

## **Crown Pastoral Land Tenure Review**

**Lease name : KINROSS**

**Lease number : PO 348**

### **Public Submissions Part 1**

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

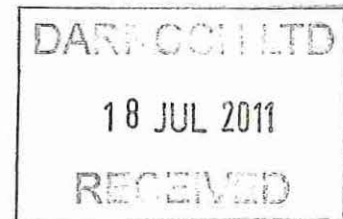
These submissions are released under the Official Information Act 1982.

CENTRAL OTAGO RECREATIONAL USERS FORUM  
(CORUF)

186 Faulks Road,  
RD 2.,  
WANAKA 9382  
Phone, (03) 443 4337

18<sup>th</sup> July 2011

Mr David Paterson  
Darroch Ltd  
PO Box 215  
DUNEDIN 9054



Dear David Paterson,

**Tenure Review – Kinross, PO 348, Preliminary Proposal**

I have not been able to visit this Lease because of illness over the autumn, and am thus reluctant to make comments on it other than in general principle. Some of our members are, however, quite familiar with the Lease, and have passed on their comments to me.

CORUF would be pleased if you would accept our submission on the future of the lease, within these acknowledged limitations.

The submission reflects our interest in the connecting routes established across this lease as part of a wider pattern, and also access TO this "lower" upland, with all its differences from the higher colder mountains further west.

I have also read the submissions by Federated Mountain Clubs, one of our member groups, and am happy to endorse their more detailed recommendations.

Thank you for the opportunity to comment.

Jan Kelly  
Secretary  
Central Otago Recreational Users Forum.

### **ACCESS provisions, Kinross Lease.**

We appreciate that public access has been provided through the property, albeit on Easements, from the valley bottom to the tops (a, b, c, d, e), and linking onwards to adjacent properties at altitude (e, f, g, and f, h.)

It is important to retain public access along the high ground to cater for future links that may be established, including routes in a west-east direction (more or less) from the Kakanui Mountains / Horse Range towards the east coast, and to the north east into North Otago.

We note with approval that at point h, a connection is being made by Bells Saddle to the Waianakaria Scenic Reserve.

In the long term this whole pattern of connections will be a significant boon to the recreating public, and our varied members will appreciate it for a wide variety of recreational reasons.

We note that the Review acknowledges this, as “an important part of the wider access routes in the area” (p5). The links between the Kakanuis, Pigroot, and Waianakaria Scenic Reserve are a significant achievement and we give them our full approval.

The provisions (a keyed gate, plus a lambing restriction) on the track from the Shag Valley up to the high ground on this lease are acceptable.

We suggest that the lambing restriction is not a blanket approach however, but occurs only if lambs are in the paddocks adjacent to the Easements. An overall effect of lambing restrictions Otago-wide is that recreationists are barred for a month or more, almost everywhere, from experiencing the high country in mid spring. It may not always be necessary.

I am advised by members that the Lease has a valuable concentration of native flora that will make it a pleasure to visit, as well as preserving a rich biodiversity of native species at this altitude.

It is important that the Review provisions guarantee the continuation of this quality. The covenanted areas, the prohibition on burning the tussock in the Landscape Buffer Covenant and Biodiversity Covenants, and the requirements to control weeds will be an asset, thus.

We are pleased to anticipate long-term recreational access to this area.

With kind regards

Jan Kelly

Secretary

Central Otago Recreational Users Forum.

## Luana Pentecost

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**From:** David Paterson [David.Paterson@darrochvaluations.co.nz]  
**Sent:** Monday, 18 July 2011 1:46 p.m.  
**To:** Bruce Mason  
**Cc:** Luana Pentecost; David Paterson  
**Subject:** RE: Kinross Tenure Review

Hello Bruce

Thank you for your submission on Kinross.

The submissions and initial analysis will be posted on the LINZ website in the near future. Please advise me if you require notification of when this occurs.

Regards

**David Paterson**  
Manager – Otago/Southland

## Darroch Limited

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**From:** Bruce Mason [mailto:brucemason@ihug.co.nz]  
**Sent:** Monday, 18 July 2011 1:42 p.m.  
**To:** David Paterson  
**Subject:** Kinross Tenure Review

Kinross Tenure Review

There is a significant omission from the preliminary proposal.

