

## **Crown Pastoral Land Tenure Review**

**Lease name: BERWEN**

**Lease number: PO 209**

### **Public Submissions - Part 3**

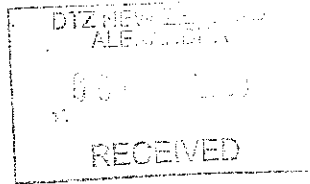
These submissions were received as a result of the public advertising of the Preliminary Proposal for Tenure Review.

**February**

**06**

Combined 4WD Clubs Inc  
P O Box 5457  
CHRISTCHURCH

www.4wd.org.nz



10

3<sup>rd</sup> October 2005

The Manager  
DTZ New Zealand  
P O Box 27  
Alexandra

FXED  
COPY

Dear Sirs

**Re Land Tenure Review Berwen Pastoral Lease**

Combined 4WD Clubs Inc represents over 550 family members of our 9 member clubs. Our member clubs, being separately incorporated societies, are situated in Christchurch, and Timaru and are formed for the purpose of running outdoor 4WD recreational activities for their members, and in the main these are 4WD trips into the out of doors. Predominantly, Combined 4WD Clubs Inc represents the Clubs on issues of public access, and on going access to remote areas, and as such we also form a single point contact that allows for better communication between land managers and our members.

We wish to make the following submission:-

- 1 **Easement a-b**  
This easement should also allow for motorised and non motorised vehicles for public access.
- 2 **New Easements**
  - 2.1 Create a new easement a-j ( a being as per the proposal, and new point j being NZ Map Grid 2262870E, 5617260N)
  - 2.2 Create new easement k-l (k being NZ Map grid 2265160E, 5618050N, and l being NZ Map grid 2264980E, 5619165E)

These new easements to allow for public access on foot, horse non motorised and motorised vehicles.

**Logic:-**

**Easement a-b**

This easement is on a well formed 4WD track and allows for good public access up to and on to Ewe Ridge. Persons wishing to travel by vehicle or mountain bike to and along the ridge, and beyond will be possible. The area beyond is vast and is popular with many 4WD Clubs, hence there is a need to use motor vehicles on this easement.

**New Easements**

These two easements are required for the following reasons:-

**2.1 Suggested easement a-j**

This part of the track is used by 4WD Clubs and others who are either travelling to or from the track that runs over Camp Creek Saddle on to Camp Creek, Manuherika River and then to Hawkdun Runs Road.. Whilst the track is not in total on the Berwen

Run it is an ending point when coming north on the trail, or a beginning point when running south on the trail and this part runs through the bottom part of easement a-b. It could just be part of the easement a-b, but for on going management purposes it would be more appropriate we believe to have that section as a separate easement.

## **2.2 Suggested new easement k-l**

The easement a-b goes to a point up on Ewe Range that only allows track use over the ridge and onwards from there, however this easement section would allow to travel by track all the way north west along Ewe Range on an existing 4WD Track. For completeness sake and also allowing that 4WD Clubs and others do travel Ewe Range this easement would allow for this to occur, otherwise public access is limited.

### **Supportive information:-**

We believe that it is very important for tracks to link to other properties, and although not strictly part and parcel for justification for this review alone, we must plan for the future. Currently the linking of tracks and travel along them by 4WD is possible and is done so with the permission of run holders. We cannot see why any changes through the Tenure Review process should eliminate that history of use. The Area of Hawkdun Range, St Bathans Range and Easterly through to the Waitaki River is a very popular area for people recreating, viewing the scenery, following old gold trails & diggings and so on, that this area is too important not to allow through and onward travel for the public. The greater area is some what unique, has high recreational, historical and land values in general. Thus we believe that our easements considerations are important in the overall balance of land Tenure Review, Conservation lands and private lands. We also appreciate that some form of control may be needed by present & future land managers, and traditionally 4WD Clubs have always sought permission from Run Holders, and Land Managers, and that may require some consideration we agree as part of the final easement outcomes.

### **Conservation Recourses Report:-**

We agree with the Conservation Recourses Report of September 2002, and in that report the overall neighbouring lands and the Camp Creek route in particular were raised. We understand that the Camp Creek route in particular has historical significance as an old route linking Central Otago and South Canterbury. The importance of the Waitaki Basin and the areas between Berwen and it have recreational values pointed out in the report also.

### **Access for disabled and elderly persons:-**

We also point out that that not all people are able or capable or able to walk or mountain bike and the benefit of 4WD access is that it also creates opportunities for these people to recreate and enjoy the area as much as their able bodied counterparts. Recreation must be made available to all, (not always possible) but in this area recreation for the less able and disabled is possible by accessing it via the well formed 4WD tracks that more or less follow the public roads so it is a place to enjoy as a drive there or be taken there by a 4WD vehicle, and it is a wonderful experience for people who would otherwise not be able to enjoy the experience. Like wise the older and less able of our community who too can enjoy this area and the areas beyond. So the ability just to get them up onto Ewe Range by use of a 4WD so that they can from that point alone take in the view and the beauty is in itself a wonderful opportunity that can be gained by altering the Easement a-b to allow for motorised vehicles.

Again we stress that areas like this have the huge potential to allow enjoyment to all New Zealanders, both able, disabled and elderly alike.

