

Crown Pastoral Land Tenure Review

Lease name : *INVERCROY*

Lease number : PT 133

Public Submissions

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

These submissions are released under the Official Information Act 1982.

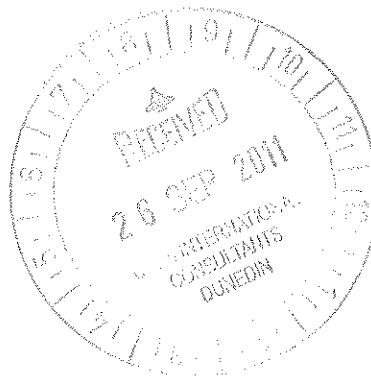
May

12



21 September 2011

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



75 Church Street
PO Box 550
Timaru 7940

P. 03 687 7800
F. 03 687 7808
E. ecinfo@ecan.govt.nz

Customer Services
P. 0800 324 636
www.ecan.govt.nz

Dear Simon

Invercroy – Preliminary Proposal for Tenure Review

Thank you for providing copies of a summary of the proposed designations, the notice and proposal document.

Unfortunately, as a result of Council prioritising its work programme for this financial year, we are no longer in a position to provide information to the tenure review programme. However, this doesn't preclude you from making a formal request, in writing, to access specific resource information held on file.

The Council will continue to meet its obligation to the programme in terms of any legal interests (such as a Land Improvement Agreement pursuant to Section 30A of the Soil Conservation and Rivers Control Act 1941) it holds over Crown leasehold land.

We have no legal interest in Invercroy under a Land Improvement Agreement.

If you have any queries please don't hesitate to give me a call on my direct line (03) 687 7848.

Yours faithfully

FDL
Neil MacDonal
Senior Planning Officer

cc Cathie Brumley
Environment Canterbury

(2)




Chris Pearson
18 Rewa St
Dunedin
New Zealand

Thursday, September 22, 2011
Commissioner of Crown Lands
c- Opus International Consultants Ltd
P O Box 1913
Dunedin 9016
To Whom it may concern

I would like to make the following submission for Preliminary Proposal for the Tenure review of the Invercroy Pastoral Lease which is undergoing tenure review under the Crown Pastoral Land Act 1998. I think that this is a fairly simple tenure review that I generally support. The conservation resources report notes that the "Most lower-altitude areas (below c.800m) have been developed for pastoral farming and have a high component of introduced grasses, clovers and herbs." Since this represents the bulk of property outside of the region "CA1" that is to be retained in crown ownership, it seems to be reasonable to grant it as freehold to the lessee. Map 2 of the Conservation Resources Report indicates that the region with the highest combination of values (botanical, faunal landscape and recreational) are in the higher parts of the northern section (RS41297) and this seems adequately protected by CA1. There are landscape and other values in the southern unit (RS41512) but these do not seem to involve public recreation and I would think that these will be adequately protected by the proposed covenant. I also note that the CA1 unit will combine with the existing Kirkliston Range Conservation Area to produce a very valuable reserve for public recreation as well as conservation purposes. I have not visited the site so I cannot comment on how practical the access easements are but if they do provide practical foot access, they could provide very valuable public access to the enlarged Kirkliston Range Conservation Area.

I have one small reservation. The Conservation Resources report identifies Cattle Creek as having high faunal values and the fish and game report requests a marginal strip for this waterway but I see no provision for this in the proposal. I would like to express the hope that this could be incorporated in the final tenure review. Otherwise I would like to give this tenure review my full support.

Sincerely yours,

Christopher Pearson


③

~~Sat 5/11/11~~
MON 7Fax Cover Note

To 1) Bob Webster, Chdn office, Opns Int.
 fax # 365 7858

2) Simoin de Lantour, Ddn office, Opns Int.
 fax # 474 8995.

From D, M + W Milne
 Cattle Creek RD Kunow 9498
 ph 03 4360 155, fax 4360 295

Re Tenure Review 'Invercroy'.

2 page following.

D.H. & M.J.N. MILNE

'Invercroy'
Cattle Creek
Hakataramea Valley
R.D. Kurow
Nth Otago

Ph (03) 4360 155
Fax (03) 4360 255

MON 7.11.11

Attⁿ Bob Webster + Simon de Lantour
Opus
Invercroy Tenure Review

Dear Simon + Bob

Further to our faxed letter of 5 November, we include the following 2 submissions to be considered as part of Invercroy T.R. P.P.

1) "Seasonal Closure of proposed easements c-d-e, d-f, g-e-h, to public access + vehicles for management purposes during lambing from 1 Oct - 20 Nov."

As per the aforementioned letter we bring to your attention the omission of easement closure in the PP, prompted by wording in the summary of the proposal. On further discussion today Bob, we agree that this detail simply got lost in the busy negotiations of a year ago. So to clarify what was agreed, the P.P. needs to include the above wording: "---"; note easement a-b is not included as we don't lamb along that stretch of track or in the airstrip paddock. The closure is because vehicle or human disturbance encourages mis-mothering of lambs. (of course this wouldn't include ^{need for any} ~~urgent~~ access)

2) "The continued control by DoC of wilding pines in CA1"

As per ^{our} letter to you Bob of 19.8.11 + your suggestion of putting it in as a submission, we are aware that DoC is responsible for controlling wilding pines on conservation land but that ^{such} actual work cannot always be timely done. As we are giving back to the crown CA1, we would like some written assurance that this control will be required - on the same basis as DoC require it of us in the covenanted + easement areas - if possible.

We think that you find these submissions reasonable + fair.

Yours sincerely

D H + W Milne, pp. CC Farm Ltd.

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Simon de Lautour

From: FMC Website [secretary@fmc.org.nz]
Sent: Tuesday, 15 November 2011 09:02
To: Simon.deLautour@opus.co.nz
Subject: FMC Submission on Invercroy Tenure Review
Attachments: FMC Sub Invercroy 2011.doc

TO: Opus Consulting

Attention: Simon de Latour

Please find attached our submission on the Invercroy Tenure Review proposal.

