

Crown Pastoral Land Tenure Review

Lease name : HAPPY VALLEY

Lease number : PO 361

Public Submissions – Part 2

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

These submissions are released under the Official Information Act 1982.

Submission 4

SUBMISSION ON
PRELIMINARY TENURE REVIEW PROPOSAL
HAPPY VALLEY PASTORAL LEASE, BANNOCKBURN



CENTRAL OTAGO-LAKES BRANCH
Royal Forest and Bird Protection Society Inc



February 2014

3 February 2014

Commissioner of Crown Lands
CBRE House, 112 Tuam St
Private Bag 4721
CHRISTCHURCH 8140

Dear Sir

Preliminary Proposal for Tenure Review of Happy Valley Pastoral Lease (Po 361)

This is a submission on behalf of the Central Otago-Lakes branch of the Royal Forest and Bird Society (formerly Upper Clutha branch).

Thank you for forwarding to us this proposal, and we would be pleased if you would accept this submission. We also thank you for your assistance in arranging an inspection of the property, and the lessees Duncan and Rae Henderson for allowing us to do so. We inspected the property on January 6th 2014.

Our branch of the Society seeks to ensure the objectives of the Crown Pastoral Lands Act 1998 (CPLA) are met in pastoral lease tenure reviews. We have been involved in the process of tenure review and the writing of submissions on tenure review proposals for many years now. We have within our membership people who are well qualified to comment on any preliminary proposal: a soil scientist, botanists and ecologists, an archaeological expert, and a landscape architect formerly contracted to the Dept. of Conservation to carry out landscape and natural value assessments on pastoral leases.

In preparing our submission, we have read and studied the Conservation Resources Report and Plans (CRR) for Happy Valley and reviewed Craigroy and Carrick tenure review documents.

We provided the Commissioner with a brief preliminary report dated 20 April 2006 on what we considered to be the values and desirable outcomes for a tenure review of this lease. We are pleased to see that some of our suggestions have been given effect to in this preliminary proposal.

The points we set out then are still most relevant but there have also been significant changes in our understanding of the values of the South Island high country since then, in particular the importance of native shrublands and lower altitude communities and ecosystems generally. Failure to ensure adequate protection of lower altitude land, and a misplaced reliance on district planning to achieve protection are now widely recognised (including by government) as shortcomings in the tenure review process to date. We examine tenure review proposals carefully in the light of these issues.

Our Submission:

Proposal:

1. To retain 1038ha of upper Bannockburn catchment in Crown ownership as Conservation Area designated CA1.

A 15 year grazing concession from the Department of Conservation (DOC) over this area (the "Top Block") is proposed, being continuation of summer grazing from 1 Feb to 30 April

of wethers and/or dry ewes at a rate of .35su/ha (363 su pa). This would not limit public access to and within the area in any way.

Legal public access would be via the adjoining conservation area, from above. Marginal strips laid off along the Bannock Burn would also provide legal access.

This is an existing fully fenced summer grazing block, ranging from 800m to 1473m altitude in altitude, backing on to the current Old Woman Range Conservation Area, and proposed new additional conservation area coming out of the Craigroy Tenure Review.

We fully support this proposal, as there are significant inherent values in landscape and ecology that are best protected by conservation area status; and the land is not suited for any productive use because of altitude and the harsh conditions. Conservation area status will also best provide for unfettered public access and enjoyment of this impressive high country landscape. It will make a very logical addition to the existing and proposed conservation areas, resulting in a more valuable conservation area overall.

We do not support a grazing concession of 15 years and the Special Conditions and Management Prescription do not provide adequate protection in our view (Schedules 2 and 3).

The grazing concession proposal is comparable to that being proposed on neighbouring Craigroy. The Craigroy area is also around 1000ha, and of similar terrain and vegetation cover albeit west facing rather than east facing. The concession is for 5 years only to enable adjustment, and after two years the stocking density falls from 400su pa to 266su pa. After 5 years grazing permanently ceases.

We see no reason why a similar concession cannot be granted to the Hendersons. The land is heavily degraded and modified after decades of grazing with little input and the sooner it can start recovery the better. The concession does not provide for any topdressing of fertiliser, and in any case this is not economic on this class (LUC Class VIIe) at this altitude. Allowing grazing to continue for another 15 years after the land becomes conservation land (note, not on signing of the Substantive Proposal as it is for Craigroy) does not promote management of high country land in a way that is ecologically sustainable.

Regarding the conditions, whilst the goal of the concession is to minimise impacts the special conditions require no adverse impact on indigenous vegetation. Grazing at the level proposed will always have adverse impact – the existing seriously depleted nature of the existing vegetation already demonstrates a long history of adverse impact from overgrazing and inappropriate management practices especially in relation to alpine shrubland regeneration. Further, given the current depleted status of vegetation, if “significant deterioration of the vegetation” is detected then it is already too late to stop adverse effect. Regarding Special Condition 2, there is no planned phase out of the grazing through stepped reductions in numbers, as there is for Craigroy; and there is no provision for grazing to be immediately ceased, to avoid further deterioration.

Photo monitoring alone is a coarse management tool. Proper monitoring involving regular vegetation measurements and observations, particularly relating to signs of recovery, is resource-intensive. Relying on the public for observations and reporting is unacceptable. If proper monitoring cannot be fully resourced by the lessee/concessionaire and the DOC over the full term of the concession then there should be no concession, certainly not for 15 years.

The grazing concession should be limited to 5 years at the same rate proposed initially but with a stepped phase out of grazing. A post-grazing inspection of the block should be carried

out every year by DOC staff (paid for by the concessionaire) with provision for more detailed monitoring to measure grazing impacts where necessary in the DOC's opinion.

Regarding public access, the terrain does not look very accessible along the edges of the Bannock Burn and in our view access to CA1 from below is going to be difficult this way. We consider there should be access to CA1 from below, to enable round trips and better public enjoyment of CA1. A sensible option would be to use the existing 4WD track up the open spur on the true left of the Bannock Burn, via an easement for foot traffic only. Access to the bottom of this track would be via the proposed CC1 area within which there is public wander at will proposed. An alternative would be the 4WD track up the true right of Duffers Gully, which may be preferable in that it also allows access through the CC2 area enabling its enjoyment by the public, and as the shrubland matures there is likely to be less and less stock in this area.

Submission:

1. We support the creation of CA1 in total. We do not support a 15 year grazing concession starting when the land becomes conservation area, or the proposed terms. We would support a 5 year grazing concession with stepped phasing out, provision for immediate cessation if required, and stronger measurable objective monitoring conditions with prescribed thresholds and corrective measures.

Freehold Areas

Proposal:

2. Conservation Covenant Area CC1

A 70ha area in the lower Duffers Gully area encompassing the gold mining heritage elements. Sheep grazing is permitted to continue indefinitely but "at a rate that does not compromise the values". Grazing of no more than 50 cattle beasts plus calves at foot is permitted for as long as the Hendersons personally occupy and actively manage the property, thereafter cattle grazing ceases.

The public are provided with access to the area and freedom to wander at will (foot only) through the covenant area. Access to the covenant area is proposed up and down the existing 4WD track up Tucker Gully.

This covenant is supported in principle and the provision for public access is applauded.

A Historic Reserve status with sheep grazing concession would provide much more enduring and robust legal protection, for what we consider to be an important extensive array of heritage features with a relatively high degree of intactness. This site also has great potential in our view for interpretation with its history yet to be brought to light especially the residency indicated by the hut ruins. We note that reserve status is proposed for Whites Reef on Obelisk station in review concurrently, with a grazing concession for sheep. In our view the two areas are comparable enough in terms of actual and potential value, for his area to warrant reserve status.

It is noted that prior to the tenure review inspection by DOC staff, there had been no archaeological survey and the heritage was almost completely unrecorded and unassessed. To date there has been no systematic survey and record of the extensive array of various remains and artefacts nor any provision for their active management to protect their heritage values. In our view it is very important that this is done before the area is opened to

the public, as artefacts tend to disappear once there is public access and any restrictions on public access need to first be defined, such as fencing off or stabilising a sensitive element. There should be no impediment to such work being undertaken. Any owner of the freehold land should not unreasonably withhold access for this work to be done.

The information generated by this survey would inform active heritage management (structure stabilisation; woody weed control; structure drainage; stock fencing) and would provide the material for interpretation panels to enrich the visitor experience. Furthermore there should be no impediment to any ongoing restorative and protection work being undertaken. Special Condition 6 should make this clear especially in relation to heritage related combined DOC-community partnerships. A recent local example is the joint partnership of Otago Goldfield Heritage Trust and DOC for the restoration of the Come In Time Stamper Battery.

We accept the condition allowing sheep and, for a short time further, 50 cattle plus calves to continue grazing although it would be preferable if cattle were excluded. There did not appear to be much damage by cattle apart from breakdown of some stone walling however a full inspection was not made. The presence of shrubs does protect structures from cattle and sheep and removal of shrubs overgrowing structures should be carried out with caution, as the structure might be better protected with the shrubs as long as stock are present. However we agree that over time woody growth can be to the detriment of the structural integrity of the heritage structure (root under mining; wall displacement; disruption to drainage). Fence enclosures can be used to prevent stock damage, especially cattle related, but this can visually detract from historic and cultural appreciation.

Monitoring for damage by stock (and people) should include visual inspection as well as photo points.

Consideration should be given to moving cows out during mating season as bulls and people do not mix very well.

It is noted that tailings exist downstream of the Bannock Burn confluence and that these are not included within the proposed CC1 or noted in the Conservation Resources Report or in the Schedule 3. We submit that they should be, ie CC1 crosses over the confluence.

We do not support Special Condition 4 permitting chemical spraying, especially of the type we observed on the property. The presence of blanket sprayed dead shrubland vegetation does not protect the existing values (including pastoral in our observation) and significantly detracts from the amenity of the heritage setting as well as wider landscape values.

The native shrub species have important ecological value as insect, lizard and bird habitat including passerine habitat supporting falcons that are present, and in their own right as part of a Chronically to Acutely Threatened Land Environment.

Several shrubs of *Coprosma intertexta* including young ones was observed within CC1 close to the western fenceline, near the Bannock Burn confluence. This species was not recorded in the conservation resources report. *Coprosma intertexta* is a Declining species and deserves full protection. There may well be other occurrences of threatened and at risk species present that the brief DOC survey did not pick up.

This land was once covered in woody vegetation, and is reverting naturally back to a diverse woody cover with increasing ecological values. Where shrubland is blanket sprayed biodiversity values drop markedly.

It is also observed consistently, especially on this semi-arid property, that where there are shrubs there is green grass and herb growth, often lush and dense, benefiting from the shade, better moisture levels and leaf and fruit litter. Matagouri is a nitrogen fixer as well. Areas bare of woody cover are exposed to harsh drying winds and sun, have low sparse cover with comparatively little grass and exhibit erosion. Thus maintaining a mosaic of woody cover provides better pasture and prevents erosion. Shrub cover provides shade for stock and shelter from bad weather and snow.

There is no protection of indigenous shrublands from clearance under the district plan (on land freeholded from pastoral lease). Thus by not providing for protection of native shrublands through tenure review and by default in this case permitting their complete removal, this proposal is not promoting ecologically sustainable management at a basic level (ie, maintaining vegetation mass, good cover and conserving the soil resource).

The landscape values of mosaic vegetation reflecting natural landform patterns are also higher.

It is accepted some clearance of matagouri, sweet brier and other exotic species maintains open pastoral values as well as maintaining public physical and visual access to the heritage resource, and is necessary in places to protect the heritage elements and the overall integrity of the heritage assemblage.

We submit however that there should be a balance between removal and retention of native woody cover so that a robust framework remains. Around 20-30% of the land should remain in interconnected patches (such as the dense patches around rock bluffs) and corridors of native shrubland, focused on the riparian areas especially.

Any removal of woody plants should be in accordance with a carefully prepared management plan, from heritage protection, public amenity and ecological perspectives as well as on going pastoral use. We submit that no native shrubs apart from matagouri should be permitted to be sprayed or removed and only patches of even aged young matagouri encouraged by fertiliser application should be able to be removed. This is to protect older established matagouri and naturally regenerating matagouri and mixed grey shrublands. We suggest a prescriptive threshold for removal of matagouri being no shrubs taller than 2m or with a trunk diameter of more than 80mm shall be removed, or any matagouri within 5m of other native species. These parameters need to be confirmed by expert ecological advice. Any matagouri spraying should be selective, leaving a mosaic of open pasture and 20-30% shrubland cover. Any plans for removal of native shrubland should require prior approval from the DOC based on a field inspection.

Thus the conditions for CC1 should provide for only limited spraying of exotic woody species and selected matagouri, in accordance with a prescriptive management plan. Blanket spraying is not to be permitted.

Regarding access to CC1, we support the proposal for public foot access up Tuckers Gully. In our view mountain biking should also be permitted, and there should be a loop trip made possible using the other 4WD track running between Round Hill and Hill 818. Hill 818 also provides great vantage points to overview the heritage area and wider Old Woman Range landscape and is easily accessed via a 4WD track. Symes Road does not provide the same quality of overview as these viewpoints. We submit there should be access to at least the first 500-600m of this hill to the first good vantage point (see attached map). This is more

consistent with ensuring the securing of public access to and enjoyment of reviewable land as per part 24 (c)(i) of the CPLA.

Mountain biking is growing recreational activity across a wide age profile of the wider community. Mountain biking circuits are limited in the Cromwell basin and this would provide a very interesting and easily accessible addition with its combined landscape and heritage features.

More easily accessible lower altitude recreational areas are important when winter snow and short days limit the use of the tops; and they also provide a different recreational experience. It is important the opportunities through tenure review for quality recreational experiences of this type are fully recognised and provided for.

As discussed in the previous section there should also be foot access between CC1 and CA1 via the farm track on the true left of the Bannock Burn in lieu of difficult access up the marginal strip (see attached map). This would allow for a great round trip via the range summit, Carrick water race and Nevis Road.

A period of 70 days seems excessive for closure for lambing, considering the spring is a good time of year for visiting lower altitude areas. In our experience ewes and lambs more than 3 or 4 weeks old get used to people passing through, even merinos.

Submission:

2. That Historic Reserve status be given to the area instead, with a grazing concession for sheep only.

However, if by covenant, that the Special Conditions and Schedule 3 provide for unimpeded survey and recording, analysis, assessment and active heritage management of the gold workings complex. That community heritage partnerships are permitted as an option for active heritage management.

That regular visual survey for cattle damage be carried out for the remaining time cattle are present and existing shrub cover to be considered as a short term protective mechanism subject to maintaining the existing structural heritage integrity.

That the full extent of interconnected heritage features be included in CC1.

That chemical spraying or any other form of clearance shall only occur as part of a shrubland management plan, shall not include any native shrubs except matagouri as specified, and shall not include any blanket spraying. We have provided a prescription for the threshold for removing matagouri but expert ecological advice is needed to define this threshold.

That a loop trip access be provided for foot and mountain bike.

That there be foot access between CC1 and CA1 along the existing 4WD track either to the west of the Bannock Burn or through CC2 and up the true right of Duffers Gully (see below).

That closure for lambing be only from 1 October to 21 November.

That there be no bulls in the CC1 area.

Proposal:

3. Conservation Covenant CC2

This is an area of about 80ha on secondary ridge and gully systems above lower Duffers Gully and including a portion of the middle part of Duffers Gully. The purpose is to protect the diverse grey shrublands which are relatively dense over this area and galaxiid habitat, which is inaccessible to salmonids. Only sheep are permitted to graze this area (which is part of 3 separate grazing blocks), at a rate or density that will not adversely affect the

vegetation. This is a “paper” covenant area in that it is not to be fenced off from surrounding land. Effectively the stocking rates set are those for the entire 3 blocks the covenant is part of.

The proposal for protecting the shrublands and galaxiid habitat is supported. It would be preferable to have no stock grazing as this will impede regeneration to greater or lesser degrees. We accept that light stocking (sheep only) may allow a certain level of regeneration to occur. It is acknowledged that the shrubland is regenerating although a portion of it is fertiliser-induced matagouri. We support the condition that the stocking rate is set by the Minister (Special Condition 1).

Notwithstanding our submission on the unencumbered freehold land (see below) we consider the boundaries chosen for CC2 are not natural nor practical. They should follow natural lines such as gullies and ridges or run between obvious natural features so the resultant patterns have coherence and legibility in the landscape, and so that the boundaries can be readily established on the ground (given the boundaries are not going to be marked in any way to aid land management).

We proposed revised boundaries in the attached plan.

It may well be that the boundaries will have to be fenced, as the covenant affects 3 grazing blocks. The levels set – which will need to be light – are effectively set for the entire block.

The conditions for monitoring need to be tightened up to be effective:

Schedule 3 point 1

Monitoring is to occur every 5 years or some other agreed period, which may be more than 5 years. This is not acceptable. Comprehensive monitoring must be at least every 5 years. There must also be an initial comprehensive reference point survey and assessment carried out at the time the covenant is established to provide the base line for future measurements. Point 1 does not explicitly require this.

Whilst it is acceptable that monitoring under the established programme is to be organised by the owner, there needs to be provision for the Minister to organise the monitoring to be carried out at the right time if the owner is not able to do so, or overruns the due date. It is critical that the monitoring is carried out in a consistent, objective and timely manner.

The monitoring provider must be appropriately qualified and familiar with dryland ecology. Unless the owner is so qualified and has the time and means to carry out the monitoring, it is not acceptable that they carry out the work except as an assistant under supervision. We strongly encourage provision for the owner to be involved however, to improve their knowledge and understanding of ecosystem management and help them make better decisions. This also fosters collaboration and sharing of land management responsibility.

Point 3

Photo point monitoring alone is too crude a management tool for a complex ecological system. It alone would not reveal all impacts of grazing. If the stocking rate is to be set at a rate that does not adversely impact on the shrubland community (which also includes herbs grasses and other understorey vegetation) then the monitoring needs to provide detailed information about its complete state. Most importantly information on the extent and nature of regeneration and recruitment needs to be regularly collected, as well as measurements of increase or decrease in biodiversity and changes in community structure. Ground inspections are needed too to assess levels of browse damage and trampling.

The area should be inspected on foot by an experienced ecologist every two years to pick up any obvious deterioration. There needs to be provision for more targeted survey work to be carried out if deterioration is observed, in order to make timely decisions on future stocking.

Further, to achieve the goal of the covenant, progressive improvements in diversity and health as well as no reductions in extent would need to be demonstrated. The covenanted area is mostly a Chronically Threatened environment deserving of protection and nurturing and there may well be threatened and at risk species present, including insects and lizards. If this is not occurring then sheep grazing must be reduced or ceased and the area fenced.

We support Points 2 and 4.

Submission:

3. Adjust the boundaries of the covenant area to be easily determined on the ground and support a high level of visual coherence of the landscape.

The provisions of Schedule 3 need to be adjusted to ensure goals are met and monitoring is effective, consistent, objective and timely.

Proposal:

4. Conservation Covenant CC3

The upper catchment of Duffers Gully, a 270ha grazing block known as the Darkside Block ranging in altitude from around 860m to 1300m with most of it over 1000m, is proposed for freehold with a covenant to protect natural landscape and heritage values. There would be no public access within the area except along the historic Carrick water race.

We do not support the proposal for freehold and a covenant. We submit that the block should be conservation land, with a phase out grazing concession as for CA1 (see earlier section on CA1).

Consistent with many other tenure reviews, land over 1000m altitude particularly colder country facing east to south, is not suitable for pastoral use (being Class VIIe land) and should be managed principally for natural resource conservation area purposes (robust native vegetation and associated native fauna, water and soil resources). This is proposed for CA1 and for the range summit areas on Craigroy adjoining to the west. It is acknowledged by the Minister of Conservation in this proposal (see Schedule 2 for CA1) that grazing of CA1 is not sustainable. There is nothing different about the Darkside Block we could see that would support a divergent approach, in fact it appears a more degraded part of the range crest area (eg, it wasn't part of the Bannock Burn 1/5 RAP) and is thus even more deserving of restorative management.

Severe environmental degradation is already apparent, in the extensive loss of tall tussock and shrublands, proliferation of Spaniards and short tussock, spread of hieracium and opportunistic exotic grasses, and the presence of sheet erosion on Darkside. The proposal to freehold with grazing continuing indefinitely would not promote ecologically sustainable land use as required by the CPLA (part 24 (a)(i)). Fertiliser cannot be economically applied to such areas because of the short growing season and low rate of return per ha. Grazing has and still is effectively mining the land, with a net loss of nutrients, vegetative mass and slow but sure running down of the ecosystem. We note that the proposed conditions specifically exclude topdressing in any case.

Recovery of such areas will take a very long time, and the sooner grazing is removed the better. The return of tall tussock cover is important to prevent soil loss, sustain water yield, and together with diverse shrub cover including *Olearia* spp; *Ozothamnus vauvilliersii*; *Dracophyllum* and *Hebe* to provide good habitat for native fauna. Good tall tussock cover and diverse shrublands also support high landscape and visual values. There remain islands of healthy tall tussock for recruitment to take place. Sheep grazing is during the summer months, when seed ripens and spreads (February). Browsing of seed heads (and seedlings) reduces the regenerative ability. "Sheep are known to strip seed heads of snow tussock as they develop and mature so can significantly reduce seed production. Seedlings over the first several years are so small that grazing by sheep would be negligible but as and when they get ~10 cm tall after several years, they are likely to be preferentially grazed by both sheep and hares" (Alan Mark pers. comm January 2014).

We noted many *Olearia* shrubs as well as *Ozothamnus*; *Dracophyllum* and *Hebe* in the catchment. On-going grazing would inhibit regeneration of shrub communities.

No provision in Part 24 (a) (b) or (c) supports the freeholding of this area and continued grazing. Furthermore, grazing conflicts with part (a) (i) and part (b) (ii) and (c) (i); and it does not satisfy (a) (ii) or (b) (i).

The inclusion of CA1 and the upper Duffers Creek catchment together with the Craigroy uplands would greatly increase the conservation and recreation values of the Old Woman Conservation Area.

The proposal for a walking easement around the Carrick water race is supported and would enable enjoyment of the reviewable land, at least visual enjoyment. We note that there is wander at will provided for in the Carrick tenure review outcome, on all the land above the Carrick water race. This should be provided for on Happy Valley as well. If the land were conservation land however, full legal public access would be enabled.

Submission:

4. That the Darkside Block be retained by the Crown as conservation area as part of CA1, with a 5 year phase out grazing concession, as for CA1.

Proposal:

5. Remaining Freehold

We are concerned there is no protection mechanism being provided for the extensive and often diverse native shrublands outside of CC2, including those in the lower part of RAP Bannockburn 1/5 which have been previously identified as important as part of the full altitudinal sequence of habitat types and vegetation as noted in the CRR and in this proposal. As the Protected Natural Areas programme was only concerned with identifying representative areas rather than the full extent of significant values, other areas of shrubland similar to that of the Bannock Burn valley and spanning the same altitudinal sequence will be of comparable value. We note that the proposal is cognisant of the advice of Walker et al 2003¹ regarding protection and restoration of woody communities yet proposes no protection. This is also contrary to National Priority 1, the protection of remaining indigenous vegetation in Acutely and Chronically Threatened Environments. We observed on our site inspection large areas of indiscriminately blanket sprayed woody cover which included mature matagouri, coprosma and olearia and scramblers such as

¹ The Woody Vegetation of Central Otago, New Zealand: its present and past distribution and future restoration needs, Science for Conservation 226 S Walker et al Dept. of Conservation 2003

Rubus, Muehlenbeckia; and Parsonsia. This vegetation management approach could freely continue once freeholded as there are no district plan controls over vegetation removal in accordance with the exemption clause at 4.7.6KA.

We submit that the shrublands (and their fauna) and associated landscape values of this area are a significant inherent value, and that these values has been underestimated.

