

Crown Pastoral Land Tenure Review

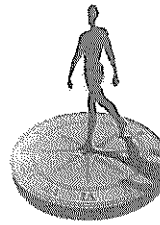
Lease name: BEN DHU

Lease number: PO 222

Public Submissions Pt 1

These submissions were received as a result of the public advertising of the preliminary proposal for tenure review.

October 04



PO 222/1 12513



Rabobank New Zealand Ltd

Postal Address PO Box 40
Oamaru
Office Address 138 Thames Street
Oamaru
Telephone (03) 433 1133
Facsimile 03-4331132
Internet www.rabobank.co.nz

DTZ N.Z. Limited
P. O Box 27
ALEXANDRA

Your reference Ken Taylor
Our reference John Oughton
Date 6 August 2004

Subject Tenure Review - Ben Dhu Station OMARAMA

Dear Sir

We write as a concerned interested party in Ben Dhu Station Limited owned by Mr Stewart Ross of Omarama.

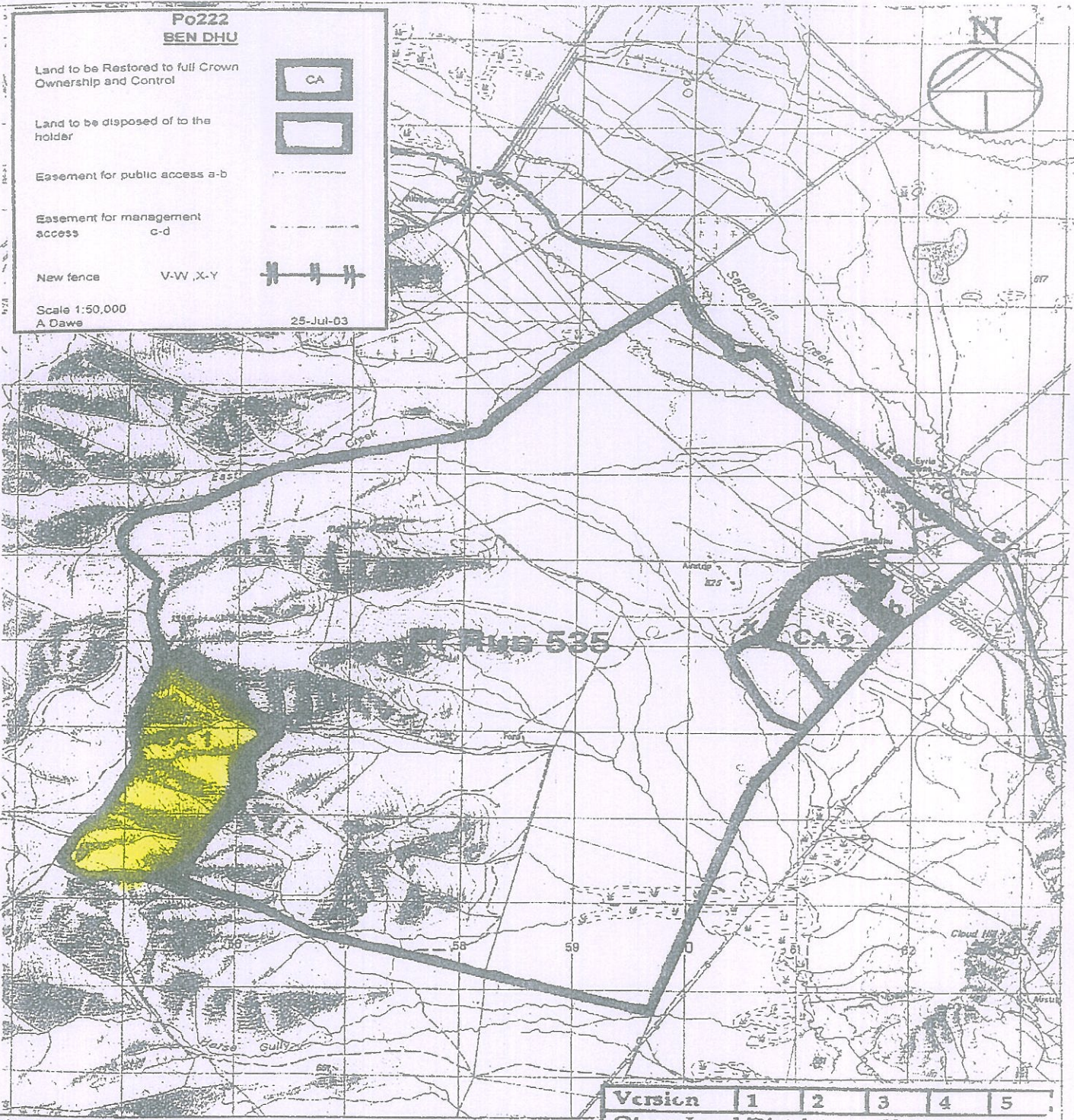
As a bank we have a long term commitment to sustainable farming in New Zealand. For decades now farmers like the Ross family have not only been very astute farmers but they have also taken pride in nurturing and caring for the land to the highest possible level. We have a concern that Pastoral Lease properties such as this, that are limited to grazing as a land use may become uneconomic if forced to reduce stock numbers. Apart from the loss of production and the detrimental effect this has on the nations economy, it will also lead to amalgamation of some of these properties. Currently these 6,000 stock unit properties are viable units when managed by farmers of the calibre of Mr Ross. The loss of grazing land (in particular Part C A 1 as per the attached map) will mean the loss of valuable autumn grazing for Mr Ross which currently enables the balance of the property to be spelled. Long term this will have a detrimental effect on the balance of Ben Dhu together with forcing a reduction in stock numbers which could only be offset by the purchase of supplementary feed. The result of this will seriously impact on long term viability, and I'm sure you will agree this is a situation we don't want to see.

