

## **Crown Pastoral Land Tenure Review**

**Lease name: BERWEN**

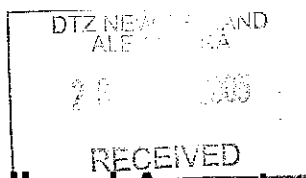
**Lease number: PO 209**

### **Public Submissions - Part 1**

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

**February**

**06**



**New Zealand Deerstalkers' Association Incorporated**  
 45 Rugby St P O Box 6514 Te Aro Wellington Tel 04 801 7367 Fax 04 801 7368  
 E-mail: [office@deerstalkers.org.nz](mailto:office@deerstalkers.org.nz)  
 Website: <http://www.deerstalkers.org.nz>

①

26 September 2005

Commissioner of Crown Lands  
 C/- DTZ New Zealand Ltd  
 Land Resources Division  
 P O Box 27, Alexandra  
 Fax (03) 448 9099  
 Email: [alexandra@dtz.co.nz](mailto:alexandra@dtz.co.nz)

## **Submission: Berwen Station Tenure Review Preliminary Proposal**

This submission is made on behalf of the New Zealand Deerstalkers' Association Incorporated (NZDA). NZDA is the national body of recreational deerstalkers and other big game hunters. We have 57 branches and a number of hunting clubs throughout New Zealand. We have 7200 members, and have been actively advocating for deerstalking and hunting and running training courses, trips, conferences etc since 1937.

### **1 Summary of Proposal**

The 6970 ha Berwen Station pastoral lease near Omarama, backs onto the Hawkdun Range, to the west of Tara Hills, and crosses over into the East Manuherikia Valley. CA1, (3670 Ha) is recommended for return to public conservation land at the central and southern end of the lease. This is primarily land across the crest of the Hawkdun Range, and its western slopes, as well as part of the Ewe Range. Altitude rises to over 1800 metres. Much of the land is Class 7 or 8, unsuitable even for grazing. There are two public foot easements, but no motorised access to CA1, which is unacceptable from a hunting viewpoint.

### **2 Outdoor Recreational Value**

In the only assessment of outdoor recreational characteristics and value for Otago, Bruce Mason, in "Outdoor Recreation in Otago – A Conservation Plan" Vol 1 (1988, Federated Mountain Clubs) assessed the Hawkduns as having natural environment and open space character. (Map, Page 36). The Hawkdun Range and its northern (Ewe Range) and southern extension (Ida Range) is a distinctive Otago block mountain formation.

Mason states the area is valuable for winter ski touring and mountaineering courses (Pages 38-39). A red deer herd and pigs provide recreational hunting opportunities.

### **3 NZDA General Support for the Proposal**

We have not had the opportunity to inspect the property on the ground, so cannot comment on the easements in detail. With this qualification we support the proposal subject to our desire to see vehicular access provided via DOC for recreational hunters (See 4 below).

This surrender is of interest to hunters, and we strongly support this change to public land for its recreational hunting value, and its other recreational values. As these recreational hunting resources are publicly owned, it is better that they be on public land, where they are available to the public, rather than on privately occupied land. The block would also be a very desirable addition to the proposed Hawkdun Conservation Park.

### **4 Easements**

Public easement a-b (from the western side south, then across and up near the northern

boundary of CA1 to the top of the Ewe Range) is for non motorised traffic only and c-d-e (from the SW corner, along the southern boundary, and up a valley to CA1) is for foot traffic only.

Having a process whereby hunters can take vehicles (4WD or Quads) in to make it easier to take out game animals for the table, would greatly assist deerstalkers to hunt in the area, and help keep deer and pig numbers in control once the land becomes public. Carrying carcasses by foot for these sorts of distances is difficult.

Allowing this would greatly improve recreational hunting pressure on the public CA1 block, so aiding the sustainable management of this block. Sustainable management is a goal of the Crown Pastoral Lands Act (CPLA). So this step would assist achieving this goal.

Without a public right for recreational hunter vehicle access from DOC, the lessee remains the owner of the access, ie has the right to refuse permission, and to charge whatever he likes for vehicular access. He controls a substantial part of the hunting pressure, and hunting on the land is not really public.

This sort of "charging for hunting access" for fisheries and gamebirds is forbidden under Section 23 of the Wildlife Act and Section 26ZN of the Conservation Act, because those resources (game fish and game birds) are Crown owned resources. So are big game animals. Consequently, to really make the big game hunting on the CA1 Block public, we insist that an arrangement with DOC to allow vehicular access for recreational hunting is essential.

It could for instance be said to be part of DOC's management of the block ie a management purpose. We urge that LINZ check with DOC that this is, or can be the case. It would be ironic if DOC could employ commercial hunters to kill big game, and allow them to use the road for "management purposes" while not allowing recreational hunters for the same purpose.

For instance LINZ and DOC could agree that a hunting permit for CA1 and beyond, would include motorised access to the end of these easements ie assisting DOC with big game management.

Can this be agreed? ie that DOC has the discretion, rather than the land owner. We agree a reasonable road maintenance fee, similar to what DOC pays, may be part of the deal.

