



Land Information
New Zealand
Toitū te whenua

Crown Pastoral Land Tenure Review

Lease name : CAITHNESS

Lease number : PO 355

Public Submissions Part 2

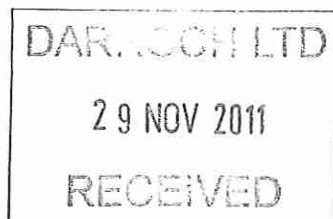
These submissions were received as a result of the public advertising of the Preliminary Proposal for Tenure Review.

These submissions are released under the Official Information Act 1982.

Oct

14

The Commissioner of Crown Lands
C/o Darroch Ltd.,
PO Box 27
Alexandra



**FOREST
& BIRD**
Dunedin Branch
PO Box 5793
Dunedin
28.11.11

Dear Sir,

I enclose these submissions on the preliminary proposal for Caithness Pastoral Lease on behalf of the Dunedin Branch of Forest and Bird.

Thankyou for the opportunity to make submissions on this proposal and for arranging permission for us to inspect the lease.

Yours sincerely



Janet Ledingham
For the Management Committee of the Dunedin Branch, Forest and Bird Protection Society

Email jledingham@xtra.co.nz
622 Highgate, Maori Hill, Dunedin 9010.
Phone 03 467 2960

Submission on the Preliminary Proposal for Caithness Pastoral Lease

On behalf of the Dunedin Branch Forest and Bird Management Committee.

This submission is written on behalf of the Dunedin Branch of the Forest and Bird Protection Society which has approximately 900 members, many with strong interests in the High Country values and recreational opportunities as well as in botany and natural history in general. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

The submission is written with reference to the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the government 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 to progressively establish a network of high country parks and reserves.*

This submission is based on knowledge of the lease from an inspection this month. We have also consulted the Conservation Resources Report (CRR) and are familiar with adjoining leases.

Introduction

The Caithness lease of approximately 2011ha is at the north end of the Horse Range, a short distance further west than Shag Valley Station and is accessed from SH 85, the Pigroot. The homestead and farm buildings are on the southern side of SH85. The eastern boundary of the lease is largely with Kinross, The Dasher is to the north and Mt Stalker along Otepopo Spur to the northwest.

We note from the Conservation resources Report that "The lease has a diverse native flora with 204 species recorded in this tenure review survey", and that "Fourteen nationally threatened or regionally uncommon species are present on Caithness lease".

The proposal:

General description of proposal:

(1) R1 - 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

This area which includes the upper reaches of Green Valley Creek is designated as a Scientific Reserve in order to protect the habitat of the native fish species *Galaxid depressiceps*. Habitat degradation by grazing animals is recognized as a key threat to this species. The shrubland within R1 contains a number of native species but also some exotic species, including, gooseberry, rowan, mulberry and brier which should be removed. We believe that better protection for the *Galaxid* would be achieved if R1 was to be extended further up Green Valley.

We note that public access is not proposed for R1 and submit that walking only access should be available from a-b in order to allow the public access up to R1.

We endorse the proposal for R1 as a Scientific Reserve to protect the *Galaxid* habitat but submit that there should also be public access for walkers only.

Land to be Freeholded

(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

We note that the balance of the lease is proposed for freeholding with a covenant over the northwest part of it and that, as stated in the proposal, 1,591ha of the freehold area is predominantly low-mid altitude Class VI land and capable of sustainable pastoral use. However, a further 593 ha is Class VII and 17 ha Class VIII and although the lease only rises to 930 metres, ideally the Class VII and VIII land should be retained by the Crown as a Conservation Area and, given the circumstance of the Caithness lease, perhaps with a concession to allow limited grazing on the Class VII land with suitable monitoring to ensure that the SIVs were not adversely affected by the grazing.

Protective Mechanism:

(a) CC1 - 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.

The objects of the proposed CC1 are to protect landscape and vegetation values and it includes the northwestern corner of the lease and all the land on the true left/eastern side of Jimmy's Creek together with an area on both sides of Jimmy's Creek at the eastern boundary. The flats and valley sides of Jimmy's Creek, as well as having high landscape values as described in the proposal and the CRR, contains shrublands of considerable plant diversity. On a very recent visit (27.11.11) into Jimmy's Creek we noted a profusion of flowering plants, both on the rocky hillsides and the stream banks. They included *Celmisia hookeri*, *Clematis marata*, *Gingidia grisea*, *Gaultheria* sp. *Coriaria plumose*, *Helichrysum intermedium*. In addition all the other native plants, described in the CRR were of considerable interest to us. It was frankly a botanists paradise and we hope that an easement can be negotiated to allow public foot access at least into this scenic area. See Figures 1-12

We did also note the presence of four red deer moving up from the Creek onto the spur. (Figure 14)

We noted a firebreak and fence south of the proposed CC1 boundary, and suggest that the CC1 boundary be moved further south, from Jimmy's Creek west to point 838m, to include snow tussock grassland that is in good condition and would provide a more logical boundary to ensure protection of the SIVs within CC1.

Within CC1 are five areas designated as core biodiversity areas containing the highest values including 'shrublands, forest relics, rock face habitats and numerous threatened species' and which are to be unfenced. We realise that the SIVs within these covenants have probably largely survived because of the fact that stock cannot easily access them. As stated in the proposal "the landscape covenant is designed to protect the natural landscape character, the tussock and riparian values, ensure the land is sustainably managed and to "buffer" the Biodiversity Covenant areas". We understand that these areas are unlikely to be grazed 'by choice' and would be difficult to fence.

Biodiversity areas i, ii and iii are on the more southerly part of CC1 and iv and v at the northern tip. Unfortunately the biodiversity covenants have not been individually described in the proposal. We note that a ban on burning is included in the covenant conditions (3.1.5) as a strategy to prevent the values in the biodiversity covenants from destruction by fire. Areas iv and v appear to be on Class VIIe and VIII land and would it appears benefit from being fenced off if this was at all possible.