I therefore ask that you reconsider the tenure review process for Ben Dhu Station particularly as it relates to the CA1 area.

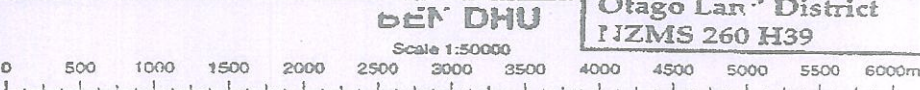
Yours faithfully



John Oughton
Finance Manager



OPUS
 NATIONAL CONSULTANTS



Version	1	2	3	4	5
Otago Lan' District			Sheet 1 of 3		
INZMS 260 H39			Date 25/10/2000		

Ben Dhu 1
 TERRALINK NZ LTD (Terraview)-DCDB Data as at -1.08.2000 Title & Valuation data as at -1.08.2000 Geodetic data as at 11.10.97.
 Cadastral information from LINZ Digital Cadastral Database (DCDB). CROWN COPYRIGHT RESERVED.

2

PO 222/11
RS13

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

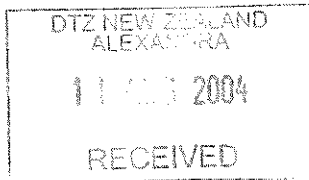


Department of Botany

University of Otago
Te Whare Wananga o Otago

Division of Sciences
PO Box 56, Dunedin
NEW ZEALAND

Tel: National 03 479 7573 International 64 3 479 7573
Fax: National 03 479 7583 International 64 3 479 7583
Email: amark@otago.ac.nz



August 10, 2004.

Manager,
DTZ (NZ) Ltd.,
PO Box 27,
Alexandra.

SUBMISSION ON PROPOSED TENURE REVIEW OF BEN DHU PASTORAL LEASE

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it, based on my knowledge of the area involved, gained over many years of ecological and botanical research on the tussock grasslands and associated mountain lands, particularly of the South Island high country. I have visited the Ben Dhu Scientific Reserve on many occasions with senior ecology students from Otago University, with the prior approval of the lessee. This reserve is unique in the Ecological Region and of international significance, being indicative of a plant cover which was probably much more widespread in the central South Island earlier in the post-glacial period (based on evidence from the pollen records). The Wilderness Scientific Reserve in western Southland is the only other one of its type in the country.

