

Crown Pastoral Land Tenure Review

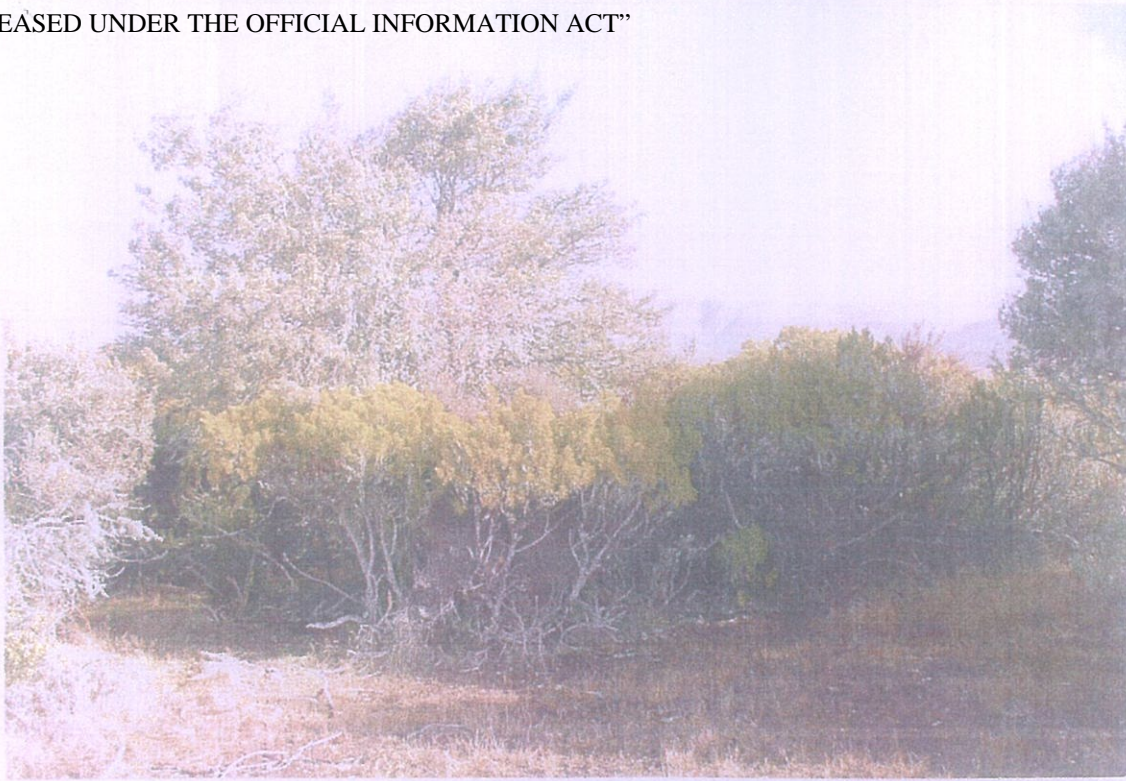
Lease name: BEN DHU

Lease number: PO 222

Public submissions – Part 3

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

October 04



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.

5

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

Safari Excursions – Wild Flower Walks
41 Glencarron St
ALEXANDRA
Phone /fax 03 448 7474
E-mail jdouglas.alx@xtra.co.nz

DTZ NEW ZEALAND
ALEXANDRA
30 AUG 2004
RECEIVED

August 30 August, 2004

The Manager
DTZ New Zealand Ltd
Land Resources Division
PO Box 27
ALEXANDRA

Dear Sir

Preliminary Proposal for Tenure Review: Ben Dhu Station

Thank you for a copy of this preliminary proposal. I would be pleased if you would accept this submission.

I run a tour operation business and wild flower walks that covers the greater Central Otago area. Though the Omarama area does not fall directly into this area for visiting, its only on the fringe of my operations, the Ben Dhu land has significant vegetation values that require to be protected, provide a chance for native flora to regenerate thus allow for increase in fauna that will overall increase the recreation values for all of the South Canterbury / North Otago region.

The Preliminary Proposal

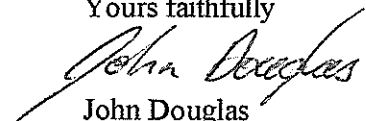
The proposed area of approximately 397 hectares (marked CA1 and CA2) be restored to full crown ownership and to be controlled as conservation areas supports one of the main criteria's of the Crown Pastoral Land Act 1998 (Section 24) is *"to promote the management of reviewable land in a way that is ecologically sustainable... .. to enable the protection of the significant inherent values of the reviewable land... .. and to make easier the securing of public access to and enjoyment of reviewable land"*.

CA 1 is on the Diadem Range and both foot and vehicle public access (late spring to late autumn) should be provided for while that to CA 2 (Bog Pine Reserve) should have access for both foot and vehicle public access at all times.