We also note the special conditions in Schedule 2 relating to Clause 3.1.5 ; oversowing and topdressing and spraying of exotic woody weeds to be allowed and the requirements to ensure that spray will not damage the tussock cover, not be applied within 20m of any stream and that 'spray mist' damage to the Biodiversity areas is to be avoided.

Monitoring programme.

We note that this is in draft form and presume that detail would be added re stocking rate etc.; this should obviously not be greater than at present.

The vegetation monitoring we suggest should be organised by the Minister with the assistance of the owner.

The re-monitoring should be managed by DOC staff with the assistance of the Owner – while the present lessee and future owners may be competent to manage monitoring it is important to realise that a future owner might not be and to word the monitoring conditions to take account of such a possibility.

The CC1 boundary should be moved further south, from Jimmy's Creek west to point 838m, to include snow tussock grassland that is in good condition and to provide a more logical boundary to ensure protection of the SIVs within CC1

Qualified Designation:

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

This access along the eastern boundary along the ridge of the Otepopo Spur is important in the context of providing access to the Kakanui Mountains largely through tenure review outcomes.

This ridge access route from 'c-d' is designed to be reached through access negotiated as part of the Kinross tenure review presumably along the current 4WD drive track that follows the boundary ridge for a distance south of 'c'. We suspect that the placing of 'c' is incorrect though. It would benefit non-bikers and older trampers to be able to have 4WD access up to point 'c' to allow enjoyable day trips along the ridge-crests and down into Jimmy's Creek via an existing track (Figure 13).

We strongly support the creation of an easement for foot, bike and horse access (c – d) as proposed.

There should be a further easement to allow foot access from 'c-d' down to Jimmy's Creek (Figure 13) as this would make for a very enjoyable walk along the existing track and allow appreciation of the landscape and the vegetation values close to the Creek.

In addition we strongly suggest that foot access be allowed from the 'c-d' track and from Jimmy's Creek to the biodiversity covenants i, ii and iii so that the public could enjoy and study the SIVs within them if they so desired.

Similarly there should be public foot access to Biodiversity Areas iv and v.

We would comment that the non-4WD access does make it difficult for less able trampers/walkers to enjoy the ridge crests and would strongly suggest that the possibility of controlled 4WD access up to point 'c' be pursued through the Caithness and Kinross reviews. If this was possible it would open up the area for a wider range of the Public to enjoy both the scenery and the natural values as day trips.

Comment on Biodiversity Covenant information

We would ask that if the use of biodiversity covenants is proposed in the future that they be described individually in the Proposal document so that we are fully informed of the values in each covenant.

We would like to thank Ian Harvey of Darroch Ltd., for arranging access and the lessees Andrew and Sarah Neilson for permission to inspect the property. We thank the Commissioner of Crown Lands for the opportunity to comment on the Preliminary Proposal of this pastoral lease.

Janet Ledingham,
For the Management Committee of the Dunedin Branch, Forest and Bird Protection Society.

28.11.11

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Caithness Preliminary Proposal Figures

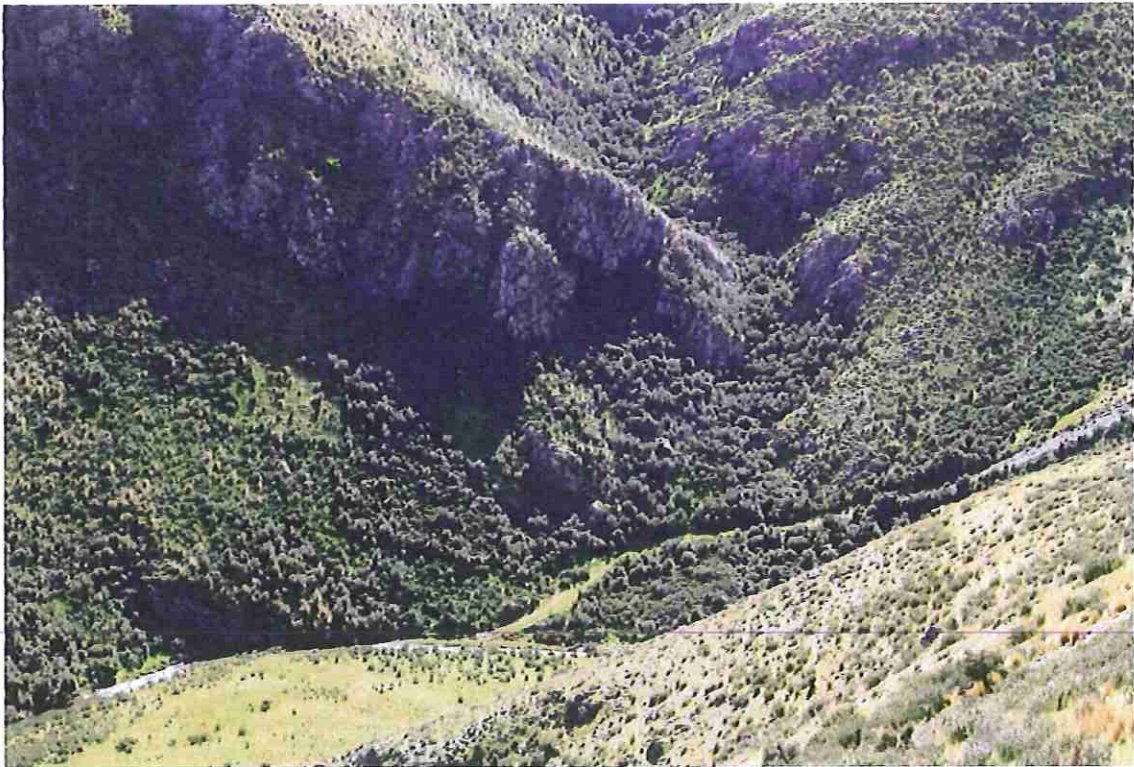


Figure 1. Jimmy's Creek and part of a biodiversity area



Figure 2. Streamside true left of Creek. Typical bank covered with *Celmisia hookeri*.



Figure 5. *Celmisia hookeri* and a mass of *Clematis marata* in foreground.