Please contact me if you require further information.

Thanking you  
Yours truly

Dr Hugh Barr  
NZDA National Advocate

cc Department of Conservation, Dunedin



## New Zealand Deerstalkers' Association Incorporated

**Southern Lakes Branch**  
**PO Box 98 Arrowtown 9196**  
**Phone 03 4421591**



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27 September 2005

Commissioner of Crown Lands  
 C/- DTZ New Zealand Ltd  
 Land Resources Division  
 P O Box 27, Alexandra  
 Fax (03) 448 9099  
 Email: [alexandra@dtz.co.nz](mailto:alexandra@dtz.co.nz)

Submission: Berwen Station Tenure Review Preliminary Proposal

This submission is made on behalf of Southern lakes branch of the New Zealand Deerstalkers' Association Incorporated, the national body of recreational deerstalkers. NZDA is the national big game hunting association, with 57 branches and a number of hunting clubs throughout New Zealand. We have (our branch) 120 members, and have been actively advocating for deerstalking and hunting and running training courses, trips, etc since 1970.

### 1 Summary of Proposal

The 6970 ha Berwen Station pastoral lease near Omarama, backs onto the Hawkdun Range, to the west of Tara Hills, and crosses over into the East Manuherikia Valley. CA1, (3670 Ha) is recommended for return to public conservation land at the central and southern end of the lease. This is primarily land across the crest of the Hawkdun Range, and its western slopes, as well as part of the Ewe Range. Altitude rises to over 1800 metres. Much of the land is Class 7 or 8, unsuitable even for grazing. There are two public foot easements, but no motorised access to CA1, which is unacceptable from a hunting viewpoint.

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3 This surrender is of interest to hunters, and we support this change to public land for its recreational hunting value, and its other recreational values. As these recreational hunting resources are publicly owned, it is better that they be on public land, where they are available to the public, rather than on privately occupied land. The block would also be a very desirable addition to the proposed Hawkdun Conservation Park.

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Both easements a-b (from the western side south, then across and up near the northern boundary of CA1 to the top of the Ewe Range) and c-d-e (from the SW corner, along the southern boundary, and up a valley to CA1) are for non motorised traffic only.

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Allowing this would greatly improve recreational hunting pressure on the public CA1 block, so aiding the sustainable management of this block. Sustainable management is a goal of the Crown Pastoral Lands Act (CPLA). So this step would assist achieving this goal.

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RELEASED UNDER THE OFFICIAL INFORMATION ACT

This sort of "charging for hunting access" for fisheries and game birds is forbidden under Section 23 of the Wildlife Act and Section 26ZN of the Conservation Act, because those resources (game fish and game birds) are Crown owned resources. So are big game animals. Consequently, to really make the big game hunting on the CA1 Block public, we insist that an arrangement with DOC to allow vehicular access for recreational hunting is essential.

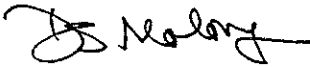
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For instance LINZ and DOC could agree that a hunting permit for CA1 and beyond would include motorised access to the end of these easements i.e. assisting DOC with big game management.

Can this be agreed? I.e. that DOC has the discretion, rather than the land owner. We agree a reasonable road maintenance fee, similar to what DOC pays, may be part of the deal.

Please contact me if you require further information.

Sincerely



Shaun Moloney Secretary Southern Lakes NZDA PP

For Hans Biemond Tenure Co-ordinator Southern Lakes NZDA

3

Geoff Clark  
10 Smacks Close  
Papanui  
Christchurch 5



25 September

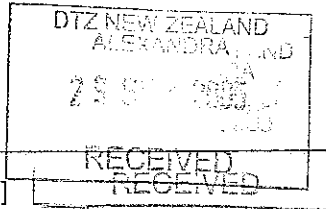
DTZ New Zealand

Dear Joan  
Berwen Station Pastoral Lease

Thankyou for the summary of the proposed designation of Berwin Station.  
I can't see anything wrong with the proposal. I probably would have liked to see CC2 included into CA1 as part of a, hoped for, conservation park along the Hawkdun Range, but at least it is has some protection under a covenant and access is provided for.

Regards,

*Geoff Clark*



(4)

**Joan Gallagher**

**From:** Brian Patrick [bpatrick@xtra.co.nz]  
**Sent:** Wednesday, 28 September 2005 11:47 p.m.  
**To:** Joan Gallagher  
**Subject:** Berwen Station Draft Tenure Review

Dear DTZ

Thank you for a copy of the Draft copy of Tenure Review documents.

**I have the following comments:**

**1. I generally support the proposed Tenure Review deal.** This is a **strategic property** straddling the Mackenzie Basin and Central Otago's Upper Manuherikia Valley.

Additionally the property lies close to and beside the public road from the Upper Manuherikia to Omarama.

**2. The Conservation Resources reports are very comprehensive especially the Botanical one.** I know this area personally following eleven expeditions to the property over the past 20 years.