The bog pine, mountain totara and of its communities provides a view of the pass of what was once was and has both local and international importance.

Both CA 1 and CA 2 should be fenced off, allow no grazing, access signs and interpretation panels should all be in place within 12 months of a signed agreement.

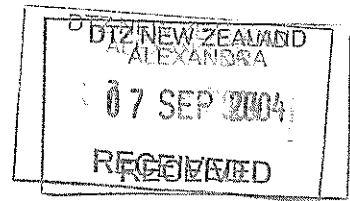
Yours faithfully


John Douglas
Manager

PO 222

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

5 Amendment



Safari Excursions – Wild Flower Walks
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7 September, 2004

The Manager
DTZ New Zealand Ltd
Land Resources Division
PO Box 27
ALEXANDRA

Dear Sir

Revised Submission - Preliminary Proposal for Tenure Review: Ben Dhu Station

Further to my earlier submission 30 August 2004, I would be pleased if you would accept not only that submission but also would like to add some additional comments

I visited the Ben Dhu Station in the weekend and would like to revise my comments on that of the area marked CA1 of that of some limited grazing be granted being six weeks of the year – 1st March to 14th April. (This will allow some recovery of the lower paddocks.)

The area marked that of CA2 – the existing Bog Pine Reserve and the adjoining area is too cover all that of the Bog Pine / mountain Toatoa (Celery) Pine with both foot and vehicle access to the Reserve boundary.

Thank you for the late amendments to my earlier submission.

Yours faithfully

John Douglas
Manager

Po 222/1

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622 Highgate
Maori Hill
Dunedin
31 August 2004

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

Dear Sir,

Preliminary Proposal for Tenure Review: Ben Dhu Station Pastoral Lease

Thankyou for the opportunity to comment on this proposal. I do so as a member of the Forest and Bird Protection Society, of the Botanical Society of Otago, as a keen trumper with a love of the high country and as a regular participant in the DOC volunteer conservation holiday programmes.

I am pleased to see provision has been made for two conservation areas, CA1 on the Diadem range and CA2, an area adjacent to the existing Bog Pine Scientific Reserve, to be restored to full Crown ownership and control but feel that more land north of CA1 should also be included.

Re the proposed conservation area CA1

The area indicated in the Proposal is significantly smaller than that shown on the map headed "Bendhu Recommendations" in the Conservation Resources Report where the area extended northwards to point 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. The area included within the proposed CA1 appears to have similar natural values (tall tussock grassland and associated plant communities) as the area extending north to point 1,067m along the Diadem faces, which is presumably why the Conservation Report recommended inclusion of the area as far as point 1,067m and I therefore believe that CA1 should indeed be extended to this point and that public access for foot and mountain bike over the proposed route 'c-d' (close to East Diadem Creek) should be included in the Proposal as recommended in the Conservation resources Report. Tall tussock is well recognised to play an important role in water conservation, surely of concern in the Mackenzie Basin and much more of it should be preserved than is set out in the preliminary proposal.

Public access to the new conservation area CA1 over the 'c-d' route was recommended in the Conservation Resources Report, but in the proposal there appears to be no provision for public access, either to CA 1 or to the Diadem Range which is an area likely to be widely used by trampers, perhaps mountain bikers and is of interest to botanists both amateur and professional. I believe the proposal should be amended to include public access on foot, and mountain bike at least so that the Proposal will meet the requirements of the Crown Pastoral Land Act 1998 which is not the case in its present form. Surely it should be possible to make use of the 4WD tracks which already lead on to the Diadem range to allow public access, by poled routes.

Re the proposed conservation area CA2,

I note that in the Conservation Resources Report, Dr B Molloy states that the areas of bog pine are of international importance and it was reported that the scattered pockets of conifer scrub found throughout the southern South Island are relics of a once widespread pre-human community (McGlone 1998). Such relics are now thin on the ground and this strengthens the case for the existing Reserve being extended to include the proposed Conservation Area CA2. The existence of the current scientific reserve on Ben Dhu does not appear to

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be widely known, as it does not seem to have been publicised or signposted, which is a great pity, since I understand it is of international significance. This is likely to change when the CA2 conservation area is finalised as a part of the tenure review settlement and I believe it will then be more commonly visited than has been the case in the past. Therefore I think that there should be an easement to provide vehicle access (c-d) not only for management purposes, but for the general public as well.

I will look forward to the outcome of this review and the public access it will provide for recreation and enjoyment of botanical values.

Yours sincerely



Janet Ledingham

Email janet.ledingham@stonebow.otago.ac.nz



*512 Oneri Station Road,
 R.D. 22
 Geraldine 8751*

31 August 2004

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

Dear Sir

Re Ben Dhu Tenure Review Proposal

I refer to the notice of Preliminary Proposal for Tenure Review recently advertised for the abovementioned property and forward the following submission.

