

Crown Pastoral Land Tenure Review

Lease name : SHAG VALLEY

Lease number : PO 331

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

Commissioner of Crown Lands
 C/- Land Information New Zealand
 Private Bag 4721
 Christchurch 8140



Waitaki DISTRICT COUNCIL

Waitaki District Council
 Private Bag 50058, Oamaru 9444

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 Oamaru, New Zealand
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Submission on: Shag Valley Tenure Review

Submission from: Waitaki District Council

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 c/- David Campbell

Andrea

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The Waitaki District Council (WDC) generally supports the proposed tenure review of the Shag Valley Pastoral Lease. WDC has commenced a district wide Ecological Study for the purposes of meeting the requirements under the Resource Management Act 1991 as well as the Proposed National Policy Statement on Indigenous Biodiversity. Information contained in the Shag Valley tenure review will be useful for this study. However, the mechanisms by which indigenous vegetation is assessed and protected under the proposed tenure review may not necessarily end up being the same as those that Council chose after the study has been completed.

The following section of this submission will discuss, where necessary, the concerns WDC has with the preliminary proposal.

Schedule 3, Description of the Monitoring Programme to be established

- a) The monitoring methods proposed under item 3 are visual only and do not record loss of species, either extent or total number. The monitoring will only signal any obvious fragmentation of vegetation cover, which is not necessarily a reliable method of measuring changes to indigenous vegetation extent. The WDC would support referenced plot lines through the biodiversity covenant areas, which would include a comprehensive recording of species along the plot lines.
- b) The monitoring results proposed under item 4 would be useful for WDC and we would request that these be forwarded to WDC to assist with State of the Environment reporting. This will help WDC meet its monitoring requirements under the Resource Management Act 1991 while reducing the cost to ratepayers.

The Waitaki District Council is happy to be contacted by the Commissioner of Crown Lands to clarify any point raised in this submission

Yours Sincerely

David Campbell
 Planning Manager
 On behalf of the Waitaki District Council



OTAGO CONSERVATION BOARD

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Our ref: SBC-08-34

19 December 2012

Land Information New Zealand
Crown Property and Investment
Private Bag 4721
CHRISTCHURCH 8140

(via email to: Pastoral&tenurereview@linz.govt.nz)

Dear Sirs

Review under Part 2 Crown Pastoral Land Act: Shag Valley

The Otago Conservation Board appreciates this opportunity to comment on the preliminary proposal for tenure review of the Shag Valley Pastoral Lease. The Shag Valley Pastoral Lease, designated "Run 781", is located off State Highway 85, approximately 24 kilometres from Palmerston. This pastoral lease covers 1821.0854 hectares and is held by Mr J D Bell and Mrs T E Bell.

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.

The Board's submission is based on a field inspection undertaken on 6 December 2012, on Board Members' knowledge of the area and community interest. The field trip was undertaken by Board Member David Holdsworth, in company with Sir Alan Mark and Janet Ledingham (NZ Forest and Bird), Mike Floate [Federated Mountain Clubs], Ray McLeod (Landward Group), acting for LINZ and the lessee Jonathan Bell.

The proposal is to change ownership of Shag Valley Pastoral Lease, by:

- 1) The Crown retaining 370 hectares of land adjoining the Waianakarua Scenic Reserve set out in Schedules One and Two of the Tenure Review Document, in Crown ownership as a **Scenic Reserve** under Section 35(2)(a)(ii) Crown Pastoral Land Act 1998.

This land comprises the upper eastern slopes of the north side of the Middle Branch of the Waianakarua River adjoining the Waianakarua Scenic Reserve, ranging from 400 to 900 metres in altitude towards Bells Saddle.

Significant Inherent Values present include:

Landscape: Extensive rocky outcrops that provide a striking contrast with the associated tussock lands and also the Waianakarua Scenic Reserve on the north eastern boundary.

Vegetation: Tall tussock grasslands and diverse montane shrub land and broadleaved forest remnants. Threatened species include *Carmichaelia Crassicaule*, *Clematis marata*, *Celmisia hookeri*, *Olearia lineate*, *Pimelea pseudolyallii* (Sparse); *Pterostylis* aff. *Montana* and *Gingidia* aff. *Montana*.

Fauna: New Zealand falcon (*Falco novaeseelandiae*); skinks and geckos, including the Otago/Southland Large and the Long finned eel (*Anguilla dieffenbachia*) present in waterways.

Public Recreation: The land proposed to be retained in full Crown ownership and control will add to the existing reserve. Public access through this area is seen as an important outcome of tenure review and is the most important aspect in regards to public recreation. Looking at this review in isolation, however, it is very difficult to provide access to the proposed Scenic Reserve.

Access is contingent upon the successful completion of the Kinross review. Kinross has a formed access track from State Highway 8 up to and around the western side of Shag Valley. Unfortunately, parts of the formed Kinross track are not on the legal road line. Other unformed legal roads run through adjoining freehold land, and any access onto these paper roads through the adjoining freehold will need to be negotiated outside of tenure review.

2) **Freehold disposal of 1,451 hectares** to Jonathan Dillon Bell, Tanya Elms Bell and H.G.W. Trustees Limited (51/200 share) Alfred Dillon Bell, Jonathan Dillon Bell and Trustees Executors Limited (149/200) being the balance of the Pastoral lease land with the disposal set out in Schedule Three of the Tenure Review Document subject to:

- (a) Part IVA of the Conservation Act 1987;
- (b) Section 11 of the Crown Minerals Act 1991;
- (c) the easement marked as dashed orange line and labelled "a-b" and "c-d", on the Plan and substantially as set out in Appendix 4 of the Tenure Review Document;
- (d) the covenant shown on the Plan in yellow wash and labelled "CC1" and yellow hatch labelled "CC1A-E" substantially as set out in Appendix 5 of the Tenure Review Document.

A **conservation covenant** is proposed over 685 hectares under Section 40(1)(b) and Sections 40(2)(a) and Sections 40(2)(b) Crown Pastoral Land Act 1998.

The **proposed freehold area** comprises the balance of the property with a **conservation covenant proposed over two areas**. The **first** is the balance of the land on the north side of the Middle Branch of the Waianakarua River including the Marble faces from the river up to Conical Peak and the lower portion of the Mt Fortune block.

Significant values include:

Landscape Values: The area provides a significant landscape feature with little built elements.

Vegetation: Significant areas of snow tussock grasslands modified to some extent by pastoral farming, including top dressing, over-sowing and grazing. There are also small areas of bush

remnants in steep sided gullies running down into the river. A number of the threatened species noted in the proposed scenic reserve are also contained in this area, including *Gingidia* aff. *Montana*.

Fauna: The area is an important breeding and feeding site for the New Zealand falcon (*Falco novaeseelandiae*). The area also provides habitat for a range of skinks and geckos.

The second area to be covenanted is a small area on the south eastern boundary in what is called the Rookery block. The values present are mostly associated with remnant broadleaved forests that are present in the gully areas.

Covenant Conditions:

The proposed covenant is a Reserves Act covenant, designed to protect the values identified and allow the land to be farmed as part of the holders' wider operation. The conditions allow for sheep and cattle grazing at a rate that does not adversely impact on the values in the covenant area. The covenant will also have monitoring provisions to ensure the values are not being adversely affected. A series of photo points will be established in consultation with the Minister of Conservation. The purpose of these points is to detect deterioration of the shrub land, tussock and forest as a result of sheep and cattle grazing and other management practices.

In the buffer component of the covenant, the photos will consist of a series of general landscape photos. In the biodiversity areas the monitoring will identify any obvious fragmentation, tracking, gaps and canopy breakdown within the shrub lands, and any observations of stock damage to the understorey and regeneration of the forest areas.

The covenant will also require the control of weeds, especially gorse, broom and wilding pines, plus the control of feral animals. More specifically:

- a **Landscape Buffer Covenant** will allow:
- continued over sowing and topdressing;
 - spraying of the vegetation for the purpose of keeping the land open for pastoral use, subject to the spray not damaging the tussock cover and not within 20 meters of any waterway or drifting onto the biodiversity areas,
 - no burning; and
 - not allowing areas of seeding broom to be grazed with sheep when there is a risk of further spread.
- Stocking rates allowed; 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. It is envisaged that monitoring will indicate whether the grazing levels are impacting on the values, and changes would be agreed to remedy the situation.
- b **Biodiversity Covenant:**
- The owner must not deliberately stock the biodiversity covenant areas or in any way encourage stock into these areas.

Public Access:

Access has proved difficult. The easement proposed is over the parts of the farm track that are within the Shag Valley pastoral lease. Public and conservation management access to the Scenic Reserve will also be available from the Mt Misery Road through the Waianakarua Scenic Reserve that joins the proposed reserve to the east. Access to the proposed Reserve is reliant

on this access and any additional access gained through the review of the adjoining Kinross and Glencoe tenure [reviews].

Otago Conservation Board Recommendations

1) The Otago Conservation Board fully supports retaining the proposed 370 hectares in Crown ownership on the northern boundary adjacent to the Waianakarua Scenic Reserve to extend the reserve area. This land comprises the upper eastern slopes of the north side of the Middle Branch of the Waianakarua River containing extensive rocky outcrops. The area is covered by tall tussock grasslands and diverse montane shrub land and broadleaved forest remnants, and is the habit for New Zealand falcon, skinks and geckos and the long finned eel in the waterways, and is a valuable addition to the Waianakarua Scenic Reserve and biodiversity of the region.

The Board also supports the conservation covenant proposed over 685 hectares shown as CC1 and CC1A to E shown in the Preliminary Proposal document, being the land on the north side of the Middle Branch of the Waianakarua River including the Marble faces from the river up to Conical Peak and the lower portion of the Mt Fortune block.

2) However, the Otago Conservation Board would like the two areas CC1A and CC1B joined in line with the lower elevation of CC1A, by extending CC1A to take in the small area of low pastoral but higher biodiversity values in this higher altitude west margin.

3) Ideally, the Otago Conservation Board would like this enlarged covenant to be continued along the contour to the boundary with the Scenic Reserve R1 (Scenic). The narrow strips of Landscape Covenant at the upper ends of CC1A (shown on the Sheet 2 Map) and CC1B should be added also to the Biodiversity Covenant by including the broad ridge crests between the rocky slopes. Doing this would provide a much more representative and manageable Biodiversity Covenant.

4) The Board believes it would be highly desirable to include this extended CC1A & B within the proposed Scenic Reserve if funds were available for the lower boundary to be fenced off (of the approx 3 km of fencing needed, some 1.2 km would be saved on the Scenic Reserve if this option could be implemented).

5) By extending the proposed Biodiversity Covenant CC1D up valley by about 200m, CC1D would then include the high plant diversity on the three rocky bluffs immediately above the creek and also include another adjacent, south-aspect rocky bluff which also supports a rich flora, including numerous flourishing anise (*Gingidia grisea*) plants.

6) The proposed Biodiversity Covenant CC1E, which is to be protected with a new approximately one km long standard fence, ideally should be destocked to allow the broadleaved forest to regenerate adequately.

7) The Otago Conservation Board supports in general the covenant conditions that allow for sheep and cattle grazing at a rate that does not adversely impact on the values in the covenant area, so long as the owner does not deliberately stock the biodiversity covenant areas or in any way encourage stock into these areas. The Board asks that the monitoring provisions are systematic and any deterioration of the biodiversity values identified at the series of photo points in the shrub land, tussock and forest as a result of sheep and cattle grazing are acted upon immediately and effectively to stop further deterioration.

8) The Otago Conservation Board strongly supports the general covenant protection provisions; the no burning of the covenant areas with deterrent consequences clearly written in the covenant conditions; the control of weeds, especially gorse, broom and wilding pines and not allowing areas of seeding broom to be grazed with sheep when there is a risk of further spread.