**3. One important issue I see with this proposed plan is the Area CC2.** I believe this area to be indistinguishable from the adjacent CA1 Area. Area CC2 should be retained by the Crown for its high inherent values. Because this area is adjacent to the public road, I have sampled its riparian shrublands with abundant lianes, and its grassland and herbfields. The shrublands are significant for their presence of the local small-leaved *Coprosma intertexta* and the insect-rich *Olearia odorata* and *Muehlenbeckia complexa*. This part of Central Otago is different from the rest with a different mix of shrub and insect species.

This different insect fauna is epitomised by the presence of the flightless chafer *Prodontria patricki* here at only its second known location. The Type Locality and original site I discovered the species is Danseys Pass. This distinctive beetle was found at 1200m in the northwest corner of CC2, also at two sites in Camp Creek just to the west of CC2 also @ 900-1050m.

A localised geometrid moth *Asaphodes ida* and the threatened crambid *Orocrambus sophronellus* are both found in this area. Both species are generally rare in Central Otago with small distributions. Both have come in small numbers to light trapping I have done in Camp Creek adjacent to CC2. It is reasonable that they both breed in CC2 given its ecology. Additionally my light trapping here produced 66 other moth species, 27 caddis and 7 stoneflies in recent years indicating a rich native insect fauna and therefore comparatively natural ecology. This data is in addition to my original DoC survey performed and published in the 1980s.

**CC2 should be retained by the Crown and reserved for its high natural values.** It is indistinguishable from CA1. I note the Department of Conservation mapped this area as having significant conservation values as I do and also did not distinguish it from what is now called CA1.

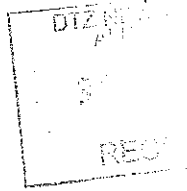
Please reconsider the draft proposal for Berwen Station and retain CC2 as Crown Land.

Thank you

Brian

Brian H Patrick  
 48 Bond St  
 Dunedin  
 New Zealand 9001  
 Home 03 4779045  
 Work 03 4747476  
 Mobile 027 2354444

29/09/2005



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52 Kauri Road  
Pukekohe  
28 September 2005

The Commissioner of Crown Lands,  
C/- DTZ New Zealand Ltd,  
PO Box 27  
Alexander.

Re Berwen Station Tenure Review

Dear Sir

I wish to make a submission on the above proposal as follows.

In addition to the proposed easements for public access by foot and non-motorised vehicle, the tenure review should also include provision for public access by both horse and motorised vehicles. It is reasonable to provide that such access may be managed in some way, however, permission for access should not be unreasonably withheld when requested. These right of access easements should cover all tracks, paths and roadways in both proposed conservation and freehold areas (including the areas covered by conservation covenants).

It should be noted that for a significant section of the community, including those with disabilities, the infirm, and families with young children, the only practical way to access, experience and enjoy the great New Zealand outdoors is by use of a vehicle.

I can be contacted by post at the above address or on 09 921 9220 during business hours.

Thanks you.

Kind Regards,

Richard Eyres.





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

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1 October 2005

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

Dear Sir,

**Re: Preliminary Proposal for Tenure Review: Berwen Station Po 209**

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 13,000 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 more 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 Berwen Station.

**The Preliminary Proposal**

FMC notes that the proposal includes the following designations:-

1. An area of approximately 3670 ha (CA1) to be restored to Crown control as a conservation area, subject to a qualified designation.
2. A qualified designation that the route "g-h" be subject to an easement concession in perpetuity in favour of the holder (to provide farm management access between two blocks of proposed freehold).
3. An area of approximately 3300 ha to be disposed of by freehold to the holders subject to protection mechanisms and a qualified designation.

4. Qualified designation: The continuation in force of the existing easements in favour of Hawkdun Idaburn Irrigation Company Ltd.
5. Protective mechanisms being an easement to provide public access by foot and non-motorised vehicle access to the Ewe Range over the route "a-b" and public foot access to the Hawkdun Range over the route "c-d-e" and for conservation management access over the routes "a-b", "c-d-e" and "f-d".
6. Conservation Covenants CC1 and CC2 totalling approximately 1070 ha to protect an area of shrubland in the Little Omarama Stream catchment and the tussock grassland landscape values in the Manuherikia Valley.

### **FMC Submissions**

You will recall that in June 2002, FMC submitted a report on the "Recreational and Related Significant Inherent Values of Dunstan Peaks, Twinburn and Berwen Station". FMC is pleased to note that a significant number of our recommendations for the outcomes of tenure review are included in the current Preliminary Proposal. There are however, some features of the proposal which give us cause for concern especially regarding the proposal to freehold the tops of the Ewe Range (above 1,200m), the terms and conditions of CC1 and the boundary of CC2. If our concerns are met, and the Conservation Area is extended northwards to include the Ewe Range tops, then this area will provide a worthy addition to the Oteake Conservation Area, and an important step towards the Oteake Conservation Park. The route "a-b" will provide an excellent northern entrance to that future Park.

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.**

*An area of approximately 3670 ha (CA1) to be restored to Crown control as a conservation area, subject to a qualified designation.*

We applaud the proposal that 3670 ha (CA1) will be restored to full Crown ownership and control as Conservation Area. FMC is pleased to note that the proposal is very similar to the recommendations contained in the FMC Report (June 2002).