Legal Description of Land Concerned

Part Run 535 situated in Ahuriri and Ohau Lake Survey District, being all that area of land contained in Certificate of Title 386/112 of the Otago Land District, comprising an area of 3,919.1573 hectares.

General Description of Proposal

It is noted that some 397 hectares is to be designated as land to be restored to full Crown ownership and controlled as a conservation area under Section 35(2)(a)(i) Crown Pastoral Land Act 1998. It is also noted that 3,523 hectares approximately is to be designated as land to be disposed of by freehold disposal to the holder subject to protective mechanisms providing public access by foot over the route marked A to B and for conservation management access over the routes marked A to B and C to D on the plan.

Submission

After several years of involvement, I purchased the Lessee's interest in the Ben Dhu property in July 1964, when it was supporting 2,000 sheep and 60 cows. I farmed the property in my own right until 1995 when it was leased to my son. He purchased the Lessee's interest outright from me in July 2002 when the property was supporting 5,930 sheep, 80 cattle and 668 deer. As a result of

development works carried out during my tenure of the property, the carrying capacity increased from 2,000 stock units to 6,800 stock units.

I oppose the preliminary proposal on the following grounds.

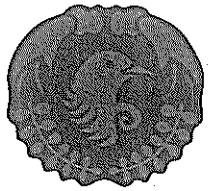
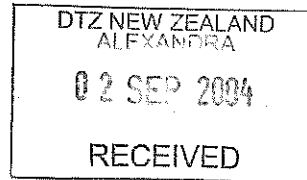
- I am concerned that the freeholding of the area described as CA1 will reduce the available autumn grazing on the property and thereby affect the viability of the property. It is my contention that loss of this grazing will require a substantial reduction in stock numbers.
- During my ownership of the property a substantial development programme was carried out on this block in 1981 when 500 kg of Maku lotus seed and sulphur super at the rate of 125 kg per hectare was applied to the lower half of this block. In 1985 a further 400 kg of Maku lotus seed was applied to the balance. The production from this property has doubled as a result of this development. As the flat land of Ben Dhu comprising approximately 35% of the run lies at 600 m above sea level it is very slow to respond to spring growth. It is essential to spell the flat paddocks and sunny hill country in the post weaning period when the sheep are grazed on the hill including CA1. Feed accumulated during the absence of the stock can then be utilised when the breeding ewes are mated and for a good proportion of the winter feed requirements. It should be noted that the hill area in CA1 is only grazed for eight to ten weeks of the year from late February to April and the rest of the year it is spelled.
- Staff members of the Department of Conservation and DTZ may not be aware of the growth habits of Maku lotus for it is my contention that if CA1 is destocked, such is the vigorous growth of the lotus plant if not grazed, that it is likely to smother out hard tussock and snow tussock which I would not like to see happen.
- The area described as CA2 adjoins part of an existing reserve of bog pine. I was instrumental in setting up the original area of this reserve and the proposed extension is a logical addition. I note the accessways to this reserve and believe that both pedestrian and vehicle access should be restricted to the lines A to B adjacent to the boundary of Quailburn Downs.

forward this submission on the basis of being a past owner with considerable experience on the property and I would be prepared to be heard in any hearings on the matter should they occur.

Yours faithfully

D & J Ross
Per D. Ross

& J Ross



**FOREST
& BIRD**

ROYAL FOREST AND
BIRD PROTECTION
SOCIETY OF
NEW ZEALAND INC

Upper Clutha Branch

PO Box 38
LAKE HAWEA

Tel: (03) 443 8669

1st September 2004

The Commissioner of Crown Lands
C/o DTZ NZ Ltd
Land Resources Division
PO Box 27
ALEXANDRA

Dear Sir

BEN DHU Pastoral Lease - Tenure Review - Submission on the Preliminary Proposal

We thank you for sending us a copy of this preliminary proposal on Ben Dhu. We would be pleased if you would accept this submission on it. Our branch of the Society with a membership of 172 members takes a great interest in the tenure review process as it is an ever present issue in our area.

Our Society nationwide has 56 branches and a total of 40,000 members and is well known for its work in protecting the natural values of New Zealand. The Society as a whole, as we do in our branch, believe it is extremely important in having an input at this stage of the process.

We fully support the Crown Pastoral Land Act 1998 and also the recently complementary objectives to that act recently announced. (Please refer to EDC Min 5/3; CAB Min (03) 11/5)
These are:-

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

That the Ministry of Lands has recently stated that it has intentions of purchasing some high country farms and intends to create 15 - 20 further parks is very positive for conservation and recreation in New Zealand.

