

## **Crown Pastoral Land Tenure Review**

**Lease name : KELVIN GROVE**

**Lease number : PO 280**

### **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.

**April**

**15**

# Submission 1

**From:** Jeremy Severinsen [JSeverinsen@linz.govt.nz]  
**Sent:** Thursday, 23 May 2013 12:30 p.m.  
**To:** David Paterson  
**Subject:** FW: Kelvin Grove Tenure Review

as discussed.

**Jeremy Severinsen**  
**Portfolio Manager - Pastoral**  
**Crown Property and Investments**  
E [jseverinsen@linz.govt.nz](mailto:jseverinsen@linz.govt.nz) | DDI 03 374 3856 | M 027 704 5711  
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**From:** pastoral & tenure review  
**Sent:** Thursday, 23 May 2013 12:01 p.m.  
**To:** 'Geoff-Jillian'  
**Cc:** Jeremy Severinsen  
**Subject:** RE: Kelvin Grove Tenure Review

Hi Geoff

Thank you for your email.

I have sent it to Jeremy Severinsen who is the Portfolio Manager looking after this property.

Kind regards  
Charmaine

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**From:** Geoff-Jillian [<mailto:j.gclark@xtra.co.nz>]  
**Sent:** Thursday, 23 May 2013 12:46 p.m.  
**To:** pastoral & tenure review  
**Subject:** Re: Kelvin Grove Tenure Review

10 Smacks Close  
Papanui  
Christchurch 8051

Re: Kelvin Grove Tenure Review

Dear Sir,  
I fail to understand anyone's logic in having a CCLandscape and then creating a firebreak!  
Further, the firebreak will only encourage someone to test it out, giving them a false sense of security. A practice that should have been stopped fifty years ago!

Regards  
Geoff Clark

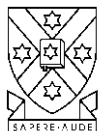
27-Jan-14

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## **Submission 2**



Department of Botany

Division of Sciences  
PO Box 56, Dunedin  
NEW ZEALAND

University of Otago  
Te Whare Wananga o Otago

Tel: National 03 479 7573 International 64 3 479 7573  
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April 23, 2015.

LINZ,  
Private Bag 4721,  
CHRISTCHURCH.

**SUBMISSION ON THE PRELIMINARY PROPOSAL FOR TENURE REVIEW:  
KELVIN GROVE PASTORAL LEASE**

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it based on my detailed knowledge of the general plant ecology of the Rock and Pillar Range, based on more than 40 years of various ecological studies there. I have not visited the Kelvin Grove property recently but have discussed the Preliminary Proposal with the lessee, Mr Lindsay Geddes, which was most constructive and helpful.

This proposal is relatively generous in the proportion of the whole property (2441.5 ha) to be restored to full Crown ownership (1726 ha or 70.7%) and control, with the balance of 715 ha to be disposed of by freehold to the company of the present owner. This latter area has a proposed Conservation Covenant: Landscape of 144 ha as a belt of tall snow tussock grassland 500-700 m wide on the upper front (easterly aspect) face across the property, immediately below the proposed conservation area and a second Conservation Covenant of some 27 ha to protect an area of mixed shrubland in two adjoining gully systems at lower elevation, also on the front face.

The **proposed Conservation Area (CA1)** comprises part of the upper elevation plateau which characterises the eastern aspect slopes of the Rock and Pillar Range and supports a representative range of outstanding tor-studded landscape and indigenous ecosystems, notably narrow-leaved snow tussock (*Chionochloa rigida* ssp. *rigida*) grassland and scattered native shrubs as well as seepages and a mix of permanent and ephemeral wetlands in depressions, all in relatively good condition. As noted in the Report, good condition snow tussock grassland on these upper slopes of the Rock and Pillar and nearby ranges are known to be extremely valuable for the ecosystem service of water yield (see Mark & Dickinson 2008). Several threatened plant species are present in this area, including *Crassula peduncularis*, *Lobelia ionantha*, *Ranunculus maculatus* and *Isolepis basilaris* in the wetlands and *Anemone tenuicaulis*, *Acaena tesca*, *Myosotis* cf. *australis* and the grass *Deyeuxia youngii* in the grassland. The area is also noted for its diversity of invertebrates and the Flathead galaxiid (*Galaxias depressiceps*) is also present. This area also contains some notable authentic cultural relics of the early days of pastoral farming in the form of an original fenceline built from the local schist rock slabs. The proposed Conservation Area also presents a most impressive upland natural landscape, continuous with the rest of the Range (it would complete the sequence of such a landscape to create a continuous belt of protected conservation land along the length of the Range, northwards, almost as far as Hyde). Further, it would also extend west to bound with the Heritage Old Dunstan Trail, thus providing important public access along the full length of its western boundary of ~4 km.

**Recommendation:** This proposed Conservation Area (CA1) is endorsed as outlined in the report, as is the 2000 m of new fencing across its lower boundary, needed to provide adequate protection and definition of this area.

The proposed **Landscape Protection Covenant** (CC (Landscape)) of ~144 ha also comprises a most valuable recognition of and addition to the heritage values (tussockland-tor and localised indigenous shrubland landscape) of the property, spanning its full breadth from the 800 m elevation to the lower boundary of the Conservation Area, and highly visible from the populated Strath Taieri plain below. The periodic burning to be permitted as a condition of this covenant, causes me considerable concern, both as to the ability to contain a fire in the tall snow tussockland at this elevation. The earlier serious fire on The Wandle property to the north, despite a snow cap (which the fire under-ran to a considerable height and proved most difficult to contain) illustrates the serious risk, as well as the difficulty of controlling post-burn grazing over such a large area (both of which I have discussed with the lessee). The new fence proposed (to be built by the owner as a condition of this tenure review agreement) from the lower edge of the Conservation Area down the central ridge through this Landscape Covenant and on down through the Conservation Covenant below, should be used to confine any fire on the Landscape Covenant to either side of the fence so as to restrict any post-burn grazing during the first year and preferably the first two years following a fire. This should ensure adequate recovery of the snow tussock cover (which is relatively palatable and also highly vulnerable during this post-burn period, as our research on the nearby Old Man Range has demonstrated: see Payton et al., 1986). Also, any grazing on the Landscape Covenant should be **restricted to sheep** since cattle, unlike sheep or deer, are known to seriously damage snow tussock plants by pulling them out from the base. I note that “regular monitoring” is to be undertaken on this covenant but no details are given: Schedule 2 (4) merely states that “The Minister may at any time monitor native vegetation on the land to determine what trends are occurring .....”. This is unacceptable. **Permanent photo-point monitoring** should be established by the Minister’s agent at representative sites once the covenant is enacted and repeated as and when required.

**Recommendation:** That the proposed Landscape Covenant be endorsed but with additional conditions attached as outlined above.

The proposed **Conservation Covenant** (CC1) of 27 ha, occupies two adjoining gully systems at lower elevations on the front (eastern) face and is designed to protect areas of mixed ‘gray’ shrubland/broadleaved forest with considerable biodiversity of native trees, shrubs and ferns, as noted in the report on the preliminary proposal. Several shrub species, notably *Melicope simplex* (Poataniwha) is most uncommon in the Rock and Pillar Ecological District as are the trees *Carpodetus serratus* (Putaputaweta), and also *Sophora microphylla* (Kowhai), more so than *Griselinia littoralis* (Broadleaf: relatively common in the Lug Creek catchment to the north). The fence proposed to be built by the owner (see above) would split this Conservation Covenant subequally and provide better control of stock. It would also allow for future additional fencing around the Covenant should the proposed new fence not adequately protect the heritage values of this proposed covenant, as the report states. Again, sheep grazing rather than cattle would be much preferable for retaining and enhancing over time, the ecological values of this proposed Conservation Covenant: this could be achieved for this upper block (that includes the Landscape Covenant) with the existing fence which the map in the report shows crossing the property just below this Conservation Covenant. An important condition of this covenant is that the Minister’s consent would be required for any “buildings, earthworks, exotic tree planting and burning or spraying of the shrublands.” **Monitoring** is not mentioned as a condition of this covenant but, nevertheless should be added as a condition of the covenant, similar to what has been recommended above for the Landscape Covenant.

**Public access** seems well provided for in this proposal with the Old Dunstan Trail adjoining the upper (western) boundary and also available on the upper slopes of the properties to the south (ex

Stonehurst PL) and north (ex Brookvale PL), now also public conservation land. It seems that there has been no provision made for public access to the Conservation Covenant, which is of concern given the important conservation values it contains. I **strongly recommend** that a public walking access easement be provided to this covenant area either as a short detour off the access easement to be provided for conservation management purposes to the Minister (shown as “a-b” on the map): this should also be available for public access for this purpose; or as an extension of the track which comes to the boundary of the Brookdale property to the north, or preferably both of these.

As stated in the report, this preliminary proposal adequately fulfills the Objects of Part 2 of the Crown Pastoral Land Act 1998, S 24, as stated on page 7 of the report. However, the recommendations outlined in this submission, are based on a long period of detailed research into the basic and applied ecology and the sustainable management of the upland snow tussock grasslands of the South Island high country. I trust they will be seriously considered.

I thank you for the opportunity to comment on this important proposal.

Yours sincerely,

Alan F. Mark. FRSNZ Professor Emeritus.

**References:**

Mark, AF, Dickinson, KJM. 2008. Maximising water yield with indigenous non-forest vegetation: a New Zealand perspective. *Frontiers in Ecology and the Environment* 6: 25-34.

Payton, IJ, Lee, WG, Dolby, R, Mark, AF. 1986. Nutrient concentrations in narrow-leaved snow tussock (*Chionochloa rigida*) after spring burning. *N. Z. J. Botany* 24: 529-537.



## **Submission 3**



**OTAGO  
BOARD**

**CONSERVATION**

Box 5244, Dunedin 9058 Tel: (03) 474 6944 Email: [ahooper@doc.govt.nz](mailto:ahooper@doc.govt.nz)

Our ref: SBC-08-34

9 July 2013

LINZ – Crown Property and Investment  
Private Bag 4721  
CHRISTCHURCH 8140  
(via email to: [pastoral&tenurereview@linz.govt.nz](mailto:pastoral&tenurereview@linz.govt.nz) )

Dear Sirs

**Review under Part 2 Crown Pastoral Land Act: Kelvin Grove**

The Otago Conservation Board appreciates this opportunity to comment on the Preliminary Proposal for the review of Kelvin Grove Pastoral Lease.

The Otago Conservation Board (OCB) is appointed by the Minister of Conservation to represent the wider Otago community in advocating for the protection of biodiversity, recreational opportunities and the conservation of natural and historic resources throughout Otago. The Board takes a strong interest in tenure review and makes submissions on all proposals in the Otago area.