FMC notes that this area includes the headwaters of the Manuherikia River, the tops of the Hawkdun Range, and the upper catchment of the Little Omarama Stream, and includes at least parts of altitudinal sequences in the Manuherikia and Little Omarama Stream catchments.

We agree that the area is part of a special natural landscape with distinctive range toposes, cirque basins, and periglacial features, and that the area is important as the transition zone between greywacke and schist geology. For all these reasons FMC supports the proposed designation, but believes that the area should be extended as explained below.

It is partly because of the special natural landscape that we believe the area to be protected along the top of the Ewe Range should be extended northwards. A further reason for this is that we do not believe the land above about 1100m is capable of supporting ecologically sustainable pastoral use. It is already degraded, thereby diminishing its landscape value. A preferred boundary would utilise an existing bulldozed line around the contour at about 1,150m starting from the proposed public access route (a-b) at about H40 649.173, cutting below the bluffs and screes (approximately 646.179), continuing around the contour and finally heading up a spur to the point where a track crosses the property boundary at (650.192). A less preferred boundary, but the absolute minimum necessary to preserve the integrity of the tops, would be to fence along the line of the track (from 651.173 to 650.192).

A further reason why CA1 should be extended northwards is that it would then form a logical and appropriate northern boundary and welcome addition to the Oteake Conservation Area.

It may be noted that the recommendations above differ from those made in the FMC Preliminary Report (2002). The reason for that is that the 2002 Report was written without the benefit of an on-site inspection. As a result of an inspection made in September 2005 our recommendations have been revised.

The proposed boundary (H 40 666.055 to 655.094) between freehold Covenant Area CC2 and the Conservation Area CA1 runs along a prominent bulldozed line (fence and track) along the Hawkdun foothills which is an unfortunate intrusion into an otherwise largely natural landscape. It also cuts off the lower part of an altitudinal sequence from the bed of Johnstons Creek to the Hawkdun range tops. FMC believes that an alternative boundary (H 40 650.059 to 648.096) would be much more satisfactory for a number of reasons: (i) It would protect the entire altitudinal sequence from valley floor to range top, (ii) it would allow the intrusive bulldozer line to establish plant cover more quickly, (iii) It would include E and W facing aspects of the upper Johnstons Creek catchment within the area to be fully protected, and (iv) it would better satisfy the potential outcomes identified in the Scoping Report, 2001 (SR) and the recommendations made in the Berwen Designations Report, 2002 (BDR), and the Conservation Resources Report, 2002 (CRR) that landscape and ecological values were significant and worthy of protection. Note that the line proposed in the Preliminary Proposal is at variance with the maps included in the SR, BDR and the CRR and this line (if implemented) would exacerbate the visual effect of the intrusive bulldozer line along the Hawkdun foothills. The revised boundary could be easily fenced utilising the existing fence from (650.063 to 655.094) and requiring only a few hundred metres at each end to enclose the proposed Covenant Area CC2. An alternative would be to use the water race as the boundary and from its intake weir, cut up to the fence line referred to above. Either of these suggestions would impact on the proposed designation of Conservation Area CA1 by increasing its area by some 300 to 400ha.

We would like to point out that the shrublands on the floor of the Little Omarama Stream valley are also part of an altitudinal sequence from valley floor to range tops, but have been excluded from the proposed Conservation Area. We do not accept that the alternative provision of a Conservation Covenant over these shrublands will serve the intended objective 'to protect the Values' for reasons which will be discussed later. It would have been preferable to include the Little Omarama Stream shrublands in the area to be restored to Crown control.

**FMC submission:**

*FMC submits that the proposal must be revised in order to fulfil the CPLA statutory objective 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." This could be done as follows:-*

- (i) In order to protect the landscape integrity of the top of the Ewe Range, and to promote its management in a way that is ecologically sustainable, the boundary of the proposed Conservation Area CA1 should be extended northwards to the point where a track crosses the property boundary (H40 650.192). The actual line of the boundary of this extended area is discussed above.*
- (ii) Revising the boundary of CC2 to a new line (H 40 650.059 to 648.096) which is already largely fenced. This is discussed in more detail above.*
- (iii) Adding the Little Omarama Stream shrublands to the Conservation Area (CA1) to be restored to Crown control. An alternative would be to designate the 117 ha of shrubland as Conservation Area (CA2). In all other respects FMC strongly supports the proposed designation to restore Conservation Area (CA1) to Crown control.*

*If CA1 is extended northwards as proposed, it would provide a logical northern boundary for the Oteake Conservation Park, and a worthy addition to that Area.*

**Preliminary Proposal, Item 2.**

*A qualified designation that the route "g-h" be subject to an easement concession in perpetuity in favour of the holder (to provide farm management access between two blocks of proposed freehold).*

FMC has no objection to the principle of an easement in favour of the holder between the two proposed freehold blocks. However, we note that there is a condition in the Protective Covenant over the Manuherikia Block (CC2) that if monitoring reveals a deterioration in the values the terms of the Covenant can be reviewed. It is possible that the permitted stocking rate could be reduced to zero or the Covenant could be revoked and the land revert to Crown control. In that case the easement would no longer be required and it is inappropriate that the easement be granted 'in perpetuity'.