The importance of the dry seral woody ecosystems such as these of the eastern South Island high country are among the *"most overlooked and least understood of all New Zealand vegetation types."* (Walker et al 2003). The report goes on to say that less than 2% of this vegetation type is formally protected (this would have increased slightly since 2003 but will still be in the order of 2-5%), and that there is a need to protect remaining areas and take on board broader longer term concepts of successional change and ecosystem restoration, rather than just maintain existing states and protect only current inherent values, and, in our view, small ring fenced areas (such as CC2) as "representative examples" (of vegetation but not of ecosystem) isolated within the wider landscape. The "zoo" approach to indigenous biodiversity conservation is out moded and ineffective. Current approaches focus on landscape-scale ecosystem conservation and enhancement – Walker et al recommended *"Where possible reserve design should envisage and allow for the expansion and eventual restoration of sequences of native woody vegetation from the valley floors to the range tops, and existing remnants should be viewed as foci and seed sources. Small isolated covenants or reserves of trees surrounded by pastoral landwill not allow the unfolding of elevation sequences of successional woodlands and forest over time."* (p77-78).

There is also now a focus on greater collaborative effort by the DOC, scientific community, land owners and community, and integration with other land uses with biodiversity management being mainstreamed into traditional farm/forestry etc management. Landscape scale conservation is *"the only way critical restoration thresholds ensuring long term viability can be achieved"* *"for the long term survival we will need to systematically build their [referring to patches of remnant indigenous vegetation] resilience by buffering and corridor development including riparian planting reconnecting patches and weaving them together to form an interconnected network."* (Prof. Bruce Clarkson, QEII National Trust magazine Oct 2013 p3).

The unencumbered freehold areas with native shrubland cover² are virtually all Chronically Threatened (by far the greatest area), At Risk and Critically Underprotected land environments. Any remaining native cover in these areas should be protected, in accordance with National Priority 1 for Chronically Threatened areas, and their recovery promoted - *"scientific research has shown that the rate of biodiversity loss increases dramatically when native vegetation cover drops below 20 percent of what it was before humans arrived"*³.

The values of native shrublands are considerable as outlined in the section on CC1, and we believe, underestimated in this proposal. The potential for further regeneration and increased biodiversity value with conservative management has also been ignored. There was only limited DOC survey time available and it is likely there are higher values present

² Being the blocks Bottom Darkside, Duffers, Lower Duffers, Duffers Creek, Old Woman and Darkside Roundhill

³ **National Priority 1: To protect indigenous vegetation associated with land environments, (defined by Land Environments of New Zealand at Level IV), that have 20 percent or less remaining in indigenous cover.** Protecting our Places – Introducing the National Priorities for Protecting Rare and Threatened Native Biodiversity on Private Land

than shown by the survey, for example, the presence of *Coprosma intertexta* was missed. The shrublands and their fauna represent an SIV that requires protection under Part 24 (b) of the CPLA.

We submit there should be a balance between removal and retention of native woody cover so that a robust framework of indigenous shrubland remains. Around 20-30% of the land should remain in interconnected patches (such as the dense patches around rock bluffs) and corridors of native shrubland, focused on the riparian areas especially. Where necessary to control grazing, some protective fencing may need to be erected.

There is no restriction on removal of indigenous shrubland under the Central Otago District Plan on land freeholded out of tenure review⁴, as it is assumed by the Plan that all SIVs have been protected already as a tenure review outcome (either by conservation area status, reserve or protective covenant). Protection of the native shrublands must therefore be effected through the tenure review.

Submission:

5. We suggest a prescriptive shrubland management condition (via a covenant) be applied to those remaining parts of the lease proposed for freehold that support native shrubland cover. The exact parameters need to be provided by an experienced ecologist but we suggest the following:

That chemical spraying or any other form of clearance shall only occur as part of a shrubland management plan approved by the Minister of Conservation, shall not include any native shrubs except matagouri meeting prescribed criteria. We have provided a prescription for the threshold for removing matagouri (as per our submission on CC1) but expert ecological advice is needed to confirm this threshold.

Any woody vegetation removal programme shall focus on exotic woody species, and shall ensure a robust, well interconnected and buffered network of native shrubland remains or has the potential to develop over at least 20-30% of each grazing block. Native shrubland shall not be removed within 50m of any gully centre except for occasional gully crossings for stock (maximum 10m wide). Existing dense patches of native shrubland (defined as 70% or more canopy cover) of more than 30m² around rock outcrops shall not be destroyed.

In this case we suggest that establishing repeatable photo points is appropriate as the main tool for monitoring, along with a 5 yearly ground inspection with provision for carrying out more detailed survey and assessment if required (as for CC2). A base line measurement and record of shrub cover would be necessary, as for CC2.

There needs to be provision for the Minister to require changes in pastoral management in response to monitoring outcomes.

Water Race Access

Proposal:

6. Lower parts of the pastoral leases including the water races are proposed as Freehold with no public access.

In our early report we requested public access along the historic water races in the lower Bannock burn to their inlets, to be able to appreciate their engineering and heritage value. This does not appear to have been considered in the proposal.

Submission:

⁴ page4:62 Part 4.7.6KA I (i) operative Central Otago District Plan April 2008

6. that consideration be given to providing public access along the historic water races of the lower Bannockburn to their inlets.

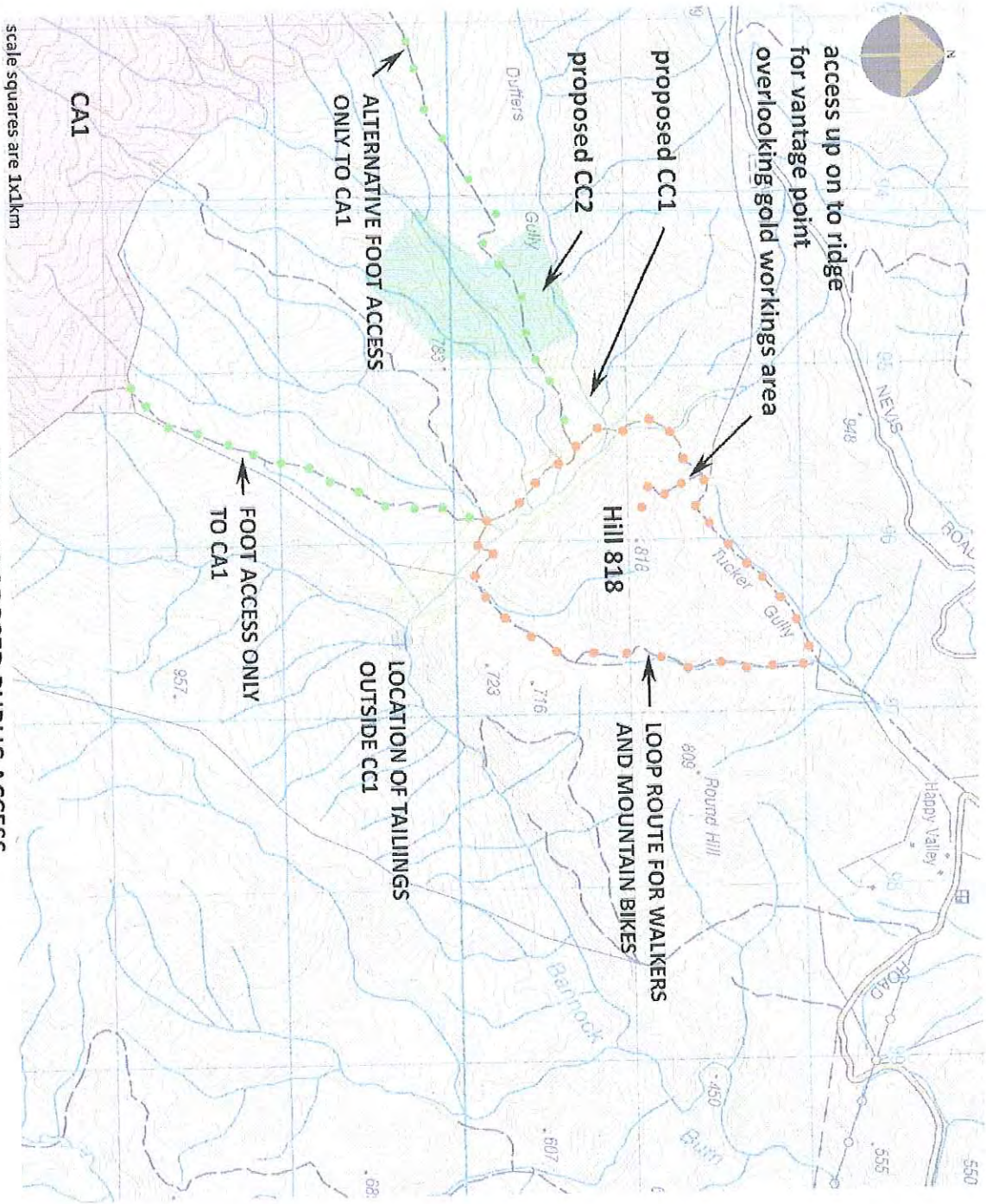
We thank you for the opportunity to submit on this preliminary proposal,

Yours sincerely

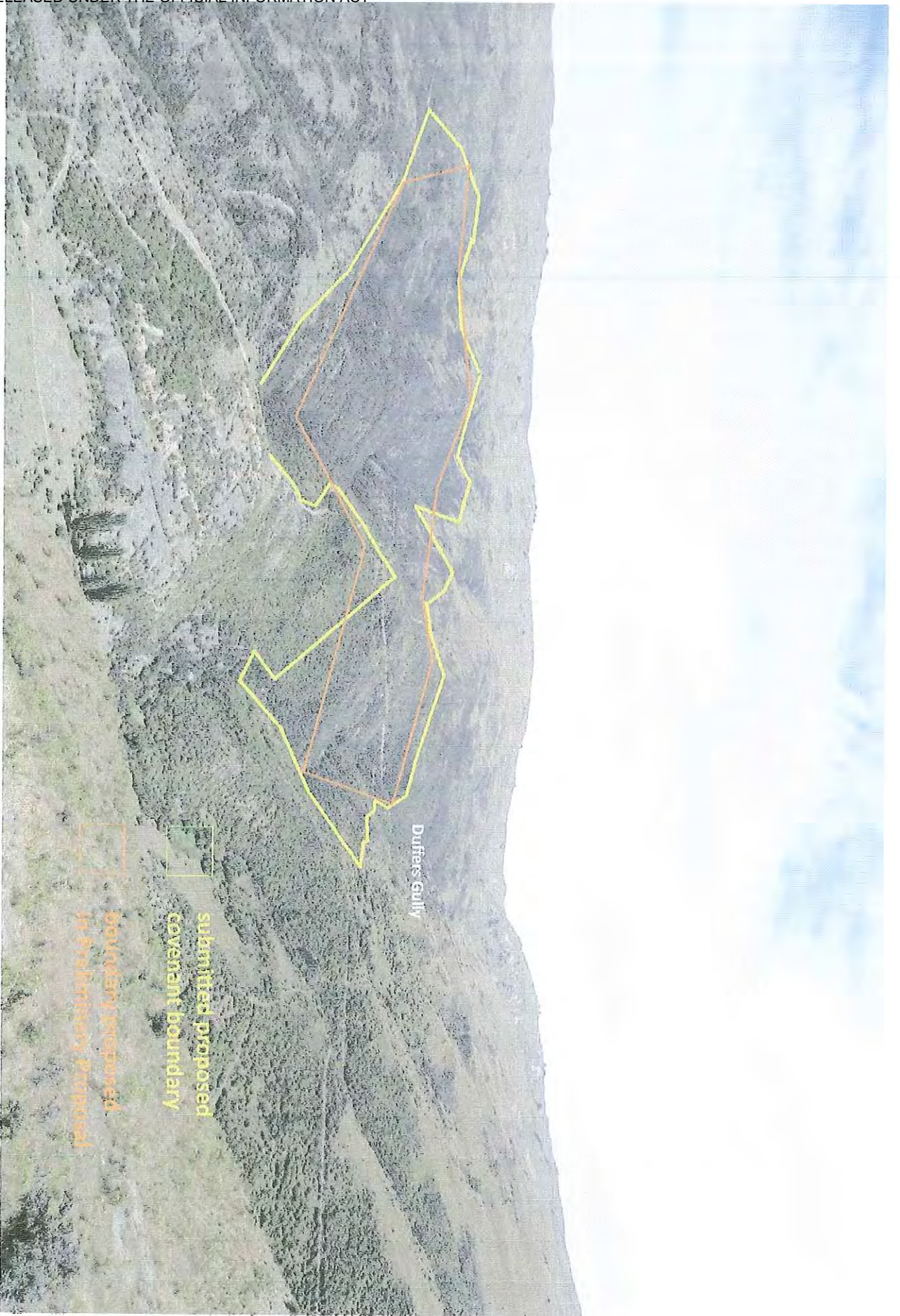
A handwritten signature in blue ink, consisting of a stylized 'D' and 'B' followed by a long horizontal line.

Denise Bruns

for the Central Otago-Lakes branch
Royal Forest and Bird Protection Society



MAP 1- PROPOSED PUBLIC ACCESS
TENURE REVIEW, HAPPY VALLEY PASTORAL LEASE
 submission of Central Otago Lakes Branch Forest and Bird
 February 2014



Duffers Gully

submitted proposed
covenant boundary

boundary proposed
in preliminary proposal

PHOTO 1- BOUNDARY OF PROPOSED CC2

TENURE REVIEW, HAPPY VALLEY PASTORAL LEASE

submission of Central Otago Lakes Branch Forest and Bird

February 2014

Submission 5



Our Ref: 22015-001
Your Ref: PO361

10 February 2014

Commissioner of Crown Lands
LINZ
Crown Property & Investment
CBRE House, 112 Tuam St
Private Bag 4721
CHRISTCHURCH 8140

Dear Sir/Madam

RE: HAPPY VALLEY TENURE REVIEW

Thank you for your letter of 21 November 2013 concerning the above. The NZHPT's Southern Regional Office in Christchurch has forwarded it to the Otago/Southland Area Office for a response.

The New Zealand Historic Places Trust (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 contributed staff resources to tenure review site inspections and assessments previously and understand the significant inherent values approach for tenure review. These reviews offer a 'one off' opportunity to ensure the Crown's commitment to the identification of heritage values located on pastoral lease land and warranting recognition and protection is met.

NZHPT has undertaken a desktop check for the area covered by the Happy Valley Pastoral Lease which included checking the NZHPT Register of Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu Areas, the NZ Archaeological Association database, and a review of information available to the NZHPT's Regional Archaeologist for Otago/Southland. The NZHPT has also visited this property with the lessee and Department of Conservation staff on two occasions and was involved in discussions of the management of the heritage sites. The Regional Archaeologist was also co-author of the Historic Resources report for Happy Valley when he worked for the Department.

The NZHPT supports the direct management of the historic/archaeological values on Happy Valley as proposed in the Tenure Review Preliminary Proposal. Particularly, Schedule 3 *Management Prescription Document for Happy Valley Station – Historic Site Covenant Duffers Gully* of the Conservation Covenant CC1 which provides proactive management of the gold mining heritage sites.

Write to: Otago/Southland Area Office, New Zealand Historic Places Trust, PO Box 5467, DUNEDIN 9058
Visit: 4th Floor, Queens Building, 109 Princes Street, DUNEDIN; **Tel:** 03 477 9871; **Fax:** 03 477 3893
Email: infodeepsouth@historic.org.nz **Web:** www.historic.org.nz

The NZHPT would advise some additions to Schedule 3. These are as follows:

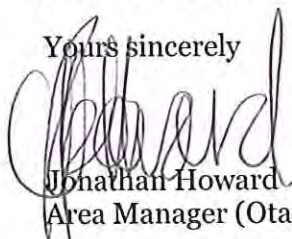
- The NZHPT recommends that the huts sites are fenced off to prevent cattle interacting with the structures. Cattle cause incremental damage to stone structures through walking on or over them, brushing up against them or leaning on them. Upright stone structures are particularly vulnerable with free standing stone chimneys being sensitive to this activity. The NZHPT suggests fencing using warratahs and wire, or similar, as a simple yet effective method of reducing such damage to hut sites and other vertical structures. An example of this fencing is in the enclosed photographs.
- The NZHPT recommends the creation of a timetable for the monitoring of the historic sites added to Schedule 3. For example, the timetable could include establishing photo-points within one month of the Tenure Review proposal being accepted by the Lessee, as well as a schedule for regular monitoring. Another possible timetable item could be monitoring sites annually for the first five years and then every second year until cattle are removed etc.
- The NZHPT recommends that Schedule 3 should also include a timetable to enact solutions to detected site damage. For example, if damage to a hut site was occurring, the site should be temporarily fenced within one month of damage being reported and permanently fenced within six months of the damage being reported.

For the reasons given in point one above, cattle should be ideally excluded from Conservation Covenant CC1. However the NZHPT believes that a reasonable compromise is the running of cattle until the current lessee's management ends, as noted in the proposal.

As historic features are located on the land proposed for disposal to the lessee, it is important to advise that any activity by the owner of the land that may modify, damage or destroy and archaeological site(s), would require an authority (consent) from the NZHPT prior to any works being undertaken. Work affecting archaeological sites is subject to the archaeological authority process under the Historic Places Act 1993.

Please let me know if you have any queries with respect to the above. We would be happy to provide any further information or advice.

Yours sincerely



Jonathan Howard
Area Manager (Otago/Southland)

Submission 6



**OTAGO
BOARD**

**CONSERVATION
BOARD**

Box 5244, Dunedin 9058 Tel: (03) 474 6944 Email: ahooper@doc.govt.nz

Our ref: SBC-08-34

10 February 2014

LINZ – Crown Property and Investment
Private Bag 4721
CHRISTCHURCH 8140 (email to: pastoral&tenurereview@linz.govt.nz)

Dear Sirs

Review under Part 2 Crown Pastoral Land Act: Happy Valley

The Otago Conservation Board appreciates this opportunity to comment on the Preliminary Proposal for the review of the Happy Valley Pastoral Lease.

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

The Board agrees that the land proposed for return to full Crown ownership and control is appropriately allocated. The allocation appears to recognise the principles espoused in the Crown Pastoral Land Act 1998, which provides for full Crown ownership and control as the preferred method of protecting significant inherent values when land cannot be farmed in an ecologically sustainable manner and for land that is capable of economic use without compromising ecological sustainability to be freeholded.

The proposed conservation area (CA1) will provide protection for several important plant species and ecosystems, as well as protecting important landscape values and supporting recreational use. Given the high altitude and low soil fertility, this area is unlikely to be capable of being farmed in a way that is both economically viable and ecologically sustainable.

The Board notes with some concern the proposal for the area marked as CC3 to be part of the freehold allocation, subject to a conservation covenant. The majority of this area is subject to the same considerations as CA1. It is mostly above 1000m, and the values intended to be protected are similar to those in CA1. The Board again states that the Act has an explicit preference for full

Crown ownership and control as the preferred protection method, and therefore recommends that this area, or a substantial part of it, be added to area CA1.

The other two proposed covenant areas, CC1 and CC2, appear to be appropriate, and the Board supports these.

The Board supports the proposed public access easement (a-b), providing access to area CC1. The proposed public access easement (c-d), providing access along the water race, is in area CC3, and therefore the Board's preference is for it to be included in area CA1. However, if it remains in the freehold, then the Board supports the use of the easement, which has the potential to be a reasonably popular route.

In conclusion, the Otago Conservation Board generally supports the proposed return of land to full Crown ownership for the Happy Valley pastoral lease, but the Board has concerns about the proposal for the CC3 area and for the public access easement (c-d) for which it has recommended alternative approaches. The Board urges the Commissioner to give consideration to its concerns and the alternative solutions put forward, as part of the submissions process.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G Bailey', with a stylized flourish at the end.

Gordon Bailey
Chairperson

Submission 7

11 February 2014

Commissioner of Crown Lands
Land Information New Zealand
Crown Property and Investment
Private Bag 4721
CHRISTCHURCH 8140

Preliminary Proposal for Tenure Review of Happy Valley Pastoral Lease, Po361. Submission from the New Zealand Walking Access Commission

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of the Happy Valley pastoral lease (PL). As you will appreciate, this is the first opportunity that the New Zealand Walking Access Commission (the Commission) has had to comment on this proposal.

The following submission should be considered as new information as, to-date, the tenure review planning, extensive discussion and consultation have been undertaken without input from the Commission – the statutory body established in 2008 to lead and support public access negotiations.

The Commission's public access statutory role is described below, under section **A. Introduction**, and the detailed submission is presented in section **B. Submission**.

In summary, the Commission seeks

- To ensure that practical enduring access is provided from the vehicle track at the southern end of easement shown V on SO 458706 to the proposed easement 'a-b', by confirming it is already provided for, or by establishing a new section of track to be included within the proposed easement within the land under review or, if necessary, creating an additional easement over section 3 SO 458706
- To have horse and non-motorised vehicle public access, in addition to the proposed foot access, over the full length of easement 'a-b'
- To ensure that the marginal strips, established on disposition of the land under review, are increased in width to greater than 20m to enable practical public access, in those places where a lesser width would make public horse and non-motorised vehicle access difficult.
- To ensure that public access on horse and non-motorised vehicles is provided for within covenant CC1 or, alternatively, seeks to have public access for foot, horse and non-motorised vehicle provide for over the tracks T1 or T2 (as shown on Map 4) to the conservation area CA1.
- To have public access on foot, horse and non-motorised vehicle provide for within easement 'b-c'.
- To have public access, in the nature of a gazetted walkway, for foot, horse and non-motorised vehicle provided for along the valley west of Round Hill (identified by the route 'Y-Z' on Map 4).

A. Introduction

Purpose, Objective and Functions of the NZ Walking Access Commission

The Walking Access Act 2008 (WA Act) (sections 3, 9 and 10) sets out the purpose, objective and functions of the NZ Walking Access Commission.

Central to its role is the Commission's leadership functions in negotiation and provision of free, certain, enduring and practical access to the outdoors for New Zealanders and visitors.

Focus of Submission is Public Access

The Commission's submission on the Preliminary Proposal for Happy Valley is designed, as envisaged by the WA Act, to achieve free, certain, enduring and future-focused public access in this area of New Zealand.

The Commission's submission reinforces the objectives of the Crown Pastoral Land Act 1998 (CPL Act), in particular section 24(c) which is to make easier the securing of public access to and enjoyment of reviewable land. Specifically, our submission addresses the public access and public enjoyment matters provided for in the protection mechanism subsections (2) (c) and (d) of section 40 of the CPL Act.

The Commission was not consulted during the preparation of this preliminary proposal, nor has it had the opportunity to undertake a ground inspection.

Therefore, this submission should be considered as new information provided by the Crown agency with statutory responsibility¹ for leading and supporting the negotiation, establishment, maintenance, and improvement of –

- walking access (including walkways, which are one form of walking access) over public and private land; and
- types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, and motor vehicles.

B. Submission

As noted in the summary of Preliminary Proposal for Happy Valley (p3), "the area's highly natural setting, feeling of relative remoteness and alpine setting generates a number of recreational values. The alpine section is considered to have the same potential for activities currently carried out within the adjoining Old Woman Range Conservation Area. These include tramping, hunting, horse trekking, mountain biking, botanising and cross country skiing. The wider area also has historic values which add to the recreational opportunities in the general vicinity of CA1."

The historic values include artefacts, structures and a range of other sites associated with the gold mining era occurring in lower Duffers Creek, as noted on page 5 of the Summary of Preliminary Proposal.

