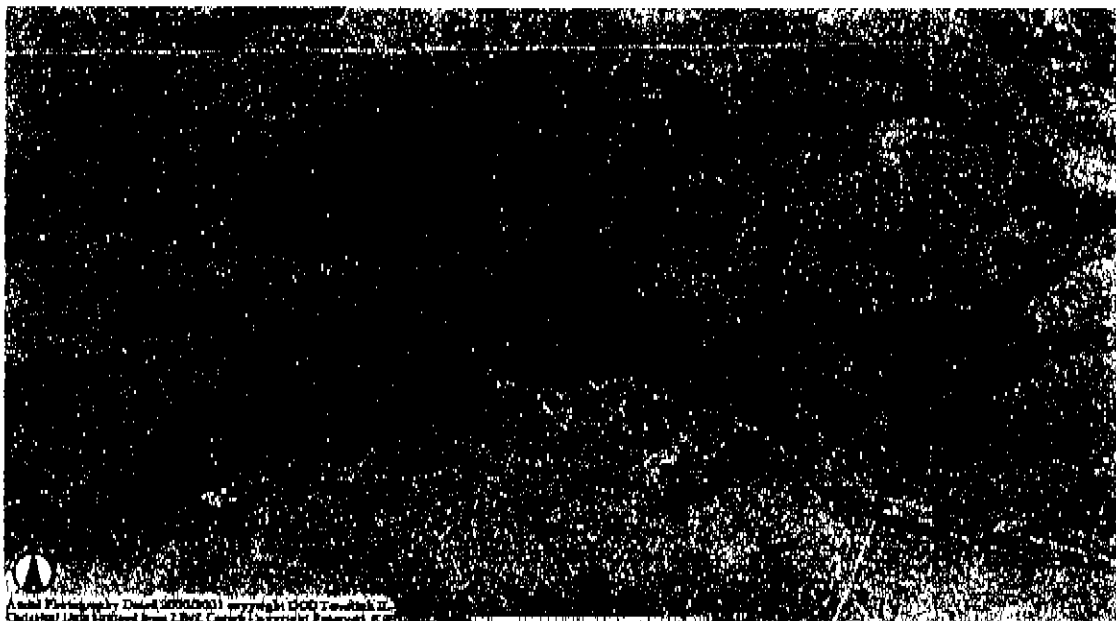
(Dunedin Branch, Forest & Bird)

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References

- Derraik, J.G.B.; Barratt, B.I.P.; Sirvid, P.; Macfarlane, R.P.; Patrick, B.H.; Early, J.; Eyles, A.C.; Johns, P.M.; Fraser, P.M.; Barker, G.M.; Henderson, R.; Dale, P.J.; Harvey, M.S.; Fenwick, G.; McLellan, I.D.; Dickinson, K.J.M. and Closs, G.D. (2001). Invertebrate survey of a modified native shrubland, Brookdale Covenant, Rock and Pillar Range, Otago, New Zealand. *New Zealand Journal of Zoology* 28: 273-290.

Appendix 1. Aerial photo showing indigenous shrublands on Stonehurst Pastoral Lease. A suggested fenceline that would help to protect these shrublands has been drawn.



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ALEXANDRA
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Public Access New Zealand

INCORPORATED

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2 September 2002

Commissioner of Crown Lands
C/- DTZ New Zealand
P O Box 27
Alexandra

Submission on Stonehurst Tenure Review Preliminary Proposal

PANZ wishes to comment on the following aspects of the review -

Public access provision

The Old Dunstan Road provides key access along the western sector of the property and is unaffected by the Preliminary Proposal. This road provides assured access except during winter. The Dunedin City Council has instigated annual closures to vehicle use to protect the road surface. Currently the road is quite negotiable as it is frozen, with only light snow cover in places. The issue of upgrading of the road surface needs to be addressed in the future so as assure, subject to normal climatic limitations, public vehicular access year round.

Pt Run 599, being a formed road, has already being reserved for 'Irrigation Purposes'. DOC correctly describes this as providing important recreational access from the Old Dunstan Road to the Loganburn reservoir. This road has been defined by survey (SO 20951). DoC suggested that this be adopted as a legal road (*Conservation Resources Report*). PANZ strongly agrees with this and wonders why this 'land of the Crown' was not included within the scope of the tenure review. Public vehicle access to the reservoir margin depends on this access being available for public use as of right.

PANZ submits that Pt Run 599 be included in the review and designated public road.

Public access easement a-b-c

We welcome this access being subject to section 7 (2) Conservation Act, as this provides a measure of security for the public against future disposal. This easement will traverse through unencumbered freehold, and freehold subject to a conservation covenant. It permits public foot, cycle and horse passage at all times, subject to an annual closure for lambing for up to six weeks.

