

## **Crown Pastoral Land Tenure Review**

**Lease name : CAITHNESS**

**Lease number : PO 355**

### **Public Submissions Part 1**

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.

**Oct**

**14**



Our Ref: 22015-001  
Your Ref: Po355/1

14 December 2011

The Manager  
DTZ New Zealand Ltd  
PO Box 27  
ALEXANDRA 9340

Attn.: Luana Pentecost

Dear Ms Pentecost

21 DEC 2011

**RE: CAITHNESS PASTORAL LEASE TENURE REVIEW**

Thank you for your letter of 30 September 2011 concerning the above. The NZHPT's Southern Regional Office in Christchurch forwarded this on to my office for a response. I acknowledge that the period for comment has now lapsed, however I would like to submit the following comments which may be useful in consideration of this case.

The NZHPT is New Zealand's lead agency in historic heritage management. It is an autonomous Crown Entity established under the Crown Entities Act 2004. Its purpose is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand, as provided for in Section 4(1) of the Historic Places Act 1993. Section 54(2)(a) of the Act empowers the NZHPT to advocate its interests at any public forum or in any statutory planning process. This includes High Country tenure reviews undertaken pursuant to Part 2 of the Crown Pastoral Land Act 1998.

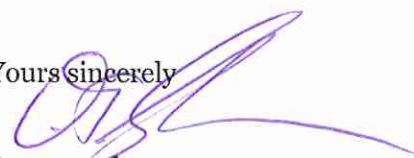
We have reviewed the Summary of Preliminary Proposal, October 2011 and the Conservation Resources Report on the LINZ website. We are aware that the lease was investigated for tenure review purposes in February 2005, although it seems that only a desk top assessment of historic values may have been done for Caithness.

Our own assessment confirms that there are no archaeological sites recorded on the NZ Archaeological Assn.'s 'Archsite' database. We have however located a map from 1878 which does show the location of a hut, track and telegraph line on the property (see attached). Should these features still exist on the ground, then they would be regarded as archaeological features. This means that any activity by the owner of the land that may modify, damage or destroy any archaeological site(s), would require an authority (consent) from the NZHPT prior to any works being undertaken.

The NZHPT does not have any concerns with the proposal overall. Current and future owners should however be made aware that work affecting archaeological sites is subject to the archaeological authority process under the Historic Places Act 1993.

Please let me know if you have any queries with respect to the above.

Yours sincerely

  
Owen Graham  
Area Manager (Otago/Southland)

*NZHPT Otago/Southland Area Office, Floor 4, Queens Building, 109 Princes Street  
PO Box 5467, DUNEDIN 9058 Ph (03) 477-9871 Fax (03) 477-3893*

1849

1849

### BLOCK VIII WAIHEMO DISTRICT

Barr & Oliver Surveyors  
Nov 1877

Scale

*From section 1178  
Long Island*

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*Section 1178  
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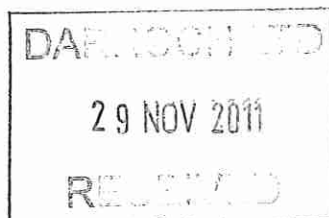
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Manager,  
Darroch Ltd.,  
PO Box 27,  
ALEXANDRA



November 28, 2011.

**SUBMISSION ON THE PRELIMINARY PROPOSAL FOR TENURE REVIEW:  
CAITHNESS 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 general plant ecology of the Horse and adjoining Kakanui Ranges. I visited the property on November 7<sup>th</sup> with five others, with the approval of the lessee, to refresh my knowledge of the area and the proposal for this 2011 ha property. Apart from the proposed 10 ha Scientific Reserve, the balance of the property (>99%) is proposed for freeholding, with "protective mechanisms" being Conservation Covenants to protect both landscape (landscape covenant) and biodiversity (biodiversity covenant) values.

I visited the **proposed Scientific Reserve** which is intended to provide protection for a galaxiid species, *G. depressiceps*, alongside an area of mixed shrubland which is proposed to be enclosed with a new fence to exclude stock. Burning is also to be disallowed. This shrubland has been very poorly described in the report but the straight-line boundary would be inappropriate for this reserve since, 1) it would not include all of the shrubland patch and 2) it would come to look most artificial over time. There are several native plant species present, mostly matagouri but also considerable *Coprosma propinqua* shrubs, plus *C. rugosa*, occasional wineberry and *Carmichaelia petriei*, scattered tussocks (both silver and narrow-leaved snow tussock), *Polystichum vestitum* ferns, several exotics (emergent elderberry small trees, co-dominant brier and subdominant wild gooseberry), as well as foxglove, exotic grasses and *Hieracium pilosella*. *Muehlenbeckia*, both *M. axillaris* and the smaller *M. complexa* appear to be quite aggressive, plus *Clematis marata*. As a scientific reserve the prominent exotic shrubs should be removed. I can only assume that the proposed reserve would be adequate to protect the galaxiid, which I would have thought would benefit by the reserve extending further up-stream in Green Valley. On its own, I would not rank the shrubland of high conservation value, but it presumably would add value to the galaxiid habitat by stabilising the stream bank and is **endorsed**.