Could you please confirm that you have received this email.

Regards

--



Phil Glasson
Secretary
Federated Mountain Clubs of NZ (Inc)



Federated Mountain Clubs of NZ (Inc)

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P O Box 1604
WELLINGTON
www.fmc.org.nz

secretary@fmc.org.nz

15 November 2011

Commissioner of Crown Lands,
C/- Opus International Consultants Ltd,
P O Box 1913
Dunedin 9016

Email: Simon.deLautour@opus.co.nz

Invercroy Tenure Review

Federated Mountain Clubs represents clubs involved back country recreation with a particular focus on mountainous areas.

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

We note the proposals and the values listed in the conservation values report and support the points noted there. We note and support the return of the areas marked as CA1 returning to the Crown for management as part of the conservation estate. This area extends and complements adjoining areas of higher land that have been return for conservation management. As neighbouring runs undergo review this will provide a very good area for recreation along the Kirkliston Range. Access to and along the range is improved by this proposal. We also note the comments in the Fish and Game report.

Our main area of comment concerns the access provisions in the proposal.

We support the proposed access easements from point g through e to h on the plan. This will enable foot access along a vehicle track to the saddle on the Range and to the conservation area on the higher slopes. We have no objection to the easement for farm management access between h and i in the CA1 area.

We also support the easements between c to f and d and e on the plan. We would ask that an easement for foot access be made from the paper road (at point g on the plan) to point c. This would tidy up access from the legal road. The route from c to f provides direct access to the area being returned to conservation.

We note and strongly support an access easement from a to b along the route marked on the plan. This provides access to the south of the run and provides an access to both a ridge giving access to the tops and to the headwaters of Cattle Stream. We note that there would be benefit in enabling vehicle access to the toe of the slope at point b.

The southern part of the run is largely tagged for freehold status. The access to the area uphill of this is poor and we consider that foot access should be provided for along the farm track to:

- a point on the spur below spot height 1345 with access to the edge of the conservation land on the spur, and to
- the point where the track crosses Mackays Stream to allow access to the headwaters of the stream.

We feel that the access easements and provisions noted here will greatly facilitate access to and use of the range for recreation. By enabling more than one access point round trips along the range become possible for a wider range of people and activities.

Finally, we appreciate this opportunity to comment on the Preliminary Proposal. We would be happy to be involved in further discussions regarding any of the issues discussed in this submission.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Phil Glasson', with a long, sweeping underline.

Phil Glasson
Secretary

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Simon de Loutour

From: George Williamson [George.Williamson@walkingaccess.govt.nz]
Sent: Tuesday, 15 November 2011 12:23
To: 'simon.deloutour@opus.co.nz'
Cc: Mark Neeson
Subject: Invercroy Tenure Review - Submission from NZ Walking Access Commission on Preliminary Proposal
Attachments: 2011 11 15 NZWAC Submission on PP for Invercroy Tenure Review.pdf

Hi Simon

Please find attached our submission to the Invercroy Tenure Review preliminary proposal.

As noted in this submission, the NZ Walking Access Commission has a statutory responsibility [s3(b) Walking Access Act 2008] 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

Our submission reflects this responsibility, and for this proposed Tenure Review we are seeking improved, future focused public access.

As you process this submission we request that you keep us informed of progress and how the points we have raised have been analysed and what amendments, if any, are subsequently recommended and made to the preliminary proposal designations.

Your timely feedback will assist us with our reporting requirements and will also help inform improvements to our process and procedures.

With best wishes

George Williamson

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

NZWAC is the Crown entity that promotes access to the outdoors

5



WALKING ACCESS
ARA HĪKOI AOTEAROA

15 November 2011

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

**Preliminary Proposal for Tenure Review of the Invercroy Pastoral Lease Pt 133
Submission from the Walking Access Commission**

Thank you for providing an opportunity to comment on the Preliminary Proposal for the tenure review of the Invercroy 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 Commission's statutory purpose, objective and functions are discussed in section A below.

The following submission should be considered as new information as the initial consultation did not include the Commission.

In this submission the Commission:

- Generally supports the provision of public access on the identified routes 'a-b', 'c-d-f', 'g-d-e' and 'e-h'.

The Commission also seeks to have:

- Legal roads which share a boundary with the pastoral lease clearly identified on the plan
- Additional information provided with the summary of the preliminary proposal - to clarify which waterways qualify for marginal strips.
- The easement 'a-b' link in with the public access provided by adjoining legal road and the marginal strips.
- Public 4 wheel drive access provided on the general line of the proposed access 'a-b' with provision for parking vehicles at 'b'.
- Public access retained at the western end of the legal road adjoining the lease boundary (south of Cattle Creek) to the conservation land.
- Public access (excluding motorised vehicles) along a practical route across the eastern lower slopes of the Kirkliston Range from the southern most point of the pastoral lease to point 'b'.
- 4 wheel drive access, by permit only, along the route generally shown as c-h.

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.

New Zealand Walking Access Commission | Ara Hikoi Aotearoo

> Level 6, Reuvera House, 48 Mulgrave Street, Wellington
PO Box 12348, Thorndon 6144

> P: (04) 815 8502
F: (04) 815 8516

> E: contact@walkingaccess.gout.nz
W: www.walkingaccess.gout.nz

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 Invercroy 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, 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.

As the Commission was not consulted during the preparation of this preliminary proposal, this submission should be considered as new information provided by the Crown agency with statutory responsibility¹ for leading and supporting the negotiation, establishment, maintenance, and improvement of –

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

B. Submission

General comments

We commend the clear identification of the unformed legal road surrounded by pastoral lease land and the reference to possible future access on an unformed legal road from Gormans Road to the lease (i.e. to point 'g'). However, we note that unformed legal roads bordering the pastoral lease south of Castle Creek, and east of the homestead (Highland Farm Settlement Road) along with appurtenant rights of way, have not been specifically identified. The identification of existing legal access, including rights of way, through or adjoining the lease is a key factor in considering the appropriateness of public access being proposed in the tenure review. This information should be identified on the Preliminary Proposal plan.