Figure 6. *Clematis marata*



Figure 9. *Gaultheria crassa*



Figure 10. *Celmisia hookeri* and at right, *Gingidia grisea* – Creek banks



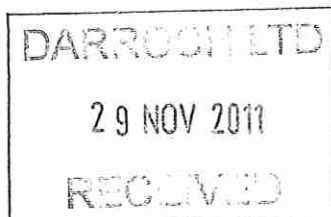
Figure 13. The track down to Jimmy's creek form the spur above – ideal for walking access.



Figure 14. Red deer heading up from Jimmy's creek to the Otepopo Spur

CENTRAL OTAGO RECREATIONAL USERS FORUM

186 Faulks Road,
RD 2.,
WANAKA 9382



e-mail, secretary@coruf.org.nz

28 November 2011

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

Dear Sir,

Preliminary Proposal: Caithness Pastoral Lease, PO 355

CORUF, the Central Otago Recreational Users Forum, is pleased to make a submission on Caithness Pastoral Lease.

The Central Otago Recreational Users Forum is a voice for a diverse group of user interests, representing over 60 recreational clubs and groups. A significant part of our brief is to represent recreation by the public to the statutory managers of public lands, and to receive and disseminate relevant information in return.

A fundamental principle guiding us is the belief that public lands should be accessible to, and able to be enjoyed by, the general public.

An associated principle is for due care and respect, to the land, the landscape, natural and historical values, and to the private landowners whose properties have easements across them, giving public access to conservation land.

We are grateful to Darroch Ltd for arranging the joint visit, and to Mr Neilson for making us welcome on the Lease and for giving us the opportunity to look at it in some detail. Thank you.

The Central Otago Recreational Users Forum makes the following submissions.

CAITHNESS Pastoral Lease, PO355, Preliminary Proposal Designations:

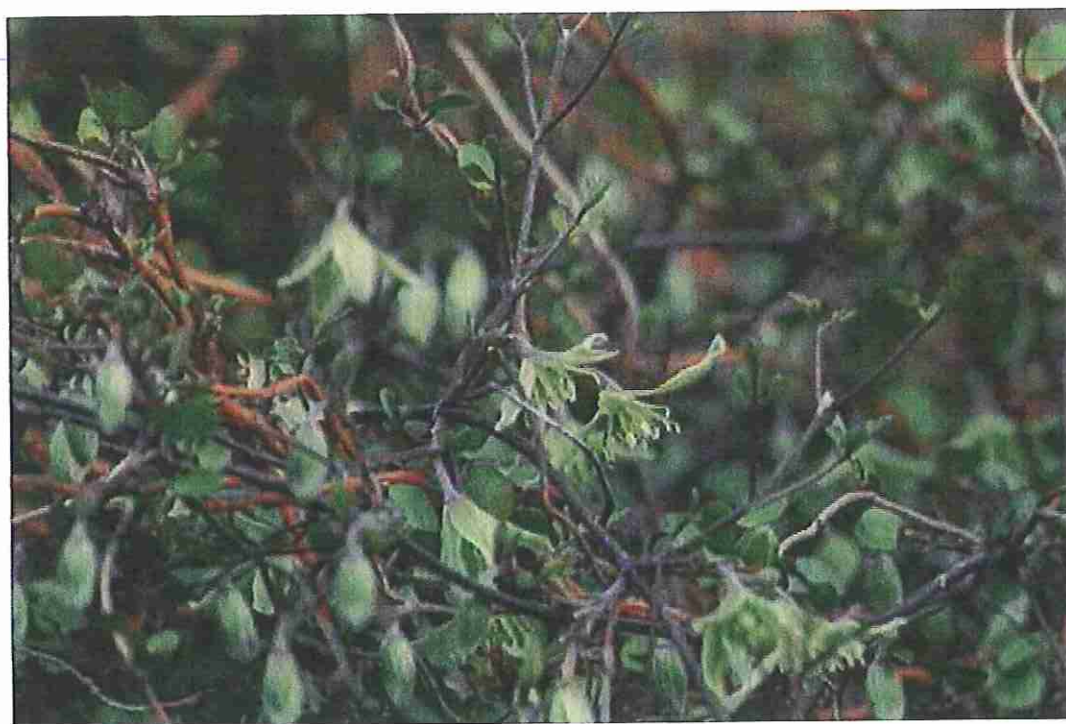
2.1. Land to be restored to or retained in full Crown ownership and control as Scientific Reserve under section 35(2)(a)(ii) Crown Pastoral Land Act 1998. Area: 10 ha approx.

CORUF approves the creation of the reserve (R1) Scientific, we recommend that it be adopted. This small area already has a richness of species and growth that can only improve with protection, and gives an interesting window into the creek habitat, shrubs and trees and native to this part of the Range, including snow tussocks. Introduced woody shrubs should be eliminated to allow the existing natives to infill the whole area.

We approve of the protection of this habitat of the Flathead *galaxids* which are in general decline. We also recognize that a healthy stream valley including its environs has benefits for a wide number of interdependent native species, and that the whole creates an area of high interest.

The proposed fence as drawn on the Plan seems very generalized, we recommend that a line sympathetic to the shape of the area on the ground will be built, enclosing most or all of the native shrubland identified in this section, and more of the small creek upstream to enhance habitat protection.

Recommendation - scientific: that the Scientific Reserve (R1) be created



Clematis marata growing densely through *Muehlenbeckia complexa* in the proposed Scientific Reserve.

Photo J. Kelly.

2.2.2 Qualified Designation (under Section 36(3)(b) of the CPLA) Public Access and Minister of Conservation purposes Easement.

ROUTE "a-b" to the proposed Scientific Reserve.

CORUF requests that route "a-b", or an adjacent track, be opened to public access. There is no good reason to deny access to the proposed Scientific Reserve and, also, it is not an acceptable principle to create public land without also providing the means for the public to visit it.

A walking route that partly follows the hillside would avoid the more intensively farmed area on the flats beside the Green Valley Creek. We do not request any access other than walking.

