

Crown Pastoral Land Tenure Review

Lease name : *CABERFEIDH*

Lease number : PT 134

Public Submissions

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

These submissions are released under the Official Information Act 1982.

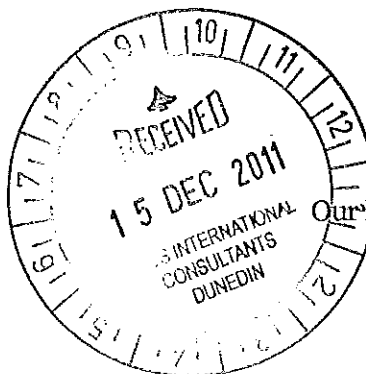
May

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Southern Regional Office
PO Box 4403
Christchurch



Our Ref: 22015-001

14 December 2011

Simon de Lautour
Tenure Review Consultant
Opus International Consultants Limited
Private Bag 1913
DUNEDIN 9054

Kia ora

Caberfeidh Pastoral Lease – Preliminary Proposal for Tenure Review

Thank you for the opportunity for NZ Historic Places Trust (NZHPT) to comment on the Preliminary Proposal for Caberfeidh Tenure Review. NZHPT is an autonomous Crown Entity with responsibilities under the Historic Places Act 1993 to promote the identification, protection, preservation and conservation of the historical and cultural resources of New Zealand.

The 2003 Amendments to the Resource Management Act added a definition of historic heritage, where previously there was no definition, and elevated historic heritage to a matter of national importance, to where now there is a requirement to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development (Section 6 (f)).

Desk-top study by the NZ Historic Places Trust identified there are no registered historic places, historic areas, wāhi tapu or wāhi tapu areas in Caberfeidh Pastoral Lease. The South Canterbury rabbit fence, a section of which is situated within the proposed freehold area, is listed as a Category C heritage item in the operative Waimate District Plan.

The Department of Conservation (DOC) Conservation has provided NZHPT with the Historic Resources Report for Caberfeidh Pastoral Lease (January 2011). The archaeological survey commissioned by DOC identified a number of historic features within the proposed freehold area of the lease. These sites have now been recorded in the New Zealand Archaeological Association Site Recording Scheme. These sites are:

- South Canterbury rabbit fence, 1888 (I40/87)
- Old camp site
- Wing fence (I40/88)
- Farm Stream hut (true right; I40/90)
- Farm Stream hut (true left; I40/91)

NZHPT agrees with the archaeologist's significance assessment of these sites and recommended heritage protection measures. The South Canterbury Rabbit Fence (I40/87) is of highest significance as the only Government funded rabbit fence in New Zealand. NZHPT encourages further survey of the entire length of the rabbit fence from the Waitaki River to Mount Cook Station. NZHPT will also consider the full length of the South Canterbury Rabbit Fence for inclusion in the Register of Historic Places, Historic Areas, Wāhi Tapu or Wāhi Tapu Areas.

NZHPT supports the creation of a conservations covenant (CC) over the area encompassing the rabbit fence, although seeks to ensure that the proposed covenant area encompasses the full recorded area of the fence. NZHPT also recommends that the wording of the Covenant Conditions in Schedule 2 is altered as follows:

- 6 Work affecting archaeological sites, including standing structures erected prior to 1900, is subject to the archaeological authority process under the Historic Places Act 1993. An authority (consent) from the New Zealand Historic Places Trust (NZHPT) must be obtained prior to the commencement of any earthworks, construction or clearance that could cause damage to historic values on the covenant area. In particular, any modification of the fence or hut including, but not limited to, the replacement of wires and posts will require an authority from NZHPT. It is an offence to modify, damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage.

Subject to agreement from DOC, NZHPT further recommends that the Historic Resources Report for Caberfeidh Pastoral Lease is supplied to the prospective owners.

NZHPT notes that the Preliminary Proposal identifies an "old bridle path" located within CC-Kirkliston Range Mid Slopes. This feature was not identified in DOC's Historic Resources Report for Caberfeidh Pastoral Lease, nor in the earlier Conservation Resources Report (July 2006). NZHPT is unclear of the exact location and significance of this feature and is therefore unable to advise on heritage protection measures.