In summary it is not just the importance and use of easements on Berwen alone that are an issue we believe but the importance that it has as links to other areas as well. The contribution to the conservation estate as outlined in the proposal, is sound and makes sense, and it is just the easement conditions that in our view need attention. Failing to agree reasonable public access in this proposal could have catastrophic consequences as far as public access goes.

Thank you  
Yours sincerely

A handwritten signature in cursive script, appearing to read "Dolheguy".

Paul A Dolheguy  
Access Co-ordinator



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1 October 2005

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

Dear Sir

**BERWEN STATION PASTORAL LEASE TENURE REVIEW -  
PRELIMINARY PROPOSAL**

I thank you for sending me a copy of this preliminary proposal and that you accept this submission from me.

**A comment should be made that preliminary proposals should not be made to be released over winter / early spring. Normally during these months, snow lies over the higher altitudes not only preventing access but also the flora is not out flowering while fauna is absent over winter.** Fortunately this winter has been an exception with little snow this winter, though snow did come back to these mountains and again made access impossible.

**THE PROPOSAL**

The proposal is to restore approximately 3670 ha back to the Crown as a conservation area on Berwen Station which is situated at the headwaters of the Manuherikia River, the tops of the Hawkdun Range and the upper catchment of Little Omarama Stream.

**Designations**

(1) 3670 ha (*approximately*) to be designated as land to be restored to full Crown ownership and control under Section 35 (2) (b) (i) of the CPL Act 1998 as conservation areas.

(2) 3300 ha (*approximately*) to be designated as land to be disposed of by freehold disposal to the holders under Section 35 (3) of the CPL Act 1998 subject to part IVA of the Conservation Act 1987, and Section 11 of the Crown Minerals Act 1991 and the following protective mechanisms under Section 40 (2) (c), Section 40 (2) (b) and Section 40 (2) (a) CPL Act. 1998 with easement concessions for farm management access over the route marked "g-h" on the plan.

**Protective mechanisms**

(a) An easement to provide public access by foot and non-motorized vehicle access to the Ewe Range over the route marked "a-b" and public access to the Hawkdun Range over the route marked "c-d-e" and for conservation management access over the routes marked "a-b", "c-d-e", and "f-d" on the plan. .

(b) A conservation conversant over two areas 1070 ha (approximately) to protect an area of shrubland in the Little Omarama Stream and the tussock grassland landscape values in the Manuherikia Valley.

**GENERAL ISSUES**

1. The proposal does meet the objects of part 2 of the CPA 1998 as set out in Section 24. It is a good outcome for the Crown and that of Berwen Station but there are two concerns.

**CONCERNS**

1 CC2 – The Manuherikia Conservation Covenant.

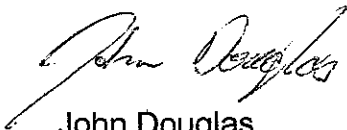
Either this area be fully restored back to the Crown as a conservation area or, if it is to be subject to a conservation covenant then this land should be listed in Central Otago District Council as a Significant Indigenous Vegetation and significant Habitats of indigenous Fauna and also as an area of outstanding landscape.

**2 Legal Road Access**

It appears that the legal road – Broken Hut Road does not follow over the Hawkdun Range into the Upper Manuherikia where again there is a legal road. Easements have been granted along most of the road "a" halfway to "g" and again from "g-h". If it could be possible then a legal road for motorized traffic should be constructed from Broken Hut Road "a-g-h-f-c". By having this as a legal road then the easement accesses can be more easily reached from both sides and access would be made easier to the public.

Thank you for allowing me to make this submission. I await the outcome with interest.

Yours faithfully



John Douglas  
Manager / Chief Guide

RELEASED UNDER THE OFFICIAL INFORMATION ACT 09 34552



DTZ NEW ZEALAND  
ALEXANDRIA  
RECEIVED  
12

**NEW ZEALAND FOUR WHEEL DRIVE ASSOCIATION INC.**  
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3 October 2005

Berwen Station Tenure Review

It is with concern that it is noted that there is no provision for public vehicle access or travel in the proposals for the areas being designated. It appears that an allowance has been made for Department of Conservation vehicles.

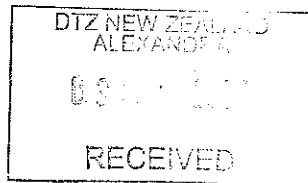
One of the special features of the South Island has been the ability to traverse the backcountry, both North and South, by utilising the multitude of farm and old roads. These frequently link to create opportunities to drive suitably equipped vehicles through the high country providing a wonderful viewpoint on our country.

The process of the Pastoral Lease reviews is shifting management of many of these routes, or sections of them, to the Department of Conservation along with a policy of no public vehicles on these lands. This is a huge waste of a tremendous asset and an imposition on those who may not be able to walk these regions.

Any plan for the Berwen Station lands must include provision for maintaining existing vehicle routes and should make allowance for future possible use by vehicles. This must include permitted use for private vehicles.

Yours truly,

Peter Vahry  
NZFWDA northern zone public relations



30 September 2005

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

13

Attention: Ms Joan Gallagher

Dear Joan

**BERWEN STATION 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 Berwen Station 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. These responsibilities are entirely compatible with achievement of the objectives of Tenure Review, specifically to "promote the ecologically sustainable management of High Country land" and protecting land with "significant inherent values" by retaining it in Crown ownership.