We have recently inspected the property and we would like to take this opportunity to thank Mr

Ross for the way he generously gave of his time in showing us over the property.

General:

- Ben Dhu is a small run property situated on the eastern side of the Diadem Range in the Omarama basin. It has a continental climate.
- A noteworthy feature of the property is that while the lowest point on the property is 559 metres above sea level two thirds of the land under consideration is still under 640 masl; flat or gently sloping towards the Quailburn, or mainly the Henburn. The airstrip is on a high point of 620 masl. The balance of one third of the area, is steep to very steep hill country.
- All this low flat country with its easy contour could mostly be described as ploughable country, of which some has been ploughed.
- Two plants are of consequence and will in future have to be taken into consideration in the future development on this property. One is the native matagouri which has responded very well to the application super phosphate. While giving the property a wild appearance it occupies a large portion of the lower country. The other is the wilding conifer, mostly *P. contorta* and some Douglas fir, which are ever present on the north eastern corner.
- There are patches of hieracium throughout.

Significant Conservation Values:

- The most significant inherent values present are the considerable stands of bog pine and mountain toa toa. One of these stands was designated a Scientific Reserve under the Reserve Act: we understand in 1975. That it has not been signed or advertised in any way is rather disappointing. However, the fact that this area is to be added to by way of further stands of these plants (CA2) is most gratifying. It will be a useful addition and complement the wetlands across the road to the north recently returned to Crown ownership ex Quailburn.
- The landscape values on Ben Dhu are extremely important in that the tussock covered hills on the property form the western rim of the Omarama Basin. The Omarama Basin and the McKenzie basin are very visible to an ever increasing number of tourists travelling on the popular inland route from Christchurch to Queenstown and the Southern Lakes.
- The tall tussock and associated plants mentioned in this proposal as worthy of protection in (CA1), also extends at the same altitude to the north boundary. Apart from its landscape values we believe tall tussock has a value not described in the conservation resources report; that is its value for absorbing water and acting as a reservoir for storing it. We believe this to be very important for the benefit of the many streams and rivers of this catchment. Water is becoming an increasingly important issue in the Waitaki district as well as elsewhere in New Zealand.
- At this stage recreational values are not a high priority on this property but they will be in future when adjoining properties become involved in tenure review and then the possibilities of ridge walking and round trips will become evident and in demand. Especially so with a growing centre like Omarama less than 20ks distant, and Twizel to the north. The two trig points we visited, .1067 and .982, are very good viewing points and well worth the effort for anyone to climb to them. Magnificent views can be obtained to the north rim of the McKenzie

Country and down the Waitaki valley.

Land to be designated as Freehold:

Apart from the scientific reserve, and its addition thereto (CA2), the land to be designated freehold for disposal to the holder comprises of all the lower flat country and the bulk of the hill country: apart from the proposed conservation area (CA1). Under the land classification system 79% of this consists of mostly Class VI land or better. This class V1 (1765ha), Class IV (579ha) and Class III (765ha) if adequately top dressed could be regarded as ecologically sustainable.

There is 789 ha. of Class VII, and 18 ha. of Class VIII, on the higher land.

The property as a whole has been considerably modified over the years it has been occupied; the lower country more so than the higher country. The pasture comprises mostly short tussock and introduced grasses such as brown top, sweet vernal and clover, with patches of hieracium. Some small areas have been ploughed or direct drilled. Matagouri is by far the dominant woody plant present; cassinia, manuka and sweet briar are also present, and coprosma still occupies some of the gullies: Briar after spraying appears to be controllable. Bracken fern is present in places. One would expect see some red tussock in some of the wetter areas but most of this has gone.

Most of the property has been over sown and aerial top dressed.

As we have said above most of the lower two thirds of the land is ploughable, although the quality of soil varies. For all that, and in spite of the elevation, there is no reason as to why fodder crops cannot be grown successfully.

Therefore if it is looked after and adequately top dressed, to replace the nutrients taken off the place in the shape of meat and wool, we would agree with the proposal that this low area could be regarded as being ecologically sustainable and designated as disposable on a freehold basis. It could be considerably more so if the matagourri could be managed - as matagouri indicates the better soils - and the wilding trees brought under control. However this latter is mostly beyond the control of the occupier.

"CA1", Land to be returned to Crown ownership and control:

We would agree that this land should be returned to the Crown as a conservation area as recommended by the Department of Conservation, but we would also agree that the land further to the north, as the conservation report also recommends, should also be protected. We ourselves could not see much difference between the two areas, and if it has been recommended for protection by people who have more expertise, resources and time at their disposal than we ourselves have, that recommendation should be heeded.