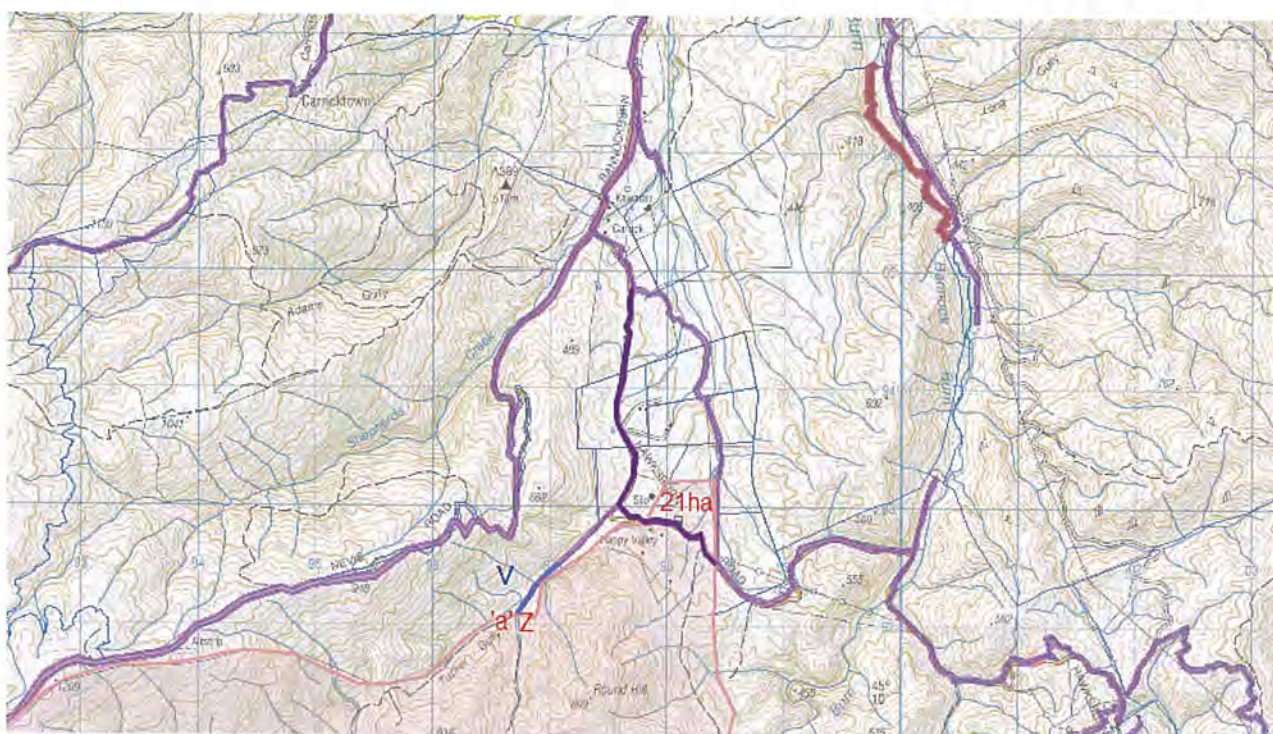
¹ Section 3(b) Walking Access Act 2008

Existing public access

Hawksburn Road (formed), separates the small northern-most parcel (approximately 21ha) from the main pastoral lease area. It is noted that this legal road is a separate parcel and is not included in the pastoral lease although the designation plan indicates this road is within the lease to be freeholded.

An unformed legal road (ULR) adjoins the eastern boundary of this northern-most parcel and re-joins Hawksburn Road just south of Carrick (see Map 1 below).

South-westwards, from the corner of Hawksburn Road, a legal road, which is formed to good farm track standard, extends approximately 600m to a public access easement (shown as area V on SO 458706). This easement, shown blue, provides public access over the farm track from the legal road to the boundary of Happy Valley Pastoral Lease, identified by point 'Z' on Map 1 below.



Map 1- Existing legal roads (purple) and public access easement (blue) [snip from wams.org.nz]

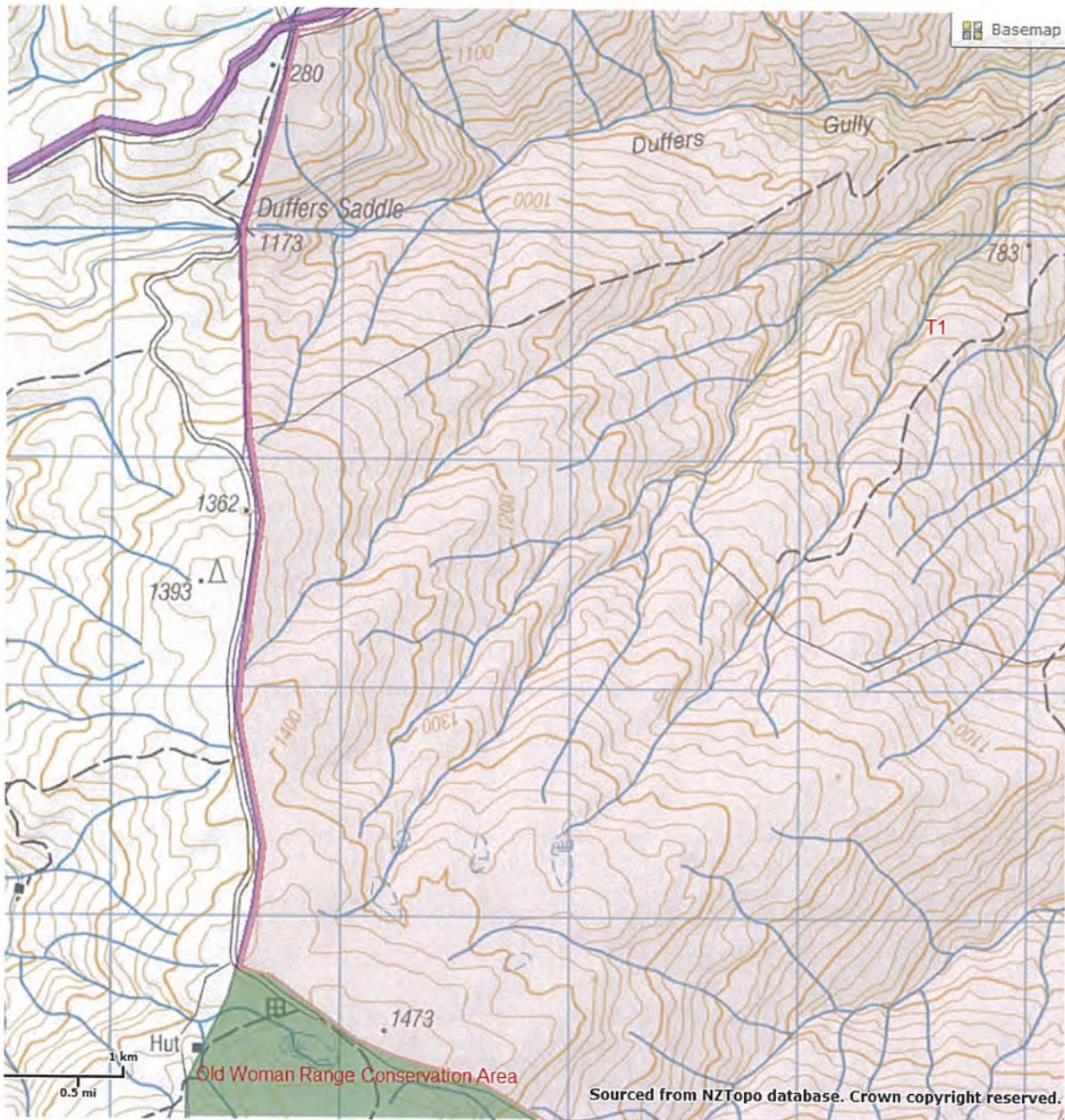
The Nevis Road provides formed legal access to the north western boundary of the pastoral lease.

From the Nevis Road, an ULR, running north-south along the western boundary of the property, provides legal access to Old Woman Range Conservation Area on the lease's southern boundary.

A 4WD track within the adjoining property (Run 339E) provides vehicle access in the vicinity of the western boundary of the Happy Valley PL. However, the alignment is west of the legal road. At the Nevis Road end, the 4WD track appears to be over 500m east of the ULR while the track approaches the alignment of the ULR to the south. The track appears to remain on the adjoining property for its entire length as shown on Map 2.

Land Information New Zealand has advised previously that access over neighbouring properties is beyond the scope of tenure review submissions.

Consequently, for the purposes of this submission, the Commission works on the basis that there is no practical enduring public access provided by the formed 4WD track, about the CA1 boundary, to the northwest corner of the Old Woman Conservation Area via Duffers Saddle, notwithstanding the comment to the contrary in the Summary of Preliminary Proposal (p 4).



Map 2- 4WD track formed to the west of the ULR on west boundary of property [snip from wams.org.nz]

Practical public access into the conservation area CA1, needs therefore, to be considered from within the Happy Valley PL only.

Public access proposed in the Preliminary Proposal

Public foot-only access is to be established by easement 'a-b' to the proposed CC1 area. CC1 has foot only access to view the historic values including artefacts, structures and a range of other sites associated with the gold mining era occurring in lower Duffers Creek. The Commission acknowledges the potential closure period, 1 October – 10 December, when lambing occurs.

While the Preliminary Proposal indicates that the route 'a-b' follows an existing vehicle track, the imagery available on the Commission's website, WAMS.org.nz, suggests that the formed track in Tucker Gully branches off from the existing easement, north of the pastoral lease boundary, at position indicated by 'X' on Map 3 below. Clarification is required to ensure that there is enduring practical public access along the easement 'a-b' This is discussed further under *Additional public access sought*.

The Commission notes that the existing easement 'V', as defined by SO 458706, provides horse and non-motorised vehicle access to the boundary of the pastoral lease, in addition to foot access. While the Commission supports foot access over easement 'a-b' it also seeks horse and non-motorised vehicle access to enable greater public enjoyment of the land and a continuation of the public access opportunities that were envisaged when the easement 'V' was created by the Crown – see section *Additional public access sought*. This is a logical extension of the existing access.

No direct public access is provided from the covenant area CC1 to the conservation area CA1, over the easement 'b' – 'c'. Currently this easement is for Minister of Conservation management purposes only.

Public access over this easement is also discussed below under the section *Additional public access sought*

Additional foot access is to be provided along proposed easement 'd-e' from Nevis Road along an existing water race through area CC3 leading, eventually, to the adjoining Old Woman Range Conservation area south of area CA1.

On disposition of the Crown Land, the marginal strips along the Bannock Burn and its major tributary to the west within the conservation covenant area CC1 will provide additional public access. It is critical that the width of these marginal strips is widened beyond 20m to mitigate any difficult access identified in final field inspections – to provide practical walking, horse and non-vehicular access, as discussed under *Additional public access sought*, below.

Additional public access sought

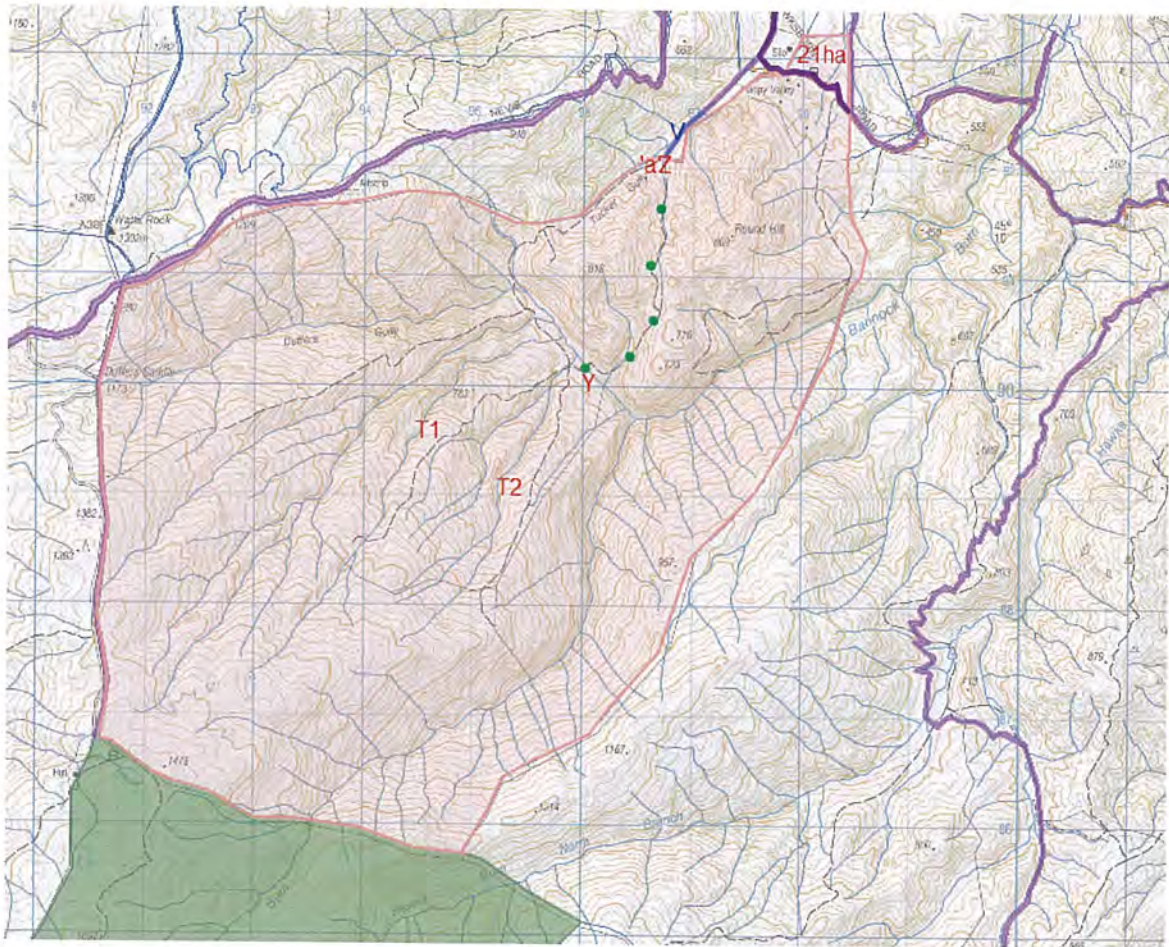
The area is well known and popular for recreation by the public. The Old Woman Range Conservation area provides for tramping, horse trekking, mountain biking, botanising and cross country skiing.

- i. The easement shown 'V' on SO 458706 provides for foot, horse and non-motorised vehicle access to the pastoral lease boundary at point 'Z' in Map 3 below. The Commission therefore requests provision for horse and non-vehicle access is able to continue past 'Z' through CC1, CC2 and into CA1. It is clear that the short easement 'V' was designed for this multipurpose use to maximise the recreational and enjoyment opportunities over the land, and these opportunities should be extended over the review land



Map 3- public access off area 'V' [from wams.org.nz]

- ii. Allied to this, the Commission seeks horse and non-vehicle access over the proposed easements 'a' – 'b', 'b' – 'c', and through covenant area CC 1 to provide multipurpose recreational access options in this popular area, including to the marginal strips on Bannock Burn and its tributary.
- iii. The Commission seeks an easement for foot, horse and non-vehicle access from the end of easement 'V' along the valley to the west and south of Round Hill to join up with the marginal strip along the tributary to the west of Bannock Burn (as indicated by the green dots 'Y-Z' in Map 4 below). This additional route will provide alternative public access loops and greatly enhance the recreational opportunity and public enjoyment of the land concerned.
- iv. The Commission seeks horse and non-motorised access across the whole of area CC1. Alternatively, the Commission seeks public access to CA1 over either of the two tracks leading south westwards from the ford, and situated east of covenant area CC2, as shown on the topographic overlay on the Preliminary Plan and Map 4. Either one of these tracks would provide an attractive loop option to the marginal strips. These two tracks can be seen on Map 4 below, depicted as T1 and T2 leading south-westwards from junction at point Y.



Map 4 – additional easement for public access indicated by green dots ('Y-Z')

Proposed Gazetted Walkway

To assist the management of this additional access, the Commission proposes a gazetted walkway (under the Walking Access Act 2008) along the route 'Y-Z'. This would help the landholder to manage the competing uses of recreation and farm operations.

Conclusion

The Commission seeks:

1. *To ensure that practical enduring access is provided from the vehicle track at the southern end of easement shown V on SO 458706 to the proposed easement 'a-b', by confirming it is already provided for, or by establishing a new section of track to be included within the proposed easement within the land under review or, if necessary, creating an additional easement over section 3 SO 458706*
2. *To have horse and non-motorised vehicle public access, in addition to the proposed foot access, over the full length of easement 'a-b'*
3. *To ensure that the marginal strips, established on disposition of the land under review, are increased in width to greater than 20m to enable practical public access, in those places where a lesser width would make public horse and non-motorised vehicle access difficult.*
4. *To ensure that public access on horse and non-motorised vehicles is provided for within covenant CC1 or, alternatively, seeks to have public access for foot, horse and non-motorised vehicle provide for over the tracks T1 or T2 (as shown on Map4) to the conservation area CA1 .*
5. *To have public access on foot, horse and non-motorised vehicle provide for within easement 'b-c'.*
6. *To have public access, in the nature of a gazetted walkway, for foot, horse and non-motorised vehicle provided for along the valley west of Round Hill (identified by the route 'Y-Z' on Map 4).*

Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Happy Valley pastoral lease.

We request timely advice as to how all the points we have raised have been analysed and what amendments, if any, are subsequently proposed to the Preliminary Proposal designations.

Yours sincerely



Mark Neeson
Chief Executive

Submission 8

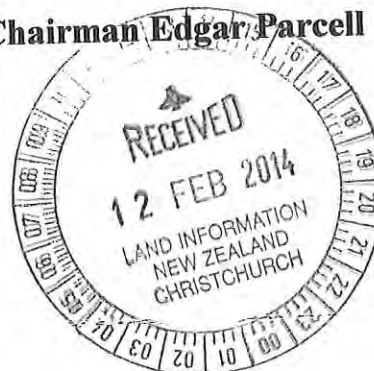
CA1097925

CARRICK IRRIGATION COMPANY LIMITED

**P.O. BOX 86
CROMWELL 9342**

Commissioner of Crown Lands
Land Information New Zealand
Crown Property & Investment
CBRE House
Private Bag 4721
Christchurch 8140

Chairman Edgar Parcell



Dear Sir,

I would like to make a submission on the preliminary Proposal of the Happy Valley Pastoral Lease:- on the following points –

1. The main subject – public foot access along the embankment of the Carrick Water Race. The easement labelled d-e on the designation plan, runs alongside the Carrick Water Race through conservation covenant CC3.
2. The Directors and Irrigators at the Carrick Irrigation Company will not permit access along the embankment or near the irrigation race as we have trouble now with people interfering with by washes and other structures on the race from time to time. Also, who is liable if someone gets hurt?
3. As we have installed a new very expensive water metering system at Duffers Saddle, we do not want any damage done to this equipment.
4. If the Commissioner or his Agents were to consider paying the Carrick Irrigation Company Twenty Five Thousand Dollars (\$25000.00) per year as a maintenance grant for use on this section of race, we may reconsider these objections.
5. As part of this submission I would like to draw to the Commissioners attention that access from Hawkesburn Road travels through Pisa View Farm property before it enters Carrick Station property, then on to Happy Valley - Page 13 of the proposal. Sure it is a public road but it would have been nice to have been contacted.

Yours faithfully

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

Edgar Parcell
Chairman
Carrick Irrigation Company
pp A separate email of this letter has been sent.

Submission 9



Federated Mountain Clubs of NZ (Inc)

P.O. Box 1604
WELLINGTON 6140
www.fmc.org.nz



28 January 2014

Commissioner of Crown Lands,
CBRE House, 112 Tuam Street,
Private Bag 4721,
CHRISTCHURCH 8140

Dear Sir,

Re: Preliminary Proposal for Tenure Review Happy Valley Pastoral Lease (Po 361)

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents over 15,000 members of tramping, mountaineering, climbing and other outdoor clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country. On their behalf, FMC aims to enhance recreation opportunities, to protect natural values, especially landscape and vegetation, as well as historic values and to improve public access to the back country through the tenure review process.

FMC fully supports the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and government's stated 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.*

[EDC Min (03) 5/3; CAB Min (03) 11/5 refer]

* Note that regardless of the changes of government and of governments' policies, these objectives are still the law of the land as enshrined in the Crown Pastoral Land Act, 1998.

We believe that the additional objectives (introduced by the last government), are fundamental to the future well-being of the South Island high country and should be given appropriate weight in the tenure review process.

FMC has previously written an 'Early Warning' report on Happy Valley entitled "Preliminary Report on the Recreational, Landscape, Historic, and other Conservation values, and Recommendations for the Outcomes of Tenure Review" (2006) at the 'Early Warning' stage of the tenure review process. That report included our recommendations for the outcomes of tenure review on Happy Valley. We are pleased to note that many of those recommendations are now included in the Preliminary Proposal (PP) for the tenure review of Happy Valley. We comment in detail on these proposals in this submission. A copy of the FMC Report (2006) is attached to this submission as Appendix 1.

Property Inspections, January 2006 and December 2013

An inspection party, including a representative of FMC, and representatives of other NGOs, including Forest & Bird, visited the pastoral lease January 2006 and again in 2013. We are grateful to the lessee for his cooperation, granting permission for access with vehicles, positive discussion, and helpful advice about where to go on the property.

These inspections gave us an opportunity to see at first hand the condition of the land, natural resources and landscapes on the Happy Valley Pastoral Lease.

INTRODUCTION

The main issues in this review are as follows:- (i) the extent to which the land can be managed in a way that promotes ecologically sustainable land use, and hence how much is suitable for freeholding as opposed to return to Crown ownership and control, (ii) the conditions attached to the Covenants which are intended to "Protect the Values" which have been identified and described in the Summary of the Proposal, and (iii) Public access to areas containing significant inherent natural and historic values and landscapes and availability for recreational purposes.

In view of the lack of protection over **DOC Stewardship Land** recently noted in the Parliamentary Commissioner for the Environment's Report, we believe that it will be necessary to provide stronger protection for Conservation Areas created as outcomes of tenure review. It may be more appropriate to protect significant inherent values in such areas by designating them as **Scientific Reserve** or **Scenic Reserve**. There is usually ample justification for such designations.

THE PRELIMINARY PROPOSAL

FMC commentary and detailed submissions on **Proposals 2.1 and 2.2**, and the proposals for **Protective Mechanisms, Qualified Designations** and **Public Access** in the PP for the tenure review of Happy Valley Pastoral Lease are presented below.

FMC SUBMISSIONS

In this submission we present our views and recommendations in the same format as the PP quoted above

Proposal 2.1 Land to be restored to Crown Control Approximately 1,038 hectares is proposed to be designated as land to be restored to or retained in Crown control as Conservation Area (labelled "CA 1" on the designations plan, subject to a qualified designation.

This land includes most of the higher altitude part of the property, including a significant area of the upper Bannock Burn catchment. The western and southern boundaries coincide with the property boundary while the northern and eastern boundaries are defined by a fenceline between the catchments of Duffers Gully and the Bannock Burn and approximately following the 1,100m contour through the Bannock Burn catchment. The highest point is at 1,473m on the southern boundary, while the lowest point is at about 800m in the Bannock Burn catchment.

As reported in the FMC Preliminary Report on the values of Happy Valley, most of this area is characterised by Dunstan and Carrick High Country Yellow-Brown Earth soils identified as Land Use Capability (LUC) Class VIIe. Such soils are of inherently low fertility, are prone to erosion as demonstrated by land in the vicinity of the Carrick Water race at almost 1,200m, and are unlikely to be capable of supporting ecologically sustainable pastoral use. This is because it is generally considered uneconomic to apply the fertiliser which is needed to replenish nutrients lost in animal products, and through burning, because pasture response to applied fertiliser is limited by slow growth at this altitude.