I note that the proposal is to transfer some 397 ha to full Crown ownership and control as conservation areas with some 3523 ha to be disposed of through freehold title, subject to certain easements to provide access. Given the conservation values within parts of this latter area, I consider the relative allocation to Crown ownership (10.1%) and freehold title (89.9%) is unacceptable and contrary to the provisions of the Crown Pastoral Land Act.

The two proposed conservation areas, CA1 and CA2, comprise areas of tall tussock grassland and associated plant communities on the Diadem Range and an area of conifer (mixed Bog pine and Mountain toa) woodland and associated vegetation adjacent to the existing Scientific Reserve, respectively. These are both areas of high conservation value which certainly justify being transferred to full Crown ownership and control in terms of the CPL Act but adjacent to the CA1 area are others which also justify formal protection. The full extent of the Diadem Range to the northern boundary of the property, or at least to the ridge-line of Trig ht 1067m, as recommended in the Conservation Resources Report. The "new fence" proposed for the northern end of the proposed CA1 conservation area would then be unnecessary, and if extended to the property boundary in the north, none would be required. I wish to emphasise that the upper eastern-aspect slopes of the Diadem Range provide a very important natural tussockland landscape for the southern Mackenzie basin, including the much travelled Highway 8 through the basin.

I am concerned that no provision appears to have been made for public access to the proposed CA1 conservation area. Clearly this is required in terms of the CPL Act and I recommend the track shown extending beyond the proposed CA2 area be formalised as legal public access for walking (and mountain bikes) and both forks (to the west and south-west), assuming the CA1 area is to be extended to the north, as recommended. Both the proposed easements from the legal road to the area CA2 (a-b and c-d) should be available for the general public and for management purposes, since much greater visitation by the public can be predicted in future, when the ecological significance of this reserve is promoted in future.

The access (4WD) tracks leading on to the mid slopes of the Diadem Range should be made available for public walking (and mountain bike) access to this proposed conservation area. Alternative public access suggested through adjacent properties (Ribbonwood Station) cannot be guaranteed at this time and, anyway, is

no substitute for that which I have recommended on Ben Dhu, and which should be provided as part of the tenure review exercise of this property. The mid-slope boundary to the north of the currently proposed CA1 area could make use the existing fenceline, where present; otherwise a line close to the 1000-1100 m contours would be appropriate.

Given the scarcity of wetlands in this part of the Mackenzie basin, the one shown on the map close to the south-eastern corner of the property and extending beyond its boundary, should be considered for formal protection if it has significant conservation values or some potential for restoration under conservation management.

I trust that my recommendations will be seriously considered and, again, I thank you for the opportunity to comment on this proposed tenure review.

Yours sincerely,

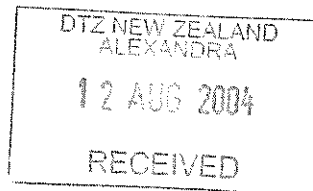
A handwritten signature in black ink, appearing to read 'Alan F Mark', written over a horizontal line.

Alan F Mark FRSNZ.
Emeritus Professor

3

PO 222

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"



The Glens
Box 40
Omaru
218/04

The Manager
D 73 N 3 Ltd
Land Resources Division
Box 27
Alexandra

Dear Sir

Submission on the notice of preliminary proposal of the Ben Dhu Pastoral lease tenure review.

As a farmer and land owner in the Omaru area I have concerns of the financial viability of the smaller runs, community sustainability and rural safety.

Country such as Ben Dhu does not easily lend itself to intensive development. These runs rely on the extensive grazing of stock and spelling of blocks to allow recovery of grazing pasture.

The care these farmers have taken of this country over the last 100 years is reflected in the fact that it is regarded as being representative of its original state and worthy of continued preservation, a process which has occurred over this time and will continue.

Removal of the area CA1 on the map supplied from this run will have a detrimental effect on the carrying capacity to the extent of approx 650 stock units.