Recreation Access New Zealand believes that provision should be made for continuous public access (foot, horse, cycle) along the crest of the Horse Range.

In time, through tenure reviews, and negotiations with freehold owners, a continuous route could be established from Shag Point along the Razerback and Horse Ranges, and Kakanui Mountains, to Dansey Pass. I identified this opportunity in 1988 in the Federated Mountain Clubs of NZ 'Outdoor Recreation in Otago', Volume One.

This is a relatively low altitude without the climatic hazards prevalent on most other Otago Ranges. It



18/07/2011

would provide a variety of walking experiences with great views inland. This needs to be planned so that there are regular public accesses to the range crest from the Shag Valley (formed and unformed public roads). This would enable a variety of short-medium day trips. This would provide a major boost to recreational provision in the greater Palmerston area, given its dearth of walking opportunities.

On other tenure reviews on the Kakanuis such provision has already been made.

I note that only a short extension westwards from the proposed d-e easement would be required to or along the property boundary along the ridge crest. This extension could be left unmarked until such time as a connecting link becomes available through the adjacent property.

Bruce Mason  
Recreation Access New Zealand

Recreation Access New Zealand is a campaign seeking protection of public access rights *and* better management of recreational resources by public authorities, through:

- The promotion of non-motorised recreation on New Zealand's public lands and waters.
- Sympathetic land management for non-motorised recreation.
- Public ownership and control of resources of value for public recreation.
- The supremacy of the public interest ahead of private or commercial interests in the management of public lands and waters.
- Secure public access to recreation areas.

[www.recreationaccess.org.nz](http://www.recreationaccess.org.nz)

**OTAGO CONSERVATION BOARD**

Box 5244, Dunedin 9058  
Email: [mclark@doc.govt.nz](mailto:mclark@doc.govt.nz)

Phone: (03) 474 6936

Our Ref: SBC-08-34

15 July 2011

Commissioner of Crown Lands  
c/- Darroch Ltd  
Land Resources Division  
Box 27  
ALEXANDRA 9340



Dear Sir,

**SUBMISSION ON TENURE REVIEW OF KINROSS PASTORAL LEASE**

Thank you for the opportunity to comment on the preliminary proposal for the tenure review of the Kinross Pastoral Lease.

The Otago Conservation Board is appointed by the Minister of Conservation to represent the wider Otago community in advocating for the protection of biodiversity, the enhancement of 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 which have implications for conservation management in Otago.

The Board's three main areas of interest in connection with tenure review are:

- 1 the protection of biodiversity, including a representative sample of habitats (preferably an altitudinal sequence) of sufficient area to be viable as fully functioning communities;
- 2 the provision of adequate public access and recreational opportunities;
- 3 the sustainability of the land use, in terms of the ongoing preservation of vegetation cover for soil and water conservation purposes.

When considering this proposal, it is important to remember that irrespective of the current leaseholder's inclinations, both leasehold and freehold land occasionally changes hands, and that other circumstances can change. For this reason, it is crucial that the tenure review for Kinross be future-proofed to ensure that conservation values and public rights of access are preserved - not just for the next 10 years or so, but for all future generations. In this process of privatising Crown land, the public has the right and expectation that their needs will be met.

#### **THE PRELIMINARY PROPOSAL**

The proposal is to change ownership of 2042 ha leasehold land by way of freehold disposal to John and Katrina Caley. This change is subject to protective mechanisms, namely a conservation covenant under the Reserves Act 1977.

Kinross Pastoral Lease (Po 348) runs from the north side of State Highway 85 [The Pigroot] approximately 24 km from Palmerston into the Horse Range in Eastern Otago. The property extends for about 9km to the back boundary and is around 3km wide, being across State Highway 85 from the homestead, homestead paddocks and farm buildings on the south side.