Tenure review of Kelvin Grove will enable the protection of significant inherent values pertaining to botany, birdlife, landscape, ecosystem services and recreation. The proposal to allocate 1726ha to full Crown ownership and control, along with creation of conservation covenants for protection of landscape values and gully shrub habitats, appropriately provides for the protection of those values. We support adoption of the draft preliminary proposal, almost in its entirety.

The Board also recognises that tenure review of this property, with its higher altitude component reverting to full Crown ownership and control, will fill a key gap between two existing parcels of conservation land on the summit plateau and provide another step on the road to the long-foreshadowed proposal for a Rock and Pillar Conservation Park.

The above notwithstanding, the Board also sees two areas where there is room for improvement in the draft preliminary proposal.

- 1 There should be formal provision for public foot access to the gullies protected by covenant CC1, to enable people interested in the botanical values of the area to visit it. This could be done by a short easement from the existing Brookdale access track.
- 2 The landscape protection covenant is appropriate, given the well-recognised landscape values of the range as a whole, particularly when viewed from the Strath Taieri. However, we have concerns that the covenant provides for burning (albeit with strict conditions) and for buildings, earthworks, exotic tree planting and spraying of shrub lands with the consent of the Minister. We believe that any of these activities will almost certainly compromise the values that are sought to be protected. Therefore, we **recommend** that **provision for those activities be deleted.**

In conclusion, the Otago Conservation Board generally supports the adoption of the Draft Preliminary Proposal for the tenure review of the Kelvin Grove Pastoral Lease, but recommends the two amendments outlined above.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G Bailey', with a large, stylized flourish at the end.

Gordon Bailey  
**Acting Chairperson**

## **Submission 4**



**NZ Horse**

Submission to:

Crown Pastoral Land Tenure Review

**Lease name : Kelvin Grove Lease number : Po 280 File Ref: 12548**

Date: 10/7/2013

From: NZ Horse Recreation Inc.

Contact: Vivien Dostine (President)

55 Gallony Ave, Massey Auckland 0614

Phone (09) 833 6743

Email: [viv@nzhorseriders.info](mailto:viv@nzhorseriders.info)

Kelvin Grove is located in a region historically important as both traditional large run farming, and also as part of the wider goldfields heritage.

Neither the landscape nor recreation values sections of the report mention horses, although the Historic section recognises a hut and stables located 2km east of the Old Dunstan Rd. We support retaining these historic structures, and also the mentioned example of early run fencing (page 5 2.2) to showcase the early pastoral history of the area.

We support allowing horse riders continued access to traditional routes and along historic trails as this brings history alive and provides a living link to our colonial and agricultural past. It provides insight into the experiences and hardship of past eras, and brings people closer to the natural elements of weather, ground conditions and terrain.

There is increasing interest from people wishing to challenge themselves with long distance horse rides, especially in areas of traditional horse routes.

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**NZ Horse**

It should also be noted that sites in this area were used as part of the Lord of the Rings films, and therefore may include increased interest in people wishing to ride across the landscape or at the very least view others doing so.

The Old Dunstan Rd, was originally know as the Mountain Track and On 6 November 186260 the first coach travelled the "Mountain Track" as a trial, and on 25 November 186261 the first scheduled coach run was made. Although the decision was made to use the alternative Pigroot (now State Highway 85) for winter coaching after just two years the Old Dunstan Road" was still used for coaches in the summer months, as well as by those on foot, horseback and by drays, servicing the travelling needs of both the gold-diggers and the pastoral communities well into the 1800s The use of the Old Dunstan Road continued into the 20th century at sufficient volumes that an hotel was still operating in the early part of the century.

Horse trekking and riding across the proposed area, and via the Old Dunstan Rd should be actively encouraged and managed as an important recreational (and potentially commercial/ concession) user group. We agree that provided that access via the Old Dunstan Rd is retained, no additional public access is required to the proposed conservation area.

Horse riding (and carriage driving) allow for quiet enjoyment of the natural environment by others, including those with disabilities. The aging population of New Zealand means that there will be more people with disabilities. Not all people can (or want to) walk for long distances, or over rough terrain; yet often our most precious natural settings are remote. International disability tourism is increasing enormously, and is a great opportunity for New Zealand as a disability tourism destination.

Many horse riders have disabilities; although few would describe themselves as disabled. A horse gives the rider strong legs, endurance and sharp senses to enable them to participate in independent, active, outdoor recreation across many types of terrain and in remote natural areas.

**Appendix 3** Makes no mention of cattle grids but does mention "Best Practice" for swung gates.

This "Best Practice" does not appear to make any consideration for public access and should be updated to include international best practice from organisations such as Natural England or one of the many agencies that specialise in providing public access in the UK or US. There are many specifications for gaps, gates and stiles that should be included in Tenure Review proposals to ensure public access is considered as well as stock control.

The current best practice of hanging a gate so that it must close against a post, means that it is only able to be opened in one direction. If this is a gate used by the public, this means that the gate chain is located on one side only and therefore can be rather hard to open.

Where boundary fences or other fencing updates or replacements are performed cattle grids (stops) should not be accepted access ways, as these create barriers for horse access. Where cattle grids are deployed across roads, a side gate should be provided for walkers\cyclists and horse riders.

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**NZ Horse**

Ideally any gates on public access routes should be able to be opened from horseback. Lift-latch gates designed and manufactured in New Zealand have been trialled in Auckland Regional Parks. These enable opening\closing of gates from ATV (for farm management) or horseback, and therefore encourage good gate management for public access.

NZ Horse Recreation supports codes of conduct for horse riders to share recreation areas and use trails and resources in an environmentally responsible way.

**Background:**

The recreational and sport horse sector is twice as large as the racing sector domestically; the sport horse sector brings in export earnings, and has much potential for growth. Like the marine industry the equine sector has components in recreation, sport, and industry that have complex and closely linked relationships and dependencies.

Equine social, disabilities and tourism programmes provide substantial benefits to the community, and economic well being of the region. New opportunities lie in high-tech, performance, and veterinary technologies as well as substantially increased tourism.

**About NZ Horse Recreation**

NZ Horse Recreation Inc is a national network of recreational horse riders, and carriage drivers. Formed in 2007, the group now represents some 500 members (individuals and families), plus 20 affiliated clubs or organisations. In addition NZ Horse Recreation is a trustee of the Northern Regional Equestrian Trust.



## **Submission 5**



Sunday, July 14, 2013  
Commissioner of Crown Lands  
Crown Property & Investment  
CBRE House, 112 Tuam Street  
Private Bag 4721  
CHRISTCHURCH 8140  
To Whom it may concern

Chris Pearson  
18 Rewa St  
Dunedin

I would like to make the following submission for Preliminary Proposal for the Tenure review of the Kelvin Grove Station which is undergoing tenure review under the Crown Pastoral Land Act 1998. I think that this has a lot of commendable features and I feel that I can support however I have one significant reservation.

I feel that the area CA1 certainly represents a valuable addition to the conservation estate because it connects two separate areas on the summit of the Rock and Pillar range into a single block, which dramatically increases the scope for public recreation and when combined with adjacent conservation land will significantly increase the public's opportunities for recreation. Currently the public use of the Rock and Pillars is centered on the two huts (Big Hut and Leaning Lodge) located in the northern block of the DOC reserve. Because and the southern block of DOC land is separated by about 3 km by Kelvin Grove Station, so the public has no legal way to traverse from the huts to the southern block. The proposed addition will connect these blocks and bring in 1726 ha of land with very high recreation potential especially for Cross Country Skiing.

My only reservation is that the proposal does not (as far as I can tell) permit public walking access along the access easement a-b. This is a concern because the access ways from Gladbrook and Brookdale Stations (marked as access route #7 and #6 in <http://www.doc.govt.nz/documents/parks-and-recreation/tracks-and-walks/otago/rambling-in-the-rock-and-pillar-range.pdf>) are quite steep. Indeed I doubt that anyone could follow the alignment of access route #7 without trespassing on the surrounding freehold land. The proposed access easement a-b if it could be made into a public walking access route could provide much easier access to the southern end of the R&P range because it follows a formed track.

Sincerely yours,

Christopher Pearson

## **Submission 6**

Central Otago-Lakes Branch  
Royal Forest and Bird Protection Society  
c/o D Bruns  
4 Stonebrook Drive  
WANAKA 9305

15<sup>th</sup> July 2013

The Commissioner of Crown Lands,  
Land Information New Zealand,  
Crown Property and Investment,  
CBRE House, 112 Tuam Street,  
Private Bag 4721,  
CHRISTCHURCH 8140

Dear Sir,

I enclose this submission on the preliminary proposal for Kelvin Grove Pastoral Lease on behalf of the Central Otago-Lakes Branch of Forest and Bird.

We appreciate the opportunity to make submissions on this proposal

Yours sincerely

Denise Bruns  
Secretary  
Central Otago-Lakes Branch

**Submission on the Preliminary Proposal  
for the Tenure Review of Kelvin Grove Pastoral Lease  
East Rock and Pillar Range, OTAGO**

**1 Introduction**

- 1.1 This submission is made on behalf of the members of the Central Otago-Lakes Branch of Forest and Bird. Our branch membership stands at xx but in total the Otago membership is around xx (Dunedin has 1500 or so).
- 1.2 The purpose of the RFBPS, a non-government organisation established in 1923 with a national membership of xx, is to protect and conserve New Zealand's native species, habitats, ecosystems and natural landscapes and, overall, to restore the indigenous biodiversity of New Zealand. This work is carried out actively through conservation projects and through advocacy, such as through the tenure review process.
- Many of our members actively tramp, ski, bike and visit the natural areas of Otago and place high value on the native species, habitats and high country landscapes for their inherent values and as a setting for recreation and general scenic enjoyment. Special value is placed on those aspects that are special to or distinctive of the different areas of Otago.
- 1.3 The tenure review process is an important mechanism which enables recognition, protection and enhancement of the natural values on pastoral lease land, which are usually considerable.
- 1.4 This submission is made with reference to the objects of tenure review as set out in the Part II of the Crown Pastoral Land Act (CPLA) 1998 (appended).
- 1.5 A representative from our branch, John Turnbull, made a site visit in January 2010 having earlier attended the preliminary stakeholder consultation meeting in September 2009. A preliminary report was submitted to the Department of Conservation (DOC) in May 2010 by John on behalf of our branch. This report outlined the main values present and made some general recommendations to achieve the protection of the values.
- We did not attend the site visit made this year by members of the Dunedin branch of F&B and in our submission we rely on the information contained in the Conservation Resources Report, the Preliminary Proposal and provided by Dunedin branch members.

**2 Points of Submission**

- 2.1 Our submission relates to the following matters:
- a) Proposed Conservation Area CA1
  - b) Proposed Landscape Covenant
  - c) Proposed conservation covenant CC1
  - d) Public access
- 2.2 We are pleased that the recommendations we made in 2010 are reflected in the proposal in general, being broadly the retention of the high altitude tall tussock and wetland plateau area as conservation land; and provision for protection of the shrublands and relict

broadleaf forest in the gullies on the front face; along with general recognition of the broader landscape/visual values associated with a more natural tussock grassland and tor landscape, highly characteristic of Otago.