The Board also recommends the owner be required to design and implement an effective control and containment regime for these weeds within the first year that includes the goal of eradicating the standing broom and gorse weeds and wilding pines within twenty years at a rate of 1/20 of the area per year from the time of the transfer.

The Board also asks for careful management of brush spraying in pastoral management, so spray does not damage tussock cover, is not within 20 metres of any waterway, and does not drift onto the biodiversity areas.


9) The Otago Conservation Board would like the five conservation covenant areas CC1A-E (or four with the amalgamation of CC1A and B) identified with high conservation value to have condition and growth goals written into the conservation covenant; the goal being to retain and improve the endemic species biomass and biodiversity from existing levels. The Board recommends that a species list and biomass description be recorded at the time of property ownership transfer and audited and updated each 5 years after. An audit should be done immediately on any future transfer of ownership and two years after.

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

The Otago Conservation Board agrees that public access is difficult through the existing Shag Valley pastoral lease property. The Board supports working to gain access through the reviews of the adjoining Kinross and Glencoe tenures to provide continuous access that is formalised and legalised for both the public and the Minister for Conservation management purposes.

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



Associate Professor Abigail M. Smith
Chairperson

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December 18, 2012.

LINZ Pastoral Team,
Crown Property and Investment,
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TENURE REVIEW PRELIMINARY PROPOSAL: SHAG VALLEY PASTORAL LEASE

Having recently visited this property with a Forest & Bird and an FMC representative and given a conducted tour with the lessee Mr Jonny Bell and Mr Ray MacLeod, an agent, I wish this submission to be considered. This is a relatively small leasehold property of some 1821 ha of which some 370 ha (20.3%) is proposed for transfer to full Crown ownership and control as a Scenic Reserve ("R1: Scenic" on the attached plan), on the western edge of the property which will be contiguous with and add to, the Wainakarua Scenic Reserve. The remainder of the property, 1451 ha, is proposed for freeholding but with several protective mechanisms. There is a substantial area of existing freehold land associated with this property so that the proposal should not threaten its economic viability.

The protective mechanisms include a Landscape Buffer Covenant (designated CC1) of some 685 ha within which are proposed four irregularly shaped Biodiversity Covenants (designated CC1A, B, C and D). Two of these (A & B) were visited while the other two (C & D) were seen with binoculars from a distance. There is also a separate proposed Biodiversity Covenant of about 40 ha on the property boundary at the northern end, the so-called Rookery Block, which was not visited or seen but is well described in the proposal as mostly remnant mixed broadleaved forest in gully areas, fringed by mixed shrubland. This is the only covenant proposed for standard fencing, as for the boundary of the proposed scenic reserve.

The higher slopes of this property are in relatively good condition and have obviously been farmed conservatively for some time. There were occasional apparently as-yet non-coning wilding pines, mostly of Corsican Pine which should be removed but many less than on the adjoining property. I was impressed to see an occasional plant of the highly palatable anise, *Gingidia grisea*, on accessible sites within the snow tussock grassland, but nothing compared with its abundance on the several inaccessible rocky bluffs. The locally endemic mountain daisy, *Celmisia hookerii* (presumably here near its western limit), was also scattered through the upper grasslands, as well as most of the numerous rock bluffs. The documented proposal contains relatively good descriptions of the indigenous biodiversity, including N.Z. falcoln, lizards (skinks and geckos) and invertebrates, on the various parts and proposed designations of the property, so will not be repeated here.

I wish to make the following **recommendations**:

1. That the Biodiversity Covenants Nos CC1A and CC1B be combined by joining in line with the lower elevation of CC1A and this enlarged covenant be continued along the contour to the boundary with the Scenic Reserve R1(Scenic). The narrow strips of Landscape Covenant at the upper ends of CC1A (shown on the Sheet 2 Map) and CC1B also be added to the Biodiversity Covenant. This would provide a much more representative and manageable Biodiversity Covenant by including

the broad ridge crests between the rocky slopes. This proposal was discussed on site and apparently would be acceptable to the lessee. Its inclusion within the proposed Scenic Reserve would be highly desirable if funds were available for the lower boundary to be fenced (of the ~3 km of fencing needed, some 1.2 km would be saved on the Scenic Reserve if this option could be implemented)

2. The proposed CC1C covenant complements the CC1A-B covenants, being at lower elevation adjoining the valley floor, and contains some patches of shrub vegetation. All these three areas also contain some patches of apparently long-established but active sheet and gully erosion and so would benefit from minimal grazing. Fencing of the CC1C covenant, although desirable, could not be justified but management to minimise grazing, as required in the conditions of these biodiversity covenants, is highly desirable in both the short- and long-term.

3. The proposed Biodiversity Covenant CC1D, also reaches down to the valley floor and contains some tall shrubs. The valuable high plant diversity on the three rocky bluffs above the creek should be added to by extending this covenant up-valley by ~ 200 m, to include another adjacent, south-aspect rocky bluff which also supports a rich flora, including numerous flourishing anise (*Gingidia grisea*) plants.

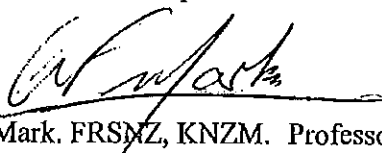
4. The proposed Biodiversity Covenant CC1E, which is to be protected with a new ~1 km long standard fence, ideally should be destocked to allow the broadleaved forest to regenerate adequately; cattle in particular should be excluded because of their known adverse impacts of forest regeneration. So if the proposed permanent photo-point monitoring reveals any adverse effects of stock (apparently this area provides valuable stock shelter in times of adverse weather, but otherwise is seldom used according to the lessee).

5. The monitoring programme specified in Schedule 3 will be a critical component of the success of the covenanting proposals so that the number and siting of these sites, yet to be decided, must be adequate for the purpose, established without delay on the commencement of the plan, and decided on by the Minister's representative in consultation with the owner, Mr Bell. Given adverse results, the three options specified must be available for consideration.

6. The two proposed easements (a-b and c-d) on the south-eastern corner of the property are clearly unsatisfactory without the successful negotiation of similar access on the adjoining sections of the presently formed 4WD track within the adjacent Kinross P.L This property is also currently undergoing tenure review. There is little detail on this issue in the proposal document but presumably it will be resolved between the two lessees and a continuous access (off the legal road which runs from the State highway through the Kinross property to connect with the shared 4WD access track) will be formalised and legalised for both the public (preferably both walking and mountain bike access) and the Minister for conservation management purposes, at least as far as Conical Peak.

I trust that this response and recommendations will be given serious consideration and I thank you again for the opportunity to assess and comment on the proposed review of this pastoral leasehold property. I also acknowledge the hospitality of Mr Jonny Bell in hosting me and my colleagues Dr Mike Floate and Ms Janet Ledingham on our inspection.

Yours sincerely,



Alan F. Mark, FRSMZ, KNZM. Professor Emeritus.

20096180

12 January 2013

Annette
 Commissioner of Crown Lands
 Land Information New Zealand
 Crown Property & Investment
 CBRE House, 112 Tuam Street
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 CHRISTCHURCH 8140



To Whom It May Concern:

Shag Valley Tenure Review Submission

Thank you for the opportunity to lodge a submission on the Shag Valley Preliminary Proposal for tenure review.

The Proposal has introduced some good provisions regarding protection of significant inherent values on the Crown pastoral land concerned. I agree with the most of the proposal; however I have a few proposed amendments that will be discussed in this submission.

Point 1:

Land to be retained in full Crown ownership as Scenic Reserve (R1).

I support the retention of this land by the Crown. The land contained within R1 comprises vegetation and landforms similar to that of the adjoining Waianakarua Scenic Reserve. Due to the amount of indigenous vegetation present, it is unsustainable to continue using this land for pastoral purposes. Under Crown ownership, the land will be managed in a more ecologically sustainable way which gives effect to the primary object of tenure reviews under the CPLA 1998: section 24(a)(i).

24	<p>Objects of Part 2 The objects of this Part are—</p> <p>(a) to—</p> <p style="padding-left: 20px;">(i) promote the management of reviewable land in a way that is ecologically sustainable;</p> <p style="padding-left: 20px;">(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</p> <p>(b) to enable the protection of the significant inherent values of reviewable land—</p> <p style="padding-left: 20px;">(i) by the creation of protective mechanisms; or (preferably)</p> <p style="padding-left: 20px;">(ii) by the restoration of the land concerned to full Crown ownership and control; and</p> <p>(c) subject to paragraphs (a) and (b), to make easier—</p> <p style="padding-left: 20px;">(i) the securing of public access to and enjoyment of reviewable land; and</p> <p style="padding-left: 20px;">(ii) the freehold disposal of reviewable land.</p>
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Section 24 CPLA 1998

Point 2:

Land to be disposed of by freehold disposal to the holder

I partially support the disposal of the rest of the pastoral lease to the lessee. This is because I do not support the disposal of that land contained within covenant area CC1B as shown on the Preliminary Proposal (PP) plan. Much of the rest of the lease is suitable for freehold disposal, but CC1B should not be freeholded for the following reasons.

Appendix 5 (p.35 PP) contains information regarding the form of covenant to be created over areas CC1 and CC1A-CC1E. Schedule 1 (p.44 PP) of this proposed covenant instrument states that the areas CC1A-CC1E will be subject to a "Biodiversity Covenant". Page 48 of the PP reads: "The "Biodiversity Covenant" areas contain the highest values". Point 7 on that same page goes on to say that the owner must not deliberately stock the "biodiversity covenant" areas or in any way encourage stock into these areas.

This is a total nonsense because all the areas that are proposed to be subject to Biodiversity Covenants are not fenced off from stock, with the exception of CC1E. Map four of the Conservation Resources Report (CRR) shows that there are no existing fences around the proposed Biodiversity Covenants. Hence, stock on the "Marble Face" block will enter these areas making the Biodiversity Covenant redundant. There seems to be a growing trend for pastoral leases going through tenure review to utilise "Biodiversity Covenants" where the land contained within those areas should really be afforded greater protection. If the land in question cannot be protected with an "ordinary" covenant than it should be retained in Crown ownership because it contains the "highest values".

2.1 Ecological considerations

According to page 46 of the PP, "forest remnants in the Marble Face have a different character to those in the Rookery block, reflecting the change from the Dansey ED to the Waianakarua ED". Because of historical events, this is little (especially publicly accessible) broadleaf forest remaining that contains the different characteristics of the Dansey ecological district.

Page 47 of the PP notes that "stock is having a significant effect on regeneration of canopy and understorey species in the forest remnants in the Rookery block". It also goes on to say that "Ground cover (in the Rookery block) includes most of the species found in the Marble Face 2 remnant". It is a fact that stock eat groundcover so based on the above evidence, why aren't the Biodiversity Covenant areas on Marble face receiving at least the same level of protection as CC1E?

Another point to be noted relates to the distinction between the "Landscape Buffer Covenant" and the Biodiversity Covenants. The primary distinction between the two as noted on page 48 of the PP is that only the Landscape Buffer Covenant is permitted to be grazed. To illustrate this, stock will be permitted graze on the thin strip of land (CC1) between R1 and CC1B, but not on CC1B. Unless the holder fences off CC1B, then stock will inevitably enter the area making the Biodiversity Covenant useless.

2.2 Proposed amendment

Based on my above submission, I propose that the preliminary proposal be amended as shown below in figure 2.1. The amendment aims to strike a balance by protecting the significant ecological values of CC1B, and minimising the amount of pastoral land retained by the Crown.

