

Crown Pastoral Land Tenure Review

Lease name: DEEP CREEK

Lease number: PO 036

Public Submissions - Part 1

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

October 09



OTAGO CONSERVATION BOARD

Our ref: SBC-08-34

29 May 2009

Commissioner of Crown Lands
c/- Darroch Valuations
P O Box 215
DUNEDIN 9054



Attention: David Paterson

Dear Sir

SUBMISSION ON TENURE REVIEW OF DEEP CREEK PASTORAL LEASE (Po 36)

The Otago Conservation Board appreciates this opportunity to comment on the Preliminary Proposal for the review of Deep Creek Pastoral Lease and would like to thank the Commissioner of Crown Lands for an extension to the submission deadline and the leaseholder for permission to visit the area.

The Otago Conservation Board (OCB) is appointed by the Minister of Conservation to represent the wider Otago community in advocating for the protection of biodiversity and the conservation of natural and historic resources throughout Otago. The board takes a strong interest in tenure review and makes submissions on all preliminary proposals.

The Deep Creek pastoral lease occupies the spectacular southern corner of the highly visual Grandview Range, a dominant part of the Upper Clutha vista. The vegetation mosaic of matagouri, grassland and kanuka pockets found on these flanks is a classic landscape feature of the region.

Deep Creek was inspected by a board representative on 25 May 2009, but only the lower slopes were visited due to low cloud and recent snows. Regrettably, the board was not able to examine the remote and less developed portion of this pastoral lease, due to the late receipt of the Preliminary Proposal (two days before the submission date), which was also after winter snow and weather had arrived.

We request that in future, submission periods and inspections be restricted to summer and autumn months, in order to permit the proper and thorough examination of pastoral leases undergoing tenure review.

Specific comments on the Preliminary Proposal are as follows:

Land to be restored to full Crown ownership and control

1.1 Proposed Conservation Area CA1 (approx. 150 ha)

The northwest corner of the property, adjacent to the West Coast Gully Conservation Area

(which is valuable giant skink habitat) proposed under the adjoining Sandy Point pastoral lease.

The board fully endorses the proposed creation of this conservation area.

Land to be disposed of by freehold

1.2 Land to be disposed of by freehold (approx. 2550 ha)

The relinquishing of this area to freehold is supported subject to three modifications of the proposal, relating to conservation covenants and public access (see below).

1.2.1 Landscape Covenant - marked CC(Landscape) (no area estimate given)

This area covers the high altitude tussockland leading up to the crest of Grandview Range. It has been described as in degraded to moderate condition.

The board believes that this area should be protected for habitat protection, biodiversity and soil and water purposes, as well as for the proposed landscape purposes.

If a suitable all-embracing conservation covenant guaranteeing protection of all these values can not be negotiated, then it merits designation as a separate conservation area.

1.2.2 Conservation Covenant CC2 (approx. 90 ha)

Located in the far northeastern corner, this land includes important dryland shrublands that are in need of protection.

The board is not confident that a conservation covenant is adequate to protect these plant communities. Unless regular monitoring is undertaken, a covenant here, so far away from the public gaze, will be meaningless. It would be better fenced to exclude grazing, in which case there is no reason for it to be disposed of as freehold land.

The board requests that the Commissioner investigates whether this area would be better managed as a conservation area.

1.2.3 Conservation Covenant CC1 (approx. 20 ha)

Proposed to protect an important shrubland, an extensive kanuka remnant, and a creek containing *Galaxias* sp D. When inspected, this area was found to contain cattle with associated pugging and fouling of the stream and neighbouring bogs. Spraying of the matagouri has extended to within 50 metres of the stream in places.

The board opposes this designation and the freehold proposal for the land.

To date in the Upper Clutha, streams and riparian vegetation associated with *Galaxias* sp D, have been overlooked or merely treated by way of conservation covenants. It appears that not one area of habitat for this fish has been protected in a conservation area.

The board requests that this area be set aside as a full conservation area in recognition of the importance of *Galaxias* habitat, and in recognition of its high botanical values. Neither of these attributes are protected anywhere else in this tenure review proposal.