The land varies in altitude from about 200m at State Highway 85, goes over the Horse Range at about 600m to rise to 945m at Conical Peak on the eastern boundary, and comprises north- and northwest-facing dissected hill country, with valley floors around 400m asl. Within the boundary are three main spurs running down into the North Branch of the Waianakarua River, with their western aspect steep and rocky in places.

While this is a relatively small pastoral lease, its ecosystems of mid-altitude snow tussock grassland on the eastern limit are an important representation for this part of eastern Otago where there are very few protected areas.

#### **Proposed Conservation Covenant**

The proposed covenant area includes the bulk of the lease run block on the north side of the Horse Range spur, including the three main ridge spurs and slopes running north into the North Branch of the Waianakarua River. The biodiversity component of the covenant is largely on the steeper western slopes. It is shown in the map included with the preliminary proposal. The specific areas of conservation value are mapped [CC1] and include 10 sub-areas described in the proposal. The eastern slopes carry significant areas of short and snow tussock grassland, much of which on the higher slopes is in good "visible" condition.

#### Significant Inherent Values

The significant inherent values include:

1) Landscape values associated with the ridges and valleys of the Horse Range that can be viewed from the proposed public easement created in the proposal;

2) Flora, including 163 + native vascular species, e.g. *Olearia fimbriata* (locally important and under threat), *Carmichaelia crassicaulis*, *Pachycladon cheesemani*, *Olearia lineata*, *Pimelia pseudolyalli*, *Celmisia hookeri*.

CC1 on the eastern side of the lease has woody vegetation in two south side gullies containing representative examples of the original woody cover, with species including montane podocarp broadleaved forest - important because it is one of the few remaining areas of such in the ecological district. The Happy Valley Creek tributary also contains remnant woody indigenous plants, including kowhai dominant treeland and *Olearia lineata*.

3) The habitat of the New Zealand Eastern Falcon is found on the property. Other fauna include chafer beetles, leaf vein slugs, weevils, carabid and darkling beetles, wetas, ants, grasshoppers, and pill millipedes. A number of lizard species may be present based on nearby surveys, including Cryptic, Common, McCanns and Green skinks, and the jewelled gecko.

#### Proposed Covenant Conditions

A Reserves Act conservation covenant is proposed to protect the identified values while allowing the land to be farmed as part of a normal farming operation. Sheep and cattle grazing at a rate that does not adversely impact on the values of the covenant area will be allowed.

Proposed monitoring is by photographic images undertaken on a regular basis to detect deterioration of the scrubland, tussock and forest from grazing or other farming operations. Weed control will also be required under the covenant - especially for broom, gorse and wilding pines. The details of these conditions are written in the tenure review proposal.

#### Public access

One of the most important values on this property is public access that allows physical links between the Pigroot and Kakanui Mountains, and the adjacent Waianakarua Scenic Reserve. The proposed public access route roughly follows an existing legal road line from the State Highway on to the Horse Range along the boundary with Shag Valley Station and up to Conical Peak. The track splits at Conical Peak one part going north down the central spur to the north branch of the Waianakarua River, the other going along the southern boundary to the southeast corner to a track joining Mt Misery Road. The proposed easement is 20 metres wide with a public car park adjacent to the State Highway, and provides public access for non-motorised vehicle, foot and horses.



The proposed easement is well described in the tenure review, with the track route clearly shown on the Kinross map. The *Transfer Grant of Easement in Gross* with details is included in the preliminary proposal.

## OTAGO CONSERVATION BOARD CONCERNS AND RECOMMENDATIONS

### General Biodiversity Protection

The land values and recommended conservation covenant areas are well described in the proposal. The Board would like to see them implemented as mapped and described.

The Board generally supports the covenant conditions listed in the proposal, in particular, no burning or spraying that will damage the tussock cover, or spraying within or close to the biodiversity and buffer areas.

However, the Board notes with concern **the weak/vague language of the conditions and the control consequences used in the proposed conservation covenant**, (e.g. "*Sheep and cattle may graze the covenant areas at a stocking rate that does not in the opinion of the Minister, adversely impact on the values within the landscape buffer covenant and the biodiversity covenant areas*"). This is vague and open to debate. It is based on a Minister's opinion. There are no consequences given if the landowner does allow adverse impacts to occur.