The **proposed Covenants**, under the Reserves Act, of upland tussockland and shrubland, however, I would rank as having very high conservation (and landscape) value and, I understand it is the limited size of the property and associated economic value as a farming unit, that has limited the degree of protection being proposed. I have several comments on the proposed covenants. Regarding the **Landscape Covenant** I would **strongly recommend** that the eastern boundary on the true right of Jimmys Creek be extended eastward ~1 km on to the next ridge to the southeast (with mapped trig height 838m), since this would not only include another ~1 sq. km of snow tussock grassland in good condition but would conform to an existing firebreak (which obviously has recently been effective in limiting a fire spreading from the SE) and fenceline. This area contains numerous emergent shrubs of the threatened native broom, *Carmichaelia crassicaulis* var *crassicaulis*, and occasional plants of the local, threatened daisy, *Celmisia hookerii* (which is much more numerous on the upper slopes to the

north of Jimmys Creek. I was pleased to see a start being made on clearing the numerous relatively large but rarely coning wilding Corsican pine (*P. nigra*) from this proposed covenant. The management Schedule (2) for this landscape (buffer) covenant, together with the Biodiversity Covenants within them, should all be clearly specified with a “no burning” condition, with an additional proviso, that should any or all of these areas be accidentally burnt, then grazing would not be permitted for at least two years (to ensure adequate post-fire recovery).

Regarding the **five proposed Biodiversity Covenants**, I am disappointed not to see them individually described since there are some obvious differences between them but all have a general dominance or co-dominance of the small threatened shrub, *Dracophyllum frondosum*. They are all of generally irregular shape, with some (#s i, iii, and v) being quite attenuated and clearly of poor reserve design. Moreover, they seem to have concentrated on the highly dissected, generally eroding and mostly shrubby, gullies rather than the more tussock-clad, less eroding ridges. This being the case, they are poorly representative of the biodiversity values present in this area and, moreover, the northern pair (iv and v) appear to occupy an area of mixed Class VIIe and Class 8 lands, based on the Land Capability Map. Ideally, these two and the adjacent northern corner of the property within the boundary of these two proposed covenants should be fenced out along the outer boundaries of these two proposed covenants and the ~1 sq. km. area retired from grazing. This is my **recommendation**. Regarding the remaining three proposed biodiversity covenants (#s i, ii, and iii), these should be amalgamated so as to include the intervening, mainly snow tussock-clad ridge areas, as one enlarged Biodiversity covenant and managed as such.

As to the conditions specified in Schedules 2 and 3 of the proposal, I am concerned with several aspects as follows: 1. No stocking rate(s) have been specified for the covenanted areas, merely the ability to graze both sheep and cattle at a rate that appears “not to adversely impact on the values” within these areas “in the opinion of the Minister [or his/her representative].” The “values” have not been specified for either covenant type; they must surely be different for the two types. 2) The proposed monitoring. I am most concerned that the initial installation and periodic (5-yr) re-monitoring is to be the responsibility of the owner with the “assistance of the Minister”. These roles must be reversed to ensure the necessary objectivity and expertise for this crucial exercise. The Minister’s rep. must decide on what and where to monitor, retain a copy of the records, provide the analyses, and decide on its adequacy, and also what if any management steps need to be taken to retain the stated values of the Covenants. As to the spraying restrictions, the Minister should approve the type of spray to be used so as to ensure it has no adverse effects on the non-woody components of the Covenants. 3) The clause intended to ensure only light grazing occurs on the “Biodiversity Covenant” should be more specific, such as no driving of stock to the northeast side of Jimmy’s Creek; 4) The requirement to remove the wilding pine trees is **endorsed**.

Of the two access easements being proposed the one to the proposed Scientific reserve (‘a-b’), is specified as being for management purposes (the Minister) only, while the second (“c-d”) is for both management and the general public but the type(s) of public access to be provided does not seem to be specified. This is presumably an oversight but it should include walking and mountain biking at least and perhaps also horses since it is a strategically important access to areas much further afield, to conservation lands on the main Kakanui Range. This easement presumably will extend to the north of point “d” outside the property boundary to the northeast corner of the property, but this detail is rather vague on the map supplied. These provisions are **endorsed**. I also **strongly recommend** another public access easement alongside Jimmys Creek up the floor of this valley where there already exists a formed track all of the way to the property boundary, there to link up with the proposed access on to the Otepopo Spur. This should be for general public access, walking, mountain biking and perhaps also horses.

I thank you for the opportunity to comment on this proposal and I reequest that my comments and recommendations be seriously considered.

Yours sincerely,



Alan F. Mark. FRSNZ Professor Emeritus.

PS. 28 November, 2011.