### **3 Proposed Conservation Area CA1**

#### **3.1 Our submission is:**

***We support the retention of the entire high altitude plateau area as conservation land, as a valuable part of the Rock and Pillar conservation area. The new boundary fence and fire break needs to be positioned such that its line is in visual harmony with local landforms (following edges) and it will not promote stock camp effects (locate on slopes, not across knolls). Weed control needs to be carried out on the firebreak until a vegetation cover is established.***

- 3.2 This entire area has highly significant inherent values (SIVs) with respect to landscape, ecology and cultural heritage. Particular values that will be protected include the expansive, highly natural tussock-tor landscape so distinctive of the high range tops of Otago; the extensive systems of wetlands (including nationally significant ephemeral wetlands) and riparian areas as part of the Great Moss Swamp complex; distinctive shade-dependant rock tor plant communities; the tors themselves (including The Castle and Window tors); several species of threatened and at risk plant species; and the ecosystem services of water capture, storage and flow regulation provided by the wetland-tall tussock ecosystem. It is proposed to leave the historic local schist and totara/cedar post and standard fences intact, an important cultural element related to the early pastoral history (pre-1900 and early 1900's period of subdivision of large runs into smaller runs, and use of available natural elements for fencing).
- 3.3 This area fills a gap in the Rock and Pillar Conservation Area. A continuous area of protected plateau lands will now extend from Logan Reservoir to almost as far north as a point above Hyde, about 30km to the north.
- 3.4 Cumulatively, this is a very positive gain for conservation and recreation, with improved access and opportunities for walking, tramping and skiing.
- 3.5 Being at altitude of over 1000m, and subject to harsh winters, the area is not economic to farm in an ecologically sustainable way as the returns are too low due to very low stocking rates to support fertiliser application to replace lost nutrients. Although high values remain despite a history of burning and grazing, continued grazing would have a long term degrading effect on the tall tussock ecosystems and particularly on wetland systems. Sustainable management is much better achieved under conservation land status, as concluded in the proposal.
- 3.6 It is noted that the DOC is of the view that minimal management would be required to protect the SIVs, with grazing and weed invasion being the greatest threats. Weeds are currently virtually absent although there is gorse present nearby. Removal of grazing assists in removing these threats, as it is likely that weeds come into the area partly through stock movement.
- 3.7 This outcome is consistent with the Otago Conservation Management Strategy for the Rock and Pillar Special Place:

*To nurture and encourage study of the natural processes to allow healing of the vegetation after grazing and fire and to improve landscape values. To continue to document the values and permit research where it will lead to conservation benefits. In the case of the Rock and*

*Pillar Range, to extend the protected area along the summit and to take in altitudinal sequences and secure access where opportunities arise.*

- 3.8 The lower boundary of this area is a new fence line at about the 1000m contour, which is slightly set back from the east edge of the plateau. This fence line is also to have a 3m firebreak constructed along it. This is not to be over-sown.
- 3.9 This is broadly consistent with the position of the boundary on Brookdale to the north (set lower down, on the front face); and Stonehurst to the south (set further back, using an existing fence). This is in broad principle, an appropriate location being at the boundary of landform types and separating land that is generally considered more viable for sustainable pastoral use (below 900-1000m) from vulnerable high altitude land. It is noted that presently there are no sharp changes from more intensively grazed land dominated by exotic pasture to more natural tussocklands (p8 Conservation Resources Report). Depending on the level of and type of stock, camping effects could occur along the fence line where it is proposed, resulting in an undesirable unnatural sharp transition and the presence of green patches due to nutrient transfer on high points where sheep tend to camp. Positioning of the boundary fence along steeper slopes rather than across knolls would help limit this effect; as well as limits on stocking of the land below. Limiting fertiliser application to land below 900m altitude (as proposed) will also assist in reducing the potential for this effect.
- 3.10 The proposed firebreak could also have undesirable adverse visual impact if poorly positioned in this highly natural landscape. A visually coherent line needs to be determined to avoid this. This should follow land form edges. As the break is proposed to be left unsown, control of weeds needs to be carried out until a new groundcover is present (likely to be locally present native species and exotic herbs and grasses).

#### **4 Proposed Conservation Covenant (Landscape)**

##### **4.1 Our submission is:**

***We support the placing of a conservation covenant with the purpose of protecting the natural tussockland landscape character over the upper slope. The covenant area needs to extend down to the proposed CC1 area to recognise the landscape/visual SIVS and enable the protection of the SIVs (landscape/visual, ecological) identified over this area, and to simplify management. This will result in a better cumulative outcome taking into account the Brookdale covenant adjoining to the north; and allow for adaptation to climate change. This better promotes ecologically sustainable management.***

***The stated values need to include the landscape/visual values.***

***There need to be more specific and comprehensive conditions providing for informative and effective on-going monitoring of grazing effects,***

***Proposed burning of the tall tussock is not supported. In the event it remains a condition, there need to be more comprehensive conditions around inspection of cover condition prior to burning and post-burn return of grazing, with thresholds to be met as recommended in this submission.***

***It needs to be made clear in the conditions that oversowing is not part of aerial topdressing between 800-900m altitude.***

- 4.2 A band of land between the lower edge of the conservation area and the 800m contour is to be freehold with a conservation covenant over it to primarily protect landscape values

associated with the tall tussock-tor landscape. Only sheep grazing is permitted within this area (at unspecified rates), which is not going to be fenced off from land below. Aerial topdressing is permitted below 900m altitude.

- 4.3 This area is recognised as having SIVs associated with its tussock landscape, high level of naturalness and rock tors. It is part of the dramatic range face highly visible from the Strath Taieri area including Middlemarch, SH87 and the Otago Central Rail Trail. The protection and enhancement of the natural tussock grassland character over the mid to upper slopes over the range face is critical to maintaining its regional landscape value and status as outstanding natural landscape at a district level.
- 4.4 This area was originally recommended to be part of the conservation area (CRR p4), as was the now-covenanted front face area of Stonehurst. The proposal to freehold it however under covenant is consistent with outcomes on Stonehurst and Brookdale. This proposal is considered to be in keeping with the objects of Part II of the CPLA, providing conditions are imposed and adhered to.

- 4.5 The statement of values needs augmenting as follows:

#### Landscape Values

It is characterised by a strongly defined landform, and highly natural tor-studded tussock grassland with minimal influence of human elements.

The landscape has high visual values, associated with the naturalness and intactness and the visual qualities of expansive tussock cover.

#### Natural Environmental Values

The land contains a uniform mix of short/tall tussock grassland and rock tors.

- 4.6 The proposed lower boundary of this area is arbitrarily set at the 800m contour, from an ecological/landscape perspective (illustrated by the photo on p6 of the proposal). We submit that the CC landscape covenant area extends downslope to meet the proposed CC1 area. This area is coincident with the extent of the LENZ unit Q1.1c; includes most of the area identified for ecological SIVs (extent of short and tall tussock grassland); and embraces the area important for its visual and landscape values, including an uninterrupted visual linkage to the shrublands. This would be consistent with the Brookdale covenant. The Stonehurst covenant area only stops at about the 750m contour, because there was an existing fence there. The shrubland covenant on Stonehurst is also considerably smaller.
- 4.7 It is noted that the transition to the tussock dominated landscape on Kelvin Grove occurs at about the 600-700m contour (CRR p9) which is broadly the level of the top of CC1. The lowest altitude tussocklands are the least common and the most vulnerable due to more intensive pastoral practices. Loss of these lower tussocklands reduces the value of altitudinal sequences and overall ecosystem and landscape integrity. In this case, the proposal promotes an ecological gap between protected shrublands and upper level tussocklands. This is inconsistent with the purpose of the covenanted area to the north on Brookdale. As these two catchments adjoin each other, protection of the whole of the two catchments as one larger compact area would provide significantly greater value, allowing for ecological transitions and gradients where species are better able to adapt to climate change and any other habitat disturbance.
- 4.8 There is no discussion of the landscape assessment in the 2010 Addendum to the CRR and it appears there was no landscape assessment review carried out in 2009 using the DOC guidelines for landscape SIV assessment. As these guidelines did not exist at the time of the 1996 survey, it is possible the full extent of landscape values has not been identified and their protection has not been adequately considered.

- 4.9 If the boundary is left at 800m there is significant potential for fragmentation and isolation of habitats and loss of visual integrity as the land below 800m would most likely be developed and grazed more intensively with consequent gradual replacement of remaining tussock cover with green exotic pasture. An unnatural line at the 800m contour would develop.
- 4.10 This would not achieve Object 24 (b) (i) or (ii), with the likely loss of existing SIVs; and would not promote Object (a) (i).
- 4.11 From a management perspective, as the landscape covenant area and the proposed CC1 area are all part of one large grazing block, notwithstanding the proposed vertical subdivision fence, the conditions for stocking and other land management activities for the covenant areas must apply across the whole block (ie, only sheep at low rates; no cattle, deer or goats).
- Conditions can still provide for maintenance fertiliser and oversowing below 800m and for fertiliser only between 800-900m.
- 4.12 It needs to be made clear that oversowing is not permitted above 800m, as part of “aerial topdressing”.
- 4.13 The proposal allows for patch burning. We submit that there is no further burning of the tall tussock as this is not promoting ecologically sustainable management and is contrary to the purpose of the proposed covenant. There is potential for degradation and loss of the landscape and ecosystem function values, as well as the risk of escaped fire into the conservation area above (despite the fire break, due to wind-borne embers). However we accept that under tight management it may be possible to use burning as a tool to maintain the pastoral value as well as the SIVs. Notwithstanding this the purpose of the covenant must be to maintain and enhance a healthy dense tussock cover with expansion of tall tussock.
- 4.14 There is a methodology proposed to determine whether the tussock is sufficiently recovered from previous disturbance (including grazing) to withstand another burn. This is the same methodology applying to the Brookdale covenant area. It is not clear who undertakes this measurement. After a burn the proposed condition is to rest the area from grazing for just one growing season. It is our view that there should be no grazing until the tussock has demonstrated sufficient recovery to withstand grazing ( no less than 2 years). Measurements must be undertaken by an independent expert experienced in tall tussock grassland ecology. We also consider a visual overview (walkover) by the DOC is required to determine quality of cover prior to any burn or to prior to returning grazing post-burn.
- 4.15 Condition 4 does not provide for an agreed programme of monitoring the effects of on-going grazing and, possibly, burning (as proposed on p8 of the proposal). The programme needs to have specified objectives for density and robustness of cover. This should include improved extent and height of tall tussock cover from a base line measurement taken at covenant set-up, with an overall minimum % of tall tussock cover as the goal to be achieved in a specified time.
- 4.16 It is noted the Stonehurst covenant has specific monitoring conditions set out including what constitutes an adverse monitoring result triggering a stocking review by the Minister of Conservation or his agent.