The farmer states the whole block of 600 ha carries 2200 SU for 7 weeks in summer. CA1 involves approx 1/3 of this area. The farmer will have either carry 1/3 less stock or graze for only 2/3 of the time or graze the middle country

to its detriment

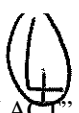
Removal of grazing runs under the tenure review process from the Amwama area has already taken 3-4 families out of the area, to the detriment of the small community. The rating base has also been eroded with existing ratepayers picking up the financial burden.

Safety is also of concern. Travelling these back country roads appears to be a difficult and dangerous task for some city and foreign drivers accessing tenure reviewed lands. There is no doubt stock disturbance and crime will follow.

For these reasons I am sure the area CA1 should remain with future Ben Dhu freehold.


Barry Shepherd.

00222



"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)
P.O. Box 1604, Wellington.

DTZ NEW ZEALAND
ALEXANDRA
12 AUG 2004
RECEIVED

10 August 2004

The Commissioner of Crown Lands
C/- DTZ New Zealand Limited
PO Box 27
ALEXANDRA

Dear Sir,

Re: Preliminary Proposal for Tenure Review: Ben Dhu Station Pastoral Lease

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 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, 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 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.*

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

FMC appreciates this opportunity to comment on the Preliminary Proposal for the review of Ben Dhu Station pastoral lease.

The Preliminary Proposal

FMC notes that the proposal includes the following designations:-

1. 397 ha (*approximately*) to be designated as land to be restored to full Crown ownership and control as a conservation area under Section 35 (2)(a)(i) Crown Pastoral Land Act 1998
2. 3523 ha (*approximately*) to be designated as land to be disposed of by freehold disposal to the holder under Section 35(3) Crown Pastoral Land Act 1998 subject to Part IVA of the Conservation Act 1987, Section 11 of the Crown Minerals Act 1991 and the following protective mechanism under Section 40 (2) (c) Crown Pastoral Land Act 1998:

Subject to the following protective mechanism:-

An easement to provide public access by foot over the route marked “a-b” and for conservation management access over the routes marked “a-b” and “c-d” on the plan.

FMC Submissions

The details of FMC views on, and objections to, the Preliminary Proposal are presented below and are arranged in the same format as the Preliminary Proposal quoted above.

Preliminary Proposal, Item 1.

397 ha (*approximately*) to be designated as land to be restored to full Crown ownership and control as a conservation area under Section 35 (2)(a)(i) Crown Pastoral Land Act 1998

We applaud the proposal that 397ha (CA1 and CA2) be restored to full Crown ownership and control as Conservation Area. We understand that the proposed area consists of CA1 on the Diadem Range and CA2 which is an area adjacent to the existing Bog Pine Scientific Reserve.

FMC agrees that the area CA1 “forms part of the backdrop and visual enclosure to the upper Waitaki Basin and contains visual and scenic values of significance.” We would add that as such it provides an important new resource for recreation on part of the Diadem Range. For this reason it is most important that public access is provided to this new conservation area (see below).

We note however, that the area indicated in the Preliminary Proposal is significantly smaller than that shown on the map headed “Bendhu Recommendations” in the Conservation Resources Report (CRR). That area extended northwards to spot height 1,067m and a point marked ‘d’ at the upper end of the route ‘c-d’ close to the East Diadem Creek, which was recommended for public foot, horse and mountain bike access from the Quailburn Road.

FMC notes that the Preliminary Proposal states that “the proposed conservation area on the Diadem Range represents the protection of significant inherent values in this area. While a further area was identified as having some significant inherent values these values are represented in the other catchments where protection has been achieved.” The Crown Pastoral Land Act 1998 is not about protecting representative areas, it is about protecting those significant inherent values which have been identified on reviewable land.

There appears to be little difference in the quality of natural values, including tussock stature, along the length of the Diadem faces (within Ben Dhu pastoral lease) so it could be argued that if the area included within the Proposed CA1 deserves or qualifies for protection, then so does the area extending north to point 1,067m.