Recommendation - access: that fenced parking be provided off Highway 85 and a public walking route signposted to the Scientific Reserve (R1)

2.2. Land to be disposed of by freehold disposal... under section 35(3), of the Crown Pastoral Land Act 1998. Area: 2201 ha approximately.

The Proposal acknowledges on page 6 that *"the property still remains a smaller uneconomic, unbalanced pastoral run"*. We are disturbed that the Proposal can identify this potential failing, and at the same time propose that the unit be privatised for farming. The outcome must be that despite best efforts, economic farming would have to be carried out at a level of intensity that would make it impossible to also maintain the integrity of the inherent natural values.

The Proposal appears to lack information on proposed stocking rates in the CC areas, other than to say that grazing would not be a problem (which is arguable). Without this information it is very difficult to gauge what the outcomes of the Proposal will be. A proposal put out for public consultation should contain this essential information. The proposal also lacks detail of remedies for any decrease in the identified and protected natural and landscape values.

It should be noted that while a Tenure Review Proposal is always made with the present Lessees, for us the significant outcome is the 100 year result. Does the Proposal protect the natural values of this land and its self-evident landscape qualities for public benefit into future generations? The lower heights of the Kakanui and Horse Ranges have appealing landscapes and particularly rich and varied native flora and fauna, and we promote their protection.

2.2.1 Protective Mechanism. Conservation covenant over part of the proposed freehold land for the purpose of protection of botanical and landscape values.

The proposal identifies that Jimmys Creek and the NW corner of the lease have high visual and natural values which deserve protection, although specific details of the "islands" of protection CC1 (i-iv) are not included. We agree with the assessment that this area has high landscape values and richly varied native species, and find that it is worthy of protection.

In the upper reaches of Jimmy Creek the land is steep and broken, it would best be cared for by giving it more permanent protection.

We approve the requirement for no burning and note that wilding pines are being removed.

As noted in the Proposal, the area around the junction of Jimmy Creek with the Waianakarua River and with an unnamed creek southwards, and including area CC1(i), is particularly interesting and valuable for its range of native plants and the high visual values in its landscapes. We **recommend** that this area is given Conservation Area protection, with no grazing allowed.

We **recommend** that the remainder of CC1 also be re-designated as a Conservation Area, including the reserves CC1 (i-iv), with a buffer CC grazing area around all. The buffer CC should include a narrow strip on the true right of the middle section of Jimmy Creek, to provide ultimate protection to both sides of the Creek, not just one side.

Recommendation - Conservation: that the area CC1 including the special areas CC1 (i-iv) be returned to full Crown control as a Conservation Area, and that a grazing buffer is established on the periphery.

Should this CA designation be achieved, the resulting conserved area would naturally incorporate our ideas for recreational access as outlined below.

2.2.2 Qualified Designation, (under Section 36(3)(b) of the CPLA) Public Access and Minister of Conservation purposes Easement.

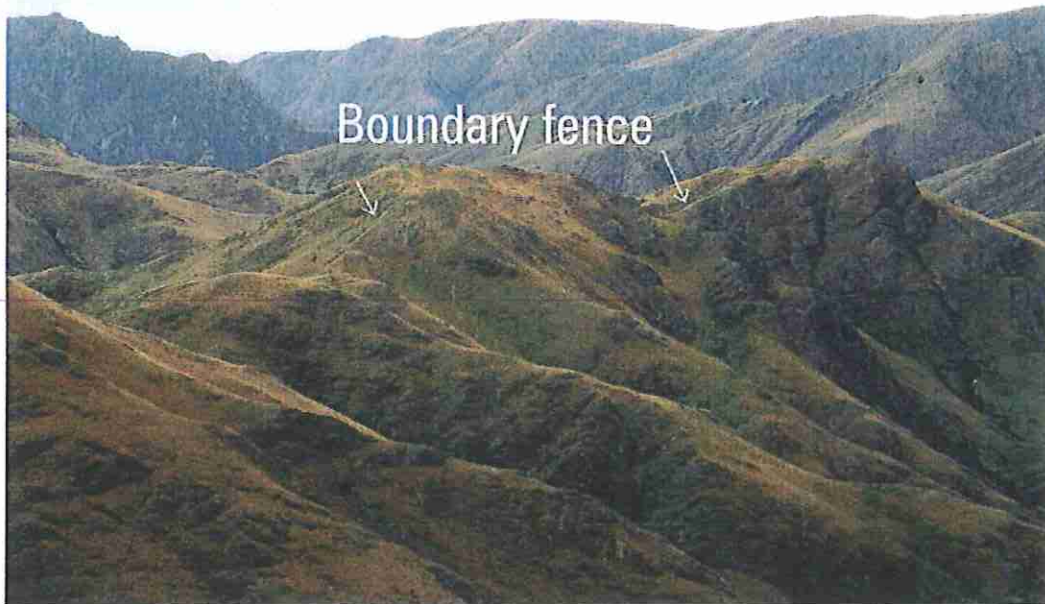
ROUTE "c-d", a linking boundary route from Otepopo Spur towards the Waianakarua River.

For us the overarching logic of Caithness Lease is its place in the continuum of properties along the Kakanui and Horse Ranges. We thoroughly endorse the concept (which we have supported before) that a continuous northwest / southeast (more or less) route of connecting public land be created along the crests of the Kakanui Range and Horse Range towards the east coast; originating westward in Oteake Conservation Park and Lindis area, and thus connecting the east coast ranges to West Coast conservation lands and easements.

There is a hugely important opportunity here to make a linking East-West route, formed or unformed, via conservation reserves and enduring public access easements, and we recommend that it is given priority at every available opportunity, including this one.