On the other hand, the conservation values, biodiversity and ecosystem service values in water harvesting for irrigation, are higher than productive values. The upper Bannock Burn catchment forms a dominant gully containing numerous tributaries with a high proportion of that area having a relatively steep shady aspect compared to the rest of the land within CA 1. This generates a variety of habitats and accounts for the greatest diversity of vegetation values in this part of the proposed conservation area. The confines of the gully also include part of RAP 1/5 Bannock Burn - Old Woman Range which was described in the PNAP report for the Old Man Ecological District (Brumley et al 1986). The balance of CA 1 is more open country with a predominantly north-easterly aspect and contains a number of incised water courses which comprise the head water tributaries in Duffers Gully..

The Proposal Summary states that the purpose of retaining CA 1 in Crown ownership is to enable the protection of the values which are well described in the 1986 PNAP Report, in the more recent DOC CRR Report on Happy Valley and in the Proposal Summary. We do not intend to reproduce this detail here.

Some of the highlights which we believe adequately justify the proposal that the land in CA 1 should be restored to Crown Control are as follows:-

- Above 1400 metres the dominant sub-alpine vegetation is a low cushion-like shrubland of *Dracophyllum* and lichen.
- The lichen encrusted rock tors provide a sheltered and damp habitat for fern species.
- In the steeper parts towards the east containing the tributaries of the Bannock Burn a number of small herb fields and snowbanks are present.
- The shady side of the Bannock Burn contains denser tussocklands which support a diversity of shrub, herb and fern species.
- There is an area of high plant diversity in RAP 1/5 which includes much of the upper half of the Bannock Burn catchment.
- RAP 1/5 contains a comprehensive sequence from tussockland to high alpine cushionfield.
- Two species of native broom (both chronically threatened) are present
- The NZ falcon has been observed in the area.
- The upper part of CA 1 contains high landscape values related to overall naturalness and intactness
- Recreational use could include tramping, hunting, horse trekking, botanising and Nordic skiing all of which complement the adjoining Old Woman Range Conservation Area.

We note that public access is well provided for from the legal road which branches off from the Nevis Road (near Duffers Saddle) and from the Old Woman Range Conservation Area. In future additional public access may become available along marginal strips adjacent to Bannock Burn.

FMC Submission on Proposal 2.1 Land to be restored to Crown Control as conservation area CA 1

FMC enthusiastically endorses and supports this proposal with special support for the recreational opportunities associated with the adjoining Old Woman Range CA.

Because of the lack of secure protection for significant inherent values in Stewardship Land we recommend that CA 1 should be designated as Scenic Reserve, and ultimately incorporated into a wider Conservation Park

Qualified Designation Grazing Concession

Proposed Conservation Area CA 1 will be subject to a grazing concession in favour of the lessees pursuant to Section 36(1)(a) of the CPL Act 1998.

We submitted above that the soils within CA 1 are of inherently low fertility, are prone to erosion as demonstrated by land in the vicinity of the Carrick Water race at almost 1,200m, and are unlikely to be capable of supporting ecologically sustainable pastoral use. The present state of the vegetation is sparse with bare ground in places indicating that the existing grazing cannot be sustained indefinitely, in fact, the sooner the ecosystem would be able to start its recovery the better.

We appreciate that the proposed stocking rate (0.35 SU/ha) is low, and lower than traditional use. Nevertheless, it is still too high to allow any vegetative recovery from the effects of past grazing pressure. Furthermore, the opportunity to graze 363 SU per annum must surely have a minimal impact on the total farm operation. We recommend that the Grazing Concession should not be granted as an outcome of the Happy Valley tenure review.

There is however some doubt as to the correct terms of the proposed Concession: Schedule 2 (TR284 Happy Valley 8_5.1.5 Proposal 19082013 Version 12 July 2011 A711868) states sheep grazing of the Top Block between 1 February and 31 May each year as a fixed medium term phase out. No more than 363 SU/annum can be grazed. The Summary of the Preliminary Proposal (TR 294 .1 Happy Valley 8_5.1.5 Summary of Proposal 15201315) states grazing of wethers or dry ewes from 1 February to 30 April inclusive each year restricts the number of stock able to be carried to 0.35 SU/ha which represents a lower level than has traditionally been run. This restricted level of grazing equates to a maximum of 363 stock units on a per annum basis. It should be made clear to the public which is the correct version of the Concession.

FMC Submission on Proposal 2.1 Qualified Designation Grazing Concession Proposed Conservation Area CA 1 will be subject to a grazing concession in favour of the lessees pursuant to Section 36(1)(a) of the CPL Act 1998.

The soils within CA 1 are of inherently low fertility, are classified LUC VIIe, are prone to erosion and are unlikely to be capable of supporting ecologically sustainable pastoral use.

The Concession is not acceptable to FMC because it does not allow for vegetative recovery, but instead allows for continued degradation. If it cannot be agreed to phase out grazing on disposition of the property, then at least the grazing term should not exceed 5 or at the very most 10 years.

Clarification of the stocking rate and duration of the permitted grazing period is required.

Proposal 2.2 Land to be disposed of by freehold disposal to Duncan George Henderson and Rae Henderson. Approximately 2,240 hectares is proposed to be designated as land to be disposed of by freehold disposal to Duncan George Henderson and Rae Henderson. This land is subject to protective mechanisms and qualified designations.

This area covers all the lease land excluding the proposed conservation area CA 1. It includes some higher altitude undeveloped hill country at the head of Duffers Gully, the western boundary of which includes Duffers Saddle at 1,173m and extends down through developed hill country to cultivated flats at approximately 450 metres north of Hawksburn Road. Approximately 1,800ha consists of low to mid altitude hill country that has been oversown and topdressed with improved pasture species and the lower front country includes irrigated paddocks within approximately 120ha of cultivated country.

The Summary of the PP points out that significant inherent (natural and historic) values are present on parts of the land proposed for freehold disposal. It also points out that these values are considered to be adequately protected within three separate covenanted areas labelled CC 1, CC 2 and CC 3. The proposals for these covenanted areas will be discussed below.

The balance of the land is proposed to be available unencumbered for freehold disposal. The soils on the lower country include Blackstone Hill and Arrow Yellow Grey Earths (LUC Class VI) generally on shady faces and Conroy Hill and Alexandra Brown Grey Earths (LUC VIIe) on the dryer sunny faces. These soils on the LUC Class VI country may be suitable for sustainable pasture production but the driest rabbit-prone country is only marginally suitable for pastoral use with severe limitations. These lands have limited conservation value and may be best suited to continued careful grazing management.

FMC appreciates and endorses the two easements which are proposed for public walking access. These are the track (a-b) from Tucker Gully to CC 1 including the middle reaches of Tucker Gully and the historic mining relics in that area; and (d-e) along the Carrick Water Race within the area designated CC3.

The highest country proposed for freeholding is situated at the head of Duffers Gully and is designated CC 3. This area is very similar to the adjacent CA 1 designated for conservation. Both areas are situated in the altitude range 1,100 to 1,300m and CC 3 is considered unsuitable for freeholding for reasons discussed in more detail below (see CC 3)

FMC Submission on Proposal 2.2 Land to be disposed of by freehold disposal.

Approximately 2,240 hectares is proposed to be designated as land to be disposed of by freehold disposal.

FMC recognises that the mid to low altitude country consists of a mix of land with limited suitability for pastoral farming in the relatively moist shady areas where pasture improvement has been carried out, and the dryer rabbit-prone land on soils with severe limitations for pastoral use. We consider it appropriate that the historic, natural and landscape values on two areas (CC1 and CC2) within this land are to be designated for protection under covenant. The area may be suitable for continued pastoral use with careful grazing management.

The third area proposed for protection under covenant (CC3) at the head of Duffers Gully is however, considered unsuitable for freeholding for reasons discussed below. This area should not be freehold but instead should be designated conservation land and be added to CA 1.

We endorse the proposal to establish the two walking access easements; designated a - b and d - e respectively.

Protective Mechanism - Conservation Covenant CC 1

FMC appreciates the recognition of the significant historic and public value of the gold mining relics in Duffers Gully. We also understand the need for a short period of closure to accommodate lambing requirements. We submit that one month provides adequate time for this purpose.

FMC Submission on Proposal 2.2 Protective Mechanism - Conservation Covenant CC 1

FMC welcomes and endorses the proposal to designate a Conservation Covenant (CC 1) over an area of some 70ha in Duffers Gully. We understand and accept the need for a short period of closure during lambing. This should be limited to a maximum of one month.

We also appreciate the condition which allows for wander at will walking access throughout the covenanted area. Furthermore, we note that the conditions include provision for photo-point monitoring to determine whether any detrimental effects (as might be caused for example, by cattle grazing). We suggest that provision should also be made for the termination of cattle grazing should adverse effects be detected.

Protective Mechanism - Conservation Covenant CC 2

FMC notes that some 80ha is proposed as Conservation Covenant to protect the significant inherent natural values in a large area of shrubland in the middle of the area proposed for freeholding. The proposed CC 2 is situated astride a ridge to the south of the upper reaches of Duffers Gully and includes both sunny and shady faces of an unnamed creek stretching between about 700 and 900m asl.

The PP lists a number of species of shrubs, herbs and ferns which are present within the proposed covenant area which we do not propose to reproduce here. We note that grazing by sheep only will be permitted and that monitoring is proposed to detect any adverse effects on the values it is intended to protect. We understand that fencing of the area would be practically very difficult as it includes parts of three separate grazing blocks but understand that if management is having a detrimental effect on the values, then the owner will be obliged to take steps to mitigate the detrimental impacts.

We are also pleased to note that other management activities (such as burning and spraying) which might threaten the values are prohibited.

We are a little disappointed that no public access is guaranteed, but assume that one-off permission might be granted for special purposes such as for example, for research purposes. Perhaps the easement "b - c" could be made accessible for public walking only access.

In general FMC endorses the proposal to designate area CC 2 as a Conservation Covenanted area of some 80ha within the proposed freehold area.

FMC Submission on Proposal 2.2 Protective Mechanism - Conservation Covenant CC 2

FMC endorses the proposal to designate an area within the proposed freehold country as a Conservation Covenant of some 80ha. We recommend that easement "b- c" should be made available for public walking only access.

Protective Mechanism - Conservation Covenant CC 3

Approximately 270ha of unimproved high altitude land in the upper reaches of Duffers Gully is proposed for protection under a Conservation Covenant (CC 3).

We understand that the purpose of the covenant is to protect the natural, landscape and historic values within the covenant area. We note too that the area has visual landscape values as the setting for the historic Carrick Water Race and as the scenic backdrop for travellers over the Duffers Saddle to the Nevis Valley and beyond.

The area also has visual and ecological values very similar to the adjacent area (CA 1) proposed for protection of the significant inherent values contained within it.. There are a number of reasons why this area (CC 3) should also be designated CA and combined with the adjoining CA 1.

The reasons why this suggestion is made are as follows:-

- (i) The vegetation and landscape characteristics of CC 3 are very similar to and closely related to the adjacent area (CA1) which has been proposed for protection by return to full Crown control.
- (ii) The Dunstan and Carrick soils which characterise both areas are classified LUC VIIe with serious limitations for pastoral land use and are prone to erosion as illustrated by areas of bare ground on sunny slopes in the vicinity of the Carrick Water Race.
- (iii) because it is generally regarded as uneconomic to apply the fertiliser necessary to replenish nutrients lost over the past 100 years in animal products and through burning, the land is believed to be incapable of supporting ecologically sustainable pastoral use and is therefore, not suitable for freeholding.
- (iv) there is evidence (sparse vegetation and weed invasion) of past overgrazing and degradation.
- (v) any loss of production related to the loss of this area of undeveloped, unproductive, high altitude land would be small, and have only have minimal impact on the whole farm operation.

We therefore believe that the most sustainable long term land use would for the area designated CC 3 to be returned to Crown control, and amalgamated with the adjacent CA 1 for conservation purposes.


FMC Submission on Proposal 2.2 Protective Mechanism - Conservation Covenant CC 3

FMC recommends that the area designated CC 3 should not be freehold, but instead should be returned to full Crown control and amalgamated with CA 1 for conservation purposes.

Regardless of the outcome of land allocation, FMC fully supports the proposal to allow walking access (d - e) along the Carrick Water Race at the head of Duffers Gully within the area designated CC 3.

Finally, FMC is grateful to the Commissioner for Crown Lands for this opportunity to make submissions on the Preliminary Proposal for the tenure review of Happy Valley Pastoral Lease.

Yours faithfully



Josie Broadbent
Secretary, Federated Mountain Clubs of NZ Inc.

Appendix 1. Preliminary Report on the Recreational, Landscape, Historic and other Conservation values of, and recommendations for the Outcomes of Tenure Review – Happy Valley Pastoral Lease (FMC Report, 2006)



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)

P.O. Box 1604, Wellington

1931
75
years
2006

PASTORAL LEASE TENURE REVIEW

**Preliminary Report on the Recreational, Landscape, Historic
and other Conservation Values, and Recommendations
for Outcomes of Tenure Review**

HAPPY VALLEY

April 2006

**Compiled for Federated Mountain Clubs (FMC) of NZ (Inc.)
by Dr Michael J S Floate, High Country Consultancy,**

**PRELIMINARY REPORT ON THE RECREATIONAL, LANDSCAPE, HISTORIC
AND OTHER CONSERVATION VALUES OF HAPPY VALLEY, WITH
RECOMMENDATIONS FOR THE OUTCOMES OF TENURE REVIEW.**

**A Report for FMC based on Field Inspections and other research
to assist in the Crown Pastoral Lease Tenure Review Process**

April 2006

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Fig. 1. The homestead and the best of the farm land on Happy Valley is situated in the Bannock Burn valley. It is well seen why Bannockburn is sometimes called 'the heart of the desert'. The semi-arid landscapes in the background (mainly on Hawksburn Station) illustrate the twin problems of drought stress and rabbit infestation.

Fig. 2. The back boundary of Happy Valley rises from 1,173m at Duffers Saddle (middle distance in this view) to 1,473 at the highest point on the boundary with the Old Woman Conservation Area. The land is classified LUC Class VIIe with severe limitations for pastoral use but its natural and landscape values are much higher. It is unlikely that such land could be managed in a way that promotes ecological sustainability.

Fig. 3 Much of the lower country is steep, semi-arid and has only low pastoral value (LUC Class VII) because of frequent drought stress and rabbit problems, as seen in this view of Round Hill. If the rabbit problem can be contained it may be possible to manage this land in a way that promotes ecological sustainability. If this can be done the land may be suitable for freeholding.

Fig. 4. A sequence of soils with increasing moisture status extends from the semi-arid lower slopes in Duffers gully to the tussock tops on the skyline. The mid-altitude country, with Arrow and Blackstone Hill soils (LUC Class VI), offers the best prospects for pasture improvement. This land should be able to support ecologically sustainable pastoral use, thus making the land suitable for freeholding.

Fig. 5. Most of the higher country, above about 1,000m, is either tussock grassland or sub-alpine herbfield and cushionfield characterised by Carrick Hill and Dunstan Steepland (LUC Class VIIe). Such land has severe limitations for pastoral use but has highly significant inherent values.

Fig. 6. Protected Natural Area (PNA) survey identified an area in the upper reaches of the Bannock Burn as a first priority RAP. The survey report stated that "*The vegetation contains a full altitudinal sequence of communities from montane tussock and scrub through to high alpine cushionfield. Cushionfield is widespread across the upper plateaux and east around the head of the Bannock Burn.*" This view shows part of the upper plateau at the head of the Bannock Burn.

Fig. 7. The track from the Nevis Road down to Duffers Saddle and along to Mount Black is well used by cross country skiers in the winter and could be more popular with trampers and mountain bike enthusiasts in the summer months. Public access to and along the Old Woman Range from the Nevis Road is one of the most critical issues in this tenure review.

Fig. 8. Beyond the yards at the SW corner of Happy Valley, the access is through the Old Woman Range Conservation Area and is therefore available to the public. The hut illustrated here is situated in the Conservation Area and is particularly important for enjoyment of the Old Woman Range in winter.

Fig. 9. The historic remains in Duffers Gully include a charming old stone cottage which has been kept in good repair and which could be enjoyed by recreational users as a lunch stop on either sweltering hot days, or cold wet days. The whole area including the hut and gold mining relics should be designated Historic Reserve with public access. Controlled grazing might be permitted to continue.

Fig. 10. This area in the mid reaches of Duffers Gully gives the feeling of an 'oasis' among a 'desert' of semi-arid hills and is clearly a special destination for those privileged to go there. It is not only in stark contrast to its parched surroundings, but also abounds in history, dating back to the goldmining days of the 1870s. FMC believes this would be a great destination for day trips from the Hawksburn Road.

Fig. 11. An easy walking trip for locals would be to follow the historic Carrick Race, which would give access to the well known Young Australian water wheel on the neighbouring Carrick Station. The race passes below the big tor in the centre of this view and continues around the contour, northwards to the Carrick Station boundary (off to the left of this view).

Fig. 12. Exploration of the water race in the mid reaches of Duffers Gully would add another dimension to the day walk to the stone cottage in Duffers Gully. Such exploration would enhance the public knowledge and appreciation of the efforts made by the early gold miners. This race passes through the saddle between Duffers Gully and Tucker Gully.

Fig. 13. The lower reaches of Bannock Burn are enclosed within a steep-sided gorge. There are native shrublands in the gorge, albeit invaded by briar, which are traversed by a pair of water races. A contoured road gives easy access which the public might enjoy if an easement could be provided across the farmland.

Fig. 14. This is an area of high natural and landscape value in the top block of Happy Valley between the Nevis Road and the rim of the Bannock Burn catchment. It consists of tussock grasslands and fellfield with cushion and snowbank communities and tors, very similar to that described in the RAP1/5. This area should also be returned to full Crown ownership and control to be managed for conservation and recreation purposes.

INTRODUCTION

This report has been prepared following the Early Warning Meeting in September 2005 at which the properties entering the tenure review process in 2005 were introduced. An inspection of the property by the author of this report was carried out in February 2006 with the permission of the runholder. This report is based on that inspection and other material listed below. The report is offered as a contribution to the statutory consultation process undertaken by the Department of Conservation.

Happy Valley (Po 361) is a relatively small pastoral lease of 3,277ha at the northern end of the Old Woman Range. This report focuses on those features of Happy Valley which are important for public recreational interests. It should be noted that while some of this interest focuses on access, the natural and historic values and landscapes of the place have a fundamental impact on the recreational value of the property and greatly influence the quality of recreational experience enjoyed. It is for this reason that reference is made to natural, historic and landscape values in this report. The landscapes and views to be seen from the high country overlooking Lake Dunstan, the Clutha valley and the Hawksburn country are outstanding and add greatly to the enjoyment of visiting this property.

The higher country of Happy Valley is situated in a commanding position overlooking Cromwell and Lake Dunstan. It includes the entire catchment of Duffers Gully and most of the catchment of the Bannock Burn. Its northern boundary is close to the Nevis Road while its western boundary runs along the crest of the range, bordering Craigroy Station on the Nevis side. The high country at the back of the property includes Duffers Saddle and the Carrick Water Race. In fact, water races are a characteristic feature of the property with races used during the gold mining era and more recently bringing irrigation water out of the Bannock Burn for farms in the Bannockburn area.

Protected Natural Area (PNA) surveys conducted in the 1980s identified an area in the upper reaches of the Bannock Burn as a first priority Recommended Area for Protection (RAP). This will be considered below in the section on significant inherent values.

METHODS OF SURVEY AND ASSESSMENT

This report is based on the author's February 2006 field inspection and in part, on information gathered from other sources. The other sources include studies of topographical and Land Use Capability (LUC) maps, consultation with recreational user groups and a knowledge of the landscapes seen from the Bannockburn/Cromwell area and from the Nevis Road. A study of "Outdoor Recreation in Otago" was undertaken by Mason (1988) and published by FMC. Reference is made to this Recreation Plan for Otago in the recreation section below. The Conservation Management Strategy for Otago and the Survey Report for the Protected Natural Area Programme, Old Man Ecological District (1986) have also been used as sources of reference.

GENERAL DESCRIPTION OF HAPPY VALLEY

Happy Valley (Po 361) is a relatively small pastoral lease of 3,277ha situated at the northern end of the Old Woman Range between the Nevis Road and Hawksburn. It extends from about 450m at the homestead on the Hawksburn Road (Fig. 1) to 1,280m just above Duffers Saddle and 1,473m at the highest point on the back boundary on the Old Woman Range (Fig. 2).

Happy Valley was subdivided out of the original Kawarau Station in 1910 and has been occupied by the Henderson family since 1946. At that time there was little pastoral development on the land which was seriously degraded and rabbit infested. The Hendersons have carried out a significant amount of pasture improvement by oversowing and topdressing up to about 1,000m and have conducted rabbit control with shooting and poisoning both before and since the introduction of the virus RHD in the 1990s. Much of the lower country is steep, semi-arid and has only low pastoral value because of

frequent drought stress (Fig. 3). The most productive (irrigated) land occupies less than 100ha of Land Use Capability (LUC) Class IV Waenga Brown Grey Earth soils (Fig. 1).

The valley floors (Bannock Burn and Tucker and Duffers Gullies) and lowest slopes (especially on shady faces) are characterised by a small area of Fraser Recent alluvial soils and Blackstone Hill and Arrow Steepland Yellow Grey Earth soils which have been classified as LUC Class VI land with medium suitability for pastoral use. As indicated above there is a small area of irrigated LUC Class IV land on a gently sloping fan in the vicinity of the homestead.

The drier and more eroded slopes of Round Hill and an unnamed hill a little to the west of Round Hill are characterised by Alexandra Steepland semi-arid Brown Grey Earth soils which have been classified LUC Class VIIe. Class VII land is defined with low suitability for pastoral use. This is the semi-arid area which was so badly rabbit infested and which was such a problem for pastoral use in the early days of the forties and fifties. If the rabbit problem can be contained it may be possible to manage this land in a way that promotes ecological sustainability. If this can be done the land may be suitable for freeholding.

South of Duffers Gully and west of the former gold mining area in the mid reaches of the same gully there is a sequence of soils of steadily increasing moisture status (Fig. 4). The driest Conroy soils (Brown Grey Earths) have been classified LUC Class VIIe and are very similar to the Alexandra Steeplands. The mid slopes above, up to about 1,000m are characterised by Blackstone Hill and Arrow Steepland Yellow Grey Earth soils, classified LUC Class VI with medium suitability for pastoral use. The higher country above about 1,000m is mainly tussock grassland on Carrick Hill and Dunstan Steepland High Country Yellow Grey Earth soils classified LUC Class VIIe (Fig. 5). Thus about 90% of the property is of very limited suitability for pastoral use.

Most of the high country is either tussock grassland or sub-alpine cushion-field and herb-field in a semi-natural state (Fig. 5) having been much less modified by pastoral farming than the mid-altitude country. In contrast to its low pastoral value, the high country land has highly significant inherent values. These natural values were recognised by the Protected Natural Area (PNA) survey conducted in the 1980s (Fig. 6). That survey recognised an area of some 900ha in the catchment of the Bannock Burn as a recommended Area for Protection (RAP 1/5 Bannock Burn – Old Woman Range).

In order for any land to be managed in a way that is ecologically sustainable in the long term, any losses from the soil of essential nutrients in animal products (meat and wool) must be replenished. The alternative is that sooner or later the ecosystem will be depleted and degraded. LUC Class VIIe land may not be capable of being managed in a way that is ecologically sustainable because it may not be justifiable economically to replenish (in the form of fertiliser) the nutrients which are lost through grazing and burning. On lower country where pasture growth rates are higher, topdressing is worthwhile, but at higher altitudes (above about 1,000m), pasture growth and hence response to fertiliser is limited by climate. Under these circumstances conservation values should be assessed and considered as an alternative to unsustainable pastoral use.

Public access to the Old Woman Range and shorter walking opportunities in the Tucker and Duffers Gullies, together with the protection of associated areas of high natural and landscape values are likely to be the main recreational issues in this tenure review.