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Terms of easement

Dispute resolution

We note mechanisms for resolving disputes between the Transferor and the Transferee, but there is no provision for public involvement. Given that "any member of the public" is included within the definition of 'Transferee', but excluded from any settlement of disputes, we think it only proper that there be an express requirement for s49 Conservation Act procedures whenever any change, or extinguishment, to the terms of public easements are proposed, or if protracted obstruction or closure of public access occurs. **We so submit.**

Exclusion of schedules

We note an express exclusion of the rights and powers contained in the Ninth Schedule of the Property Law Act, but not of those in section 126G which enable modification or extinguishment of easements through the Courts, without public process. Such a provision undermines the legislative intent of section 24(c)(i) CPLA and needs an express exemption from its application. **We submit that** section 126G of the Property Law Act be expressly excluded from the terms of the public access easement.

Temporary closures/suspension

We are concerned about the 'temporary suspension' provisions of the draft easement - "The Transferee may close all or part of the Easement Area and suspend public access to it if reasons of public safety or emergency require closure, or otherwise in accordance with the provisions of section 13 of the Conservation Act 1987".

Section 13 Conservation Act only applies to conservation areas. The easement area will be private freehold. If there are genuine reasons for closure of the conservation area, that is where closures should apply.

There is no statutory authority cited for closure for public safety or emergency. Emergency powers should be exercised either by the Police or Rural Fire controlling authority for genuine emergencies only. In view of DOC's partiality towards tourism and other commercial interests at the expense of public recreation, we do not trust the department with powers of considerable discretion and vagueness such as "public safety". Such powers are contrary to public rights of access and recreation over conservation areas and could easily be subject to misuse.

These provisions reinforce the insecure nature of easements, and their failure to properly comply with "the securing of public access to and enjoyment of reviewable land" as required by section 24 (c)(i) CPLA.

We submit that the temporary closure provision be deleted.

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OSH and ACC

We note that in official papers supplied to us in regard to the Longslip tenure review, the holder raised concerns about Occupational Safety and Health, and Accident Compensation Commission liabilities arising from easements over freehold. This is a generic issue that has not been dealt with in this or any other tenure review. The CCL's failure to deal with these issues potentially undermines all easement provisions arising from tenure review. There is no assurance, despite the express terms of these easements, that the public right to pass and repass at all times will prevail over land holders taking action to remove liabilities that may arise from having members of the public on their freehold. The holders' solution may be to bar public passage, notwithstanding the terms of this or other easements.

The dedication of public paths/roads, rather than the creation of easements, would avoid such difficulties. Paths would be public rather than private property, and unable to be deemed places of work or employment for the purposes of OSH or ACC.

We submit that, to provide security of public access, as required by section 24(c) (i) CPLA, the proposed public easement instead be dedicated as a public road/path for pedestrian, cycle and horse passage.

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Conservation covenant

PANZ supports the reservations expressed by Forest & Bird about the adequacy of this covenant. We are not satisfied that this proposal, in particular the provisions for burning, oversowing and topdressing, adequately protect well documented significant inherent values. There is also no apparent cognisance taken of landscape values on this prominent eastern face of the Rock and Pillar Range, which DOC recorded as being 'significant' (*Conservation Resources Report*, Map 2).

We believe that the terms of the covenant fail to meet its stated conservation and recreation objectives, and therefore are not in accordance with the requirements of either the Conservation or Crown Pastoral Land Acts. Its terms run contrary to those contained in the easement - it is unclear which is the dominant interest in the land subject to easement - the easement or the covenant?

In regard to recreation, the covenant states (our emphasis) -

"The land must be managed...to provide, subject to this covenant, freedom of access to the public for the appreciation and recreational enjoyment of the land", (Objectives 2.1).

4. Public Access

4.1 The owner must, subject to this clause, permit the public to enter upon the land.

4.2 The owner may:

4.2.1 temporarily decline access to the land for reasonable farm management reasons;

4.2.2 limit access to specified tracks;

4.2.3 charge for the use of facilities or services provided by the owner;

4.2.4 prohibit any person from bringing on to the land and animal, gun, or vehicle".

Then special condition 11 stipulates that "the owner will allow members of the public to have access by mountain bike and foot on the land, but only along the present formed track".

The terms of the covenant consist of an increasing hierarchy of Owner discretions to prohibit or restrict "freedom of access to the public" to such a degree that the supposed objective of the covenant are negated.

The Owner is only 'permitting' or 'allowing' access. This implies that entry is not as of right, but by allowance or 'permit' obtained prior to entry. This negates the notion of freedom of access and is completely unacceptable.