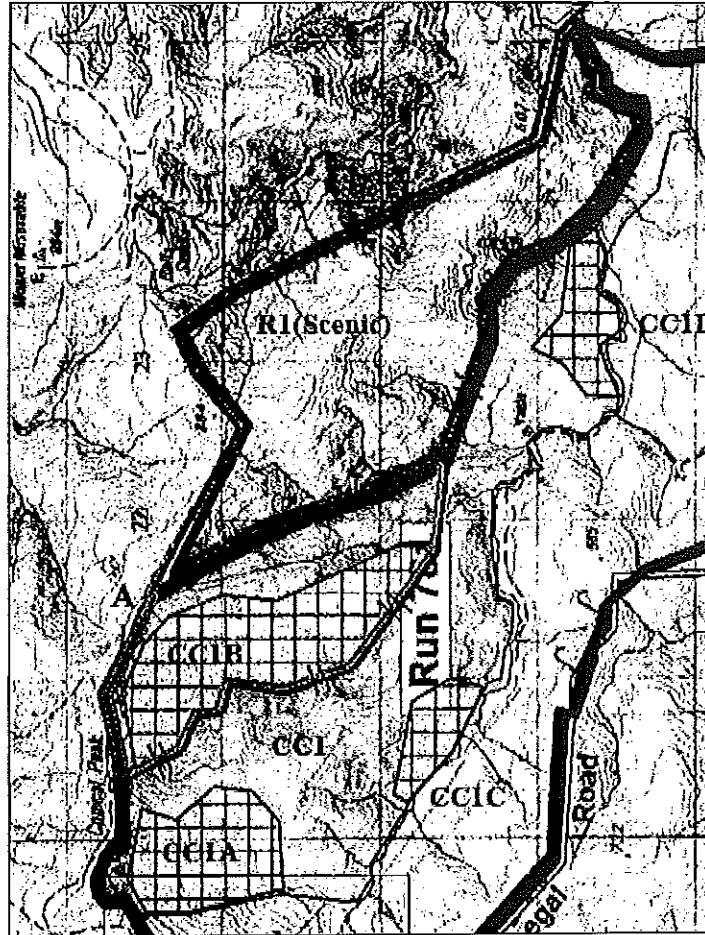


Figure 2.1

Details:

- * I propose that the fence line A-B be re-aligned to follow up more or less the western side of CC1B, as practicable (an additional 1400m).
- * All that land now contained within the fence line be retained in Crown ownership as an addition to the proposed adjoining R1 area.

Areas affected are as follows:	CC1B	117 ha
	CC1 within new fence	<u>87 ha</u>
	Total area to be added to R1	204 ha

2.3 Statutory assessment

In its current form, the PP does not meet the first object of the CPLA: *to promote the management of reviewable land in a way that is ecologically sustainable*. The use of Biodiversity Covenants to protect ecologically significant areas meets s.24(a)(i) in theory;

however in reality it does not as only one out of the five Biodiversity Covenant areas will provide practical protection. It is not ecologically sustainable to continue allowing stock to graze the understorey and prevent future growth of broadleaf forest that has managed to survive fires and land clearance in the past.

Point 3:

Public access to Conical Peak

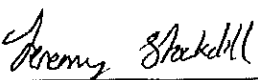
At present, Conical Peak is only accessible from SH85, and not from the nearby Waianakarua scenic reserve to the North. I have not been to Conical Peak, but it provides extensive views to the South that cannot be seen from the current Waianakarua scenic reserve. For this reason, I ask that an easement for public access be created from the Waianakarua scenic reserve to Conical Peak. Because the creation of this easement does in no way adversely affect the provisions of s.24(a) & (b) of the CPLA 1991, it meets the requirements of s.24(c)(i).

Conclusions and Recommendations:

1. I support Crown retention of that land contained within R1 as shown on the PP plan.
2. I support the disposal of the remainder of the pastoral lease to the lessee subject to the amendments as shown in figure 2.1. Because grazing is prohibited on the Biodiversity Covenant, CC1B theoretically provides no pastoral benefit to the lessee. My proposed amendment will mean that only 87ha of grazable land (contained within CC1) will be retained in Crown ownership which is a small price to pay to provide proper protection for CC1B (117ha).
3. I ask that an easement for public access be created from the neighbouring Waianakarua scenic reserve to Conical Peak.

Thank you for considering this submission, and I trust it will be given serious consideration.

Yours sincerely



Jeremy Stockdill

15-01-2013

Date



Dunedin Branch
PO Box 5793
Dunedin 9058



13.1.13

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 these submissions on the preliminary proposal for Shag Valley Station Pastoral Lease on behalf of the Dunedin Branch of Forest and Bird.

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

Yours sincerely

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

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

cc David Paterson.
Dunroed Ltd.

The proposal:

General description of proposal:

2.1 Scenic Reserve R1

An area of 370 hectares (approximately) to be designated as land to be restored to or retained in full Crown ownership and control, as a Scenic Reserve.

The proposed R1 would be added to the current Waianakarua Scenic Reserve and given the significant inherent values within it, flora, fauna and landscape, well described in the CRR and the proposal, the Scenic Reserve designation is appropriate and provides adequate protection. It would also provide a valuable altitudinal sequence.

We fully support the proposal to designate the area R1 as Scenic Reserve to be added to the Waianakarua Scenic Reserve.

2.2 Land to be freeholded

An area of 1,451 hectares (approximately), subject to a protective mechanism and a qualified designation under section 35(3), section 36(3)(b), section 40 (1)(b) section 40 (2)(a) and section 40 (2)(b) CPL Act 1998.

Protective Mechanism

CC1 Conservation covenant

The above covenant is over approximately 685 hectares and includes biodiversity covenants 'CC1A-CC1E'. It is described as a 'Landscape Buffer Covenant' with four Biodiversity Covenants within it.

We would like to comment that it would be much easier for NGOs and others to make judgements on the values within Biodiversity Covenants if they were specifically listed for each one-this has only been done for CC1E as far as we can see. We also had this problem with the Caithness PP when we recently made submissions on that lease.

Biodiversity Covenants within CC1

CC1A and CC1B extend from near the ridgeline down the slopes to the south of Conical Peak on the Marble Face block. From the grid reference given for Marble Face 2 in Schedule 1, p9, of the Covenant Document, it appears that the forest remnant described there is in fact outside CC1B between its southern tip and the edge of R1. Perhaps this is an error as surely it should be included within a Biodiversity Covenant.

From the importance of the vegetation listed in the description of this forest remnant it seems obvious that it should be included in a biodiversity area or indeed added to R1.

We also believe that CC1A and CC1B should be made continuous and extend up to the northern boundary with Kinross and across to the R1 boundary east of CC1B and from discussions on the inspection day we understand that the Lessee has no objection to this,

CC1C is on the southern boundary of CC1 (Marble Face block) opposite Conical Peak extending from the river up-slope to include forest remnant (presumably that described under 'Marble Face 1', p9 in the Conservation Covenant document, Schedule 1-3. Values of Land to be protected).

It is certainly worthy of some protection to minimize grazing.

CC1D is also on the southern boundary of CC1 on the Mt Fortune block and extends up from the river to include a bluff area with high plant biodiversity.

We recommend that it be extended about 200m further upstream to include a rocky bluff area, also with a high degree of plant biodiversity. (Figure 1); on the inspection day the Lessee indicated that he saw no problem with this.

Biodiversity Covenant outside CC1

CC1E is outside CC1 at the southeastern corner of the lease within the Rookery block and has a relatively large forest remnant in the gully areas. Many of the forest species here are not seen in the vegetation present on areas described as Marble Face 1 & 2. It is obviously an important remnant and we note that it will be fenced, but that from time to time may be used to provide shelter for newly shorn sheep. Monitoring will be important here to ensure no adverse effects from sheep.

We would prefer that all stock were excluded to ensure the regeneration and the long-term health of the forest.

If this does not happen we strongly recommend that these sheep incursions be kept to a bare minimum and that cattle should be completely excluded at all times.

The monitoring programme as specified in Schedule C will be critical to ensure that the values in the Biodiversity areas are maintained and maybe such monitoring should be done more frequently to ensure that swift action can be taken should any adverse changes be recorded. We believe that under the current management detrimental changes would be unlikely but it is important to have safeguards in place to ensure that any future changes in management or ownership do not have a detrimental effect on the important values within CC1 and the Biodiversity Covenants.

Public Access

We note that access along the track mostly on Kinross, which goes onto Shag Valley at several points is proposed and endorse this arrangement.

Ratification of the above access is necessary to satisfy the CPL Act requirement to provide secure public access to the new public conservation land in the proposed Scenic Reserve RI.

Presumably access for the public into RI would then be via the Kinross track close to Bell's Saddle or preferably via the Mt Misery Road on Glencoe.

As is often the case with Conservation Covenant areas with no automatic right of access we can see some problems here. For example, our inspection stop on the Conical Peak ridge at about Grid reference Topo50 CC17 104 841 was for me a chance to enjoy the plants and lichens there and to judge that the public should have a right to at least wander the ridge top there and drop down the slope a bit. Yet there is no specific provision written in for this at present. Similarly a number of people with botanical interests would appreciate the chance to look at the flora on the bluffs of CC1D and the remnant forest of CC1E.

Re access to CC1E in particular we ask that foot access from Razorback Road following up the South Branch of the Waianakarua River and perhaps using what appears to be existing 4WD tracks be investigated.

Thankyou for the opportunity to comment on this preliminary proposal.

Janet Ledingham

For Dunedin Branch, Royal Forest and Bird Protection Society

13.1.13.

Figure



Figure 1. The bluff that we recommend should be added to Biodiversity Covenant CC1D.

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PENINSULA TRAMPING CLUB

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www.peninsulatrampingclub.org.nz
Affiliate of the Federated Mountain Clubs of NZ Inc

Address:
**The Secretary
PTC
PO Box 13 258,
Christchurch 8141**

Land Information New Zealand
Private Bag 4721,
CHRISTCHURCH 8140
Attn: LINZ Pastoral Team

Wednesday, 30 January 2013



Dear Sir /Madam

Re: Review under Part 2 Crown Pastoral Land Act: Shag Valley

Thank you for the opportunity to comment on the Preliminary Proposal for tenure review of the Shag Valley Pastoral Lease.

We recognise that tenure review offers an opportunity to ensure public access to the hills and high country of the South Island is safeguarded in perpetuity, while minimising interference with farming operations.

The Peninsula Tramping Club is actively involved in outdoor recreation. The Club runs weekend and multiday trips throughout the year. Our members tramp, climb and mountain bike in many parts of the South Island. As a general policy, we wish to protect existing areas used for recreation, and we are looking for new recreational opportunities, particularly in those areas that have not been generally accessible to the public to date.

We have considered the proposal and the information in the review document. The review of the Shag Valley Pastoral Lease, the adjoining Kinross Pastoral Lease and the Waianakurua Scenic Reserve, offers an opportunity to open up a new area for outdoor recreation in the head of the Waianakurua River catchment. The upper Waianakurua River catchment is within easy travelling distance from Timaru, Oamaru and Dunedin. Plus the lower altitude and proximity to the coast means the area could be used by groups with differing levels of skills during winter months when the high country may be harder to access.

We appreciate that the scope of this pastoral lease review is limited to one property and therefore opportunities to develop public access is limited (Para 2.2, pg. 4; & pg 5). The presence of this type of tussock country at the eastern end of the Horse Range and Kakanui mountains, lying close to the east coast is, however, a relatively uncommon landscape. We note that there are a large number of unformed legal roads in this area, and as properties come up for tenure review these roads could be used to secure long term public access to this hill country.

For the remaining portions of the legal road outside the pastoral lease, we will contact Walking Access New Zealand to ask that they negotiate public access from Dunback Morrisons Road and Razor Back Road

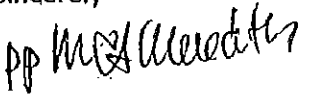
General Recommendation

- It is our view that the assessment of public access opportunities should not be limited to a case by case basis for each property, but for this pastoral lease, the Kinross lease and other adjacent pastoral leases as they come up for review, easements and other forms of legal public access are formalised with the aim of establishing a larger contiguous network as part of a conservation area for recreation purposes.