Having had the opportunity of discussing the conservation and biodiversity values of the slopes immediately above Jimmy's Creek with a visitor this past weekend I was most impressed by the plant diversity on the numerous bluffs alongside this creek for some distance above the point of the 4WD access. The great abundance of the local endemic *Celmisia hookerii* on both bluffs and non-bluffed sites, together with the highly palatable *Gingidia grisea* and the generally uncommon shrubs *Galutheria crassa* and *Helichrysum intermedium*, together with the herbaceous tutu, *Coriaria plumosa*, give this area special significance and considerable public interest. Much but apparently not all of these special sites are within one or more of the proposed Biodiversity Covenants. Desirably, at least one of these lower three covenants should be fenced out because of their exceptionally high indigenous diversity, if all three cannot be amalgamated.

Provision for public walking access and 4WD access by prior arrangement from the property boundary on the Pig Route highway, as well as to point "c" on the property's eastern corner via the adjacent Kinross PL (which is currently being processed through tenure review), would be highly desirable and is **strongly recommended**. Public access to the lower section of Jimmy's Creek should also be extended up the floor of the creek on an existing formed track, as recommended above, so as to provide access to the lower margins of the five Biodiversity Covenants (i-v). These five covenants, or the two larger amalgamated covenants (i-ii-iii and iv-v, as recommended above), should each have public walking access easements along suitable lines from the easement "c-d" above. This is also **strongly recommended**.

I thank you for the opportunity of adding these extra recommendations ahead of the deadline for submissions. Sincerely, Alan F. Mark.

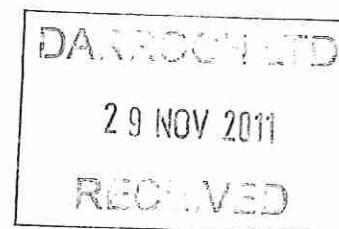


**Royal Forest and Bird Protection Society of New Zealand Incorporated****Central Otago-Lakes Branch**

Denise Bruns – Secretary  
4 Stonebrook Drive  
WANAKA 9305

24<sup>th</sup> November 2011

The Commissioner of Crown Lands  
C/o Darroch Ltd  
PO Box 27  
ALEXANDRA



Dear Sir

**Caithness Po 355 — Tenure Review Preliminary Proposal.**

We thank you for sending us a copy of this proposal and would be pleased if you would accept this submission on it. Also we would like to thank the lessees for allowing us to visit the property to make an inspection.

This lease situated on the Horse Range east of the higher inland Kakanui Mountains still contains significant inherent conservation values worthy of protection. Part 2 of the Crown Pastoral Act 1998 {24 (b) (i)} allows for these to be protected by "*protective mechanisms*", instead of being returned to the Crown for protection as the Act provides; the preferred method.

As its original cover this property would have had a good cover of tall tussock, with woody shrubs in the gullies, but over the years this has become somewhat modified as 75% of the property has been developed by over-sowing and top-dressing from the air, and fenced into smaller paddocks. Consequently the amount of tussock has become reduced and replaced by exotic grasses and clovers. Caithness is not High Country being all below 950 ms and apart from some small areas of Class VII and Class VIII is mostly Class VI land so we see no reason why it cannot be managed in a manner that is "*ecologically sustainable*". However this will depend entirely on the management strategy adopted; the overall stocking rate, the concentration of stock on certain areas, and also the amount of fertiliser that is applied.

**1.0 General Comments:**

1.1. We note, para 2, **3.1 Proposed freehold** "*The property still remains a smaller uneconomic, unbalanced pastoral run which requires more paddock area for it to be economic*". We are not in a position to comment on the profitability of the property as we do not know the present stocking rate. In the 1950s just after the Second World War the Crown purchased Waihemo Downs and cut it into two blocks for Soldier Settlement. Caithness was one block, the other Kinross. Like some of the other Soldier Settlements of that time they turned out to be perhaps too small, and of doubtful profitability. The economic status of any land coming out of tenure review and the profitability of a consequent property is not a consideration under the CPLA.

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1.2. It is important to protect the significant values in Caithness because low to middle altitude tussock country so close to the sea in Otago is becoming sparse. These significant inherent values in Caithness have been identified in the Conservation Resources Reports for the property.

1.3. Being situated near the east coast of North Otago it has a coastal climate akin to that area, suffering at times from dry spells, but at the same time it can benefit from low cloud or fog coming in off the sea for days at a time when the wind is coming off the sea. Facing south east, Caithness is relatively cold country.

1.4. The Jimmys Creek catchment occupies about two thirds of the property. It is an important part of the property as it meanders through rocky bluffs and cliffs which contain diverse and significant inherent values.

## 2.0 Our Submission:

2.1. We approve of the creation of the Scientific Reserve (R1) to protect the *Galaxid depressiceps* which is in gradual decline. As it is to be a scientific reserve it should be fenced in a manner that befits the contour of the land. All the exotic vegetation such as elderberry and sweet briar should be removed to allow the indigenous vegetation that is present there to thrive. It should not be top-dressed with fertilizer. The public should have walking access to the area.