Thank you for the opportunity for us to provide our input at this stage. Please contact me if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Malcolm Duff', followed by a long horizontal line extending to the right.

Malcolm Duff

General Manager Southern

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Simon de Lautour

From: Hakataramea Station [hakastation@ruralinzone.net]
Sent: Saturday, 17 December 2011 15:56
To: Simon.deLautour@opus.co.nz
Subject: re Caberfeidh Tenure Review.
Attachments: caberfeidh submission.docx

Importance: High

Dear Simon,
Please find attached our submission re the public access and management purposes easement proposed in the tenure review for Caberfeidh Station.
I will post a signed copy to you as well.
Kind regards
Heather Gray
Hakataramea Station

_____ Information from ESET Smart Security, version of virus signature database 6718 (20111216)

The message was checked by ESET Smart Security.

<http://www.eset.com>

17th December 2011

Hakataramea Station Ltd
504 Homestead Road,
RD 1
Kurow 9498

Commissioner of Crown Lands,
C/- Simon de Lautour,
Opus International Consultants Ltd.

We the owners of Hakataramea Station are concerned at the easement shown as 'e-f' on page 8, 2.3.2 of the summary of the preliminary proposal for the tenure review of Caberfeidh Pastoral Lease. The easement shows that it will finish at our boundary.

We cannot allow access through our freehold property as the block concerned is run as a hind block for our deer and you will appreciate that in the mating season when the stags are out it is very dangerous to be in that vicinity and also in the fawning season October to January the block is left undisturbed as the hinds would leave their young and not return to them if disturbed.

We have a padlocked gate at the boundary so to ensure to the best of our abilities that none of our deer are allowed to escape onto Crown land and cause any disruption to the environment.

We are very concerned that if the easement is granted we may have people thinking they have access through our property to this easement which starts in the middle of nowhere not accessible from any formed road.

Yours faithfully,

Barry, Heather and Richard Gray as owners.

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Simon de Lautour

From: Boyd Macdonald [Boyd.Macdonald@LoneStarFarms.co.nz]
Sent: Sunday, 18 December 2011 20:42
To: simon.delautour@opus.co.nz
Cc: 'LSF - Caberfeidh'
Subject: Caberfeidh Tenure Review

Submission on Caberfeidh Tenure Review.

Dear Simon,

Lonestar farms would like to enter a submission on two points of the preliminary proposal:

1. That the fence line to be erected from the points W to X be done so in consultation with the land owners to ensure the fence line does not trap stock behind it. *There may need to be gates installed and the fence ended in an appropriate place to ensure this happens and we would like to be consulted before the fence is erected.*
2. The public access points between points f to e, need to be removed from the plan. *This access points serves no purpose. The visitors to the property during this process have been canvassed for their thoughts on the matter and without exception all agree there is no need or purpose of this access.*

Regards,

Boyd Macdonald.

BOYD MACDONALD
General Manager

Lone Star Farms Ltd
c/- Level 2, 295 Trafalgar St, Nelson 7010 | P.O. Box 1242, Nelson 7040, New Zealand
++64-3 310 2584 (ph) | ++64-3 310 2297 (fx) | ++0275 444 216 (m)
boyd.macdonald@lonestarfarms.co.nz



LONE STAR
FARMS LTD

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Simon de Lautour

From: George Williamson [George.Williamson@walkingaccess.govt.nz]
Sent: Monday, 19 December 2011 11:26
To: 'simon.delautour@opus.co.nz'
Subject: Caberfeidh Tenure Review - Submission from NZ Walking Access Commission
Attachments: Caberfeidh PP submission-Z19114554-0001.pdf

Hi Simon

Please find attached a copy of our submission for the Caberfeidh Tenure Review.

The original has been posted today.

