

Crown Pastoral Land Tenure Review

Lease name : BREAST HILL

Lease number : PO 216

Due Diligence Report (including Status Report) - Part 3

This report and attachments results from a pre-Tenure Review assessment of the pastoral lease for the purpose of confirming land available for Tenure Review and any issues, rights or obligations attaching to it. The information is gathered from files and other sources available to the LINZ contractor.

Part of the information relates to research on the status of the land, resulting in a Status Report that is signed off by a LINZ approving officer. The remainder of the information is not analysed for relevancy or possible action until required, and LINZ does not guarantee its accuracy or completeness as presented.

The report attached is released under the Official Information Act 1982.

April 09

OTAGO CATCHMENT BOARD

SWCD264 "BREAST HILL" LINDIS PASS

R S EMMERSON

STAFF REPORT

1. Introduction

The Otago Catchment Board seeks approval for a five year erosion control programme for Breast Hill Station estimated to cost \$122,344 (June 1982 CCI 1940) with a grant at 65% of \$73,406.

2. Background

Breast Hill Station is a pastoral lease property with a total area of 8978 ha. It is located on the Lindis Pass Road about 40 km from Tarras. The run is one of three properties belonging to R S Emerson, the other two being the adjacent Forest Range Station (5,462 ha), and Tomich (190 ha) which is an irrigated property at Tarras. The homestead is located at Forest Range.

The terrain on Breast Hill is hilly with an altitude ranging from 480m at the road to 1768m at Mt Prospect in the north. Access into the property is by a four-wheel drive track. Lindis River flows through the property. The climate is influenced by aspect, altitude and location. The rainfall is approximately 650mm per annum at the main road and increased with altitude to over 3,000mm in the north and west. Winter is cold with snow lying for long periods particularly on shady and high altitude areas making management a problem. Summer can be hot and dry often associated with the strong-dry north west winds.

The soils are derived from schist and greywacke and are broadly classified into soils of the uplands (very poor, most susceptible to sheet, wind and scree erosion), soils of the hills (poor soils with the topsoils being prone to severe forms of erosion) and soils of the terraces and fans which are also poor but respond well to superphosphate. The vegetation is mainly tussock association. In some lower areas matagouri, sweet briar and Hieracium are common.

Management of Breast Hill is in conjunction with the ^{other} two properties. A general trend will be that hoggets and two-tooths will graze Forest Range and Tomich, while the mature Merino ewes will graze both Forest Range (the majority during winter) and Breast Hill during summer. During the 1981-82 summer, 8,000 ewes have been put out to graze Breast Hill for eight weeks.

3. Land Use Capability

Class IV	156 ha	1.7%
Class VI	2,504	27.9
Class VII	5,151	57.4
Class VIII	1,167	13.0
TOTAL	8,978 ha	100.0 %

The bulk of the Class VIII land comprises tracts of native beech forest (3.1%), the remaining being very steep high altitude hills and scree areas, particularly around Mt Prospect (1760m) on the north boundary.

4 Soil Conservation Problems

- (i) Lack of sub-division and poor grazing control has resulted in:
 - (a) the absence of division between different land use capability classes;
 - (b) depletion of vegetative cover and hence erosion of the soil;
 - (c) overgrazing on sunny faces causing severe sheet and wind erosion;
 - (d) the need to burn tussock vegetation to control rank growth.
- (ii) History of indiscriminate past burning has caused severe depletion and soil erosion;
- (iii) Much of the property is not readily accessible causing management problems and increasing the hazards of accidental fire.

5 Objectives

The main objectives are:

- (i) To utilise and manage the land according to its capability;
- (ii) To provide an overall management programme combining soil conservation works with good management;
- (iii) To erect erosion control fences to control grazing on all classes of land according to its capability;
- (iv) To improve ground cover and restore depleted lands, thus minimising erosion hazards;
- (v) To provide firebreak access tracks to ensure ready access in times of accidental fire.

6 Proposal

- (i) To erect 28.2 km of erosion control fencing which is planned to separate Class VI lands from the more sensitive Class VII lands. This will involve eight jobs.
- (ii) To build 8 km of firebreak access tracks to reduce risk of accidental fire as well as to provide access initially for some of the proposed fencing work. Two sections of 6 km and 2 km respectively are proposed.
- (iii) The third proposal which will coincide with the above soil conservation works will involve the AOSTD of approximately 4200 ha on the property. This proposal is non-grant work and will be done with Rural Bank finance.

<u>Proposed Works</u>	Board's Estimated Total Cost (incl 10% contingencies, 30% Board fees, CCI 1940)	Revised Estimate (incl 5% contingencies, 30% Board fees, inflation adjusted to CCI2000)
Erosion control fencing (8 jobs, 29.2 km)	\$110,104	\$108,347
Firebreak access track (2 sections, 8 km)	12,240	12,045
TOTAL	\$ 122,344	\$ 120,392
60% grant	\$ 73,406	\$ 72,235

<u>Proposed annual grant expenditure</u>	CCI2000
Year 1	\$15,118
2	17,129
3	16,901
4	15,475
5	7,612
TOTAL	\$ 72,235

8 Comment

The soil and water conservation works included in this programme are typical for this type of high country run where the primary aim is to utilise and manage it according to its landuse capability classes.

At the time of purchase in November 1979, the property was in one block and relatively undeveloped. Mr Emmerson is a keen and progressive runholder who intends to develop Breast Hill and manage it in conjunction with the other two properties as a unit.

The water and soil conservation works on Breast Hill will include a considerable amount of erosion control fencing necessary to separate the land according to its capability. The proposed firebreak access tracks are considered important to reduce the risk of accidental fire, but initially they will provide access for fencing works. Apart from the Water and Soil Conservation works, the runholder is proposing to improve the Class VI country through an intensive programme of AOSTD using Rural Bank finance. Over the next five years some 4200 ha will be AOSTD in this way which will complement the proposed erosion control fencing programme. Thus, the grazing of the Class VII country will be controlled and this in turn will help control and reduce existing erosion and depletion.

Although there is some Class VIII land on the property (13% of total area) it is not considered necessary at this stage to destock it by way of a retirement fence. The bulk of this Class VIII land comprises native beech forests (8.1%) and the balance is made up of very steep high altitude isolated bluffs and scree areas particularly in the vicinity of Mt Prospect. Stock are not likely to venture into such areas. The proposed programme of AOSTD of land below 1220m will mean that stock will have no cause to go beyond the "green belt" into the upper Class VII and VIII lands.

The property is relatively undeveloped and it is envisaged that there is considerable scope for further works in the next programme. The District Commissioner of Works supports the plan in full. The economics of the plan have been found to be satisfactory with the Board assessing an IRR of 11.7%.

Contrary to current policy requirements the Board continues to use 10% contingency allowance in the estimates. All estimated costs have been amended using 5% contingencies and have been updated for inflation to September 1982 CCI 2000.

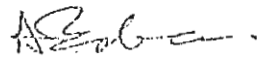
9 Finance

This is an unprogrammed work for which the Board intends to make the finance available from its bulk allocation in Vote: Works and Development, Programme VIII, Activity Soil Conservation for the work to proceed this year (1982/83) and in succeeding years.

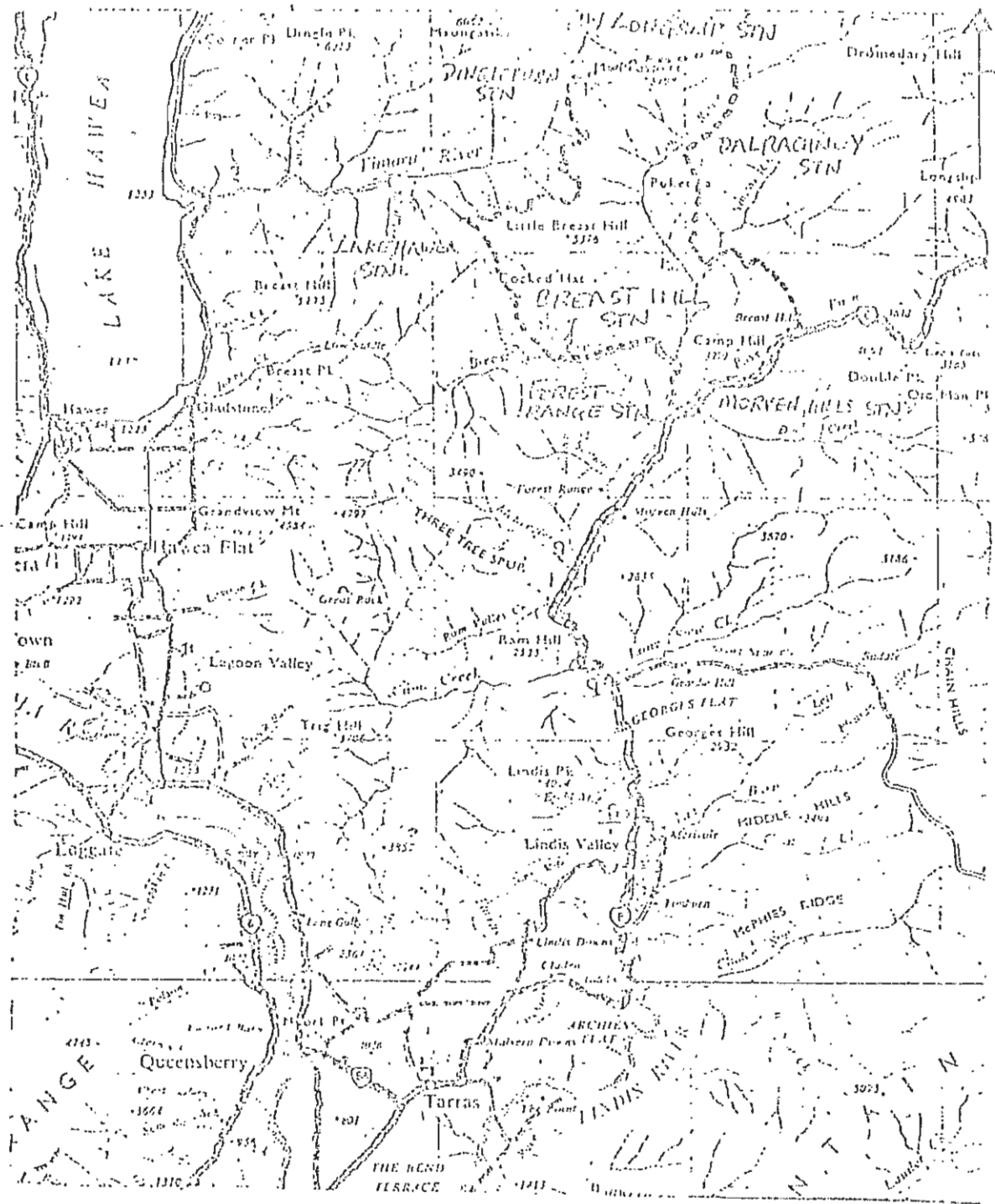
10 Recommendation

That Council:

- (a) decline the Otago Catchment Board's five year erosion control programme for Breast Hill Station estimated to cost \$122,344 (June 1982 CCI 1940) with a 60% grant of \$73,406 on the grounds that a 10% contingency allowance was used in the estimate;
- (b) approve the programme at an estimated total cost of \$120,392 (September 1982 CCI 2000, 5% contingencies) with a grant at 60% of \$72,235 subject to:
 - (i) the Board making provision of the finance required in 1982/83 and succeeding years from its bulk allocation;
 - (ii) a Land Improvement Agreement being entered into and registered against the title to secure completion of the work and its maintenance;
- (c) note that the plan should be identified on the Works Programme as the Government share is greater than \$50,000.
- (d) note the need for further works in a future programme.