## **5 Conservation Covenant CC1**

- 5.1 Our submission is:



***We support the placement of a conservation covenant over the native shrublands. The CC1 area should be managed as one with the CC (Landscape) area to simplify management and better achieve protection of SIVs whilst still allowing for on-going grazing over the grassland areas.***

***This will result in a better cumulative outcome taking into account the Brookdale covenant adjoining to the north; and allow for adaptation to climate change.***

***There need to be more specific conditions providing for informative and effective on-going monitoring of grazing effects (as covenant area would be unfenced). These are to include information on recruitment, to ensure the protected shrublands are regenerating and will survive long term.***

- 5.2 This is proposed to cover a 27ha area of shrubland and relict broadleaf forest in the incised gullies on the lower front face. This woody cover is the largest visually over this part of the range. As this is a strong natural visual element and is ecologically an uncommon ecosystem in this Ecological District including very uncommon species (wineberry, broadleaf, marbleleaf, *Melicope simplex*), the protection of this area is welcomed. It is an outcome consistent with the outcomes on both Brookdale and Stonehurst and cumulatively, the covenants will protect the wider natural landscape character of the range face.
- 5.3 The area would not be fenced on the basis that stock does not appear to be accessing it, although they will be preventing recruitment around the edges and they will graze the more open areas within the CC area mapped in the proposal. The conditions as proposed do not provide for any grazing, which would effectively mean no grazing of the block this CC is in. Only sheep under light stocking rates should be permitted to graze the block the shrublands are in. This is the same condition for the proposed landscape covenant, and as the shrublands are in the same grazing block as the upper slopes, it makes sense to have just one conservation covenant covering the entire grazing block to simplify management. The full rationale for this has been discussed in the preceding section.
- 5.4 Similarly, a programme of effective and informative regular monitoring of the effects of grazing needs to be provided for, with specified goals and timelines. This should include descriptions of what constitutes an adverse effect (such as lack of seedlings) and what the response is to be. There is no information provided about regeneration trends and this needs to be part of the monitoring.

## **6 Public Access**

### **6.1 *Our submission is:***

***The provision of public access by way of a poled route across an easement between Brookdale and the CC1, and through the CC1 to the south edge at about the 600-700m contour, and along the 4WD track between CC1 at this point and the CA1 area above.***

- 6.2 As there is existing access between the valley floor and the top of the range on both Brookdale and Stonehurst, it is not critical there is public access provided for on Kelvin Grove.
- 6.3 However there should be public access provided for to and through the shrublands CC1 area given their uncommon status and visual interest. This could be by way of a short connection for walking access only between the covenant area and the access along the shared boundary with Brookdale.

- 6.4 Provision of public walking access along the 4WD track on Kelvin Grove from about the 600m contour on the southern edge of the CC1 area to the conservation area above would provide a good loop walking track of shorter duration/distance than that possible using the Stonehurst and Brookdale tracks, if combined with additional access between CC1 and the Brookdale access. In this way it could avoid the lower country.
- 6.5 Given low sheep stocking rates, disturbance of stock should not be an issue. The access could be closed at certain times where reasonable and practical, for example, lambing ewes.
- 6.6 Allowing public access to and through the covenant area would also assist with monitoring.
- 6.7 Providing this access would satisfy Object 24(c)(i) of the CPLA.

Members of the Central Otago branch of F&B appreciate this opportunity to make submissions on the Preliminary Proposal for the tenure review of Kelvin Grove pastoral lease.

Yours faithfully

Denise Bruns

Secretary

for Central Lakes-Otago Branch

Royal Forest and Bird Protection Society

**Extract from the Crown Pastoral Land Act 1998**

**Part 2 Objects of the Act**

- The objects of this Part are—
  - (a) to—
    - (i) promote the management of reviewable land in a way that is ecologically sustainable;
    - (ii) subject to subparagraph (i), enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and
  - (b) to enable the protection of the significant inherent values of reviewable land—
    - (i) by the creation of protective mechanisms; or (preferably)
    - (ii) by the restoration of the land concerned to full Crown ownership and control; and
  - (c) subject to paragraphs (a) and (b), to make easier—
    - (i) the securing of public access to and enjoyment of reviewable land; and
    - (ii) the freehold disposal of reviewable land.

## **Submission 7**

211097088



# Federated Mountain Clubs of NZ (Inc)

10 July 2013

Commissioner of Crown Lands,  
CBRE House, 112 Tuam Street,  
Private Bag 4721,  
CHRISTCHURCH 8140



Dear Sir,

**Re: Preliminary Proposal for Tenure Review Kelvin Grove Pastoral Lease (Po 280)**

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents over 15,000 members of tramping, mountaineering, climbing and other outdoor clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country. On their behalf, FMC aims to enhance recreation opportunities, to protect natural values, especially landscape and vegetation, as well as historic values and to improve public access to the back country through the tenure review process.

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

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

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

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

We believe that the additional objectives (introduced by the last government), are fundamental to the future well-being of the South Island high country and should be given appropriate weight in the tenure review process.

FMC has previously written an 'Early Warning' report on Kelvin Grove entitled "Preliminary Report on the Recreational, Landscape, Historic, and other Conservation values, and Recommendations for the Outcomes of Tenure Review" (2010) at the 'Early Warning' stage of the tenure review process. That report included our recommendations for the outcomes of tenure review on Kelvin Grove. We also added a supplementary report in the form of a letter dated 28 April 2010 which drew attention to the importance of ecosystem services on Kelvin Grove. We are pleased to note that many of those recommendations are now included in the Preliminary Proposal (PP) for the tenure review of Kelvin Grove. We comment in detail on these proposals in this submission. Copies of the FMC Report (2010) and Supplementary Report are attached to this submission as Appendices 1 and 2

### **Property Inspection, January 2010.**

A group of people, including a representative of FMC, and representatives of other NGOs, including Forest & Bird, inspected the pastoral lease January 2010. We are grateful to the former lessee for his willing cooperation, granting permission for access with vehicles, positive discussion, and helpful advice about where to go on the property.

This inspection gave us an opportunity to see at first hand the present condition of the land and natural resources and landscapes on Kelvin Grove Pastoral Lease.

### **Introduction**

We note that 1,726 ha (some 70% of the leasehold area) is proposed for the protection of significant inherent values by retention in full Crown ownership, which is not only the preferred method of protection stated in the Crown Pastoral Land Act, 1998 but was also the method recommended by FMC in its Report 2010. Furthermore we recognize that the Proposal has taken account of positioning of the boundary between proposed Conservation and freehold land which is important with respect to landscape values, and corresponds closely with our recommendation.

We have some doubts about the proposed covenant (CC landscape) to protect the values described in Schedule 1 of the Covenant Deed. We believe that there are unacceptable risks attached to any burning within CC landscape. A 'no burning' clause would preclude the need for a fire break which would otherwise be intrusive into the visual landscape.

### **THE PRELIMINARY PROPOSAL**

FMC commentary and detailed submissions on **Proposals 2.1 and 2.2**, together with the proposals for **Protective Mechanisms**, and **Public Access** in the PP for the tenure review of Kelvin Grove Pastoral Lease are presented below.

### **FMC SUBMISSION**

In this submission we present our views and recommendations in the same format as the PP quoted above

#### **Proposal 2.1 Approximately 1,726 ha to be restored to full Crown ownership and control as a conservation area under Section 35(2)(a)(i) Crown Pastoral Land Act 1998 identified as CA 1).**

FMC recognises that this gently rolling upland plateau is well described in the Proposal and in the Conservation Resources Report on Kelvin Grove.

The area comprises the higher altitude plateau from the crest of the Rock and Pillar Range to the western boundary on the Old Dunstan Road. The plateau is at its highest along the northern boundary at around 1,100m asl and falls away to the south west where the altitude is around 900m asl. This area comprises 70% of the total land area in the lease. The proposed conservation area lies between existing conservation areas created from earlier tenure reviews of pastoral leases adjoining to the north (Brookdale), and south (Stonehurst).

This land has a range of values which individually and collectively have significance worthy of protection. These values include:

**Landscape:** To most trampers and others who enjoy the back country, an important element of the enjoyment is the appreciation of landscape including its scenic quality and botanical variety.

These are well described in the PP. The area includes a number of spectacular rock tors jutting above the grasslands along the crest. The most impressive of these are the "Castle" and the "Window" which are impressive landmarks. The plateau forms an integral part of a large basin that encircles the Loganburn Reservoir (formerly the Great Moss Swamp), situated south west of the property. An important characteristic of this area is its apparent remoteness due to the lack of farm tracks and fencing. Despite its apparent remoteness this landscape is accessible to the public as the western boundary runs along the historic Dunstan Road.

**Ecosystem Services:** The catchment of McHardies Creek occupies a large part of the Kelvin Grove upland and flows into the Loganburn Reservoir. This large mass of water is a strong focal point in this extensive grassland basin. The catchment area of Mc Hardies Creek is a significant part of the hydrology of the upland area which contributes importantly to "ecosystem services" which include water harvesting and storage for irrigation and power generation. The tussock grasslands themselves are very important in water capture from both precipitation and fog. The wetlands function as sponges which soak up incoming precipitation and release it slowly over time to maintain relatively constant flows in the likes of McHardies Creek. The water captured, stored and released steadily is important for irrigation, hydro-electric generation and public water supplies. It is therefore important that good tussock cover is maintained. Designation as a conservation area will assist in efficient capture and storage of water resources.

**Vegetation:** The vegetation is dominated by tussock grasslands, the majority of which is narrow leaved snow tussock. There are also a number of woody species, endangered wetland plants, and uncommon small white forget-me-nots, which contribute to the rich diversity of the upland plateau. The upland plateau is characterised by a mosaic of seepages and wetland depressions, notably in the McHardie Creek catchment. This area has high natural values because of this wide ecological diversity. The vegetation is comparatively intact. It is these aspects that add to the significance of the vegetation present.

Bird species present include black-backed gulls, pipits, skylarks and the nationally threatened New Zealand falcon. The overall importance of the fauna is related to quality, general intactness and diversity of the variety of native plant communities and ecosystems present within this area.

**Recreational Values:** The upland plateau provides opportunities for walking, possibly horse trekking and passive pursuits such as photography, painting and botanising because good summer access is available from the Old Dunstan Road. This area will also add to the existing conservation areas to the north where cross country skiing is increasingly popular and not far distant from Dunedin. It is not well suited to mountain biking because of the mosaic of small streams and wetlands which do not make for easy travel, and because the ecosystem could easily be damaged, although it may provide an alternative way of getting to the P&T huts in the upper catchment of McHardies Creek.