RECREATIONAL ACTIVITIES AND POTENTIAL

Mason (1988) stated that *"the primary winter recreational potential of the area (Old Man, Old Woman and Carrick Ranges) is for cross country skiing."* He went on to explain that this was largely due to the ease of physical access with road access to the snowline, and the possibility of day trips from Dunedin or Invercargill. Mason also stated that *"the major natural limitation to utilising the vast*

extent of easy rolling terrain is the severity of weather conditions. A 40km traverse the length of the Old Woman and Old Man Ranges is possible, with an overnight camp. However, no quick escape to low country is available in the event of being overtaken by storm conditions."

The recreational significance of Happy Valley lies in its strategic position giving access to the northern end of the Old Woman Range. The track from the Nevis Road down to Duffers Saddle and along to Mount Black is well used by cross country skiers in the winter and could be more popular with trampers and mountain bike enthusiasts in the summer months (Fig. 7). Public access to and along the Old Woman Range from the Nevis Road starts over Craigroy pastoral leasehold land: this is currently under review in the tenure review programme. Although the track through Craigroy is technically legal road, it may not precisely follow the legal alignment. If this is the case, public access is not secure and will depend on the outcomes of tenure review. Beyond the yards at the SW corner of Happy Valley, the access is through the Old Woman Range Conservation Area and is therefore available to the public (Fig. 8). The doubtful section is restricted to that section through Craigroy, along the back boundary of Happy Valley. If the high ground within the back boundary of Happy Valley became conservation land through the tenure review of this property, at least walking access to the Old Woman Conservation Area would be assured. The future status of the high country within the back boundary will be discussed in the section on significant inherent values.

We understand that some local walking groups have been permitted access to the hut and old mining area in the mid reaches of Duffers Gully (Fig. 9). This area gives the feeling of an 'oasis' among a 'desert' of semi-arid hills (Fig. 10) and is clearly a special destination for those privileged to go there. Using existing farm tracks, which are steep in places, a round trip involving climbs over saddles into and out of the mid reaches of Duffers Gully can be made from the boundary with Carrick Station (in Tucker Gully). This would make a good day trip of about 10km from the Hawksburn Road. Although use of this round trip would depend on gaining permission from the owners of Carrick Station and Pisa View, it is recommended that public access over Happy Valley land for foot and mountain bike travellers should be established through the tenure review of Happy Valley.

FMC has made an important point in other tenure review submissions: *"The fact that a right of way across other [neighbouring] properties does not yet exist should not be a reason for not making provision for access over [this property]. Provision should be made now in anticipation of further public access becoming available through future tenure reviews or other access arrangements."*

Another possibility for easy walking trips for locals would be an opportunity to explore some of the many water races on the property. Starting from the high country, these include the Carrick Race (Fig. 11), the races in the mid reaches of Duffers Gully (Fig. 12), and the races coming out of the Bannock Burn catchment (Fig. 13). As stated above, the future status of the high country block will be discussed in the section on significant inherent values, but if it becomes conservation land, access along the Carrick Race would be assured. Exploration of the races in the mid reaches of Duffers Gully (Fig. 12) would add another dimension to the day walk (round trip) discussed above. Such exploration would enhance the public knowledge and appreciation of the efforts made by the early gold miners.

Finally, it is argued that the recreational significance of Happy Valley should be assessed not only on present usage but also on potential. This is because current usage is less than its potential for a number of reasons. Because of the current land tenure, and because access to the Old Woman Range and the little known area in the mid reaches of Duffers Gully has not been easy in the past, the recreational use of the tracks described in this report is less than it might have been if access was freely available. There is significant potential for greater use, particularly by foot and mountain bike, and it is the full range of possibilities which should be considered during this tenure review.

In summary, this assessment indicates that there is scope on Happy Valley for day walks and longer trips along the Old Woman Range. These are likely to include tramping and mountain bike trips in addition to forays into the Bannock Burn and along the water races.

SIGNIFICANT INHERENT VALUES AND THEIR IMPORTANCE FOR RECREATION

This report focuses on those features of Happy Valley which are important for public recreational interests. It should be noted that while some of this interest focuses on access, the natural and historic values and landscapes of the areas concerned have a fundamental impact on the recreational value of the place and greatly influence the quality of recreational experience enjoyed. It is for this reason that reference is also made to both natural, historic and landscape values of this pastoral lease.

The Protected Natural Area (PNA) surveys carried out in the 1980s recognised the significance of natural values and identified certain Recommended Areas for Protection (RAPs). On Happy Valley one important area was identified. This area is defined as RAP 1/5 Bannock Burn – Old Woman Range and occupies some 900ha in the catchment of the Bannock Burn (Fig. 6).

The PNA Report for RAP1/5 states:- *“The landform comprises high summit plateaux, outlier cirque basins and deep NE trending gully. Across the summit plateaux a pattern of regular and deflated surfaces occurs on exposed dry sites, and bogs/flushes on more sheltered low lying areas. Solifluction and nivation features are prominent on eastern aspects of shallow gullyheads. Eastwards, the plateau is lightly glaciated: a regular pattern of low buttresses and wide joint-controlled depressions with tarns.*

Below the periglacial summit area the Bannock Burn catchment deepens abruptly in mid-upper reaches and is slumped on both flanks. Tors stud the regularly sloping ridge crests. The deep valley profile is much reduced in the lower reaches.

The vegetation contains a full altitudinal sequence of communities from montane tussock and scrub through to high alpine cushionfield. Cushionfield is widespread across the upper plateaux and east around the head of the Bannock Burn..... Dracophyllum muscoides dominates exposed pavement of the Old Woman Range, continuing down southeast-facing ridge crests of the Bannock Burn catchment. Pockets of slim snow tussock and blue tussock are confined to sheltered depressions and north-facing slopes. Diverse cushion-herbfield communities over the hummocky eastern plateau occur in a mosaic with wetland species around tarns and string bogs.

The upper Bannock Burn catchment has a mosaic of fellfield, cushion and snowbank communities across wide, gentle slopes. Wetlands along stream-side slopes are dominated by moss and Carex.

Slim snow tussock and blue tussock dominate the upper Bannock Burn valley but are replaced by dense narrow-leaved snow tussocklands below 1,350m. Areas of alpine fescue and golden Spaniard are prominent on upper exposed slopes.

Below 1,050m the catchment is extensively oversown. Silver tussock maintains 50% cover over most of lower slopes with patches of matagouri, Coprosma propinqua and Carmichaelia petriei amongst boulders and scattered outcrops. Briar and hemlock become abundant towards the base of the catchment.”

There is also an area of high natural and landscape value in the top block of Happy Valley extending from the Nevis Road to the rim of the Bannock Burn catchment (Figs 2, 5 and 14). This area extends from the high point at 1,473m down to a fenceline which roughly follows the contour between about 1,000 and 1,100m. This area (Fig. 14) consists of tussock grasslands, fellfield, cushion and snowbank communities and tors, very similar to that described in the RAP1/5.

Because of the highly significant inherent values recognised by PNA Survey it is recommended that the entire area of RAP 1/5 within Happy Valley should be returned to full Crown ownership and control to be managed for conservation and recreation purposes. It is our considered opinion that the natural values of the adjacent top block of Happy Valley (Figs 2, 5 and 14) above the contour fence which is situated at about 1,000 to 1,100m, are essentially comparable with the values within the RAP. We therefore recommend that this block, down to the contour fence at about 1,000 to 1,100m should also be returned to full Crown ownership and control.

It should be noted that in the General Description section above, doubts were expressed about the ability to manage this area in a way that promotes ecological sustainability as required by the Crown Pastoral Land (CPL) Act 1998. The reasons for this doubt were explained above. We argue that the inherent values are significantly greater than the marginal pastoral value and that the land should therefore be returned to full Crown ownership and be managed for conservation and recreation purposes.

There are important historic values in the mid-reaches of Duffers Gully. These values are centred on a short length (a few hundred metres) of the gully which includes an historic miner's stone cottage (dating back to the start of gold mining in the 1870s) and well stacked heaps of stone tailings (Figs 9 and 10). These tailings are quite extensive and represent a great deal of physical manual labour. These features add considerable interest for recreational visitors and should be protected. It may not be necessary to preclude grazing, and recognition as an Historic Reserve with grazing rights and public access could be appropriate.

AREAS TO BE PROTECTED

There are a number of areas on Happy Valley with significant natural, historic or landscape values which deserve protection in terms of the CPL Act 1998.

An important area with highly significant inherent natural values was identified in PNA surveys as RAP 1/5 Bannock Burn – Old Woman Range: Because of the highly significant inherent values in that area, which are briefly described above, the area described as RAP 1/5 should be returned to full Crown ownership and control to be managed for conservation and recreation purposes.

There is also an area in the adjacent top block of Happy Valley extending from the Nevis Road to the rim of the Bannock Burn catchment which also has highly significant inherent values comparable to those of RAP 1/5. This area extends from the high point at 1,473m down to a fenceline which roughly follows the contour between about 1,000 and 1,100m. It consists of tussock grassland and fellfield, cushion and snowbank communities and tors, very similar to that described in the RAP1/5. We have expressed the opinion above that it is unlikely that this area could be managed for pastoral use in a manner which would promote ecological sustainability (as required by the CPL Act 1998). We therefore recommend that this block (adjacent to RAP 1/5) down to the contour fence at about 1,000 to 1,100m should also be returned to full Crown ownership and control.

The historic features in the mid reaches of Duffers Gully, including a miners stone cottage and heaps of stacked stone tailings which date back to the 1870s, add considerable interest for recreational visitors and should be protected. It may not be necessary to preclude grazing and recognition as an Historic Reserve with grazing rights and public access may be appropriate.

ACCESS REQUIREMENTS

One of the main issue in this tenure review is public access to and along the Old Woman Range, particularly for cross country skiing.

Although the track to the Old Woman Range through Craigroy is technically legal road, it may not precisely follow the legal alignment. If this is the case, public access is not secure and will depend on the outcomes of tenure review. Beyond the yards at the SW corner of Happy Valley the access is through the Old Woman Range Conservation Area and is therefore available to the public. The doubtful section is restricted to that part of the track through Craigroy, along the back boundary of Happy Valley. If the high ground within the back boundary of Happy Valley became conservation land through the tenure review of this property, at least walking access to the Old Woman Conservation Area would be assured. The CPL Act 1998 requires that provision be made for secure public access. It is therefore recommended that public access to the Old Woman Range along the back boundary of Happy Valley should be assured as an outcome of tenure review, either by designation of a Conservation Area or an easement for public foot and non-motorised vehicle access.

Public access is also required to the historic gold mining area in the mid reaches of Duffers gully. Ideally this would be in the form of an easement (for foot and non-mechanised vehicle use) on the tracks leading to and from Tucker Gully over the saddles to the north and south of the historic mining area.

The lower reaches of Bannock Burn carry two water races which traverse the shrublands in the Gorge. A contoured road gives easy access which the public might enjoy if an easement could be provided across the farmland.

OTAGO CONSERVATION MANAGEMENT STRATEGY

In the Otago Conservation Management Strategy for (CMS) the Old Man - Garvie area is recognised as a Special Place. The objective for this Special Place is:

"To protect the entire high altitude range crests for their landscape, nature conservation, cultural, and recreational importance, to improve legal access to them, and to ensure that recreational and commercial uses are managed to sustain resources and ensure quality recreational experiences....."

It should be further noted that the CMS states that *"Protected areas boundaries will be rationalised by disposals, acquisitions, swaps and other means (including tenure review) to link as far as practicable the existing inland protected areas and areas of indigenous vegetation between them."* [underlining our addition].

It is also noted that the CMS includes the following statements: *"Pastoral lease tenure review on adjacent properties will provide opportunities to negotiate to protect the entire range crest."* and *"Continued identification of key natural and historic resources to enable well informed decision making in the pastoral lease tenure review process."*

Finally, it should be noted that the CMS priority for the Old Man area states that *"Completion of protection negotiations, including tenure reviews, will be a priority in this Special Place."*

From statements in the CMS, it is clear that DOC is committed to achieving its objectives for the Old Man - Garvie Special Place and that significant progress would be made towards achieving the objectives if this tenure review can be successfully negotiated.

CONCLUSIONS

1. The tenure review of Happy valley is a one-off opportunity to enhance the recreational opportunities of the Duffers Saddle - Old Woman range area, and to increase the recreational value of those lands by recognising the significant inherent natural, historic and landscape values described

above and in the PNA Surveys carried out in the mid 1980s.

2. The higher country of Happy Valley is situated in a commanding position overlooking Cromwell and Lake Dunstan. It includes the entire catchment of Duffers Gully and most of the catchment of the Bannock Burn. Its northern boundary is close to the Nevis Road while its western boundary runs along the crest of the range, bordering Craigroy Station on the Nevis side.
3. The high country at the back of the property includes Duffers Saddle and the Carrick Water Race. In fact, water races are a characteristic feature of the property with races used during the gold mining era, and more recently bringing irrigation water out of the Bannock Burn for farms in the Bannockburn area. Some of these may be suitable for recreational use.
4. A high proportion of the property has been classified LUC Class VIIe. The lower altitude steep slopes on Round Hill and similar areas are characterised by semi-arid soils which are prone to rabbit infestation and have low pasture potential due to frequent drought stress. The higher country, above about 1,000m is characterised by Dunstan and Carrick high country soils of inherently low fertility and has also been classified LUC Class VIIe.
5. High country LUC Class VII land may not be capable of being managed in a way that is ecologically sustainable because it may not be justifiably economic to replenish the nutrients which are lost through grazing and burning. Conservation values should be assessed and considered as an alternative to unsustainable pastoral use.
6. Public access to the Old Woman Range and shorter walking opportunities in the Tucker and Duffers Gullies, together with the protection of associated areas of high natural and landscape values are likely to be the main recreational issues in this tenure review.
7. Mason (1988) stated that "*the primary winter recreational potential of the area (Old Man, Old Woman and Carrick Ranges) is for cross country skiing.*" He went on to explain that this was largely due to the ease of physical access which includes road access to the snowline, and the possibility of day trips from Dunedin or Invercargill.
8. The track from the Nevis Road through Duffers Saddle and along to Mount Black is well used by cross country skiers in the winter and could be more popular with trampers and mountain bike enthusiasts in the summer months. Public access to and along the Old Woman Range from the Nevis Road starts over Craigroy pastoral leasehold land. Although the track is technically legal road, it may not precisely follow the legal alignment and public access is probably not secure and will depend on the outcomes of tenure review.
9. PNA surveys carried out in the 1980s recognised the significance of natural values and identified one RAP on Happy Valley. This area is defined as RAP 1/5 Bannock Burn – Old Woman Range and occupies some 900ha in the catchment of the Bannock Burn.
10. Another area of high natural and landscape value is situated in the top block of Happy Valley extending from the Nevis Road to the rim of the Bannock Burn catchment and which FMC asserts is of comparable conservation and recreation value to the RAP.
11. FMC recommends that both these areas should be returned to full Crown ownership to be managed for conservation and recreation purposes. If this recommendation is adopted, public foot and non-motorised access along the back boundary to the Old Woman Conservation Area will be secured as required by the CPL Act 1998.

12. If public access is not secured as recommended above, then an easement for public foot and non-motorised vehicle access along the back boundary will be required.

13. Significant historic values (a stone hut and stacked stone tailings relating to early gold mining) have been recognised in the mid-reaches of Duffers Gully. These features add considerable interest for recreational visitors and should be protected. It may not be necessary to preclude grazing, and recognition as an Historic Reserve with grazing rights and public access would be appropriate.

14. Access would be best provided by an easement for public foot and non-motorised vehicle access on farm tracks leading to and from Tucker Gully over the saddles to the north and south of the historic mining area in Duffers Gully.

15. The fact that rights of way may not yet exist across neighbouring properties should not be a reason for failing to make provision for access over Happy Valley. Provision should be made now in anticipation of further public access becoming available through future tenure reviews or other access arrangements.

16. The recreational significance of Happy Valley should be assessed not only on present usage but also on potential. This is because current usage is less than its potential for a number of reasons including ease of access in the past.

17. The outcome of the tenure review of Happy Valley could contribute significantly to the achievement of the objectives declared for the Old Man - Garvie Special Place in the Otago Conservation Management Strategy.

ACKNOWLEDGEMENTS

FMC is grateful for assistance from authorities in making the assessment possible. The site inspection was carried out in February 2006 and FMC is grateful to the runholder for co-operation and granting permission for access, and to Opus staff for making the appropriate arrangements.

consistent with ensuring the securing of public access to and enjoyment of reviewable land as per part 24 (c)(i) of the CPLA.

Mountain biking is growing recreational activity across a wide age profile of the wider community. Mountain biking circuits are limited in the Cromwell basin and this would provide a very interesting and easily accessible addition with its combined landscape and heritage features.

More easily accessible lower altitude recreational areas are important when winter snow and short days limit the use of the tops; and they also provide a different recreational experience. It is important the opportunities through tenure review for quality recreational experiences of this type are fully recognised and provided for.

As discussed in the previous section there should also be foot access between CC1 and CA1 via the farm track on the true left of the Bannock Burn in lieu of difficult access up the marginal strip (see attached map). This would allow for a great round trip via the range summit, Carrick water race and Nevis Road.

A period of 70 days seems excessive for closure for lambing, considering the spring is a good time of year for visiting lower altitude areas. In our experience ewes and lambs more than 3 or 4 weeks old get used to people passing through, even merinos.

Submission:

2. That Historic Reserve status be given to the area instead, with a grazing concession for sheep only.

However, if by covenant, that the Special Conditions and Schedule 3 provide for unimpeded survey and recording, analysis, assessment and active heritage management of the gold workings complex. That community heritage partnerships are permitted as an option for active heritage management.

That regular visual survey for cattle damage be carried out for the remaining time cattle are present and existing shrub cover to be considered as a short term protective mechanism subject to maintaining the existing structural heritage integrity.

That the full extent of interconnected heritage features be included in CC1.

That chemical spraying or any other form of clearance shall only occur as part of a shrubland management plan, shall not include any native shrubs except matagouri as specified, and shall not include any blanket spraying. We have provided a prescription for the threshold for removing matagouri but expert ecological advice is needed to define this threshold.

That a loop trip access be provided for foot and mountain bike.

That there be foot access between CC1 and CA1 along the existing 4WD track either to the west of the Bannock Burn or through CC2 and up the true right of Duffers Gully (see below).

That closure for lambing be only from 1 October to 21 November.

That there be no bulls in the CC1 area.

Proposal:

3. Conservation Covenant CC2

This is an area of about 80ha on secondary ridge and gully systems above lower Duffers Gully and including a portion of the middle part of Duffers Gully. The purpose is to protect the diverse grey shrublands which are relatively dense over this area and galaxiid habitat, which is inaccessible to salmonids. Only sheep are permitted to graze this area (which is part of 3 separate grazing blocks), at a rate or density that will not adversely affect the

vegetation. This is a “paper” covenant area in that it is not to be fenced off from surrounding land. Effectively the stocking rates set are those for the entire 3 blocks the covenant is part of.

The proposal for protecting the shrublands and galaxiid habitat is supported. It would be preferable to have no stock grazing as this will impede regeneration to greater or lesser degrees. We accept that light stocking (sheep only) may allow a certain level of regeneration to occur. It is acknowledged that the shrubland is regenerating although a portion of it is fertiliser-induced matagouri. We support the condition that the stocking rate is set by the Minister (Special Condition 1).

Notwithstanding our submission on the unencumbered freehold land (see below) we consider the boundaries chosen for CC2 are not natural nor practical. They should follow natural lines such as gullies and ridges or run between obvious natural features so the resultant patterns have coherence and legibility in the landscape, and so that the boundaries can be readily established on the ground (given the boundaries are not going to be marked in any way to aid land management).

We proposed revised boundaries in the attached plan.

It may well be that the boundaries will have to be fenced, as the covenant affects 3 grazing blocks. The levels set – which will need to be light – are effectively set for the entire block.

The conditions for monitoring need to be tightened up to be effective:

Schedule 3 point 1

Monitoring is to occur every 5 years or some other agreed period, which may be more than 5 years. This is not acceptable. Comprehensive monitoring must be at least every 5 years. There must also be an initial comprehensive reference point survey and assessment carried out at the time the covenant is established to provide the base line for future measurements. Point 1 does not explicitly require this.

Whilst it is acceptable that monitoring under the established programme is to be organised by the owner, there needs to be provision for the Minister to organise the monitoring to be carried out at the right time if the owner is not able to do so, or overruns the due date. It is critical that the monitoring is carried out in a consistent, objective and timely manner.

The monitoring provider must be appropriately qualified and familiar with dryland ecology. Unless the owner is so qualified and has the time and means to carry out the monitoring, it is not acceptable that they carry out the work except as an assistant under supervision. We strongly encourage provision for the owner to be involved however, to improve their knowledge and understanding of ecosystem management and help them make better decisions. This also fosters collaboration and sharing of land management responsibility.

Point 3

Photo point monitoring alone is too crude a management tool for a complex ecological system. It alone would not reveal all impacts of grazing. If the stocking rate is to be set at a rate that does not adversely impact on the shrubland community (which also includes herbs grasses and other understorey vegetation) then the monitoring needs to provide detailed information about its complete state. Most importantly information on the extent and nature of regeneration and recruitment needs to be regularly collected, as well as measurements of increase or decrease in biodiversity and changes in community structure. Ground inspections are needed too to assess levels of browse damage and trampling.

The area should be inspected on foot by an experienced ecologist every two years to pick up any obvious deterioration. There needs to be provision for more targeted survey work to be carried out if deterioration is observed, in order to make timely decisions on future stocking.

Further, to achieve the goal of the covenant, progressive improvements in diversity and health as well as no reductions in extent would need to be demonstrated. The covenanted area is mostly a Chronically Threatened environment deserving of protection and nurturing and there may well be threatened and at risk species present, including insects and lizards. If this is not occurring then sheep grazing must be reduced or ceased and the area fenced.

We support Points 2 and 4.

Submission:

3. Adjust the boundaries of the covenant area to be easily determined on the ground and support a high level of visual coherence of the landscape.

The provisions of Schedule 3 need to be adjusted to ensure goals are met and monitoring is effective, consistent, objective and timely.

Proposal:

4. Conservation Covenant CC3

The upper catchment of Duffers Gully, a 270ha grazing block known as the Darkside Block ranging in altitude from around 860m to 1300m with most of it over 1000m, is proposed for freehold with a covenant to protect natural landscape and heritage values. There would be no public access within the area except along the historic Carrick water race.

We do not support the proposal for freehold and a covenant. We submit that the block should be conservation land, with a phase out grazing concession as for CA1 (see earlier section on CA1).

Consistent with many other tenure reviews, land over 1000m altitude particularly colder country facing east to south, is not suitable for pastoral use (being Class VIIe land) and should be managed principally for natural resource conservation area purposes (robust native vegetation and associated native fauna, water and soil resources). This is proposed for CA1 and for the range summit areas on Craigroy adjoining to the west. It is acknowledged by the Minister of Conservation in this proposal (see Schedule 2 for CA1) that grazing of CA1 is not sustainable. There is nothing different about the Darkside Block we could see that would support a divergent approach, in fact it appears a more degraded part of the range crest area (eg, it wasn't part of the Bannock Burn 1/5 RAP) and is thus even more deserving of restorative management.

Severe environmental degradation is already apparent, in the extensive loss of tall tussock and shrublands, proliferation of Spaniards and short tussock, spread of hieracium and opportunistic exotic grasses, and the presence of sheet erosion on Darkside. The proposal to freehold with grazing continuing indefinitely would not promote ecologically sustainable land use as required by the CPLA (part 24 (a)(i)). Fertiliser cannot be economically applied to such areas because of the short growing season and low rate of return per ha. Grazing has and still is effectively mining the land, with a net loss of nutrients, vegetative mass and slow but sure running down of the ecosystem. We note that the proposed conditions specifically exclude topdressing in any case.