2.2. It is proposed that 2,201 hectares approximately be made freehold to the present lessees; the landscape and other significant inherent values it contains to be protected by a suitable conservation covenant under the Conservation Act 1977. The proposed covenant covers all the eastern side of Jimmys Creek, its impressive head-waters, and the north face of the hill, spot height .757 at the south end and on the true right of Jimmys Creek. The covenant is to protect the entire landscape (the Landscape Buffer Covenant) which consists of some steep good tussock country with rocky ribs and bluffs. While we fully approve of this we believe the proposed covenant needs alteration to fully protect the values the area contains. In its present form it is a little confusing and may cause misinterpretation, especially the "Biodiversity Areas" (i - v). These are just lines on maps and do not take into consideration the configuration of the country involved.

2.3. We do not agree with the statement in the *Description of the proposed designations*, (page 5, para. 5) That, ".....*Intermittent grazing at low stocking rates will be assisting with the increase in the shrublands....*" The first thing that stock will eat in these areas will be young seedling shrubs. Also that, ".....*While on-going grazing may limit the increase of some species identified, this must be balanced against the potential risk of the invasion of Heiracium into the areas of tall tussock land which can be limited in its spread through a judicious grazing regime...*". Sheep do occasionally nip of the flowers of Heiracium but this is not by any means the main or only cause for the spread of the plant. Sheep grazing has not had any significant effect on halting or reducing the spread of hieracium and may in fact exacerbate its spread by trampling seed into the soil. Allowing tall cover (i.e., native



-3-

shrubland and tussocks) to recover and grow vigorously is the most effective method of eliminating hieracium (especially *H. pilosella*).

2.4. It is our belief that the land at the head of Jimmys Creek containing the Class VII and Class VIII land together with the “biodiversity areas” iv and v should be fenced off and retained by the Crown for protection. By doing so this would better protect the fragile eroding land, and the values contained in the two “biodiversity areas”. This should not unduly affect the economic viability of the property as we suspect that this to be part of the property that is not fertilised, and therefore it is not ecologically sustainable to farm. This fence would run north east from Trig C, 732 ms, across Jimmys Creek to spot height. 813 ms.

2.5. At the same time we believe it would be advantageous to shift the south east boundary of CC1 on the true right of Jimmys Creek down to spot height .838 ms as this area contains some good tussock country containing some *Carmichaelia* and the threatened *Celmisia hookeri*.

### 3.0 Access:

3.1. Foot access should be supplied to the Scientific Reserve.

3.2. Public and Minister of Conservation Management purposes easement in gross (c – d). Access to this easement is rather vague; we have to presume it is going to be via Kinross and the head-waters of the Waianakarua River. This should be clarified to ensure that access is available and continues on to the Otepopo Spur and the main Kakanui Mountain Range.

3.3. Jimmys Creek contains much in the way of good indigenous vegetation and rock formations; this should be available for the public to enjoy on foot. There is already a formed track up to the property boundary which would link up with the proposed access on to Otepopo Spur.

### 4.0 The Covenant:

We comment on the various clauses as presented in the proposal that should be altered...  
**Values of Land to be Preserved (Page 8)**

We agree that Jimmys Creek is a special area, especially at the top and lower ends.

Having visited the property and read the conservation resources report we fully agrees that the landscape and the vegetation values there should be protected.

### SCHEDULE 2 Special Conditions (Page 10)

1) Clause 3.1.1. is deleted to allow sheep and cattle to graze the covenanted areas including the “Biodiversity Areas”. We do not entirely agree with this, no matter how lightly grazed sheep or cattle will affect the vegetation in these areas, and even more so if forced to enter due to feed shortages or adverse weather.

2) This clause we endorse. The owner must control all wilding pines and noxious plants including gorse and broom. While wilding pines are a problem, it is possible to control them, but, broom and

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gorse will inevitably become a bigger problem, especially broom. An eradication, or a containment plan, should be in place at the time of free holding.

- 3) See comment below, Schedule 3
- 4) Would agree pest animals must be kept under control.

#### **“Landscape Buffer Covenant”**

We would agree with the principle of this covenant but we do not entirely agree with:

5) Clause 3.1.5 is amended to allow for over-sowing and top-dressing. Top-dressing or over-sowing of these areas is going to encourage stock into them thus alter the significant indigenous values they contain and are intending to protect. Some fertiliser application to maintain a healthy cover and replace nutrients taken out is appropriate but not over sowing to increase exotic cover. AOSTD should be encouraged in other areas to draw stock away for areas with important vegetation values.

6) Clause 3.1.5 is amended to allow spraying of vegetation for the purpose of keeping land open for pastoral use. This clause does not say what type of vegetation; we can only presume this is to allow for the spraying of broom. . We submit that the spraying of native species not be allowed by special condition.

- a) we would agree
- b) we would agree

7) Areas where broom is present will not be grazed by sheep when there is risk of further seed spread. Sheep brushing or pushing into broom infested areas will pick up seed to spread elsewhere at any time of the year.

#### **“Biodiversity Covenant”**

8. The owner must not intentionally stock the “biodiversity covenant” areas or in any way encourage stock into them. While the owner might not intentionally or in any way encourage stock to enter these areas we cannot see how they are to be kept out without any fencing, sheep will go where they will This is an unenforceable condition.