The Canterbury Regional Policy Statement 1998 (CRPS) provides an overview of the resource management issues of the region, and sets out how natural and physical resources are to be managed in an integrated way to promote sustainable management. Key to the management of soils is the maintenance or restoration of a vegetative cover over non-arable land that is sufficient to prevent land degradation or the onset of erosion (Ch7 Objective 1). Sustainable management of water resources requires safeguarding the life-supporting capacity of water, including associated aquatic ecosystems and significant habitats of indigenous fauna and vegetation (Ch9 Objective 3). Policy 11 in Chapter 9 promotes land use practices which maintain or enhance water quality.

Environment Canterbury has recently notified its Proposed Natural Resources Regional Plan (NRRP) to address the resource management issues identified in the CRPS and to provide more specific standards and methods, including rules, to achieve the objectives. The NRRP recognises the close relationship between land and water ecosystems by promoting the integrated management of soil and water resources across the region. In particular, the provisions of the plan emphasise the links between land use practices and the management of water quality.

The Soil Conservation chapter (Ch8), Objective SCN1 seeks to: "...maintain soil quality and an intact and resilient vegetation cover sufficient to minimise the risk of induced erosion, safeguard the life-supporting capacity of the soil, and prevent, as far as practicable, the movement of soil into water bodies." The objective contains specific guidelines for intact and resilient vegetation cover. Policy SCN1 provides options to restore such a cover where it has become depleted.

Policy WQL5 of the Water Quality chapter includes a range of regulatory and non-regulatory methods to manage the riparian margins of rivers to maintain or improve water quality.

**Our Ref:** PL5C-103; AG5T-92  
**Your Ref:**  
**Contact:** Cathie Brumley



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, and Section 24 of the Crown Pastoral Lands Act (1998), Environment Canterbury technical and planning staff have reviewed the Preliminary Proposal for Berwen Station Pastoral Lease to assess the impacts, if any, of this proposal on the sustainable management of the land, including pest management, indigenous biodiversity protection, soil conservation and the integrity of the water bodies. Our comments and recommendations are listed below.

## **General comments**

The Berwen Station Pastoral Lease straddles the boundary between the Otago and Canterbury Regions, the division falling between the Ewe and Hawkdun Ranges. Most of the discussion that follows relates to that portion of the lease lying within the Canterbury region. The southern part of the lease lying in the Otago region has been proposed either to be retained in full Crown ownership, or to be managed subject to a Conservation Covenant which will maintain future land use at a level capable of protecting the significant inherent values identified for the land.

The Preliminary Proposal creates two fragmented areas of freehold land, separated by an extensive area of Crown land, and also separated by the high altitude saddle between the Ewe and Hawkdun Ranges. The southern area of freeholded land in the headwaters of the Manuherikia River contains significant ecological values that are more closely linked to adjacent land to the south and west of the Berwen lease in the Manuherikia catchment. It is recommended that the values of this land for conservation and production should be reviewed in relation to adjacent land in the Manuherikia catchment and the wider landscape values of the Otago region.

The northern part of the lease which lies in the Canterbury Region, includes the wide valleys of the Omarama and Little Omarama Streams which contains land of diverse levels of productive potential, in part more productive than the southern section, but which still retains significant inherent natural, landscape and recreation values relating to its land and water ecosystems. A range of protective mechanisms are proposed for this area to allow a mix of conservation and production management and the Preliminary Proposal is to be recommended for providing for many of the concerns raised through existing Soil and Water Conservation Plans and Land Improvement Agreements. There are also some important areas identified in the Conservation Resources Report that have not been adequately protected through the proposed designations and these are discussed in more detail in the following sections of this submission.

As with most of the Preliminary Proposals released to date, the emphasis for this proposal has been primarily on management of the land area in the pastoral lease. There has been little focus on the effects of land use and land management on water bodies both within the lease and downstream of the lease. The Berwen lease contains the upper catchment of the Little Omarama Stream and the headwaters of the Manuherikia River, both of which have important instream values and form part of significant landscapes for the wider area. The Little Omarama Stream flows into the Omarama Stream and from there to the Ahuriri River – a river subject to a Water Conservation Order to recognise and protect its outstanding conservation values. One of the issues for tenure review is the likelihood of changing, or intensifying land uses that may result from the freeholding of land, and the effects of these changes on the quality of water in water bodies that flow from this land. Regional councils and land owners have a responsibility under the RMA to maintain the quality and quantity of water in water bodies and to protect important natural, cultural, landscape and amenity values associated with these water bodies. Protection of the upper catchment streams is critical to maintaining the downstream values of the major water bodies.

These aspects need to be seen as fundamentally important to the long-term “ecologically sustainable management” of the land held within the lease, regardless of the final designations confirmed through the tenure review process.

The following discussion covers aspects of the Preliminary Proposal relating to soil conservation, biodiversity protection, water quality and public access. The focus for the discussion will be that part of the lease sited within the Canterbury region, and the ability of the Preliminary Proposal to provide for the integrated and long-term, ecologically sustainable management of land and water resources.