Because this appears to be especially good *Galaxias* habitat, the total area should also be increased to extend up the narrow north branch of the stream as well.

It is essential to fence this area to exclude stock, in particular cattle. As the area will need to be fenced and excluded from farming operations, there is no reason for it to be included in the freehold land. Logically it should become a conservation area.

1.2.4 Conservation Covenant CC(Fishery) (no area given)

The board endorses this proposal to protect an important trout spawning area.

1.2.5 Proposed easements for public and conservation management access

The board supports all the proposed easements, as they will provide excellent recreation opportunities and make a significant contribution to a network of tracks along the range.

The board is also strongly in favour of a general public access easement (a-b) from the valley floor to the crest of the Grandview Range, that links up with the proposed network of tracks along the crest of the range. The nearest other access track to the crest is the proposed track on the westernmost part of Long Gully, which is about 8 - 9 kilometres away by public road and 2 - 3 kilometres along the range crest. This access is required for public safety if for nothing else, so that people can descend quickly from the range crest when changing weather makes this necessary.

It is also disappointing that, yet again, no provision has been made for public 4WD vehicle access up to the range crest. On Deep Creek, this could be provided using the existing farm road. It is sad that such a dominant and spectacular feature as the Grandview Range is denied to all those other than the fit and healthy.

Discussion of proposed designations and freehold proposal

Overall, the board believes that the Deep Creek pastoral lease tenure review preliminary proposal does not adequately protect areas of biological significance. The proposal to fully protect, by way of a conservation area, just 150 ha out of 2700 ha (or about 5.5%) would not seem to be doing the natural communities justice.

The provision of access arrangements will be of significant benefit to the general public, but a large omission is the provision of vehicle access from the nearest public road up to the range crest (a-b).

It is important to remember that these various easements and covenants are not just with the existing leaseholder, but with whomever the future owners may be several generations down the line. Accordingly, it is essential that any agreements are clear, reasonable, secure, and binding.

For this reason, in addition to the conservation area and covenants proposed, the board would like to see stronger protection of the high-altitude tussock grassland area (marked as CC Landscape) by way of either strong covenant conditions (i.e. exclusion of cattle, restrictions on sheep numbers, maintenance of tussock cover, and monitoring) or retention in full Crown ownership and control as a conservation area.

We would like to see CC1 increased in size and re-designated as a conservation area.

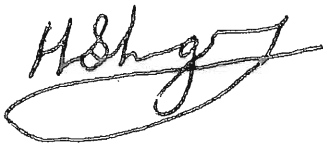
We would like to see CC2 reassessed to ensure that covenant status will be adequate for the protection of biological values.

We would also like to see provision for public access across a-b.

In conclusion, the Otago Conservation Board supports the bulk of the Preliminary Proposal, with the addition of the modifications discussed above, as it will produce some good conservation outcomes, provide improved public access, and preserve a viable farming operation.

We appreciate the opportunity to provide comment on this proposal and we are willing to elaborate on any of the issues we have raised

Yours faithfully

A handwritten signature in black ink, appearing to read 'H. Langsbury', with a large, sweeping flourish underneath.

Hoani Langsbury
Chairperson

**TENURE REVIEW LONG GULLY
UPPER CLUTHA TRACKS TRUST SUBMISSION**

To: David Peyton,
Tenure Review Contract Manager,
Opus International Consultants Ltd.,
Private Bag 1913,
Dunedin.

**NAME:**

Upper Clutha Tracks Trust
C/o John Wellington
272 Ballantyne Rd
RD2
Wanaka 9382

ADDRESS FOR SERVICE/POSTAL ADDRESS:

C/o John Wellington
272 Ballantyne Rd
RD2
Wanaka 9382

**DEEP CREEK TENURE REVIEW PRELIMINARY PROPOSAL**

The property is Pastoral Lease land, being Run 236G.