To us it is important that the tall tussock, at present only about 50% of the ground cover on this block, should be protected and not allowed to deteriorate further in any way; both as a component of a very important landscape and for the conservation of water. It can be argued that the land is needed for grazing for a short time in the autumn, and also that the fencing could be too difficult

to maintain due to snow and rock fall. We believe that both these reasons for not including the land to the north in "CA1" can be overcome with careful management and due consideration.

The argument that the values represented in this area (third para. Page 4 of the proposal) can be found in other catchments is not valid and not in accordance with the aims of the CPL Act 1998.

Access:

- The suggested access "a - b" to the lower reserve "CA2" can be described as adequate for the present, but when such an important scientific reserve as this becomes known there will be a demand by larger parties of scientists and others to visit the area in vehicles. We would suggest that provision be made in the easement for such parties, if permission is first obtained from the owner, be allowed to use the route "c-d" being proposed and set aside for DoC management purposes,
- We find the statement in the proposal that access to the proposed conservation area "CA1" "can best be achieved through other routes" unsatisfactory. (One of the main functions of the CPL Act 1998 is to "*secure access for the public to enjoy*") We see no reason why walking access could not be arranged to this area via one of the farm tracks suitably marked with poles, or perhaps up the boundary fence line east of Diadem stream.

In Conclusion:

We see this as a good proposal and if the matters of concern we have raised and listed below are attended to there should be a still better outcome:

- (1) All that land north of "CA2" we have described and given reasons for, and also as mentioned in the conservation resources report as worthy of protection, be added to "CA2" and returned to full Crown ownership and control.
- (2) That the access easement to "CA2" be allowed to include vehicles after permission is obtained from the owner as we have described above.
- (3) That at least foot access be provided to "CA1" on the Diadem Range via a poled route up one of the farm tracks, or up the fence line east of Diadem stream.

We thank you for the opportunity to make comment and submit on this preliminary proposal and await the outcome with interest.

Yours faithfully

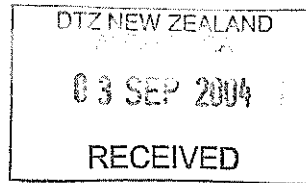


John L Turnbull
For Upper Clutha Forest and Bird

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Joan Gallagher

From: j.gclark [j.gclark@xtra.co.nz]
Sent: Thursday, 2 September 2004 11:15 p.m.
To: Joan Gallagher
Cc: Joan Gallagher
Subject: Tenure Review--Ben Dhu



Dear Sir,

First I want to say that I have not had time to view this property. This however brings me to my first point, it is stated in the preliminary proposal that another area has some significant inherent values but because it is represented elsewhere you have decided to exclude it!

The point I'm trying to make is your job is to enable protection of inherent values of reviewable land. The majority of the public does not have time to look at all of these properties but must rely on your company to fulfill their job obligations, and to decide that some plant communities are already represented and you can't be bothered including any more, is not doing your job. All the plant communities are represented over and over in the likes of parks and reserves.

What I want to know is what valuable land are you excluding? On the map of the property, down in the south-east corner I would have expected swamp-land as shown on the map, and would have expected some of it to be protected, even if the vast majority of this possible swamp is in the neighbouring property.

In neighbouring Quailburn several areas were recommended for protection due to the endangered bird species that frequent them. Any swampland on this property should be included for protection. It was also stated in the Quailburn review that ".....not significant in itself the contribution this area makes to the overall catchments is." Therefore, sufficient land should be included to ensure the protection of the more valuable areas.

Geoff Clark
10 Smacks Close
Papanui
ChCh 5

DTZ NEW ZEALAND
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03 SEP 2004
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Dunstan Peaks Ltd.

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Omarama
Telephone (03) 438-9493
Fax (03) 438-9491

31.08.04

The manager
DTZ NZ Ltd
Land Resources Division
PO Box 27
Alexandra

Dear Sir

Subject: Tenure Review – Ben Dhu Pastoral Lease.

Dunstan Peaks Limited wishes to submit that the area CA1 should be freeholded as it only creates an isolated block of Crown land. Upon which it will be nigh on impossible to maintain the SIV's as listed, which are relatively common elsewhere and are in harmony with the seasonal grazing any way.

Yours faithfully



PJ Patterson
Managing Director

10222



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DTZ NEW ZEALAND
ALEXANDRA
03 329 6869
RECEIVED

John J. Ryan

Dip. Ag., Dip. V.F.M., A.N.Z.I.V., M.N.Z.S.F.M.
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31 August 2004

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

Dear Sir

Re Ben Dhu Tenure Review

I act as Consultant for the owners of Ohau Company Trust who farm Ribbonwood Station, an adjoining property to the abovementioned Ben Dhu Station.

Details of our submission are as follows:

Legal Description of Land Concerned

Part Run 535 situated in Ahuriri and Ohau Lake Survey District, being all that area of land contained in Certificate of Title 386/112 of the Otago Land District, comprising an area of 3919.1573 hectares.