## Soil Conservation

The following discussion of issues relating to the management of soil conservation values has been based on soil and vegetation information sourced from satellite imagery, Land Use Capability (LUC) mapping and the former Waitaki Catchment Commission property maps prepared for the Soil and Water Conservation Plan programmes undertaken as part of the Land Improvement Agreements (LIAs). Achieving the objective for the ecologically sustainable management of high country land will rely on the protection of the quality and quantity of soils on this lease. The quality of soils will determine their ability to support a healthy vegetation cover and to prevent the onset of erosion which could lead to a permanent loss of soil fertility, together with the risk of sedimentation of water bodies.

Two Land Improvement Agreements signed on 4 July 1968 and 27 October 1976 respectively apply to the Berwen Pastoral lease and the associated Claycliffs freehold for the management of land for watershed protection and erosion control. The agreements were sealed by the Commission but never registered on the land titles. Works undertaken and subsidised under these agreements included conservation, cattle proofing and retirement fencing, improvement of ground cover by oversowing and topdressing for alternative grazing, and windbreak tree planting. The intent of the Soil and Water Conservation Plan (S&WCP) was to achieve the retirement from grazing of 3,400 ha of the southern portion of the lease for watershed protection and grazing control, the improvement of groundcover on eroded hill and steeplands, and the virtual elimination of burning as a management tool. A management plan was to be established which would permit limited grazing over more productive land in the Manuherikia catchment. Fencing this catchment was undertaken as part of the S&WCP works, but the retirement and surrender of the southern portion of the lease was never actioned.

The proposed Conservation Area CA1 and the Conservation Covenant CC2 in the Preliminary Proposal will satisfy most of the soil and water conservation objectives of the retirement proposal of the original LIA and Environment Canterbury supports these designations for their ability to enhance soil conservation values significantly over time. The retirement and conservation fencing as constructed will become the boundary between Crown and freehold land, including conservation fencing of the Manuherikia block.

A key concern for the northern portion of the lease is the significant area of Class VII land along the Ewe Range that has been included within the land designated to be freeholded. This land is of limited productive potential and soils are rated as having severe vulnerability to erosion. They are unsuited for production forestry and need protection from fire.

From a land sustainability standpoint, these slopes will face a significant risk of soil erosion if they are not carefully managed. On this basis it is recommended that these areas of land are added to the CA1 area, or if the land is disposed of by freehold disposal under s35(3) of the CPLA, this is done subject to specific conditions for future management, consistent with policies in the NRRP to maintain and/or restore an intact vegetation cover over all areas that naturally would have been vegetated. This would include investigating the options of destocking or managing grazing pressures at a level that allows for the long-term maintenance of soil quality and vegetation cover (see NRRP Ch8 Policy SCN1(b)).

The Class VI and better land on the remainder of the northern portion of the property can safely be used for pastoral use with careful management and will respond to the use of fertiliser and water inputs. Any future development, however, should be subject to minimising any impacts of these inputs on the low-nutrient status of the Omarama and Little Omarama Streams.

### Recommendations

- *Extend CA1 north along the Ewe Range as indicated on the accompanying map, to include the remainder of LUC Class VII land with high risk of erosion. Alternatively, that specific management conditions accompany the freeholding of this land to provide for the restoration and maintenance of an intact and resilient vegetation cover consistent with the NRRP Chapter 8, Policies SCN1 and SCN2.*

## Indigenous vegetation, habitat and wetlands values

Tenure review provides a valuable opportunity 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.” A complementary objective of the tenure review process is to ensure that conservation outcomes are consistent with the New Zealand Biodiversity Strategy.

The Land Environments of New Zealand landscape classification system (Leathwick et al. 2003)<sup>1</sup> provides a framework for securing protection and/or restoration of examples of the full range of terrestrial vegetation and habitats. Land environments, and potential natural vegetation cover (in the absence of human modification) are classified at four different national scales: Level I (20 land environments nationally), Level II (100 land environments nationally), Level III (200 nationally) and Level IV (500 nationally). Each is nested within higher levels. The 500 Level IV environments provide the most detailed information on the diversity of New Zealand’s terrestrial environments and is the best nationally comprehensive estimate of the ‘full range’ of ecosystems, habitats and biodiversity.

Analysis of Land Environments in conjunction with spatial data depicting indigenous vegetation cover (from Land Cover Data Base) and current legal protection has recently been carried out by Landcare Research (Walker et al. 2005)<sup>2</sup> for the Department of Conservation. This analysis offers a useful method of identifying the most threatened environments, and therefore determining what should be priorities for protection of indigenous biodiversity, as part of tenure review. In reporting this work, the authors recommended that threat classification analysis be carried out using Level IV Land Environments, as these provide a more accurate, efficient and plausible assessment at regional and local scales.