The Preliminary Proposal provides for:

- 1 An area of **150 hectares (approximately) to be designated as land to be restored to or retained in full Crown ownership and control, as Conservation Area** (shown edged in pink and labeled "CA1" on Plan attached) under Section 35(2)(a)(i) Crown Pastoral Land Act 1998
- 2 An area of **2550 hectares (approximately) to be designated as land to be disposed of by freehold disposal to Bendigo Station Limited**, subject to protective mechanisms and qualified designations (shown edged in green on Plan in Schedule A) under section 35(3), section 36(3)(b), section 36(3)(c) and section 40 (1)(b) Crown Pastoral Land Act 1998..

Protective mechanisms:**Landscape Covenant.**

A conservation covenant under Section 77 Reserves Act 1977 for the purposes of protecting the landscape values of the area shown coloured in yellow wash and marked "CC(Landscape)" on the Plan attached

Conservation Covenant.

A conservation covenant under Section 77 Reserves Act 1977 for the purposes of protecting the natural and landscape values of the area shown coloured in yellow wash and marked "CC2" on the Plan attached.

A second covenant is proposed in over an area of approximately 90 hectares in the north eastern corner of the property in Camp Creek. The land includes important dryland shrublands that are in need of protection.

Conservation Covenant.

A conservation covenant under Section 77 Reserves Act 1977 for the purposes of protecting the natural and landscape values of the area shown coloured in yellow wash and marked "CC1" on the Plan in Schedule A. A third covenant is proposed in over an area of approximately 20 hectares in the Deep Creek catchment. The land includes important shrubland at the head of the creek and the creek itself which contains the native fish *Galaxias* sp D.

Conservation Covenant.

A conservation covenant (shown as a solid yellow line and noted "CC(Fishery)" on plan attached) under Section 40(1)(b) and Section 40(2)(a) Crown Pastoral Land Act 1998 is recommended to protect the fishery values in this area. This conservation covenant is recommended for the protection of the fisheries values in the West Coast Gully Creek, which is considered an important trout spawning area.

Proposed easements for public and conservation management access.

An easement under Section 7 Conservation Act 1987:

(i) to provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles powered by a person or persons, provided however that persons with guns and persons accompanied by dogs are permitted to use the easement area provided they have a hunting permit issued by the Department of Conservation over that part of the land shown marked as "g-b-ce", "b-h" and "c-f" on the Plan attached in Schedule A.

(ii) to provide access for tenants, agents, contractors and invitees of the Minister and any employee or contractor of the Director-General of Conservation on foot, or on or accompanied by horses, or by motor vehicle, with or without machinery and implements of any kind, and with or without guns and dogs, for management purposes over that part of the land marked "a-b-c-e", "g-b-h" and "c-f" on the Plan attached in Schedule A.

The easement will provide for public access through the property to the proposed conservation area. The easement will join onto an existing easement running from State Highway 8A through Sandy Point and potentially joining up with an additional easement through Long Gully.

Provision has also been made for access to the east of the property to join up with tracks through the adjoining freehold land if that can ever be negotiated with the owners.

THE UPPER CLUTHA TRACKS TRUST

The Upper Clutha Tracks Trust's objects are

"to promote, support, fund and advocate for the establishment of:

- 1 a functional interconnected network of tracks for walking, hiking, cycling, mountain biking, horse riding, roller skating, and any similar recreational leisure activities in the Upper Clutha area, whenever such trails will contribute to the social, cultural, environmental or economic wellbeing of residents or visitors to the District.
- 2 the roading network for commuter and recreational road cycling.

The Trust also endorses, and works to achieve the QLDC strategy for Walking and Cycling in the Upper Clutha Basin.

The stated goals of the Strategy are

- 1 Make Walking and cycling an attractive and safe option for getting around the Upper Clutha area

- 2 Promote the opportunities for walking and cycling in Upper Clutha.
- 3 Ensure that the needs of pedestrians and cyclists are always fully taken into account in the Council's land use and transport planning, recreation planning, urban design, engineering and land development process.
- 4 Deliver a consistent approach to walkways in the Upper Clutha by working in partnership with other landowners agencies and interested parties.