Recovery of such areas will take a very long time, and the sooner grazing is removed the better. The return of tall tussock cover is important to prevent soil loss, sustain water yield, and together with diverse shrub cover including *Olearia* spp; *Ozothamnus vauvilliersii*; *Dracophyllum* and *Hebe* to provide good habitat for native fauna. Good tall tussock cover and diverse shrublands also support high landscape and visual values. There remain islands of healthy tall tussock for recruitment to take place. Sheep grazing is during the summer months, when seed ripens and spreads (February). Browsing of seed heads (and seedlings) reduces the regenerative ability. "Sheep are known to strip seed heads of snow tussock as they develop and mature so can significantly reduce seed production. Seedlings over the first several years are so small that grazing by sheep would be negligible but as and when they get ~10 cm tall after several years, they are likely to be preferentially grazed by both sheep and hares" (Alan Mark pers. comm January 2014).

We noted many *Olearia* shrubs as well as *Ozothamnus*; *Dracophyllum* and *Hebe* in the catchment. On-going grazing would inhibit regeneration of shrub communities.

No provision in Part 24 (a) (b) or (c) supports the freeholding of this area and continued grazing. Furthermore, grazing conflicts with part (a) (i) and part (b) (ii) and (c) (i); and it does not satisfy (a) (ii) or (b) (i).

The inclusion of CA1 and the upper Duffers Creek catchment together with the Craigroy uplands would greatly increase the conservation and recreation values of the Old Woman Conservation Area.

The proposal for a walking easement around the Carrick water race is supported and would enable enjoyment of the reviewable land, at least visual enjoyment. We note that there is wander at will provided for in the Carrick tenure review outcome, on all the land above the Carrick water race. This should be provided for on Happy Valley as well. If the land were conservation land however, full legal public access would be enabled.

Submission:

4. That the Darkside Block be retained by the Crown as conservation area as part of CA1, with a 5 year phase out grazing concession, as for CA1.

Proposal:

5. Remaining Freehold

We are concerned there is no protection mechanism being provided for the extensive and often diverse native shrublands outside of CC2, including those in the lower part of RAP Bannockburn 1/5 which have been previously identified as important as part of the full altitudinal sequence of habitat types and vegetation as noted in the CRR and in this proposal. As the Protected Natural Areas programme was only concerned with identifying representative areas rather than the full extent of significant values, other areas of shrubland similar to that of the Bannock Burn valley and spanning the same altitudinal sequence will be of comparable value. We note that the proposal is cognisant of the advice of Walker et al 2003¹ regarding protection and restoration of woody communities yet proposes no protection. This is also contrary to National Priority 1, the protection of remaining indigenous vegetation in Acutely and Chronically Threatened Environments. We observed on our site inspection large areas of indiscriminately blanket sprayed woody cover which included mature matagouri, coprosma and olearia and scramblers such as

¹ The Woody Vegetation of Central Otago, New Zealand: its present and past distribution and future restoration needs, Science for Conservation 226 S Walker et al Dept. of Conservation 2003

Rubus, Muehlenbeckia; and Parsonsia. This vegetation management approach could freely continue once freeholded as there are no district plan controls over vegetation removal in accordance with the exemption clause at 4.7.6KA.

We submit that the shrublands (and their fauna) and associated landscape values of this area are a significant inherent value, and that these values has been underestimated.

The importance of the dry seral woody ecosystems such as these of the eastern South Island high country are among the *"most overlooked and least understood of all New Zealand vegetation types."* (Walker et al 2003). The report goes on to say that less than 2% of this vegetation type is formally protected (this would have increased slightly since 2003 but will still be in the order of 2-5%), and that there is a need to protect remaining areas and take on board broader longer term concepts of successional change and ecosystem restoration, rather than just maintain existing states and protect only current inherent values, and, in our view, small ring fenced areas (such as CC2) as "representative examples" (of vegetation but not of ecosystem) isolated within the wider landscape. The "zoo" approach to indigenous biodiversity conservation is out moded and ineffective. Current approaches focus on landscape-scale ecosystem conservation and enhancement – Walker et al recommended *"Where possible reserve design should envisage and allow for the expansion and eventual restoration of sequences of native woody vegetation from the valley floors to the range tops, and existing remnants should be viewed as foci and seed sources. Small isolated covenants or reserves of trees surrounded by pastoral landwill not allow the unfolding of elevation sequences of successional woodlands and forest over time."* (p77-78).

There is also now a focus on greater collaborative effort by the DOC, scientific community, land owners and community, and integration with other land uses with biodiversity management being mainstreamed into traditional farm/forestry etc management. Landscape scale conservation is *"the only way critical restoration thresholds ensuring long term viability can be achieved"* *"for the long term survival we will need to systematically build their [referring to patches of remnant indigenous vegetation] resilience by buffering and corridor development including riparian planting reconnecting patches and weaving them together to form an interconnected network."* (Prof. Bruce Clarkson, QEII National Trust magazine Oct 2013 p3).

The unencumbered freehold areas with native shrubland cover² are virtually all Chronically Threatened (by far the greatest area), At Risk and Critically Underprotected land environments. Any remaining native cover in these areas should be protected, in accordance with National Priority 1 for Chronically Threatened areas, and their recovery promoted - *"scientific research has shown that the rate of biodiversity loss increases dramatically when native vegetation cover drops below 20 percent of what it was before humans arrived"*³.

The values of native shrublands are considerable as outlined in the section on CC1, and we believe, underestimated in this proposal. The potential for further regeneration and increased biodiversity value with conservative management has also been ignored. There was only limited DOC survey time available and it is likely there are higher values present

² Being the blocks Bottom Darkside, Duffers, Lower Duffers, Duffers Creek, Old Woman and Darkside Roundhill

³ **National Priority 1: To protect indigenous vegetation associated with land environments, (defined by Land Environments of New Zealand at Level IV), that have 20 percent or less remaining in indigenous cover.** Protecting our Places – Introducing the National Priorities for Protecting Rare and Threatened Native Biodiversity on Private Land

than shown by the survey, for example, the presence of *Coprosma intertexta* was missed. The shrublands and their fauna represent an SIV that requires protection under Part 24 (b) of the CPLA.

We submit there should be a balance between removal and retention of native woody cover so that a robust framework of indigenous shrubland remains. Around 20-30% of the land should remain in interconnected patches (such as the dense patches around rock bluffs) and corridors of native shrubland, focused on the riparian areas especially. Where necessary to control grazing, some protective fencing may need to be erected.

There is no restriction on removal of indigenous shrubland under the Central Otago District Plan on land freeholded out of tenure review⁴, as it is assumed by the Plan that all SIVs have been protected already as a tenure review outcome (either by conservation area status, reserve or protective covenant). Protection of the native shrublands must therefore be effected through the tenure review.

Submission:

5. We suggest a prescriptive shrubland management condition (via a covenant) be applied to those remaining parts of the lease proposed for freehold that support native shrubland cover. The exact parameters need to be provided by an experienced ecologist but we suggest the following:

That chemical spraying or any other form of clearance shall only occur as part of a shrubland management plan approved by the Minister of Conservation, shall not include any native shrubs except matagouri meeting prescribed criteria. We have provided a prescription for the threshold for removing matagouri (as per our submission on CC1) but expert ecological advice is needed to confirm this threshold.

Any woody vegetation removal programme shall focus on exotic woody species, and shall ensure a robust, well interconnected and buffered network of native shrubland remains or has the potential to develop over at least 20-30% of each grazing block. Native shrubland shall not be removed within 50m of any gully centre except for occasional gully crossings for stock (maximum 10m wide). Existing dense patches of native shrubland (defined as 70% or more canopy cover) of more than 30m² around rock outcrops shall not be destroyed.

In this case we suggest that establishing repeatable photo points is appropriate as the main tool for monitoring, along with a 5 yearly ground inspection with provision for carrying out more detailed survey and assessment if required (as for CC2). A base line measurement and record of shrub cover would be necessary, as for CC2.

There needs to be provision for the Minister to require changes in pastoral management in response to monitoring outcomes.

Water Race Access

Proposal:

6. Lower parts of the pastoral leases including the water races are proposed as Freehold with no public access.

In our early report we requested public access along the historic water races in the lower Bannock burn to their inlets, to be able to appreciate their engineering and heritage value. This does not appear to have been considered in the proposal.

Submission:

⁴ page4:62 Part 4.7.6KA I (i) operative Central Otago District Plan April 2008

6. that consideration be given to providing public access along the historic water races of the lower Bannockburn to their inlets.

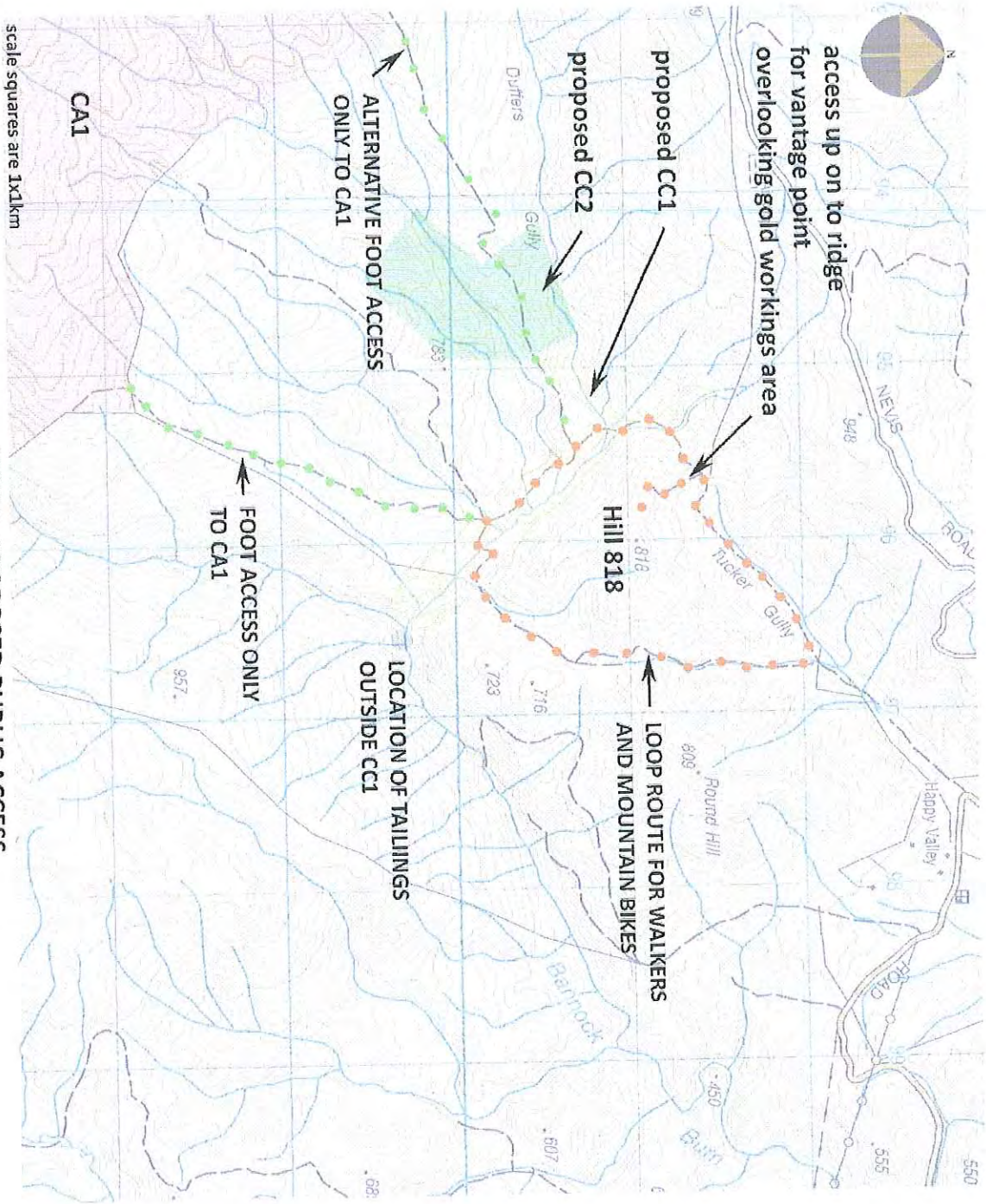
We thank you for the opportunity to submit on this preliminary proposal,

Yours sincerely

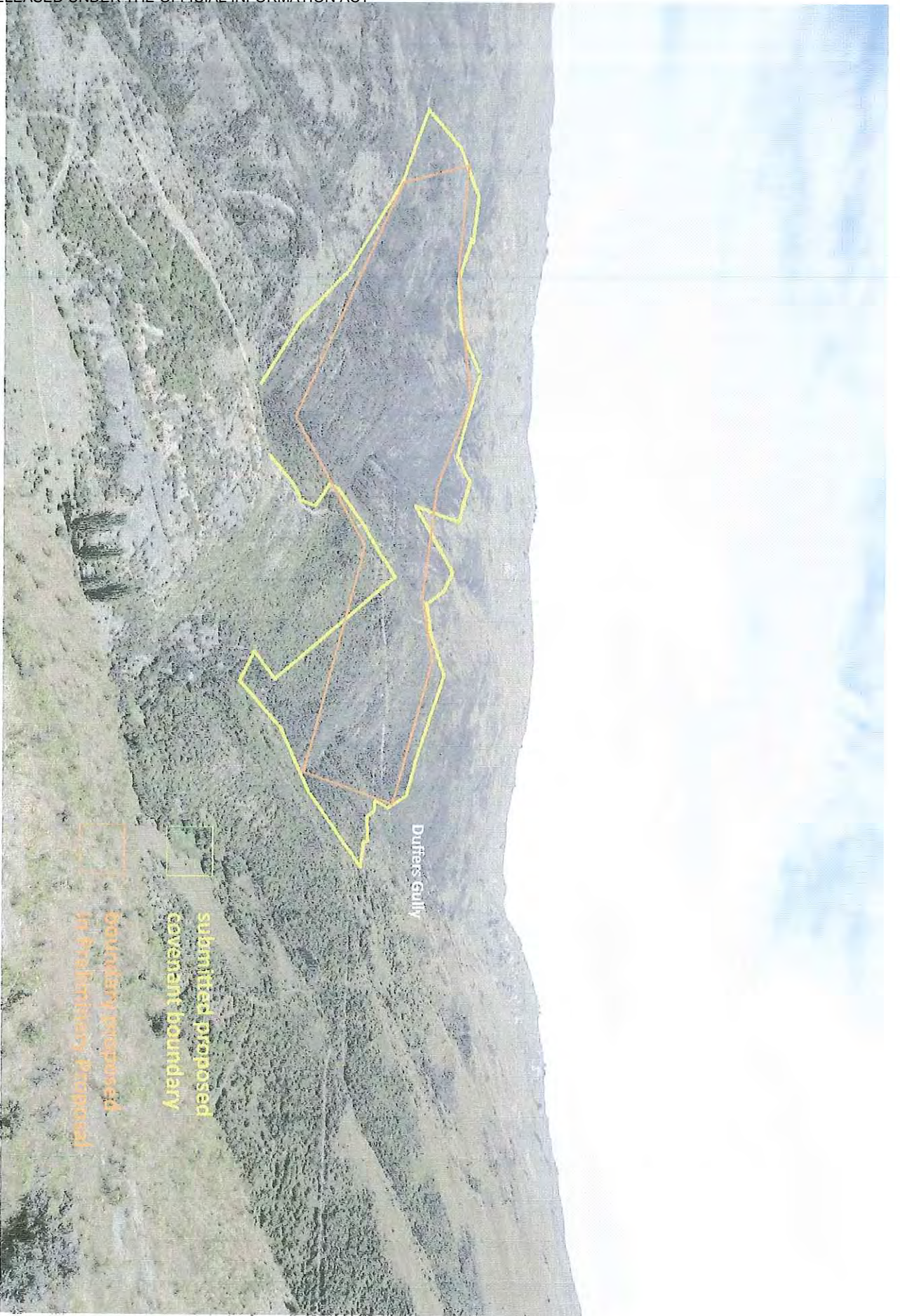
A handwritten signature in blue ink, consisting of a stylized 'D' and 'B' followed by a long horizontal line.

Denise Bruns

for the Central Otago-Lakes branch
Royal Forest and Bird Protection Society



MAP 1- PROPOSED PUBLIC ACCESS
TENURE REVIEW, HAPPY VALLEY PASTORAL LEASE
 submission of Central Otago Lakes Branch Forest and Bird
 February 2014



Duffers Gully

submitted proposed
covenant boundary

boundary proposed
in preliminary proposal

PHOTO 1- BOUNDARY OF PROPOSED CC2

TENURE REVIEW, HAPPY VALLEY PASTORAL LEASE

submission of Central Otago Lakes Branch Forest and Bird

February 2014



Submission 5



Our Ref: 22015-001
Your Ref: PO361

10 February 2014

Commissioner of Crown Lands
LINZ
Crown Property & Investment
CBRE House, 112 Tuam St
Private Bag 4721
CHRISTCHURCH 8140

Dear Sir/Madam

RE: HAPPY VALLEY TENURE REVIEW

Thank you for your letter of 21 November 2013 concerning the above. The NZHPT's Southern Regional Office in Christchurch has forwarded it to the Otago/Southland Area Office for a response.

The New Zealand Historic Places Trust (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 contributed staff resources to tenure review site inspections and assessments previously and understand the significant inherent values approach for tenure review. These reviews offer a 'one off' opportunity to ensure the Crown's commitment to the identification of heritage values located on pastoral lease land and warranting recognition and protection is met.

NZHPT has undertaken a desktop check for the area covered by the Happy Valley Pastoral Lease which included checking the NZHPT Register of Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu Areas, the NZ Archaeological Association database, and a review of information available to the NZHPT's Regional Archaeologist for Otago/Southland. The NZHPT has also visited this property with the lessee and Department of Conservation staff on two occasions and was involved in discussions of the management of the heritage sites. The Regional Archaeologist was also co-author of the Historic Resources report for Happy Valley when he worked for the Department.

The NZHPT supports the direct management of the historic/archaeological values on Happy Valley as proposed in the Tenure Review Preliminary Proposal. Particularly, Schedule 3 *Management Prescription Document for Happy Valley Station – Historic Site Covenant Duffers Gully* of the Conservation Covenant CC1 which provides proactive management of the gold mining heritage sites.

Write to: Otago/Southland Area Office, New Zealand Historic Places Trust, PO Box 5467, DUNEDIN 9058
Visit: 4th Floor, Queens Building, 109 Princes Street, DUNEDIN; **Tel:** 03 477 9871; **Fax:** 03 477 3893
Email: infodeepsouth@historic.org.nz **Web:** www.historic.org.nz

The NZHPT would advise some additions to Schedule 3. These are as follows:

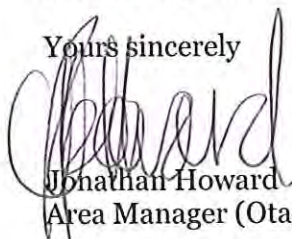
- The NZHPT recommends that the huts sites are fenced off to prevent cattle interacting with the structures. Cattle cause incremental damage to stone structures through walking on or over them, brushing up against them or leaning on them. Upright stone structures are particularly vulnerable with free standing stone chimneys being sensitive to this activity. The NZHPT suggests fencing using warratahs and wire, or similar, as a simple yet effective method of reducing such damage to hut sites and other vertical structures. An example of this fencing is in the enclosed photographs.
- The NZHPT recommends the creation of a timetable for the monitoring of the historic sites added to Schedule 3. For example, the timetable could include establishing photo-points within one month of the Tenure Review proposal being accepted by the Lessee, as well as a schedule for regular monitoring. Another possible timetable item could be monitoring sites annually for the first five years and then every second year until cattle are removed etc.
- The NZHPT recommends that Schedule 3 should also include a timetable to enact solutions to detected site damage. For example, if damage to a hut site was occurring, the site should be temporarily fenced within one month of damage being reported and permanently fenced within six months of the damage being reported.

For the reasons given in point one above, cattle should be ideally excluded from Conservation Covenant CC1. However the NZHPT believes that a reasonable compromise is the running of cattle until the current lessee's management ends, as noted in the proposal.

As historic features are located on the land proposed for disposal to the lessee, it is important to advise that any activity by the owner of the land that may modify, damage or destroy and archaeological site(s), would require an authority (consent) from the NZHPT prior to any works being undertaken. Work affecting archaeological sites is subject to the archaeological authority process under the Historic Places Act 1993.

Please let me know if you have any queries with respect to the above. We would be happy to provide any further information or advice.

Yours sincerely



Jonathan Howard
Area Manager (Otago/Southland)

Submission 6



**OTAGO
BOARD**

**CONSERVATION
BOARD**

Box 5244, Dunedin 9058 Tel: (03) 474 6944 Email: ahooper@doc.govt.nz

Our ref: SBC-08-34

10 February 2014

LINZ – Crown Property and Investment
Private Bag 4721
CHRISTCHURCH 8140 (email to: pastoral&tenurereview@linz.govt.nz)

Dear Sirs

Review under Part 2 Crown Pastoral Land Act: Happy Valley

The Otago Conservation Board appreciates this opportunity to comment on the Preliminary Proposal for the review of the Happy Valley Pastoral Lease.

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

The Board agrees that the land proposed for return to full Crown ownership and control is appropriately allocated. The allocation appears to recognise the principles espoused in the Crown Pastoral Land Act 1998, which provides for full Crown ownership and control as the preferred method of protecting significant inherent values when land cannot be farmed in an ecologically sustainable manner and for land that is capable of economic use without compromising ecological sustainability to be freeholded.

The proposed conservation area (CA1) will provide protection for several important plant species and ecosystems, as well as protecting important landscape values and supporting recreational use. Given the high altitude and low soil fertility, this area is unlikely to be capable of being farmed in a way that is both economically viable and ecologically sustainable.

The Board notes with some concern the proposal for the area marked as CC3 to be part of the freehold allocation, subject to a conservation covenant. The majority of this area is subject to the same considerations as CA1. It is mostly above 1000m, and the values intended to be protected are similar to those in CA1. The Board again states that the Act has an explicit preference for full

Crown ownership and control as the preferred protection method, and therefore recommends that this area, or a substantial part of it, be added to area CA1.

The other two proposed covenant areas, CC1 and CC2, appear to be appropriate, and the Board supports these.

The Board supports the proposed public access easement (a-b), providing access to area CC1. The proposed public access easement (c-d), providing access along the water race, is in area CC3, and therefore the Board's preference is for it to be included in area CA1. However, if it remains in the freehold, then the Board supports the use of the easement, which has the potential to be a reasonably popular route.

In conclusion, the Otago Conservation Board generally supports the proposed return of land to full Crown ownership for the Happy Valley pastoral lease, but the Board has concerns about the proposal for the CC3 area and for the public access easement (c-d) for which it has recommended alternative approaches. The Board urges the Commissioner to give consideration to its concerns and the alternative solutions put forward, as part of the submissions process.

Yours faithfully

A handwritten signature in black ink that reads "G Bailey". The signature is written in a cursive style with a large, looping initial "G" and a long, sweeping tail.

Gordon Bailey
Chairperson

Submission 7

11 February 2014

Commissioner of Crown Lands
Land Information New Zealand
Crown Property and Investment
Private Bag 4721
CHRISTCHURCH 8140

Preliminary Proposal for Tenure Review of Happy Valley Pastoral Lease, Po361. Submission from the New Zealand Walking Access Commission

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of the Happy Valley pastoral lease (PL). As you will appreciate, this is the first opportunity that the New Zealand Walking Access Commission (the Commission) has had to comment on this proposal.

The following submission should be considered as new information as, to-date, the tenure review planning, extensive discussion and consultation have been undertaken without input from the Commission – the statutory body established in 2008 to lead and support public access negotiations.