In addition, the wording "*The owner must not deliberately stock the biodiversity covenant areas or in anyway encourage stock into these areas.*" is vague, legally meaningless, and again provides no consequences for non-compliance.

The Board wants the conservation covenant protection enhanced by:

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

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

Biodiversity goals should be written into the conservation covenant to clearly articulate what future conditions are expected to be. These goals and measures need to be described by scientific metrics describing condition and change accurately, over and above photographic means.

The Board would like to have written condition and growth goals relating to the the 10 conservation covenant areas identified with high conservation values, included in the conservation covenant. This should apply particularly to the proposed covenanted areas 8 and 9, located in south-facing, mid-slope gullies towards the eastern edge of the property. These areas contain important mixed forest remnants, with a range of under-storey species.

The goal should be the retention and improvement of the endemic species biomass and biodiversity from existing levels, as measured by a species list and biomass description recorded at the time of property ownership transfer, and every 5 years after. An audit should be done immediately on any future transfer of ownership and two years afterwards.

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

#### Snow tussock Grasslands

The property has good snow tussock cover, particularly on the higher slopes in the proposed conservation covenant area. The Board advocates the addition of written 'grasslands condition' goals to the conservation covenant. The objective would be the retention and improvement of the snow tussock grassland cover and biodiversity values from existing levels, as measured by a species list and biomass description recorded at the time of property ownership transfer, and every 5 years thereafter. This audit should be done immediately on any future transfer of ownership, and 2 years afterwards.

To protect these grasslands and the unfenced higher biodiversity areas outlined in the conservation covenant, stocking levels low enough to reach this goal should be set, e.g. xxxx stock units per hectare all year round, or some stocking rate that is variable seasonally but set to protect the area.

The consequences for overstocking and/or degrading these areas should be a programme of fencing off the areas, and ongoing fence maintenance of the higher value conservation covenant areas, at the owner's expense within 6 months of the degradation being recorded.

#### Weed Control

Recognizing the significant weed problem (mainly broom) on the eastern boundary that will spread over the property if not controlled or eradicated, the Board would like a stronger focus on the eradication of gorse, broom and wilding pines.

The Board recommends that the owner should be required to design and implement an effective control and containment regime for the broom-infested areas within the first year. Such a regime should include the goal of eradicating standing broom, gorse weeds, and wilding trees within twenty years, at a rate of 1/20 of the area per year from the time of the transfer. The consequence of not undertaking this work should be that the Commissioner of Crown Lands will undertake the weed eradication at the owner's expense within this time frame.

Public access

The Board endorses the proposed public access **easements: a-b-c; d-e-f-g and f-h** and the associated conditions, together with any additional easement needed to resolve the boundary issue with Shag Valley Station, as described.

The Board also recommends the establishment of a formal easement for walking access to the conservation covenant #10 planned fenced block from the nearby legal road, to allow public access to this area of high conservation value.

Landscape Buffer Covenants

The Board endorses the proposed Landscape Buffer Covenants with the associated conditions, as outlined in the preliminary proposal.

The Otago Conservation Board thanks you for the opportunity to comment on this proposed tenure review and hopes you will give this submission your serious consideration.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Abigail M. Smith', with a long horizontal flourish extending to the right.

Associate Professor Abigail M. Smith  
Chairperson

New Zealand Historic Places Trust  
Pouhere Taonga



**Our Ref: 22015-001**  
**Your Ref: PRY-C60/12588-TNR-P0348**

*Patron:*  
*His Excellency The Honourable*  
*Sir Anand Satyanand, GNZM, QSO*  
*Governor-General of New Zealand*

14 July 2011

Darroch Ltd  
PO Box 215  
Dunedin 9054



Attn: David Paterson

Dear Mr Paterson

**RE: KINROSS PASTORAL LEASE TENURE REVIEW PRELIMINARY PROPOSAL**

Thank you for your letter of 20 May 2011 concerning the above. The NZHPT's Southern Regional Office in Christchurch has forwarded it to the Otago/Southland Area Office for a response.