The first goal states further the objective

1. To continue to expand the walking and cycling infrastructure network in the Upper Clutha area using this strategy as guidance, but also responding to emerging needs and opportunities.

THE UPPER CLUTHA TRACKS TRUST SUBMISSION:

The Trust regards the creation of the proposed Conservation Area as an important addition to the Conservation Estate in the area, offering important heritage, biodiversity and recreational values.

In line with Trust objectives, the following submission deals only with issues of access to the proposed area.

A. Proposed Easements:


The Preliminary Proposal provides for easements to provide access to the proposed Conservation areas. The easements provide for both public access and management purposes.

The easements proposed will also create links to adjoining properties that will allow for extended tracks to be created when these properties complete the tenure review process at some point in the future. The easements also allow for a track to extend onto adjoining freehold property should access there ever be available.

The Trust notes that on the map that there is an easement "a-b" which is for Department of Conservation management purposes only. The Trust believes that this easement would also provide a useful additional access to the network of tracks that is being created along the tops and between the Conservation Areas. It would also allow a more achievable half day loop walk or ride when combined with the existing track through Sandy Point property or the proposed tracks through the Long Gully property.

It would appear from the map that this easement may pass close to either the farmhouse or other farm buildings. However it should be possible to mark a route for non motorised access that routes the public away from these buildings for this section of the easement.

The Trust supports all the easements proposed and believes that these provide good access to the adjoining land managed by the Department of Conservation on the public's behalf. The Trust would also submit that the easement "a-b" be amended to allow access to the public, with a rerouting in part (for the public only if required) to maintain privacy for farm buildings if required.

Signed: 

Date: 22/4/08

John Wellington
Trustee

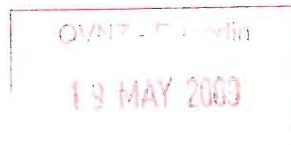


Our Ref: 22015-001
Your Ref: Po213/1

Patron:
His Excellency The Hon
Anand Satyanand, PCNZM
Governor General of New Zealand

15 May 2009

The Manager
 QV Valuations
 PO Box 215
 DUNEDIN



FAXED

Attn.: David Paterson

Dear Mr Paterson

RE: DEEP CREEK PASTORAL LEASE TENURE REVIEW

Thank you for your letter of 16 March 2009 concerning the above.

The NZHPT is a Crown Entity and is New Zealand's lead agency in historic heritage management. Its purpose is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand, as provided for in Section 4(1) of the Historic Places Act 1993. The NZHPT's powers and functions are set out in Section 39 of the Historic Places Act.

NZHPT has developed guidelines based on internationally recognised best practice to assist in the identification and protection of historic heritage values. This includes a specific guideline on the undertaking of archaeological assessments. NZHPT monitors 'one off' opportunities such as this to ensure that the Crown's commitment to the identification, recognition and protection of significant inherent historic heritage values on pastoral lease lands subject to the tenure review process, is adequately dealt with.

NZHPT has the following comments to make with respect to the Deep Creek pastoral Lease proposal:

- NZHPT believes from the very brief 4 line assessment of Historic values in the January 2006 Conservation Resources Report, indicates that very little investigation of historic heritage has been carried out, and certainly there has been no historic or archaeological site investigation for this pastoral lease.
- NZHPT believes that more should have been done in a practical manner to further investigate the historic and archaeological sites that are present on Deep Creek pastoral Lease, and these need to be more thoroughly investigated in order to properly inform this preliminary proposal.
- The presence of the archaeological site record G40/56 (gold tailings) which it is reported dates from 19th century should have been an indicator that further investigation was needed.
- NZHPT reminds the Commissioner that historic heritage and archaeology on pastoral leases is not confined to goldfields evidence and that it also includes


evidence of pastoral history ie. old homesteads and yards, early trig points and fence lines.

It is the NZHPT view that a more thorough field based historic and archaeological assessment should have been undertaken to properly assess and recommend appropriate levels of protection for historic heritage values identified on Deep Creek pastoral Lease. .