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 has 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:

1. *Seeks to have legal roads clearly identified on the plan, where they share a boundary with the pastoral lease.*
2. *Seeks to have appurtenant public access rights of way clearly identified on the plan*
3. *Seeks to have information on which waterways qualify to have marginal strips reserved from sale shown on the plan - or at least be provided with the summary of the preliminary proposal.*

Existing public access

There is a right of way (marked 'S' on SO 15566) which provides legal access from the legal road, adjoining the pastoral lease south of Cattle Creek, to the conservation land at the head of Cattle Creek.

There is no public access through Invercroy, or to any areas of possible interest within Invercroy.

¹ Section 3(b) Walking Access Act 2008

Conservation lands border the lease along most of the lower slopes of the Kirkliston Range to the west. Legal road (Highland Farm Settlement Road) forms the easternmost boundary with the lease, and legal road forms part of the southern boundary south of Castle Creek. Three unformed legal roads provide public access to the boundary of the lease (two off Gormans Road and one off Highland Farm Settlement Road).

Proposed public access

Public non-motorised access is proposed from Highland Farm Settlement Road to the eastern end of the existing Conservation area on the Kirkliston Range. This access marked 'a-b' is in the vicinity of Castle Creek. Non-motorised public access is also proposed through the land identified to become freehold from the north-eastern boundary of the property ('c' & 'g') to the proposed CA1 ('f'). Similar non-motorised public access is proposed through the northern part of the land identified to become freehold, in anticipation of other public access becoming available on adjoining properties.

Route 'a-b' is stated to be *".... access along a 4 wheel drive track from Highland Farm Settlement Road at 'a' up to the existing Kirkliston Range Conservation area at 'b'."* However, it appears that the 4 wheel drive track traverses at least part of the approximately 700m long section of legal road near the western end of the route. In addition, the Invercroy "Qualifying Water Bodies Assessment" report (16 March 2009) states that Cattle Creek will qualify for the creation of marginal strips abutting both banks.

Care and clarity will be required in defining the appropriate route for the proposed access easement in relation to the existing 4 wheel drive track, the legal road and the marginal strips. While the route should link with the existing legal road and the marginal strips to be created, it may need to be specified as the existing 4 wheel drive track with the easement to be created over the track "where the track is not on the line of the legal road, or within the marginal strip". This clarification will need to be included in the cadastral survey prescription for this pastoral lease.

We note that the Qualifying Water Bodies Assessment also identifies that marginal strips will be created on McKays and Poplars Streams on disposition of the land. However, there is no existing public access to the boundary of the lease to link with these marginal strips.

The Commission:

4. *Seeks to ensure that the easement 'a-b' links with public access provided by adjoining legal road and the marginal strips to be created.*

Desirable public access

There is limited practical access to the conservation lands on the Kirkliston Range, and even less vehicle access. It would be highly desirable to have public 4 wheel drive access to the boundary of the conservation lands on the Kirkliston Range. The logical location for such access is largely on the route proposed for non-motorised public access in the vicinity of Castle Creek, i.e. the approximately 3-3.5km of route 'a-b'. While the summary report suggests that the access routes *"...are not of a standard where it would be appropriate to allow public 4 wheel drive access, ..."* there should be no reason why the standard could not be improved as required.

The Commission:

5. *Seeks to have public 4 wheel drive access provided on the general line of the access proposed 'a-b' with provision for vehicle parking at 'b'.*

As noted earlier, there is a right of way (marked 'S' on SO 15566) which provides legal access from the legal road adjoining the pastoral lease south of Cattle Creek to the conservation land at the head of Cattle Creek. The Summary of the Preliminary Proposal (at page 12) indicates that this right of way is proposed to be surrendered from the land proposed for freehold disposal, as the proposed easement 'a-b' *"...will secure more practical access to the conservation land, .."*

Unformed legal roads have the same legal status as a formed legal road, and the legal security of an unformed legal road has been protected by the historic and enduring common law right of citizens to pass and repass on a road. This principle has been strongly upheld by the highest courts. While the creation of practical public access is commended, such access should not ignore existing legal access.

Unless the proposed easement 'a-b' provides an appropriate link between the legal road and the conservation land, the existing right of way should NOT be surrendered.

The Commission:

6. *Seeks to ensure that public access is retained from the western end of the legal road adjoining the lease boundary south of Cattle Creek to the conservation land by retaining the existing right of way (marked 'S' on SO 15566).*

There is no provision for public, motorised vehicle to the ridge of the Kirkliston Range, or public access along the lower eastern slopes of the Kirkliston Range, from the south boundary of the pastoral lease northwards to Cattle Creek.

To enable possible, future use and better public enjoyment of this unique area, particularly along the Kirkliston ridgeline, it is highly desirable to allow some public, motorised vehicle access to the northern boundary of CA1. The Department of Conservation should determine the conditions and approvals for this motorised access. This will help secure future public access to and enjoyment of this desirable area including increased opportunities for less mobile people, for example.

Public access is also desirable along the eastern boundary of the pastoral lease from the most southern point, northwards to link the marginal strips of the Poplar and McKays streams with Cattle Creek. A public access easement over this route will provide practical access and enable connections to the unformed legal road just south of the southern most boundary of the pastoral lease.