With best wishes

George

George Williamson
Operations Advisor
NZ Walking Access Commission
phone 04 815-8519 or 027 232 6039
www.walkingaccess.govt.nz

NZWAC is the Crown entity that promotes access to the outdoors

19 December 2011



Commissioner of Crown Lands,
C/- Simon de Lautour,
Opus International Consultants Limited
Private Bag 1913
DUNEDIN 9054

Preliminary Proposal for Tenure Review of the Caberfeidh Pastoral Lease Pt 134 Submission from the Walking Access Commission

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of the Caberfeidh pastoral lease. As you will appreciate, this is the first opportunity that the New Zealand Walking Access Commission (the Commission) has had to comment on this proposal.

We have not had the opportunity to undertake a ground inspection.

The following submission should be considered as new information as, to date, the tenure review planning, extensive discussion and consultation have been undertaken without input from the Commission.

The Commission's public access statutory role is described below, under section **A. Introduction**, and the detailed submission is presented in section **B. Submission**.

In summary, the Commission:

- commends the use of the clear plans; and
- supports the creation of the proposed public access easement 'b-a', 'd-c' and 'f-e'.

The Commission also seeks to have:

- appropriate information provided to identify which waterways qualify for marginal strips shown on the plan;
- marginal strips created with sufficient width to enable practical public access;
- unobstructed public access along marginal strips, with the use of stiles and/or gates as appropriate in any fence which may cross over a marginal strip;
- unrestricted public access provided for on easement 'b-a';
- an extension of easement 'f-e' made to connect with the legal road north of Station Stream;
- easement 'c-d' extended to secure legal access to point 'd' from the southern boundary of the property; and
- legal access provided off the legal road by Farm Stream to the marginal strip to be created on the true left of Farm Stream.

A. Introduction

Purpose, Objective and Functions of the NZ Walking Access Commission

The Walking Access Act 2008 (sections 3, 9 and 10) sets out the purpose, objective and functions of the NZ Walking Access Commission.

Central to its role is the Commission's leadership functions in negotiation and provision of free, certain, enduring and practical access to the outdoors for New Zealanders and visitors.

Focus of Submission is Public Access

The Commission's submission on the Preliminary Proposal for Caithness is designed, as envisaged by the Act, to achieve appropriate, enduring and future focused public access in this area of New Zealand.

The Commission's submission reinforces the objectives of the Crown Pastoral Land Act 1998 (CPL Act), in particular section 24(c) which is to make easier the securing of public access to and enjoyment of reviewable land. Specifically, our submission addresses the public access and public enjoyment matters specified in subsection (2) (c) and (d) of section 40 of the Crown Pastoral Land Act 1998.

The Commission was not consulted during the preparation of this preliminary proposal, which had commenced well before the introduction of the Walking Access Act 2008. Nor has the Commission had the opportunity to undertake a ground inspection.

Therefore, this submission should be considered as new information - provided by the Crown agency with statutory responsibility¹ for leading and supporting the negotiation, establishment, maintenance, and improvement of:

- walking access (including walkways, which are one form of walking access) over public and private land; and
- types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, and motor vehicles

B. Submission

General comments

We commend the use of plans of appropriate scales and the clear identification of legal roads which connect with the pastoral lease boundary. We also commend the approach taken in looking at possible future needs for access and securing rights of access to the extent possible within the proposal.

Part 4A of the Conservation Act 1987 applies to the disposition of all land being freehold under tenure review. While we understand that the Commissioner of Crown Lands may have no statutory function in the reservation from sale of marginal strips, the identification of qualifying waterways is a key factor when considering the adequacy of public access proposed in tenure reviews. The Preliminary Proposal plan should identify this information, or it should at least be made available with the advertising of the Preliminary Proposal.

The Commission seeks to have:

1. *Appropriate information provided to identify which waterways qualify for marginal strips and for this information to be shown on the plan - or at least be provided with the summary of the preliminary proposal.*

¹ Section 3(b) Walking Access Act 2008

Existing public access

Legal roads connect to the pastoral lease in seven different locations; just north of Station Stream, the eastern boundary with Corrighalls Road (shown as Middle Road on the plan), two extensions off Milne Road and two extensions off Farm Road, one of which contacts the pastoral lease in two separate places. Apart from Middle Road, the legal roads are generally unformed.

The entire north western boundary of the lease is with Conservation Area on the Kirkliston Range, where public access can be assumed to exist.