A Baba
for Director of Water and Soil Conservation



LOCALITY MAP
"BREAST HILL" LINDIS PASS RD.
OTAGO CATCHMENT BOARD

FILES HO 8/91
DO P 211

EXTRACT FROM MINUTES OF MEETING OF
SOILCON COUNCIL OF 7 MARCH 1983
~~WATER RESOURCES COUNCIL OF~~ _____
~~N. W. A. S. C. O. F.~~ _____

OTAGO CATCHMENT BOARD : SWCP 264 "BREAST HILL"
LINDIS PASS R S EMMERSON

Item No. 11

75/26/18/264

The Otago Catchment Board sought approval for a five year erosion control programme for Breast Hill Station estimated to cost \$122,344 (June 1982 CCI 1940) with a grant at 60% of \$73,406.

Mr MacKenzie sought a deferment of the item so that the proposal could be referred back to the Otago Catchment Board for a report on the desirability of requiring the surrender from the lease of those forested class VIII lands which have recreational potential or are important for the conservation of flora and fauna. Mr Conway noted that the question of tenure is not normally a matter for Council but rather is a matter between the Government Department and the occupier.

Mr Kneebone supported deferral of the item and said that there is considerable public interest in these lands.

Mr Marcus arrived at 10.55 a.m.

RESOLVED:

That Council defer consideration of the plan for up to two months to enable a report by the Otago Catchment Board to be prepared on the public use requirements of Class VIII land to be destocked on this property. X

HEAD OFFICE
TO: CCL DUNEDIN

Copy for your information.
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SOIL COUNCIL MEETING
11 ~~MARCH~~ ^{APRIL} 1983.

Extract From Fields Directors Report.

Item 14B - Breast Hill - was spoken to by Mr Baba and I was the only other person to speak on it. I gave a brief summary of the action that had been taken by Lands and Survey between Council meetings and pointed out a couple of matters that were misleading in the submission to Council. I advised that following the inspection of Breast Hill by officers of this Department we would not oppose the run plan proceeding. I did not disclose to Soil Council the fact that we were hopeful of achieving a covenanted area as a result of our inspection and neither did I bring out the vital fact that the run plan works were virtually complete and some of these had been done at least two years ago. Had I raised this fact (on Soil Council's own policy and NWASCO's) payment may not have been made to Emerson for retrospective expenditure.

In advising that we would not oppose the Breast Hill plan I made it clear at the same time that this did not mean we would not oppose similar plans in the future where the question of surrender had not been considered and properly debated during the preparation of the plan and the consideration of it by Catchment Board. I went on to give quotations from the run plan and the previous submission to Soil Council and I made it clear that in my view our various policy statements totally supported this Department's attitude. I made it clear we did not accept the fact that because there would be no fence but rather a green belt, there should be no question of surrender. I stated that the objective of a green belt was to de-stock land on a more economic basis than a fence.

I also indicated that the fact that part of the cost of the whole plan being funded from another source (LDEL from RBFC) did not mean that the question of surrender could not be properly considered. Regardless of what funds may be coming from other sources Soil Council was providing \$72,000 and this must give us the right to adhere to policy statements. I pointed out that the questioning of this plan was not because of the Clayton Report and it was not with the objective of obtaining a reserve area. Certainly the Clayton Report has re-emphasised public interest but in no way introduced new material. Secondly if land were surrendered it would firstly become UCE and be subjected to a management plan. To-date much of the land so surrendered had not had its status altered to reserve as a result of a run plan. The chairman did not allow any debate to develop on

SOIL COUNCIL MEETING
11 MARCH 1983.

Extract From Fields Directors Report.

this issue but when I asked that it be recorded that the approval of Breast Hill be not taken as a precedent for future run plans, he invited me to word my own comment for the minutes in this regard rather than have a resolution to that effect. I wrote out and had accepted by the Chairman the following:

"Mr Mackenzie did not oppose the amended resolution in so far as Breast Hill in particular was concerned. He did however challenge some matters in the paper and in particular the interpretation being placed on the Hill and High Country Policy Statements 5.2(b) and 5.5. Although not opposing Breast Hill on the grounds of 5.2(b) or 5.5 Mr Mackenzie said this should not be taken as a precedent for other cases."

FILES HO 8/9/143
DO P 216

EXTRACT FROM MINUTES OF MEETING OF
SOILCON COUNCIL OF 7 MARCH 1983
~~WATER RESOURCES COUNCIL OF~~ _____
~~N.Z.A.S.G.A. OF~~ _____

OTAGO CATCHMENT BOARD : SWCP 264 "BREAST HILL"
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Kneebone supported deferral of the item and said that there is considerable public interest in these lands.

Hercus arrived at 10.55 a.m.

RESOLVED:

That Council defer consideration of the plan for up to two months to enable a report by the Otago Catchment Board to be prepared on the public use requirements of Class VIII land to be destocked on this property. X

HEAD OFFICE
TO: CCL DUBOIS

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Director-General

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file: P216 Vol 4/324

LAND SETTLEMENT BOARD

26 APR 1983

RUN PLAN PROVISIONS AND Nwasco Land Settlement
BOARD POLICY

File: 8/97143

CASE NO 9777

PREPARED IN HEAD OFFICE

PROPOSAL

1 To note the present position with a run plan prepared for Breast Hill pastoral lease.

DETAILS OF LEASE

*Land B. C. of Julius 324, 327, 328, 329, 332, 333, 334
to Alex office floor. 4/10/83*

2

Lessee: R Emmerson

Land: Run 235a Longslip, Lindis, mid Hawea and lower Hawea Survey Districts, and Run 780 Block II Lindis and Longslip Survey Districts

Run name: Breast Hill

Area: 8978 ha

Tenure: Pastoral lease

Term:

Annual rent:

Locality: 41 km from Tarras and 5 km from the Lindis Pass

Stock Limitation in lease:

Current stock limitation:

Other land in conjunction: Forest Range pastoral run 5462 ha (adjacent to Breast Hill) and Tomich, an irrigated property at Tarras

BACKGROUND

3 Mr Emmerson purchased Breast Hill in November 1979. At that time the property was run as one large block except that the Camp Hill block was separated from the main area by the Lindis River. The whole property grazed approximately 2500 merino wethers. Much of it had been severely burnt and patches overgrazed because of lack of grazing control. Much of the VII country is in poor condition.

4 Mr Emmerson intends to run the two pastoral blocks and the Tarras farm as a unit. He approached the Otago Catchment Board which has prepared a first 5 year soil and water conservation plan (run plan).

RUN PLAN

5 Problems to be tackled

- (i) Lack of subdivision and poor grazing control has resulted in:
 - (a) the absence of division between different land use capability classes;
 - (b) depletion of vegetative cover and hence erosion of the soil;
 - (c) overgrazing on sunny faces causing severe sheet and wind erosion;
 - (d) the need to burn tussock vegetation to control rank growth.
- (ii) History of indiscriminate past burning has caused severe depletion and soil erosion.
- (iii) Much of the property is not readily accessible causing management problems and increasing the hazards of accidental fire.

6 Objectives of the plan

- (i) To utilise and manage the land according to its capability.
- (ii) To provide an overall management programme combining soil conservation works with good management.
- (iii) To erect erosion control fences to control grazing on all classes of land according to its capability.
- (iv) To improve ground cover and restore depleted lands, thus minimising erosion hazards.
- (v) To provide firebreak access tracks to ensure ready access in times of accidental fire.

7 Subsidised works

28.2 km of erosion control fencing to separate land capability classes and provide stock control.

8 km firebreak access tracks (cost 60% grant \$72,235).

8 Non-subsidised works

4200 ha oversown and topdressed with LDEL moneys.

7 km of subdivision fencing.

PHYSICAL CHARACTERISTICS OF PROPERTY

- 9 - Sheet and wind erosion is prevalent.
- Depletion of vegetative cover is very common on Breast Hill particularly on the Camp Hill block where it has reached severe proportions.
 - Other upper altitude areas have vegetation weakened by past management.
 - Natural erosion is occurring around Mt Prospect.
 - Slight wind erosion has periodically occurred on the river terraces.
 - Land capability data indicates that 57.4% is CVII land and 13% is CVIII.

CVIII LANDS

10 These consist of high altitude fell field and minor amounts of scree surrounding Mt Prospect, bluffs and tracts of mature beech forest (which is 8.1% of total property). Discussions took place with the lessee on the future of these areas and for various reasons (isolation, discouragement of stocking, lack of fencing on adjoining runs and the fact that stock are not bothering the bush) the plan does consider any retirement "necessary or relevant to Mr Emmerson's management programme". It does hint that it could be considered at a later date.

PLAN REFERRED TO SOIL COUNCIL

11 After consideration by the Otago Catchment Board the plan was referred to the Soil Conservation and Rivers Control Council at its meeting on 7 March 1983. As there had been no comment made on the other aspects which should be taken into account when analysing the need for retirement the department's representative sought a deferment for a period of 2 months to allow the Otago Catchment Board to investigate the question of public use and other non-grazing values on the area of 1167 ha to be destocked.

12 This was done on the basis that the Clayton report has reinforced public interest in possible reserve areas and the Land Settlement Board's High Country Policy provides for surrender in certain cases (see 14.1).

13 From the reports which had been received from the Commissioner it was not clear whether this aspect had been considered. It was felt that it was important to do this as Breast Hill is on a main highway and as such is reasonably accessible to the general public.

14 As well the NWASCO Hill and High Country Policy provides for surrender in certain cases and the joint policy statement provides for respect of the individual

policies adopted by the signatory bodies - this means that both Soil Council and the Catchment Board should have regard to the section in the LSB policies concerning retirement (and vice versa).

15 The attitude of the department is:

- (a) The department had only asked for a deferment of the case to enable an investigation to be carried out.
- (b) The department had not at this stage demanded surrender.
- (c) If, as a result of the investigation it was found that there were no non-grazing values worthy of protection or public use, there would be no opposition raised to the run plan proceeding as proposed.
- (d) If the investigation revealed values that we should rightly consider worthy of exclusion from the pastoral lease we would endeavour by discussion and negotiation to influence Mr Emmerson to agree to surrendering from his lease.
- (e) Our representative on Soil Council believes that if Mr Emmerson refused to consider surrender from his lease of any land from within the area to be destocked that Soil Council would approve of the run plan and not insist on any surrender.
- (f) Our representative believes also that the Land Settlement Board is unlikely at this stage to interfere with the run plan proceeding even though Emmerson refused to consider surrender of lands the board may well like to see retained for public use or reserve.

INVOLVEMENT OF LESSEE

16 The lessee's reaction, when he found that the plan had been deferred was extreme. Telegrams were sent to the department indicating that access would be denied any departmental officer inspecting the run. The department advised the lessee that the proposed inspection was to assist department representatives on the OCB and Soil Council to determine how the LSB policy applied to the run plan proposals. Mr Emmerson later advised that the proposed inspection could go ahead.