The relatively intact fence lines, constructed of schist uprights and metal flat standards are of historic interest to visitors and do not detract from the landscape value because of the early local origin of the schist fenceposts. We note that the original snowline fence running along the top of the ridge will be included in the area proposed for retention in Crown ownership.

The historic P&T hut and stable located in the headwaters of McHardies Creek is within the proposed conservation area CA1. The hut would provide very basic accommodation and shelter in a storm, because the only other shelter in 10 km away on The Burgan

**FMC Submission on Proposal 2.1**

*FMC is pleased to note that this proposal corresponds very closely to the recommendation made in the FMC Report (2010) that the plateau area above the snowline fence should be retained in full Crown ownership and control. We agree with the statement in the PP that "This designation is considered to be the best option on balance for this area of the reviewable land because of the SIV's set out in section 2.1 above and the location of the area which is already surrounded by conservation land. This designation meets the objects of the CPLA."*

*FMC also recognises the value of the upland plateau area for its natural, landscape, ecosystem services and recreational characteristics. In the fullness of time the upland plateau area should be incorporated into the Rock and Pillar Conservation Park.*

**Proposal 2.2** Approximately 715 ha to be disposed of by freehold disposal to Poplar Grove Station Limited, subject to protective mechanisms and a qualified designation pursuant to Section 35(3) Crown Pastoral Land Act 1998

This land comprises the balance of the pastoral lease and includes the developed flats and front faces of the Rock and Pillar Range stretching up to the boundary of the proposed conservation area CA 1. The PP states that this area has been modified by pastoral development with the flats cultivated into good pasture and the lower front faces developed by way of over sowing and top dressing over many years. It does not give any information about the soil and physical resources of the land, nor does it give any indication of whether it is capable of supporting ecologically sustainable land use.

These issues were however, discussed in the FMC report (2010) which referred to the Yellow Grey Earth Arrow and Blackstone Hill soils on the front face up to about 1000m and the more fertile alluvial soils on the flats. These soils have been classified as Land Use Capability (LUC) Class VI and IV respectively. It was concluded that with appropriate maintenance to replenish nutrients removed in animal products, this country should be capable of ecologically sustainable pastoral production.

It was also pointed out that there were significant remnants of lowland forest and shrubland in some of the incised gullies on the front face which should be protected under covenant.

**FMC Submission on Proposal 2.2**

*It is generally accepted that soils in LUC Classes VI and better should be capable of supporting ecologically sustainable pastoral production so long as soil nutrient levels are maintained with appropriate fertiliser treatment. So long as this condition applies to Kelvin Grove, and provision is made to protect the significant inherent values in the gullies on the front face, FMC supports the proposal to freehold this area.*

**Proposal 2.2.1 Protective Mechanism:**

A protective mechanism pursuant to Sections 40(1)(b), 40(2)(a) and 40(2)(b) Crown Pastoral Land Act 1998 identified as CC(Landscape).

FMC notes that a landscape protection covenant is proposed over an area of 144 ha above the 800 metre altitude line west to the boundary of the proposed conservation area. We understand that this is designed to protect the natural landscape values in this area. We agree that the covenanted area is highly visible from much of the Strath Taieri area and any significant change to the land cover will adversely impact on the landscape values.



Furthermore, we also agree that the rocky tors in association with the tussock grasslands and interspersed areas of woody vegetation in the gullies are of particular significance. While we understand that this area does not contain any endangered species, the landscape does form part of an extensive, highly visible rural landscape that runs from the Strath Taieri plains to the top of the Rock and Pillar Range.

We have no objection to the permitting of topdressing so long as the allowed stocking rate (SR) does not exceed an average of one SU per ha per annum. The prescribed SR should be specified in the Proposal. We note that the covenant will require Minister of Conservation consent for buildings, earthworks, exotic tree planting and spraying of shrub lands. None of these activities should be permitted in an area accepted as "highly visible from much of the Strath Taieri". We further note that burning (with specified restrictions) is proposed. FMC is opposed to any burning because of the potential risk of damage and spread.

#### **FMC Submission on Proposal 2.2.1**

*FMC has serious concerns about some of the proposed conditions listed in Schedule 2 because of the potential risks to the visual value of the landscape, which the Covenant is intended to protect.*

*(i) FMC has no objection to the permitting of topdressing below 900m so long as the stocking rate (SR) does not exceed an average of one SU per ha per annum.*

*(ii) We strongly recommend that Condition 2 (which varies Clause 3.1.5 and apparently permits burning, spraying and sowing of seed) be deleted from the proposal.*

*(iii) We do note that strict conditions were proposed for burning, but FMC believes that the risks are too high to permit any burning..*

#### **Proposal 2.2.2 Protective Mechanism:**

**A protective mechanism pursuant to Sections 40(1)(b), 40(2)(a) and 40(2)(b) Crown Pastoral Land Act 1998 and identified as CC1.**

A conservation covenant is proposed over an area of 27 ha in two gully systems on the lower altitude area of the front faces and noted as CC1 on the plan. This is designed to protect the natural vegetation values that have been identified.

The land contains shrublands/broadleaf forest and consists of a moderate diversity of shrub species covering an extensive area. Predominant species within the shrublands are coprosmas, matagouri, an uncommon cotoneaster, and intertwining native vines. Pockets of broadleaf forest with broadleaf and kowhai are present centred on rockier gullies in the areas of shrubland. The understory is generally sparse due to the height of the shrubs, but pockets of herbs, a lily and a relatively high diversity of ferns are present.

The shrubland/broadleaf forest community while not containing any endangered species, is a rare community in a regional context and therefore worthy of protection.

The covenant will require Minister of Conservation consent for buildings, earthworks, exotic tree planting and burning or spraying of shrub lands. The area is at risk from the spread of broom and gorse which is prevalent in areas within and adjoining the proposed covenant area. We note that progress with woody weed control is already being carried out by the lessee.

We note that under Proposal 2.2, both covenants set out in 2.2.1 and 2.2.2 above have the provision for the owner to build a sub-division fence splitting the front face in two. The addition of this fence line will improve the owners' ability to more effectively graze the block and provide for better control of the stock numbers grazing the covenant areas. It will also allow for future fencing of the covenant area CC1 if it is deemed grazing is having a detrimental impact on the values.

**FMC Submission on Proposal 2.2.2**

*FMC is pleased to note that our recommendation that some of the best gully shrublands and lowland forest should be protected under Covenant. We note that the objective of the Covenant is to "preserve the Values" and that the Values are well described in Schedule 1 and illustrated in Schedule 3.*

*We support the recommendation that the Owners Obligations detailed in Clauses 3.1 and 3.2 have been retained without variation as indicated in Schedule 2 (Special Conditions).*

*We also note that under Proposal 2.2 it is indicated that there is provision for future fencing to divide the front face so as to control grazing. FMC supports this proposal.*

**Proposal 2.3 Public Access**

FMC appreciates that the designation of approximately 1,726 ha as conservation area has ensured enjoyment of the reviewable land in the Kelvin Grove pastoral lease. Access to the proposed conservation area is available from the Old Dunstan Road which forms the western boundary of the conservation area. Access is also available through properties adjoining to the north and south, viz Brookdale to the north and Stonehurst to the south. We can therefore understand why additional public access was not considered necessary as part of this review.

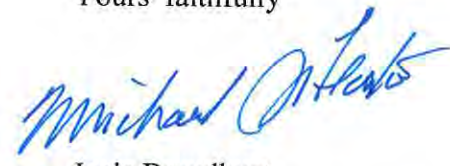
We note that no public access is proposed to allow interested botanists to see the special values protected within CC1. We recommend that a short easement should be established from the neighbouring access track on Brookdale close to the Kelvin Grove boundary to provide foot access to covenant area CC1.

**FMC Submission on Proposal 3 Public Access**

*FMC recognises that good public access to the new conservation land will become available from the Old Dunstan Road so long as the proposed designation of Conservation Area CA1 is implemented. In order to provide public access to the natural values within covenant area CC1, it is recommended that a short easement should be negotiated between CC1 and the Brookdale boundary.*

Finally, FMC is grateful to the Commissioner for Crown Lands for this opportunity to make submissions on the Preliminary Proposal for the tenure review of Kelvin Grove pastoral lease.

Yours faithfully

  
pp Josie Broadbent  
Secretary, Federated Mountain Clubs of NZ Inc.

**Appendix 1. “Preliminary Report on the Recreational, Landscape, Historic, and other Conservation values, and Recommendations for the Outcomes of Tenure Review” (2010)**

**PRELIMINARY REPORT ON THE RECREATIONAL, LANDSCAPE, HISTORIC  
AND OTHER CONSERVATION VALUES, AND RECOMMENDATIONS  
FOR THE OUTCOMES OF TENURE REVIEW ON KELVIN GROVE**

A Report for FMC based on Field Inspections and other research to assist in the Crown Pastoral Lease Tenure Review Process March 2010

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**LIST OF FIGURES**

Fig. 1 Kelvin Grove homestead is situated at the foot of the Rock and Pillar Range at about 240m above sea level. The pastoral lease extends up to 1,100m at a prominent tor called ‘The Castle’ before dropping to about 1,000m on the back boundary on the Old Dunstan Road. This view is from the main zig zag track which climbs close to the boundary with Stonehurst which adjoins Kelvin Grove to the south.

Fig. 2 With increasing altitude there is increasing tussock cover. The skyline here, at about 1,000m conceals the snowline fence which is just above the break in slope. The fence could be used as the upper boundary of intended freehold land as it would line up with a similar boundary next door, and because it would minimise any adverse landscape effects of stock camping along the boundary fence.

Fig. 3 The landscape of the eastern face of the Rock and Pillar Range is prominent for all travellers on State Highway 87 through Middlemarch, and for users of the Otago Central Rail Trail. This Trail is becoming increasingly popular and some users may be tempted by the prospect of elevated views from The Rock and Pillar Range. Access from the Rail Trail across Kelvin Grove needs to be available for such people.

Fig. 4 The Rock and Pillar front face is equally visible from the highway over the Matarae Hills so care needs to be taken with the siting of the boundary between new freehold and conservation land. Boundaries also need to match on adjoining properties so that any adverse landscape effects of stock camping along the new freehold boundary fence are minimized.

Fig. 5 There are three major landscape units on Kelvin Grove — the gently sloping apron at the foot of the range, the steep front face (seen in this view), and the gently rolling upland plateau surface. The zig zag track up the steep front face affords increasingly broad vistas across StrathTaieri as it climbs towards the snowline fence at about 1,000m.

Fig. 6 The plateau surface only rises from about 1,000 to 1,100m but contains many rock tors, wetlands, bogs and tarns. Much of the landscape drains westward into what was the Great Moss Swamp. Soils are High Country Yellow Brown Earths assessed LUC Class VII, with serious limitations for pastoral use, so it is unlikely that the land can support ecologically sustainable pastoral production. Conservation values are high.