Description of Proposal

397 hectares to be designated as land to be restored to full Crown ownership and controlled as a conservation area under Section 352(a)(i) Crown Pastoral Land Act 1998.

Approximately 3,523 hectares is to be designated as land to be disposed of by freehold disposal to the holder under Section 35(3) Crown Pastoral Land Act 1998.

The objectives of our submission are to point out the folly of retiring the block described as CA1 on the property.

The reasons for our disagreement with the proposal include the following.

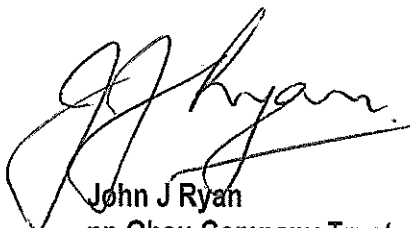
- Land is located between 800 m and 1499 m above sea level. Although the land is high in terms of absolute altitude, this is not considered to be a deterrent in terms of economic grazing, both in its own right and also in terms of its contribution to the grazing pattern of the total property.
- There are no species of special inherent value on this block which require preserving by such a retirement programme.
- The block has been extensively developed over a 20 year period including seeding and fertilizing to the extent that it is now a vastly different plant colony than in its native state. We also believe that if the Maku lotus plants grown on this block are allowed to grow unchecked by grazing then they will smother out the majority of the native species which are currently allowed to thrive by the simple act of livestock grazing.
- The land in question involves high summer grazing land which is critical to the pastoral base of the Ben Dhu property and the removal of this land from grazing will seriously affect the viability and property value of the balance of the farm property.
- There is no access to the property nor is there likely to be.

We support the establishment of the area defined as CA2 being an area of bog pine and mountain toa toa, although the small patches of matagouri, cottonwood, indigenous broom and red tussock, we believe are of no particular significance to this programme.

In summary then we oppose the establishment of the hill country grazing block referred to as CA1 on Part Run 535 and we support the establishment of the flat land conservation area referred to as CA2 on the map of Part Run 535.

We would be prepared to speak to the above submission should an opportunity be available.

Yours faithfully



John J Ryan
pp Ohau Company Trust



(12)



2 September, 2004

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

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Website: www.ecan.govt.nz

Attn. Joan Gallagher

**Po 222 Ben Dhu Pastoral Lease
Submission on Preliminary Proposal for Tenure Review**

Thank you for advising Environment Canterbury of the release of the Preliminary Proposal for tenure review of Ben Dhu Pastoral Lease. We appreciate the opportunity to review the proposal and make a submission in relation to the future management of this land.

Environment Canterbury has statutory responsibilities under the Resource Management Act 1991 (RMA) for the sustainable management of natural and physical resources of the region, including soil conservation, water quality and quantity and ecosystems, and for maintenance of biodiversity. In addition, Environment Canterbury also has statutory responsibilities under the Biosecurity Act 1993 for the management or eradication of animal and plant pests in accordance with regional pest management strategies.

Environment Canterbury has recently notified its Natural Resources Regional Plan to address significant resource management issues in the region. The Plan contains a number of provisions for managing soil and water resources, including the effects of land use activities on soil erosion and water quality. The Canterbury Regional Pest Management Strategy (1998) and Canterbury Regional Pest Management Strategy Biodiversity Pests (2002) identify a number of species of plants and animals for control or management as pest species.

In line with these statutory responsibilities and documents, technical and planning staff have reviewed the Preliminary Proposal for Ben Dhu Pastoral Lease to assess the impacts, if any, of this proposal on pest management, indigenous biodiversity protection, soil conservation and the integrity of the water bodies. Our comments and recommendations are listed below.

General comments

The Preliminary Proposal and background reports concentrate primarily on terrestrial ecosystems and landscape features, and in so doing they risk neglecting important issues for the long term management and protection of the springfed stream systems of the inland basin area. These stream systems are naturally low in nutrients and form part of the headwaters for many of the larger river systems. Being of low nutrient enrichment status makes them particularly susceptible to the effects of intensified agricultural development.

The Proposed Natural Resources Regional Plan (NRRP), Chapter 4 Water Quality, seeks to maintain groundwater-fed streams in a natural state where they are largely unaffected by human activities, or to maintain current water quality. An important part of this management will be the protection of any headwaters wetlands to maintain their functions as filtering and water retention areas. Ground water-fed streams in the upper Waitaki catchment generally

Our Ref: PL5C-103; AG5T-60
Your Ref:
Contact: Cathie Brumley

have very high water quality and the cobble bed substrate is currently largely unaffected by sedimentation.