### **SCHEDULE 3**

#### **DESCRIPTION OF THE MONITORING PROGRAMME TO BE ESTABLISHED**

**(DRAFT ONLY)**

##### **1. Responsibilities:**

We agree and support the fact that a monitoring programme is required and that it be repeated every 5 years. We believe that the Minister must be in charge of the whole monitoring programme and we do not think that the owner should be considered as a monitoring provider; it is completely illogical as it would be potentially self serving

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**2. Costs:**

We agree that the cost of establishing the programme and the cost of his own staff for the re-monitoring be the responsibility of the Minister. The owner should be responsible for the other costs.

**3. Monitoring Methods:**

As SCHEDULE 3 is in draft form only it is difficult to be specific. The overall landscape is extremely important and it is going to be difficult to interpret any change from photographs of the "Landscape Buffer Covenant" areas. Any photographs should be large and of good quality and taken on days of similar weather conditions, i.e. the sky must be clear of clouds when the first photos are taken, and when the second photos are taken the sky must also be clear and at the same time of the day and year.

The "Biodiversity Covenant" areas: Within these 5 areas plots or enclosures should be created and adequately fenced off from sheep and cattle to allow comparisons to be made with the shrubs and other vegetation outside the enclosures to enable accurate measurement of any damage done within these "Biodiversity Covenant" areas.

**4. Monitoring Results:**

Following monitoring, results will be discussed between the Owner and Minister. If the results of the monitoring reveal detrimental impact on the values required to be protected the Owner will take be required to take significant steps to prevent this continuing. We note that this includes fencing. In particular if there is no recruitment evident the areas of native vegetation will need to be de-stocked.

5.0 In Conclusion:

5.1 We strongly advise that the top of Jimmys Creek be fenced off as mentioned above and be returned to the Crown for protection.

5.2 If a more effective method of monitoring were adopted in this proposal we see a better outcome for the significant values the property contains.

We thank you for the opportunity to make these comments and await the outcome with interest.

Yours faithfully



Denise Bruns

Secretary – Central Otago-lakes Branch



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

27 November 2011

The Commissioner of Crown Lands  
C/-Darroch Ltd.  
PO Box 27  
ALEXANDRA



Dear Sir,

**Re: Preliminary Proposal for Tenure Review: Caithness Pastoral Lease (Po 355)**

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents over 11,000 members of tramping, mountaineering, climbing and other outdoor clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country.

On their behalf, FMC aims to enhance recreation opportunities, to protect natural values, especially landscape and vegetation, as well as historic values and to improve public access to the back country through the tenure review process.

FMC fully supports the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the former Clark (Labour-led) government's stated objectives for the South Island high country especially the following:-

- *\* to promote the management of the Crown's high country in a way that is ecologically sustainable.*
- *\* to protect significant inherent values of reviewable land by the creation of protective measures; or preferably by restoration of the land concerned to full Crown ownership and control.*
- *\* to secure public access to and enjoyment of high country land.*
- *to ensure that conservation outcomes for the high country are consistent with the NZ Biodiversity Strategy.*

[EDC Min (03) 5/3; CAB Min (03) 11/5 refer]

\* Note that regardless of the change of government and of government's policy, these objectives are still the law of the land as enshrined in the Crown Pastoral Land Act, 1998.

We recognize that additional (introduced by the Labour-led government) objectives have been reviewed and modified by the current (National-led) government, but we still believe they are fundamental to the future well-being of the South Island high country and should be given appropriate weight in the tenure review process.

FMC appreciates this opportunity to comment on the Preliminary Proposal for the review of Caithness Pastoral Lease.

**THE PRELIMINARY PROPOSAL**

**General description of proposal**

- (1) 10 ha approximately to be designated as land to be restored to or retained in full Crown ownership and control as Scientific Reserve under section 35(2)(a)(ii) Crown Pastoral Land Act 1998.
- (2) 2,201 ha (approximately) to be designated as land to be disposed of by freehold disposal to the holder under section 35(3), of the CPLA, subject to Part IVA Conservation Act 1987, Section 11 of the Crown Minerals Act 1991. This designation is also subject to:-

**Protective Mechanism:**

- (a) Conservation covenant over part of the proposed freehold land under Sections 40(1)(b), 40(2)(a) and 40(2)(b) of the CPLA for the purpose of protection of the botanical and landscape values.

**Qualified Designation:**

- (b) An easement in gross under Section 36(3)(b) CPLA to provide public foot, or on or accompanied by horses and mountain bike and for conservation management access.

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**Introduction and Submissions**

A Report entitled "*Pastoral Lease Tenure Reviews: Preliminary Reports on Recreation and Public Interest Values: Rock and Pillar/Pigroot Properties*" was prepared by FMC in March 1997. This included recommendations for the tenure review of the neighbouring property, Kinross, but did not include Caithness Pastoral Lease. We are pleased to have this opportunity to comment on the Preliminary Proposal for the tenure review of Caithness. This property is an important link in the chain which could form a new recreational East – West, coast to coast, outdoor opportunity for New Zealanders and overseas visitors.