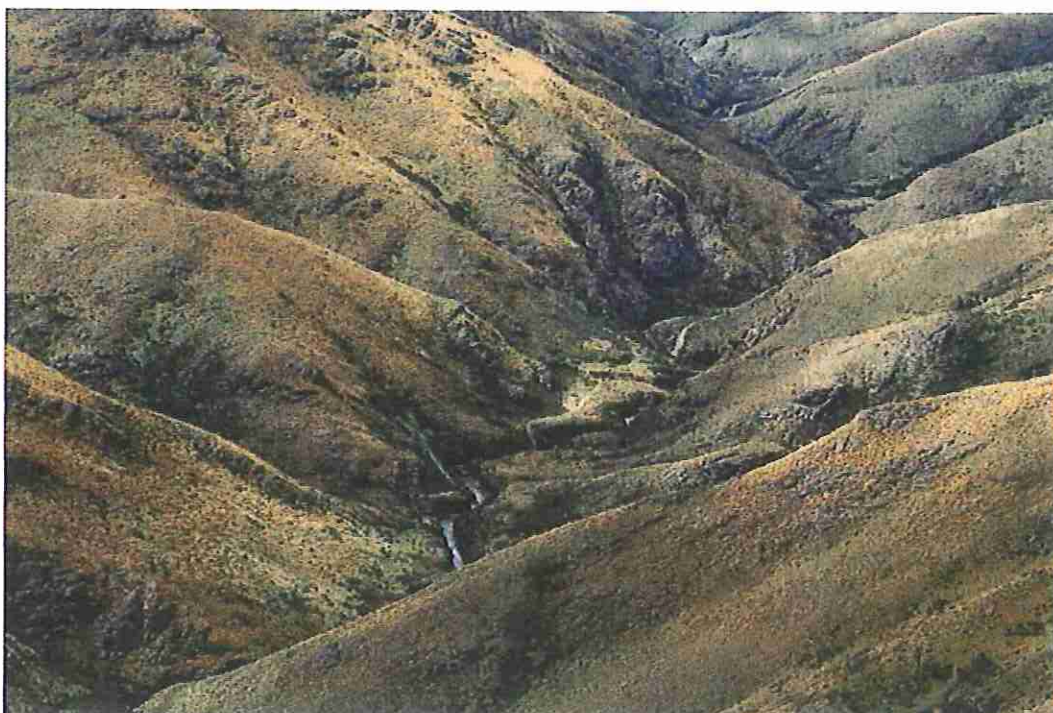
We therefore **recommend** that the boundary ridge route "c-d", with an amendment as noted below, be accepted as a public route for walking, riding and cycling.

Route "c-d" has a failing in that it does not appear to connect with the public access easement that was proposed for Kinross Lease adjacent. We **recommend** that a linking route be established via the farm track down the ridge to Jimmys Creek, to ensure that the trail "c-d" reaches the valley floor, and that onward connections are thus enabled. At present the trail seems to come to an end, abandoned at the top of the high ridge without a built-in link to the valley bottom.



The proposed public access easement "c-d" on the boundary fence. The Waianakarua River valley is to the left above the word "Boundary", Kinross Lease is in the background at right.

Linking the two photos on this page, the rock outcrops at bottom left in photo 2 above are repeated in photo 3 below at centre top; showing the compactness of the area under discussion.



In **Jimmys Creek** we **recommend** that the existing farm track or route along the creek banks (see photo 3) is allowed as a public walking/cycling/riding easement, connecting up hill to the boundary route "c-d" at either end.

In combination with the boundary route "c-d" this will create an appealing round trip, or else a choice of routes, opening up to public enjoyment the entire creek with its gorges and banks, and providing a coherent and varied recreational opportunity that makes good use of this interesting area.

We also recommend that the CC1 (i-iv) areas either have public access provided to them, or that they are incorporated into our recommended Conservation Area.

As we have argued above, the "100-year" outcome is the one that should be the target of the Proposal, answering the question, "what is needed to secure public access to and enjoyment of this high country land?"

It is our belief that this lease is a valuable in its own right, and is also a key element in a wider area of considerable interest in the Kakanui and Horse Ranges. We wholeheartedly recommend that the long future be kept in mind, both in providing access into and through Caithness Lease, and in the extent of land that is reserved to the Crown for future opportunities for public enjoyment.

Recommendations - access:

That route "c-d" for walking riding and cycling be established, with one adjustment as below -

- that route "c-d" be extended from point "c" down-ridge to the creek below.

That a public access easement be established along the length of Jimmy Creek, with a link at either end to route "c-d" above

That in finalizing the proposal for Caithness Lease, recognition is given to a wider pattern of linkages that would allow for coherent public use of the Kakanui and Horse Ranges.

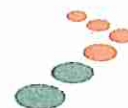
CORUF thanks you for the opportunity to comment.

Jan Kelly

Secretary,

Central Otago Recreational Users Forum,

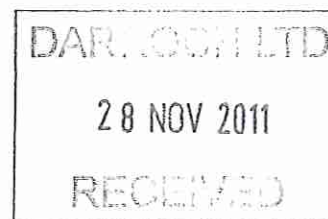
28 November 2011



WALKINGACCESS
ARA HĪKOI AOTEAROA

28 November 2011

Commissioner of Crown Lands,
C/- Darroch Limited
PO Box 27
ALEXANDRA 9320



**Preliminary Proposal for Tenure Review of the Caithness Pastoral Lease Po 355
Submission from the Walking Access Commission**

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of the Caithness 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:

- Supports the creation of the proposed public access easement 'c-d'.

The Commission also seeks to have:

- Plans provided at an appropriate scale (e.g. not more than 1:50,000) when the Preliminary Proposal is publicly advertised,
- All existing legal access to the pastoral lease boundaries clearly depicted on the plan,
- Appropriate information provided to identify which waterways qualify for marginal strips shown on the plan,
- Unobstructed public access along marginal strips to be created, with the use of stiles and/or gates as appropriate in any fence which may cross over a marginal strip,
- Public access provided from the eastern end of Wild Ram Road through to the northern boundary of the property and also to spot height 932, and
- Access from this ridgeline track at spot height 838 southeast, then northeast along track to proposed easement across Jimmys Creek at point 'c' on the plan.

The Commission also seeks to ensure that:

- Marginal strips created alongside waterways within the pastoral lease will have sufficient width to enable practical public access.

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

The scale of the plan provided with the Preliminary Proposal is inadequate to provide a meaningful representation of the proposal (it appears to have been reduced from an original A3 size).