The NZHPT is Crown Entity and is New Zealand's lead agency in historic heritage management. Its purpose is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand, as provided for in Section 4(1) of the Historic Places Act 1993. The NZHPT's powers and functions are set out in Section 39 of the Historic Places Act.

NZHPT has developed guidelines based on internationally recognised best practice to assist in the identification and protection of historic heritage values. This includes a specific guideline on the undertaking of archaeological assessments. NZHPT monitors 'one off' opportunities such as this to ensure the Crown's commitment to the identification of significant inherent heritage values and other features warranting recognition and protection on pastoral lease lands subject to the tenure review process.

NZHPT has the following comments to make with respect to the Kinross Pastoral Lease proposal:

- The NZHPT believes that historic and archaeological sites are present on Kinross pastoral lease, and these need to be more thoroughly investigated in order to properly inform this preliminary proposal.
- We note that neither the Summary of Preliminary Proposal dated May 2011, nor Conservation Resources Report dated November 2007 make reference to an archaeological assessment having been undertaken for Kinross Pastoral Lease.
- The NZHPT understands from the Conservation Resources Report that an old hut exists adjacent to the boundary with Glencoe Pastoral Lease.
- It appears that considerable reliance has been placed on the New Zealand Archaeological Association's (NZAA) Site Record Database. The quality of information and extent of coverage varies considerably between locations. It is far from a comprehensive record of New Zealand archaeology and should not be relied upon to demonstrate whether or not sites of historic heritage significance are

present. There are in fact many areas of the High Country yet to be thoroughly investigated, Kinross Pastoral Lease being one of these.

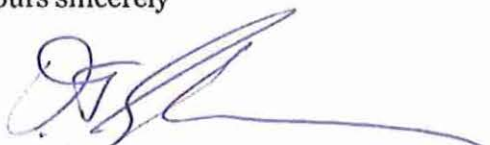
- The NZHPT has undertaken its own desktop analysis for the property. NZHPT's Regional Archaeologist for Otago/Southland has carried out some preliminary checks and provided advice confirming that there was 19<sup>th</sup> century activity on the lease, including a possible early dwelling site identified on survey plan SO16127.
- We have also checked the NZHPT Register of Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu Areas, the Waitaki District Council's District Plan Appendix B: Heritage Items and the NZAA Database. No registered or scheduled sites were identified, nor were any recorded archaeological sites.

Based on the above, and given the proximity to the early Shag Valley homestead, we believe that a more thorough field based archaeological assessment should be undertaken to establish whether any obvious archaeology is present relating to the structures mentioned above and whether any other early sites such as old musterers huts or farm buildings are present. This would facilitate a proper assessment of historic heritage values on Kinross Pastoral Lease and enable recommendations to be made regarding appropriate levels of protection for all sites. The NZHPT is able to provide advice on how to undertake this work and should be provided with a copy of the assessment once completed.

It is important to note that the Crown has an obligation to both the lessee and the public to properly inform itself of significant inherent values on Kinross Pastoral Lease, prior to any disposal. Where appropriate it can then seek adequate protection measures as part of the tenure review.

Should you have any queries regarding the above, please address these to: Jane O'Dea, Heritage Adviser (Planning), ph (03) 470-2366, email: [jodea@historic.org.nz](mailto:jodea@historic.org.nz)

Yours sincerely



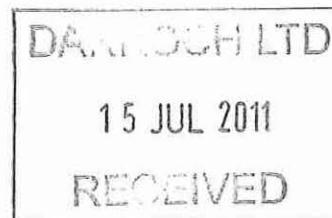
Owen Graham  
Area Manager (Otago/Southland)



**WALKINGACCESS**  
ARA HĪKOI AOTEAROA

15 July 2011

David Paterson  
Darroch Limited  
PO Box 215  
Dunedin 9054



**Re: Preliminary Proposal for Tenure Review of Kinross Pastoral Lease Po 348**

Thank you for providing an opportunity to comment on the preliminary proposal for the tenure review of Kinross pastoral lease. As you will appreciate, this is the first opportunity that the New Zealand Walking Access Commission (the Commission) has had to comment on this proposal. We have not had the opportunity to undertake a ground inspection.