Special condition 11 overrides all the other clauses to the extent that the owner is not permitting public access off "the present formed track". In effect the covenant prohibits ANY public entry off the alignment of the easement, and thwarts one of its specific provisions for horses. Therefore there is no provision for public use and enjoyment of the covenant area, with powers to restrict use of the easement through the provisions of the covenant. These restrictions extend to temporary declining of access for farming reasons in addition to lambing, charging for use of 'facilities' which could include the track alignment used by the easement, and prohibiting horses.

These covenant provisions are in their own right, and in relation to the easement, an abject failure to fulfil the requirements of section 24 (c) (i) CPLA to secure public access to and enjoyment of reviewable land".

As the present proposal well demonstrates, covenants are very poor alternatives to the protections and certainties for public recreation that public ownership provides. It was no doubt for this reason, and the high inherent values, that DOC originally recommended that this area be returned to Crown ownership.

We submit that, in the event that freeholding of this area proceeds, the area of the covenant explicitly excludes the easement area, however we believe that the CPLA preference for full Crown ownership and control of areas of significant inherent value should be exercised over this area.

Yours faithfully

Bruce Mason
Researcher and Co-spokesman

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

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Southern Office

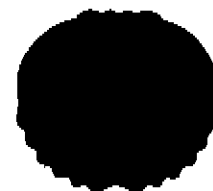
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DTZ NEW ZEALAND
ALEXANDRA

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& BIRD

ROYAL FOREST AND
BIRD PROTECTION
SOCIETY OF
NEW ZEALAND INC

The Commissioner of Crown Lands,
C/- DTZ New Zealand Ltd.
Land Resources Division
PO Box 27
ALEXANDRA

Dear Sir

Re: Preliminary Proposal for Tenure Review: Stonehurst

Thank you for the opportunity to comment on this proposal.

I write on behalf of the Royal Forest and Bird Protection Society, which represents over 45,000 members nationwide in 56 branches. The Society has been an active advocate of the protection and conservation of New Zealand's natural and physical resources since 1923.

This submission is based on an examination of the proposal in terms of its fulfillment of Part 2 of the Crown Pastoral Lands Act 1998, (CPLA), and an assessment using the guidelines for assessing areas of significant inherent values in the DOC Standard Operating Procedures.

The Preliminary Proposal As Presented

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The following designations and protective mechanisms are included in the proposal:-

- (1) 2070ha (*approximately*) to be designated as land to be restored to full Crown ownership and control as a conservation area under Section 35 (2) (a) (i) of the Crown Pastoral Land Act 1998.
- (2) 775ha (*approximately*) to be disposed of by freehold disposal to J C F James under Section 35 of the Crown Pastoral Land Act 1998 subject to protective mechanisms.

Protective mechanisms:

- (a) An easement under Section 40 (2) (c) Crown Pastoral Land Act 1998 to provide for public access by foot, non-motorised vehicle powered by a person, and horse to the proposed conservation area.
- (b) An easement under Section 40 (2) (b) Crown Pastoral Land Act 1998 to provide for conservation management access to the proposed conservation area.
- (c) A conservation covenant under Section 40 (2) (b) Crown Pastoral Land Act 1998 over approximately 230 ha of the proposed freehold land.

Summary of Forest and Bird's Submission

1. Strongly support the return to full crown ownership and control of the 2070 ha from the summit of the range towards the Logan Burn Reservoir.
2. The terms of the Covenant will not protect the significant inherent values values identified and thus does not meet the objects of tenure review. The Preliminary Proposal is inconsistent with the requirements of the CPLA.
3. The proposal fails to protect an area of diverse indigenous shrubland which has significant inherent values.
4. Forest and Bird urges the Crown to negotiate purchase of this lease in order to adequately protect the full range of significant inherent values found from @340m altitude and provide an important ecological sequence from the western flanks to the drier and more fertile low altitude eastern faces, especially the remnant shrublands.
5. Failing a purchase agreement that the Crown renegotiate with the lessee to adequately protect the significant inherent values of the proposed covenant area and shrubland shown on the attached map. This will require exclusion on of burning, oversowing and topdressing from both areas and grazing from the shrublands.
6. Should such an agreement not be forth-coming, that the Crown decline to proceed with the tenure review as outlined in the Preliminary Proposal. The current proposal does not protect the suite of significant inherent values found on this lease and therefore does not meet the objects of the CPLA.

Proposed Conservation Area

The Society strongly supports the retention in full crown ownership and control of the proposed conservation area being all that land west of the crest of the Rock and Pillar Range, extending towards the Loganburn Reservoir. This expansive tussockland is one of the most significant landscapes in Otago and will be a very important addition to the Conservation Estate. It has significant landscape and vegetation values.

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Proposed Covenant Area and Covenant Provisions

As the Preliminary proposal Conservation Resources Report, and the Consultation Report state this area also has extensive significant inherent values. We acknowledge that this area was originally and in our view correctly proposed to be returned to full crown ownership and control. Its demotion to a covenant is as a result of negotiations. It appears that these negotiations may have been facilitated were the Crown in a position to offer a greater financial settlement. Forest and Bird strongly recommends that the Crown reconsider its position.