The Commission's public access statutory role is described below, under section **A. Introduction**, and the detailed submission is presented in section **B. Submission**.

In summary, the Commission seeks

- To ensure that practical enduring access is provided from the vehicle track at the southern end of easement shown V on SO 458706 to the proposed easement 'a-b', by confirming it is already provided for, or by establishing a new section of track to be included within the proposed easement within the land under review or, if necessary, creating an additional easement over section 3 SO 458706
- To have horse and non-motorised vehicle public access, in addition to the proposed foot access, over the full length of easement 'a-b'
- To ensure that the marginal strips, established on disposition of the land under review, are increased in width to greater than 20m to enable practical public access, in those places where a lesser width would make public horse and non-motorised vehicle access difficult.
- To ensure that public access on horse and non-motorised vehicles is provided for within covenant CC1 or, alternatively, seeks to have public access for foot, horse and non-motorised vehicle provide for over the tracks T1 or T2 (as shown on Map 4) to the conservation area CA1.
- To have public access on foot, horse and non-motorised vehicle provide for within easement 'b-c'.
- To have public access, in the nature of a gazetted walkway, for foot, horse and non-motorised vehicle provided for along the valley west of Round Hill (identified by the route 'Y-Z' on Map 4).

A. Introduction

Purpose, Objective and Functions of the NZ Walking Access Commission

The Walking Access Act 2008 (WA Act) (sections 3, 9 and 10) sets out the purpose, objective and functions of the NZ Walking Access Commission.

Central to its role is the Commission's leadership functions in negotiation and provision of free, certain, enduring and practical access to the outdoors for New Zealanders and visitors.

Focus of Submission is Public Access

The Commission's submission on the Preliminary Proposal for Happy Valley is designed, as envisaged by the WA Act, to achieve free, certain, enduring and future-focused public access in this area of New Zealand.

The Commission's submission reinforces the objectives of the Crown Pastoral Land Act 1998 (CPL Act), in particular section 24(c) which is to make easier the securing of public access to and enjoyment of reviewable land. Specifically, our submission addresses the public access and public enjoyment matters provided for in the protection mechanism subsections (2) (c) and (d) of section 40 of the CPL Act.

The Commission was not consulted during the preparation of this preliminary proposal, nor has it had the opportunity to undertake a ground inspection.

Therefore, this submission should be considered as new information provided by the Crown agency with statutory responsibility¹ for leading and supporting the negotiation, establishment, maintenance, and improvement of –

- walking access (including walkways, which are one form of walking access) over public and private land; and
- types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, and motor vehicles.

B. Submission

As noted in the summary of Preliminary Proposal for Happy Valley (p3), "the area's highly natural setting, feeling of relative remoteness and alpine setting generates a number of recreational values. The alpine section is considered to have the same potential for activities currently carried out within the adjoining Old Woman Range Conservation Area. These include tramping, hunting, horse trekking, mountain biking, botanising and cross country skiing. The wider area also has historic values which add to the recreational opportunities in the general vicinity of CA1."

The historic values include artefacts, structures and a range of other sites associated with the gold mining era occurring in lower Duffers Creek, as noted on page 5 of the Summary of Preliminary Proposal.

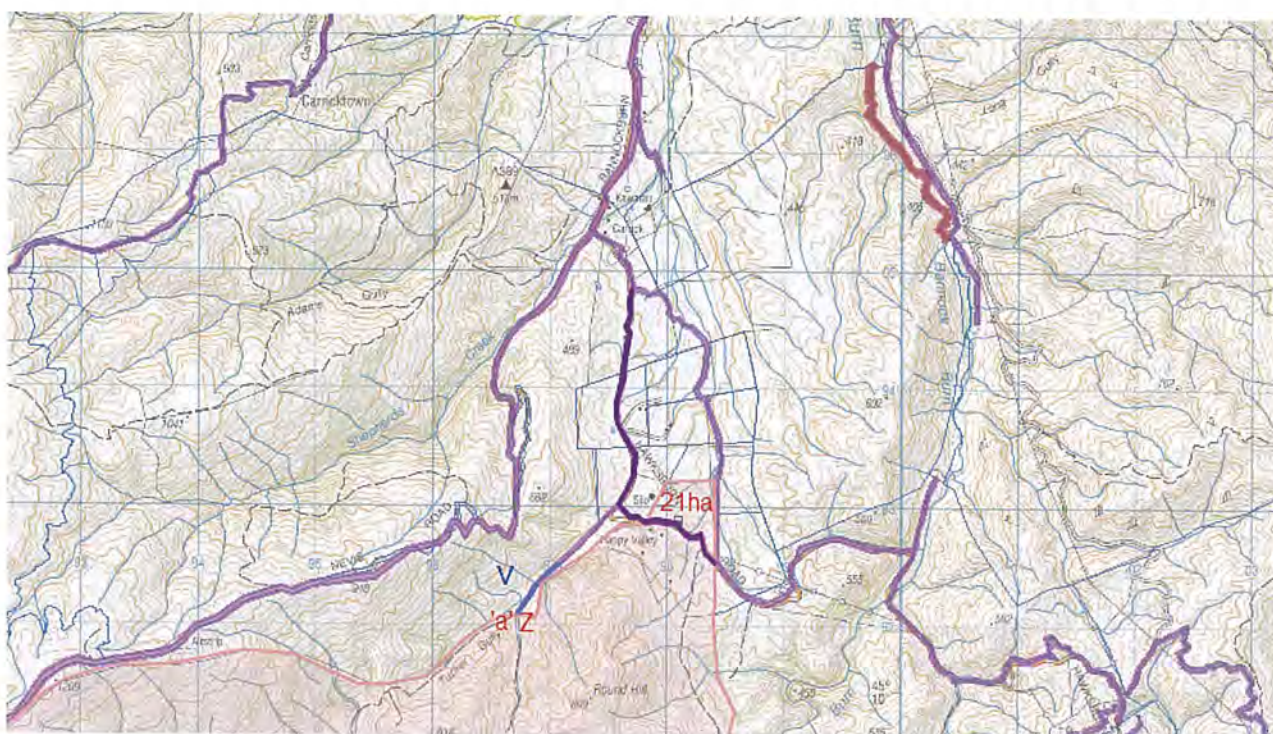
¹ Section 3(b) Walking Access Act 2008

Existing public access

Hawksburn Road (formed), separates the small northern-most parcel (approximately 21ha) from the main pastoral lease area. It is noted that this legal road is a separate parcel and is not included in the pastoral lease although the designation plan indicates this road is within the lease to be freeholded.

An unformed legal road (ULR) adjoins the eastern boundary of this northern-most parcel and re-joins Hawksburn Road just south of Carrick (see Map 1 below).

South-westwards, from the corner of Hawksburn Road, a legal road, which is formed to good farm track standard, extends approximately 600m to a public access easement (shown as area V on SO 458706). This easement, shown blue, provides public access over the farm track from the legal road to the boundary of Happy Valley Pastoral Lease, identified by point 'Z' on Map 1 below.



Map 1- Existing legal roads (purple) and public access easement (blue) [snip from wams.org.nz]

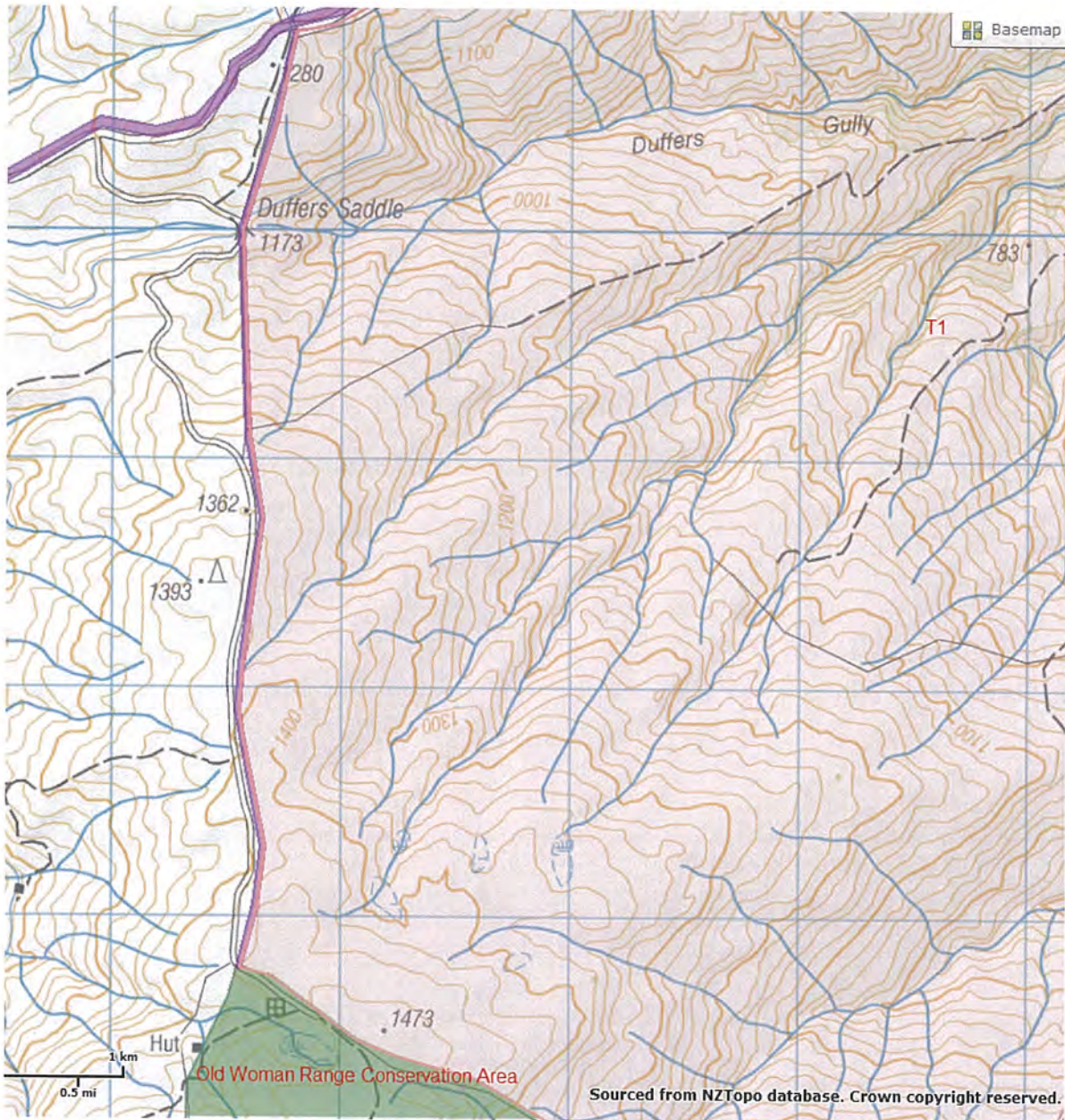
The Nevis Road provides formed legal access to the north western boundary of the pastoral lease.

From the Nevis Road, an ULR, running north-south along the western boundary of the property, provides legal access to Old Woman Range Conservation Area on the lease's southern boundary.

A 4WD track within the adjoining property (Run 339E) provides vehicle access in the vicinity of the western boundary of the Happy Valley PL. However, the alignment is west of the legal road. At the Nevis Road end, the 4WD track appears to be over 500m east of the ULR while the track approaches the alignment of the ULR to the south. The track appears to remain on the adjoining property for its entire length as shown on Map 2.

Land Information New Zealand has advised previously that access over neighbouring properties is beyond the scope of tenure review submissions.

Consequently, for the purposes of this submission, the Commission works on the basis that there is no practical enduring public access provided by the formed 4WD track, about the CA1 boundary, to the northwest corner of the Old Woman Conservation Area via Duffers Saddle, notwithstanding the comment to the contrary in the Summary of Preliminary Proposal (p 4).



Map 2- 4WD track formed to the west of the ULR on west boundary of property [snip from wams.org.nz]

Practical public access into the conservation area CA1, needs therefore, to be considered from within the Happy Valley PL only.

Public access proposed in the Preliminary Proposal

Public foot-only access is to be established by easement 'a-b' to the proposed CC1 area. CC1 has foot only access to view the historic values including artefacts, structures and a range of other sites associated with the gold mining era occurring in lower Duffers Creek. The Commission acknowledges the potential closure period, 1 October – 10 December, when lambing occurs.

While the Preliminary Proposal indicates that the route 'a-b' follows an existing vehicle track, the imagery available on the Commission's website, WAMS.org.nz, suggests that the formed track in Tucker Gully branches off from the existing easement, north of the pastoral lease boundary, at position indicated by 'X' on Map 3 below. Clarification is required to ensure that there is enduring practical public access along the easement 'a-b' This is discussed further under *Additional public access sought*.

The Commission notes that the existing easement 'V', as defined by SO 458706, provides horse and non-motorised vehicle access to the boundary of the pastoral lease, in addition to foot access. While the Commission supports foot access over easement 'a-b' it also seeks horse and non-motorised vehicle access to enable greater public enjoyment of the land and a continuation of the public access opportunities that were envisaged when the easement 'V' was created by the Crown – see section *Additional public access sought*. This is a logical extension of the existing access.

No direct public access is provided from the covenant area CC1 to the conservation area CA1, over the easement 'b' – 'c'. Currently this easement is for Minister of Conservation management purposes only.

Public access over this easement is also discussed below under the section *Additional public access sought*

Additional foot access is to be provided along proposed easement 'd-e' from Nevis Road along an existing water race through area CC3 leading, eventually, to the adjoining Old Woman Range Conservation area south of area CA1.

On disposition of the Crown Land, the marginal strips along the Bannock Burn and its major tributary to the west within the conservation covenant area CC1 will provide additional public access. It is critical that the width of these marginal strips is widened beyond 20m to mitigate any difficult access identified in final field inspections – to provide practical walking, horse and non-vehicular access, as discussed under *Additional public access sought*, below.

Additional public access sought

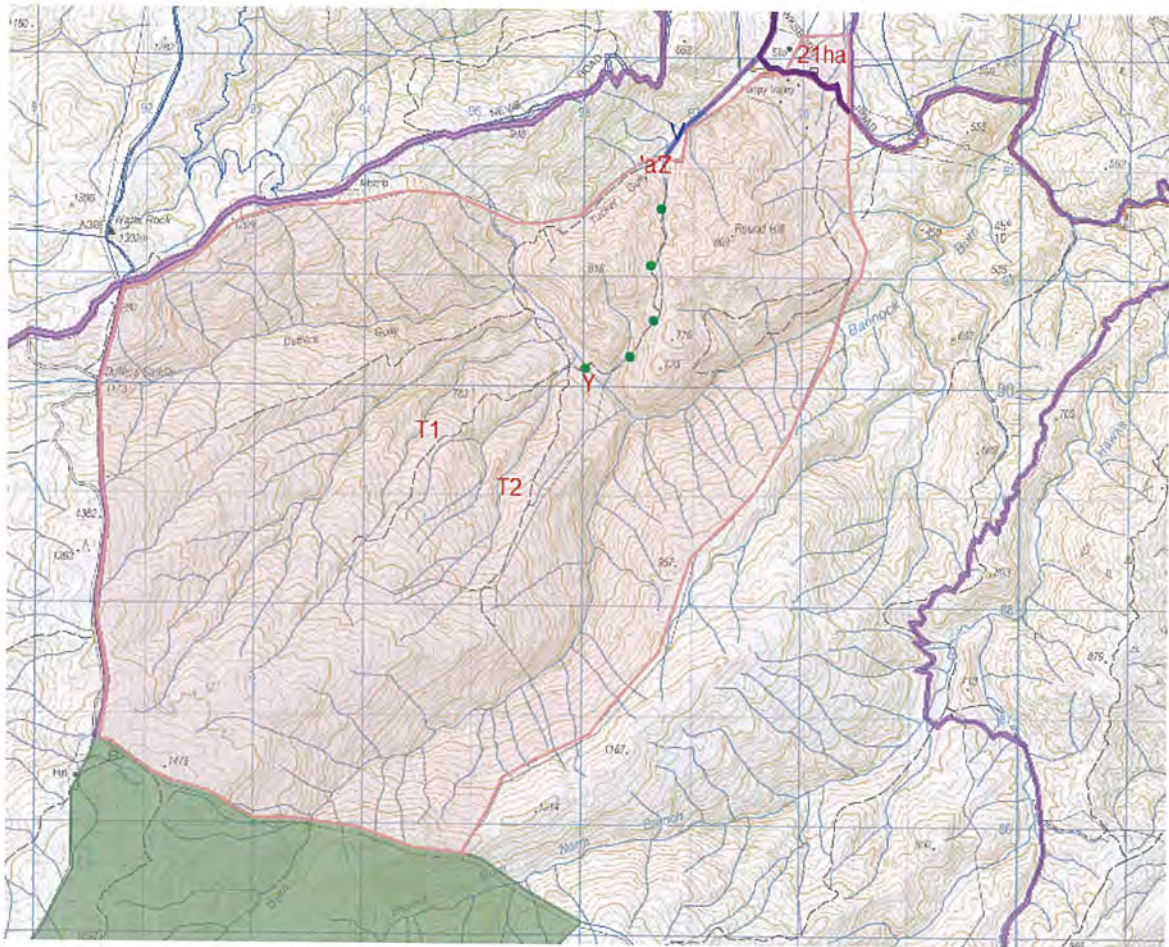
The area is well known and popular for recreation by the public. The Old Woman Range Conservation area provides for tramping, horse trekking, mountain biking, botanising and cross country skiing.

- i. The easement shown 'V' on SO 458706 provides for foot, horse and non-motorised vehicle access to the pastoral lease boundary at point 'Z' in Map 3 below. The Commission therefore requests provision for horse and non-vehicle access is able to continue past 'Z' through CC1, CC2 and into CA1. It is clear that the short easement 'V' was designed for this multipurpose use to maximise the recreational and enjoyment opportunities over the land, and these opportunities should be extended over the review land



Map 3- public access off area 'V' [from wams.org.nz]

- ii. Allied to this, the Commission seeks horse and non-vehicle access over the proposed easements 'a' – 'b', 'b' – 'c', and through covenant area CC 1 to provide multipurpose recreational access options in this popular area, including to the marginal strips on Bannock Burn and its tributary.
- iii. The Commission seeks an easement for foot, horse and non-vehicle access from the end of easement 'V' along the valley to the west and south of Round Hill to join up with the marginal strip along the tributary to the west of Bannock Burn (as indicated by the green dots 'Y-Z' in Map 4 below). This additional route will provide alternative public access loops and greatly enhance the recreational opportunity and public enjoyment of the land concerned.
- iv. The Commission seeks horse and non-motorised access across the whole of area CC1. Alternatively, the Commission seeks public access to CA1 over either of the two tracks leading south westwards from the ford, and situated east of covenant area CC2, as shown on the topographic overlay on the Preliminary Plan and Map 4. Either one of these tracks would provide an attractive loop option to the marginal strips. These two tracks can be seen on Map 4 below, depicted as T1 and T2 leading south-westwards from junction at point Y.



Map 4 – additional easement for public access indicated by green dots ('Y-Z')

Proposed Gazetted Walkway

To assist the management of this additional access, the Commission proposes a gazetted walkway (under the Walking Access Act 2008) along the route 'Y-Z'. This would help the landholder to manage the competing uses of recreation and farm operations.

Conclusion

The Commission seeks:

1. *To ensure that practical enduring access is provided from the vehicle track at the southern end of easement shown V on SO 458706 to the proposed easement 'a-b', by confirming it is already provided for, or by establishing a new section of track to be included within the proposed easement within the land under review or, if necessary, creating an additional easement over section 3 SO 458706*
2. *To have horse and non-motorised vehicle public access, in addition to the proposed foot access, over the full length of easement 'a-b'*
3. *To ensure that the marginal strips, established on disposition of the land under review, are increased in width to greater than 20m to enable practical public access, in those places where a lesser width would make public horse and non-motorised vehicle access difficult.*
4. *To ensure that public access on horse and non-motorised vehicles is provided for within covenant CC1 or, alternatively, seeks to have public access for foot, horse and non-motorised vehicle provide for over the tracks T1 or T2 (as shown on Map4) to the conservation area CA1 .*
5. *To have public access on foot, horse and non-motorised vehicle provide for within easement 'b-c'.*
6. *To have public access, in the nature of a gazetted walkway, for foot, horse and non-motorised vehicle provided for along the valley west of Round Hill (identified by the route 'Y-Z' on Map 4).*

Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Happy Valley pastoral lease.

We request timely advice as to how all the points we have raised have been analysed and what amendments, if any, are subsequently proposed to the Preliminary Proposal designations.

Yours sincerely



Mark Neeson
Chief Executive

Submission 8

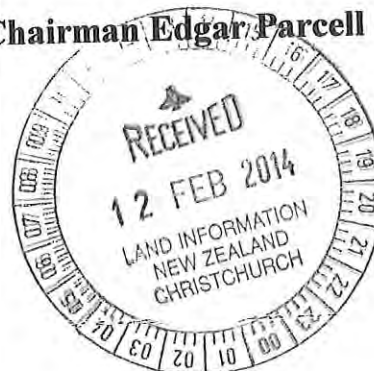
CA1097925

CARRICK IRRIGATION COMPANY LIMITED

**P.O. BOX 86
CROMWELL 9342**

Commissioner of Crown Lands
Land Information New Zealand
Crown Property & Investment
CBRE House
Private Bag 4721
Christchurch 8140

Chairman Edgar Parcell



Dear Sir,

I would like to make a submission on the preliminary Proposal of the Happy Valley Pastoral Lease:- on the following points –

1. The main subject – public foot access along the embankment of the Carrick Water Race. The easement labelled d-e on the designation plan, runs alongside the Carrick Water Race through conservation covenant CC3.
2. The Directors and Irrigators at the Carrick Irrigation Company will not permit access along the embankment or near the irrigation race as we have trouble now with people interfering with by washes and other structures on the race from time to time. Also, who is liable if someone gets hurt?
3. As we have installed a new very expensive water metering system at Duffers Saddle, we do not want any damage done to this equipment.
4. If the Commissioner or his Agents were to consider paying the Carrick Irrigation Company Twenty Five Thousand Dollars (\$25000.00) per year as a maintenance grant for use on this section of race, we may reconsider these objections.
5. As part of this submission I would like to draw to the Commissioners attention that access from Hawkesburn Road travels through Pisa View Farm property before it enters Carrick Station property, then on to Happy Valley - Page 13 of the proposal. Sure it is a public road but it would have been nice to have been contacted.

Yours faithfully

A handwritten signature in cursive script that reads "E. Parcell".

Edgar Parcell
Chairman
Carrick Irrigation Company
pp A separate email of this letter has been sent.

Submission 9



Federated Mountain Clubs of NZ (Inc)

P.O. Box 1604
WELLINGTON 6140
www.fmc.org.nz



28 January 2014

Commissioner of Crown Lands,
CBRE House, 112 Tuam Street,
Private Bag 4721,
CHRISTCHURCH 8140

Dear Sir,

Re: Preliminary Proposal for Tenure Review Happy Valley Pastoral Lease (Po 361)

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents over 15,000 members of tramping, mountaineering, climbing and other outdoor clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country. On their behalf, FMC aims to enhance recreation opportunities, to protect natural values, especially landscape and vegetation, as well as historic values and to improve public access to the back country through the tenure review process.

FMC fully supports the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and government's stated 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.*

[EDC Min (03) 5/3; CAB Min (03) 11/5 refer]

* Note that regardless of the changes of government and of governments' policies, these objectives are still the law of the land as enshrined in the Crown Pastoral Land Act, 1998.

We believe that the additional objectives (introduced by the last government), are fundamental to the future well-being of the South Island high country and should be given appropriate weight in the tenure review process.