The statement in the Preliminary Proposal about representativeness also fails to recognise the integrity of the entire landscape encompassing the main Diadem Range and its subsidiary ranges. With respect to the visual and scenic values, the CRR stated that “The Diadem faces [on Ben Dhu Station] are significant in that they form part of the visual enclosure of the Omarama Basin. From a distance they appear as a tussock covered range top.”

It is also noteworthy that the Conservation Management Strategy for the unit known as Waitaki has as one of its key objectives:- “To seek to protect maintain and enhance the natural landscapes and landscape values of the Waitaki – through appropriate methods such as tenure review and District Plans.” The tenure review of Ben Dhu presents just such an opportunity to protect the natural landscape of a notably visible part of the mountainous backdrop to the Omarama Basin in the Upper Waitaki. The Diadem Range and the faces on Ben Dhu are clearly visible from much of State Highway 8 which is a major tourist route from the international gateway at Christchurch to the visitor destination of Queenstown.

FMC submission:

FMC submits that the proposal fails to comply with the Crown Pastoral Land Act for the following reasons:- (i) There is no requirement in the Act to protect only representative areas: If significant inherent values have been identified these should be protected, preferably by restoration to full Crown ownership and control. (ii) The Act requires that public access be secured: Whilst public access over the route 'c-d' was recommended in the CRR, no public access is available to the proposed conservation area CA1 in the Preliminary Proposal.

FMC therefore submits that the Preliminary Proposal should be revised to include the entire area proposed for conservation in the CRR. In saying this we recognise that some adjustment of proposed fencelines may be necessary to provide more stable sites for fencing. We also submit that public access for foot, horse and mountain bike over the proposed route 'c-d' (close to East Diadem Creek) should be included in the Proposal as recommended in the CRR.

With respect to the proposed conservation area CA2, FMC notes that in the Conservation Resources Report, Dr B Molloy is quoted as saying that *"the areas of bog pine are of international importance."* Furthermore, McGlone (1998) reported that the scattered pockets of conifer scrub found throughout the southern South Island are relics of a once widespread pre-human community. The fact that such relics are now scarce adds to the case that the existing Reserve should be extended to include the proposed Conservation Area CA2.

FMC submission:

FMC fully supports and endorses the proposal that the area marked CA2 should be a priority for protection and that it should be restored to full Crown ownership and control as a conservation area.

Preliminary Proposal, Item 2.

3523 ha (*approximately*) to be designated as land to be disposed of by freehold disposal to the holder under Section 35(3) Crown Pastoral Land Act 1998 subject to Part IVA of the Conservation Act 1987, Section 11 of the Crown Minerals Act 1991 and the following protective mechanism under Section 40 (2) (c) Crown Pastoral Land Act 1998:

FMC accepts that most of this area can probably be managed in a way that is ecologically sustainable and that it is therefore suitable for freeholding. It does however include an area on the upper part of the Diadem faces between spot heights 1,067m and 1,393m which was included in the CRR as part of the area to be restored to full Crown ownership and control because it contained significant inherent natural and landscape values. FMC argues that those values deserve protection, that the area also has recreational and landscape value and should not become freehold.

We are aware that the retention of Crown land to create an enlarged Conservation Area will reduce the area available for grazing. Economic viability of the property is not strictly a criterion in the tenure review process but we assert that the landholder has ample opportunity for future land development on the basin floor to compensate for loss of grazing on the Diadem faces. We note that much of the drier parts of the basin floor are dominated by matagouri and other low growing shrubland which could be cleared to provide more productive pastureland. A short-term grazing lease over the Conservation Area may be appropriate to allow the landholder time to carry out this development work.

FMC submission:

FMC submits that the original recommendation in the CRR that the area of the upper Diadem faces extending northwards to spot height 1,067m become conservation land, should be upheld, and that this area should therefore be excluded from the area proposed for freehold disposal. Some adjustment of

“RELEASED UNDER THE OFFICIAL INFORMATION ACT”

proposed fencelines may be necessary. A short-term grazing lease over Conservation Land may be appropriate to allow time for the holder to carry out land development to compensate for loss of grazing on the Diadem faces.