In relation to sustainable land use, we note that there is much in common between Kinross and Caithness and believe that there would be merit in considering a merger of these two leases as was done for Camberleigh and Glencreagh on the Rock and Pillar Range.

In this submission we present our views and recommendations in the same format as the Preliminary Proposal quoted above:-

**(1) 10 ha approximately to be designated as land to be restored to or retained in full Crown ownership and control as Scientific Reserve under section 35(2)(a)(ii) Crown Pastoral Land Act 1998.**

FMC understands that this designation is proposed in order to protect an area of diverse shrubland and the habitat of a native *Galaxid* fish in the upper reaches of Green Valley Creek. The designation will exclude all grazing stock and is fully supported by FMC.

We note that there appears to be no provision for public access to this Reserve. We believe that the lack of public access to newly created public Conservation Land is contrary to the Crown Pastoral Land Act 1998, and we recommend that provision is made for at least public foot access before the Substantive Proposal is finalised.

**FMC Submission**

***FMC endorses and fully supports the designation of some 10 ha of land in the upper reaches of Green Valley Creek as a Scientific Reserve. Public foot access to this new Public Conservation Land is required.***

**(2) 2,201 ha (approximately) to be designated as land to be disposed of by freehold disposal to the holder under section 35(3), of the CPLA, subject to Part IVA Conservation Act 1987, Section 11 of the Crown Minerals Act 1991.**

**(This designation is subject to protective mechanisms and qualified designations as discussed below)**

FMC notes that this land, including some 36ha in the vicinity of the homestead, is predominantly low to mid altitude LUC Class VI (1,591ha) and Class VII (593ha) land which may be capable of supporting ecologically sustainable pastoral use. We do not accept that the remaining 17ha is suitable for ongoing pastoral use as it has been classified LUC Class VIII land "unsuitable for general pastoral [use]" in the New Zealand Land Inventory Worksheets (NWASCO, 1979)

Furthermore, the Preliminary Proposal document states, in the section discussing the proposed designations in relation to the objects of the CPL Act 1998, that "*The property still remains a smaller uneconomic, unbalanced pastoral run which requires more paddock area for it to be economic.*"

A possible solution to this problem might be found in a 'model' from the Rock and Pillar area where two properties under tenure review, Camberleigh and Glencreagh, were considered together. The outcome was to create one viable farm and one Conservation Area out of the two former pastoral leases.

We are aware that farmers believe (correctly) that "*you cannot be green when you are in the red.*" It is therefore probable that a consequence of the proposed designation of this Class VIII land, and indeed all the proposed Covenant Area within the proposed new freehold area is that it is likely to be grazed more intensively to the detriment of the values intended to be protected by the Covenant. This will be discussed more fully under the heading "**Protective Mechanism**".

FMC has no problem with the designation of "*the low to mid altitude land Classified VI*" and some of the Class VII land (generally below about 800m and south and west of Jimmys Creek) as land "*to be disposed of by freehold disposal*" because we accept that it can probably be "*managed in a way that promotes ecological sustainability*" as required by the CPL Act, so long as nutrient removals in meat and wool are regularly replenished. We exclude from this recommendation the land within the proposed Covenant area CCI because ecological sustainability and the protection of significant inherent values within this area (which lies generally in the headwaters of, and north and east of Jimmys Creek) will be discussed more fully under the heading "**Protective Mechanism**" below.

**FMC Submission**

***FMC recognises that there is land classified LUC Class VI and some land classified Class VII, generally below about 800m, which may be capable of supporting ecologically sustainable pastoral use so long as nutrient losses are regularly replenished. We accept that this land (excluding the land designated CCI) may be suitable for freehold disposal. Following from the submission above, it will be necessary to provide public access across this new freehold to the Scientific Reserve R1.***

**Protective Mechanism:**

(a) Conservation covenant over part of the proposed freehold land under Sections 40(1)(b), 40(2)(a) and 40(2)(b) of the CPLA for the purpose of protection of the botanical and landscape values.

This area (CC1) contains a block of land in the NW corner of the property which includes much of the upper catchment of Jimmys Creek. CC1 also includes land on the true left of Jimmys Creek (along the NE boundary of the property and a small area on the true right of Jimmys Creek adjacent to the E boundary of the property. For clarification, the block of about 300ha in the NW corner is bounded on 3 sides by the property boundary, and on the fourth side (SW to NE) stretches from point 807m on the W boundary to the crest of the Otepopo Spur.

The proposed covenant CC1 covers some 600ha of predominantly tussockland ranging from 750 to 930m asl. The area includes 5 "Islands" described as "Biodiversity Areas" which are surrounded by a buffer area described as a "Broader Landscape Area" covering the balance of the CC1 area.

We agree that *"the visual value of Jimmys Creek is notable due to the creek being entrenched by a rock-cut channel and surrounded by rocky bluffs and over steepened side slopes"*. Indeed, it is a landscape of significant inherent value.

It is stated that *"the landscape covenant is designed to protect the landscape character, the tussock and riparian values, ensure the land is sustainably managed and to buffer its Biodiversity Areas"*. This is quite a tall order to achieve all these objectives.