Soil Conservation

Both the LUC assessment made by the Waitaki Catchment Commission and the NZLRI show a band of class 7 and 8 land running the length of the Diadem Range on this property. Therefore the type of land found in the CA1 area also continues further north to the north-west boundary of the property. These soils have limited productive use, particularly at higher altitudes, and slopes are very steep in some of the stream gullies. For soil conservation purposes the CA1 area should continue up to the northern boundary to include the remaining high altitude class 7 and 8 land.

There are existing retirement fences on the neighbouring properties, Ribbonwood and Ahuriri Downs, to protect soil and water values. These are part of a Catchment Management Plan for the Diadem range which also included the upper slopes of the Ben Dhu lease. A new top boundary on BenDhu should link between these existing retirement fences to take in the more vulnerable class 7 and 8 land.

Terrestrial vegetation and habitats

Tenure review provides one of the best opportunities to help achieve two key objectives of the Reserves Act 1977 and the New Zealand Biodiversity Strategy (2001). These are, respectively, "preservation of representative samples of all classes of natural ecosystems and landscapes" and to "maintain and restore a full range of remaining natural habitats and ecosystems to a healthy functioning state." The Land Environments of New Zealand landscape classification system (Leathwick et al. 2003) provides a framework for securing protection and/or restoration of examples of the full range of terrestrial vegetation and habitats.

Under s.40 of the Crown Pastoral Land Act 1988, land designation is subject to the creation of 1 or more protective mechanisms including the protection of significant inherent values of the land.

Environment Canterbury supports the proposed designation of CA2, and agrees that the area of bog pine and mountain toatoa is of outstanding significance and its protection would be a major conservation gain. The Conservation Resources Report also recommends protection of the outlier stands of the habitat, and this is strongly endorsed by Environment Canterbury to recognise the international importance of this habitat and the severely depleted nature of its distribution in Canterbury and the South Island. Extending the CA2 area to include the main outlying remnants as one continuous area will improve the viability and ecological sustainability of all of the remnants.

Examples of Land Environments E4 (dry lower foothills) and N6 (inland alluvial basin floors) are contained within CA2 and the adjacent existing reserve.

The preliminary proposal provides no information to support the assertions (page 4, paragraph 3) that the proposed conservation area CA1 on the Diadem Range "represents the protection of significant inherent values in this area". Examples of Land Environments Q1 (Southeastern hill country and mountains) and, to a lesser extent, Q2 are included within CA1. Yet no examples of Land Environments N4 (upper inland plains), K3 (recent well-drained upland soils) and K4 (recent poorly drained upland soils), typical of the South Canterbury inland basins, are contained within either of the proposed conservation areas. This is of concern as several sites within these distinct dry plains and recent soils land environments (including shrublands, tussock grasslands and wetlands) were identified as having important ecological values in the Conservation Resources Report.

It would have been helpful if the "further area identified as having some significant inherent values" could also have been shown on a map, so that submitters could indeed be assured that "these values are represented in other catchments where protection has been achieved." It is not clear from the preliminary proposal whether the "other catchments" referred to are on the Ben Dhu pastoral lease or elsewhere. However, as mentioned in the previous paragraph no examples of Land Environments N4, K3 and K4 on Ben Dhu are proposed for protection.

This is a major issue with the Preliminary Proposal, that adjacent leases and protected areas are not identified, so it is very difficult to judge the recommendations of the Preliminary Proposal in the context of the wider environment. A location map and description of nearby protected areas is necessary to support any such claims made in the preliminary proposal that significant values are being adequately protected elsewhere. Reference to the variety of Land Environments represented within the lease, and in proposed or adjacent protection areas, would also provide a good basis for evaluating the areas designated for Crown control or to be freeholded.

On the basis of the information contained in the Preliminary Proposal and Conservation Resources Report for Ben Dhu Pastoral Lease, Environment Canterbury makes the following recommendations for the protection of significant terrestrial habitats:

(1) Extension to area CA1:

Continue CA1 along the line of the top fence, as recommended under the Soil Conservation section, would also protect the range of ecological and landscape values outlined in the Conservation Resources report.

(2) Extension to area CA2:

Extension of CA2 to include the smaller bog pine remnants within one continuous protected area.

(3) New area marked CA3:

Creation of at least one more conservation area at the northern end of the property to protect examples of native shrubland, tussock grassland and wetlands on fan landforms. This should include the least modified area of red tussock wetland on the property, as valley floor red tussock wetlands are a much-reduced habitat. This protected area of wetland, shrubland and tussock grassland should be connected with, and include, riparian marginal strips of the Quail Burn and tributaries.

Groundwater fed streams -

As mentioned in the General Comments, the Preliminary Proposal and the Conservation Resources Report only contain a description of the terrestrial ecosystems. They do not describe the state of the riparian vegetation or describe the type of streams within the pastoral lease or their instream values. An inspection of the 1:50,000 topographic map suggests that groundwater fed streams may emerge from the fans at the base of the Diadem Range.