INSPECTION

17 As arranged Mr Mackenzie discussed the proposition with Mr and Mrs Emmerson. Mr Emmerson is firm in his view that if there is any suggestion of retirement or surrender then the plan would not proceed.

18 As far as access to the bush was concerned Mr Emmerson is adamant that there will be no public access to the bush granted under any circumstances. He is of the view that he is too dependent upon freedom of management for his stocking policies to make any concession (rotational grazing with large mobs) and not prepared to take the risk of smothering of stock, fires, vandals leaving gates open or shorting-out electric fences.

19 A copy of Mr Mackenzie's report is attached for the information of members. It will be noted that a joint inspection was to take place on 30 March 1983 and if there are any further developments these will be reported verbally at the meeting.

RECOMMENDATION

20 That the Land Settlement Board note the situation that has developed with the run plan for Breast Hill.

DECISION

21 The Land Settlement Board resolved on 13 April 1983 to

1) Receive the information and to note that no action is required by this Board in relation to the run plan.

2) Consider the 12.4 country holding (containing 12.4 and 12.4) and the holder that this and others ... of the ... and the country policy closely provide, in appropriate cases for lands being developed under a run plan to be constructed from the ...

3) ... this resolution to the Director of the ... and ...

*Rec'd
10/5*

*This does not give us a clear guide as to our approach in future especially in respect to paras 12 & 13 on page 3 of this submission.
What does the L.S.B. wish the field's staff's approach to be in future in considering S.H.C.P.s?*

See 33's

9/06/83

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OUR FILE:

YOUR FILE:

From SR QUEENSTOWN

Date: 31 March 1983

To CCL DUNEDIN

Ref.: Ours/Yours of

Person to consult:

SUBJECT: BREAST HILL STATION - RESERVES REPORT

URGENT

ATTENTION: NEVILLE EVEREST

On Wednesday 30 March I inspected Breast Hill Station with DFO Duncan Sawyer and leasee Russell Emerson. The inspection covered most of the property with all class VIII land being looked at. Snow on Mt Prospect and the shortage of time did not allow a thorough or detailed inspection but I think enough information was gained to form a reasonable opinion of the value of all the Class VIII land for potential reserves.

General: My impressions were of;

1. A well managed property using farming techniques which could help preserve the higher 'native' country.
2. Very stable country with little sign of erosion. Some minor slipping on Puketika.
3. Excellent regeneration of beech forest was evident around all stands with no sign of recent animal damage.
4. Tussock grassland, scrub and fellfield communities contained no species of particular merit or any outstanding ecological units, rare or endangered species, but snow and time did not help this assessment.
5. Of the higher country the Little Breast Hill area appeared to be of more interest botanically ~~than~~ Mt Prospect but the former is not an area being considered for reserve potential.
6. There are extensive tracts of mountain beech forest in the Timaru River catchment. These I think are State Forest and therefore Crown controlled. I assume ~~that~~ ^{with} this forest will be similar to that on Breast Hill and because of its extent, in better conditions with a greater number of species, (both flora and fauna). The status of this forest should be checked as if not in S.F. it should be reserved.
7. The Lindis Pass S.R. contains tussock grassland of similar or better quality than that on Breast Hill at mid altitude. It may not contain the higher communities found on Little Breast Hill but these could be represented in the Timaru river catchment or Ahuriri reserves? They are not uncommon in Otago or particularly notable in any case and all are modified by past burning and grazing.

8. Only a small area of beech forest can be seen from SH8. This area is probably the least interesting from a reserve point of view.

9. Public use on Breast Hill has been limited to a few hunters and a very occasional walker apparently. I would not see any greater use in the future even were reserves established.

10. I consider the exercise was not a waste of time, but the reverse, even though reserve values were relatively low. Any crown owned land should have its reserve, recreational and biological potential assessed when the opportunity arises. This assessment should not be considered in isolation but in the wider context of the total ecological area so that small areas are not picked out just because they are there but because of their value. Although this has been considered in this report the wider area is comparatively unknown to me.

Mt Prospect

This area of high country looked relatively stable with tussock, scree, fell-field and small bluffs. Quite heavy snow covered much of this but an assessment of the vegetation seen showed common communities. The area had no special scenic or recreational qualities and was very small. It was typical of the surrounding country and would need to be considered with the adjacent properties for any reserve proposals. I do not consider any of it has sufficient reserve value to warrant surrender from the property. Proposed management techniques should adequately protect the biological values.

Puketika

The very steep slopes facing the Lindis river were clothed in Mountain Beech forest or scrub (manuka, matagouri, coprosma, mountain wineberry). Good regeneration was visible along most bush edges and also in scrub slopes. Eventually all these slopes would revert to beech forest if left untouched. It is the intention of Mr Emerson to leave this block entirely (unstocked). Because of its position (access and stock disturbance) public use would be low to minimal. Biologically it would make a useful reserve. It is fenced around the top now and the steep slopes rising from the river form an effective stock barrier at the bottom. I suggested that a Conservation Covenant be taken out over this block. Mr Emerson appeared sympathetic towards this idea.

Bush Strip NW of Puketika

This is a small 'island' on steep slopes rising from the stream. Regeneration on all edges is excellent. A fence bounds the stream and the ridge top above form relatively effective stock barriers. Present management will ensure its survival.

Forest Remnants Breast Creek

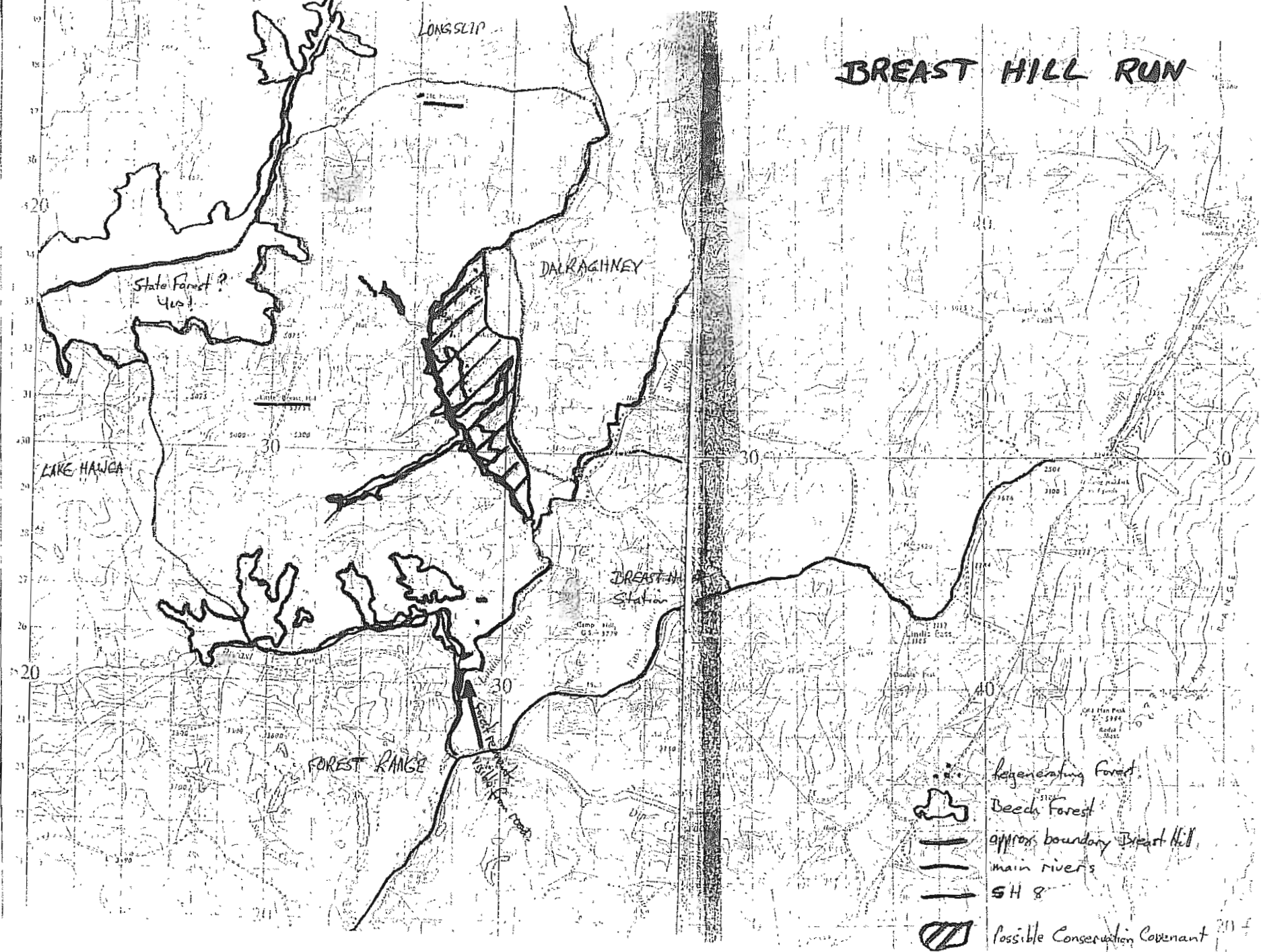
These are also on steep slopes. The forest here is perhaps more open than elsewhere but regeneration is still good. Access for the public is not easy and I doubt, necessary. All areas inbetween remnants has been oversown. According to Mr Emerson this tends to keep sheep from going into or chewing native trees or shrubs. If reserved, these areas would need to be fenced nevertheless. This would be a large and expensive job. Because of this, the modification to the inbetween areas, the scattered nature of the remnants, the doubtful need for further reserves in this area, public demand (or lack of it) and present (and probably past) management practices, I see no great value in reserving these areas. The time to review this might be when the property changes hands and perhaps management. *(techniques)*

Recommendations

1. That the proposal for a Conservation Covenant over the Puketika block be taken up with Mr Russell Emerson as a separate issue. All information on covenants should be supplied to him in the meantime.
2. That no reserves be declared at this time. Many other areas need looking at first.
3. That the tenure of the forested true left bank of the Timaru River be ascertained beyond doubt, especially adjacent to Breast Hill Station.
4. That reserves input be requested for any similar exercise in future.
5. *That future monitoring of such areas takes place on an annual or biennial basis by qualified personnel to assess the state of these under the increasing stocking rates proposed in the run plan.*

N. Simpson
Neill Simpson
Senior Ranger

BREAST HILL RUN



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323

P 216

DUNEDIN

31 March 1983

CCL
OFFICE

"BREAST HILL" - R S EMMERSON : SWCP - SOIL COUNCIL ENQUIRY

Re correspondence on file pertaining to this subject
(folios 310-322 inclusive).

As instructed by Head Office, Senior Ranger Simpson
(Queenstown) and myself carried out an inspection of Breast
Hill on Wednesday 30 March 1983. The Lessee, Mr Russel
Emmerson, accompanied us throughout the inspection and in
fact made his four wheel drive vehicle available for the
inspection. In spite of earlier reported conflicts or
disagreements over this matter, it should be noted that the
entire inspection was undertaken in an amicable atmosphere
with Mr Emmerson going out of his way to accommodate our
requirements.

Throughout the inspection of the entire property particular
attention was paid to the Class VIII country, as identified
in the Otago Catchment Board (OCB) Land Use Capability (LUC)
maps. The Class VIII country also encompasses all the
tracts of native beech forest located on Breast Hill.