**FMC submission:**

*FMC supports the proposal that an easement be granted in favour of the holders between the two proposed freehold blocks. We do not accept the need for this to be granted 'in perpetuity' and submit that these words should be deleted from the proposal.*

**Preliminary Proposal, Item 3.**

*An area of approximately 3300 ha to be disposed of by freehold to the holders subject to protection mechanisms and a qualified designation.*

FMC does not support this proposal in its entirety for reasons which will be explained. One exception is that the proposed Covenant area CC1 contains important shrublands on the floor of the Little Omarama Stream valley which are part of the sequence from valley floor to the tops. The problem is that we do not accept that the values of the shrublands, and particularly their capacity to flourish and regenerate will be protected or facilitated by allowing grazing. FMC believes it would be preferable to restore this area to Crown control either as part of CA1, or as a separate Conservation Area which might be designated CA2. The second exception is that the proposed Covenant area CC2 contains ecological and landscape values which should be fully protected by return to full Crown control. This would also enable the protection of an entire altitudinal sequence from valley floor to range tops in the upper Manuherikia catchment too. The third exception is that the tops of the Ewe Range are inadequately protected in the Preliminary Proposal. The boundary of CA1 should be extended northwards as discussed under Item 1 above both to protect the integrity of the natural landscape values and to promote the management of the area in a way that is ecologically sustainable.

**FMC submission:**

*FMC argues that the area to become freehold should be reduced in order that the Proposal conforms with the CPL Act 1998. FMC submits as follows:-*

- (i) that the proposed freehold area should be reduced by 117 ha on the floor of Little Omarama Stream so that the proposed Covenant Area CC1 can instead be designated Conservation Area to be restored to Crown control and hence protect the shrublands and encourage their regeneration.*
- (ii) that the boundary of the proposed Covenant Area CC2 should be moved to a new line (H 40 650.059 to 648.096) for reasons explained in more detail under Item 1 above.*
- (iii) that the boundary of CA1 along the tops of the Ewe Range should be extended northwards to the point where a track crossed the property boundary (H40 650.192). The actual line of the boundary is discussed under Item 1 above.*

**Preliminary Proposal, Item 4**

*Qualified designation: The continuation in force of the existing easements in favour of Hawkdun Idaburn Irrigation Company Ltd.*

FMC has no objection to this proposal, in fact we believe that there is significant recreation value in possible mountain bike use of the track alongside the water race.

**FMC submission:**

*FMC supports the proposals for continuance in force of existing easements in favour of Hawkdun Idaburn Irrigation Company.*

**Preliminary Proposal, Item 5**

*Protective mechanisms being an easement to provide public access by foot and non-motorised vehicle access to the Ewe Range over the route "a-b" and public foot access to the Hawkdun Range over the route "c-d-e" and for conservation management access over the routes "a-b", "c-d-e" and "f-d".*

FMC is pleased to note that good walking, and mountain bike access is proposed for a route to the Ewe Range. FMC is particularly pleased to note that the route "a-b" is the same as that recommended in the FMC Report (June 2002) and indicated in yellow on a map attached to that Report. We are also pleased to note that walking access to the Hawkdun Range has been provided. FMC is, however, less than satisfied with the route "c-d-e" which follows a straight line route along the southern boundary of the property. Much more satisfactory access would be provided by designating the farm track "f-d" as the walking route. We see no reason why the public should not be permitted to use the same easement as is to be provided for conservation management. This public access would provide an excellent northern entrance to the Oteake Conservation Area.

**FMC submission:**

*FMC strongly supports the proposed designation of a public access easement to the Ewe Range by route "a-b". This public access would provide an excellent northern entrance to the Oteake Conservation Area. FMC also supports the designation of a walking access route to the Hawkdun Range but does not consider the proposed route "c-d-e" is satisfactory. Instead we propose that public foot access be provided over the same route as conservation management access (viz by the route "f-d-e").*

**Preliminary Proposal, Item 6**

*Conservation Covenants CC1 and CC2 totalling approximately 1070 ha to protect an area of shrubland in the Little Omarama Stream catchment and the tussock grassland landscape values in the Manuherikia Valley.*

FMC is most concerned that the terms of Special Conditions (in Schedule 2) for the Covenant Area CC1 (Little Omarama Stream shrublands) are not sufficiently robust to protect the values which is the stated Objective of the Covenant. Protection and regeneration of shrublands is incompatible with proposed grazing. FMC recommends that the entire 117 ha of Covenant Area CC1 should instead be returned to full Crown control and be protected as a Conservation Area (either added to CA 1, or designated as a separate Conservation Area CA 2. If this outcome proves impossible to achieve then strengthened terms and conditions should be attached to the Covenant. These should include (a) no cattle grazing, (b) an assessment of available feed before the commencement of grazing and a stock limitation set in relation to the available feed supply. This should avoid stock browsing the shrublands. (c) The area should be monitored regularly and the results of monitoring reviewed every 3 years and revised if necessary.