The Ben Dhu lease encompasses the headwaters (springheads and wetlands) of both the Hen Burn and Quail Burn such that this area in particular is important in maintaining the water quality and aquatic values of these stream systems. The wetland areas at the headwaters of the Hen Burn in particular are contained within southern end of the Ben Dhu lease, but are not mentioned in the Preliminary Proposal, or accorded any consideration for

protecting the biodiversity value of Hen Burn itself. Similarly protection of bog pine and red tussock areas in the wetland areas of the Quail Burn are discussed, but do not describe any requirement to protect the water quality, and therefore environmental value, of the Quail Burn itself.

These creeks are part of the complex of small spring fed streams in inland basins that are relatively unaffected by agricultural enrichment. Investigations to date have illustrated similar Mackenzie Basin streams to be of particularly low enrichment status, and as such possessive of high local and regional aquatic biodiversity value that is particularly sensitive to enrichment. The streams contained within the Ben Dhu pastoral lease are scheduled for baseline investigations this summer (2004/05), following on from investigation in previous years of the northern (02/03) and mid basin streams (03/04). They are expected to be similarly of low enrichment status, which makes them particularly susceptible to effects of intensified agricultural development in their source areas.

Overall, more consideration is required of the scope or requirements to protect wetlands and springheads of the significant spring fed streams (burns) in this area. This is especially so, if such protection is likely to be extended across other lease area stations that possess areas of these wetlands that also abut Ben Dhu station. However, it is most important to include this consideration within the Ben Dhu lease review, as Ben Dhu contains the most upstream components of these streams and wetlands. It is therefore fundamental for effective protection of these stream systems.

Environment Canterbury would also support the establishment of a marginal strip and fencing adjacent to permanently flowing reaches of a groundwater fed stream in the lease area. A marginal strip and associated riparian vegetation will contribute to the protection of the water quality and aquatic ecosystems as well as acting as a buffer for land use activities. This is consistent with s.24C of the Conservation Act 1987 which states that the purpose of marginal strips (among other things) is to protect water courses, maintain water quality and aquatic life, and to enable public access.

The exclusion of livestock offers the only effective long-term sustainable method of protecting the water way and its values. Environment Canterbury is devoting considerable resources through its “Living Streams” programme to restoring water ways, mostly groundwater fed streams, which have degraded as a result of land use activities. It is generally more cost effective to protect a waterway and to prevent a decline in water quality and habitat values, rather than trying to restore a degraded water body.

Environment Canterbury recommends the long term protection of the water quality and instream values for the Hen Burn and Quail Burn streams by protecting the springheads and headwater wetlands on the Ben Dhu lease. These areas are indicated as:

CA3 – protection of Quail Burn headwaters; and

CA4 – protection of wetlands in upper Hen Burn

Management of Pest species

The Conservation Resources Report for Ben Dhu notes the presence of wilding trees, including Douglas fir and unspecified pines, on the property. These plants pose a considerable threat to low-stature ecosystems, especially where there is minimal animal grazing. Contorta pine, mountain pine, scots pine, Corsican pine, Douglas fir and larch are included as a pest in terms of Environment Canterbury’s Regional Pest management Strategy – Biodiversity Pests (20th April 2002). The Strategy encourages the removal of them, but it does not contain rules that require their removal.

Hieracium is also considered to be a principal invasive weed, and the presence of sweet briar is noted. Currently there are no requirements for the landowner to undertake control of these species under the Regional Pest Management Strategy.

The landowner is required to keep rabbits at or below level 3 on the Modified McLean Scale. The presence of the RHD virus is a substantial help in keeping rabbit numbers within this requirement.

Recommendations

Environment Canterbury acknowledges and supports the areas proposed to be restored to full Crown ownership and control with the following recommendations for extensions and additions to the areas for protection to provide for the ecologically sustainable management of the land and water resources of the Ben Dhu lease:

- (1) an extension to CA1 to include the remaining steep and high altitude section of the Diadem Range;
- (2) an extension to CA2 to provide sustainable long-term protection for the internationally important bog pine habitat;
- (3) an additional area CA3 to protect the areas of red tussock wetlands, shrublands and tussock grasslands characteristic of the dry plains and recent soils environments at the northern end of the property, together with the riparian margins of the upper Quail Burn; and
- (4) an additional area CA4 to protect the headwater wetlands of the Hen Burn.

It is also recommended that the results of investigations of the Quail Burn and Hen Burn to be undertaken by Environment Canterbury this summer (2004/05) are taken into account in the establishing of management requirements for these streams.

Thank you for the opportunity to comment on this Preliminary Proposal.

Yours sincerely



John Talbot

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