While Senior Ranger Simpson in an independent report will
be commenting specifically on any public use/conservational
type values, I will comment as follows on the Class VIII
areas as identified in the OCB SWCP (page 13).

1 High altitude fellfield and minor amounts of scree
surrounding Mt Prospect

In my opinion this area represents stable Class VIII country
with quite a good vegetative cover. Soil and water conservation
values are fairly well protected by the green belt associated
with Mr Emmerson's management. Undoubtedly the occasional
sheep is going to wander onto this area but will do absolutely
no harm. It is noteworthy that boundary fence between Breast
Hill and Longslip is presently under construction and should
be completed once this present issue is resolved. This boundary
fence will of course prevent sheep moving through from Longslip.
- a problem identified in the SWCP.

2 Puketika block

This area encompasses a tract of native beech forest and an
eroding scree face. The entire block is isolated from the
rest of Breast Hill by the Lindis River which forms an
effective stock barrier. Mr Emmerson does not presently graze
stock on this area and has no intention of doing so in the

Copied for review by [unclear] 31/3/83.

future. I believe there is a good possibility of negotiating a conservation covenant over this area in the future but it should not be a condition of the SWCP.

3 Tracts of beech forest

These are principally those areas adjacent to Breast Creek as well as two other narrow tongues extending up two tributaries of the Lindis River. From a soil and water conservation point of view, I believe these areas are well protected. Mr Emmerson's future grazing management is going to see a greater number of sheep grazed adjacent to these areas but for much shorter durations and under a controlled grazing regime. Historical grazing of these areas has been on a set-stocking basis.

General Observations

I believe that the soil and water conservation values are being adequately protected at this stage in terms of the SWCP coupled with Mr Emmerson's management practices.

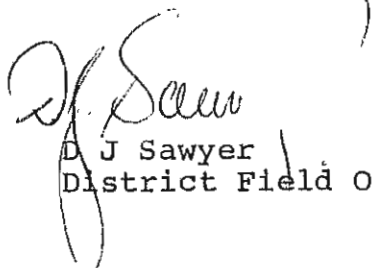
I personally can't identify any public use/conservational type values that should be surrendered in the public interest.

It would appear that in terms of preserving representative areas of native beech forest that the area of State Forest in the Timaru river catchment area would be more representative of such than anything on Breast Hill. Further to this there is no evidence of deterioration in the beech forest areas on Breast Hill but rather signs of very good regeneration.

Field staff working in this district have always found Mr Emmerson to be most cooperative in the past and believe that most values of whatever nature could be protected by negotiation. Mr Emmerson understandably is strongly opposed to what might appear to be "heavy handed" or "pressurised" tactics.

Recommendation

That should a report of a similar vein be received from Senior Ranger Simpson, no further action be taken in respect of this matter.


D. J. Sawyer
District Field Officer

OTAGO CATCHMENT BOARD

REPORT S.C. 1983/64

BREAST HILL STATION: S.W.C.P. 264

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file: P216 Vol 4 | 321

RE: SOIL CONSERVATION AND RIVERS CONTROL COUNCIL

QUERY ON PUBLIC USE REQUIREMENTS CLASS VIII LANDS

BACKGROUND

This report is prepared in reply to an enquiry by Soil Conservation and Rivers Control Council to the Chief Soil Conservator, dated 9 March 1983, regarding the proposed S.W.C.P. (see copy of letter attached). This enquiry questioned a possible need to remove from the pastoral lease native bush for public recreation purposes prior to Council approving the proposed programme. The "surrender of the land from a pastoral lease" requirement for destocked class VIII land, under special circumstances of public interest, is quoted as the policy justifications for this action. This requirement appears to be a new aspect in the application of soil conservation grant assistance and it could greatly alter soil and water conservation farm planning in the high country.

Section 16 of the Soil Conservation and Rivers Control Act details Council's role.

With respect to reserve creation, Section 16(1) of the Act restricts Council's role to recommending to the Minister areas suitable for soil conservation reserves. This excludes reserves for recreation or flora preservation. These are included under the Reserves Act 1977, an Act administered by the Department of Lands and Survey. Section 16(4) details the management of soil conservation reserves to best conserve the soil and prevent injury to other land. This role Council can delegate to catchment authorities. When read in conjunction with the Reserves Act it is abundantly clear that Council and catchment authorities have no role in the creation of recreational or floral protection reserves.

The Board's view on this issue is sought.

SPECIFIC CASE - BREAST HILL STATION

The proposed S.W.C.P. for Breast Hill Station involves a large conservation fencing programme in association with land development encouragement loan aerial oversowing and topdressing, plus some fire break access tracking.

Within the property there is a total of 447ha of mostly stable higher altitude class VIII land (bluffs and rockfields) scattered through the upper run blocks. A retirement fencing programme is both impractical and not warranted for this land.

Also on the property are three major beech forest areas. These have been classified as class VIII and recommended to be retained for catchment protection purposes. No erosion problems are associated with these areas and no apparent threat to their continued regeneration arises from the proposed development programme. This is based on experience from the adjoining Forest Range Station which has been similarly developed for 10 years.

The most accessible of these beech areas covers 400ha on the dark face of Breast Creek. The grassland between the bush tongues has already been over sown and topdressed with spectacular results.

A second smaller patchy area of bush, approximately 300ha, occurs in the Upper Lindis area and is known as Puketika.

A relatively inaccessible bush area of approximately 800ha lies adjacent to the State Forest in the Upper Timaru River. This area has been incorrectly marked as State Forest on the S.W.C.P. L.U.C. map. This area is within the pastoral lease boundary, which is the Timaru River.

In response to the request from Soil Conservation and Rivers Control Council to examine the public recreational use requirements of the area, the Board wishes to state that it does not have the trained personnel who can confidently comment on such matters, nor has it previously considered the creation of public reserves to be part of its operating policy. However, from discussions with the owner, it appears that the bush areas are utilised for recreation by fishermen, shooters, gold fossickers, trail bike riders, landrover clubs and trampers. In the past access to all these beech areas has never been refused to any person wishing to use them. Mr Emmerson has actively assisted anyone wishing to travel into the areas.

IMPLICATIONS

It appears that a very liberal interpretation of Councils policies, for class VIII land has been chosen by Soil Conservation and Rivers Control Council with this requirement for a recreational bush area to be surrendered from a pastoral use. Presently the bush areas are not grazed and this is proposed to continue. No suggestion of destocking (fencing out and offsite provisions) has been incorporated in the proposed S.W.C.P. Therefore, the quoted N.W.A.S.C.O. policy of Sections 5.2b and 5.5 are inapplicable.

It is obvious that this suggestion for an investigation of the recreational bush areas to be removed from the pastoral lease is an attempt to use the S.W.C.P. system to solve problems not related to soil and water conservation.

Fortunately, the implementation of S.W.C.P.'s involves a very high level of trust and landowner co-operation. However, this trust cannot exist where outside issues are superimposed as conditions on these freely negotiated programmes.

This Board does approve of recreational, biological, historical and scenic reserves and walkways, but the pressured attainment of them is not part of its present system of S.W.C.P. administration. No runholder could be expected to co-operate or negotiate a conservation programme with a body where the possibility exists that other agencies could use the situation to further their own unrelated interests.

DEPARTMENT OF LANDS AND SURVEY

Following discussion of Council's enquiry with the Commissioner of Crown Lands and District Field Officer, Department of Lands and Survey, Dunedin, no report has been prepared or is being prepared on the significance of the beech forest areas on Breast Hill Station by his staff until discussion is held between Mr T. McKenzie Head Office Department of Lands and Survey Wellington and the lessee.

RECOMMENDATIONS

That the Board advise Soil Conservation and Rivers Control Council that:

1. Public use requirements as regards to recreational areas are not considered part of Council or Board's functions and that it does not possess the expertise necessary to assess the same.
2. The Soil and Water Conservation Plan No. 264, for Breast Hill Station should be approved in the form originally presented, i.e., free of conditions unrelated to soil and water conservation.
3. It views with grave concern what appears to be an attempt to manipulate the present soil and water conservation planning system to advance land acquisition for purposes other than for soil and water conservation.
4. The Board is concerned that other future S.W.C.P.s may be placed in jeopardy if Soil Conservation and Rivers Control Council should make a similar approach to the properties containing areas of potential public use.

23 MARCH 1983

J. Wallace Ramsay

J. WALLACE RAMSAY
CHIEF SOIL CONSERVATOR.

Ceb/2/13

Don't recommend it subject to such areas or unnecessarily the reservation of space. The Soil Conservation and Rivers Control Council should be notified as does the S.W.C.P. will be simply outside for a decision on whether these areas should be disturbed (clear up) for any values that might justify reserves in the public interest.

81712

PLEASE QUOTE
75/26/18/264



NATIONAL WATER AND SOIL CONSERVATION ORGANISATION
WELLINGTON, NEW ZEALAND

6/655

TELEPHONE 59 989
Address replies to
THE DIRECTOR
OF
WATER AND SOIL CONSERVATION

MINISTRY OF WORKS
P.O. BOX 12041
WELLINGTON NORTH, N.Z.

9 March 1983

Chief Soil Conservator
Otago Catchment Board
P O Box 858
DUNEDIN

Dear Sir

SWCP 264, BREAST HILL

SECRETARY		Board 21/3
ASST. SEC./ACCT.		
C.T.O.		MEM 16-11/3
C.E.		Slon
C.S.C.		28/3
R.W.E.		
S.C.D.		
City Office for report		17/3 cont.

At its meeting on 7 March 1983 the Soil Conservation and Rivers Control Council considered SWCP Breast Hill and resolved to defer consideration of the plan for two months to enable a report by the Otago Catchment Board to be prepared on the public use requirements of Class VIII land to be destocked. *not to be destocked*

In reaching this decision Council was concerned about the future use for recreation or the conservation of flora and fauna of the land under native beech forest which covers 62% of the Class VIII land. While no proposal for destocking is included in the plan, there has been mention of indirect destocking of Class VIIe and of Class VIII land through stock management and the use of a non-grant "greenbelt". Council noted that some of the tracts of native beech forest on the property were close to the main highway and could provide significant public recreational use or opportunity for the conservation of the flora and fauna. If these land uses are significant in this case then the need to surrender such land to the Crown and remove it from the lease was a matter the Council considered should be evaluated before grants for the SWCP were approved.

Handwritten note: Destocked

As your Board will be aware it is Council policy generally to not concern itself about the tenure of land to be destocked and to rely on the land improvement agreement to ensure the planned land use practices are implemented. Requirements for the surrender of title or lease upon destocking in every instance were deleted from SWCP approvals some years ago. This policy still applies but in those cases where significant public, recreational or conservation uses of destocked land exist Council may consider imposing on the approval of a SWCP a requirement that the title or lease to that land destocked under the plan must be surrendered to the Crown. Several members of the Council were of the view that the Breast Hill SWCP may be one of these cases where Council should consider surrender of the Class VIII land. Reference should be made to the Hill and High Country Policy, particularly clauses 5.2(b) and 5.5.

Would you therefore please consider the extent public recreational use or conservation should be provided for in the SWCP, consult with the local office of the Lands and Survey Department and obtain your Board's view on these issues. Early consideration by your Board will enable us to resubmit the proposal to Council promptly, perhaps for the April meeting of the Council.