Specific Recommendations

- We support the proposed public access easement from the legal road to Conical Peak
- As part of our general comment above, we recommend that the legal road running along the top of the Horse Range, the southern boundary of this pastoral lease, also be marked as a public access route to the boundary of the property. If the adjacent property comes up for tenure review, or Walking Access New Zealand can negotiate an agreement with the landholder, then this route could be extended to Razor back Road

Yours sincerely



Leo Manders

President, Peninsula Tramping Club

Cc Secretary, Federated Mountain Clubs
Geoff Holgate, Walking Access New Zealand
Otago Tramping and Mountaineering Club
South Canterbury Tramping club
North Otago Tramping and Mountaineering Club

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Federated Mountain Clubs of NZ (Inc)

P.O. Box 1604
WELLINGTON 6140
www.fmc.org.nz

29 January 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,



Re: Preliminary Proposal for Tenure Review Shag Valley Pastoral Lease (Po 331)

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 Clark (Labour-led) government's stated objectives for the South Island high country especially the following:-

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

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

* Note that regardless of the 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 recognize that additional objectives (introduced by the Clark Labour-led government) have been reviewed and modified by another government, and will no doubt be reviewed again by the 2012 Key (National-led) government, but we still believe that these objectives 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 Shag Valley entitled "Preliminary Report on the Recreational and Related Significant Inherent Values: Shag Valley Station" (March 2004) at the 'Early Warning' stage of the tenure review process. That report included our recommendations for the outcomes

of tenure review on Shag Valley. We are pleased to note that some of those recommendations are included in the Preliminary Proposals for the tenure review of Shag Valley. We comment in detail on these proposals in this submission.

Property Inspection, 6 December 2012.

A group of people, including a representative of FMC, and respected tussock grassland ecologist Prof Alan Mark and Mr Ray MacLeod, the runholder's consultant, was recently privileged to share a day with the Lessee, Jonny Bell. Jonny gave the group a guided 4WD tour of Shag Valley Pastoral Lease on 6 December 2012. We are most grateful to the lessee for his time, hospitality and opportunity to discuss farm management and land resources of Shag Valley. We note that the Pastoral Lease (some 1,800ha) is run in association with a substantially larger area (some 3,000ha) of freehold land. The Pastoral Lease would almost certainly not be a viable business operation without the adjoining freehold land.

This tour gave us an opportunity to see first hand the present condition of the land and natural resources on Shag Valley Pastoral Lease. It also provided an opportunity for in-depth discussion of the past, present and likely future management of the property which has been in the hands of the Bell family for three generations.

We were impressed by a number of features of the property. These included the steep, hilly nature of the place (given its relatively low altitude, nowhere more than 1,000m) and its present vegetation condition. This appears to be relatively good, reflecting the careful management and husbandry employed over many years, by past as well as the present generation of the Bell family. A prominent feature of the property, Conical Peak, provides remarkably expansive views in almost all directions despite it not rising above 1,000m.

We note that only a small part of the property (some 370ha) is proposed for restoration to or retention in Crown ownership despite the preference over other protective mechanism spelled out in the Crown Pastoral Land (CPL) Act S.24(b). We have some doubts about the long term effectiveness of the proposed covenants to protect the values described in Schedule 1 of the Covenant Deed. Although we respect the careful management of the present lessee we remind the Commissioner that the protective mechanisms must also provide adequate protection of the values under future land ownership.

The provisions of the PP about which we have concerns are as follows:-

- The preference stated in the CPL Act, 1998 for the protection of significant inherent values (SIVs) by return to full Crown ownership and control has not been implemented. In response to this concern, and given that most of the land proposed for protection under Covenant, has been classified Land Use Capability (LUC) Class VIIe we recommend that some of the proposed Covenant CC1 should be reconsidered for addition to the Scenic Reserve R1. Other options will be discussed below.
- The proposed monitoring regime may only show changes after 5 years, by which time ecological harm may have already been done by wandering stock. More frequent monitoring is recommended.

THE PRELIMINARY PROPOSAL

FMC commentary and detailed submissions on the individual Proposals 2.1 and 2.2, together with the proposals for **Protective Mechanisms, Qualified Designations** and **Public Access** in the Preliminary Proposal (PP) for the tenure review of Shag Valley 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 An area of 370 hectares (approximately) to be designated as land to be restored to or retained in full Crown ownership and control, as a Scenic Reserve labelled "R1 (Scenic)" on the Designations Plan, under Section 35(2)(a)(ii) CPL Act 1998.

FMC Commentary on the Proposal 2.1

We note that the area comprises the upper slopes on the north side of the Middle Branch of the Waianakarua River adjoining the Waianakarua Scenic Reserve. The area ranges from approx 400m to 900m towards Bells Saddle.

From the inspection conducted in December 2012 we believe that the description of the landscape values is accurate and includes the rocky outcrops that provide a striking contrast in colour and texture with the associated tussock lands and also the Waianakarua Scenic Reserve on the north eastern boundary.

Similarly, we agree with the description of the tall tussock grasslands which are dominated by narrow leaved snow tussock, diverse montane shrubland and small areas of broadleaved forest remnants.

We accept that the area is an important breeding and feeding site for the New Zealand falcon. Likewise, we understand that there is also a range and sequence of invertebrate habitat due to the location on the boundary of two ecological districts.

Public Recreation values are important to FMC. We are aware that Shag Valley pastoral lease lies between Shag Valley freehold land to the south and east, a recreation reserve to the north east and pastoral lease land (Kinross, currently also under review) to the north and north west. The land proposed to be retained in full Crown ownership and control will add to the existing reserve. We note that the PP states that Public Access through this area is seen as an important outcome of tenure review and FMC agrees that this is the most important aspect in regard to public recreation.

The PP document states however that *"looking at this review in isolation, it is very difficult to provide access to the proposed Scenic Reserve. Access is contingent upon the successful completion of the Kinross review which has been recently advertised. Kinross has a formed access track from State Highway 85 up to and around the western side of Shag Valley. Unfortunately parts of the formed Kinross track are not on the legal road line"*. We note that public access to this new reserve is available from the existing Waianakarua Scenic Reserve to which this area will be added.

The FMC 'Early Warning' Report (2004) on Shag Valley recognised that that the summit ridge from Conical Peak to the vicinity of Bells Saddle is dominated by Kaikoura Steepland High Country Yellow Brown Earth Soils (Classified Land Use Capability (LUC) Class VIIe) and is unlikely to be capable of being managed in a way that would be ecologically sustainable. The area does however have significant inherent landscape and natural values. It was recommended that this area should be returned to full Crown ownership and control.

We are therefore pleased that in that the current PP some 370ha of this summit ridge would be returned to the Crown and designated Scenic Reserve (RI). However, the designated area only extends from the vicinity of Bells Saddle to the point marked "A" at the western end of the proposed new fence along the eastern side of Reserve RI. At present the western part of the ridge is proposed for protection under covenant, which is not the preferred mechanism indicated in the CPL Act. It would be desirable to extend Reserve RI to a point below Conical Peak, on the Shag Valley/Kinross boundary. This is discussed in detail under Proposal 2.2 below.

FMC Submission on Proposal 2.1

- *FMC strongly supports the proposal that some 370 ha in the northwestern quarter of the pastoral lease should be returned to or retained in Crown ownership and control.*
- *FMC would prefer that the entire summit ridge is returned to Crown ownership. If this could not be achieved using fencing, FMC suggests that the proposed Covenant areas are amalgamated.*

Proposal 2.2 An area of 1,451 hectares (approximately) to be designated as land to be disposed of by freehold disposal to J D Bell, T E Bell and H.G.W. Trustees Limited, A D Bell, J D Bell and Trustees Executors Limited subject to a protective mechanism and a qualified designation (shown on the Plan) under section 35(3), section 36(3)(b), section 40 (1)(b) section 40 (2)(a) and section 40 (2)(b) CPL Act 1998.

Protective Mechanism A conservation covenant over approximately 685 hectares (labelled "CC1" and green hatch labelled "CC1A-CC1E" on the designations Plan) under Section 40(1)(b) and Sections 40(2)(a) and Sections 40(2)(b) CPL Act 1998

FMC Commentary on Proposal 2.2

The FMC 'Early warning' Report (2004) on Shag Valley recognised that a large part of Shag Valley pastoral lease was characterised by soils classified LUC Class VI, and would likely be capable of being managed in a way that would be ecologically sustainable. FMC has no objection to such land being designated suitable for freehold disposal, so long as a nutrient maintenance programme is agreed and put in place as a condition of sustainable management.

We understand that the proposed freehold area comprises the balance of the property (after the return of the Reserve (RI) to full Crown ownership) with a conservation covenant (CCI) proposed over two areas. The first Conservation Covenant is the balance of the land on the north side of the Middle Branch of the Waianakarua River including the Marble Faces from the river up to Conical Peak and the lower portion of the Mt Fortune block. The second area is situated in the Rookery Block.

We calculate that if some 685ha are designated to be protected under Covenant CCI, then the remaining 766ha would be available for unencumbered freehold disposal. If this calculation is correct we have no objection to the freehold disposal of this 766ha area, subject to the potential for expansion of the land under Crown ownership.

We have some concerns about the proposals for Protective Mechanisms, Qualified Designations, Covenant Conditions and Public Access. We understand that the proposed Covenant Area on the Marble Face and in the Mt Fortune Block includes landscape, vegetation and fauna values as described in the summary of the PP and in more detail in Schedule I of the formal Conservation Deed of Covenant.

As indicated in the FMC Report (2004) it would be ideal if the entire ridge, including the proposed Scenic Reserve (R1) could be extended westwards to include Conical Peak. Support for this suggestion is indicated in the PP where the significant inherent values (landscape and vegetation) are described as follows:-

"Landscape Values: The area in conjunction with the higher altitude land adjoining provides a significant landscape feature with little built elements.

Vegetation: The area comprises significant areas of snow tussock grasslands which have been modified to some extent by pastoral farming, including top dressing, over sowing and grazing. There are also small areas of bush remnants in steep sided gullies running down into the river. A number of the threatened species noted in the proposed scenic reserve are also contained in this area.

Fauna: The area is an important breeding and feeding site for the New Zealand falcon. There is also a range and sequence of invertebrate habitat due to the location on the boundary of two ecological districts. The site also provides a habitat for a range of skinks and geckos, of which a number of different species were noted on the inspection".

We recognise that fencing would pose problems and if that is not achievable we suggest an alternative proposal for the amalgamation of covenant areas west of the Scenic Reserve (R1) and including Conical Peak.

We recommend that consideration be given to the amalgamation of Biodiversity Covenant Areas CC1A, CC1B and associated areas of Landscape Buffer Covenant CC1, adjacent to the property's western boundary, into a single Biodiversity Covenant area. (new CC1A). The western boundary of this new (combined) CC1A might start from the Shag Valley/Kinross boundary, cut across to the lower boundary of both CC1A and CC1B and thence to the boundary of the Scenic Reserve R1, near the point where there is a change in direction of the proposed new fenceline. Note that this new (combined) CC1A should include the forest remnant (Marble Face 2, described in Schedule 1 of the Deed of Covenant) which is described as being situated at GR I42: 221.435 and therefore appears to be within the Landscape Buffer Covenant area CC1. Surely this important forest remnant should be within a Biodiversity Covenant Area? This suggested amalgamated Biodiversity Covenant Areas was discussed with the runholder during the field inspection on 6 December 2012, and it is our understanding that most of this suggestion would be acceptable to him.

Another matter discussed with the runholder during the site inspection was the possible extension of Biodiversity Covenant area CC1D on the true left of the Middle Branch where it leaves "The Basin". The question was whether a small rocky bluff adjacent to CC1D could be added to its western boundary. The runholder could see no reason why such a small bluff area should not be taken out of CC1 and added to CC1D.