The Crown has an obligation to both the lessee and the public to properly inform itself of significant inherent historic heritage values on Deep Creek pastoral Lease, prior to any disposal. Where appropriate it can then seek adequate protection measures as part of the tenure review. In this instance, it appears a more thorough investigation of historic heritage values should have been completed prior to this stage.

Please let me know if you have any queries with respect to the above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Owen Graham', with a long horizontal flourish extending to the right.

Owen Graham
Area Manager (Otago/Southland)

The Commissioner of Crown Lands
C/- QV Valuations,
Dunedin Office,
PO Box 215
DUNEDIN.



**FOREST
& BIRD**



Dunedin Branch

PO Box 5793
Dunedin

11.5.09

Dear Sir,

I enclose these submissions on the preliminary proposal for Deep Creek Pastoral Lease on behalf of the Dunedin Branch of Forest and Bird.

Thankyou for the opportunity to make submissions on this proposal and for arranging permission for us to inspect the lease.

Yours sincerely

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

Janet Ledingham
For the Management Committee of the Dunedin Branch, Forest and Bird Protection Society

Email jledingham@xtra.co.nz
622 Highgate, Maori Hill, Dunedin 9010.
Phone 03 467 2960

Submission on the Preliminary Proposal for Deep Creek Pastoral Lease

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

This submission is written on behalf of the Dunedin Branch of the Forest and Bird Protection Society which has approximately 1000 members, many with strong interests in the High Country values and recreational opportunities as well as in botany and natural history in general. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

The submission is written with reference to the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the recently stated government objectives for the South Island high country, especially the following:-

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

Introduction

The tenure review of Deep Creek and Long Gully leases will provide increased recreational possibilities through the proposed access provisions as well as providing landscape protection for the parts of the leases that are visible from the main tourist routes to Wanaka and the Lindis Pass. The Deep Creek proposal will also result in just one Conservation area and two important Conservation Covenants as well as one Covenant proposed for landscape protection..

The proposal:

1.1 CA1, Conservation Area of 150 hectares (approximately) to be designated as land to be restored to or retained in full Crown ownership and control.

CA1, as stated in the proposal *'takes in the north western corner of the property and the western boundary adjoins the proposed West Coast Gully conservation area proposed under the review of the adjoining Sandy Point Pastoral Lease.*

Camp Creek Rocky Valleys provide for a remote outback feel with a natural rugged character provided by the rocky outcrops and scattered scrub pattern. The area ranks highly against the PNAP criteria for representativeness, naturalness, diversity and rarity. It ranks moderately for buffering, size and long term viability.

There are eight threatened species in this proposal. These include: Oligosoma ottagense (nationally critical), Acaena buehananii, Raoulia parkii (gradual decline), Clematis marata, Coprosma intertexta, Olearia lineata, Raoulia beauverdii, Urtica aspera (sparse) and Colobanthus brevisepalus (data deficient).

Type localities include invertebrate fauna, moths Eurythecta zelaea carabid beetle Metaglymma tibiale. Type habitats include the specialised Otago skink habitat associated with the adjoining Sandy Point and Glenfoyle Pastoral lease properties.'

Thus there are a number of important values, both ecological and landscape, that warrant the designation of a CA over the area.

We fully support the designation of a Conservation area CA1 for this part of the lease and the provisions for public access to it.

1.2 Freehold

An area of 2,550 hectares (approximately) to be designated as land to be disposed of by freehold disposal to Bendigo Station Limited, subject to protective mechanisms and qualified designations under Section 35(3), Section 36(3)(b), Section 36(3)(c) and Section 40(1)(b) Crown Pastoral Land Act 1998.

In the area proposed for freeholding we believe that the land over 1000m should rather become a Conservation Area for its high landscape and recreational values. We noted an area of tussock grassland above the fence on the southern side between about 1000m and 1200m was in a depleted state compared with that below the fence. Given that the land above 1000m is classified as LUC Class VIIe it seems to us that that it is unlikely to be able to be managed in a way that will allow ecological sustainability and that this would apply to the land of similar altitude on the other side of the Lindis Ridge.