In this submission the Commission seeks to have the legal road through Kinross Pastoral Lease depicted clearly and excluded from the public access easement where the legal road, and formed track coincide.

In addition to the proposed public access routes provided for in the preliminary proposal, the Commission also seeks to have public access from the northern most corner of the legal road (west of point e) westwards along the ridge to connect with the ridge track on Caithness. The Commission also seeks public access along the existing track to the north-western boundary of the pastoral lease to give access to the unnamed tributary of the North Branch Waianakarua River and the marginal strip.

The Commission also seeks to allow use of motorised vehicles on these public access easements, where appropriate.

**A. Introduction**

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

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

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

**Focus of Submission is Public Access**

The Commission's submissions on the Kinross Preliminary Proposal is designed, as envisaged by the Act, to achieve appropriate and enduring public access in this popular area of New Zealand.

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

## **B. Submission**

### **General comments**

The designations plan in the preliminary proposal (the plan) identifies the legal road running up onto and along the Horse Range but, taking the plan at face value, it appears to indicate that the legal road is part of the pastoral lease to be disposed of by freehold disposal. The plan should clearly identify the legal road as not being part of the reviewable land, by marking the road boundary as the boundary of the pastoral lease.

*The Commission:*

1. *Seeks to have the boundary between the pastoral lease and legal road clearly marked as the pastoral lease boundary on the plan.*

We note in passing that the area to be fenced "A-B-C-A" is identified as CC1 on the plan, but without the yellow wash shown in the plan key.

Also, the *Public Access and Minister of Conservation purposes Easement* section of the Summary of the Preliminary Proposal notes the access route will pass by some very significant landscape features.

The Commission suggests that a locality plan, clearly identifying these places and features, should be included with the next phase of the review to provide better context and to assist analysis.

### **Existing public access**

There is a legal road running up onto and eastwards along part of the Horse Range, and we note that the existing track appears to generally be on the same line. This legal road extends, from the Kinross boundary, south eastwards along the Horse Range across adjoining properties.

Another legal road, south of Mt Miserable connects to the eastern most boundary of Kinross. But its alignment, where it intersects the boundary, does not appear to provide very practical access.

Marginal strips exist on the North Branch Waianakarua River through the adjoining Mt Stalker property to the north, and it appears as though the marginal strip borders the pastoral lease in some places. In any event the marginal strip indicates that public access may be possible up the North Branch Waianakarua River at least until the river enters the pastoral lease.

### **Proposed public access**

We note that public access is to be made available on the track up the south west face of the Horse Range ('a-b-c-d-e'), along the south eastern boundary of the property ('e-f-h'), and on the track north through the property ('f-g').

We recognise the strategic importance of this public access linking from the Pigroot, and between the Kakanui Mountains to the northwest and the Waianakarua Scenic Reserve to the east.

*The Commission:*

2. *Supports the provision of public access on the identified routes.*

The relationship between the legal road up, and then south east along the Horse Range, and the proposed easement for public and management purposes appears to have been inadequately defined. The legal road is not part of the reviewable land and is not able to be subject to an access easement. The easement may only be over those parts of the track not on the legal road line.

*The Commission:*

3. *Seeks to have the Proposal, and the easement document, clearly identify that the access*

*easement will only be created over the formed track wherever the formed track is not on the legal road line. (Where the track is on legal road there will be unrestricted public access).*

The Summary of the Preliminary Proposal indicates that the access easement at 'h' will connect with a track through Glencoe to Mt Misery Road. While this easement will presumably also provide access to the western boundary of the Waianakarua Scenic Reserve, we believe this intention should be made explicit.

*The Commission:*

4. *Seeks to have it made explicit that the proposed easement at 'h' will not only connect with the track through Glencoe, but will also provide access to the western boundary of the Waianakarua Scenic Reserve.*

The Qualifying Waterways Report for Kinross<sup>1</sup> identifies that on disposition marginal strips will be created on two sections of the North Branch Waianakarua River totalling some 1610m, and on two unnamed tributaries for some 590 and 1600m respectively. These marginal strips will link with existing marginal strips on the North Branch Waianakarua River to the north and east of the property potentially enabling public access alongside the North Branch Waianakarua River in the vicinity of the northern boundary, and much of the north western boundary of the property. Public access along marginal strips should not be obstructed.