Without a contextual setting and appropriately detailed maps necessary for any public access analysis, it is difficult to see how the Preliminary Proposal adequately addresses section 24(c)(i) of the CPL Act (the securing of public access to and enjoyment of reviewable land). While one can assume that SH85 (The Pigroot) provides legal access to the south western boundary of the lease, there is no other indication of what, if any, public access to the lease currently exists or is planned. The identification of existing legal access that adjoins the lease parcels is a key factor in considering how appropriate the public access resulting from the tenure review is.

Part 4A of the Conservation Act 1987 applies to the disposition of all land being freeholded 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. *Plans provided at an appropriate scale (e.g. not more than 1:50,000) when the Preliminary*

¹ Section 3(b) Walking Access Act 2008

Proposal is publicly advertised.

2. *All existing legal access to the pastoral lease clearly depicted on the plan.*
3. *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.*

Existing public access

Legal road, SH 85 - The Pigroot (Dunback-Morrison's Road) adjoins much of the south-western boundary of the main block of Caithness pastoral lease and the northern boundary of the smaller homestead block. Wild Ram Road, a legal road off SH85, provides legal access to a point on the western boundary of the main block of the lease. The southern end of Wild Ram Road appears to be formed, and there appears to be a track, along or near the road alignment, for most of its length.

Proposed public access

Public non-motorised access is proposed on the existing track near the north-eastern boundary of the lease ('c-d' on the plan) with the creation of a 20m wide easement in gross. There is currently no legal public access connection at either end of this proposed easement. There is no indication of how this proposed access may in future link with other proposed public access in the general area, but access through the adjoining Mt Stalker and The Dasher pastoral leases will obviously be critical.

We note that the Qualifying Water Bodies Assessment identifies that marginal strips will be created alongside part of the North Branch of the Waianakarua River near the eastern boundary, and the full length of Jimmys Creek. These marginal strips to be created will need to be of sufficient width to ensure that public recreational use of the marginal strip is possible (as per section 24C(c) Conservation Act 1987), and that practical public access is possible, without obstruction. Access up Jimmys Creek will enable the public to better appreciate the landscape and vegetation values being protected by the proposed conservation covenant ('CC1')

The Commission:

4. *Supports the creation of the proposed public access easement 'c-d',*
5. *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, and*
6. *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

While recreational opportunities on this lease may appear be limited, there is always the opportunity to traverse ridges and climb to a high point and appreciate the views and landscape. There are also opportunities to link up with the Waianakarua River – North Branch, and other routes, as desirable access opportunities become available in the future.

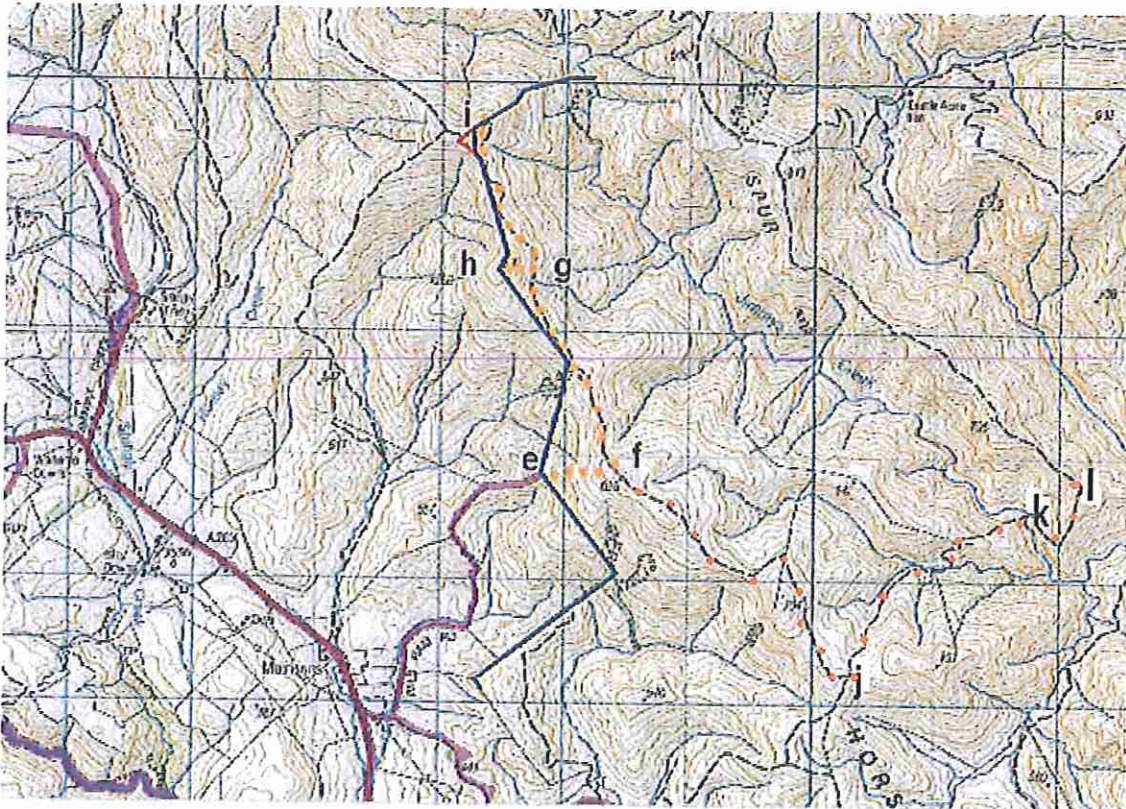
Access through Caithness is likely to be an important component of the overall access to and through the Horse Range and the Kakanui Range. Public access to the western extent of the Waianakarua River system is more logically achieved on Kinross to the south east.

The proposed public access 'c-d', while supported, appears to be totally dependent on access being achieved to both 'c' and 'd' through the adjoining Mt Stalker pastoral lease. Wild Ram Road already provides legal access almost to the top of the Horse Range, and it is highly desirable to enable public access from Wild Ram Road, through spot height 838 thence northwest to the highest point on Caithness (spot height 932) and to the back of the property and the adjoining small area of Crown land (parcel 3099193). This access would guarantee public access onto the Horse Range and facilitate the enjoyment of the area, provide access to an isolated area of Crown land and leave open the possibility of access further north.