FMC believes that the proposed Covenant Area CC2 within the proposed freehold area in the Manuherikia Valley should be reduced in size to permit the significant inherent ecological and landscape values in the upper catchment of Johnstons Creek to be protected for reasons detailed under Item 1 above. FMC supports the

intention that the Covenant CC2 will be governed by the monitoring conditions spelled out in the Special Conditions in Schedule 2 attached to the Draft Covenant Document.

**FMC submission:**

*FMC submits that the entire 117 ha of Covenant Area CC1 should be returned to full Crown control and be protected as a Conservation Area (either added to CA1, or designated as a separate Conservation Area CA2). Failing this it is essential that the terms of the Covenant be strengthened as described above, to more adequately protect the values.*

*FMC also submits that the boundary of the proposed Covenant Area CC2 should be moved to a new line (H 40 650.059 to 648.096) for reasons explained in more detail under Item 1 above.*

**Conservation Management Strategies**

FMC is aware that important objectives and priorities for conservation and recreation were set in the Conservation Management Strategy (CMS) 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.

A relevant objective for the Waitaki Unit is as follows:-

*“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 objective for the CMS for Otago is: -

*“To protect, on an extensive scale, the high altitude landscape, nature conservation and historic resources of the area, principally by acquiring adjoining lands of high natural, historic and recreational value, through pastoral lease or occupation licence tenure reviews, to link existing areas of land administered by the department thus providing for more recreational opportunities, better protection of values and efficient integrated management of those lands.”*

One of the important implementation statements intended to achieve this objective is:-

*“Integration of the management of large contiguous areas administered by the department will centre on the concept of a conservation park. The park will be named ‘Oteake Conservation Park’.”*

The priority in the Otago CMS for the St Bathans – Hawkdun – Ida Ranges Special Place is:-

*“Pastoral lease or occupation licence tenure review negotiations will be the priority method for implementation of the objective, along with continued vigilance with regard to the spread of trees.”*

FMC recognises that some opportunities presented by the tenure review of Berwen Station have been taken to further the objectives stated in both Canterbury and Otago CMS. If recommendations made in this submission are acted upon significant additional progress is possible.

**Conclusion**

There are many good features in this Preliminary Proposal for the tenure review of Berwen Station. These features include the proposed new conservation area CA1 and public access routes to the Ewe Range and to the Hawkdun Range. FMC strongly supports these proposals.

In particular we welcome the prospect of additions to the Oteake Conservation Area. The proposed Conservation Area CA1 will provide a worthy addition to the Oteake Conservation Area, and an important step towards the Oteake Conservation Park. The route "a-b" will provide an excellent northern entrance to that future Park.

FMC does not accept that the proposed Covenant Area (CC1) adequately protects the significant shrublands on the floor of the Little Omarama Stream Valley as we assert that grazing is incompatible with the objective "to protect the Values". Similarly we do not accept that the proposed Covenant Area (CC2) adequately protects the recognised ecological and landscape values of the upper catchment of Johnstons Creek.

FMC submits that the proposal must be revised to fulfil the CPLA statutory objective 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.*" This could be done by designating 117 ha (CC1) as land to be restored to full Crown control, siting the boundary between CC2 and CA1 along the new line proposed above, and extending the boundary of CA1 northwards along the crest of the Ewe Range.

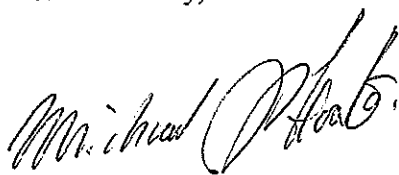
FMC submissions have been set out in this letter in the same format as the Preliminary Proposal for the tenure review of Berwen Station. Under each of the Proposal Items we have summarised our recommendations under a subheading '*FMC Submission*'.

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 described in both the Canterbury and Otago Conservation Management Strategies.

Finally, we thank you for this opportunity to comment on the Preliminary Proposal for the tenure review of Berwen Station. We also thank the agents (DTZ New Zealand) for arranging permission to visit Berwen and the runholder for permission to inspect the property.

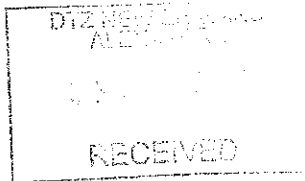
Yours faithfully,



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

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Commissioner of Crown Lands,  
C/o DTZ New Zealand Ltd.  
Land Resources Division,  
PO Box 27,  
Alexandra



30.9.05

Dear Sir,

### **Submission on the proposed outcomes from tenure review of Berwen Pastoral Lease**

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

This submission is written on behalf of the Dunedin Branch of the Forest and Bird Protection Society which has approximately 565 members with strong interests in botany and natural history in general and in the High Country. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

The submission is made on the basis of an inspection trip to the property in September 2005 and on knowledge of the area. It is written with reference to the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the recently stated government objectives for the South Island high country, especially the following:-

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

### **The Proposal**

In general it is proposed that there will be a Conservation Area (CA1) returned to Crown control, two covenanted areas, shown as CC1 and CC2 and some easements for access between the land proposed for freeholding on the Omarama side and CC2 on the Manuherikia side where the covenant as proposed allows continued grazing.