Yours faithfully



W R Howie
for Director of Water and Soil Conservation



COPY ONLY

0635

81905

Forest Range Station,
Tarras.
18 March, 1983

Mr P.H.C. Lucas,
Director General of Lands,
Wellington.

*Received Alexander Office 18/3/83
by hand.*

Dear Sir,

Re: PROPOSED BREAST HILL VISIT 15 MARCH 1983

I wish to protest strongly at your Department's underhand actions regarding the above as a result of the Soil Conservation and Rivers Control Council meeting held 7 March 1983. Full facts were not given at the time. The underlying threat that the SWCP will not be granted unless we adhere to your Department's demands interferes with Catchment Board policies and is close to blackmail for any runholder who enters into a similar plan. Security of tenure for all pastoral leaseholders is at threat.

As a result of your attitude in the meantime I have no option other than to inform you of the following actions taken that I feel are justified until your Department clarifies its intentions for the inspection.

1. All gates providing access to the Block are chained and padlocked. Access in future will require advanced warning. A breach of this could have serious repercussions.
2. All development has ceased on Breast Hill and other farming operations.
3. A contract fencer who employs several men has been served notice forthwith.
4. The proposed residence on Forest Range has been shelved. The builder who employs 15 men will not be required.
5. The proposed SWCP for the property will be shelved.
6. Breast Hill is being offered for genuine sale (Advertised 19 March 1983) as a direct protest.
7. Depending on the Department's reaction other farming interests will also be disposed of in due course.

I would also request your Department's intentions on whether or not it supports and encourages pastoral use of the land in the upper Lindis area or a policy of public land use:

Finally, I would point out that I will in no way be held responsible for any repercussions of any nature associated with your recent decisions and action on this matter.

An urgent reply would be appreciated.

Copies To:
Commissioner of Lands, Dunedin
Lands Department, Alexandra
Otago Catchment Board, Alexandra
W. Cooper, M.P.
Minister of Lands, J. Elworthy
Minister of Agriculture, D. McIntyre

Yours faithfully,

R.S. Emmerson.

27/5/83

P 216

30

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file: P216 Vol 4/320

4

and in my view the second paragraph on page 14 hints that the matter may be considered at a future date.

The field officer in his report on the run plan placed N/A alongside the question referring to retirement.

18 I have asked DFO Sawyer to despatch the joint report on inspection to head office as soon as possible. I asked him not to involve anyone other than himself and the District Ranger in the inspection - it would be very unwise to seek the opinion of any "specialists" at this stage. I have sent a copy of this report to district office.

19 I am not aware of what the Otago Committee Board has decided. I imagine there will be some concern that an occupier has, with the knowledge of staff, virtually completed the works without the plan being approved. (Our field officer inspected to comment on this plan in late 1981 - it went to Soil Council March 1983.) There is a strict Soil Council rule regarding retrospective payments.

20 Now knowing the circumstances I have a lot of sympathy for Mr Emmerson. I believe he has made his stand clear and I can appreciate the reasons for his near violent reaction to the deferral. At the same time I believe within the policy statements of both LSB and Soil Council taking land capability class of area being effectively destocked (regardless of fact that there is no grant fence and regardless of fact that TDOS is being done under LDEL) into account the question of surrender had not been properly considered. We can now only await the joint report.

T D Mackenzie
Fields Director

HEAD OFFICE
TO : CCL DUNEDIN

... Copy for your information. Enclosed is your copy of the run plan.

T D Mackenzie
for Director-General

Encl

DFO 29/3
CCL 22/3
WKA

8/9/143

28 March 1983

NOTE FOR FILE

BREAST HILL PASTORAL LEASE

1 On 25 March, as arranged I visited "Forest Range" accompanied by DFO Sawyer and discussed with Mr and Mrs Emmerson the background to the deferment of their run plan by Soil Council. Both Mr and Mrs Emmerson expressed their views very clearly and firmly but at the same time were very composed and reasonable.

2 I am still uncertain whether Mr Emmerson learned of the deferment from a soil conservator of the Committee Board or from SFO Allen's telephone call when Allen wished to arrange the inspection. It is not of importance in any case.

Emmerson

3 Mr Emmerson told us that he had made his position very clear to the Committee Board soil conservators and he believes to a Committee Board member from the first time a run plan was suggested in 1980. That position was that "if there be any suggestion of any retirement or surrender then don't proceed with the plan any further. Under no circumstances would he accept retirement or surrender".

4 Mr Emmerson advised that Lands and Survey field officers had visited his property from time to time and encouraged development and had been fully aware of the run plan proposals. They too had been made aware of his attitude to retirement and surrender.

5 Discussion turned to commenting on the bush remnants on Breast Hill and the question of title to land on Timaru River true left bank arose. The lease plan shows the parcel as being in Breast Hill but other plans show it as State Forest. When buying Breast Hill Mr Emmerson made inquiries on this matter and this resulted in the Chief Surveyor writing to him advising the land was not in his pastoral lease. Copies of this letter sent to NZFS at Queenstown and to ADFO (Alexandra). Mr Emmerson did not get the Chief Surveyor's letter but did get one from NZFS which pre-dates the Chief Surveyor's letter by some days. NZFS said the land was in the pastoral lease. DFO Sawyer will be rechecking this matter with the Chief Surveyor.

(The NZFS hut Mr Emmerson helicopter lifted out and took to Queenstown was in the bush remnant on Breast Creek - not Timaru River.)

6 The plan sent by the Chief Surveyor with his letter in 1980 (this and the letter we had on the district office file) also showed a

Section 58 Reserve along part only of the Lindis River. This confused Mr Emmerson as he was, until then, under the impression that the public had access rights up all waterways the size of the Lindis or Breast Creek. We had some discussion on Section 58 Reserves.

7 Returning to the areas of Class VIII and possibility of retirement/surrender Mr Emmerson was absolutely adamant - there will be no public access to the bush granted under any circumstances - he is too dependant upon freedom of management for his stocking policies to make any concession, (rotational grazing with large mobs) and not prepared to take the risk of smothering of stock, fires, vandals leaving gates open or shorting-out electric fences. Both Mr and Mrs Emmerson went to some lengths telling us they allowed the public who asked to go virtually where they wanted. They did however have some control and asked them to report in as they left their property. The people who wanted to go on to their properties were hunters (not so much lately since helicopter poachers), fishermen and trampers. No one had ever stated the reason as going to see the bush! In fact the people most interested in the bush seemed to be field men of Lands and Survey, Committee Board and Ministry of Agriculture and Fisheries - often more interested in bush than in the production of wool and lamb.

8 I explained reason I had raised the question of the Class VIII land at Soil Council, acknowledging it was unfortunate it had not been canvassed earlier, or commented upon in reports, particularly when he had made his position so clear from the outset. I showed Mr Emmerson the statements in LSB policy and NWASCO policy - he said he was fully aware of these.

9 Mr Emmerson was aware that the Otago Committee Board had already debated the issue on Monday 21st (and possibly he knew their decision) and knew Soil Council would have a report before them on April 11. He indicated he believed it very fortunate he had cornered the Board members in Alexandra on 14 March.

10 I indicated the action Soil Council could take - either approve or decline the run plan. I advised LSB meeting April 12. The matter would be reported to them - as lessor the Board could deal with the matter of consenting to the run plan. I made it very clear I had no indication which way either body may go.

11 At this stage I asked Mr Emmerson if he would allow departmental officers to inspect and, without any hesitation, he said "yes". Later in the afternoon the inspection date was fixed for Wednesday 30 March and Mr Emmerson will accompany DFO and District Ranger.

12 Mr Emmerson now expressed concern for the future of pastoral leases and in particular his own. He asked how secure was their tenure of all the land in his lease? Even if the run plan was approved without retirement/surrender, how long before some public access would be asked for? We

discussed the Clayton Report, wetlands, representative reservation, ecological regions and districts, biological resources centre and recreation. We did not gloss over the fact that public attitudes to pastoral leases was that as they were Crown land they could more readily meet the demands of the various interests. Mrs Emmerson asked if the public had greater legal powers than the lessee and I advised there was provision in the Land Act to take land out of a lease for Reserve purposes but pointed out that to date such requirements had always been achieved by discussion and negotiation.

13 Mr Emmerson said there had been quite an interest in the sale of the property but he would not enter into any agreements until after the Soil Council and LSB decisions were known. He went on to say that he would wish to be completely honest with any prospective purchaser and therefore wanted to know whether the department was likely to approve a transfer conditional upon certain areas being set aside as a Reserve or covenanted. I said I did not believe the department would take such action - normally negotiations for exclusion of areas from the lease have been at lease renewal.

14 On the question of what does the department or LSB want - public use or production - I said the answer was probably some of both - desirably multiple use where the public could have access but with minimal interference with production potential. Mrs Emmerson (who if anything is more firmly opposed to any change than her husband) said that in that case there was "no future for them or their children at Breast Hill or Forest Range". She repeated the freedom they already gave the public - with their property named "Forest Range" many mistook it for a Ranger Station. They allowed people to picnic near the house, to look at the new woolshed, etc.

15 I asked Mr Emmerson if he had discussed his problem with Mr M Snow (Land Settlement Committee member) his neighbour. He replied that he had not but many people were aware of the matter and there was some agitation from a lot to "Go Public". Mr Emmerson said he had refused to let them do so - at this stage he would fight his own battle. Mr Snow he said was not at home on 25th so I could not see him.

16 The reference in Mr Emmerson's telegram to "underhanded" and "blackmail" referred to the fact that everyone knew from the outset he would not entertain retirement/surrender. Now that the programme was virtually completed, (the fencer sacked was on the last fence) and money spent we demanded surrender. It was at the time he sent the telegram in his view the equivalent of blackmail - unless he surrendered he would not be reimbursed the run plan expenditure he had incurred.

.. 17 Attached is a photocopy of the run plan. As far as I can see there is no indication of Mr Emmerson's attitude to retirement/surrender in it. At the same time paragraph 3.4 (page 13) makes reference to retirement,

L. & S.—F. 14A

DEPARTMENT OF LANDS AND SURVEY

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file: P 216 Vol 4/313

LANDS
14 MAR 1983

OUR FILE: 8/9/143 YOUR FILE: P 216
From HEAD OFFICE Date: 10 March 1983
To CCL DUNEDIN
Ref.: ~~OUR~~ Yours of 27 May 1982 Person to consult:

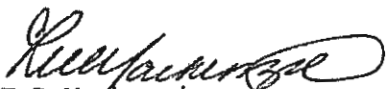
SUBJECT: RUN PLAN : BREAST HILL

I refer to discussions CCL/FD of 7th and 8th March on the above run plan. A submission on the plan was before Soil Council at their meeting on 7th March and a copy of it is enclosed. At Soil Council the department's representative moved an amendment to the prepared resolution. The amendment sought to have consideration of the submission deferred for a period of two months to allow the Otago Catchment Board to investigate the question of public use and other non-grazing values on the area of 1 167 hectares to be destocked. After very considerable debate on the amendment it was carried by a majority on a show of hands.