Public access is also highly desirable from spot height 838 south eastwards along the ridgeline track through the saddle thence north-eastwards following the track until it joins with the proposed public easement at point 'c' on the preliminary plan. This will create desirable public access options to the Waianakarua River – North Branch, for fishing and other public enjoyment opportunities.

The Commission:

- 7. Seeks to have public access provided for from the eastern end of Wild Ram Road ('e') to the existing farm track ('f') through to the northern boundary of the property ('i') and also from the track to spot height 932 ('g-h'), as shown approximately on the diagram below.*



- 8. Also seeks to have public access provided from the existing track ('f' on the above diagram), south-eastwards along the track to the track intersection about the saddle ('j'), thence north-eastwards along the line of the track through Jimmys Creek ('k') to ('l') to connect with the proposed easement shown as 'c – d' on the preliminary plan.*

Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Caithness 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

FOR:
Mark Neeson
Chief Executive

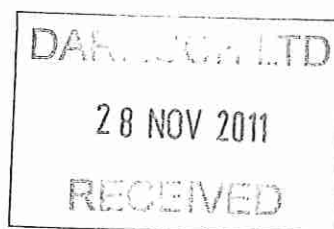


OTAGO CONSERVATION BOARD

Our ref: SBC-08-34

28 November 2011

Commissioner of Crown Lands
c/- DTZ New Zealand Ltd
Land Resources Division
Box 27
ALEXANDRA 9340



Dear Sir

SUBMISSION ON TENURE REVIEW OF CAITHNESS

The Otago Conservation Board appreciates the opportunity to comment on the proposed tenure review outcomes for the Caithness pastoral lease. The Board also thanks the lessees, Andrew and Sarah Neilson, and Dennis Mullally, for providing access to the property to allow the viewing of the proposed conservation covenant areas.

In general, the Board supports the proposed tenure review outcomes listed in the schedules, including the designated values of the land to be protected by conservation covenants and a scientific reserve. In particular, the Board supports the banning of herbicide spraying that will damage the tussock cover, or spraying within or close to the biodiversity areas. We recommend that there should also be a requirement to remove the remaining wilding pines on the land to become freehold.

The Board believes that the conservation covenant could be improved by:

- 1) **Creating one biodiversity block** based on the proposed CC1 areas i to v. Ideally, the biodiversity areas (CC1 i - v) should all be linked. Certainly areas i, ii & iii should be one block, and areas iv and v should be another. This would allow the continuity of species to be conserved, as the ridge top plants merge into the gully plants in a gradient.
- 2) **Specifying what flora and fauna is being conserved** in each of the CC1 i-v biodiversity areas. The preliminary proposal summary does not specify what is being conserved in these biodiversity areas. These need to be accurately quantified to provide a clear basis for monitoring any change. The Board would like the five areas identified with high conservation value to have condition and growth goals written into the conservation covenant. The objective would be to retain the endemic species biomass and biodiversity and even improve it from existing levels, as measured by a species list and biomass description recorded at the time of property ownership transfer and every 5 years thereafter. An audit

should be carried out immediately in connection with any transfer of ownership and two years afterwards.

The consequences for these areas of damage by stock and farming practices should be a programme of fencing off the conservation covenant areas and ongoing fence maintenance, at the owners' expense and within 6 months of the degradation being recorded.

- 3) **Strengthening the weak/vague language of condition and control consequences used in the conservation covenant schedules.** (The Board recalls that a similar improvement was desirable with the neighbouring Kinross Pastoral Lease tenure review proposal.) For example: "*Sheep and cattle may graze the covenant areas at a stocking rate that does not in the opinion of the Minister, adversely impact on the values within the landscape buffer covenant and the biodiversity covenant areas*". This lacks rigour, because it is based on the Minister's "*opinion*".

Also, the passage "*The owner must not deliberately stock the biodiversity covenant areas or in anyway encourage stock into these areas*" is rather vague and mentions no consequences for non-compliance.

The Board wants the conservation covenant protection to be improved by:-

- describing in accurate metrics the present condition of the flora and fauna of interest and changes to it;
- setting measurable goals for improvement;
- reducing the time between monitoring, especially if the freehold property is on-sold;
- incorporating real and enforceable consequences for any reduction in the biodiversity as a result of non-compliance with the covenant conditions during farming operations.

For instance, the description of stocking rates is too vague. Actual maximum stocking rates need to be set over the farming year, e.g. xxxx stock equivalents per hectare on land above 430m altitude, from March to September.

Biodiversity goals should be written into the conservation covenant to clearly articulate what future conditions are expected to be. These goals and measures need to use scientific metrics to describe accurately current condition and change, in addition to evidence provided by photographic monitoring.

A vegetation monitoring programme should be established by the Minister at the commencement of the covenant term. Subsequent re-monitoring should occur every five years or after every change in ownership, i.e. the monitoring period should start again with every new owner (or new management regime) and should be organized by the Minister with the assistance of the owner.

- 4) **Extending the boundary of the conservation covenant CC1** along its proposed boundaries to the next lower ridge (between 807 m spot height and 838 m spot height), thereby creating an intermediate conservation covenant as a buffer to private ownership. There is already a ridge crest fence running down to the creek from about 838 m. This takes in an area of good snow tussock community with its associated *Celmisia hookeri* herb fields.
- 5) **Banning all fires** in CC1, the conservation covenant area.

- 6) **Resting any burnt areas** in the conservation covenant CC1 from all grazing for a minimum of two years after burning, in order to allow the native vegetation to recover.
- 7) **Extending the length of the proposed scientific reserve** another 0.7 to 0.9 km up Green Valley Creek beyond B on the map, to take in the Creek and riparian strip to where the creek bed becomes steep. This would protect more stream habitat for the Galaxias than the 600 – 700 m length currently proposed.
- 8) **Providing public access up Jimmys Creek**, with a legal access up the Creek side/bank to link up with the proposed access on Otepopo spur at the Creek headwaters. This would create a public walking route up/down Jimmys Creek, to make a loop with the boundary ridge track already proposed (c-d), with linking trails on the spurs at each end.