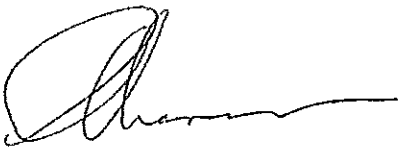
The Commission:

7. *Seeks to have additional public, 4 wheel drive access along routes 'c-d-f', g-d-e" and 'e-h', but with the added provision that this vehicular access be by permit only – issued and managed by the Department of Conservation.*
8. *Seeks to have non-motorised public access provide from the southern most boundary of the pastoral lease northwards, along the existing track, to point 'b'.*

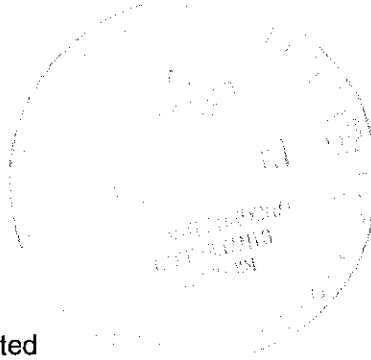
Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Invercroy pastoral lease.

We request advice in due course 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



PP. Mark Neeson
Chief Executive



5



WALKINGACCESS
ARA HĪKOI AOTEAROA

15 November 2011

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

Preliminary Proposal for Tenure Review of the Invercroy Pastoral Lease Pt 133 Submission from the Walking Access Commission

Thank you for providing an opportunity to comment on the Preliminary Proposal for the tenure review of the Invercroy 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 Commission's statutory purpose, objective and functions are discussed in section A below.

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- Generally supports the provision of public access on the identified routes 'a-b', 'c-d-f', 'g-d-e' and 'e-h'.

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Unless the proposed easement 'a-b' provides an appropriate link between the legal road and the conservation land, the existing right of way should NOT be surrendered.

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6. *Seeks to ensure that public access is retained from the western end of the legal road adjoining the lease boundary south of Cattle Creek to the conservation land by retaining the existing right of way (marked 'S' on SO 15566).*

There is no provision for public, motorised vehicle to the ridge of the Kirkliston Range, or public access along the lower eastern slopes of the Kirkliston Range, from the south boundary of the pastoral lease northwards to Cattle Creek.

To enable possible, future use and better public enjoyment of this unique area, particularly along the Kirkliston ridgeline, it is highly desirable to allow some public, motorised vehicle access to the northern boundary of CA1. The Department of Conservation should determine the conditions and approvals for this motorised access. This will help secure future public access to and enjoyment of this desirable area including increased opportunities for less mobile people, for example.

Public access is also desirable along the eastern boundary of the pastoral lease from the most southern point, northwards to link the marginal strips of the Poplar and McKays streams with Cattle Creek. A public access easement over this route will provide practical access and enable connections to the unformed legal road just south of the southern most boundary of the pastoral lease.

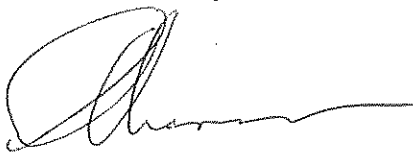
The Commission:

7. *Seeks to have additional public, 4 wheel drive access along routes 'c-d-f', 'g-d-e' and 'e-h', but with the added provision that this vehicular access be by permit only – issued and managed by the Department of Conservation.*
8. *Seeks to have non-motorised public access provide from the southern most boundary of the pastoral lease northwards, along the existing track, to point 'b'.*

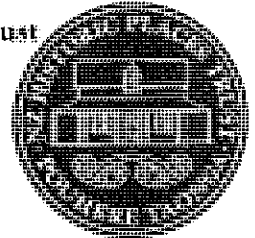
Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Invercroy pastoral lease.

We request advice in due course 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



pp. Mark Neeson
Chief Executive



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Southern Regional Office
PO Box 4403
Christchurch

Our Ref: 22015-001

14 November 2011

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



Kia ora

Invercroy Pastoral Lease – Preliminary Proposal for Tenure Review

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

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

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

The Department of Conservation (DOC) Conservation has provided NZHPT with the Historic Resources Report for Invercroy Pastoral Lease (December 2010). The archaeological survey commissioned by DOC identified three historic features within the proposed freehold area of the lease. These sites have now been recorded in the New Zealand Archaeological Association Site Recording Scheme. These sites are:

- Trig M, 1880s (I39/7)
- South Canterbury rabbit fence, 1888 (I39/5)
- Rabbiters' Hut, 1889 (I39/6)

All three sites predate 1900 and as such are protected as archaeological sites under the Historic Places Act 1993. NZHPT agrees with the archaeologist's significance assessment of these sites. The South Canterbury Rabbit Fence (I39/5) is of highest significance as



the only Government funded rabbit fence in New Zealand. The Rabbiters' Hut (I39/6) is significant for its association with the rabbit fence. NZHPT encourages further survey of the entire length of the rabbit fence from the Waitaki River to Mount Cook Station. NZHPT will also consider the full length of the South Canterbury Rabbit Fence for inclusion in the Register of Historic Places, Historic Areas, Wāhi Tapu or Wāhi Tapu Areas.

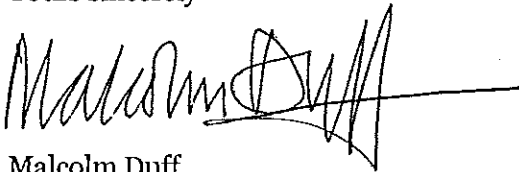
NZHPT support the creation of a covenant (CC1a) over the area encompassing the rabbit fence and rabbiters' hut, although seeks to ensure that the proposed covenant area encompasses the full recorded area of the fence and hut. NZHPT also recommends that the wording of the Covenant Conditions in Schedule 2 is altered as follows:

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

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

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

Yours sincerely

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

Malcolm Duff

General Manager Southern

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Simon de Lautour

From: Garden View Bed & Breakfast, Rolleston [gardenviewbandb@xtra.co.nz]
Sent: Wednesday, 16 November 2011 09:44
To: simon.delautour@opus.co.nz
Subject: Invercroy Pastoral Lease: Tenure Review Preliminary Proposal
Attachments: Invercroy Pastoral Lease.doc

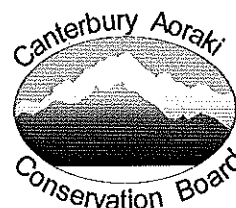
Dear Simon

Please find attached the Canterbury/Aoraki Conservation Board's response to the above Preliminary Proposal. Could you please indicate that you have received it?