We support the freeholding of most of this land apart from that above 1000m, about 500ha in all, which we believe should be fenced off and restored to Crown ownership and control as a CA for the landscape and recreational values and to give the tussock a chance to recover. We would have no objection to an easement for farm management.

Protective mechanisms

1.2.1 Landscape Covenant.

A conservation covenant under Section 77 Reserves Act 1977 for the purposes of protecting the landscape values of the area marked "CC(Landscape)" on the Plan.

It is stated that 'This landscape protection covenant is proposed over an area of 330ha at the top of the Deep Creek catchment. This is designed to protect the natural landscape values in the area'.

We fully support the creation of this landscape covenant but submit that it should apply to the entire southern face of the property which is very prominent when driving along the main tourist route (SH 8) through Tarras on the Lindis Pass road.

We support strongly the creation of this landscape covenant, but submit that it should apply over the entire southern face of the property

1.2.2 CC2, Conservation Covenant.

A conservation covenant under Section 77 Reserves Act 1977 for the purposes of protecting the natural and landscape values of the area marked "CC 2" on the Plan.

We fully support the creation of CC2 to protect the dryland shrublands in the northeast corner of the Deep Creek lease.

1.2.3 Conservation Covenant.

A conservation covenant under Section 77 Reserves Act 1977 for the purposes of protecting the natural and landscape values of the area marked "CC 1" on the Plan.

CC1 is proposed to cover an area of approximately 20 hectares in the Deep Creek catchment. The land includes important shrubland at the head of the creek and the creek itself which contains the native fish *Galaxias sp D*". It is certainly worthy of protection as a CC.

At the time of our property inspection we noted several other areas of shrublands in the gullies of the front face of Deep Creek. One area in particular at a slightly higher altitude (Figure 1) we believe should also be designated as a Conservation Covenant.

We support the creation of CC1, but suggest that at least one other area of shrublands in a gully on the front face of Deep Creek should also be designated as a CC.

1.2.4 Conservation Covenant.

A conservation covenant (shown as a solid yellow line and noted "CC(Fishery)" on plan attached) under Section 40(1)(b) and Section 40(2)(a) Crown Pastoral Land Act 1998 is recommended to protect the fishery values in this area.

We support the creation of this covenant.

1.2.5 Public Access and Minister of Conservation Management Purposes Easement in Gross An easement under Section 7 Conservation Act 1987:

(i) To provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles powered by a person or persons, provided however that persons with guns and persons accompanied by dogs are permitted to use the easement area provided they have a hunting permit issued by the Department of Conservation over that part of the land shown marked as "g-b-c-e", "b-h" and "c-f" on the Plan.

We support these provisions for public access but request that additional foot access to CA1 be available over the track mid-way between points 'b' and 'c' down the zig-zag as a more direct route. If people wish to make a day trip to CA1 approaching from the east along the ridge it would be a faster route.

We support the provisions for public access, but ask for additional foot access over the track mid-way between points 'b' and 'c' down the zig-zag as a more direct route to CA1.

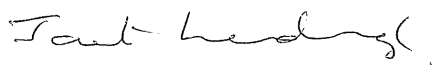
(ii) To provide access for tenants, agents, contractors and invitees of the Minister and any employee or contractor of the Director-General of Conservation on foot, or on or accompanied by horses, or by motor vehicle, with or without machinery and implements of any kind, and with or without guns and dogs, for management purposes over that part of the land marked "a-b-c-e", "g-b-h" and "c-f" on the Plan attached in Schedule A.

We support the above provisions for access.

Proposal 1.3 Marginal Strips

We note that Camp Creek is a qualifying waterway.

We would like to thank QV Valuations, for making arrangements for us to inspect the property, and the runholder for giving us permission.

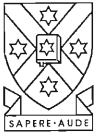


Janet Ledingham,

For the Management Committee of the Dunedin Branch, Royal Forest and Bird Protection Society.



Figure 1. An area of shrubland in the Deep Creek catchment, not protected by covenant, which we suggest should surely be a candidate for such protection.