Examples of seven Level IV Land Environments are present on the Berwen Station Pastoral Lease (Leathwick et al. 2003):

- Q1.1a, Q1.1c, Q1.2a, Q2.1b – Southeastern Hill country and Mountains
- N4.1c, N6.1a – Lower hillslopes and outwash plains (Waitaki Basin and Central Otago).
- K3.1a – Central upland recent soils (South Canterbury and Central Otago)

These seven Land Environments are listed, in altitudinal sequence (highest to lowest) as they occur on Berwen pastoral lease, in the table below. The table also shows the percentage of indigenous vegetation remaining in each land environment nationally, and the proportion of each environment that is already protected in existing reserves or conservation covenants. Threat categories are assigned on the basis of these figures (from Walker et al. 2005)

Lvl IV Land Environment	% Indigenous Cover Remaining (nationally)	% Protected (nationally)	Threat category
Q1.1a	98.37	24.81	No threat category
Q1.2a	98.99	37.2	No threat category
Q1.1c	91.23	17.86	Underprotected
Q2.1b	66.39	4.27	Critically underprotected
N4.1c	48.58	1.24	Critically underprotected
K3.1a	27.19	2.99	At risk
N6.1a	32.95	2.08	Critically underprotected

The highest altitude land environments present on the Berwen lease (Q1.1a and Q1.2a) have, at a national and regional level, retained most of their indigenous cover, are already fairly well represented in the existing network of protected areas, and are therefore not considered to be threatened. The next highest (Q1.1c) also retains most of its indigenous cover but is somewhat less well represented in existing protected areas and is assigned the threat category ‘Underprotected’. The mid-slope environment Q2.1b has, throughout its overall range, lost more indigenous cover and is less well represented in protected areas. Its threat category was assessed as ‘Critically Underprotected’. Loss

<sup>1</sup> Leathwick J, et al 2003. Land Environments of New Zealand. Ministry for the Environment 2003.

<sup>2</sup> Walker S., Price R. and Rutledge D. 2005. New Zealand’s remaining indigenous cover: recent changes and biodiversity protection needs. Landcare Research Contract Report: LC0405/038.

of indigenous cover has also been greater in the lower hillslopes and outwash plains environments. Again, these environments are underprotected in existing reserves and therefore also have a threat category of 'Critically Underprotected'. The most highly threatened environment present on Berwen pastoral lease is that of the recent soils adjoining the Little Omarama Stream and headwaters of the Manuherikia River (K3.1a). At a national and regional level, this land environment was assessed to be 'At Risk'.

The proposed CA1 contains examples of Level IV Southeastern Hill Country and Mountain Land Environments on the upper and mid-slopes of the Ewe Range and Hawkdun Range (Q1.1a, Q1.2a, Q1.1c, Q2.1b). Most of the proposed CC1 is the recent soil land environment K3.1a, with a small area of the outwash plains environment N6.1a at its northern end. The proposed CC2, at the southwest corner of the present lease, also contains examples of land environments Q1.1c, Q2.1b, K3.1a and N6.1a.

The conservation area and conservation covenants detailed in the preliminary proposal together include most areas of ecological and landscape value identified and described in the Conservation Resources Report (CRR), and appear to contain nearly all the property's significant inherent values, with respect to indigenous terrestrial vegetation and wetland habitats. It is particularly encouraging to see recognition of, and protection proposed for, significant low-altitude/valley floor native shrubland and wetland habitats in CC1 and CC2, that also include examples of the most highly threatened land environment (K3.1a – 'At risk') present on the pastoral lease. However one land environment (N4.1c – 'Critically underprotected') is not represented in the proposed retirement and covenant areas, while a second land environment has very little land protected (N6.1a).

Environment Canterbury endorses the creation of these conservation areas and covenants as part of the Berwen tenure review. The shrubland areas along the Little Omarama Stream are highly significant, not only because they are an "At risk" ecosystem, but because they are a relatively extensive remnant and contain such a high diversity of native plant and insect species including a couple of previously unidentified species. This reinforces the importance of retaining and protecting what remains of these formerly widespread lowland shrublands.

The Conservation Resources Report identified the area of shrubland as extending further north and south of the proposed CC1 along the Little Omarama Stream, while an area south of CC1 was also identified as contributing to the significant landscape values of the Ewe and Hawkdun Range landscape. Environment Canterbury recommends an extension of CC1 to include the entire area of shrubland identified in the CRR. Extending the covenant area to include all the main remnants of shrublands will improve the viability and ecological sustainability of habitat. Extending CC1 to the north would also greatly increase its representative significance by including a larger example of the critically under-protected outwash plains environment N6.1a. Extending CC1 south to connect with the main CA1 would include an example of the critically underprotected lower hillslope environment N4.1c, as well as protecting an uninterrupted mountain top to valley floor altitudinal sequence north of Berwen Saddle.

Landscape values have tended to be underprotected through the tenure review process to date, so it is pleasing to see a greater level of recognition and protection provided in this proposal. The Hawkdun and Ewe Ranges are particularly significant for their transition from Canterbury greywacke to Otago block mountain terrain. They are highly visible from key highways, have a predominantly natural vegetation cover, and are highly valued for their recreation opportunities. The use of conservation covenants for protecting important landscape values is supported, if carefully managed, as it will enable continued productive use of the land at a level that will maintain key landscape values.

However, Environment Canterbury recommends that some changes be made to the proposed covenant conditions to help ensure that these areas can maintain the ecological values for which they have been protected. With respect to CC2, it is recommended that the special conditions prohibiting oversowing and topdressing within 20m of any rivers and streams should also include wetlands. Wetlands in this environment are naturally low-nutrient systems; fertiliser application and consequent grazing could greatly alter their natural character and in particular make them more susceptible to invasive weeds. For CC1, the provision for cattle grazing, even for a restricted period, has the potential to damage the vegetation cover, particularly streamside vegetation, unless closely managed and monitored. ECan strongly recommends that both covenant areas, not just CC2, be subject to a rigorous monitoring programme together with the prerogative to adjust stock numbers and management conditions for the covenant areas, if required, to protect their condition and extent.