Kind regards

John M Keoghan, Acting Chairman
Canterbury/Aoraki Conservation Board

7



14 November 2011

Commissioner of Crown Lands
 C/o Mr Simon de Lautour
Simon.delautour@opus.co.nz
 Tenure Review Consultant
 Opus International Consultants Ltd

Dear Simon

Invercroy Pastoral Lease: Tenure Review Preliminary Proposal

The Canterbury/Aoraki Conservation Board welcomed the opportunity to comment on this preliminary proposal. Thank you.

Proposal Summary

Invercroy Pastoral Lease	2357 ha
Proposed Freehold (several land units)	1824 ha
Proposed Conservation Area (CA1)	633 ha
Proposed Conservation Covenants (CC1a, CC1b, CC2)	757 ha
Total area proposed with full or partial protection	1390 ha

Detailed, selectively applied covenant conditions have been prescribed for the mainly oversown and topdressed lower slopes of the Kirkliston Range below 900 masl and above about 700 masl ie, above the gentle sloping 500 ha or so of downlands with their more intensively developed, subdivided and managed paddocks. The conditions include selectively applied restrictions on stock class (eg, no merinos), fencing, tracks, structures, vegetation clearance and a 20 m-wide marginal strip along waterways with no oversowing and topdressing.

During Lands and Survey days, nearly all land above about 900 masl on the Kirkliston Range was retired from farming to become the Kirkliston Range Conservation Area. The proposed conservation area (CA1) completes the process on Invercroy with the addition of a fence to protect it from stock grazing the oversown and topdressed slopes below.

The Board strongly supports the addition of CA1 to extend the adjacent conservation area; in common with higher slopes and crests on the range, CA1 has many significant inherent values (SIVs) and protection will promote greater ecological sustainability.

CA1 extends from above 900 masl across the north and northeast slopes of the range to a crest at about 1400 masl. It includes unique cushion plant (Oreobolus) bog communities at its upper altitudes and stonefield and rockland communities which are now relatively uncommon in the Kirkliston Ecological District. Several threatened plant species are present including the native brooms, Carmichaelia crassicaule and C. vexillata. The bare ground between snow tussocks (eg Chionochloa rigida) is prone to erosion; protection will reduce this propensity. It certainly is mandatory to protect CA1 with fencing as the oversown and topdressed slopes below will have to remain an important component of the whole-farm-system and, unlike the slopes south of CA1 (mainly south of Cattle Creek), there is little shrubland cover to prevent upslope stock movements.

CA1 is an integral part of the Kirkliston Range landscape with a high degree of naturalness uncompromised by weeds and pasture species part-and-parcel of the wide vistas with high aesthetic values.

The Board applauds the detailed plans for public and management access in this Proposal. For example, there will be ready access for the public to the upper part of CA1 along the crest of the range to enable outdoor activities including tramping, mountain biking, ski-touring, nature study and scenic viewing.

Although the lower slopes of the Kirkliston Range, within the Invercroy lease, are largely modified by oversowing, topdressing and grazing, there are areas with scattered tussock and shrubland patches of some significance. The Board is cautiously optimistic that the prescribed covenant conditions and future controlled grazing regime will ensure significant protection of the remnant kowhai species (Sophora microphylla and S. prostrata), Halls totara (Podocarpus hallii) and the threatened coral broom Carmichaelia crassicaule. It is likely too, that healthy populations of several indigenous lizard species will be maintained.

We approve of a small amount of additional subdivisional fencing within the oversown and topdressed slopes; the value of the additional grazing management control outweighs any impact on landscape values.

The Board strongly supports the proposal to exclude cattle from the prominent gully shrublands of CC1b.

Financial constraints preclude the fencing of the current Kirkliston Range Conservation Area from the lower slopes (ie, mainly south of Cattle Creek). This is not ideal but the Board is cautiously confident that with the exclusion of merinos, the presence of relatively dense shrublands including matagouri (no shrub clearing above 820 masl), and the improved pastures, little upslope movement will occur above the oversown zone.

The total area of proposed freehold and its balance of land units is almost certainly required for the Milne Family as Cattle Creek Farm Ltd to run a financially viable as well as environmentally sound farming operation. It will not be a large farm relative to the land unit capabilities and environmental conditions; a short growing season, 120-day winter period, typical summer droughts and only about 500 ha of gently-sloping downlands for intensive pastoral farming. The long winter places high dependence on forage conservation and winter feed crops (ryecorn and brassicas).

A visit to Invercroy and discussions with David Milne and his son Wallace, gave confidence that the Milne family will manage Cattle Creek Farm Ltd progressively, with careful planning and sound stewardship. How very fortunate to have a high probability of family-farm succession; Wallace, a plant science/agronomy graduate from Lincoln University is already playing a significant partnership role in the planning and implementation of farm

improvement strategies. This will include selectively increasing the area in lucerne on the downlands for greater forage production and quality, management flexibility and resilience and a greater capacity to leniently manage the lower slopes. A significant level of conservation farming is already practised with the use of no-till (overdrilling) pasture establishment technology.

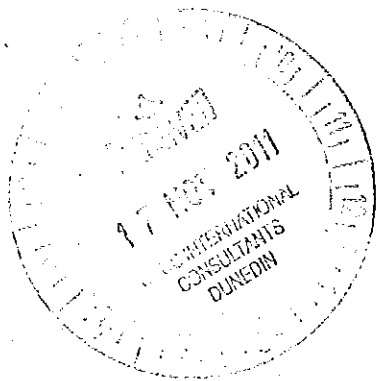
The Board believes that it will be a positive move by the Department of Conservation to immediately seek to form a partnership with the family to share the monitoring of the impact of the farming operation on the conservation values along the lower slopes and within the waterways.