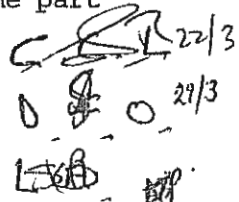
In proposing the amendment the department's representative first apologised for the fact that the question of the other values on the area to be destocked had not been questioned by the department at an earlier stage. But, in defence of this not having been previously raised, stated that the demands of the public had really been highlighted by the Clayton Report and the investigations that have been carried out since. The area to be destocked comprises 13% of the property or 1 167 hectares. On the area to be destocked there is over 700 hectares of beech bush. (This is 8.1% of the total area of the property of 8 978 hectares.) The balance of the area to be destocked is said to be very steep high-altitude bluffs and scree areas and Mount Prospect (1 768 metres) is enclosed by the land to be destocked. Breast Hill pastoral lease is located on a main highway and as such is reasonably accessible to the general public and therefore justifies closer investigation of any land that under a run plan is to be destocked. LSB high country policy statement 14.1 applies. In addition the joint policy statement signed by the Director Generals of NZFS, L&S and the Director NWASCO provides for respect of each others policies and therefore catchment authorities and Soil Council should have regard to that passage of the LSB high country policy.

This matter will now be referred back by NWASCO to the Otago Catchment Board and will no doubt therefore come before the Soil Conservation Committee of that Board and the Board itself.

The fact that the question of surrender has been raised at Soil Council does not automatically mean that the department's representative will continue to press for such when the report of the Otago Catchment Board comes before Council. If the evidence is such that surrender is not justified on the grounds of other values and preservation of the beech bush then that will be accepted. It is however essential that officers of this department carefully consider the matter so that you are able to have firsthand knowledge for your discussions at Soil Conservation Committee and Catchment Board when it is raised there. It would be appreciated if a report could be provided to head office together with a recommendation on whether or not surrender of the 1 167 hectares or some part of it should be sought when the matter comes back before Soil Council.


T D Mackenzie
for Director General

*Please treat Soil Council
Submission as confidential.
Keep*


22/3
27/3
LSB

75/26/18/264

21

OTAGO CATCHMENT BOARD

SWCP264 "BREAST HILL" LINDIS PASS

R S EMMERSON

STAFF REPORT

1 Introduction

The Otago Catchment Board seeks approval for a five year erosion control programme for Breast Hill Station estimated to cost \$122,344 (June 1982 CCI 1940) with a grant at 60% of \$73,406.

2 Background

Breast Hill Station is a pastoral lease property with a total area of 8978 ha. It is located on the Lindis Pass Road about 40 km from Tarras. The run is one of three properties belonging to R S Emmerson, the other two being the adjacent Forest Range Station (5,462 ha), and Tomich (190 ha) which is an irrigated property at Tarras. The homestead is located at Forest Range.

The terrain on Breast Hill is hilly with an altitude ranging from 480m at the road to 1768m at Mt Prospect in the north. Access into the property is by a four-wheel drive track. Lindis River flows through the property. The climate is influenced by aspect, altitude and location. The rainfall is approximately 650mm per annum at the main road and increased with altitude to over 3,000mm in the north and west. Winter is cold with snow lying for long periods particularly on shady and high altitude areas making management a problem. Summer can be hot and dry often associated with the strong dry north west winds.

The soils are derived from schist and greywacke and are broadly classified into soils of the uplands (very poor, most susceptible to sheet, wind and scree erosion), soils of the hills (poor soils with the topsoils being prone to severe forms of erosion) and soils of the terraces and fans which are also poor but respond well to superphosphate. The vegetation is mainly tussock association. In some lower areas matagouri, sweet briar and Hieracium are common.

Management of Breast Hill is in conjunction with the ^{other} two properties. A general trend will be that hoggets and two-tooths will graze Forest Range and Tomich, while the mature Merino ewes will graze both Forest Range (the majority during winter) and Breast Hill during summer. During the 1981-82 summer, 8,000 ewes have been put out to graze Breast Hill for eight weeks.

3 Land Use Capability

Class IV	156 ha	1.7%
Class VI	2,504	27.9
Class VII	5,151	57.4
Class VIII	1,167	13.0
TOTAL	8,978 ha	100.0 %

The bulk of the Class VIII land comprises tracts of native beech forest (8.1%), the remaining being very steep high altitude bluffs and scree areas, particularly around Mt Prospect (1768m) on the north boundary.

4 Soil Conservation Problems

- (i) Lack of sub-division and poor grazing control has resulted in:
 - (a) the absence of division between different land use capability classes;
 - (b) depletion of vegetative cover and hence erosion of the soil;
 - (c) overgrazing on sunny faces causing severe sheet and wind erosion;
 - (d) the need to burn tussock vegetation to control rank growth.
- (ii) History of indiscriminate past burning has caused severe depletion and soil erosion;
- (iii) Much of the property is not readily accessible causing management problems and increasing the hazards of accidental fire.

5 Objectives

The main objectives are:

- (i) To utilise and manage the land according to its capability;
- (ii) To provide an overall management programme combining soil conservation works with good management;
- (iii) To erect erosion control fences to control grazing on all classes of land according to its capability;
- (iv) To improve ground cover and restore depleted lands, thus minimising erosion hazards;
- (v) To provide firebreak access tracks to ensure ready access in times of accidental fire.

6 Proposal

- (i) To erect 28.2 km of erosion control fencing which is planned to separate Class VI lands from the more sensitive Class VII lands. This will involve eight jobs.
- (ii) To build 8 km of firebreak access tracks to reduce risk of accidental fire as well as to provide access initially for some of the proposed fencing work. Two sections of 6 km and 2 km respectively are proposed.
- (iii) The third proposal which will coincide with the above soil conservation works will involve the AOSTD of approximately 4200 ha on the property. This proposal is non-grant work and will be done with Rural Bank finance.

7 Estimates

<u>Proposed Works</u>	Board's Estimated Total Cost (incl. 10% contingencies, 30% Board fees, CCI 1940)	Amended Estimate (using 5% contingencies, 30% Board fees, inflation adjusted to CCI2000)
Erosion control fencing (8 jobs, 28.2 km)	\$110,104	\$108,347
Firebreak access track (2 sections, 8 km)	12,240	12,045
TOTAL	\$ 122,344	\$ 120,392
60% grant	\$ 73,406	\$ 72,235

<u>Proposed annual grant expenditure</u>	CCI2000
Year 1	\$15,118
2	17,129
3	16,901
4	15,475
5	7,612
TOTAL	\$ 72,235

8 Comment

The soil and water conservation works included in this programme are typical for this type of high country run where the primary aim is to utilise and manage it according to its landuse capability classes.

At the time of purchase in November 1979, the property was in one block and relatively undeveloped. Mr Emmerson is a keen and progressive runholder who intends to develop Breast Hill and manage it in conjunction with the other two properties as a unit.

The water and soil conservation works on Breast Hill will include a considerable amount of erosion control fencing necessary to separate the land according to its capability. The proposed firebreak access tracks are considered important to reduce the risk of accidental fire, but initially they will provide access for fencing works. Apart from the Water and Soil Conservation works, the runholder is proposing to improve the Class VI country through an intensive programme of AOSTD using Rural Bank finance. Over the next five years some 4200 ha will be AOSTD in this way which will complement the proposed erosion control fencing programme. Thus, the grazing of the Class VII country will be controlled and this in turn will help control and reduce existing erosion and depletion.

Although there is some Class VIII land on the property (13% of total area) it is not considered necessary at this stage to destock it by way of a retirement fence. The bulk of this Class VIII land comprises native beech forests (8.1%) and the balance is made up of very steep high altitude isolated bluffs and scree areas particularly in the vicinity of Mt Prospect. Stock are not likely to venture into such areas. The proposed programme of AOSTD of land below 1220m will mean that stock will have no cause to go beyond the "green belt" into the upper Class VII and VIII lands.



31/2

The property is relatively undeveloped and it is envisaged that there is considerable scope for further works in the next programme. The District Commissioner of Works supports the plan in full. The economics of the plan have been found to be satisfactory with the Board assessing an IRR of 11.7%.

Contrary to current policy requirements the Board continues to use 10% contingency allowance in the estimates. All estimated costs have been amended using 5% contingencies and have been updated for inflation to September 1982 CCI 2000.

9 Finance

This is an unprogrammed work for which the Board intends to make the finance available from its bulk allocation in Vote: Works and Development, Programme VIII, Activity Soil Conservation for the work to proceed this year (1982/83) and in succeeding years.

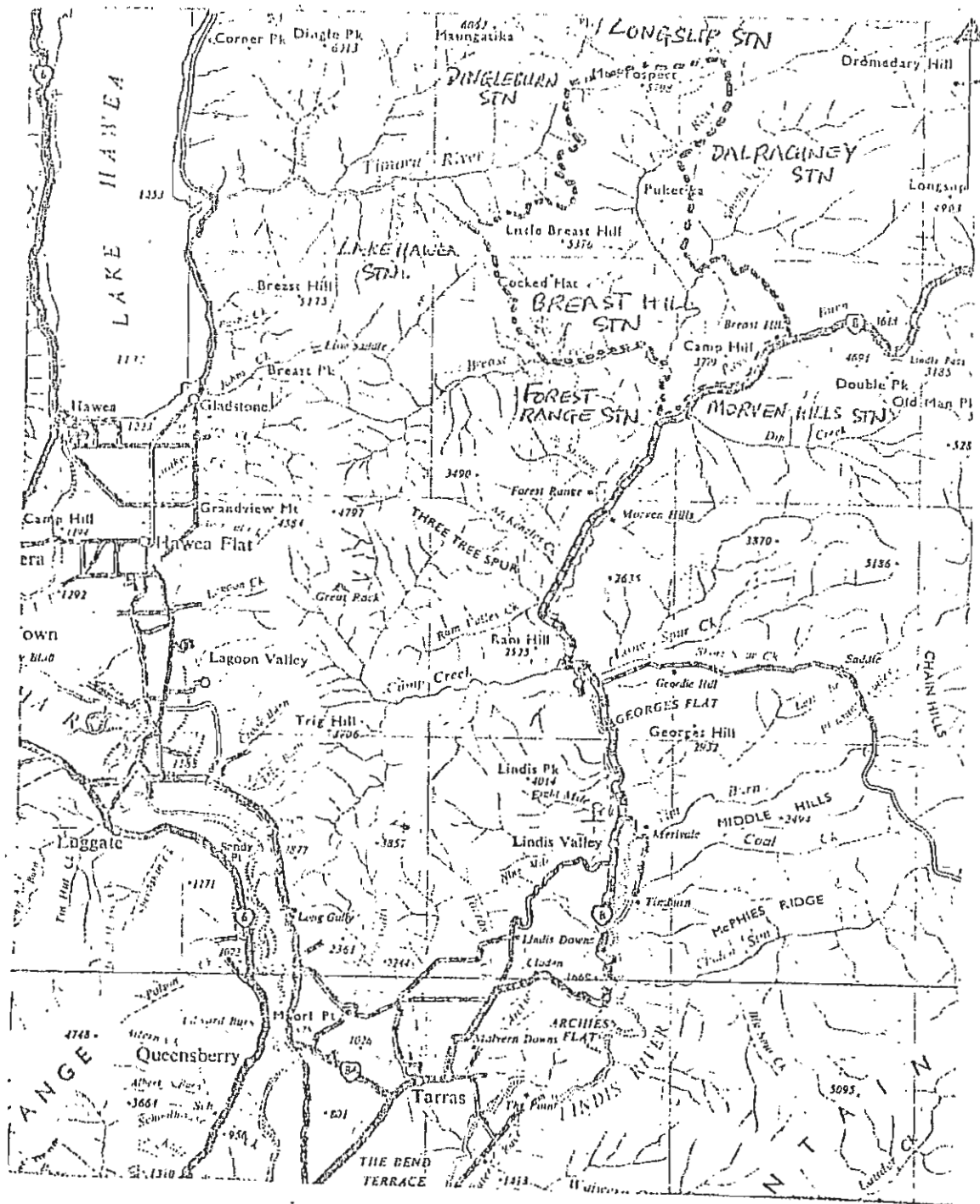
10 Recommendation

That Council:

- (a) decline the Otago Catchment Board's five year erosion control programme for Breast Hill Station estimated to cost \$122,344 (June 1982 CCI 1940) with a 60% grant of \$73,406 on the grounds that a 10% contingency allowance was used in the estimate;
- (b) approve the programme at an estimated total cost of \$120,392 (September 1982 CCI 2000, 5% contingencies) with a grant at 60% of \$72,235 subject to:
 - (i) the Board making provision of the finance required in 1982/83 and succeeding years from its bulk allocation;
 - (ii) a Land Improvement Agreement being entered into and registered against the title to secure completion of the work and its maintenance;
- (c) note that the plan should be identified on the Works Programme as the Government share is greater than \$50,000.
- (d) note the need for further works in a future programme.