The Consultation report suggests that these values can be protected by a conservation covenant. Forest and Bird strongly disagrees.

The proposed covenant has conflicting objectives requiring the land to be managed for conservation purposes and for periodic grazing.

Periodic grazing is incompatible with the protection for the identified significant inherent values, especially the shrublands, which extend below 750m. The shrubland communities are recognised in all the reports as being significant as they are a link with the past vegetation. Continued grazing of these will prevent or significantly hinder their regeneration, and will prevent future restoration. Experience further along the Rock and Pillars show the expansive regeneration and growth that occurs in shrublands similar to those that are found on Stonehurst, once stock are removed.

Recent research by Landcare Research also illustrates the importance of protecting woody shrublands from mammalian grazing.

In Locharburn Scientific Reserve on the Pisa Range, there has been considerable regeneration of *Podocarpus hallii* since the exclusion of domestic herbivores in the last four decades. *P. hallii* seedlings were not observed outside the enclosure, even though bellbirds frequent the reserve and would presumably be acting as seed dispersers.¹

On glacial outwash terraces near Luggate in the north of Central Otago *Carmichaella petriei* and matagouri have increased in stature to dominate a short tussock grassland within 12 years of the exclusion of mammalian grazing and annual fertiliser addition. Outside the enclosures exotic grass dominates with widely spaced stumps of browsed native shrubs, subshrubs and tussocks.²

Continued grazing by sheep of high altitude tussock grassland is also ecologically unsustainable. The replacement by fertiliser of nutrients lost through livestock is not recommended for conservation areas as it promotes the growth of exotic species, which is contrary to maintaining indigenous vegetation.

The covenant allows the owner to maintain aerial oversowing and topdressing below 900m. This is totally incompatible with a conservation objective. Guidelines developed through the NZ Mountain Lands Institute state that it is considered

¹ S. Walker, W.G. Lee & G.M. Rogers 2002: *Woody Biomes of Central Otago, NZ: Their Present, Past Distribution and Future Restoration*: Landcare Research contract Report. LL1020/084

² Ibid.

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advisable to follow burning with oversowing and topdressing, but state "that no such condition should apply to conservation land".³

Grazing and oversowing will continue to degrade the significant inherent values of this ecosystem, reducing its intactness, and naturalness and introducing and maintaining exotic species.

The Covenant also specifically allows the owner to carry out burning below 900m. This area also supports scattered shrublands, which are sensitive to burning. As McGlone states in his recent paper, shrublands are highly sensitive to fire and are slow to recover.⁴

The recovery index for narrow-leaved snow tussock developed by Lee et al⁵ is not designed to assess the recovery after burning of shrublands. It is therefore an inappropriate tool to assess the appropriateness of burning the diversity of ecosystems that are found within the proposed covenant area.

The Scott Height Frequency method is a measure of biomass, and can record changes associated with management over time. But it can not be used to assess when or whether the shrubland is in an adequate condition to tolerate a fire.

Covenant Terms for meet requirements of CPLA

The CPLA requires that tenure review must enable the protection of significant inherent values. Protection is defined in the Conservation Act 1987 as follows:

"Protection, in relation to a resource means its maintenance, so far as is practicable, in its current state; but includes-

- (a) Its restoration to some former state; and*
- (b) Its augmentation, enhancement, or expansion."*

The terms of the Covenant in providing for burning, oversowing and topdressing and for some decline in height frequency of shrubland and tussock vegetation will not maintain the vegetation in its current state – as oversowing will increase the presence of exotic species, burning will reduce the extent of the shrublands and grazing will prevent their regeneration. The management regime allowed for in the Covenant will prevent restoration of the vegetation, and will prevent its enhancement or expansion.

Overtime such a management regime will also impact upon the significant landscape values, changing the colour and texture of the land. This means that the covenant will fail to maintain the landscape in its current state.

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³ NZ Mountain Lands Institute, 1992. "Guidelines on burning tussocklands" Journal of the New Zealand Mountain Lands Institute, Review 49.

⁴ McGlone, M.S. 2001: *The origin of the indigenous grasslands of south eastern South Island in relation to pre-human woody ecosystems*. NZ Journal Ecology (2001) 25 (1): 1-15.

⁵ Lee, William G. Lee, Gitay Habiba, Allen Ralph, 1996: *Recovery index for narrow-leaved snow tussock (Chiono*

Page 17 of the Conservation Resources Report states that; "... the upper eastern slopes of the Rock and Pillar Range is an outstanding and significant natural landscape."