Conclusion

The Canterbury/Aoraki Conservation Board concludes that the proposal describes an acceptable compromise between the protection of the conservation values on significant areas on the one hand and on the other, the freeholding of sufficient area and balance of land units to enable the Milne family as Cattle Creek Farm Ltd to operate a financially viable and environmentally sound pastoral farming operation viable stewardship.

John M Keoghan
Acting Chairman
Canterbury/Aoraki Conservation Board

Contact: Ms Brenda Preston, Board Liaison Officer
bpreston@doc.govt.nz
Private Bag 4715
Christchurch 8011



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Forest & Bird

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

GIVING NATURE
A VOICE

This submission is on behalf of the South Canterbury Branch, Royal Forest and Bird Protection Society of NZ Inc. (the Branch). Invercroy Pastoral Lease falls within the area of interest for the Branch and it contains special features and values which, we feel, need to be maintained for the longer term. The Branch appreciates the opportunity to comment on the Preliminary Proposal for this property. A site visit was made on Saturday 5th Nov 2011 but because of lambing at the time we were limited to the areas we could inspect. However, we appreciate the assistance willingly given to us by members of the Milne family. Thanks to them for allowing us to visit Invercroy property and showing us parts of the Pastoral Lease. The property appeared to be well managed with an almost total absence of woody plant weeds - this was especially pleasing to see.

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

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

and for the South High Country;

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

2. Summary of proposal and description of proposed designations

2.1 Area CA1: The area, CA1, forms an integral part of the Kirkliston Range landscape which has retained a high degree of naturalness, intactness, and legibility to form a landscape with high aesthetic values. Its landscape is a representative of tussock and shrubland high country landscapes, down to reasonably low altitudes.

The proposal to restore to or retain in Crown control approximately 633ha as Conservation Area, **is fully supported by the Branch.** It will protect values including plant communities representative of the original vegetation of the Kirkliston Ecological District. Also, it will protect fauna values, habitats for the eastern falcon and a range of invertebrate species, including several lizard species. The CA1 area abounds the Kirkliston Conservation Area and together these two areas will create a larger more consolidated conservation area with a greater range of ecosystem and habitat due to

altitude and aspect. And at the same time provide for a range of interesting conservation and recreational opportunities for members of the public.

Fencing and grazing: A new boundary fence, proposed along the lower slopes of the CA1 area is generally supported. But further comments on fencing will be discussed later.

Public Access to CA1: the proposed access easements, c-d-e, d-f,, g-e-h, are generally supported. But regarding these proposed easements here we understand that access relies on securing a route along an unformed legal road between Gormans Road and the eastern (lower) property boundary. Whilst the topography and land cover appears to be very suitable for creating such access, we ask that this access be confirmed as feasible and able to be legally achieved prior to finalizing the agreement for Invercroy. Furthermore we note the legal road bisects a paddock. There may be a more practical route around the periphery of the paddock. This aspect should also be investigated prior to finalizing access arrangements on the proposal. We stress that any alternative legal access to the paper road is to be of equivalent practicality and enjoyment or better.

2.1.1 Easement concession - the proposed easement concession through CA1 is generally acceptable provided it only applies to the present existing track..

2.1.2 Continuation of an existing easement - is again generally acceptable provided it only applies to the present existing track(s)..

2.2 Area for freehold disposal - approximately 1824ha proposed to be designated as land to be disposed of by Freehold Disposal to Cattle Creek Farm Ltd, is questioned with respect to complying with the provisions of the Crown Land Pastoral Land Act 1998 (CPLA). The proposal acknowledges there are significant inherent values over much of this land, but proposes their protection through covenant mechanisms. We are doubtful that certain aspects of these values would be protected in perpetuity by these mechanisms. In particular, because of the intention to classify part of this area, at least, with Conservation Covenants. Which are intended to protect the existing natural values now found on those areas for the long term.

Proposed CC1a: Freehold with Covenant;

Discussion: the Branch is of the opinion that a good part of this face on CC1a should be retained by the Crown as Conservation Land. We see the only area suitable for freeholding is the land along the lower slopes as far south as McKays Stream. There is a small area at the south end, on the lower hill and a small fan that could freeholded and swapped, as it would be disconnected from the remainder of the farm.

We are also concerned at the adequacy of the proposed conditions of the covenant to protect the values identified within the covenant area and would like to see these tightened up if freeholded.

Rationale:

South of McKays Stream, on CC1a, the area has a more natural landscape character with larger spurs and steep slopes that come down to below the boundary fence. Modification is less obvious there compared to the areas north of McKays Creek.

Retaining this area as conservation land addresses a recurrent phenomena throughout the high country that is not desirable. That is, the unnatural upper slope-lower slope separation between conservation focused management and production focused management. Causing disruption to natural patterns and ecological processes as well as limiting areas of lower altitude habitat. Lower margins of snow tussock are important areas as they are now only remnants of a much more widespread cover, and these remnants are continuing to recede.

A greater altitudinal range of habitat would be protected enabling more ecological resilience. A more representative ecology and landscape would be protected, with greater integrity. The area we are recommending for protection would add little to the productive capacity of the property as its slopes are mainly very steep. Only a thin sliver of land exists between the 820m contour and the lower boundary fence.

The area north of McKays Creek could be permanently fenced from the conservation land. With much less potential for visually incoherent and disruptive fence lines and changes in land-cover, which are inevitable with on going more intensive pastoral use.

We are most concerned, potentially under the terms of the covenant, that a poorly located fence-line along the boundary at around 900m or even at 820m contours, would result in an abrupt, unnatural and visually incoherent change in the existing vegetation cover and character. This type of change is well illustrated in the photo on P6 of the Tenure Review report where the fence line cuts sharply through the existing vegetation and impacts markedly on the visual integrity of this view. Following a contour as a boundary is not advisable as it is rarely a visually or ecologically coherent line.

Regarding the possible boundary between the proposed CC1A land and the conservation land immediately above, a fence-line here, we stress, would not be visually acceptable..