The second area to be covenanted is a small area on the south eastern boundary in what is called the Rookery block. We were unable to inspect this area so we have to accept the description that *"The values present are mostly associated with remnant broadleaved forests that are present in the gully areas. This area is identified as CC1E on the plan."* Because of the extent of Broadleaf forest in this Biodiversity Covenant it is accepted by FMC as a valuable contribution to the protection of Biodiversity on Shag Valley Station. Although the area is proposed to be fenced off, we understand that it is also used as a sheltered area for stock. Our concern here is that cattle could cause ecological damage if this shelter arrangement is not managed very carefully.

FMC Submission on Proposal 2.2 (Covenant Proposals)

- *FMC has no objection to the land proposed to be designated as freehold, provided a nutrient management programme is developed and implemented.*
- *FMC feels that the significant inherent values present at higher elevations in Covenant area CCI justify the extension of the Reserve Area (RI) to include Conical Peak. If this is not feasible, FMC recommends that the Covenant areas are amalgamated.*
- *Inclusion of the small rocky bluff adjacent to the western boundary of the proposed Covenant area is recommended, and this could be added to CCID.*
- *The use of Covenant area CCIE for stock shelter will need to be managed very carefully to ensure that no ecological damage occurs.*

Covenant Conditions:

The document states that the proposed covenant is a Reserves Act covenant "*Designed to protect the values identified and still allow the land to be farmed as part of the holders' wider operation*". It further qualifies this by stating that "*The conditions allow for sheep and cattle grazing at a rate that does not adversely impact on the values in the covenant*". FMC asserts that there are conflicting objectives and interests in these statements:

We have serious doubts that the intention to "*still allow the land to be farmed as part of the holder's wider operation*" can be compatible with the objective "*to protect the values identified.*" Even if serious ecological damage is not done to existing vegetation it is almost certain the regeneration of woody shrubs and trees will be inhibited by grazing or browsing stock, especially cattle. We appreciate that monitoring is intended to detect such damage, but where monitoring is only carried out at 5-yearly intervals it is quite possible that damage may have already been done before it is detected and may be irreparable, or set back the achievement of the objectives by years. We are also concerned that there is no definition of the appropriate stocking rate to ensure that "the rate does not adversely impact on the values in the covenant". At the very least any grazing and browsing must impact on shrubland regeneration.

We also have concerns about the conditions which allow spraying, oversowing and topdressing in "Landscape Buffer" (CC1) areas. We understand for example the need for some topdressing to ensure ecological sustainability, as opposed to nutrient depletion. However, there are risks involved, (eg from spraying) the avoidance of which rely on the land owners' goodwill. We have no doubts about the present land occupiers willingness to observe the intentions of the covenant and its conditions, but conditions must be imposed to ensure "future proofing" to guard against abuse or neglect by any future irresponsible land occupier.

We note three specific points (in quotes below) in the PP, each of which is annotated with our commentary as follows:-

"The covenant will also have monitoring provisions to ensure the values are not being adversely affected. A series of photo points will be established in consultation with the Minister of Conservation. The purpose of these points is to detect deterioration of the shrub land tussock and forest as a result of sheep and cattle grazing and other management practices." We doubt whether the 5-yearly intervals are frequent enough to detect ecological changes early enough to prevent damage. We recommend more frequent monitoring.

"In the buffer component of the covenant, the photos will consist of a series of general landscape photos. In the biodiversity areas the monitoring will identify any obvious fragmentation, trucking, gaps and canopy breakdown within the shrub lands, and any observations of stock damage to the understorey and regeneration of the forest areas". We seek assurance that more frequent observations and recordings will be made in the 'Biodiversity Areas'.

"The covenant will also require the control of weeds, especially gorse, broom and wilding pines, plus the control of feral animals". FMC approves of this condition.

FMC Submission on Proposal 2.2 (Covenant Conditions)

- *FMC is concerned that the values of the covenant will be compromised if grazing and browsing is allowed, further a stocking rate is not prescribed.*
- *FMC is concerned that spraying, over sowing and top dressing is allowed in the landscape buffer. These must be managed to ensure there are no adverse effects. . Conditions must be imposed to ensure "future proofing" to guard against abuse or neglect by any future irresponsible land occupier.*
- *FMC recommends more frequent monitoring of Biodiversity Covenant areas*
- *FMC approves of the conditions for the control of woody weeds.*

Public Access: We note that the PP claims that – *"Providing suitable public and DOC management purposes access has proved difficult for this property. A legal road runs from the State Highway through the adjoining Kinross pastoral lease to the south west corner of Shag Valley. The formed track deviates from the legal line in several places and is therefore less than ideal access to Shag Valley. A farm track runs from this legal road along the Western boundary of Shag Valley mostly within the boundary of Kinross. There are a number of short lengths where it appears the track crosses into Shag Valley. This track continues along the western boundary to Conical Peak. The easement proposed is over the parts of the farm track that are within Shag Valley pastoral lease".*

The lack of formal access is acknowledged in the proposal as an unsatisfactory situation. To deal with the situations where the track crosses and recrosses the Kinross boundary as proposed in the PP for Shag Valley, formally established public access across Kinross and the establishment of easements along the boundary with Shag Valley are required in order to secure public access to the new Scenic Reserve (R1) and to satisfy the requirements of the CPL Act.

The PP further states that: *"Public and conservation management access to the Scenic Reserve will also be available from Mt Misery Road through the Waianakarua Scenic Reserve that joins the proposed reserve to the east. Access to the proposed Reserve is reliant on this access and any additional access gained through the review of the adjoining Kinross and Glencoe tenure reviews."* We understand that there may be similar problems with access via the Mt Misery road through Glencoe if the actual formation does not strictly follow the legal alignment. These issues must be resolved in order to secure public access.

Consideration might also be given to the establishment of an easement (for public foot and mountain bike access) utilising the legal road along "Airstrip Ridge" (SW boundary of the pastoral lease), and thence down through the freehold country on the front face to SH 85. This would provide an excellent round trip for public enjoyment.

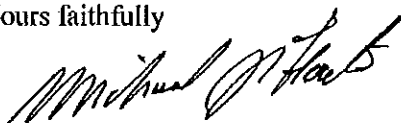
FMC has further concerns about the achievement of the vision of a long distance, east-west walking track from the North Otago coast to Danseys Pass and beyond. We do not believe that the tenure review of Shag Valley is affected at present, but if satisfactory outcomes to the tenure review of some neighbouring properties are not achieved, then possible access over Shag Valley land may need to be revisited. FMC recommends that the NZ Walking Access Commission should be consulted and invited to assist in the resolution of this issue.

FMC Submission on Proposal 2.2 (Public Access)

- *We note that the provision of public access on Shag Valley Station depends on the completion of tenure reviews on neighbouring properties. In particular, access to Conical Peak and Scenic Reserve RI depends on the establishment of public access through Kinross, or Glencoe and the Waianakarua Reserve.*
- *FMC asserts that the tenure review of Shag Valley cannot be finalised until formal public access through Kinross is established. This together with the proposed easements along the Kinross/Shag Valley boundary are required to satisfy the CPL Act requirement to provide secure public access to the new public conservation land in the proposed Scenic Reserve R1.*
- *We recommend that consideration be given to the establishment of an Easement for public foot and mountain bike access along "Airstrip Ridge" legal road and down the front face to SH 85.*
- *Given potential problems with secure public access over Shag Valley and its neighbouring properties, FMC recommends that the NZ Walking Access Commission should be consulted and invited to assist in the planning for, and development of a long distance, East-West route from the East Coast to Danseys Pass and beyond.*

Finally, FMC is grateful to the holder of Shag Valley pastoral lease for granting permission for this inspection, and spending a day of his valuable time showing us around the property. FMC appreciates the valuable discussions about its natural and productive resources of the property, and their management. We are also grateful to the Commissioner for Crown Lands for this opportunity to make submissions on the Preliminary Proposal for the tenure review of Shag Valley Station

Yours faithfully



bb Josie Broadbent
Hon. Secretary, Federated Mountain Clubs of NZ, Inc.



North Otago
Tramping &
Mountaineering
Club

PO Box 217
OAMARU 9444

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

4 February 2013

Dear Commissioner

TENURE REVIEW: SHAG VALLEY

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

In particular, the Club supports the proposal to restore 370ha to Crown ownership and control as a Scenic Reserve to be added to the existing Waianakarua Scenic Reserve, a resource which is well known to Club members. However, our support is dependent on the access issue being satisfactorily resolved. Without assured practical access, the proposed addition to the Waianakarua Scenic Reserve will be of limited recreational value.

The proposal to freehold the remaining area to the current lessees subject to a conservation covenant is also supported. The flexible stocking idea, monitoring provisions and requirements to control weed plants and feral animals in our view represent a good balance between economic use of the land, the income from which can, in part, pay for weed and pest control, and the safeguarding of conservation values.

Yours sincerely

John Chetwin
Vice-President

331 009



WALKING ACCESS
ARA HĪKOI AOTEAROA

05 February 2013

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

Preliminary Proposal for Tenure Review of Shag Valley Pastoral Lease, PO 331. Submission from the Walking Access Commission

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of the Shag Valley 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 in 2008 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;

supports:

- the proposed easement for public access 'a-b' and 'c-d';

seeks to have:

- an easement created to provide for walking access along the western and northern boundary of the lease from the unformed legal road at the western corner, to and around Conical Peak, and thence to the boundary of the proposed Scenic Reserve;
- an easement created to provide walking access from Conical Peak southwards down an adjoining ridge to connect to the marginal strip (which will remain Crown Land reserved from sale) that will be created on the disposition of the adjoining parcel;

requests clarification on:

- "propose public access network in the area" (as quoted in the summary on page 8); and
- LINZ's policy on addressing public access initiatives related, but external, to the reviewable land.

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 Shag Valley is designed, as envisaged by the WA Act, to achieve free, certain, enduring and future-focused public access in this area of New Zealand.

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

The Commission was not consulted during the preparation of this preliminary proposal, nor has the Commission had the opportunity to undertake a ground inspection.

Therefore, this submission should be considered as new information provided by the Crown agency with statutory responsibility¹ for leading and supporting the negotiation, establishment, maintenance, and improvement of –

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

B. Submission

Existing public access

An unformed legal road (ULR) provides a circuit of legal public access running from the Dunback Morrisons Road (part of State Highway 85, the 'Pigroot') near Kinross, northeast onto the Horse Range then southeast along the Horse Range connecting to Razorback Road and also Razorback Track. These latter two connections ultimately connect to the Pigroot again via Sweetwater Creek Road. Some 3.5km of this ULR forms part of the boundary with, or in places within, the Shag Valley pastoral lease. The ULR that links to Razorback road provides legal public access in limited places at the southern boundary of the lease.

Limited legal public access is also available from the southern boundary of the property northwest up the South Branch of the Waianakarua River, and to the northeast up a tributary of the South Branch of the Waianakarua River.

Public access to the Shag Valley lease is also possible along the north-eastern boundary with the Waianakarua Scenic Reserve.

Proposed public access

1. Conical Peak is a significant landscape feature of the lease, and is the highest point for some kilometres around, thereby providing the opportunity for expansive views. Public access to this feature is highly desirable. Public access to the western section of the Waianakarua Scenic Reserve is very limited and, therefore, access to the Scenic Reserve proposed in the Preliminary Proposal will also be very limited. Good, secure public access

¹ Section 3(b) Walking Access Act 2008

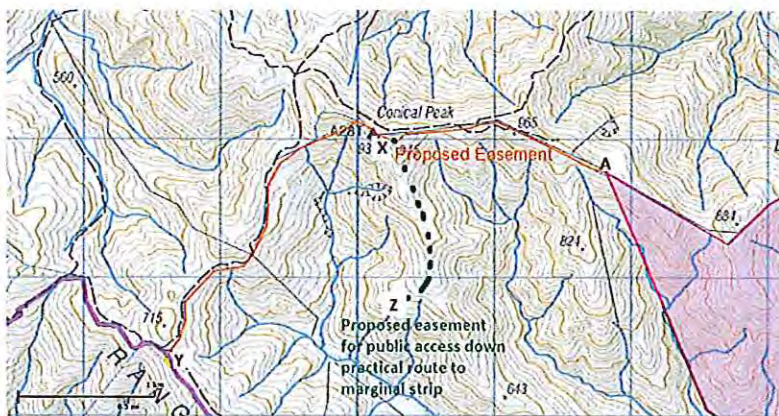
to the Scenic Reserve is also highly desirable.