The CA1 area includes the headwaters of the Manuherikia River, the upper catchment of the Little Omarama Stream and the Hawkdun Range tops



**2.1 An area of approximately 3670ha to be restored to Crown control as a Conservation Area (CA1) subject to a qualified designation (g-h on the plan) which allows access in perpetuity between the two blocks proposed for freeholding.**

This area will be a valuable addition to the Conservation estate with its important plant communities and special landscape features and will be welcomed by botanists, trampers and others for recreation purposes. It provides protection for an important section of the Hawkdun Range. However, we feel that the proposed easement for foot and bike access up the very steep spur on the southern boundary is not sufficient on its own and submit that such access be also agreed to by way of the vehicle track from **f** to **d** which is designated as a route for conservation management access. Access from the northern boundary on the Omarama side, **a-b** is satisfactory.

**2.2 Land to be disposed of by freehold to the holders subject to protective mechanisms and a qualified designation.**

This comprises an area of approximately 3300 ha and includes the 1070 ha of land designated as **CC1** and **CC2**

**Conservation Covenant CC1**

This is on the North, Omarama, end of the property and incorporates shrubland in the Little Omarama Stream valley floor. As well as the dominant matagouri, the area also has *Olearia odorata*, *Coprosma propinqua*, *Melicytis*, *Carmichaelia petriei*, *Muehlenbeckia complex* and briar. CC1 is currently grazed by sheep and cattle and there was some evidence of pig presence as well. We could not find any young seedlings, probably as a consequence of the grazing.

The covenant allows for continued grazing of controlled numbers of sheep and cattle, but we feel that at the very least, cattle should be excluded to give the shrubland a chance to regenerate and thus survive longterm.

As far as we can see there is no provision in the proposal to fence off CC1 on the eastern side although Simon Croft told us that this would be happening. The fence around the area certainly needs to be complete.

**Conservation Covenant CC2**

This is a much larger area on the Manuherikia side of the lease on the southwest corner of the lease. It is bounded on the west by the legal road and on the east by a fenceline on the hawkdun slopes at a roadline above and to the east of the weir on Johnstones Creek. The area is not completely fenced off on this northern boundary and we submit that this fence must be complete to stop the stock encroaching on the Conservation Area CA1, i.e., there needs to be a fence from GR 647 095 up to GR 655 094, which is a continuation of the line of the fence running downhill from point **h** on the plan to GR 647 095.

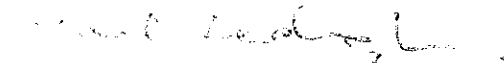
Within CC2 there is an existing fence running from the south end of CC2 at GR 650 063 to GR 655 094 where it joins the fenceline from further east and we submit that this fence, which is in good order, be the eastern boundary of CC2 so that the sequence from the crest of the Hawkduns to the valley floor, including the weir intake point on Johnstones Ck, is within CA1. The extra short section of fence mentioned in the above paragraph would still be needed to enclose CC2. We would also suggest that there be no oversowing or topdressing on CC1 to preserve the integrity of the landscape.

**Main block to be freeholded.**

This area has been heavily grazed and burnt and especially above 1000m, we submit is not land which can be sustainably managed or support continued heavy grazing. We suggest that consideration be given to including the higher country as a strip abutting CA1, at the very least the triangle made by the vehicle tracks from the eastern boundary at GR 650 191 to point 133 1m and point **b**, all land between 1300 and 1400m.

We appreciate the opportunity to comment on this proposal.

We would also like to thank Mr Simon Croft for allowing us access for the inspection.



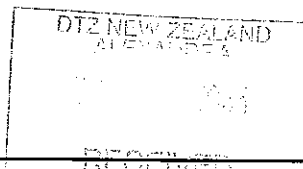
Janet Ledingham

On behalf of the Dunedin Branch Management Committee of Forest and Bird.  
PO Box 5793  
Dunedin



Department of Botany

Division of Sciences  
PO Box 56, Dunedin  
NEW ZEALAND



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September 29, 2005.

DTZ New Zealand Ltd.,  
PO Box 27,  
ALEXANDRA.

**SUBMISSION ON PROPOSED TENURE REVIEW:  
BERWEN PASTORAL LEASE**

Dear Sir,

Thank you for sending me a copy of this proposal and I appreciate the opportunity to comment on it, based on my knowledge of the area involved, gained over many years of ecological research on the tussock grasslands and pastoral leases of the Central Otago Region and my involvement as supervisor of the PNA survey of the Hawkdun Ecological District by Philip Grove, published in 1994.

I have read the proposal for tenure review of Berwen Pastoral Lease very carefully and note with pleasure that the balance of the proposal is well balanced between land to be restored to full Crown control and management (3670 ha) and that proposed for the freeholding option (3300 ha), each with some "qualified designations". I was pleased to have the opportunity to visit the property to inspect, first hand, some details of the proposal and acknowledge the permission of the lessee Mr Simon Croft, to do so.