We also would like to see McKays Stream fenced from stock, especially cattle. Retaining it within the conservation area would achieve this. Most streams north of McKays Stream are smaller with limited catchment on the property. However, we would like to see all significant streams and larger wetter areas excluded from cattle or deer grazing. We note the proposal includes no provision anywhere for this to happen.

Over the area, which could be freeholded, there are still tussock and shrubland values. We do not consider that a blanket approval to burn and spray native shrubland below 820m is acceptable, particularly as it is the lower altitude ecosystems that are most threatened and least common. The only possible exception for this is the stands of pure matagouri under one m tall (as this is likely to have been unnaturally promoted by topdressing). There

should be no burning at all due to the risk of out of control fires burning into conservation land above. Burning, we consider, is an unacceptable practice for ecological and visual reasons.

There should be stocking limits to ensure grazing allows gradual regeneration so that at least the current level of cover and the appearance of naturalness is maintained. Stocking limits would also reduce the need to oversow and topdress. Which, when combined with heavier grazing, would have the effect of converting much of indigenous cover to exotic pasture. And, such a change would also be at the expense of natural landscape values due to the 'greening' effect.

We are aware there is no imperative under the CPLA to consider the resulting feasibility of the farming operation after tenure review in the formulating of the proposal. The proposal admits that the covenanting proposal is not the best for protecting the SIVS and only makes this concession because of the perceived effect of the economics of the future freehold operation. In our view this is not complying with the intent of the CPLA.

Recommendations for CC1a;

- the Branch strongly recommends that part of this area south of and including McKays Creek be retained by the Crown as Conservation Land. Fenced permanently from the freehold area north of that stream. The fence would need to be extended up McKays Stream, true left, to a point where stock will not reach. This would ensure that the naturalness and the visual integrity of the area is maintained for the long term.

- the freehold area north of McKays creek should be permanently fenced from the conservation area along a line that shows a logical transition from lower gentler slopes to the steeper conservation land above. In some places this would be below 820m (refer to the Landscape Report Anne Steven Feb 2005).

- that there be stocking limits within this area of **CC1a**, and that there be no or only *limited* over-sowing and topdressing there as well. While the Branch would not like topdressing and oversowing to be undertaken within **CC1a**, if such activity does take place then it should not be within, say, 50metres of any stream and natural waterway of that area.

- that there be no blanket approval given to erect new fences and to put in tracks below the 820m. contour.

- regarding the *Special Conditions*, P10, in Schedule 2, clause 3, it states for the **CC1a** Covenant, below 820m, *may have vegetation cleared including vegetation removal by burning and spraying*. This overall approval is not acceptable to the Branch and puts into question the purpose of the Covenant to protect such vegetation. We ask that this special condition be reconsidered so that vegetation clearance is much more limited and spraying and burning, especially, is not permitted at all.

-in the *Special Conditions* clause 7, there it states that *the Minister*, for the Dept of Conservation, *may design and undertake a monitoring programme*. Here we ask that the Minister will (not an option) design and undertake such a monitoring programme. And that any monitoring programme will also include assessments of the visual appearance of the area. So to ensure that the existing level of naturalness, which includes tussock and shrub cover, is being retained.

However our these recommendations for CC1a are not adopted then we ask:

-re south of McKays Stream, that this area be retained by the Crown as conservation land. Because it still retains a much more natural look as the large spurs come down to the boundary fence between the two different properties.

-that there be no boundary fence along the upper boundary between the proposed CC1a land and the conservation land above. Because, we feel, a fence-line at or about 914m (or even 820m) would adversely impact on the visual values of that overall landscape view.

-and that there be no fencing or tracks or structures put in at or about 820m contour. Again such un-natural structure would cause visual impacts on the surrounding largely intact landscapes. However, a fence lower down may be acceptable, in a visually acceptable location. South of McKays Creek this may not be possible so we ask that this area be retain by the Crown as conservation land, regardless.

-that there be greater protection for the existing ecological values including shrublands which extend down to the lower fence line and along stream margins. This would help to maintain the visual integrity of the lower slopes of the Kirkliston Range.

-that there be no cattle grazing in the CC1a area near the main streams. The main streams, in particular McKays Stream and Cattle Creek, should be fenced to exclude cattle. However, the area between these two main waterways could be excepted as there are no major streams north of McKays Creek and up to Cattle Creek.

-that overgrazing and pressure on the remaining shrublands and tussock grasslands now present, be avoided.

Proposed CC1b: Freehold with Covenant;

Discussion: here the gully shrublands are particularly noteworthy in this block and the exclusion of cattle will, no doubt, benefit the vegetation found there. However, it is proposed to allow a 20m wide stock access route, to be cleared and maintained with the use of spraying and mechanical clearance. Such clearance could have marked impacts on the naturalness and look of this area. We ask that the provision for track clearance,

especially with regards to the 20m width, be reconsidered. The *no clearance* provision of kowhai trees or kowhai saplings, in that area, is fully supported by the Branch.

We also note that there is no provision for the public to access this area to study and enjoy the shrublands. There is direct and easy access to the bottom of **CC1b** along the proposed public easement a-b and from the surrounding conservation land. There should be no reason why the public could not be allowed to visit the area, **CC1b**, if freeholded.

However, we cannot see that this small hilly area would provide much grazing value for sheep, especially as the purpose of the area is to allow the shrublands to persist and improve which would require a very low level of stocking. Where there are SIVs the preferred outcome under the CPLA is retention as conservation land to best protect the values present. This would also resolve the public access issue as well, if protected.

Recommendations: the Branch makes, most strongly, the following recommendation, for **CC1b**:

- that this area be retained in Crown control as a conservation area to ensure the best protection of the existing inherent values identified there including the waterways.

However, if this is not adopted we ask;

- that there be only sheep grazing within this area, in order to protect the noteworthy shrublands.

- that the provision for clearance of vegetation for a stock access route, be reconsidered. Especially with regards to the width of any proposed clearance to 20m, which could have significant visual impacts on the overall area and reduce its natural character.