The preliminary proposal includes a pro forma Deed of Covenant between the Commissioner of Crown Lands and the Minister of Conservation for a covenant under the Reserves Act 1977 for Crown Pastoral Land Act 1998 purposes. Among other things, this deed contains an outline of the objectives of the covenant and Schedules one to three. The objectives outline the owner's obligations, the Ministers obligations, joint obligations, implementation of the covenant, and special conditions e.g. Schedule two below.

The schedules are outlined below, with additions and variations recommended by the Board shown in bold italics.

Schedule One:

This describes the conservation covenant land ("CC1" on the designation plan) and gives the addresses of the Minister and lessees.

Schedule Two: Special Conditions

- 1) Sheep and cattle may graze the covenant areas at a stocking rate that does not, in the opinion of the Minister adversely **impact on the Landscape and biodiversity values identified in Schedule one, within the "Landscape Buffer Covenant" and the "Biodiversity Covenant" areas**. This needs to be described more accurately e.g. **Maximum stocking rates are to be specified prior to takeover and maximum stocking rates need to be set over the farming year. For example xxx stock equivalents per hectare on land above 430m altitude, from March to September.....**
- 2) **Fires and or burning as a means of pasture management are prohibited in the landscape buffer and biodiversity covenant areas. Where a fire burns on to or through the biodiversity covenant areas by accident or through natural causes, then all grazing in these covenant areas will be excluded for a minimum of two years to allow native grasslands and associated flora to recover free from grazing.** (While the sub-alpine grasslands have evolved with occasional fires and regenerate well after burning, burning followed by grazing rapidly destroys the native species.)

- 3) Notwithstanding clause 3.2.1, the Owner must control wilding pines, exotic broom and gorse, and must prevent them from seeding. The Owner will bear the cost of this work. Should the Owner fail to undertake this work the Minister **shall** arrange to have this undertaken and the Owner will bear the cost which may include reasonable costs of the Minister. Where weed liabilities are significant, the Owner will submit to the Minister an agreed eradication plan for the control of weeds.

Biodiversity Covenant

The "biodiversity covenant" areas contain the highest **biological** values. These include shrublands, forest relics and rock face habitats, and they contain numerous threatened species. In addition to special conditions 1) to 5) inclusive above, special condition 9) applies to these areas.

- 9) The owner will not intentionally stock the "biodiversity covenant" areas or in any way encourage stock into these areas. (***This phrase needs to be tightened up!***)

Schedule Three: Description of the Monitoring Programme to be Established

- 1) Responsibilities:
A vegetation monitoring programme will be established at the commencement of the covenant term by the Minister. Subsequent re-monitoring will occur ***every five years or after every change in ownership, i.e. the monitoring period restarts with every new owner (or new management regime?) and is to be organized by the Minister with the assistance of the owner.***

The Minister will have the discretion to require additional methods of monitoring to be used if results from photopoints or observations are found to be unsuitable for measuring the values being protected.

Monitoring needs to be more accurate to protect the biodiversity by describing the present condition and change in flora and fauna of interest in accurate metrics, setting measurable goals for improvement, reducing the time between monitoring (especially if the freehold property is on-sold), and having real and enforceable consequences for reduction in the biodiversity as a result of non-compliance with the conditions during farming operations.

Biodiversity goals are to be written into the conservation covenant to clearly articulate what future conditions are expected to be. These goals and measures need to use scientific metrics to accurately describe condition and change, over and above the use of evidence provided by photographic monitoring.

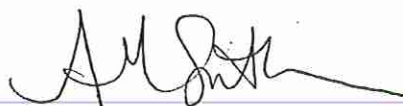
A vegetation monitoring programme will be established by the Minister at the commencement of the covenant term. Subsequent re-monitoring will occur every five years or after every change in ownership, i.e. the monitoring period restarts with every new owner (or new management regime) and is to be organized by the Minister with the assistance of the owner.

4) Monitoring Results

Following monitoring, results will be discussed between the Owner and the Minister. Should it be noted as a result of monitoring that cattle and/or sheep or other pastoral practices are having a detrimental impact on the **Landscape or Biodiversity** values, then the Owner will take significant steps to prevent this continuing, which may include such measures as fencing, reducing stock numbers, or changing stock types.

We appreciate the opportunity to provide comment on this proposal and we are willing to elaborate on any of the issues we have raised.

Yours faithfully

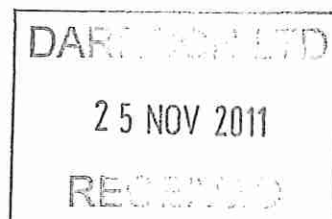
A handwritten signature in black ink, appearing to read 'Abigail M. Smith', written in a cursive style.

Associate Professor Abigail M. Smith
Chairperson

NORTH OTAGO TRAMPING AND MOUNTAINEERING CLUB**PO Box 217****Oamaru 9444**

Commissioner of Crown Lands
C/o Darroch Ltd
PO Box 27
Alexandra 9340

25 November 2011

**REVIEW UNDER PART 2 CROWN PASTORAL LAND ACT: CAITHNESS**

The North Otago Tramping and Mountaineering Club exists to promote understanding and enjoyment of the natural environment through tramping and mountain climbing. The Club supports the preliminary proposal for tenure review of the Caithness Pastoral Lease which it sees as consistent with the Club's objectives.

We particularly support the approach of promoting ecologically sustainable land use through the freeholding of grazing land with protection of sensitive areas by means of conservation covenants and the requirement to control wilding pines, broom and gorse. The proposed retention of a small area of scientific reserve to protect a Galaxid population seems sensible, and the proposed public access easement should eventually assist in facilitating practical access to the southern end of the Kakanui Mountains.

Yours sincerely

John Chetwin

Vice-President