Fig. 7 The steep front face of the range is fretted with frequent creeks and little streams, some of which are deeply incised into the main slope. These incised gullies provide refuges (against the ravages of fires) for some impressive shrublands which include coastal lowland species such as broadleaf. The best of these gully shrublands should be protected under conservation covenant.

Fig. 8 Above the snowline fence the gently rolling plateau surface includes wetlands, tarns and rock tors. These tors are widespread over the plateau surface which extends some 8km northwards to Stonehenge and beyond. On Kelvin Grove the maximum altitude is about 1100m, while at Summit Rocks, beyond Stonehenge, the Rock and Pillar Range reaches its maximum height of 1,450m.

Fig. 9 Tarns and Tors, like Castle Rock, are typical of the upland plateau which is characterised by High Country Yellow Brown Earth Carrick and Teviot soils classified LUC Class VIIc and VIIe. Such soils are unlikely to be able to support ecologically sustainable pastoral production because it is uneconomic to apply the fertilizer required to replenish nutrients removed in animal products. Instead this should become conservation land.

Fig. 10 There is only one short, rough track above the snowline fence, and that leads towards 'The Window' and 'The Castle'. Beyond here exploration and recreation is on foot, especially to be enjoyed by

those who seek the passive pursuits of botanizing, bird watching, photography and painting. Access (and exit) is also possible via the Old Dunstan Road, some 5km away to the north west.

Fig. 11 The top block of Kelvin Grove can also be accessed on foot, from the Old Dunstan Road. This rolling plateau country is the catchment of Mc Hardies Creek, and is finely dissected by small streams and wetlands which make for difficult travel. McHardies Creek flows southwest through neighbouring Stonehurst, and eventually flows into the Loganburn Dam (formerly the Great Moss Swamp) as seen in this view at Howells hut.

Fig. 12 Walking access up the front face of Kelvin Grove would provide the start for round trips returning to the valley floor via neighbouring properties. One such trip might include the high country on Brookdale which offers a wide variety of landscape and vegetation types of interest to those seeking both active and passive recreational values.

Fig. 13 Those wishing to spend more time exploring the range might be tempted to spend the night in the historic P&T hut in the headwaters of McHardies Creek. Even though not now in good condition, the hut does provide basic shelter and does evoke memories of the days when P&T linemen struggled through winter storms to keep the phone lines open between Middlemarch and Galloway.

Fig. 14 The only other shelter on the southern end of the Rock and Pillar Range is at the Burgan Huts situated beside the Burgan Stream, some 10km south of the P&T hut on Kelvin Grove.

## **INTRODUCTION**

This report has been prepared following the Early Warning Meeting in September 2009 at which the properties entering the tenure review process in 2009 were introduced. An inspection of the property was carried out by the author of this report in January 2010, with the kind permission and co-operation of the runholder, Lindsay Geddes. This report is based on that inspection and other material listed below. The report is offered as a contribution to the statutory consultation process undertaken by the Department of Conservation.

The purpose of the report is to identify those features, resources and characteristics of this pastoral lease property which are relevant to tenure review and are important from a recreation and conservation perspective. The report will include an examination of the key issues and why they are considered important. The rationale underlying decisions related to the Crown Pastoral Land Act, future land tenure, protection of natural and historic values, and public access will be discussed. The final section of the report will deal with these issues and the recommended outcomes for the tenure review of Kelvin Grove from a recreation and conservation perspective.

Kelvin Grove (Po 280) is a small pastoral lease of about 2,400ha on the eastern side of the Rock and Pillar Range (Fig.1). It is one of the last pastoral leases on the eastern side of the Rock and Pillar Range to be considered in the tenure review process. It lies between Brookdale to the north and Stonehurst to the south. Both these neighbouring properties have completed tenure review. The consequence of this is that the critical boundary between new freehold land and conservation land has already been established on both these properties.

Snowline fences have been long established all along the front face of the Rock and Pillar Range, usually just above the break in slope at about 1,000m so the actual fence line is not visible from below. This is the case on Stonehurst where the new freehold boundary, and any associated landscape effects related to sheep camping effects, coincide with the snowline fence. The situation is a little different on Brookdale where the top of the new freehold approximates to the break in slope, somewhat below the old snowline fence.

Where to draw the line between freehold and new conservation land will be an issue in the tenure review of Kelvin Grove. It may be appropriate to utilise the existing snowline fence on Kelvin Grove, just above the break in slope at about 1,000m, (Fig. 2) and this will be discussed later in this report together with issues related to ecological sustainability of land use above the snowline fence.

Another consequence of this review will be that the objective of creating a Rock and Pillar Conservation Park will be nearing completion, especially on the eastern side of the range above Middlemarch.

The soils and their Land Use Capability (LUC) classification on the higher country above the snowline fence, and on the front face and flats at the base of the Rock and Pillars will be considered in the General Description of Kelvin Grove.

This report focuses on those features of Kelvin Grove which are important for public recreational interests. It should be noted that while some of this interest focuses on access (mainly across the property to the crest of the range), the natural and historic values and landscapes of the place have a fundamental impact on the recreational value of the property and greatly influence the quality of recreational experience enjoyed. It is for this reason that reference is made to these values in this report.

The landscape of the eastern face of the Rock and Pillar Range is prominent for all travellers on State Highway 87 through Middlemarch, and for users of the Otago Central Rail Trail (Fig. 3). The range forms the dominant skyline when viewed from as far away as the Matarae Hills (Fig. 4) between the Deep Stream and Sutton Stream and from the Taieri Ridge. As such it is important that the fencelines between new freehold land and public conservation land on neighbouring properties are as harmonious as possible and minimise the development of a distinct break in the landscape. The higher country, above about 1,000m, includes areas of high natural and landscape value and which are part of the wider experience of traversing the length of the range.

## **METHODS OF SURVEY AND ASSESSMENT**

This report is based on the author's January 2010 field inspection and, in part on information gathered from other sources. These include studies of topographical and Land Use Capability (LUC) maps, consultation with recreational user groups and a knowledge of the landscapes seen from the State Highway 57 and Taieri Ridge.

A study of "Outdoor Recreation in Otago" was undertaken by Mason (1988) and published by FMC. Reference is made below to this Recreation Plan for Otago. The Conservation Management Strategy for Otago has also been used as a source of reference.

## GENERAL DESCRIPTION OF KELVIN GROVE

Kelvin Grove pastoral lease (Po 280) covers some 2,400ha on the eastern face and rolling plateau surface at the southern end of the Rock and Pillar Range (Figs. 5 and 6).

Mason (1988) has described the Rock and Pillar range as follows:- *"The Rock and Pillar Range is the easternmost Central Otago range, being a fault-bound block mountain. The Hyde Fault forms the boundary between the moderately steep eastern escarpment and the Strath Taieri basin. The western back-slope is gentle but considerably dissected at lower elevations above the Maniototo basin. The broad, gently rounded range crests average 1,370m above sea level, with the summit at 1,450m. This is notably lower than other Otago block mountains"*.

*"Clusters of shaft and block tors of schist bedrock litter summit crests in random fashion; Stonehenge and 'Castle Rock' are among the more spectacular and better known examples. Small nivation cirques (caused by snow-patch erosion) developed along the lip of the leeward scarp during the Pleistocene, leaving short, steep headwall faces. Periglacial patterned ground features include earth hummocks, miniature stone stripes and nets, solifluction terraces and sliding boulders. A unique ice wedge tarn occurs in the vicinity of the summit"*.

Kelvin Grove does not reach much above 1,100m so excludes the higher altitude features of the higher parts of the Rock and Pillar Range. There are essentially three distinct topographic units on the property:- the gently rolling plateau surface lying between about 1,000 to 1,100m (Fig. 6), much of which drains into what was formerly the Great Moss Swamp; the steep slopes between about 400 and 1,000m with some impressive shrublands in the gullies (Fig. 7); and the gently sloping apron at the base of the range, which includes the freehold land around the homestead, between about 250 and 400m.

The main access track climbs a spur close to the southern boundary with Stonehurst. As it climbs it reveals significant shrublands in the gullies which have been protected from fire by the nature of the terrain. Some of these shrublands are impressive (Fig. 7) and should be considered for protection under covenant. The track zig-zags towards and gets closer to the Stonehurst boundary which it reaches at about 900m, just before the break in slope. As the track climbs, it affords increasingly expansive views of the Strath Taieri Plain (Fig. 5) before reaching the break in slope at which point the focus changes to the Rock and Pillar plateau surface (Fig 6) and the tors of Stonehenge some 8km north and 200m higher in elevation (Fig. 8).

The plateau is characterised by a gently rolling landscape, ranging from about 1,000 to little more than 1,100m at its highest point, and gently down to the back boundary on the Old Dunstan Road not far from the outlet of Loganburn Dam.

The plateau is an extensive area including some dramatic tor rocks (eg 'The Castle' and 'The Window') as well as many smaller tors. (Figs. 8 and 9). It covers some 1,200ha and extends about 5km from the snowline fence to the back boundary. This area also gets wider as it spreads westwards and takes in some 3km of the Old Dunstan Road along its back boundary. It gives a lot of scope for recreational visitors who will be able to enjoy walks among the tussock grasslands, sub-alpine shrublands and headwaters of the several creeks which have their origins in this area. Only the headwaters of a few creeks in the vicinity of 'The Castle' flow east down the face of the Rock and Pillar. Many of the streams and wetlands contribute to McHardies Creek and flow westwards past Howells Hut into what was once the Great Moss

Swamp (now the Loganburn Dam) which provides storage for the irrigation and power generation schemes in the Upper Taieri.

There are also ephemeral wetlands and tarns near the snowline fence which add to the diversity of landscape and scenery for recreational visitors.

The higher country, or nearly two thirds of the property, lies above about 1,000m. It is characterised by High Country Yellow Brown Earth Carrick and Teviot Hill soils which have been classified in Land Use Capability (LUC) Class VIIc and VIIe. Such soils have severe limitations for pastoral production and it is unlikely that they can be managed in a way that promoted ecological sustainability (as required by the CPL Act) without replenishment of nutrients removed in animal products. Application of fertilizer to replenish nutrient reserves is generally uneconomic because pasture production is limited by the cold climate. On the other hand, this high country has high conservation and recreation values which suggest that it should be considered as a potential new Conservation Area, eventually to be added to the emerging Rock and Pillar Conservation Park.

The country on the lower slopes and flats at the base of the Rock and Pillar (some 600ha) consists of mainly east facing slopes below about 1,000m, characterised by Yellow Grey Earth Blackstone Hill soils (LUC Class VI) and alluvial soils (LUC Class IV) on the flats. With appropriate maintenance to replenish nutrients removed in animal products, this country should be capable of ecologically sustainable pastoral use.