- that there be no over-sowing and top dressing within **CC1b**, because this would result in the 'greening' of the landscape and reduces the naturalness of this area. And also markedly change the vegetation composition over time.

- that there be firm limits on stocking, in order to prevent overgrazing and pressure on the shrublands. This would limit sheep going too high and so reduce the need for fences, either at the upper boundary or at about the 820m contour line.

- that there be a monitoring programme by the Minister, as an obligation (not an option) -. to confirm that the natural vegetation values are being maintained or even enhanced. Stock numbers should be adjusted accordingly if it is shown adverse effects to the natural values are indeed occurring. Visual and photographic monitoring would be required to record possible changes to the visual natural character of the area.

-that there be an arrangement for members of the public, especially those with an interest in natural history, to access **CC1b** and to the conservation land above.

Public Access to CC1a and CC1b: regarding the access a-b, above the lower escarpments of Cattle Creek, the car park is proposed to be located beside Highland Farm Settlement Road. From there the access easement for walking, biking and horse riders, crosses farmland for about 3km to reach point 'b' which then provides full public access to the Conservation Land. This is a long walk in and will take up much time, which could be better used for activities on the conservation land itself. So, we ask that a site for parking of vehicles be reconsidered which is closer to the actual conservation land - near point 'b'. This would reduce the time lost while walking across the open farmlands and be closer to the area of interest for conservationists or recreationalists. The proposed walking route would follow a good farm track, on easy terrain, so this should not be an issue.

From the map in the document there appears to be no provision provided for a walking easement through **CC1a**, especially to the southern part below McKays Creek, and to the adjoining conservation land beyond. In the *Kirkliston Crown Land Management Plan* 1984, access was proposed from Milne Road and Farm Road. If these proposed routes would provide access through to the Invercroy Pastoral Lease land, then we ask that consideration be given to providing such public access, to the conservation land beyond. See attached map, which locates the proposed access route 'B' and 'C'.

Recommendation on Access: the Branch would like to make the following recommendation on additional walking access, in particular:

-that there be additional access to the southern area of **CC1a**, as proposed in the *Kirkliston Crown Land Management Plan*;

-that there be an arrangement for interested members of the public to access **CC1b**, if that area is freehold. With permission from the occupier of the land and that be given willingly in normal circumstances. Car parking should be sited at 'b' as on the map.

Proposed Freehold land north of Cattle Creek:

Discussion: this area holds higher values of naturalness, intactness, coherence and legibility with intact tall tussock cover extending to the lower levels. There is snow tussock below the track at the north end and any such snow tussock cover at this level is uncommon and therefore environmentally valuable. There should not be any further loss, in our opinion, of snow tussock and shrublands on this area of land especially the lowest lying tussock. Regarding the proposed lower fence line, this is generally acceptable, except at the northern end where it should be dropped down below the track about 1km before the end. Doing this would include the lower lying tall snow tussock in the conservation area **CA1**.

Recommendations:

- that the snow tussock and shrublands be protected.
- that the proposed fence line, at the northern end, be dropped down below the track about 1km before the upper end in order to include the lower lying tall tussock in the CA1 conservation area.

Proposed CC2 - Freehold with a covenant;

Discussion: with reference to CC2 and adjacent to CA1, we were given permission to walk over this area and have a look at the natural values existing there. Much of the area is covered with shrublands including some special plants such as one mature kowhai tree and at least two sapling trees of that same species. We also observed several specimens of the coral broom, *Corallospartium crassicaule*, a declining plant species.

An attractive small fast flowing stream passes through the northern section of this proposed covenant and appears to contain water of very high quality. The Branch maintains protection of both the visual appeal of this small stream and its water quality is warranted. There is another small stream, further south, which also has extensive shrublands abounding it. Again it is felt this area is significant and needs to be protected as well. So, we ask that both these areas be retained in Crown control as a conservation area and fenced to exclude cattle, at least. Also, we feel, there should be no over-sowing and top dressing within this area but especially near the two streams.

CC2, we ask, be all fenced off as an extension of the CA1 conservation area. Which, would then go down to the basin floor and allow for a fuller range of altitudinal sequences to be protected and enhanced as conservation land.

Recommendations: the Branch recommends that:

- CC2 be retained by the Crown as conservation land. And that the area be extended to include part of the next valley, just further south of CC2, as well. With the lower boundary being along the existing eastern track that passes through this area.
- and this extended area be fenced and included in the conservation land CA1.
- grazing by sheep may continue for a limited period of time, no longer than 10 years. And the Dept of Conservation design an appropriate grazing regime for this area, if retained as conservation land and such grazing is permitted in the short term.

However, if our recommendations are not adopted then we ask for the following.

- that there be no cattle grazing in this CC2 area. In order to protect the shrublands and

the water quality in the natural streams, which flow through this area.

-that there be limitations on sheep numbers.

-that this area be fenced so that stricter grazing management can occur or grazing excluded altogether, when necessary.

-that there be no vegetation clearance.

-that there be no new tracks including the proposed 20m wide access track.

-that there be no topdressing and over-sowing on this area in order to discourage sheep from entering the shrublands and to prevent 'greening' of the open areas..

-that the Minister undertake monitoring to ensure the values present are being maintained or even enhanced, as an obligation and not as an option.

In Conclusion:

Invercroy Pastoral Lease contains significant features and natural values of shrublands, kowhai trees and other special plants as well as significant habitats for some bird species, lizards and invertebrates. The lower slopes of the Kirkliston Range itself includes much of the pastoral lease land and are part of the landscape sequence from the skyline to the toe of the mountains. All these features and values, we maintain, are significant and worthy of protection for the long term. While we understand the need for the Lessee to make economic use of the land, the values existing within the Pastoral Lease, we consider, are indeed significant and worthy of a higher level of protection than as conservation covenants. The Branch is recommending that much of the Pastoral Lease land, along the base of the Kirkliston Range, be retained by the Crown as conservation land. Only the remaining lower and much more modified areas should be considered for freeholding.

Yours

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