The LINZ Summary refers to a formed track running northeast from the ULR on the Horse Range and generally in the vicinity of the western boundary of Shag Valley lease towards Conical Peak. The Commission supports the creation of an easement on those portions of the formed track within the Shag Valley lease ('a-b' and 'c-d').

Nevertheless it is in the public interest, and within the scope and objectives of the CPL Act and the WA Act, that public access should be provided to Conical Peak, itself, and to the proposed Scenic Reserve, along the western and northern boundary of the Shag Valley lease – an access corridor that is completely within the Shag Valley lease.

An easement is, therefore, required to provide the public with the right to walk in the general vicinity and within the boundary of the Shag Valley Lease, from the ULR at the western boundary of the lease, to and around Conical Peak, and to the boundary of the proposed Scenic Reserve (point 'A'), as shown Y-X-A in diagram below.

This route is the only feasible public access that can be confidently provided by the tenure review of the Shag Valley lease to Conical Peak and the proposed Scenic Reserve.



2. The Commission notes that the Waterways Inspection Report of 11 September 2007 indicates that the Middle and South Branches of the Waianakarua River, and a tributary to the South Branch, are of sufficient width to have marginal strips reserved². These marginal strips will provide legal public access alongside waterways which meet the statutory nominal width requirements, but are unlikely to provide any connections for through-routes or loop-routes as the waterways reduce below nominal width at their tributary sources. Therefore, public access from the proposed right of way about Conical Peak should be extended southwards down practical route ridges to provide a connection to the western-most marginal strip, as shown in the diagram above, X-Z and thence down a practical route to connect with the marginal strip.
3. The Summary of the Preliminary Proposal (the LINZ Summary) states that “providing suitable public access has proved difficult for this property” (page 5 of the LINZ Summary), and that access to the proposed Scenic Reserve will be limited to that available through the Waianakarua Scenic Reserve.

The Commission also notes the comment on page 8 of the LINZ Summary that “the property is not an integral part of the proposed public access network in the area”. The Summary does not elaborate further and is silent on what the ‘network’ might involve.

Therefore, the Commission does not agree with the above statement. This is because the Commission does not believe that the proposal currently meets the objective of section

² Section 24 Conservation Act 1987

24(c)(i) of the CPL Act. That is to make easier the securing of public access to and enjoyment of reviewable land.

4. The LINZ Summary also refers to possible additional access that may be gained through the tenure review of the adjoining Kinross and Glencoe pastoral leases. The Commission understands, however, that such access through adjoining leases has previously been specifically excluded from consideration. The Commission requests clarification about this statement.
5. The Commission consequently requests clarification on two points:
 - What is the "proposed public access network in the area" and whose plan is being referred to in this comment on page 8 of the LINZ Summary?
 - Whether the above statement reflects a policy change at LINZ that enables it to actively consider submissions on public access initiatives outside of the area of the reviewable land. It is important to clarify this point as LINZ has previously not accepted submissions for public access outside of the reviewable land in question.

Conclusion


The Commission:

1. **Supports** the creation of the easement 'a-b' and 'c-d'.
2. **Seeks** to have an easement created to provide for walking access along the western and northern boundary of the lease from the unformed legal road at the western corner, to and around Conical Peak, and to the boundary point 'A' of the proposed Scenic Reserve (shown Y-X-A in the diagram above).
3. **Seeks** to have an additional public access easement from the vicinity of Conical Peak that follows a practical route southwards to join the western most marginal strip, as indicated by alignment X-Z in the diagram above.
4. **Seeks** clarification about the "proposed public access network in the area" as noted on page 8 of the LINZ Summary.
5. **Seeks** a copy of the plan that depicts this "proposed public access network in the area".
6. **Seeks** clarification concerning the LINZ policy - whether it encourages submitters to recommend appropriate, practical and enduring public access outside of the area of reviewable land.

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

We request a timely response to the information requested under items 4, 5 and 6 in the conclusions above and 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


for Mark Neeson
Chief Executive

New Zealand Historic Places Trust
Pouhere Taonga



Our Ref: 22015-001
Your Ref: Po 331

4 February 2013

The Manager
LINZ Pastoral Team
Private Bag 4721
CHRISTCHURCH

Dear Sir/Madam

RE: SHAG VALLEY PASTORAL LEASE TENURE REVIEW

Thank you for your letter of 4 November 2012 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 a 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.

We understand that while a site inspection occurred in 2003 and further investigations also happened in 2005 the Conservation Resources Report, May 2005 states that 'no sites of historic significance have been identified on Shag Valley PL'. We have been advised by DOC it appears there was "no formal historic inspection completed at the time of the original tenure review inspection". This would seem to include any desktop assessment.

NZHPT has contributed staff resources to tenure review site inspections and assessments previously and understands the significant inherent values approach for tenure review. These reviews offer a 'one off' opportunity to ensure the Crown's commitment to the identification of heritage values located on pastoral lease land and warranting recognition and protection is met.

NZHPT has undertaken a desktop check for the area covered by Shag Valley PL which included checking the NZHPT Register of Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu Areas, the NZ Archaeological Assn. database, plus a review of information available to NZHPT's Regional Archaeologist for Otago/Southland. In this instance, it appears a more thorough investigation of historic heritage values should have been completed to inform the review process. We advise the following from our investigations, with reference to plans attached to this submission;

- The 1868 survey map (#1844) shows that this area was surveyed very early for pastoral use.
- The 1882 map (#1842) appears to show that an 'old hut' noted on this map is located on the SE corner of the PL. This would need to be field checked to confirm its heritage

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

status. Pastoral huts from before 1900 are rare nowadays and a record of this hut should be obtained.

- This hut may be located within a 'pre-emptive right for occupation' area next to the SE boundary of the lease, shown on an 1866 map. Again, this needs to be field checked.
- There are two sets of yards one on the Middle Branch and one on the South Branch of the Waianakarua River. These need to be checked as the remoteness of this part of the Shag Valley PL would mean that facilities such as the yards were essential for the running of the property.
- The old pack tracks to Mt. Fortune and to the Conical Hill Trig should also be checked as these appear on early maps for the property.

Should these sites of potential historic heritage significance still exist on the ground, then they may be regarded as archaeological features. As these features are located on land proposed for disposal to the lessee, it is important to advise that any activity by the owner of the land that may modify, damage or destroy any archaeological site(s), would require an authority (consent) from the NZHPT prior to any works being undertaken. Work affecting archaeological sites is subject to the archaeological authority process under the Historic Places Act 1993.

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

Yours sincerely



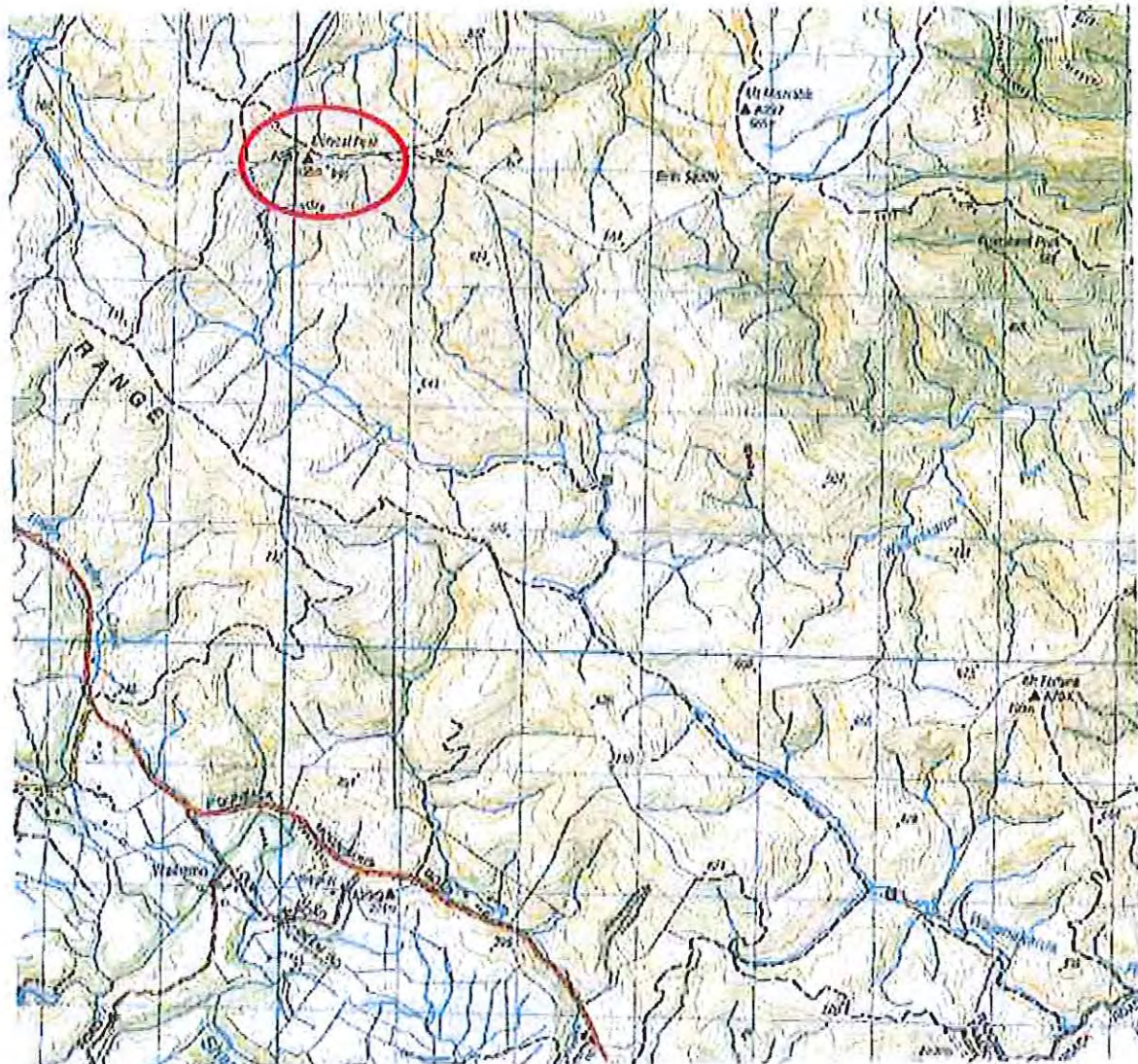
Owen Graham
Area Manager (Otago/Southland)

Shag Valley Station TR historic features from topos.
Dr Matthew Schmidt, NZHPT Regional Archaeologist - desktop review 1 Feb 2013.

Survey Trig Conical Peak, pack track to Mt. Fortune and yards to check. Possibly an 'old hut'
located on the bottom SE corner of the PL should be checked.