Forest and Bird considers that the terms of the proposed covenant do not meet the requirements of the CPLA. It is clear from the Conservation Resources Report's, that the land proposed for a Covenant contains significant inherent values that require protection through the CPLA tenure review process. This preliminary Proposal fails to achieve this, and therefore should be declined in its present state.

Shrubland Gully

The Conservation Resources Report mentions that native vegetation is relatively intact down to about 600m. However it fails to mention the presence of a botanically diverse shrubland gully between 340m and 750m, see attached map.

This gully contains a diverse shrubland and flax community, with some Kowhai trees and extensive broadleaf trees. The Kowhai were surrounded by seedlings that were severely chewed. We did not complete a full botanical list however we observed the following species.

Several tall (>2m) *Olearia virgata*, *O. arborescens* and *O. bullata*, amongst other *Olearia* species, various *Coprosma* species, *Cassinia*, *Carmichaelia* sp., *Corokia cotoneaster*, *Dracophyllum unflorum*, *Meliccytus alpinus*, *Muehlenbeckia* sp., *Hebe odora*, *Aciphylla aurea* and *A. scott-thomsonii*, *Astelia*, mountain flax and numerous ferns including *Asplenium flabellifolium*. It is possible that the more rare *Olearia nummularifolia* and *arborescens* are also present.

This shrub gully is surrounded by relatively intact but modified short tussock grasslands. In sites protected by rocky tors, broadleaf trees and *Meliccytus* sp grow. These indicate that if this area were to be protected from fire and grazing a shrubland cover would eventually regenerate.

Justification for Protection

Currently there are no low to mid altitude shrublands protected within the DOC conservation estate on the eastern face of the Rock and Pillar Range.

The Conservation Resources Report for Brookdale Pastoral lease, which was advertised in 1995 discusses the importance of such shrublands, and in the case of Brookdale they were all considered worthy of formal protection.

The Brookdale conservation covenant is over 150 ha of shrubland in a gully ranging from 400m – 700m. This gully supports a similar shrubland to that found on Stonehurst, with the upper reaches containing tutu, and mountain flax and hebe, olearia, coprosma and broadleaf, with *Melicope simplex*, *Carmichaelia virgata*, *Coprosma crassifolia* and *Meliccytus alpinus* and matagouri in the lower reaches. The report notes that these forests and shrublands are important as they represent types of vegetation which were once wide spread on the Rock and Pillar Range.

This report suggested that Brookdale presented one of the best opportunities on the *Rock and Pillar Range* to protect an altitudinal sequence of vegetation from the base

to the crest of the range. Sadly this was not achieved through the Brookdale tenure review. Only the southernmost gully was granted a covenant, which allows grazing and burning on a 15 year cycle.

Unfortunately I do not have a copy of the final boundaries for Glencreag, however I do not think the conservation area includes the shrubland below 800m. At the time DOC considered these patches of forest as not being of great significance.

There is a covenant on Rockvale at the northern end of the Rock and Pillar Range which covers some 77 ha of regenerating broadleaf forest in a precipitous gorge. This remnant also contains a wide diversity of small shrubs, including Koromiko, fuchsia, *Astelia*, *Melicope simplex*. The area is not fenced as it was considered that the steepness of the gorge excluded stock.

Since these tenure reviews were completed and since the completion of the Conservation Resources Report for Stonehurst, new research highlights the importance of retaining existing shrubland remnants.

Growing Awareness of the Importance of Shrublands.

McGlone has presented new information concerning the vegetation history of the indigenous grasslands of the southeastern South Island, the fernlands that accompanied their fire induced spread and the complex pre fire associations they replaced.⁶

On the basis of fossil information, soils and climate, McGlone suggests that the pre-human vegetation of southeastern South Island can be schematically divided into three broad zones, as follows.

1. A dense moist, closed forest zone, extended throughout Southland- coastal south Otago.
2. A drier open forest – scrub zone extended inland along the edge of the east Otago upland, reaching the coast north of Dunedin.
3. A low forest-scrub grassland zone occupied the inland basins and ranges of Central Otago.

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McGlone finds evidence to suggest that natural fires in New Zealand were quite rare, even in dry areas. The fires lit by the first Polynesian settlers greatly reduced the amount of woody vegetation in favour of fern and grassland, and fire almost eliminated both lowland and montane forest in areas with rainfall $<1000\text{myr}^{-1}$. Pre fire grasslands tended to have abundant *Chionochloa* only above tree line in the wetter western ranges. On the flat-topped mountains of the dry interior, McGlone says a diverse mixture of grass species and low shrubs seems to have been more the rule than pure tussock grassland. Below tree line the grasses formed an intricate mixture with trees and shrubs.

⁶ McGlone, M.S. 2001: *The origin of the indigenous grasslands of south eastern South Island in relation to pre-human woody ecosystems*. NZ Journal Ecology (2001) 25 (1): 1-15.