*The Commission:*

5. *Seeks to have unobstructed public access along marginal strips, with the use of stiles and/or gates as appropriate in any fence which may cross over a marginal strip.*

**Desirable public access**

We note that there is no public access from the extremities of the marginal strips southwards in the vicinity of the western boundary of Kinross to and along the formed track to the Horse Range. Nor is there public access, from where this track joins the legal road, westwards along Horse Range ridge to connect with the track on Caithness. Providing public access along these routes will enable public access around desirable circuits.

We also note that the public access easements, while allowing for foot and horse access, restrict the use of motorised vehicles. This will prevent access to the area by less mobile people who wish to have that experience but who are unable to travel far from their support vehicles. While recognising the management challenges motorised vehicles present, we nonetheless believe that some four wheel drive access onto the Horse Range is justified and highly desirable.

We note that provision for car parking will be available on an area of paper road adjoining the State highway, but there is no mention of or provision for vehicle parking at the higher level along the legal road which traverses the Horse Range ridge. Ensuring unobstructed areas are available for vehicle parking along this ridge line will enhance the opportunities for public enjoyment of this desirable area.

As noted previously there is a legal road up the south west face of the Horse Range and then along the Range to the south east, and the formed track is generally on the line of the road. Further research on the history of the track would be required to determine if in fact the track could be deemed to be the legal road, and we recognise that this is not seen as being a function of tenure review.

In the interim we ask that the easement proposed over the formed track in the vicinity of the public road does not exclude the use of motorised vehicles.

<sup>1</sup> TL Survey Services Limited, 08048, 2 April 2008



*The Commission seeks to have:*

- 6. Motorised vehicle access provided for on the proposed public access areas;*
- 7. Provision for vehicle parking, at the higher level, along the section of legal road which traverses the Horse Range ridge;*
- 8. Public access from the North Branch Waianakarua River tributaries south along the western boundary of Kinross to and along the formed track to the Horse Range, and*
- 9. Public access, from the northern point of the legal road (northwest of e), along the Horse Range ridge westwards to connect with the track on Caithness.*

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

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

Yours sincerely

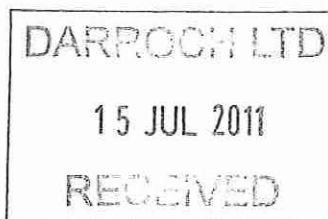
A handwritten signature in black ink, appearing to be 'Mark Neeson', written over a horizontal line.

Mark Neeson  
Chief Executive

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



**FOREST  
& BIRD**  
**Dunedin Branch**  
PO Box 5793  
Dunedin  
15.7.11



Dear Sir,

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

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

Yours sincerely

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

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## **Submission on the Preliminary Proposal for Kinross Pastoral Lease**

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

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

The submission is written with reference to the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the recently stated government objectives for the South Island high country, especially the following:-

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

This submission is based on knowledge of the lease when we were able to do a part inspection at the end of June, though we were somewhat hampered by a coating of fresh snow which prevented us from driving right over to the northern and SE boundaries. We have also consulted the Conservation Resources Report (CRR) and are familiar with the Mt Dasher and Glencoe leases from recent inspections of both leases. Kinross has the only low-middle altitude tussock country in Otago so close to the coast and the tussock country is largely in good condition within the proposed Covenant Area.

### **Introduction**

The Kinross lease of 2042ha is on the Horse Range, a short distance further west than Shag Valley Station and is accessed from SH 85, the Pigroot. The homestead and farm buildings are on the southern side of SH85. The western boundary of the lease is largely with Caithness, Mt Dasher is to the north and Glencoe to the East. The SE corner is close to Bells Saddle which provides access to the Waianakarua Scenic Reserve and to a track through Glencoe to the Mt Misery Road. Caithness, Glencoe and Mt Dasher leases are all currently in the tenure review process. The altitude at the Pigroot is at 300m rising to 700m over the Horse Range and then down to 300m again on the back corner of the Waianakarua. Only about 120ha is above 800m with Conical Peak being at an altitude of 945m.