Proposed Protective Mechanism (over the land proposed for freeholding)

An easement to provide public access by foot over the route marked “a-b” and for conservation management access over the routes marked “a-b” and “c-d” on the plan.

Please note that the route marked “c-d” on the plan is not the same as the route marked ‘c-d’ on the map entitled “Bendhu Recommendations” in the CRR. The route marked “c-d” on the plan in the Preliminary Proposal provides access from Quailburn Road to the conservation area CA2 via the access driveway leading to the Bendhu homestead.

FMC has no objection to the proposed easements for public and conservation management as defined in the Preliminary Proposal.

FMC is most disappointed to note that there is no public access to conservation area CA1, nor to the Diadem Range in this Preliminary Proposal. The Proposal is deficient in this respect and fails to meet the requirements of the Crown Pastoral Land Act 1998.

We note that the Proposal document states that “access to the Diadem Range will be best achieved through other routes.” We would be inclined to agree that better access to the Diadem Range might be provided by a route across Ribbonwood Station and up a spur leading to False Diadem (1,727m) at the northern end of the Diadem Range. However, this route is neither available for public use, nor is it likely to become available for public use in the near future. Our reasons for these assertions are as follows:- Ribbonwood Station was in the tenure review process but no progress appears to have been made since 2002. We presume that either this review has been terminated or the lessee has withdrawn from the process. Permission for access across part of Ribbonwood Station was sought at the time the neighbouring Quailburn tenure review was under way (late in 2002). Access was denied at that time so we take this as evidence that public access over Ribbonwood Station to the Diadem Range is not likely to be readily granted or easily achieved.

FMC therefore regards the suggestion that access to the Diadem Range will be best achieved through other routes as a cop out and entirely unsatisfactory so far as the tenure review of Ben Dhu Station is concerned.

FMC submission:

FMC submits that the proposal fails to comply with the Crown Pastoral Land Act 1998 because there is no public access to the proposed new conservation area CA1. Whilst public access over a route ‘c-d’ was recommended in the CRR, no public access is available to the proposed conservation area CA1 in the Preliminary Proposal.

FMC therefore submits that the Preliminary Proposal should be revised to include an easement for public access for foot, horse and mountain bike over the proposed route ‘c-d’ (close to East Diadem Creek) as recommended in the CRR.

Canterbury Conservation Management Strategy

FMC is aware that important objectives and priorities for conservation and recreation were set in the Conservation Management Strategy for Canterbury. Some of these are very relevant to the tenure review process and the outcomes of tenure review can materially assist in the achievement of those objectives.

Two particularly relevant objectives for the Waitaki Unit are as follows:-

“RELEASED UNDER THE OFFICIAL INFORMATION ACT”

“To seek to protect, maintain and enhance the natural landscapes and natural landscape values of the Waitaki – through appropriate methods such as tenure review and district plans.”

“For recreation and access the Conservancy’s objectives are to provide new recreational facilities and opportunities by the Department, other organisations and concessionaires where natural and historic resources and cultural values are not compromised, and to liaise with adjacent landholders to resolve conflicts over access for recreation to land managed by the Department.”

The tenure review of Ben Dhu presents an opportunity to progress these objectives.

Conclusion

There are some good features in this Preliminary Proposal for the tenure review of Ben Dhu Station. These features are the proposed new conservation areas CA1 and CA2 on the Diadem Range and adjacent to the existing Bog Pine Reserve respectively.

FMC supports and endorses the proposal for CA2 and for access to it via routes “a-b” and “c-d” as shown on the plan of the Preliminary Proposal.

FMC does not accept that CA1 adequately protects the significant inherent natural and landscape values which have been identified, nor is public access provided in this tenure review Proposal as required by the Crown Pastoral Land Act 1998. To correct these deficiencies, FMC recommends that the Proposal be revised to include the recommendations made with respect to conservation area ‘B’ and access to that area in the Conservation Resources report.

FMC submissions have been set out in this letter in the same format as the Preliminary Proposal for the tenure review of Ben Dhu. Under each of the Proposal Items and Protective Mechanism we have summarised our recommendations under a subheading ‘*FMC Submission*’.