### **RECREATIONAL ACTIVITIES AND POTENTIAL**

The main recreational uses of the Rock and Pillar Range in the past were for skiing and tramping. Skiing use declined as skifields in the Wanaka/Queenstown area were developed, but the range is still extensively used for Cross Country (Nordic) skiing, based around the summit plateau and Big Hut. Because Kelvin Grove is lower in elevation it is rarely used in winter except by intrepid skiers attempting to ski the length of the Range....“ski the tussocks” is sometimes the warcry!

There are no tracks on Kelvin Grove except the main zig-zag up the front face to the snowline fence. From there, there is a short track along the fence to a point amongst the wetlands and tarns near ‘The Castle’. This provides the gateway for exploring the plateau on foot (Fig. 9). There is also a link to a public track on Stonehurst which evolved out of the tenure review on that property. This could form a round trip for recreational users. The property can also be accessed from the Old Dunstan Road which also gives walking access to the plateau area with its network of bogs and streams which join Mc Hardies Creek and drain across Stonehurst to Loganburn Dam (Fig. 11). Those wishing to follow passive pursuits will find that there is much of botanical and landscape interest to explore and photograph on this unspoilt upland.

Kelvin Grove is not really suited to mountain bike use because its upland terrain is finely dissected by many small streams, and has no tracks which connect with neighbouring properties or lead along the range. The only exception to this is the track referred to above, near the snowline fence, which links with Stonehurst to create a round trip. Walking access up the front face would however, provide the start for round trips returning to the valley floor via neighbouring properties. One such trip might include the high country on Brookdale which offers a wider variety of landscape and vegetation types (Fig12)

Those wishing to spend more time exploring the range might be tempted to spend the night in the historic P&T hut in the headwaters of McHardies Creek (Fig. 13). Even though not now in good condition, the hut does provide basic shelter (see Historic Features section below). The only other accommodation on the



southern end of the range are the Burgan Huts (Fig. 14) situated beside the Burgan Stream, some 10km south of the P&T hut on Kelvin Grove.

The Otago Central Rail Trail is becoming increasingly popular, and with more accommodation choices along the way there will be more demand for side trips. The Rock and Pillar Range dominates the skyline for much of the Rail Trail distance through the Strath Taieri Plain (Fig. 3). There will be those who are tempted by the elevated views to venture off the trail and explore such places as Kelvin Grove. For such people, easy access from the valley floor will be important.

### **SIGNIFICANT INHERENT VALUES AND THEIR IMPORTANCE FOR RECREATION**

This report focuses on those features of Kelvin Grove which are important for public recreational interests. It should be noted that while some of this interest focuses on access, the natural and historic values, as well as the landscapes of the areas concerned, influence the quality of recreational experience enjoyed. It is for this reason that significant inherent natural values, landscape and historical values, access and recreational use are all considered together in this section of the Report.

#### Gully shrublands

Reference has already been made to the shrublands in the gullies on the front face of the Rock and Pillar Range. These are of significant inherent value in themselves, and because they add to the biodiversity of the area and enhance its landscape appeal too. They occur in relatively small discrete units so protection under a conservation covenant (to provide protection from damage by grazing, spraying and fire) would be appropriate.

#### Upland landscape

The entire rolling upland area, above the snowline fence is largely unmodified, contains significant landscape features like 'The Castle', 'The Window' and many other smaller tors, and has a high degree of naturalness. The tors themselves are rich in lichens and shrubs which have survived in rock crevices, and the whole unmodified diversity of tussock grasslands, bogs, small tarns and tors is worthy of protection and addition to the Rock and Pillar Conservation Park.

#### Historic Features

Unlike many other properties on the Rock and Pillars, there is little of historic interest other than an old stone hut (P&T hut) and stable in the upper catchment of McHardies Creek, near the most northerly corner of Kelvin Grove (Fig. 13). This is situated at about 1,100m in a partially sheltered location in the headwaters of McHardies Creek which originates on the neighbouring Brookdale, below McPhees Rock. The P&T hut and stable were built in the 1930s to service the telephone line from Middlemarch to Galloway which had been constructed in 1917. The line was dismantled in 1964 and the hut deteriorated but was restored in the 1970s by Colin McKenzie who was still working as a telephone line technician in 2000. By 2000 even the old stable had been re-roofed. The hut is now not in good condition but would still provide some shelter from the storms which are not uncommon on the Rock and Pillar Range. "It is a great destination - from the top of the ridge above the hut, virtually on top of the range, the views are forever".

A description by ex-District Engineer Bill White is more colourful:- ".....*Dunedin* [telephone line maintenance] *parties had to travel via Outram, Traquair, Rocklands and finally, well ahead of the DCC*

*waterworks intake, up the Lammerlaw ridge up the old miner tracks in those years well obliterated and ravaged by washouts."*

### **AREAS TO BE PROTECTED**

The discussion above suggests that there is a significant area of land above 1,000m on Kelvin Grove with significant natural, landscape and historic values which deserve protection in terms of the CPL Act 1998 (Figs. 6 and 9). The nature of those significant inherent and historic values has been described and discussed in the previous section and the fact that the front faces and skyline are important features of the Strath Taieri landscape was referred to in the introduction.

The siting of the possible boundary between potential freehold and new conservation land was also discussed and it was concluded that there are logical reasons why this should follow the line of the existing snowline fence (Figs.2 and 4).

One of the objectives of tenure review is "*to promote the management of reviewable land in a way that is ecologically sustainable*". Two of the factors which influence whether this is likely to be achieved are the nature of the land resource, and the extent to which, if at all, nutrients removed in animal products are replenished through fertiliser use. It was noted above that all the land above about 1,000m is classified LUC Class VIIc or VIIe which means that it has limitations related to climatic factors or erosion hazards. Class VII land has severe limitations for pastoral production and climatic limitations on pasture growth are generally accepted as the reason why fertiliser use is not economically justified at this altitude. These factors all combine to suggest that continued pastoral use will not promote ecological sustainability as required by the CPL Act, 1998.

It is concluded that, for reasons related to the significant inherent values of the land above the fence (Figs 6 and 9), and because it is unlikely that this land could be managed in a way that would promote ecological sustainability, it is recommended that this area should be returned to full Crown ownership and control to be managed for conservation purposes.

It was also recommended above that the inherent natural values of the shrublands and fern communities in one or more of the gullies on the front face of the property (Fig. 7) are such that they should be considered for protection under a conservation covenant.

The landscape of the front faces (Figs 1, 5 and 7) may be threatened by inappropriate subdivision, use or development, as the District Plan may not be adequately robust and durable enough to ensure protection of its valuable features. It is recommended that these landscape features should be considered for protection under a binding landscape protection covenant.

### **ACCESS REQUIREMENTS**

The CPL Act 1998 requires "*the securing of public access to and enjoyment of reviewable land*", and this of course applies to Kelvin Grove. Public access is available from the Old Dunstan Road to the upland area recommended for return to full Crown ownership and control, and it would be ideal to be able to

make through trips to the public road on the valley floor. This could be achieved by establishing an easement for public access (at least foot and mountain bike) over the zigzag track on the front face of the property. If intrusion of privacy in the vicinity of the homestead is a problem, it should be possible to devise an alternative route across the flats to the bottom of the hill track, which preserves the privacy of the homestead area.

### **OTAGO CONSERVATION MANAGEMENT STRATEGY**

The Rock and Pillar Range was identified as a 'Special Place' in the Conservation Management Strategy (CMS) for Otago. The declared objectives for the Rock and Pillar Special Place are as follows:-

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

It was envisaged that these objectives would be achieved through a number of implementation statements which included the following which is pertinent to the tenure review of Kelvin Grove:-

*"Pastoral lease tenure review on properties on the Rock and Pillar Range will provide opportunities to achieve protection of areas of significant landscape, scientific, natural and historic resource and recreational value.*

*Overall management of these new areas with the existing reserve will confer net conservation and management benefits (eg, fencing efficiencies), and will provide extensive recreational opportunities. Management of contiguous areas will be integrated and public awareness developed through the concept of a Rock and Pillar Conservation Park."*

Finally, it is important to note that the priority for the Rock and Pillar Special Place is:- *"Negotiation, principally through pastoral lease tenure review, of an extended protected area along the crest of the Rock and Pillar Range will be a priority in this Special Place".*

It is clear that the tenure review of Kelvin Grove presents an excellent opportunity to advance the objectives and priority stated in the CMS. It also presents an opportunity to make progress towards the completion of the Rock and Pillar Conservation Park. Only three (out of a total of eleven) properties on the eastern face of the range have yet to complete the tenure review process: Emerald Hills is at the 'information gathering' stage, while The Burgan and The Wandle appear to be currently not in tenure review.

### **ISSUES AND RECOMMENDATIONS**

In this section, the resources described above, and the issues and options for their future management and allocation between freehold disposal and public interests are discussed in relation to the Crown Pastoral Land Act, 1998. The issues and recommendations are presented in sections related to Sections 24 of the Act as follows:-

*S24 (a) (i) To promote the management of reviewable land in a way that is ecologically sustainable*

*S24 (b) (i) To enable the protection of significant inherent values of reviewable land by the creation of protective mechanisms*

*S24 (b) (ii) To enable the protection of significant inherent values of reviewable land (preferably) by the*

*restoration of the land concerned to full Crown ownership and control*

*S24 (c) (i) The securing of public access to and enjoyment of reviewable land [including recreation] and*

*S24 (c) (ii) The freehold disposal of reviewable land*

**S24 (a) (i) To promote the management of reviewable land in a way that is ecologically sustainable**

The soils and the Land Use Capability (LUC) Classification of Kelvin Grove have been considered carefully. Arguments have been presented as to why Class VIIe and Class VIIc land cannot be managed in a way that is ecologically sustainable without the replenishment of nutrient reserves depleted by pastoral production and tussock burning.

The consequence of these arguments is that land above about 1,000m, or the level of the snowline fence at the top of the steep front face, should be considered for its high conservation values rather than be disposed as freehold.

The lower part of the property, on the front face below 1,000m and on the gently sloping apron at the base of the range, is characterised by soils and land units classified LUC Class IV and VI. This land appears to be capable of fulfilling the requirement to "*promote the management of reviewable land in a way that is ecologically sustainable*", so long as the soils are adequately maintained to replenish nutrients removed in animal products.

It is therefore concluded that this land should be suitable for freehold disposal.

**S24 (b) (i) To enable the protection of significant inherent values of reviewable land by the creation of protective mechanisms**

Environmental NGOs generally agree with the preference expressed in the CPL Act for "*protection of significant inherent values of reviewable land (preferably) by the restoration of the land concerned to full Crown ownership and control.*" However, small discrete areas may be suitable for protection "*by the creation of protective mechanisms*" [ie Conservation Covenant].