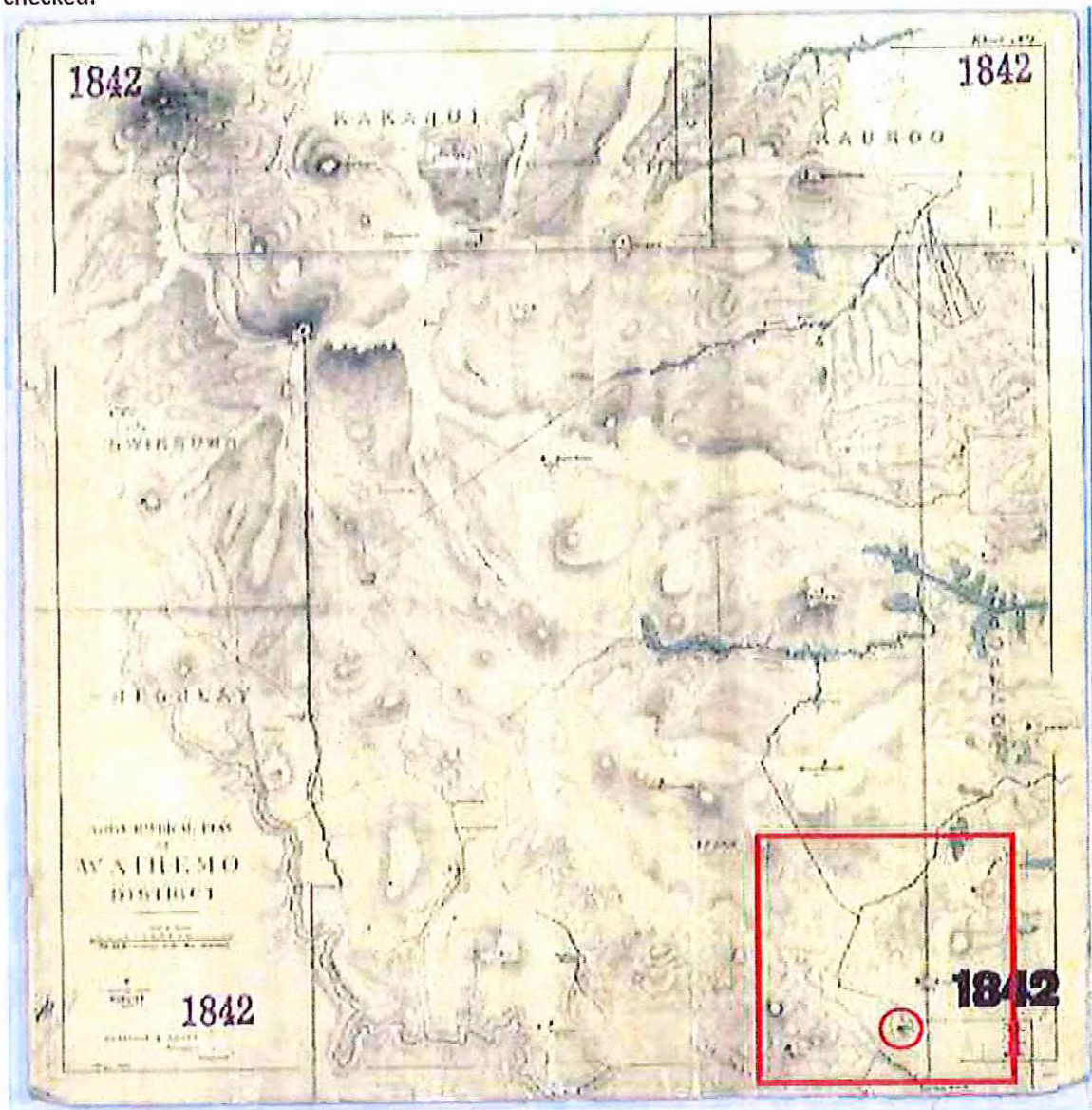


Conical Peak Trig 'D' est 1882.

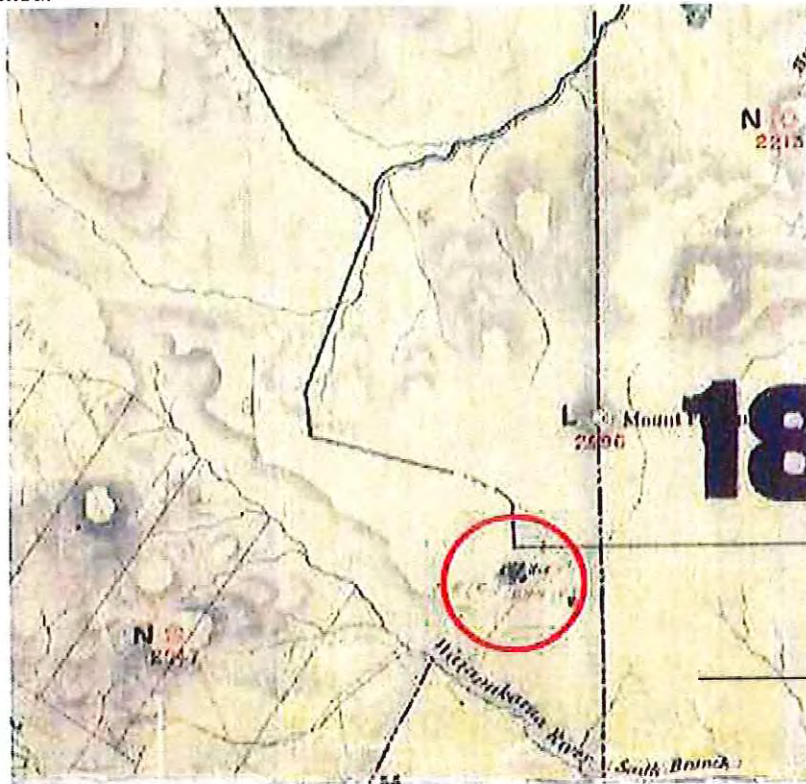


Current NZTM topo

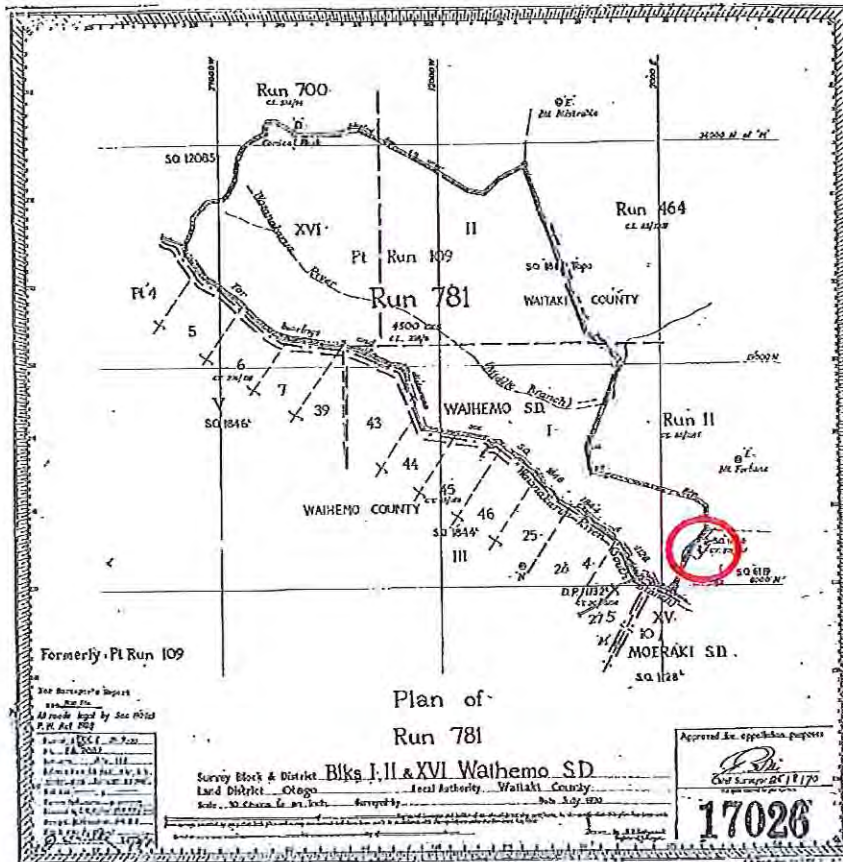
Survey Map from 1882 possibly showing that the 'Old Hut' noted is on the lease. This would need to be checked.



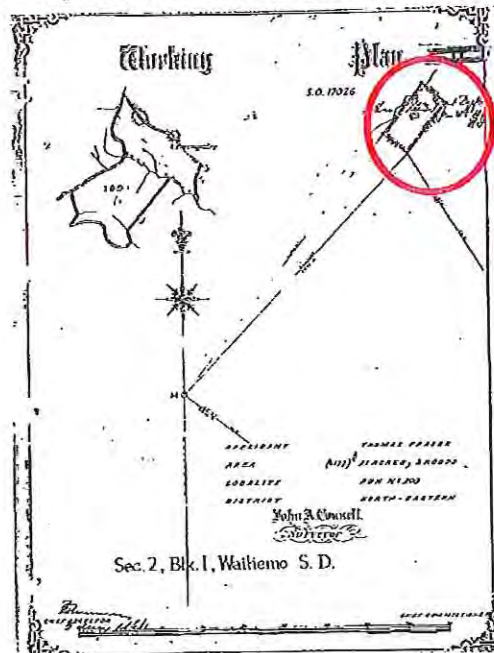
Section of Survey Map from 1882 possibly showing that the 'Old Hut' noted is on the lease. This would need to be checked.



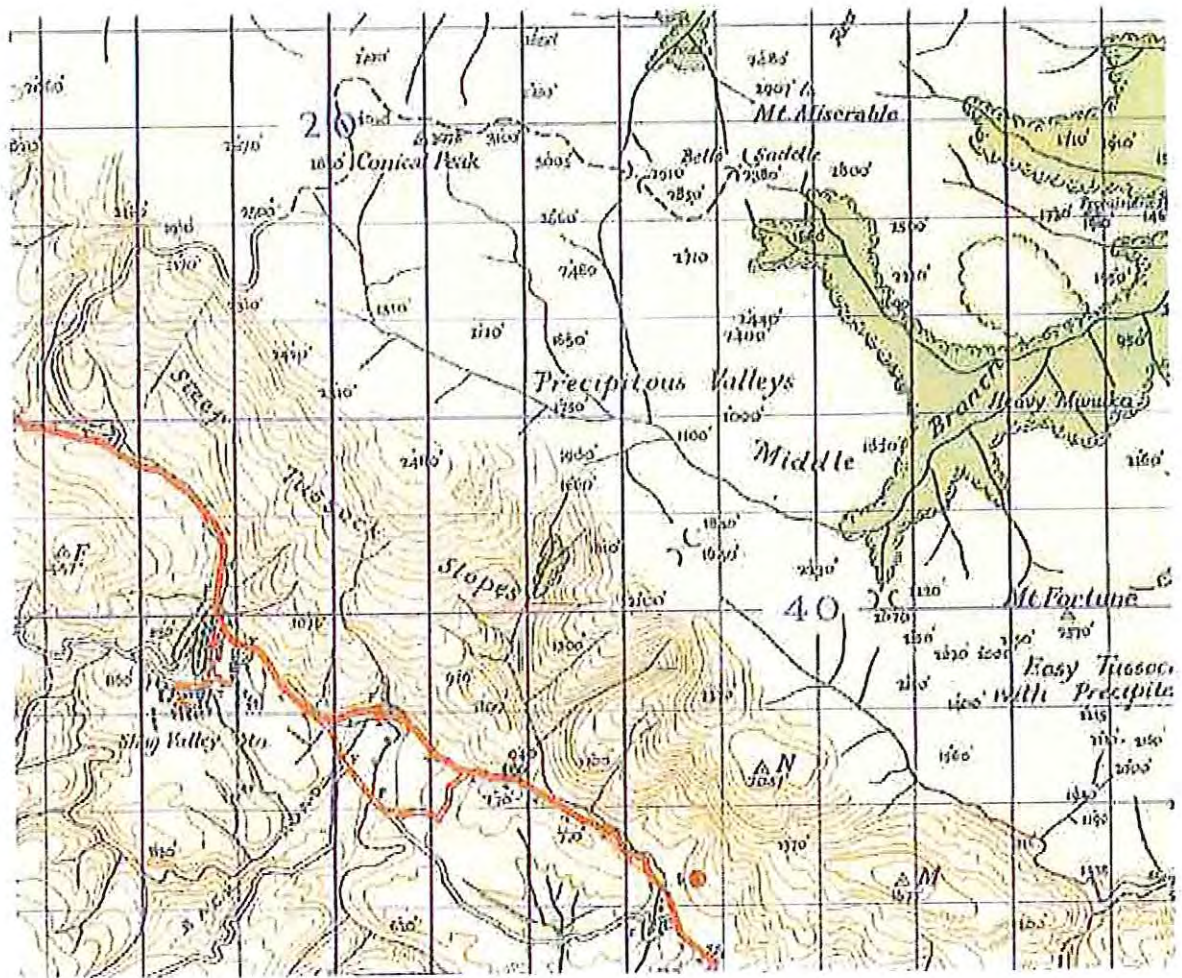
SO 17026 from 1970 showing SO 16126 from 1866 where right preemptive right is located. This may be where the 'old hut' is shown on the 1882 map, but needs field checking.