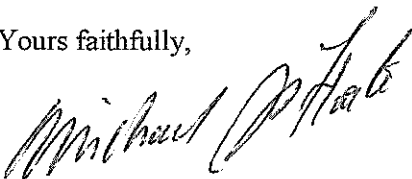
FMC believes that if these submissions are accepted and acted upon, the review would then be in accord with the Crown Pastoral Land Act 1998 and would assist in achieving the objectives stated both in that Act and the more recently declared government objectives for the South Island high country.

FMC believes that the outcomes of this tenure review could materially assist in achieving important objectives (especially landscape protection) and priorities for the Waitaki Unit as described in the Canterbury Conservation Management Strategy.

The Appendix to this submission provides some illustrations to support the arguments made in the submissions.

Finally, we thank you for this opportunity to comment on the Preliminary Proposal for the tenure review of Ben Dhu Station. We also thank the agents (DTZ New Zealand) for arranging permission to visit Ben Dhu and the runholder for permission to inspect the property and for taking one of our members on a guided tour.

Yours faithfully,



pb
Barbara Marshall
Secretary, Federated Mountain Clubs of NZ, Inc.

Please see following pages for the Appendix containing 8 illustrations supporting this submission.

Appendix Illustrations supporting the FMC Submission on the Preliminary Proposal for the Tenure Review of Ben Dhu Station.

The landscape of Ben Dhu Station is probably its most important inherent natural value. Not only is it important in its own right but more significantly as part of the backdrop and visual enclosure of the Omarama basin. The snowcapped skyline and fluted front faces can be clearly seen from SH8 which is a major tourist route from Christchurch to Queenstown.

The Diadem Range is impressive from a distance and seems to beckon outdoor recreation people. At present access is difficult but could be made easier through the tenure review of Ben Dhu. In the Conservation Resources Report public foot access was proposed to point 1,067m near the northern end of the property, but this is not included in the Preliminary Proposal. This deficiency is inconsistent with the Crown Pastoral Land Act 1998 and should be rectified before the review is finalised.

The proposed Conservation Area CA1 is significantly smaller than the area identified in the Conservation Resources Report as containing significant inherent values. This area extends along almost the whole length of the Diadem faces. To satisfy the requirements of the Crown Pastoral Land Act the entire area containing significant inherent natural and landscape values should be included in the new Conservation Area.

At the south end of the Diadem faces on Ben Dhu Station the tussock grassland is quite sparse and appears to suggest it has been severely burned in the past. The stature of the tussock is somewhat higher on shady faces than on sunny sides, but nowhere is it outstanding and is significantly invaded with Hieracium. Nevertheless, this area has been recommended for return to full Crown ownership and control as a Conservation Area.

The tussock grassland at the northern end of the Diadem faces on Ben Dhu appears very similar in stature and biodiversity to the tussock grassland at the southern end (previous illustration). If the latter area, which carries quite sparse tussock, qualifies for protection on account of its significant inherent values, then so too should the tussock at the northern end (as far as point 1,067m). There is no provision in the Crown Pastoral Land Act 1998 for protecting only representative areas.

The Conservation Resources Report states that *“The Diadem faces are significant in that they form part of the visual enclosure of the Omarama basin. From a distance they appear as a tussock covered range top”*. These important aspects of the landscape underpin the significant inherent value of the entire skyline of Glen Dhu Station, and add to the justification for its recognition as a new Conservation Area.

In the Conservation Resources Report Molloy is quoted: *“The areas of bog pine are of international importance”* and McGlone has reported that scattered pockets of conifer scrub are relics of a once widespread pre-human community. FMC strongly endorses the proposal to enlarge the existing Bog Pine Scientific Reserve to include an important area of bog pine, celery pine and associated wetlands.

Economic viability of the proposed freehold area is not strictly a criterion in the tenure review process but we are aware that the proposed Conservation Area will reduce the grazing land available to the owner. A short-term grazing lease over the Conservation Area could be offered while the potential of the matagouri-dominated drier parts of the basin floor is developed to compensate for loss of grazing on the Diadem faces.