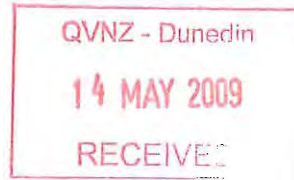


Department of Botany

University of Otago
Te Whare Wananga o Otago

Division of Sciences
PO Box 56, Dunedin
NEW ZEALAND

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



May 13, 2009.

Manager,
c./o QV Valuations,
PO Box 215,
DUNEDIN.

SUBMISSION ON PROPOSED TENURE REVIEW: DEEP CREEK PASTORAL LEASE

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it based on my good knowledge of the general area involved.

This property adjoins the Long Gully Pastoral Lease, upslope, and has the same lessee, and in several ways is complementary in many of its natural vegetation and landscape features. The overall thrust of the proposal for this somewhat larger (2700ha) property, to return to full Crown ownership and management control, some 150ha in a single block (CA 1), with the balance of the property (2550ha) to be freeholded subject to some protective mechanisms and qualified designations, is clearly very strongly in favour of the proposed freeholding. Given this strong imbalance, and based on its high ecological/conservation values, I am recommending the 330 ha area of the proposed Conservation Covenant (Landscape) also be returned to full Crown ownership and control, with certain associated easement provisions, as further discussed below.

The proposed Conservation Area (CA1) of 150 ha is located at the more remote north-western corner of the property where it borders the proposed West Coast Gully conservatuuiion area of the Sandy Point Pastoral Lease (which thus would substantially increase its area. Several threatened biota (skinks and several vascular plants) have been recorded in this relativey rugged area. Public access from the property boundary is to be provided by way of an easement (shown on the plan as a c.4km easement: "g-b-c-e") for walking, mountain bike or horse. These proposals are endorsed.

The remaining 2550ha of the property is proposed to be disposed of by way of freehold to Bendigo Station Ltd, subject to certain protective mechanisms and qualified designations. The proposed Landscape Protection Covenant of c.330ha located at the top of the Deep Creek catchment, embraces the south-facing slopes of the central "Lindis" ridgeline. While I support this concept, I strongly recommend that this area becomes a second conservation area (CA2), given its inherent natural values, including impressive landscape features that are clearly visible from the nearby tourist highway (SH 8). Given that this area extends across the full width of the property, an easement to provide for stock management and other farming activities would be necessary and should be located along the most convenient line. In addition, given the important landscape values of the upper slopes of the entire southern aspect face of this property, and its prominence as seen from the State Highway 8, I recommend that the proposed landscape protection covenant conditions be extended to cover this larger area.

Two Conservation Covenants (CC1 and CC2) have been proposed to protect areas of important dryland shrublands. The 20 ha area of CC1 in the upper Deep Creek catchment is also intended to protect the stream and its native Galaxias Sp. D. The conditions of this covenant, including the Minister's discretion on fencing and/or restoration seem appropriate, but should also include appropriate monitoring of the covenant. The 90 ha area of CC2 near the NE corner of the property in Camp Creek, to protect dryland shrublands, is supported, as are the conditions associated with it, but again, periodic monitoring should be provided to record the effects of stock grazing and tracking.

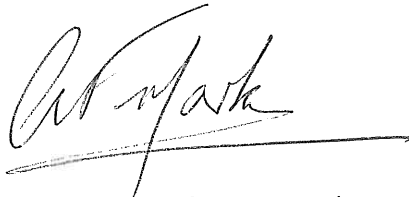
Another Conservation Covenant, CC(Fishery), designed for the protection of fisheries values in the West Coast Gully Creek, apparently an important trout spawning site, is supported.

Provisions, as stated in the proposal, for several easements for public access and conservation management purposes are all supported.

As to Marginal Strips, I understand that the waterway of Camp Creek qualifies for a marginal strip, which is supported.

I trust that this response and recommendations will be given serious consideration and I thank you again for the opportunity to assess and comment on these proposals for tenure review.

Yours sincerely,

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

Alan F. Mark. FRSNZ Professor Emeritus