McGlone concludes by saying that:

"More importantly, as has been known for a long time, behind nearly every lowland or montane tussock grassland stands the ghost of a destroyed woody ecosystem and on a national scale, a unique dryland ecological zone has been nearly completely eliminated. If preservation of the entire span of fully functional New Zealand ecosystems is the aim, it follows that some attempt will have to be made to ensure the existence of self-sustaining examples of pre-human woody cover of the southeastern South Island."

New Zealand's Biodiversity Strategy has a goal to halt the decline of our indigenous biodiversity. It requires us to:

"Maintain and restore a full range of remaining natural habitats and ecosystems to a healthy functioning state, enhance critically scarce habitats and sustain the more modified ecosystems in production...."

McGlone suggests that in the present pyrophilic situation it is difficult to envisage how sustainable indigenous semi-arid woodlands could be recreated. *Perhaps the most that can be done is to attempt to preserve small examples as ecosystems –in-waiting while maintaining the ecological health of the magnificent, although thoroughly anthropogenic, successor grasslands."*

Walker et al⁷ indicate that our limited experience with removal of herbivores from Central Otago woody remnants suggests that there is considerable potential for regeneration of certain woody species, and that this may have long been underestimated.

The CPLA requires that significant inherent values be protected. Significant inherent value is defined in relation to land that deserves the protection of management under the Reserves Act or the Conservation Act. The purpose of the Reserves Act includes ensuring as far as possible the preservation of representative samples of all classes of natural ecosystems and landscape which in aggregate originally gave New Zealand its own recognisable character.

Tenure review along the Rock and Pillar Range has failed to protect lowland – mid altitude remnant woody shrublands and has not restored any to full crown ownership and control. These ecosystems are also poorly represented in the conservation estate. Walker⁸ suggests that conservative estimates, including marginal strips, indicate that less than 2.5% of the land area of the lowest elevation woody biomes (240m to 1220m) is included in public conservation lands.

Shrublands biodiversity hotspots for invertebrates

The first ever-published invertebrate survey of a low altitude shrubland has recently been completed on the Brookdale Covenant on the Rock and Pillar Range. This study found 280 species of invertebrates associated with just two shrub species, *Olearia*

⁷ S. Walker, W.G. Lee & G.M. Rogers 2002: *Woody Biomes of Central Otago, NZ: Their Present, Past Distribution and Future Restoration*: Landcare Research contract Report. LL1020/084

⁸ Ibid.

bullata, and *Coprosma propinqua*, both of which are found in the Stonhurst gully.⁹ Approximately 90% of these species were endemic. Despite the reduced size and fragmentation of the Brookdale shrublands and their isolation from other similar habitats, a diverse invertebrate fauna still survives. This illustrates the importance of such remnant habitats for the protection of New Zealand's biodiversity.

Stonehurst shrubland qualifies as an area containing significant inherent values
Forest and Bird considers that the Stonehurst shrubland gully meets the standards to be applied as guidelines for assessing areas with significant inherent values, in tenure review.

1. Shrubland gullies contribute to the natural landscape and are described in the Conservation Resources Report as providing a significant natural landscape setting for the Strath Taieri Plain. This indigenous component contributes to the integrity of the High Country landscape.
2. This area contributes to the scenic and recreational values of the overall high country setting of Stonehurst.
3. Scientists have only recently begun to understand and emphasise the importance of shrubland remnants. We consider this area would qualify as a RAP.
4. These shrublands are remnants of a once much more widespread habitat, but are today relatively uncommon in the Rock and Pillar Ecological District. They are not currently represented in the DOC estate.
5. This shrubland is part of altitudinal sequence and provides an important indigenous vegetation linkage between the more alpine vegetation of the proposed conservation area and the developed farmland below. Protection of this shrubland would protect a full altitudinal sequence from the eastern faces, over the Summit and down the western flanks. Such a sequence was originally proposed for Glencreag and Homestead leases in the 1983 Pastoral Lands Assessment Report for the Rock and Pillar Range. This may not be achievable as the Homestead has not entered tenure review.

Reserve Design

Walker¹⁰ recommends that reserve design should envisage and allow for the expansion and eventual restoration of sequences of native woody vegetation from the valley floors to the range tops and existing remnants should be viewed as foci and seed sources. Close fencing small isolated covenants surrounded by pastoral land will prevent the unfolding of elevational sequences of successional woodlands and forests over time.

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⁹ Derrak, J.G.B, Barratt, B.I.P, Sirvid, P, Macfarlane, R.P., Patrick, B.H., Early, j., Dickinson, K.J.M., and Closs, G.P. 2001. *Invertebrate survey of a modified native shrubland, Brookdale Covenant, Rock and Pillar Range, Otago, New Zealand*. NZ Journal of Zoology, 2001 Vol 28.