Proposed public access

The Preliminary Proposal proposes public non-motorised access off Milne Road to CA1 ('b-a'), from the boundary of existing freehold land by a tributary of Farm Stream to the Kirkliston Range ('d-c'), and in the vicinity of the north eastern boundary north of Station Stream ('f-e'). All of the proposed access will allow for closure for stock management purposes between 25 September and 6 November each year.

The easement 'b-a' will provide good public access to CA1, and potentially to Mt Milne and other areas on the Kirkliston Range. The easement 'd-c' provides access on a formed track for walking and possible mountain biking from the lease boundary to the southern end of the Kirkliston Range. The easement 'f-e' secures access up the lease boundary to the Conservation Area, and a leading spur to the highest point on the Kirkliston Range, Mt Kirkliston. Easements 'b-a' and 'f-e' potentially offer the opportunity for a round trip including both Mt Milne and Mt Kirkliston.

The Qualifying Water Bodies Assessment identifies that Station Stream, Kirkliston Stream and Farm Stream are qualifying water bodies under Part 4A Conservation Act 1987. Legal public access will, therefore, be possible on the marginal strips alongside these streams. The marginal strips should be wide enough to provide effective access along the strip², and access must not be unimpeded by structures. It is unclear from the report whether or not marginal strips on Farm Stream and Kirkliston Stream will reach to CA2 and CA1 respectively.

We note that public access to the lower altitude portions of these marginal strips to be created is at best uncertain, and in the case of Kirkliston Stream, non-existent.

This uncertainty needs to be addressed in the preliminary proposal – with enough detail to ensure that the extents are clearly defined and that practical access is provided to the marginal strips.

The Commission:

2. *Supports the creation of the proposed public access easement 'b-a' as providing reasonable public access to public areas, and in the case of , 'd-c' and 'f-e' as securing significant rights of access to the extent possible in the proposal.*
3. *Seeks to ensure that marginal strips to be created on waterways within the pastoral lease will be created with sufficient width to enable practical public access.*
4. *Seeks to ensure that the marginal strips extend to join with the conservation areas.*
5. *Seeks to have unobstructed public access along marginal strips, with the use of stiles and/or gates, as appropriate, in any fence which may cross over a marginal strip.*

Desirable public access

It is highly desirable that unrestricted public access be available to the conservation areas. In section 2.3.2 of the summary document, it is simply stated that "The easements allow[s] for a stock management closure between 25 September and 6 November each year."

² see Conservation Act 1987, section 24AA(5)((2)

The closure presumably relates to lambing, but there is insufficient information presented to justify any restriction on public use on any of the routes, and certainly not on them all. There should be, at least, one easement route where unrestricted public access is available, and preferably 'b-a' as this provides for legal access from Milne Road to the CA1 and beyond. There should also be a formal notification process for any temporary closure of the public access easements, should such closures be justified.

The Commission:

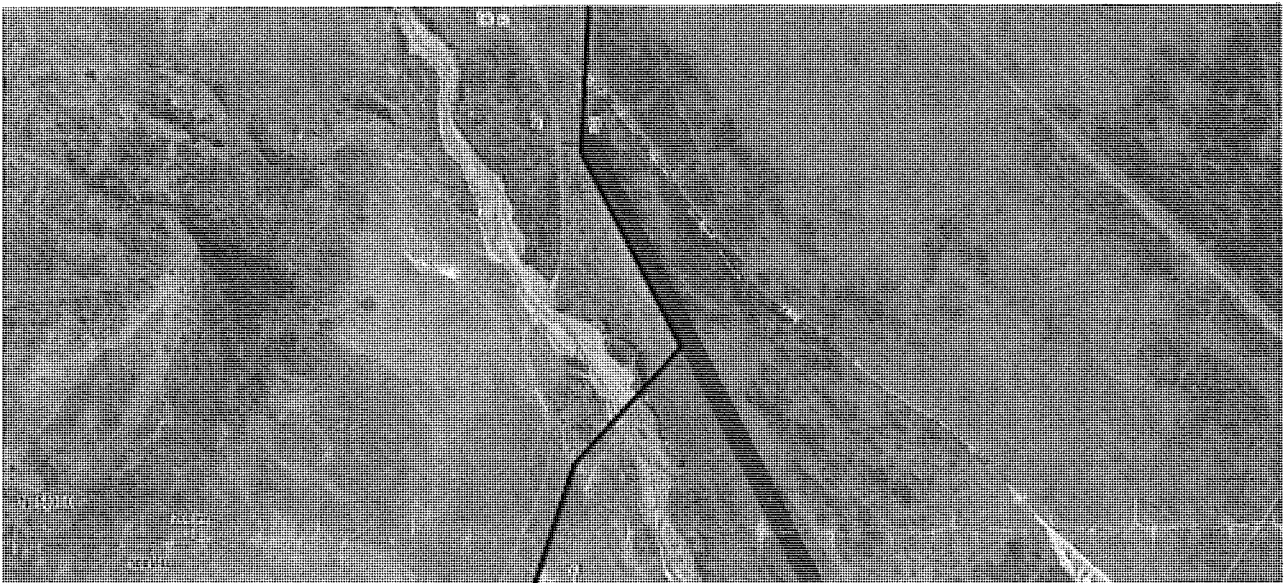
6. *Seeks to have unrestricted public access over the public access easements as there is inadequate justification provided to warrant any annual closure.*

Vehicle access to conservation areas is very desirable, but given the close proximity of Milne Road to the lease and the nature of the hill tracks, we accept the lack of vehicle access in this review.

We note that there is currently no legal public access to point 'f'. However, it appears that the track which the lower portion of easement 'f-e' is over comes within 30 to 50 metres of the legal road north of Station Stream. Notwithstanding that this legal road is unformed, the easement should connect with the legal road to enhance possible future access possibilities.

The Commission:

7. *Seeks to have an extension of easement 'f-e' made to connect with the legal road north of Station Stream ('g-h' as below).*



We note there is currently no legal access to point 'd', although the Department of Conservation (DOC) is attempting to secure this access outside of the tenure review. This is commendable, but does not provide any certainty of access to the extent possible within the tenure review. In case DOC is unable to secure the desired access, there should be provision for legal access to point 'd' secured as part of this review.

The two possibilities appear to be:

- to extend the easement 'c-d' north east then south along the existing farm track to the lease boundary at Farm Stream, or
- to extend the easement south from 'd' to connect with the legal road near the southern boundary of the lease.

It may be possible to have a clause in the easement to replace such an extension with the one

DOC is attempting to secure, once it is secured.

The Commission:

8. *Seeks to have the easement 'c-d' extended to provide legal access to 'd' from the southern boundary of the property as part of this review.*

Public access along marginal strips requires that there is access to the marginal strip. Marginal strips on Station Stream and Kirkliston Stream will be accessible from the proposed easements 'f-e' and 'b-a' respectively. There is no legal access proposed to the marginal strip to be created on Farm Stream.

The marginal strip could be widened to ensure contact with the legal road at the southern tip of the property boundary, or access to the marginal strip could be ensured by creating a short easement from the nearby legal road to the river/marginal strip, as indicated "i-j" below.



The Commission:

9. *Seeks to ensure that there is legal public access off the legal road by Farm Stream to the marginal strip to be created on the true left of Farm Stream.*

Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Caberfeidh pastoral lease.

We request timely advice as to how the points we have raised have been analysed and what amendments, if any, are subsequently proposed to the Preliminary Proposal designations.

Yours sincerely

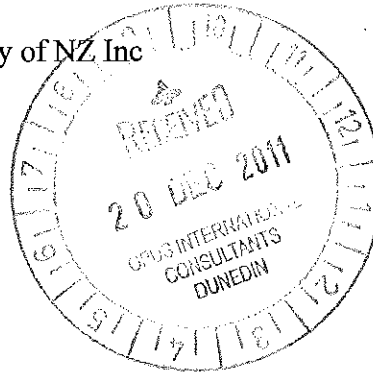

Mark Neeson
Chief Executive

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South Canterbury Branch
Royal Forest and Bird Protection Society of NZ Inc
29a Nile St
Timaru 7910

19.12.11

Simon de Lautour
Opus International Consultants Ltd
P.B. 1913
Dunedin 9054



Dear Simon

Please find attached the submission from the South Canterbury Branch on the Review of Tenure for Caberfeidh Pastoral Lease.