### **Recommendations**

- *Extend CC1 to the north to include a greater area of the threatened outwash plains environment and valley floor shrublands; and to the south to protect an example of a threatened dry foothills land environment. Extend CC1 south and east to connect to the main conservation area (CA1) to provide an uninterrupted mountain top to valley floor altitudinal sequence. This will also provide greater protection for the significant Ewe Range landscape*
- *Amend Schedule 2 Conservation Covenants, CC2 special condition 2, relating to prohibition of oversowing and topdressing in or within 20 m of rivers and streams be extended to include wetlands, i.e. no OSTD in or within 20m of any wetlands, rivers or streams.*
- *Amend Schedule 2 Conservation Covenants Special Conditions to require CC1 to have a monitoring programme established as for CC2, including 3 yearly review with the Ministerial right to adjust stock numbers and covenant conditions to maintain the health of the habitat.*

### **Surface water and ground water resources**

As mentioned in the General Comments, the Preliminary Proposal contains little information on the relationships between land management and the long-term ecological sustainability of the aquatic ecosystems. Management of the land surrounding rivers and wetlands will play a key role in the long-term protection of water quality and instream values, as well as influencing the quality of rivers downstream from the pastoral lease.

The Berwen lease includes sections of both the Omarama and Manuherikia catchments. Only the Omarama catchment lies within the Canterbury region, so comments relating to catchment management and water quality are limited to this catchment.

Chapter 4 of the Proposed Canterbury Natural Resources Regional Plan seeks to maintain water quality in a natural state, where rivers and their tributaries are largely unaffected by human activities (Objective WQL 1). The plan also promotes the retention, maintenance and planting of riparian vegetation to minimise bank erosion and to reduce runoff of sediment, nutrients and animal faecal matter (Policy WQL 5). Past sampling in the adjacent sections of the Omarama Stream has shown a good diversity of aquatic insects, generally moderate to high water quality, and stream ecosystems in a healthy condition.

The Omarama and Little Omarama Streams are important upper catchments of the Ahuriri arm of Lake Benmore and the Ahuriri River. They are therefore important components of a significant regional fishery for Brown and Rainbow trout and Brook Char, providing feeding and spawning habitat to maintain and supplement populations in the Ahuriri River and Lake Benmore. The Omarama stream in particular is valued for recreational fishing. The tenure review of Berwen Station pastoral lease will provide an important opportunity to ensure the protection of these stream systems in the transition from pastoral lease to freehold, particularly in protecting the high water quality and the long-term health of their aquatic ecosystems.

Covenant CC1 covers part of the upper stream flats of the little Omarama Stream but allows some grazing and farming activity including the grazing of up to 40 cattle for specified periods. The grazing of cattle within such a covenant, and without any protection of this stream reach is inappropriate and creates a high risk of damage to the important riparian vegetation or to the instream environment from stock entering or crossing the streams. It may not be practical to fence along the steeper sections of Little Omarama Stream, but in the absence of any requirement to monitor the management and condition of the covenant area, there is no surety of protection of water quality from activities such as stock access, or impacts from intensification of land use in the surrounding area (such as cultivation, irrigation, fertiliser spreading, etc.), or even opportunity to review the conditions of the covenant if damage occurs. ECan strongly recommends that only sheep grazing be allowed in the covenant area, that any grazing by cattle, or intensification of land use within the covenant area is monitored to establish the effects on vegetation condition and stream health, and that management conditions are reviewed in the light of monitoring results.

Omarama Stream is a significant, permanently flowing stream passing through the lower valley flats proposed for freeholding. Improvement and intensification of land use is most likely in this part of the lease, and also runs the risk of impacting on the inherently low-nutrient quality of the water in Omarama Stream. A marginal strip has been set aside along the length of the stream through the

lease and ECan recommends that this be fenced as a condition of the freeholding process to protect the water quality.

The impact of intensive agricultural land use activities on water quality and ecosystems is well documented, most recently in the report "Growing for Good" by the Parliamentary Commissioner for the Environment. Tributary streams because of their size and limited assimilative capacity are particularly susceptible to degradation. Grazing of riparian margins, for example, reduces vegetation stature and trampling of soils and banks results in an increase in sedimentation. One of the most effective ways of maintaining water quality is to restrict stock access to water ways, avoid disturbance of the soil adjacent to water ways, and to maintain well vegetated riparian margins to trap pollutants in runoff from adjacent land.

**Recommendations:**

- *Amend Schedule 1 Section 3 "Values of Land to be Protected" for CC1 to include the important values of the Little Omarama Stream and its significance to sustaining the downstream values of the Ahuriri catchment.*
- *Amend the special conditions of Schedule 2 for CC1 to restrict grazing to sheep only or to require strict management of any cattle grazing to keep stock out of the Little Omarama Stream.*
- *Amend the special conditions of Schedule 2 to require CC1 be covered by the same special conditions relating to the establishment of a monitoring programme and Ministerial right to adjust stock numbers and general covenant conditions as for CC2.*
- *That the marginal strip along Omarama Stream be fenced as a condition of freeholding to protect the water quality of this stream and maintain downstream values for Omarama Stream and the Ahuriri River.*

**Public access**

The tenure review offers an opportunity to resolve public access issues on areas freeholded through the tenure review process, and to put in place access ways that meet the needs of the public while minimising interference with farming operations.