The analysis presented in an earlier section of this report indicated that some of the incised gullies on the front face of Kelvin Grove have acted as refuges for the protection and survival of significant shrublands. These shrublands have significant inherent values which contribute to the landscape value of the property and thus warrant protection.

It is therefore recommended that the best of these shrublands, (such as that illustrated in Fig. 7) should be designated for protection under a protective mechanism (Covenant) which should exclude grazing and prohibit burning and spraying.

The landscape of the front face of the range may be threatened by inappropriate subdivision, use, or development because the District Plan may not be adequately robust and durable to ensure protection of its valuable features. It is recommended that these landscape features should be considered for protection under a binding landscape protection covenant.

**S24 (b) (ii) To enable the protection of significant inherent values of reviewable land (preferably) by the restoration of the land concerned to full Crown ownership and control**

This report has focused on those features of Kelvin Grove which are important for public recreational interests. While some of this interest focuses on access, the natural, landscape and historic values

influence the quality of recreational experience enjoyed. This is one of the reasons why these inherent values are considered for protection.

More than half of the property is situated above 1,000m and is characterised by significant inherent natural and landscape values which are worthy of protection by return to full Crown ownership and control. It has been argued that it is most unlikely that this area could be managed in a way that would promote ecological sustainability as required by the CPL Act.

The Rock and Pillar Range forms the dominant skyline when viewed from as far away as the Matarae Hills between the Deep Stream and Sutton Stream and from the Taieri Ridge. As such it is important that the boundary between new freehold land and public conservation land minimise the development of a distinct break in the landscape. This can be achieved by using the existing snowline fence which is largely out of sight from the lower country. This fenceline also harmonises with the freehold boundaries on neighbouring properties.

It is therefore recommended that the existing snowline fence is adopted as the Conservation Area boundary on Kelvin Grove.

The significant inherent natural, ecological and landscape values of the area between the snowline fence (about 1,000m) and the back boundary at the Old Dunstan Road is considered worthy of protection by return to full Crown ownership and control. It should then be managed for conservation and recreation and added to the emerging Rock and Pillar Conservation Park.

It is therefore recommended that the all that land to the west of the snowline fence at 1,000m containing the significant inherent natural, landscape and historic values identified earlier in this report should be protected by "*restoration of the land concerned to full Crown ownership and control*".

#### **S24 (c) (i) The securing of public access to and enjoyment of reviewable land** [including recreation]

Access issues have been discussed in the "Access Requirements" section of this report.

The CPL Act 1998 requires "*the securing of public access to and enjoyment of reviewable land*". Public access is available from the Old Dunstan Road to the upland area recommended for return to full Crown ownership and control, and it would be ideal to be able to make through trips to the public road on the valley floor. This could be achieved by establishing an easement for public access (at least for foot and mountain bike use) over the zigzag track on the front face of the property. If intrusion of privacy in the vicinity of the homestead is a problem, it should be possible to devise an alternative route across the flats to the bottom of the hill track, which preserves the privacy of the homestead area.

It is recommended that a public access easement is established over the zig-zag farm access road up the front face of the range. If necessary, some diversion should be negotiated around the homestead area to avoid intrusion of privacy.

#### **S24 (c) (ii) The freehold disposal of reviewable land**

Freehold disposal of reviewable land follows as a logical consequence of the identification of those parts of Kelvin Grove which have been assessed to be capable of being managed "*in a way that is ecologically sustainable*".

Accordingly, it is recommended that land below the existing snowline fence at about 1,000m on Kelvin Grove is suitable for disposal as freehold, subject to protective mechanisms to protect the surviving shrublands, and subject to the establishment of an easement for public access as defined above.

**Finally it is noted that the Conservation Management Strategy for Otago set out important objectives** and priorities for the Special Place "Rock and Pillar" which included Kelvin Grove pastoral lease. If the recommendations made in this report are adopted and implemented significant progress will be made towards the achievements of those objectives. It also presents an opportunity to make progress towards the completion of the Rock and Pillar Conservation Park.

### **ACKNOWLEDGEMENTS**

FMC is grateful for assistance from LINZ and their agent which made this assessment possible. The site inspection was carried out in January 2010 and FMC is grateful to the runholder, Lindsay Geddes for his willing co-operation including granting permission for access, positive discussion and helpful advice about where to go on the property.

### **REFERENCES**

Crown Pastoral Land Act (1998)

Mason Bruce (1988) Outdoor Recreation in Otago – A Conservation Plan. Volume One: Central Otago Block Mountains. Federated Mountain Clubs of NZ (Inc.) Wellington NZ.

Otago Conservancy (1998) Otago Conservation Management Strategy. Volumes I – III and Appendices. Department of Conservation, Dunedin NZ.

## Appendix 2. Supplementary Report on Kelvin Grove (April 2010)

### Supplementary Report on Kelvin Grove

As observed in our Preliminary Report on Kelvin Grove, this pastoral lease is bounded to north and south by properties which have already completed tenure reviews, namely Brookdale (to the north) and Stonehurst (to the south). These 'done deals' establish the framework within which the tenure review, and especially its landscape considerations, should be viewed. Because the front faces of the Rock and Pillar Range are so obvious visually from throughout Strath Taieri it is important that the boundary between new freehold and conservation land does not create an artificial break in the landscape. Ideally the new boundary on Kelvin Grove should merge with the established boundaries on neighbouring properties and run along the break of slope between the steep front face and the gently rolling plateau surface.

The plateau area, above about 1,000m contains tussock grasslands and shrublands with significant inherent values. These have recently been confirmed and no fewer than 5 threatened species identified. Thus this part of the lease should be designated as a new Conservation Area, eventually to be added to the Rock and Pillar Conservation Park foreshadowed in the CMS for Otago. Not only does this area possess significant inherent values but it also provides important ecosystem services, particularly in the harvesting and storage of water, which in the Maniototo and Strath Taieri area is a valuable commodity. These ecosystem service values add to the arguments based on significant inherent values and the inability to support ecologically sustainable productive land use, that the area should be protected under Crown control.

The front faces also contain significant inherent values particularly in the shrublands and forest remnants in sheltered incised gullies. These shrublands and forest remnants are suitable for protection under covenant.

Public access would appear at first sight to be an issue on Kelvin Grove because there is none. However, the area likely to become Conservation Area can be accessed from Stonehurst to the south, and from the Old Dunstan Road which forms the back boundary of the property. Additional access up the zig zag farm track, via a route avoiding disturbance of the holders privacy, would be a public advantage to provide better access to the area of The Window and The Castle for day trips.

## **Submission 8**





**WALKING ACCESS**  
ARA HĪKOI AOTEAROA

15 July 2013

Commissioner of Crown Lands  
Land Information New Zealand  
Crown Property and Investment  
Private Bag 4721  
**CHRISTCHURCH 8140**

## **Preliminary Proposal for Tenure Review of Kelvin Grove Pastoral Lease, P0 280. Submission from the Walking Access Commission**

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of the Kelvin Grove 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.

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 statutory body established to lead and support public access negotiations.

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 seeks to have public access provided for along the same route as that proposed for the Minister of Conservation Management, that is, access on the access easement labelled 'a-b'.

### **A. Introduction**

#### **Purpose, Objective and Functions of the NZ Walking Access Commission**

The Walking Access Act 2008 (WA Act) (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 Kelvin Grove focuses on achieving free, certain, enduring and future-focused public access in this area of New Zealand.

The Commission's submission aligns with 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, this submission addresses the public access and public enjoyment matters provided for in the protection mechanism subsections (2) (c) and (d) of section 40 of the CPL Act.

The Commission was not consulted during the preparation of this preliminary proposal, 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 responsibility<sup>1</sup> 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**

### **Existing public access**

Gladbrook Road provides formed legal public access to the south-eastern corner of the property. Although not identified on the Proposed Designations plan, unformed legal road (ULR) borders the eastern and part (approximately 2.8km) of the north-eastern boundaries of the lease and provides legal public access in these areas. ULR continues some 2.5km westward in the vicinity of the northern boundary. A formed gravel road, known as the “Old Dunstan Road” runs along the top of the Rock and Pillar Range, and the legal line of this road borders the lease to the west and provides legal public access to the ‘top’ of the property.

### **Public access proposed in the Preliminary Proposal**

There is no public access proposed in the Preliminary Proposal.

The land proposed to be disposed of on freehold title under the tenure review will be subject to the provisions of Part 4A Conservation Act 1987, and 20m marginal strips will be reserved from sale along all qualifying stream beds. Unfortunately the Preliminary Proposal gives no indication of what stream beds may qualify. However, from a report on the inspection of waterways undertaken by TL Survey Services Limited and dated 30 May 2012, we understand that the application of Part 4A Conservation Act 1987 will not enhance public access as a result of this tenure review because Qualifying Water Body report indicates that there are no streams within the freehold areas that qualify.

### **Reviewable land: additional public access sought**

The Preliminary Proposal has no provision for public access from Gladbrook Road to CA1 and the Rock and Pillar Range which is a very significant recreation and conservation resource. Consequently, one of the significant objects of tenure review, the securing of public access to and enjoyment of reviewable land, has not been met in this proposal.

The Commission requests that public access be provided for along the same route as that proposed for the Minister of Conservation Management, that is, access on the access easement labelled ‘a-b’.

### **Non-reviewable land**

The Commission notes that the Summary of the Preliminary Proposal indicates that access from Gladbrook Road is also available over unspecified existing access routes created on *adjoining* properties (Brooksdale and Stonehurst stations) to the north and the south of Kelvin Grove. Nevertheless, earlier this year, Land Information New Zealand advised the Commission that “There is no scope for the Commissioner of LINZ to consider public access outside of the reviewable

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<sup>1</sup> Section 3(b) Walking Access Act 2008

land.”<sup>2</sup>

On the basis of this advice, the Commission does not believe that the Preliminary Proposal can rely on public access being available on or over adjoining land. The Commission understands that practical legal public access to the Rock and Pillar Range from Gladbrook Road is available in the vicinity of Kelvin Grove but that access is on non-reviewable land and, therefore, must be excluded from consideration.

## Conclusion

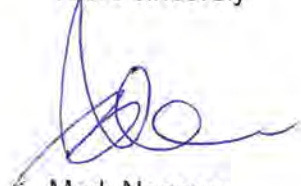
*The Commission:*

1. **Notes** that the Preliminary Proposal has no provision for public access through the proposed freehold to the proposed Conservation Area, and that Objective 24(c)(i) CPL Act appears not to have been met; and
2. **Requests** that public access be provided for along the same route as that proposed for the Minister of Conservation Management, that is, access on the access easement labelled ‘a-b’.

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

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

Yours sincerely



Mark Neeson  
Chief Executive

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<sup>2</sup> Letter of 16 April 2013, from LINZ (Manager Pastoral) to the Commission (Operations Advisor)