A Baba
for Director of Water and Soil Conservation



LOCALITY MAP
 "BREAST HILL" LINDIS PASS RD.
 OTAGO CATCHMENT BOARD

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tenure review due diligence from
file: P 216 Vol 4/310

~~4/12~~
NPR
For joint action pl.
9/3

BREAST HILL STATION = 2nd mill
Ron Emmerson.

While in H.O. on 8 March, I was asked by the F.D. to comment on the desirability of seeking the surrender of a relatively large area of beech forest at the back of this run. The property has a run plan in the course of being approved, that refers to 1166 ha. (13% of the property) of C^{VIII} land that will effectively be destocked. This C^{VIII} includes 727 ha (8.1%) of beech forests, 242 ha (2.7%) of fellfield surrounding Mt Prospect, and 197 ha (2.2%) of eroding scree and bluffs. As a result of his initiative the Soil Council has deferred its consideration of this run plan, and we have 2 months to come up with some justification for requiring surrender as a condition of the grant by Govt. of \$49,000.

I see that we have known of this case (Lolio 306) but clearly the implications of the Clayton Report type of approach were not appreciated a year ago as much as they are today.

I believe the bush across the Timaru River from the area we're now referring to, is State Forest so NZFS would have a definite interest, but we should not just be looking at the bush - to fellfield / Mt Prospect area, etc. as well.

DFO + C/R alerted to the urgency of this job. Discussed briefly with Bill Lee (DSK) and with Wallace Ramsay (OCB)

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file: 216 Vol 4 P. 27

OTAGO CATCHMENT BOARD

6/655

S.C.1982/80

16 April 1982

S.W.C.P. SUMMARY NO.263

PROPERTY: Breast Hill ESTIMATED COST: \$122,344
NAME: R.S.Emmerson, R.D., Tarras SUBSIDY: \$48,937
TOTAL AREA: 8977.9510ha FARMER'S COST: \$73,407
TENURE: Pastoral lease.

GENERAL: Breast Hill is located in the Upper Lindis Valley. It adjoins Mr Emmerson's other run 'property, Forest Range. A third property (irrigated farm) at Tarras is managed in conjunction with Forest Range and Breast Hill.

TOPOGRAPHY: Altitude range is 480m to 1768m (Mt Prospect). Apart from a small area of Class IV river terraces, the majority of the property is steep and very steep country and some strongly rolling uplands (V-shaped ridges and gullies and hummocky basins above). Steep faces above the Lindis River and Breast Creek are Class VI. The Class VII lands are generally high dark-facing but a small area of dry sunny country occurs on Camp Hill.

CLIMATE: Range of rainfall is approximately 650mm at the road to over 3000mm at Mt Prospect. The Lindis block of country suffers from long cold winters, but retains moisture over the summer, while Camp Hill is warm, suffering from moisture deficiency in summer.

VEGETATION: At mid to high altitude - snow tussock association (associated with blue and hard tussocks, native cushion plants and high altitude scrub).
At low to mid-altitude - hard tussock association (with blue tussock, low producing swards, flatweeds, native mat plants, scrub etc.)
On drylands - scabweed association.
In shadier gullies and faces, tracts of mountain beech forest.

GEOLOGY: A predominance of schist (chlorite 3) but towards the north and west, to low grade schist (chlorite 2) and tending to greywacke.

SOILS: Uplands - Alpine steepland (skeletal); Kaikoura steepland (Y.B.E) Dunstan steepland (Y.B.E.); Carrick and Carrick hill (Y.B.E.) - all soils have fine structures and can be prone to all types of accelerate erosion.
- Hills - Kirkleston and Kirkleston hill (Y.B.E.); Blackstone and Blackstone hill (Y.G.E.); Arrow steepland (Y.G.E.). These all respond well to improvement by oversowing and topdressing.
- Terraces and fans - Nevis and Struan intergrade (Y.G.E.-Y.B.E.); Middlemarch (Y.G.E.) - will respond to improvements in vegetative cover.

LAND USE CAPABILITY:

Class	IV	VI	VII	VIII
Area (ha)	156	2504	5151	1166
Per cent	1.7	27.9	57.4	13.0

N.B. Class VIII lands include tracts of beech forests (8.1%); fellfield surrounding Mt Prospect (2.7%) and eroding screes and bluffs (2.2%).

DEPLETION AND EROSION (1-5 SCALE) TYPE, LOCALITIES AND AREAS:

On low altitude shady country (to 1070m) the land is generally well covered and suffers from slight to moderate sheet and wind erosion. River terraces suffer from slight wind erosion.

On dry scabweed faces, depletion is severe. Sheet and wind erosion is moderate and severe, and where loess is deep, there are gullies. On the upper altitude Lindis Block, the vegetation has been weakened by past management (particularly grazing and burning). Tussocks are in places stunted and the lands depleted to moderate and severe. Soil loss by sheet and wind erosion is moderate and severe. Other erosion forms present are minor areas of gullying and scree and also some fellfield.

STOCK AND MANAGEMENT: At the time Mr Emmerson took ownership of Breast Hill, there were approximately 2500 wethers on the property. These have been sold from the property, and since then the Camp Hill block (1290ha) has been grazed by 3000 ewes over the 1980/81 summer and 1600 ewes and 2200 wether hoggets (kept to retain numbers) during the winter. All three properties owned by Mr Emmerson will be run together. This summer (1981/82) 8000 ewes from Forest Range are grazing the Upper Lindis. All lands up to 1220m are to be oversown and topdressed (approximately 4200ha) under L.D.E.L. The intention is that Breast Hill will provide summer grazing, Forest Range the winter grazing and Tomich grazing for replacement stock. At June 1981, over all three properties the total stock was 7000 Merino ewes and 3000 ewe hoggets. By 1986, the intention is to have 14000 ewes and 5000 hoggets.

CONSERVATION PROBLEMS:

1. Lack of subdivision and grazing control creating -
 - a) A lack of separation between capability classes (especially Class VI and VII)
 - b) Depletion of vegetative cover and erosion of the soil.
 - c) Preferential grazing of sunny faces.
 - d) The need to burn tussock to control rank growth.
2. Climate, aspect and altitude combined with poor vegetation vigour and growth, and the effects of past management on vegetation.
3. Moderate and severe depletion creating moderate and severe erosion, caused by past burning and selective grazing.
4. Lack of internal access.
5. Limited areas of Class VIII land, suited to watershed protection. They include native beech forest, high altitude screes and bluffs.

PROPOSALS:

i) Work Summary (Appendix III)

	<u>Estimated Cost & Service Chge</u>	<u>Grant Rate</u>	<u>Gross Grant</u>
	\$	%	\$
28.2km erosion control fencing	110,104	40	44,041
8.0km firebreak-access track	12,240	40	4,896
	<u>\$122,344</u>		<u>\$48,937</u>

ii) First year's programme:

<u>Job No.</u>	<u>Works</u>	<u>Est.Cost inc. 30% Ser.Chge.</u>	<u>Grant Rate</u>	<u>Grant</u>	<u>Farmer's Cost</u>
		\$	%	\$	\$
1	5.5km erosion control fence @ \$93.10/20m	25,603	40	10,241	15,362
	<u>Total first year</u>	<u>\$25,603</u>		<u>\$10,241</u>	<u>\$15,362</u>

iii) Management Changes and Conditions:

This programme is designed to alleviate many of the erosion problems of the property, while at the same time ensuring increased productivity from all three properties.

At this stage no exact grazing system has been formulated, but it will evolve in time. Projected stock increases are conservative, but in the long term 1 s.u./ha is the aim for oversown country on Breast Hill.

The future of the small isolated area of Class VIII high altitude land has been discussed with Mr Emmerson. With the proposed development of low altitude lands, the high altitude Class VIII will effectively be destocked and the Class VII lands much reduced in grazing pressure (the native lands only being grazed for a short period following weaning). The appropriate time to consider separate management of the small Class VIII area will be in relation to possible Class VIII land on the neighbouring property, Longslip Station.

ECONOMIC EVALUATION: Taking into account the costs of this proposed S.W.C.P. and L.D.E.L. monies, and using conservative returns, an internal rate of return of 11.75% has been assessed.

FINANCE: Funds to do this work will come from a Rural Bank loan and income.

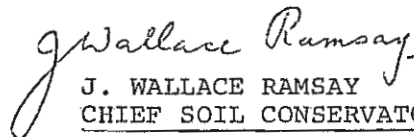
ACKNOWLEDGMENTS:

Field survey - G.W. Heward, M.R. McKenzie, H.M. McNab, G.Thompson,O.C.:
Management and development: Mr Russell Emmerson.
This programme has been discussed with -
Mr P. Butler, Field Officer, Department of Lands & Survey, Alexandra.
Mr J.L. Burton, Soil Conservator, Ministry of Works & Development,
Alexandra.
Plan prepared by G.N. Thompson, Soil Conservator, Palmerston.

RECOMMENDATION:

That the Board approve in principle the 5 year programme estimated to cost \$122,344, grant \$48,937, with specific approval for the first year's programme estimated to cost \$25,603, grant \$10,241.

16 APRIL 1982


J. WALLACE RAMSAY
CHIEF SOIL CONSERVATOR

462

Checketts McKay
Lawyers Central Otago

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file: P 216 Vol 5462

Alexandra Office:
Address 31 Tarbert Street, Alexandra
Post P.O. Box 41, Alexandra, New Zealand
Phone (03) 448 6969
Fax (03) 448 8960
Trust Account BNZ 020916 0007675 00
G.S.T. Number 30-317-955

12 October 1998

KNIGHT FRANK
ALEXANDRA
12 OCT 1998
RECEIVED

Please ask for:
John Williamson

John's direct dial number
is (03) 448 9670

Commissioner of Crown Lands
C/- Knight Frank (NZ) Limited
PO Box 27
ALEXANDRA

COPY
(Action on Pa 215)

Dear

RE: APPLICATION BY RS & J EMMERSON FOR CONSENT TO DISCRETIONARY ACTIONS

Application for rehearing

Russell and Jeanette have instructed us to apply for a rehearing with respect to specific parts of the decision. We enclose the application for rehearing with attached plan.