The description in the Preliminary Proposal document contains some confusing and possibly misleading statements which do not have the backing of reputable science or proven research, and which suggest to us that the intended conservation outcomes may not be achieved.

For example, it is stated that *"it is observed that the shrublands have been maintained or in some cases increasing (sic) under the grazing regime"*. It is further stated that *"this intermittent grazing at low stocking rates will be assisting with this increase in the shrublands"*: But it is generally accepted that grazing prevents or retards the regeneration of native shrublands.

The following statement reveals very confused thinking: *"While ongoing grazing may limit the increase of some of the species identified, this must be balanced against the potential risk of the invasion of Hieracium into the areas of tall tussockland which can be limited in its spread through a judicious grazing regime"*.

Questions arise with regard to this interpretation:-

- Are there any native shrubland species which are not limited in their increase by ongoing grazing?
- Is it realistic to expect to achieve a balance between conflicting (or unrelated) objectives?
- In this case one objective might be to promote shrubland regeneration, while another objective might be to try to control or inhibit *Hieracium*.....and if so which species of *Hieracium*?.... and are these objectives compatible or conflicting?
- Is it known or proven that 'judicious grazing' limits the spread of *Hieracium* in a tall tussockland or in shrubland communities? It is known that grazing of the flowerheads of *Hieracium pilosella* (mouse eared hawkweed) may reduce its reproductive ability.
- Is it not possible that an increase in shrubland spread or vigour might itself be a *Hieracium* deterrent through increased shading? One of the few established facts in *Hieracium* ecology is that increasing shade does inhibit *Hieracium pilosella*.

The promotion of ecological sustainability, as implied above (*‘to ensure the land is sustainably managed’*), and required by the CPL Act, is not likely to be achieved. This is because it is acknowledged in the Preliminary Proposal that the area of CC1 includes 17ha of Class VIII land (defined by NWASCO as unsuited to pastoral production), and that the property is unbalanced and needs more paddock grazing. This naturally leads to the conclusion that intensification will be required to achieve economic sustainability and, as farmers admit *“you cannot be green when you are in the red.”* The designation (particularly the block in the NW corner of the property where the 17ha of LUC Class VIII land is situated) as an area suitable for freehold disposal (and ecologically sustainable land use) is therefore unacceptable.

We note from the description in the Preliminary Proposal that there are contrasting landscapes related to landform and aspect. Shady steep slopes are characterised by substantial rock outcropping surrounded by intact tall tussock and shrublands. Planar slopes provide visual contrast from the continuous grasslands which include modified grasslands on the sunnier slopes, and taller tussocks on the higher altitude areas, with narrow-leaved snow tussock on the shadier side slopes. This range of visual and vegetative features demonstrate what landscape architects refer to as the ‘legibility’ of landscape or the evidence for the causative factors and processes which underlie the differences in the landscapes we see before us. In other words the inherent values and legibility of the landscapes in this area are high and deserve recognition and protection as ‘significant inherent values’.

The descriptions of the botanical and vegetative characteristics of the various landscape components and the “Biodiversity Islands” highlight the features which are of greatest interest to those who are most concerned about the protection of natural values, and which provide an important backdrop for those who enjoy recreation in the area.

There are certainly important native shrublands which contain relatively common species such as *Coprosma* and *Carmichaelia*, but which also show great diversity. In places there are also species which are less common or are classified in the ‘threatened’ category. Notable among these less common plants are the rarer species of *Coprosma*, *Celmisia*, *Scandia* and *Senecio*.

Given the high natural value of these species and the impossibility of protecting the “Biodiversity Islands” behind fences, within the wider buffer area, and the expected pressure to intensify grazing pressure for economic reasons, we believe that the designation of this area should be reviewed.

We accept that the area is particularly significant to the ongoing farming operation of Caithness as it provides valuable summer grazing, but believe that (because of the imbalance discussed above) it is likely to be grazed more intensively (once it becomes freehold). If this happens it would be to the detriment of the values intended to be protected by the Covenant.

FMC argues that there are several reasons why the designation to protect the area under a Covenant should be reconsidered. These reasons include:

- significant inherent values of shrublands and rocky refuges,
- the diversity and legibility value of the landscapes,
- the presence of 17ha of unsuitable LUC Class VIII land within the area,
- the impossibility of protecting the “biodiversity islands” behind fences
- the probability that the higher, residual LUC Class VIIe land (within the area designated CC1) cannot be managed in a way that promotes ecological sustainability.
- The threat that economic pressure will force an increase in grazing pressure to the detriment of natural values in general, and shrubland regeneration in particular.



FMC therefore submits that instead of the proposed Conservation Covenant over the 300ha block in the NW corner of the property, the alternative of return to full Crown ownership and control, as preferred under the CPL Act, should be designated as Conservation Area CA1. We also recommend that the "Biodiversity Covenant" areas along the true left of Jimmys Creek should be gathered together into one or possibly two Conservation Area(s) (CA2 and CA 3). The residual part of the proposed CC1 could be left as the proposed landscape protection covenant area.