Referring to the details of this preliminary proposal in the order addressed in the document supplied, firstly:

Conservation Area 1 (3670 ha) is fully endorsed. It includes all of the area recommended for protection as "Hawkdun 3" in the PNA report, being 360 ha in the vicinity of Berwen Saddle, containing a vegetation sequence involving alpine tussockland and shrub-tussocklands up to high-alpine fellfield on the crest of the Hawkdun Range. The additional area of CA1 complements this smaller area and includes the headwaters of the Manuherikia River and Little Omarama Stream to the crest of the Hawkdun and Ewe Ranges, spanning an altitudinal range of ca. 900 to 1846 m. This area embraces a representative range of high mountain plant communities and associated biota, including some rare and threatened plant species. My only concern with this proposal is with the definition of its south-western boundary along the straight line of a bulldozed fence line above the bed of the Manuherikia River. Not only would this create a very artificial and unsightly boundary, it would also exclude the lower western aspect slopes of the Hawkdun Range and also exclude the opposing eastern aspect slopes above the Manuherikia River. A much more appropriate south-western boundary for this Conservation Area would be the existing good quality fenceline running northwards to the east of centre of the area proposed as CC2 (proposed Conservation Covenant area) which joins the proposed boundary of area CA1 close to the bed of Johnstons Creek in the upper Manuherikia catchment. This part of the proposed Covenant CC2, recommended for addition to the conservation area CA1, appears to be in a healthy state (though with an elevation reaching ca. 1170 m, I doubt it could all be considered capable of 'supporting ecologically sustainable pastoral use' as required by the Crown Pastoral Land Act) and, moreover, its addition would allow the obvious bulldozed fenceline along the lower western aspect slope (the boundary of area CA1 being proposed) to soften with time under conservation management. I note that this proposed covenant was identified in the Conservation

Departments Resources report as having high conservation values. My recommendation for modification to this aspect of the proposal is thus based on several reasons, plus it's the obviously very high landscape and recreation values of the area. I am also concerned that the east-west running boundary between areas CA1 and CC2, which appears to follow a 4WD track from the valley floor to the western boundary of the property, would remain only partly fenced. The secure fencing of the entire southwestern boundary of area CA1 is, I believe, essential to its future welfare and is strongly recommended.

The northern boundary of the Conservation Area CA1 should be extended a short distance northwards, to the track which crosses the property boundary (shown as easement "a-b" on the map) but extending northwards along the track shown to the property boundary on the crest of the Ewe Range, rather than along the southern fork to the point "b" (this would allow more of the range crest to be included in area CA1), and extending west to the southern edge of the Conservation Covenant (area CC1). This extension would obviate the need for the more than 2 km of proposed new fence shown on the map between points "T" and "S". It could also allow the proposed Conservation Covenant CC1 to be made continuous with the Conservation Area CA1 and included with it as an extension to the Conservation Area CA1 (in this case the proposed easement "g-h" would need to be extended, as required, to the north). This issue will be addressed again when considering the proposed Conservation Covenant CC1, as a separate item in the next section of my submission.

The proposed Conservation Covenant CC1, of about 100 ha of shrubland on the valley floor of Little Omarama Stream is an important area ecologically, being recognised in the proposal as an example of "a much reduced vegetation type due to the influences of pastoral farming". Its conservation values, however, would not be adequately protected with the current proposal which allows for continued grazing by cattle. This area should be fenced and retired from grazing, and ideally added to an the Conservation Area CA1, extended as recommended above. Alternatively, it could remain separate and be transferred to full Crown management and control as an additional conservation area (CA2).

The proposed Conservation Covenant CC2, reduced in area as recommended above, should remain a viable farming unit. As to the proposed easement for public access associated with the CC2 area, shown as "c-d-e" on the map, the section "c-d" runs up the southern boundary of the property and is steep and generally unacceptable in relation to the much more gentle 4WD track shown as "f-d" and proposed for conservation management access. This is recommended as also providing for public access. The section "d-e" of the easement would not be required if my recommendation for realignment of the boundary between areas CA1 and CC2 was adopted. It would remain as obvious walking access to the floor of the Manuherikia from this direction. The proposed easement concession "g-h" along the western boundary of the area CA1, to provide for farm management access between the two blocks of freehold, is endorsed, but only while required for this purpose, rather than "in perpetuity", in view of the condition on the "Protective Covenant on the Manuherikia Block" that its continued use is conditional on the outcome of a monitoring programme demonstrating its viability for farming.

The legal road shown on the map along the western margin of the property will be critical for future public access and should be formalised along the full length of the property plus its connection with the Hawkdun Runs Road in the south and the Tara Hills Road in the north, if isn't already.

The proposal for "continuation in force", of the existing "easements in favour of the Hawkdun Idaburn Irrigation Company" is supported.

I thank you for the opportunity to comment on this proposal which, when implemented should add significantly to the intrinsic values of the porposed Oteake/Hawkdun Conservation Park.

Sincerely,

  
Alan F. Mark.