All rights are applied for on the basis that they do not have a sunset clause.

Please acknowledge receipt of this application by signing and returning the duplicate letter enclosed.

Loss suffered - compensation

As a consequence of the Government becoming involved in the Emmersons' good husbandry and farm management decisions with the consequential delay in receiving all necessary approvals, the Emmersons have had to carry out a major rearrangement of their farm management involving substantial stock relocation with its consequential costs and losses.

The Emmersons have not fully costed out the consequences but roughly estimate the cost to them to be in excess of \$20,000.

The Emmersons point out that the prescriptive nature and involvement of the Government in the Emmersons' good husbandry and farm management decisions is an anachronism and is out of date, simply gets in the way of their effective farm management, carries a high transaction cost in both money and time, is counter productive and totally unnecessary.

Additional consents

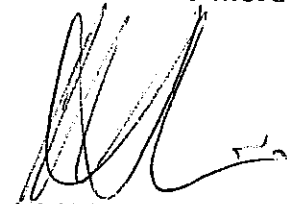
The Emmersons have learnt from the process of the passing of Part 1 of the Crown Pastoral Land Act, that existing permitted farm management activities can in the future require Government approval. To better secure their position, the Emmersons seek

-2-

written consent to carry out the following activities, which we conclude do not come within the category of a Section 16 activity affecting or causing disturbance to the soil:

- (a) **Folia spraying** - Being the spraying of nutrients directly to vegetation
- (a) **Chemical topping** - The suppressing of grasses to promote legume growth to achieve higher nutrient inputs.

Yours faithfully
CHECKETTS McKAY



J A Williamson
Partner

ML12/10/1998-1

Copy to:



Mr and Mrs RS & J Emmerson
Forest Range Station
Private Bag
TARRAS

To: Commissioner of Crown Lands
C/- Knight Frank
41-43 Tarbert Street
Alexandra

From: Russell Stewart Emmerson and Jeanette Emmerson
C/- Checketts McKay
Contact Person: John Williamson
31 Tarbert Street (PO Box 41)
Alexandra
Ph: 448 6969
Fax: 448 8960

Application for Rehearing of Discretionary Activities Application
Under Section 17 Land Act 1948

Checketts McKay
Lawyers
Central Otago

Introduction and Background

- 1.1 Russell Stewart Emmerson and Jeanette Emmerson (the applicants) by fax to Knight Frank on 23 August 1998, applied for consent from the Commissioner of Crown Lands to allow the uninterrupted maintenance of improvements carried out previously to their land over many years of occupancy.
- 1.2 The request by the applicants was treated by the Commissioner of Crown Lands as a request under Section 16 of the Crown Pastoral Land Act 1998 for consent to activities affecting or disturbing the soil.
- 1.3 Knight Frank advised the applicants by letter dated 21 September 1998 that:
 - (a) the Commissioner approved the following:
 - (1) Topdressing of existing topdressed areas identified on the attached map.
 - (2) Sowing with pasture seeds of the existing oversown areas identified on the attached map.
 - (3) Maintenance of existing tracks identified on the attached map.
 - (4) Maintenance of existing cultivated paddocks by periodic re-cultivation and maintenance of border dyking identified on the attached map.
 - (5) Maintenance of existing airstrips identified on the attached map; and
 - (b) the Commissioner was not able to consent to the application to top dress and sow seed on Blocks 11 and 12 due to insufficient information on the matter of potential skink habitat in these blocks and requested permission for an inspection team of Mr K R Taylor of the Knight Frank Alexandra office and a DOC lizard specialist to inspect Blocks 11 and 12 in the East Camp catchment.

2. Application for rehearing

- 2.1 The applicants accept the Commissioner's approvals referred to in item 1.3(a) of this application.

2.2 However the applicants seek a rehearing of the Commissioner's decision with respect to the following matters:

- (a) the decision not to consent to the application to top dress and sow seed on Blocks 11 and 12 due to insufficient information on the potential skink habitat; and
- (b) the list of approvals granted do not sufficiently cover all soil disturbance activities which the applicants identify as being necessary for maintaining their assets; and
- (c) the existing tracks, existing cultivated paddocks and existing air strips identified on the map attached to the approvals do not cover all existing areas.

3. Blocks 11 and 12 East Camp catchment

- 3.1 The Commissioner has recorded that he is not able to consent to the application to top dress and sow seed on these blocks "*due to insufficient information on the matter of potential skink habitat in these blocks*".
- 3.2 The Commissioner has requested permission for an inspection team to carry out a physical inspection of the site.
- 3.3 The applicants note the Commissioner's comments that he "*wishes to be helpful in this matter, but must weigh up the often competing matters referred to in Section 18(2), (a) and (b) of the Crown Pastoral Land Act*" and that he has assured the applicants that their application with respect to Blocks 11 and 12 will be reviewed on receipt of the report and further submission.
- 3.4 The applicants do not consent to the physical inspection. They request that the Commissioner reconsiders this matter and grants approval to maintain only the previous top dressed and oversown areas on Blocks 11 and 12 for the following reasons:
 - (a) The applicants understand that the Commissioner's belief that there is a possibility of presence of skinks is on the basis that skinks have been located in the southern end of Allan Kane's neighbouring property. The

applicants point out that this area of Allan Kane's property has been over sown and top dressed for over 20 years.

- (b) The applicants don't consider that over sowing and top dressing has or will have any detrimental affect on any possible skink population.
- (c) The area of Blocks 11 and 12 with respect to which the application now applies to (refer to the following item 3.5) is modified and developed country. In this regard the applicants point out that:
 - (i) The skink population if present is living in an already developed environment where top dressing and over sowing is present; and
 - (ii) The political policy statements from both the Chairman of the Primary Production Select Committee when processing the Crown Pastoral Land Bill and the Commissioner of Crown Lands at public meetings held giving information on the Crown Pastoral Land Bill and Act, have both stated in response to farmer concern expressed about the new provision requiring consent to top dressing and over sowing, that applications for consent for maintenance of previous developed areas would be processed routinely without the need for DOC inspections and simply with no expectation of any refusals and that the reference to them in Section 16 was intended to be a reference to new areas to be top dressed and over sown.

This attitude is reinforced by the maintenance provisions of Sections 16(3)(b) and (c) stating that a previous consent given to sow or top dress any land includes a consent to undertake ongoing maintenance (acknowledging that for reasons unknown to the applicants, subsection (5) of Section 16 introduces a twist to the continuity of maintenance provision so that it only applies when the original consent is given under the Crown Pastoral Land Act).

The applicants consider that they have a legitimate expectation of approval for top dressing and over sowing those parts of Blocks 11 and 12 which have previously been top dressed and over sown.

- 3.5 The applicants amend their application to cover the maintenance of the top dressing and oversowing on the pastoral areas of Blocks 11 and 12.

The areas which are not part of the application have not had historic top dressing and over sowing and would not justify this development. Although parts are grazed and parts are used for stock passage and therefore are an important part of the farming operation, they are excluded from the application as they would not be suitable for top dressing and over sowing.

- 3.6 The applicants are not agreeable to their application to maintain the developed area of Blocks 11 and 12 being turned into some major complicated site inspection and consideration when the merits of the application and legitimate expectation of the applicants justify its treatment in a simple and routine fashion.

- 3.7 In conclusion, the application for the area of Blocks 11 and 12 should be approved because:

- (a) There is no evidence that top dressing or over sowing would affect any skink population, if indeed any exist.
- (b) The area already has a history of top dressing and over sowing.
- (c) The application should have been processed routinely, quickly and simply without problems.
- (d) The applicants have a legitimate expectation that the approval be granted.

4. Further approvals

- 4.1 It is acknowledged that the original application did not specify each land activity for which consent was required. The reason for the broad wording was to ensure that all necessary approvals were granted to allow the applicants to

protect their investment, maintain the improved land and to provide the applicants with sufficient security and consequential confidence to justify spending ongoing money in maintaining and developing the land.

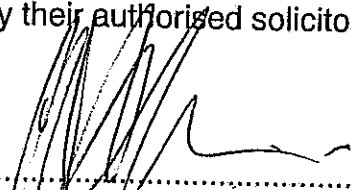
- 4.2 The applicants understand that the Commissioner's approval must be specific in terms of the activities consented to.
- 4.3 The following additional soil disturbance related approvals are also needed:
- (a) **Aerial spraying for weed and scrub control** - The applicants carry out aerial spraying for weed and scrub control. A consent is therefore required. The applicants apply for consent for aerial spraying for weeds and scrub over all of the improved country.
 - (b) **Reinstatement of unused tracks** - There are some unused tracks which the applicants wish to reinstate back to vegetated pasture. This would involve earthworks, seeding and top dressing.
 - (c) **Existing water races** - The applicants require the following:
 - (i) The right to reinstate/upgrade and maintain existing unused water races.
 - (ii) The right to maintain existing utilised water races.
 - (iii) The right to restore to pasturage unused water races.
 - (d) **Root raking for weed and scrub control** - Root raking has been historically successful for weed and scrub control. The applicants require the right to carry out in the future root raking for this purpose over the developed country including the right to carry out after the root raking, restoration back to pasturage.
 - (e) **Willow tree removal** - Willow tree removal is a routine activity carried out on the property. The applicants require the right to carry out willow tree removal including associated spraying and digger activity.
 - (f) **Top dressing Breast Hill above approved contour** - The existing right to top dress Breast Hill does not cover all the developed land. The

applicants require the right to top dress the balance developed blocks of Breast Hill being all the rest of the area excluding Mt Puketika. This right is required to address nutrient replenishment as the need arises.

- (g) **Ripping to destroy rabbit warrens** - Historically, a successful programme of ripping was undertaken on the property to remove rabbit warrens and to get the rabbits on to the surface for rabbit control. The applicants want the continued right to carry out this practice. The applicants have identified on the attached plan the historic area within which this ripping of rabbit warrens has occurred and with respect to which the applicants want the continued right to carry out this practice. Note that the ripping within this area would be specifically site targeted to any future rabbit warrens and that the area would then be over sown and top dressed as part of the property maintenance programme.
- (h) **Poison line ploughing** - A historic practice on the property, associated with pest control, has been the ploughing of a single line to attract pests to bait. The applicants require the right to continue this practice. It being intended that it may take place anywhere on the property.
- (i) **Amenity tree planting** - The applicants require the right to maintain existing shelter belts and amenity areas of trees with replanting.
- (j) **Additional existing areas of cultivation** - The plan attached shows additional areas where cultivation of paddocks has taken place. These additional areas should be incorporated into the approval for maintenance of existing cultivated paddocks.
- (k) **Additional existing tracks** - The plan attached shows additional existing tracks not referred to in the plan which accompanied the approval. These additional tracks need to be added to the approval to maintain existing tracks.
- (l) **Additional existing air strips** - The plan attached shows additional existing air strips not referred to in the plan which accompanied the

approval. These additional air strips need to be added to the approval to maintain existing tracks.

RS & J Emmerson
by their authorized solicitor



.....
J A Williamson

Dated 12 October 1998

MD199