If however, the proposed Conservation Covenant does become part of the Substantive Proposal then it will be essential that grazing is tightly controlled and the monitoring and enforcement conditions are strengthened. A defined low stocking rate (say about 1 SU per ha per annum) would be required to minimise browsing damage to shrublands in the "Biodiversity Covenant" and excessive grazing of fine leaved tussock in the "Landscape Buffer Covenant Area". The covenant should make it clear that no burning is permitted. Monitoring should be directed by DOC with runholder assistance, not other way round. Self-monitoring and self-auditing simply does not work satisfactorily. Furthermore, provision should be made for the cessation of grazing if monitoring demonstrates a deterioration in vegetative condition. Note that these conditions should be binding on all future new owners who may be less sympathetic than the present runholder to the conservation objectives.

We are amazed that spraying is to be permitted "*for the purpose of keeping land open for pastoral use*". This must mean that shrublands could be sprayed which to us is contrary to the stated objectives. Clause 3.1.5 should be amended so that it is permitted to only spray weed species such as gorse, broom and briar (and wilding pines).

**FMC Submission**

*FMC does not accept that the proposed Conservation Covenant will achieve its stated objectives. The designation (particularly the block in the NW corner of the property where the 17ha of LUC Class VIII land is situated) as an area suitable for freehold disposal (and ecologically sustainable land use) is unacceptable. We submit that this block (some 300ha) should be designated Conservation Area CA1, and returned to full Crown ownership and control, as preferred under the CPL Act.*

*We also submit that that the "Biodiversity Covenant" areas along the true left of Jimmys Creek should be gathered together into one or two Conservation Area9s0 (CA2) and CA3). The residual part of the proposed CC1 could be left as the proposed landscape protection covenant area.*

*If the Conservation Covenant becomes part of the Substantive Proposal then it will be essential that:-*

- *Grazing is tightly controlled: ;we suggest no more than 1 SU per ha per annum.*
- *Monitoring and enforcement conditions are strengthened;*
- *No burning should be permitted.*
- *Agreed, low stocking rates should be defined in the Schedule attached to the Covenant document. Monitoring should be directed by DOC with runholder assistance, not other way round.*
- *Vegetation spraying must be strictly limited to woody weed species gorse, broom and briar and wilding pines.*

**Qualified Designation:**

(b) An easement in gross under Section 36(3)(b) CPLA to provide public foot, or on or accompanied by horses and mountain bike and for conservation management access.

FMC agrees that *“public access on this property is important as part of providing access along the Kakanui Mountains”*. It has been a long term ambition of many recreation clubs and individuals to create a “Coast to Coast” route from Shag Point in the east to Haast in the west. Access to and along Otepopo Spur would form a critical part of this route. FMC therefore strongly supports the creation of an easement for foot, bike and horse access (c – d) as proposed.

The proposal document suggests that this proposed access would *“link with proposed access easements on adjoining properties currently going through the tenure review process”*. It is however, not clear how the Caithness easement (c – d) would link with the proposed easement on Kinross. We believe that an essential outcome of this tenure review is a continuous route from the access on Kinross to the continuing traverse along the Kakanui Mountains, and that an appropriate easement is created by this review, and included in the final Substantive Proposal. This should be made clear to all who read the Proposal.

As noted above, FMC supports the designation of the Scientific Reserve in the upper catchment of Green Valley Creek. As proposed, there appears to be no public access to this new public conservation land. This would seem to be contrary to the CPL Act unless public access (at least on foot) is provided along the route (a – b) which is currently proposed for conservation management purposes only.

FMC believes that the review of Caithness provides an opportunity for a great new round trip (mainly walking) which would include the farm track in Jimmys Creek and the proposed new route along the continuation of the Otepopo Spur. We therefore recommend a new easement for public foot access be established along the existing farm track in Jimmys Creek, to link with the new route (c – d) from Otepopo Spur to the Kinross boundary. This route would also provide an opportunity for the public to view the natural values which are to be protected in some of the Biodiversity “Islands” within CCI.


#### **FMC Submission**

*FMC fully endorses and strongly supports the proposed public access route (c – d) along the Otepopo Spur to the Kinross boundary. It is essential that links to other public access routes beyond Caithness boundaries are confirmed. Provision could be made for the Otepopo track to become part of a round trip by establishing a new easement along the farm track in Jimmys Creek. This would have the added advantage of public appreciation of the natural values within the Biodiversity “Islands” within CCI.*

*FMC notes that there is no proposed public access to the proposed new public conservation land in the Scientific Reserve (R1). We believe this is contrary to the CPL Act and recommend the establishment of a public foot access easement along the route (a – b) in the upper catchment of Green Valley Creek.*

Finally, FMC is grateful to both Darroch Ltd. and the Commissioner of Crown Lands for this opportunity to offer our submissions on the Preliminary Proposal for the tenure review of Caithness, and to the runholder, Andrew Neilson, for permission to inspect the property, and for advice about suitable routes to follow for inspection.

Yours faithfully

  
Phil Glasson  
Hon. Secretary, Federated Mountain Clubs of NZ, Inc.