Yours sincerely

A handwritten signature in cursive script that reads "Fraser Ross".

Fraser Ross
SC Branch - RF&BP Society of NZ Inc

Ph: 03 6843382
Email: fraserross@clear.net.nz

**Submission on the Preliminary Proposal
for the review of tenure
Caberfeidh Pastoral Lease
Under the Crown Pastoral Land Act 1988**

This submission is on behalf of the South Canterbury Branch, Royal Forest and Bird Protection Society of NZ Inc. (the Branch). Caberfeidh Pastoral Lease falls within the area of interest for the Branch and it contains special features and values which, we feel, need to be maintained for the longer term. The Branch appreciates the opportunity to comment on the Preliminary Proposal for this property. A site visit was made on Friday 2nd Dec 2011 but because of low cloud at the time we were limited somewhat to what we could see higher up. However, we did appreciate the assistance willingly given to us by the farm manager, to take us over much of the lower areas of the property. The property appeared to be well managed with an almost total absence of woody plant weeds - this was especially pleasing to see.

The **Mission Statement of the Society**, which the Branch subscribes to, is; *To preserve and protect indigenous flora and fauna and natural features of New Zealand for the benefit of the public and future generations.*

The relevant goals of the Society are, *Crown lands with high biodiversity values receive appropriate protection through addition to the conservation estate.*

and for the South High Country;

- *To protect the full range of high country biodiversity, landscape and recreational values in new public parks, reserves and conservation areas managed by DoC.*
- *Achieve ecologically sustainable management on remaining pastoral lease lands.*
- *Sustained control of woody weeds and wildling trees.*

2. Summary of proposal and description of proposed designations:

2.1 Area CA1, approximately 25ha here is proposed to be restored to or retained in full Crown ownership, this is fully supported by the Branch. The area is proposed to be added to the adjoining conservation land and includes significant natural features such as snowgrass communities and some shrublands. CA1 will contribute towards maintaining the natural values already protected in the Kirkliston Range Conservation Area by protecting indigenous vegetation at lower altitude slopes. However the area is of limited size which is of a concern for the Branch. Within **CA1** native fauna, including native lizard species, will be provided with a good habitat for their longer term survival.

And, this **CA1** area is part of a community water supply catchment for the

Hakataramea valley and protection of this area would be beneficial to maintaining the water quality for down stream users. As well there are gullies with good stands of native shrublands and grasslands and some smaller wetlands, around this water supply catchment site. A greater area should be protected in order to maintain the quality of the water supply and the associated stands of native vegetation.

Recommendations: that CA1 area be extended lower down to the rabbit proof fence including the floor of the valley and the gullies of the water catchment, so that the water supply and indigenous vegetation receives greater protection.

2.2 Area CA2, here approximately 82ha is proposed to be restored to or retain in full Crown ownership, which is fully supported. This area contains significant stands of native woody vegetation, including broadleaf and mountain totara trees. These are unusual in this area and along with other special native species makes this area worthy of full protection as conservation land.

Recommendations: the Branch fully supports that the CA2 area be retained as conservation land. However, we do have recommendations about extending this area and the provision of access which will be discussed further on in our submission.

2.3 Area for freehold disposal: approximately 1,976.5812 ha proposed to be disposed of by freehold disposal to Star Holdings Ltd, being the current Caberfeidh leaseholder, is questioned. Especially with respect to complying with the provisions of the Crown Pastoral Land Act 1988 (CPLA). While much of the area for freehold disposal is indeed developed farmland there are significant areas where indigenous vegetation still exists. In particular along streambeds and on nearby slopes including Farm Stream below CA2 and also in the stream valley and on nearby slopes below CA1. The Branch believes that these areas provide good habitat values as well as helping to protect the associated streams and the quality of their waters. The Conservation Resources Reports show that the ecological values, for such habitats, is in the 'Acutely Threatened' category. We feel, habitats on the lower altitudes are not represented enough within the Conservation Area of the Kirkliston Range so here, there is a timely opportunity to address and correct that under representation.