The Canterbury Regional Policy Statement recognises the need to promote and enhance public access to and along the region's water ways, while recognising that restrictions are necessary in particular circumstances. (Chapter 10, Policy 7). The provision of public access would ensure that interference with the rights and activities of adjacent land owners are kept to a minimum.

Fish and Game have identified the value of the Omarama and Little Omarama Streams for recreational fishing and a requirement for access up these streams from the Broken Hut Road. Such access to the Omarama Stream is provided by the inclusion of marginal strips along the length of the stream within the lease boundaries, but access along the Little Omarama Stream appears to be in no way ensured.

ECan supports the provision of marginal strips along the Omarama Stream within the Berwen lease, and recommends the continuation of marginal or esplanade strips along the length of Little Omarama Stream where it traverses land proposed to be freeholded.

**Recommendations:**

- *That a marginal strip under the Conservation Act 1987 be set aside along the length of the Little Omarama Stream situated on land proposed to be freeholded for the provision of public access.*

**Recommendations**

Environment Canterbury acknowledges and supports the areas proposed to be restored to full Crown ownership and control, or proposed as conservation covenants pursuant to Section 40(2)(a) of the CPLA 1998, as contributing to soil conservation management and the protection of the key indigenous habitats and of the area. However these areas fall short of achieving the objectives of the CPLA as they fail to provide for the protection of the quality of the streams running through the lease or

recognise the role played by these waterways in the sustainability of the natural environment and the quality of downstream waterways, particularly the Ahuriri River and Lake Benmore. As proposed, the areas designated for protection through Crown control or conservation covenant also fail to include examples of the full range of land environments found on the Berwen lease, in particular some of the most under-represented and most threatened environments. Finally the proposal fails to provide for the integrated management of land and water resources, particularly with regard to the management of river margins, and the prevention of any adverse effects of future land use intensification on water quality and instream habitat.

The following recommendations for amendments to the areas for protection and conditions for management have been identified to provide for the ecologically sustainable management of the Berwen Station land into the future.

- 1) That the following amendments are made to the proposed area CA1 to be retained in full Crown ownership and control:

- *Extend CA1 north along the Ewe Range as indicated on the accompanying map, to include the remainder of LUC Class VII land with high risk of erosion. Alternatively, if the land is to be disposed of by freehold disposal, that specific management conditions accompany the freeholding of this land to provide for the restoration and maintenance of an intact and resilient vegetation cover consistent with the NRRP Chapter 8, Policies SCN1 and SCN2.*

- 2) That the following amendments are made to the proposed conservation covenant area CC1:

*Amendment 2.1: Extend CC1 as indicated on the accompanying map, to provide protection to the range of significant natural values found within the area proposed to be freeholded. These include:*

- *examples of the threatened outwash plains environment and threatened dry foothills land environment not protected under the current proposal*
- *the remaining significant areas of valley floor shrublands*
- *to the south and east to link up with the CA1 conservation area, as recommended in the Conservation Resources Report, to provide an uninterrupted mountain top to valley floor altitudinal sequence and protect the significant landscape values of this area.*

- 3) That the following changes are made to the Schedules and conditions pertaining to the Conservation Covenants CC1 and CC2:

*Amendment 3.1 Amend Schedule 1 Section 3 Values of Land to be Protected to include the important values of the Little Omarama Stream and its significance to sustaining the downstream values of the Ahuriri catchment.*

*Amendment 3.2 Amend Schedule 2 Special Conditions to include the following management requirements for CC1:*

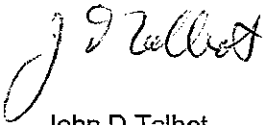
- *to restrict grazing to sheep only, or if cattle are permitted to require stock to be kept out of the Little Omarama Stream.*
- *that CC1 be covered by the same special conditions relating to a monitoring programme and Ministerial right to adjust stock numbers and general covenant conditions as CC2.*

*Amendment 3.3 Amend Schedule 2 Conservation Covenants, CC2 special condition 2, relating to prohibition of oversowing and topdressing in or within 20 m of rivers and streams be extended to include wetlands, i.e. no OSTD in or within 20m of any wetlands, rivers or streams.*

- 4) Set aside marginal strips along the Little Omarama Stream to provide public access from Broken Hut Road.
- 5) Require the fencing of the marginal strip along Omarama Stream as a condition of the freeholding of this part of the lease to protect water quality and instream habitat.

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

Yours sincerely

A handwritten signature in black ink, appearing to read "John D Talbot". The signature is written in a cursive style with a large initial "J".