¹⁰ S. Walker, W.G. Lee & G.M. Rogers 2002: *Woody Biomes of Central Otago, NZ: Their Present, Past Distribution and Future Restoration*: Landcare Research contract Report. LL1020/084

It is difficult to envisage on Stonehurst how this could be achieved without virtually complete restoration to full crown ownership and control, which is the ideal. A possible compromise may be to split the lease vertically, and move the boundary of the proposed Covenant Area further up the hill and return this sequence along with the western flanks to full crown ownership and control. The shrubland along with its buffer zone, including the spurs would need to be fenced, and not burnt. As part of a compromise, it may be possible to allow for continuation of grazing for a short term.

Access

Forest and Bird supports the PNZ submission in relation to access and marginal strip issues.

We observe that the Covenant enables the owners to charge for the use of facilities or services provided by the owner. Use of facilities and services are not defined. Forest and Bird considers these provisions to be inadequate and contrary to securing public access and enjoyment of the covenant areas. (S24 (c) (i)). The terms of the covenant must require the owner to provide free public foot and mountain bike access, and to not charge for such activities, albeit they may be using tracks provided by the owner.

The Covenant also allows the owner to restrict public access to the present formed track. This provides a loop hole for future owners who may be less public-spirited than the current owners, to restrict access to this track and then charge for the use of the it, as it could be argued that it is a facility or a service provided by the owner. This would mean that a situation could arise when there is no secure public access, which is contrary to the CPLA.

Confinement of the public to the existing track will prevent public enjoyment of the range of significant inherent values present on the proposed covenant. This is especially unreasonable as the covenant only provides for periodic grazing.

We would be pleased if you would contact us should you require to discuss further possible options.

Yours sincerely



Sue Maturin
Southern Conservation Officer

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STONEHURST

2070ha

250

- Land to be Returned to Full Crown Ownership and Control
- Land to be disposed of to the holder
- Proposed Conservation Covenant
- Easement for public access B-b-c
- Easement for conservation management purposes d-b-c
- Existing Fences

Scale 1:50,000
K. Taylor
8-Mar-02

Pt Run 599
Conservation Purposes
Report 2 of 2

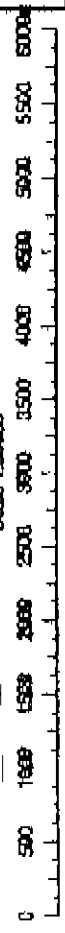
Pt Run 599
Report 1 of 2

Marginal Strip Subject to Section 131
Conservation Act 1987



Stonehurst

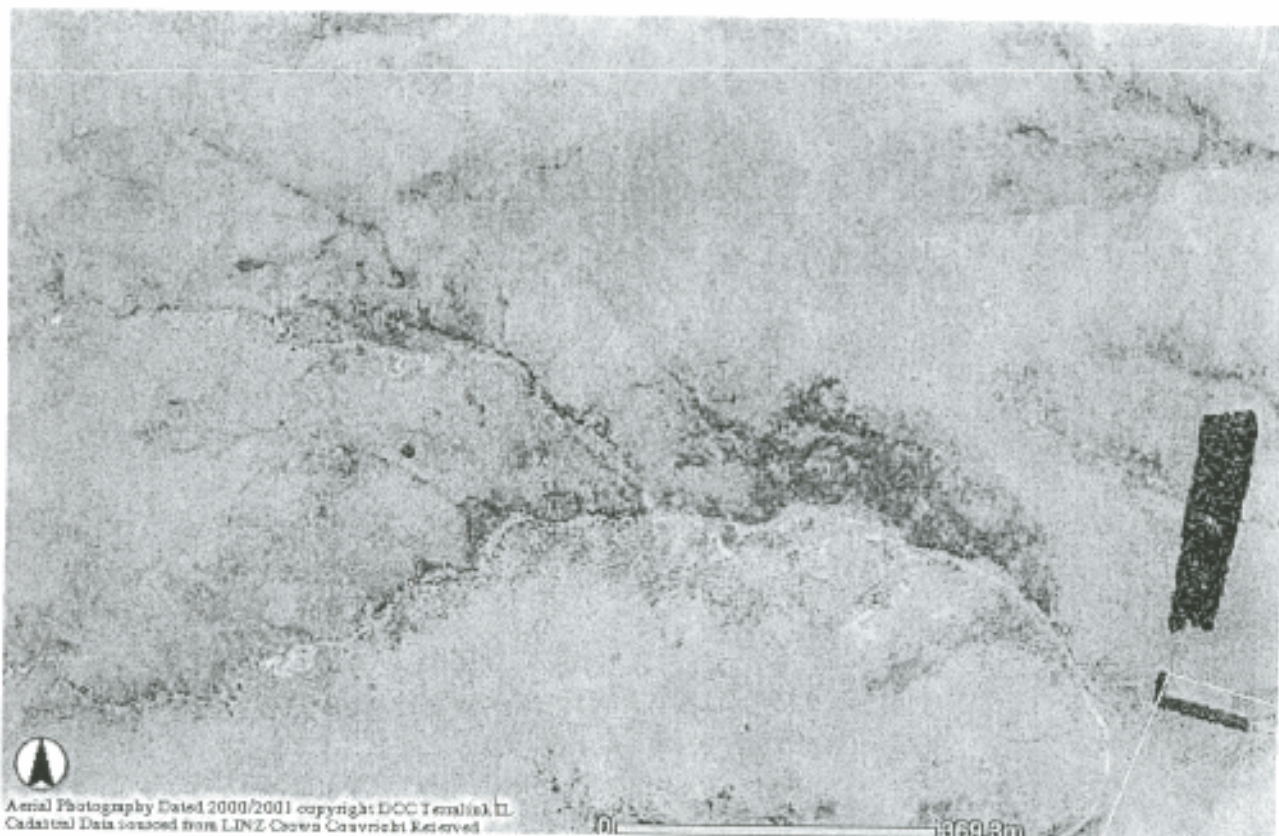
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Version	1	2	3	4	5
Olago Land District	Sheet 1 of 1				
NZMS 260 H 43	Date 30/9/1999				