We note from the CRR that there are at least 163 native vascular plant species on the lease and that at least 7 are listed as threatened and a further one as Data Deficient.

### **The proposal:**

#### **General description of proposal:**

(1) 2042 ha (approximately) to be designated as land to be disposed of by freehold disposal to the holder under Section 35(3), of the CPLA, subject to Part IVA Conservation Act 1987, Section 11 of the Crown Minerals Act 1991. This designation is subject to:

**Protective Mechanism:**

**CC1, 1572 ha, Conservation Covenants** over part of the proposed freehold land under Sections 40(1)(b), 40(2)(a) and 40(2)(b) of the CPLA for the purpose of protection of the botanical and landscape values.

**CC1-****Biodiversity values within CC1**

This covenanted area includes 7 designated areas on the western facing slopes (1-7) classed as areas of important biodiversity and a further 2 areas, 8-9, on the eastern portion of CC1, important for areas of woody vegetation. Fencing is not proposed for areas 1-9.

Areas 1-7 on the western slopes are notable for rocky landscapes and incised gullies with associated rock-dwelling species of shrubs and herbs interspersed with modified tussock grasslands and shrublands.

Area 10, is a shrubland area in the Happy Valley Creek tributary on the lower portion of the lease which is to be fenced

**We would strongly endorse these areas as being worthy of protection for the SIV's within them as described in the Proposal, the Covenant document and in the CRR.**

Also within CC1 on the eastern boundary is a major infestation of broom and some wilding trees (which I had noted during an inspection on the adjoining Glencoe lease in 2010).

It is stated that CC1, surrounding areas 1-10 within it will serve as a landscape buffer in which *'normal farm management practices would be allowed apart from burning or building new structures'*.

**Schedule 1.**

**The covenant conditions as set out in the proposal are defined in Schedule 1, which details the values to be protected and we believe that the landscape and vegetation values are adequately described.**

**Schedule 2, defining the special conditions for both the "Landscape buffer covenant" and the "Biodiversity Covenant raises some concerns.**

**Schedule 2-1. We note and applaud the requirement to control wilding pines, exotic broom and gorse and to prevent them seeding.**

**We also note that under "Landscape Buffer Covenant"- point 7 – *'Areas where seeding broom is present will not be grazed by sheep when there is a risk of further weed spread'* and would comment that if there are not existing fences to keep sheep out at such times, serious consideration should be given to fencing off the areas of broom infestation to aid its containment and eradication.**

**This could also mean that Biodiversity Covenant 9 could be incorporated within such a fence.**

Under "Biodiversity Covenant"- point 8 states that *'the owner must not intentionally stock the "biodiversity covenant" area or in any way encourage stock into these areas.* Yet under point 5 *"Clause 3.1.,5 is amended to allow oversowing and topdressing."*

**Surely continued topdressing and oversowing would have the effect of attracting stock onto some of the biodiversity areas and should therefore not be permitted.**

**Schedule 3. Description of the monitoring programme to be established**

**We note that the details of the photomonitoring methods and the responses to adverse effects demonstrated by the monitoring have yet to be decided and we submit that details of stocking rates and appropriate reductions in stocking rates and/or other appropriate actions (such as fencing) in response to adverse effects should be clearly stated.**

**Qualified Designation:**

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

**We fully endorse the proposals for non-motorised access as stated and would look forward to having access to the top of the Horse Range and via Bells Saddle into the Waianakarua Scenic Reserve as well as down to the Waianakarua itself. It is very scenic walking country.**

**However we submit that additional easements be provided to allow access to Areas 1-9 for those who are interested in the values within them.**

We would like to thank David Paterson of Darroch Ltd., for arranging access and the runholder John Caley for permission to inspect the property. We thank the Commissioner of Crown Lands for the opportunity to comment on the Preliminary Proposal of this pastoral lease.

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

15.7.11