Also, the area being disposed of for freehold disposal is significantly greater than that being retained or restored as conservation land. CA1 is already a Scientific Reserve anyway. We question that this is a fair and just allocation between the two different uses? Especially when compared with national averages for other tenure reviews in the recent past. This unequal allocation of land for conservation purposes needs to be addressed further and be reconsidered so that more land is set aside for protection.

Recommendations: with regards to the area for freehold disposal, here we ask that the stream gullies, below CA1 and CA2, and the true left of Station Stream be retained as conservation areas in order to protect stands of native shrublands and to maintain the integrity of the streams and the quality of their waters. The area below CA1 should be

extended right down to the rabbit proof fence, above the airstrip and include the side gullies of the water catchment. This could then easily include the valley of the Kirkliston Stream further down. And the area below CA2 however should be extended right down to include most or all the shrubland areas in the valley of the Farm Stream. And, we ask that CA2 area be extended southwest to include the western tributary of Farm Stream. As it appears to contain good stands of shrublands and also has had a high number of lizard observations.

That the area proposed to be allocated for freehold disposal, we ask, be reconsidered so as to address the unequal allocation of land for freeholding. The stream beds, as referred to above, and upper parts of the proposed conservation covenant do contain values down to the 700m contour, at least, and are worthy of protection. We request that the yellow line boundary not be at 800m but shifted down to at least 700m and all land above that line be allocated as land for conservation.

2.3.1 Conservation CC: the proposed Conservation Covenant area needs more consideration because its purpose, to protect and retain existing inherent values, by protective mechanisms and qualified designations, does not appear to be borne out in the provisions of the document.

Below the yellow line, burning and spraying, grazing by sheep and cattle, and oversowing and top dressings, will be permitted. All these activities could have marked impacts on indigenous conservation values and even eliminate some of the natural values in their entirety, especially by burning and spraying.

Above the yellow line, here we stress top dressing and oversowing should not be allowed at all. As it would result in greater growth of exotic grass species and induce more stock to that area and so increase the grazing pressure on the more vulnerable native species which the conservation covenant seeks to protect. Large and impressive areas of bulbinella, in full flower, were seen in the lower parts of the proposed Conservation Covenant. This plant is an indigenous species and we feel contributes greatly towards the significant values which this covenant seeks to maintain and protect. Provisions to ensure greater protection of the significant values existing within the proposed Conservation Covenant, is needed rather than the proposed activities that could put those significant values at greater risk of being completely eliminated.

As mentioned previously, and we restate once again, that there is no balance between the size of the area to be freeholded and the area to be included in the Conservation Area. We acknowledged that the area proposed for the Conservation Covenant is extensive and largely developed but it does contain significant conservation values in parts at least. However the proposal will allow further development activities, such as burning and spraying which would put those remaining inherent values at risk of being reduced or eliminated altogether.

Recommendations: we ask that:

that the yellow line between the two zones of the Conservation Covenant, be shifted from around 800m downwards to the 700m contour, at least. So, to include more indigenous values which we consider to be significant and need greater protection including the habitat for the green/spotted skin which has been found below the 800m contour line.

that all the vegetated streambeds, their margins and adjacent slopes, where intact shrublands still exist, be included within the Conservation Areas. If this request is not accepted then we ask that all such areas be in a Conservation Covenant. With such activities such as spraying (except for weeds and access), burning, topdressing and oversowing being excluded completely.

that burning not be permitted at all because of the risk of fire spreading onto adjacent conservation lands including CA1 and CA2.

that the top dressing and oversowing provisions be reconsidered as there appears to be blanket approval for these activities to be undertaken over all of the Conservation Covenant. Such provisions should not be permitted at all above the 800m contour line or our preferred 700m contour line.

that the imbalance between the area proposed to be disposed of for freehold disposal and that to be retained as conservation land, be reconsidered to make the process much more fair and equitable.

that the proposal no merinos be allowed to graze this area, be accepted and implemented. But other stock, including perendales are mobile and may also graze right up to the boundary of the conservation land. If this did happen then we request that the stock be removed altogether as fencing there would not be viable, considering the threats to it by snow drifts, nor would it be visually acceptable.