INTERNATIONAL CONSULTANTS

Stonehurst Shrubland



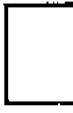





Aerial photograph of Stonehurst from <http://www.cityddm.co.nz>
showing extent of shrubland

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STONEHURST

2070ha

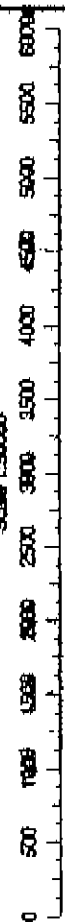
	Land to be Reforested to full Crown Ownership and Control
	Land to be disposed of to the holder
	Shrubland
	Easement for public access s-b-c
	Easement for conservation management purposes d-b-c
	Edging Fences

Scale 1:50,000
K. Taylor
8-Nov-02



Stonehurst

Scale 1:50,000



Version	1	2	3	4	5
Otago Land District					
Sheet 1 of 1					
NZMS 260 H 43					
Date 30/9/1999					

Marginal Strip Subject to Section 194 Conservation Act 1987



INTERNATIONAL CONSULTANTS

Stonehurst Shrubland



Shrubland gully at 340m with large *Olearia* sp



Shrubland gully at mid altitude looking up to Proposed Conservation Covenant

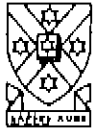
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Head of the gully shrubland with numerous broadleaf trees just below Proposed Covenant



Koahau trees at head of the gully just below Proposed Covenant area



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September 6, 2002.

Manager,
DTZ New Zealand,
PO Box 27,
ALEXANDRA.

**SUBMISSION ON PROPOSED TENURE REVIEW:
STONEHURST PASTORAL LEASE**

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it, based on my knowledge of the areas involved, gained over many years of ecological research on the tussock grasslands and pastoral leases of Central Otago and the Rock and Pillar range in particular. I apologise for this late submission but trust it can still be considered in relation to the importance of this exercise.

It is obvious that this proposal has been given considerable thought in relation to the production and particularly the conservation values on this part of the Rock and Pillar Range, and the separation proposed (2,070 ha for full Crown ownership and control; 775 ha for freeholding) is certainly highly unusual in relation to most other tenure review proposals.

While this is a very commendable situation, given the high conservation and landscape values on the gentle western slope of the Rock and Pillar Range, the 195 ha (approx) of unimproved snow tussock grassland and cushionfield in the area of the upper eastern slopes proposed for freeholding, with covenant provisions, that also has very high intrinsic, including water production values, such that it clearly should also be transferred to full Crown ownership and control to manage for these values. I believe the conditions proposed for the conservation covenant on this area are inadequate to provide the long term protection that is warranted.

In addition, there are indigenous shrublands and some remnant forest and open land trees (broadleaf, kowhai, etc.) in the lower elevation area that should also be protected with full Crown control.

I believe the most satisfactory method of achieving the long term protection for the extremely high, in some areas unique, conservation values, is through a whole run purchase. This is my strong recommendation but failing this, the area to be covenanted should certainly be given greater long-term protection, and the indigenous woody vegetation on the lower slopes and gullies, should also be recognised and provided for under the terms of the Crown Pastoral Land Act.

I trust that my recommendations will be given serious consideration, and I thank you again for the opportunity to comment on this proposed tenure review.

Yours sincerely,

Alan F. Mark FRSNZ DCNZM.
Professor Emeritus

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