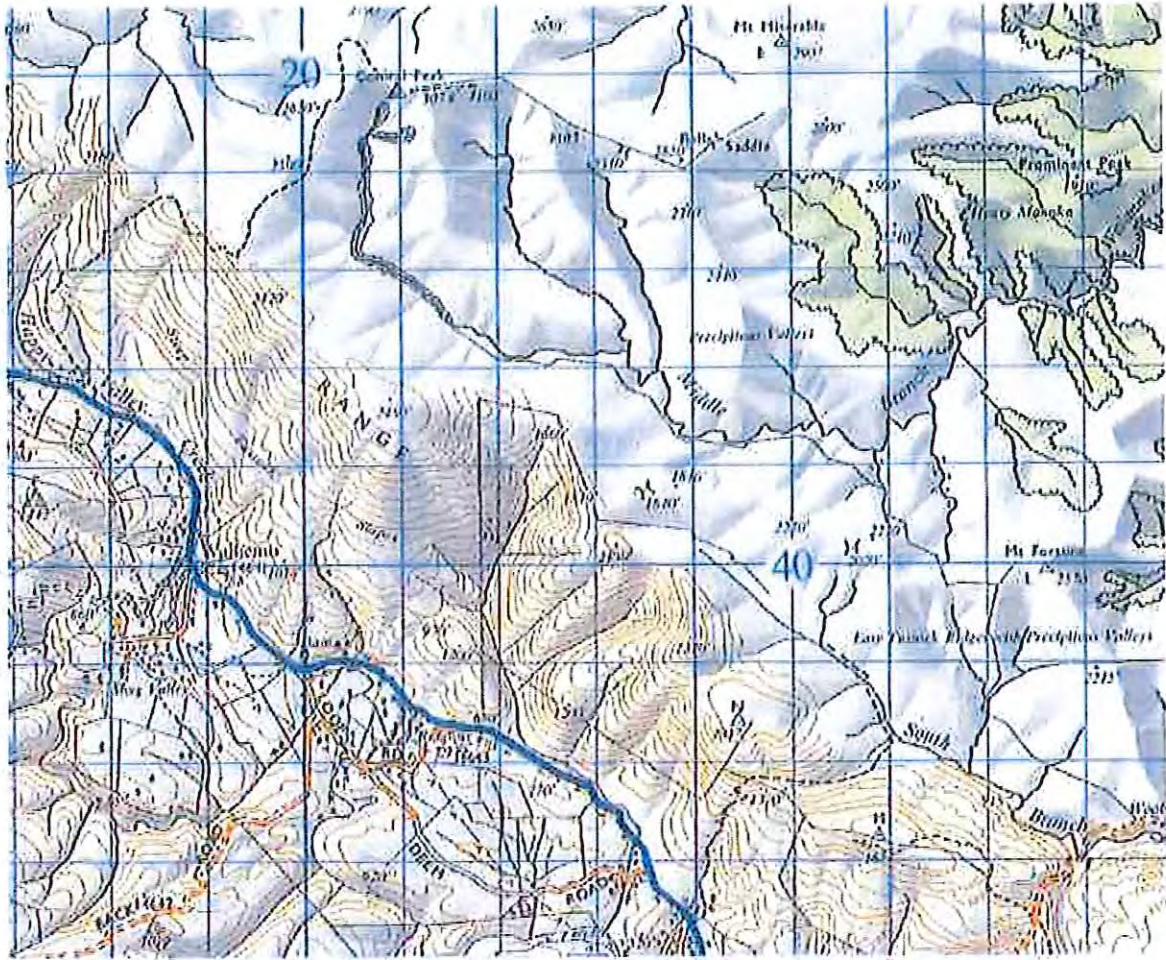
SO16126 from 1866 showing preemptive right. This may be where the 'old hut' is shown on the 1882 map, but needs field checking to confirm if the hut was on the pastoral lease.



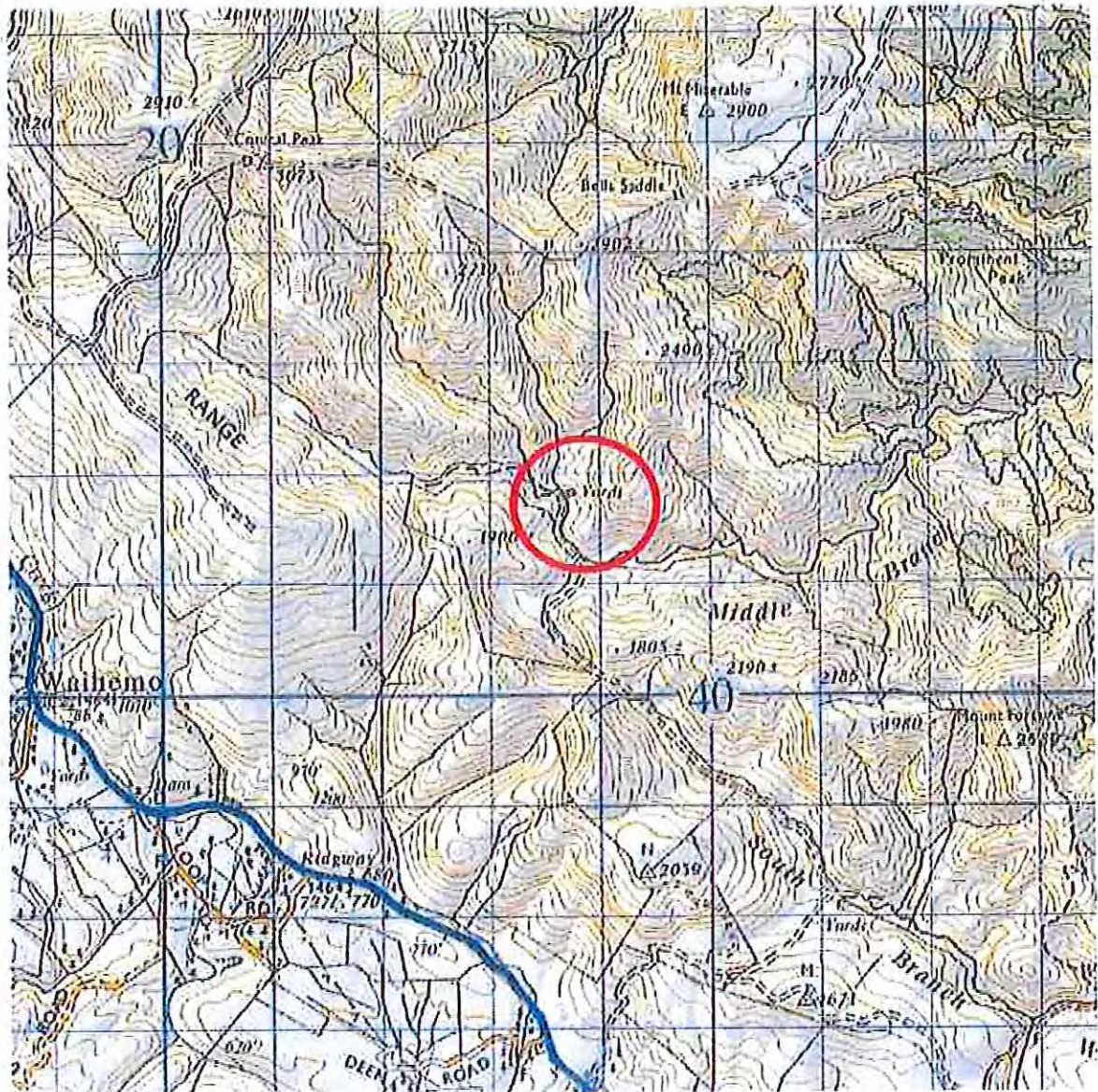
16126



Provisional S146 Inch/Mile 1943 NZMS1



Second Edition S146 Inch/Mile 1966 NZMS1

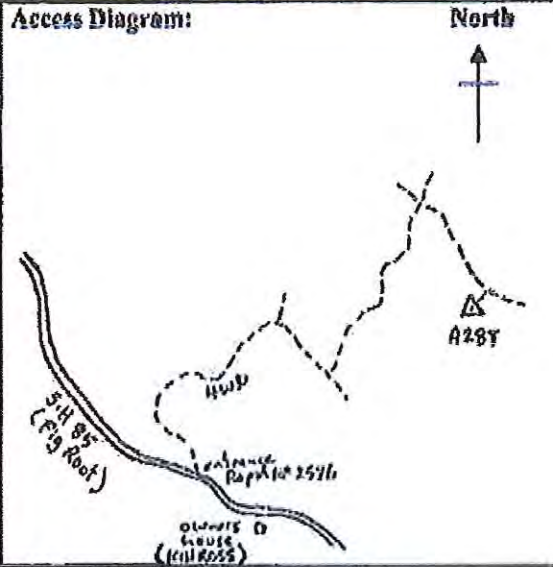


Third Edition S146 Inch/Mile 1978 NZMS1

Mark and Site Detail Form

Geodetic Code: A28T	Mark Type: Stainless Steel Pin
Name: D CONICAL PEAK	Land District: Otago
NZMS 270: 142B	NZMG Coords: 2319989 5545678
Plan References:	Date of Inspection: 2003.02.25
Established by: Donnison & Grant	Date Established: 1982.12.31
ID Plaque: Attached	ID Plate: Attached
Mark Description: 18 mm S/S Pin in 0.05 m dia Iron Pipe 0.17 m above ground level.	
Mark Protection Type: 2m Beacon	
Protection Structure Description: 2 metre high metal Clarke beacon	
Land Owner: KH Muldraw	
Phone No: (03) 465 0838	Address: 2543 SH 85
Access Restrictions:	

Access Notes:
 Trig is on top of ridge 200 m north of highest point.
 Access from GR 172428, Rapid entrance No 2576.
 Follow track north east up ridge at top turn right and head south east, then take track on left and head north east to where the trig is in saddle 100 m on right. 4WD Climb over fences and walk up to trig.



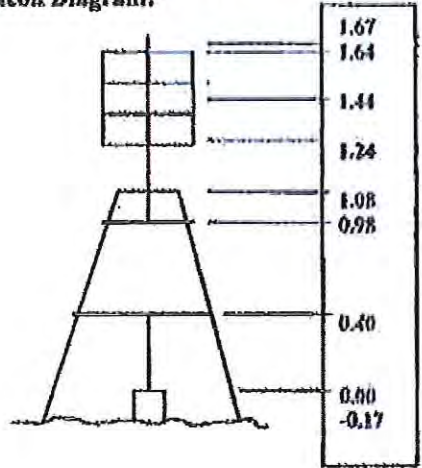
GPS Suitability: Good

Cellphone Cover: Good, Telecom 025

Maintenance / Visit Record

Date	Description
1977.03.01	by L & S Dept Beacon re-erected.
2003.02.25	by Andy Muir Erected new Clarke beacon with ID plate, attached ID plaque, installed s/s pin, removed old beacon.

Date Beacon Erected: 2003.02.25
Beacon Type: 2m Beacon
Beacon Eccentricity: Central
Beacon Diagram:



Schedule Number: 2002113 Cell Name: Otago
NZMS 260 Sheet 142B
AFTER



D CONICAL PEAK A28T MARK 2003.02.25



D CONICAL PEAK A28T SITE 2003.02.25