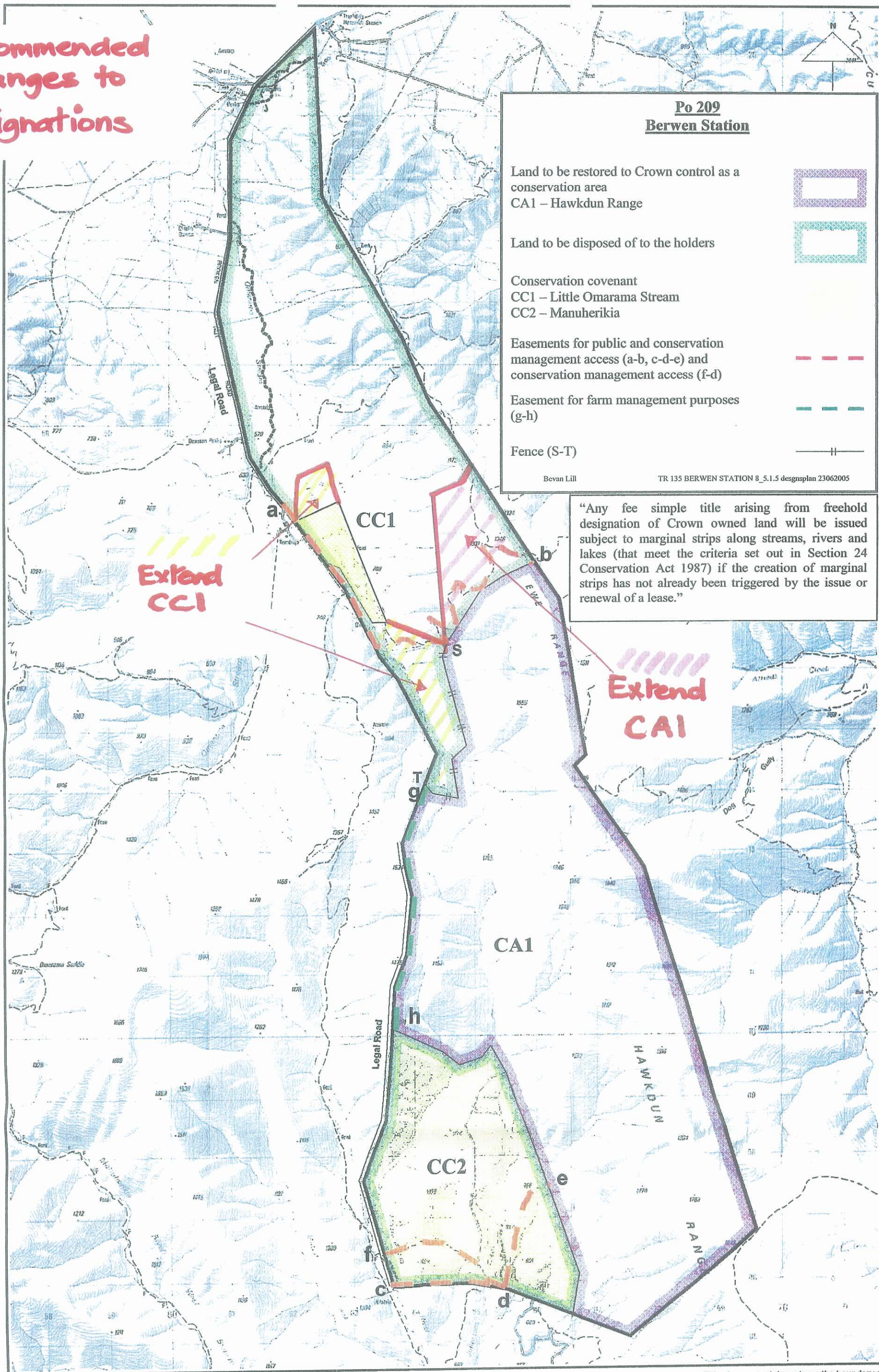
John D Talbot  
DIRECTOR OF POLICY AND PLANNING

Attachments:

Map 1 – showing recommendations for changes to proposed Designations Plan.



# Recommended Changes to Designations



**Po 209  
Berwen Station**

- Land to be restored to Crown control as a conservation area  
CA1 – Hawkdun Range
- Land to be disposed of to the holders
- Conservation covenant  
CC1 – Little Omarama Stream  
CC2 – Manuherikia
- Easements for public and conservation management access (a-b, c-d-e) and conservation management access (f-d)
- Easement for farm management purposes (g-h)
- Fence (S-T)

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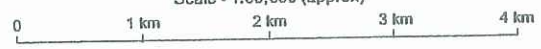
“Any fee simple title arising from freehold designation of Crown owned land will be issued subject to marginal strips along streams, rivers and lakes (that meet the criteria set out in Section 24 Conservation Act 1987) if the creation of marginal strips has not already been triggered by the issue or renewal of a lease.”



The boundaries shown on this plan are indicative and are for illustrative and discussion purposes only. No guarantee of accuracy can be given until the survey data supporting the boundary positions is researched thoroughly when the survey prescription is prepared.

## Berwen Station

Scale - 1:60,000 (approx)



Marginal Strip Subject to Sec 24(9) Conservation Act

This plan accurately portrays the boundary of Berwen Station Pastoral Lease and the land status is unchanged from that certified by the Chief Surveyor on 02/02/01. Murray Bradley, Crown Accredited Supplier

Version	1	2	3	4	5
Otago Land District Topographical Map 260 - H39 & H40	Sheet 1 of 1 Date 17.01.2005				