Monitoring: here we ask that the Dept of Conservation be obliged (not may or might) to design a monitoring programme, which would ensure the ecological values and their integrity are maintained in the longer term.

Public Access: the provision of public access a-b to CA1 is warranted and supported. However, when talking to the farm manager, he said most or all people that come into the area do not go through CA1 but instead head up to the northern slope above that area. Because the CA1 area is far too steep for most to access and the slope to the north provides a much easier route to the tops. So, we suggest, as well as the access easement a-b to CA1 it be extended to go higher up on the CC land along the outer fenceline or hill slope for greater ease of public access.

Regarding access route c-d, this route appears to be acceptable as indicated in the

diagram on Page 9 of the document. Provided it follows the red dotted line and arrowhead and that there is an easement for access to go across freehold land to the adjacent legal road.

Regarding the proposed route **e-f**, at the top end of the Conservation Covenant, here there seems to be a problem. The legal road goes across farmland on an adjoining property and the paddock there is stocked with deer from time to time - not a suitable route. And a suggested easement across freehold land on the south side of Station Stream is apparently not acceptable to the farm manager at least. Because the area is irrigated and workers are in the area frequently when the irrigators are operating. A better possible route could be to use Station Stream if that can be negotiated with land owners.

Regarding **CA2** no access is proposed to this area from lower down. We feel that there should be public access available for people to visit this area which has values that maybe of interest. Earlier on in our submission we suggested that **CA2** be extended downwards and if the boundary of that area, along Farm Stream, was extended to the boundary of the leasehold land and connecting with a legal road, then that should provide satisfactory access for members of the public.

Recommendations:

- while public access **a-b** is supported we ask as well, that the easement be extended to include the more popular route to the tops, on the northern side of **CA1**.

- the proposed access route **c-d** is supported and here we ask that a public easement across adjoining freehold land be negotiated and finalised before the review of tenure is completed.

- the proposed access route **e-f** needs to be reconsidered where it is proposed to cross freehold farmlands. Here we suggest a legalised route along Station Stream, if that can be negotiated with the appropriate landowner.

- that a further easement be implemented to **CA2** area, from the legal road lower down. Preferably through an extension to **CA2** along Farm Stream but if that is not acceptable, then we ask for an additional public easement along this stream margins.

Fencing: regarding the historic fence, which crosses the lower part of the Conservation Covenant, protecting this structure is supported.

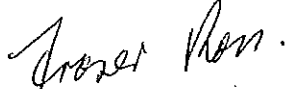
The proposed fenceline **w-x** at the boundary of **CA2**, we feel, should be sited along an existing lower fence line which crosses from one side of Farm Stream to the other side. Or that existing fence be upgraded and continued up the southern slope on the true right of the stream. Earlier we asked that the area **CA2** be extended lower down even as far as the boundary of the leasehold land where it connects with a legal road.

If this lower area is, hopefully, included as an addition to CA2 then that extended area could be fenced or remain unfenced in the shorter term, at least.

There is no proposal to fence the upper boundary between the Conservation Covenant land and the adjacent Conservation Area. The existing boundary between these two areas is not a good line to fence - visually, ecologically or practically and we feel there should be no option to do so. But, if stock do stray into the Conservation Area, then stock numbers should be adjusted or stock removed altogether rather than considering a fence along that boundary. If there is a need for a future fence, an acceptable line needs to be determined lower down, which avoids adverse effects on the landscape or ecology.

In conclusion: this review of tenure on the Caberfeidh Pastoral Lease presents a once only opportunity to retain and protect ecological values for conservation for the longer term. So, the Branch trusts that our requests and recommendations will be given the fullest consideration and be accepted in their entirety. So, that the provisions of the Crown Pastoral Land Act 1998 are, indeed, more fully implemented and a much better allocation balance achieved.

Yours



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