FMC has previously written an 'Early Warning' report on Happy Valley entitled "Preliminary Report on the Recreational, Landscape, Historic, and other Conservation values, and Recommendations for the Outcomes of Tenure Review" (2006) at the 'Early Warning' stage of the tenure review process. That report included our recommendations for the outcomes of tenure review on Happy Valley. We are pleased to note that many of those recommendations are now included in the Preliminary Proposal (PP) for the tenure review of Happy Valley. We comment in detail on these proposals in this submission. A copy of the FMC Report (2006) is attached to this submission as Appendix 1.

Property Inspections, January 2006 and December 2013

An inspection party, including a representative of FMC, and representatives of other NGOs, including Forest & Bird, visited the pastoral lease January 2006 and again in 2013. We are grateful to the lessee for his cooperation, granting permission for access with vehicles, positive discussion, and helpful advice about where to go on the property.

These inspections gave us an opportunity to see at first hand the condition of the land, natural resources and landscapes on the Happy Valley Pastoral Lease.

INTRODUCTION

The main issues in this review are as follows:- (i) the extent to which the land can be managed in a way that promotes ecologically sustainable land use, and hence how much is suitable for freeholding as opposed to return to Crown ownership and control, (ii) the conditions attached to the Covenants which are intended to "Protect the Values" which have been identified and described in the Summary of the Proposal, and (iii) Public access to areas containing significant inherent natural and historic values and landscapes and availability for recreational purposes.

In view of the lack of protection over **DOC Stewardship Land** recently noted in the Parliamentary Commissioner for the Environment's Report, we believe that it will be necessary to provide stronger protection for Conservation Areas created as outcomes of tenure review. It may be more appropriate to protect significant inherent values in such areas by designating them as **Scientific Reserve** or **Scenic Reserve**. There is usually ample justification for such designations.

THE PRELIMINARY PROPOSAL

FMC commentary and detailed submissions on **Proposals 2.1 and 2.2**, and the proposals for **Protective Mechanisms, Qualified Designations** and **Public Access** in the PP for the tenure review of Happy Valley Pastoral Lease are presented below.

FMC SUBMISSIONS

In this submission we present our views and recommendations in the same format as the PP quoted above

Proposal 2.1 Land to be restored to Crown Control Approximately 1,038 hectares is proposed to be designated as land to be restored to or retained in Crown control as Conservation Area (labelled "CA 1" on the designations plan, subject to a qualified designation.

This land includes most of the higher altitude part of the property, including a significant area of the upper Bannock Burn catchment. The western and southern boundaries coincide with the property boundary while the northern and eastern boundaries are defined by a fenceline between the catchments of Duffers Gully and the Bannock Burn and approximately following the 1,100m contour through the Bannock Burn catchment. The highest point is at 1,473m on the southern boundary, while the lowest point is at about 800m in the Bannock Burn catchment.

As reported in the FMC Preliminary Report on the values of Happy Valley, most of this area is characterised by Dunstan and Carrick High Country Yellow-Brown Earth soils identified as Land Use Capability (LUC) Class VIIe. Such soils are of inherently low fertility, are prone to erosion as demonstrated by land in the vicinity of the Carrick Water race at almost 1,200m, and are unlikely to be capable of supporting ecologically sustainable pastoral use. This is because it is generally considered uneconomic to apply the fertiliser which is needed to replenish nutrients lost in animal products, and through burning, because pasture response to applied fertiliser is limited by slow growth at this altitude.

On the other hand, the conservation values, biodiversity and ecosystem service values in water harvesting for irrigation, are higher than productive values. The upper Bannock Burn catchment forms a dominant gully containing numerous tributaries with a high proportion of that area having a relatively steep shady aspect compared to the rest of the land within CA 1. This generates a variety of habitats and accounts for the greatest diversity of vegetation values in this part of the proposed conservation area. The confines of the gully also include part of RAP 1/5 Bannock Burn - Old Woman Range which was described in the PNAP report for the Old Man Ecological District (Brumley et al 1986). The balance of CA 1 is more open country with a predominantly north-easterly aspect and contains a number of incised water courses which comprise the head water tributaries in Duffers Gully..

The Proposal Summary states that the purpose of retaining CA 1 in Crown ownership is to enable the protection of the values which are well described in the 1986 PNAP Report, in the more recent DOC CRR Report on Happy Valley and in the Proposal Summary. We do not intend to reproduce this detail here.

Some of the highlights which we believe adequately justify the proposal that the land in CA 1 should be restored to Crown Control are as follows:-

- Above 1400 metres the dominant sub-alpine vegetation is a low cushion-like shrubland of *Dracophyllum* and lichen.
- The lichen encrusted rock tors provide a sheltered and damp habitat for fern species.
- In the steeper parts towards the east containing the tributaries of the Bannock Burn a number of small herb fields and snowbanks are present.
- The shady side of the Bannock Burn contains denser tussocklands which support a diversity of shrub, herb and fern species.
- There is an area of high plant diversity in RAP 1/5 which includes much of the upper half of the Bannock Burn catchment.
- RAP 1/5 contains a comprehensive sequence from tussockland to high alpine cushionfield.
- Two species of native broom (both chronically threatened) are present
- The NZ falcon has been observed in the area.
- The upper part of CA 1 contains high landscape values related to overall naturalness and intactness
- Recreational use could include tramping, hunting, horse trekking, botanising and Nordic skiing all of which complement the adjoining Old Woman Range Conservation Area.

We note that public access is well provided for from the legal road which branches off from the Nevis Road (near Duffers Saddle) and from the Old Woman Range Conservation Area. In future additional public access may become available along marginal strips adjacent to Bannock Burn.

FMC Submission on Proposal 2.1 Land to be restored to Crown Control as conservation area CA 1

FMC enthusiastically endorses and supports this proposal with special support for the recreational opportunities associated with the adjoining Old Woman Range CA.

Because of the lack of secure protection for significant inherent values in Stewardship Land we recommend that CA 1 should be designated as Scenic Reserve, and ultimately incorporated into a wider Conservation Park

Qualified Designation Grazing Concession

Proposed Conservation Area CA 1 will be subject to a grazing concession in favour of the lessees pursuant to Section 36(1)(a) of the CPL Act 1998.

We submitted above that the soils within CA 1 are of inherently low fertility, are prone to erosion as demonstrated by land in the vicinity of the Carrick Water race at almost 1,200m, and are unlikely to be capable of supporting ecologically sustainable pastoral use. The present state of the vegetation is sparse with bare ground in places indicating that the existing grazing cannot be sustained indefinitely, in fact, the sooner the ecosystem would be able to start its recovery the better.

We appreciate that the proposed stocking rate (0.35 SU/ha) is low, and lower than traditional use. Nevertheless, it is still too high to allow any vegetative recovery from the effects of past grazing pressure. Furthermore, the opportunity to graze 363 SU per annum must surely have a minimal impact on the total farm operation. We recommend that the Grazing Concession should not be granted as an outcome of the Happy Valley tenure review.

There is however some doubt as to the correct terms of the proposed Concession: Schedule 2 (TR284 Happy Valley 8_5.1.5 Proposal 19082013 Version 12 July 2011 A711868) states sheep grazing of the Top Block between 1 February and 31 May each year as a fixed medium term phase out. No more than 363 SU/annum can be grazed. The Summary of the Preliminary Proposal (TR 294 .1 Happy Valley 8_5.1.5 Summary of Proposal 15201315) states grazing of wethers or dry ewes from 1 February to 30 April inclusive each year restricts the number of stock able to be carried to 0.35 SU/ha which represents a lower level than has traditionally been run. This restricted level of grazing equates to a maximum of 363 stock units on a per annum basis. It should be made clear to the public which is the correct version of the Concession.

FMC Submission on Proposal 2.1 Qualified Designation Grazing Concession Proposed Conservation Area CA 1 will be subject to a grazing concession in favour of the lessees pursuant to Section 36(1)(a) of the CPL Act 1998.

The soils within CA 1 are of inherently low fertility, are classified LUC VIIe, are prone to erosion and are unlikely to be capable of supporting ecologically sustainable pastoral use.

The Concession is not acceptable to FMC because it does not allow for vegetative recovery, but instead allows for continued degradation. If it cannot be agreed to phase out grazing on disposition of the property, then at least the grazing term should not exceed 5 or at the very most 10 years.

Clarification of the stocking rate and duration of the permitted grazing period is required.

Proposal 2.2 Land to be disposed of by freehold disposal to Duncan George Henderson and Rae Henderson. Approximately 2,240 hectares is proposed to be designated as land to be disposed of by freehold disposal to Duncan George Henderson and Rae Henderson. This land is subject to protective mechanisms and qualified designations.

This area covers all the lease land excluding the proposed conservation area CA 1. It includes some higher altitude undeveloped hill country at the head of Duffers Gully, the western boundary of which includes Duffers Saddle at 1,173m and extends down through developed hill country to cultivated flats at approximately 450 metres north of Hawksburn Road. Approximately 1,800ha consists of low to mid altitude hill country that has been oversown and topdressed with improved pasture species and the lower front country includes irrigated paddocks within approximately 120ha of cultivated country.

The Summary of the PP points out that significant inherent (natural and historic) values are present on parts of the land proposed for freehold disposal. It also points out that these values are considered to be adequately protected within three separate covenanted areas labelled CC 1, CC 2 and CC 3. The proposals for these covenanted areas will be discussed below.

The balance of the land is proposed to be available unencumbered for freehold disposal. The soils on the lower country include Blackstone Hill and Arrow Yellow Grey Earths (LUC Class VI) generally on shady faces and Conroy Hill and Alexandra Brown Grey Earths (LUC VIIe) on the dryer sunny faces. These soils on the LUC Class VI country may be suitable for sustainable pasture production but the driest rabbit-prone country is only marginally suitable for pastoral use with severe limitations. These lands have limited conservation value and may be best suited to continued careful grazing management.

FMC appreciates and endorses the two easements which are proposed for public walking access. These are the track (a-b) from Tucker Gully to CC 1 including the middle reaches of Tucker Gully and the historic mining relics in that area; and (d-e) along the Carrick Water Race within the area designated CC3.

The highest country proposed for freeholding is situated at the head of Duffers Gully and is designated CC 3. This area is very similar to the adjacent CA 1 designated for conservation. Both areas are situated in the altitude range 1,100 to 1,300m and CC 3 is considered unsuitable for freeholding for reasons discussed in more detail below (see CC 3)

FMC Submission on Proposal 2.2 Land to be disposed of by freehold disposal.

Approximately 2,240 hectares is proposed to be designated as land to be disposed of by freehold disposal.

FMC recognises that the mid to low altitude country consists of a mix of land with limited suitability for pastoral farming in the relatively moist shady areas where pasture improvement has been carried out, and the dryer rabbit-prone land on soils with severe limitations for pastoral use. We consider it appropriate that the historic, natural and landscape values on two areas (CC1 and CC2) within this land are to be designated for protection under covenant. The area may be suitable for continued pastoral use with careful grazing management.

The third area proposed for protection under covenant (CC3) at the head of Duffers Gully is however, considered unsuitable for freeholding for reasons discussed below. This area should not be freehold but instead should be designated conservation land and be added to CA 1.

We endorse the proposal to establish the two walking access easements; designated a - b and d - e respectively.

Protective Mechanism - Conservation Covenant CC 1

FMC appreciates the recognition of the significant historic and public value of the gold mining relics in Duffers Gully. We also understand the need for a short period of closure to accommodate lambing requirements. We submit that one month provides adequate time for this purpose.

FMC Submission on Proposal 2.2 Protective Mechanism - Conservation Covenant CC 1

FMC welcomes and endorses the proposal to designate a Conservation Covenant (CC 1) over an area of some 70ha in Duffers Gully. We understand and accept the need for a short period of closure during lambing. This should be limited to a maximum of one month.

We also appreciate the condition which allows for wander at will walking access throughout the covenanted area. Furthermore, we note that the conditions include provision for photo-point monitoring to determine whether any detrimental effects (as might be caused for example, by cattle grazing). We suggest that provision should also be made for the termination of cattle grazing should adverse effects be detected.

Protective Mechanism - Conservation Covenant CC 2

FMC notes that some 80ha is proposed as Conservation Covenant to protect the significant inherent natural values in a large area of shrubland in the middle of the area proposed for freeholding. The proposed CC 2 is situated astride a ridge to the south of the upper reaches of Duffers Gully and includes both sunny and shady faces of an unnamed creek stretching between about 700 and 900m asl.

The PP lists a number of species of shrubs, herbs and ferns which are present within the proposed covenant area which we do not propose to reproduce here. We note that grazing by sheep only will be permitted and that monitoring is proposed to detect any adverse effects on the values it is intended to protect. We understand that fencing of the area would be practically very difficult as it includes parts of three separate grazing blocks but understand that if management is having a detrimental effect on the values, then the owner will be obliged to take steps to mitigate the detrimental impacts.

We are also pleased to note that other management activities (such as burning and spraying) which might threaten the values are prohibited.

We are a little disappointed that no public access is guaranteed, but assume that one-off permission might be granted for special purposes such as for example, for research purposes. Perhaps the easement "b - c" could be made accessible for public walking only access.

In general FMC endorses the proposal to designate area CC 2 as a Conservation Covenanted area of some 80ha within the proposed freehold area.

FMC Submission on Proposal 2.2 Protective Mechanism - Conservation Covenant CC 2

FMC endorses the proposal to designate an area within the proposed freehold country as a Conservation Covenant of some 80ha. We recommend that easement "b- c" should be made available for public walking only access.

Protective Mechanism - Conservation Covenant CC 3

Approximately 270ha of unimproved high altitude land in the upper reaches of Duffers Gully is proposed for protection under a Conservation Covenant (CC 3).

We understand that the purpose of the covenant is to protect the natural, landscape and historic values within the covenant area. We note too that the area has visual landscape values as the setting for the historic Carrick Water Race and as the scenic backdrop for travellers over the Duffers Saddle to the Nevis Valley and beyond.

The area also has visual and ecological values very similar to the adjacent area (CA 1) proposed for protection of the significant inherent values contained within it.. There are a number of reasons why this area (CC 3) should also be designated CA and combined with the adjoining CA 1.

The reasons why this suggestion is made are as follows:-

- (i) The vegetation and landscape characteristics of CC 3 are very similar to and closely related to the adjacent area (CA1) which has been proposed for protection by return to full Crown control.
- (ii) The Dunstan and Carrick soils which characterise both areas are classified LUC VIIe with serious limitations for pastoral land use and are prone to erosion as illustrated by areas of bare ground on sunny slopes in the vicinity of the Carrick Water Race.
- (iii) because it is generally regarded as uneconomic to apply the fertiliser necessary to replenish nutrients lost over the past 100 years in animal products and through burning, the land is believed to be incapable of supporting ecologically sustainable pastoral use and is therefore, not suitable for freeholding.
- (iv) there is evidence (sparse vegetation and weed invasion) of past overgrazing and degradation.
- (v) any loss of production related to the loss of this area of undeveloped, unproductive, high altitude land would be small, and have only have minimal impact on the whole farm operation.

We therefore believe that the most sustainable long term land use would for the area designated CC 3 to be returned to Crown control, and amalgamated with the adjacent CA 1 for conservation purposes.

FMC Submission on Proposal 2.2 Protective Mechanism - Conservation Covenant CC 3

FMC recommends that the area designated CC 3 should not be freehold, but instead should be returned to full Crown control and amalgamated with CA 1 for conservation purposes.

Regardless of the outcome of land allocation, FMC fully supports the proposal to allow walking access (d - e) along the Carrick Water Race at the head of Duffers Gully within the area designated CC 3.

Finally, FMC is grateful to the Commissioner for Crown Lands for this opportunity to make submissions on the Preliminary Proposal for the tenure review of Happy Valley Pastoral Lease.

Yours faithfully



jb Josie Broadbent
Secretary, Federated Mountain Clubs of NZ Inc.

Appendix 1. Preliminary Report on the Recreational, Landscape, Historic and other Conservation values of, and recommendations for the Outcomes of Tenure Review – Happy Valley Pastoral Lease (FMC Report, 2006)



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)

P.O. Box 1604, Wellington

1931
75
years
2006

PASTORAL LEASE TENURE REVIEW

**Preliminary Report on the Recreational, Landscape, Historic
and other Conservation Values, and Recommendations
for Outcomes of Tenure Review**

HAPPY VALLEY

April 2006

**Compiled for Federated Mountain Clubs (FMC) of NZ (Inc.)
by Dr Michael J S Floate, High Country Consultancy,**

**PRELIMINARY REPORT ON THE RECREATIONAL, LANDSCAPE, HISTORIC
AND OTHER CONSERVATION VALUES OF HAPPY VALLEY, WITH
RECOMMENDATIONS FOR THE OUTCOMES OF TENURE REVIEW.**

**A Report for FMC based on Field Inspections and other research
to assist in the Crown Pastoral Lease Tenure Review Process**

April 2006

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Fig. 1. The homestead and the best of the farm land on Happy Valley is situated in the Bannock Burn valley. It is well seen why Bannockburn is sometimes called 'the heart of the desert'. The semi-arid landscapes in the background (mainly on Hawksburn Station) illustrate the twin problems of drought stress and rabbit infestation.

Fig. 2. The back boundary of Happy Valley rises from 1,173m at Duffers Saddle (middle distance in this view) to 1,473 at the highest point on the boundary with the Old Woman Conservation Area. The land is classified LUC Class VIIe with severe limitations for pastoral use but its natural and landscape values are much higher. It is unlikely that such land could be managed in a way that promotes ecological sustainability.

Fig. 3 Much of the lower country is steep, semi-arid and has only low pastoral value (LUC Class VII) because of frequent drought stress and rabbit problems, as seen in this view of Round Hill. If the rabbit problem can be contained it may be possible to manage this land in a way that promotes ecological sustainability. If this can be done the land may be suitable for freeholding.

Fig. 4. A sequence of soils with increasing moisture status extends from the semi-arid lower slopes in Duffers gully to the tussock tops on the skyline. The mid-altitude country, with Arrow and Blackstone Hill soils (LUC Class VI), offers the best prospects for pasture improvement. This land should be able to support ecologically sustainable pastoral use, thus making the land suitable for freeholding.

Fig. 5. Most of the higher country, above about 1,000m, is either tussock grassland or sub-alpine herbfield and cushionfield characterised by Carrick Hill and Dunstan Steepland (LUC Class VIIe). Such land has severe limitations for pastoral use but has highly significant inherent values.

Fig. 6. Protected Natural Area (PNA) survey identified an area in the upper reaches of the Bannock Burn as a first priority RAP. The survey report stated that "*The vegetation contains a full altitudinal sequence of communities from montane tussock and scrub through to high alpine cushionfield. Cushionfield is widespread across the upper plateaux and east around the head of the Bannock Burn.*" This view shows part of the upper plateau at the head of the Bannock Burn.

Fig. 7. The track from the Nevis Road down to Duffers Saddle and along to Mount Black is well used by cross country skiers in the winter and could be more popular with trampers and mountain bike enthusiasts in the summer months. Public access to and along the Old Woman Range from the Nevis Road is one of the most critical issues in this tenure review.

Fig. 8. Beyond the yards at the SW corner of Happy Valley, the access is through the Old Woman Range Conservation Area and is therefore available to the public. The hut illustrated here is situated in the Conservation Area and is particularly important for enjoyment of the Old Woman Range in winter.

Fig. 9. The historic remains in Duffers Gully include a charming old stone cottage which has been kept in good repair and which could be enjoyed by recreational users as a lunch stop on either sweltering hot days, or cold wet days. The whole area including the hut and gold mining relics should be designated Historic Reserve with public access. Controlled grazing might be permitted to continue.

Fig. 10. This area in the mid reaches of Duffers Gully gives the feeling of an 'oasis' among a 'desert' of semi-arid hills and is clearly a special destination for those privileged to go there. It is not only in stark contrast to its parched surroundings, but also abounds in history, dating back to the goldmining days of the 1870s. FMC believes this would be a great destination for day trips from the Hawksburn Road.

Fig. 11. An easy walking trip for locals would be to follow the historic Carrick Race, which would give access to the well known Young Australian water wheel on the neighbouring Carrick Station. The race passes below the big tor in the centre of this view and continues around the contour, northwards to the Carrick Station boundary (off to the left of this view).

Fig. 12. Exploration of the water race in the mid reaches of Duffers Gully would add another dimension to the day walk to the stone cottage in Duffers Gully. Such exploration would enhance the public knowledge and appreciation of the efforts made by the early gold miners. This race passes through the saddle between Duffers Gully and Tucker Gully.

Fig. 13. The lower reaches of Bannock Burn are enclosed within a steep-sided gorge. There are native shrublands in the gorge, albeit invaded by briar, which are traversed by a pair of water races. A contoured road gives easy access which the public might enjoy if an easement could be provided across the farmland.

Fig. 14. This is an area of high natural and landscape value in the top block of Happy Valley between the Nevis Road and the rim of the Bannock Burn catchment. It consists of tussock grasslands and fellfield with cushion and snowbank communities and tors, very similar to that described in the RAP1/5. This area should also be returned to full Crown ownership and control to be managed for conservation and recreation purposes.

INTRODUCTION

This report has been prepared following the Early Warning Meeting in September 2005 at which the properties entering the tenure review process in 2005 were introduced. An inspection of the property by the author of this report was carried out in February 2006 with the permission of the runholder. This report is based on that inspection and other material listed below. The report is offered as a contribution to the statutory consultation process undertaken by the Department of Conservation.

Happy Valley (Po 361) is a relatively small pastoral lease of 3,277ha at the northern end of the Old Woman Range. This report focuses on those features of Happy Valley which are important for public recreational interests. It should be noted that while some of this interest focuses on access, the natural and historic values and landscapes of the place have a fundamental impact on the recreational value of the property and greatly influence the quality of recreational experience enjoyed. It is for this reason that reference is made to natural, historic and landscape values in this report. The landscapes and views to be seen from the high country overlooking Lake Dunstan, the Clutha valley and the Hawksburn country are outstanding and add greatly to the enjoyment of visiting this property.

The higher country of Happy Valley is situated in a commanding position overlooking Cromwell and Lake Dunstan. It includes the entire catchment of Duffers Gully and most of the catchment of the Bannock Burn. Its northern boundary is close to the Nevis Road while its western boundary runs along the crest of the range, bordering Craigroy Station on the Nevis side. The high country at the back of the property includes Duffers Saddle and the Carrick Water Race. In fact, water races are a characteristic feature of the property with races used during the gold mining era and more recently bringing irrigation water out of the Bannock Burn for farms in the Bannockburn area.

Protected Natural Area (PNA) surveys conducted in the 1980s identified an area in the upper reaches of the Bannock Burn as a first priority Recommended Area for Protection (RAP). This will be considered below in the section on significant inherent values.

METHODS OF SURVEY AND ASSESSMENT

This report is based on the author's February 2006 field inspection and in part, on information gathered from other sources. The other sources include studies of topographical and Land Use Capability (LUC) maps, consultation with recreational user groups and a knowledge of the landscapes seen from the Bannockburn/Cromwell area and from the Nevis Road. A study of "Outdoor Recreation in Otago" was undertaken by Mason (1988) and published by FMC. Reference is made to this Recreation Plan for Otago in the recreation section below. The Conservation Management Strategy for Otago and the Survey Report for the Protected Natural Area Programme, Old Man Ecological District (1986) have also been used as sources of reference.

GENERAL DESCRIPTION OF HAPPY VALLEY

Happy Valley (Po 361) is a relatively small pastoral lease of 3,277ha situated at the northern end of the Old Woman Range between the Nevis Road and Hawksburn. It extends from about 450m at the homestead on the Hawksburn Road (Fig. 1) to 1,280m just above Duffers Saddle and 1,473m at the highest point on the back boundary on the Old Woman Range (Fig. 2).

Happy Valley was subdivided out of the original Kawarau Station in 1910 and has been occupied by the Henderson family since 1946. At that time there was little pastoral development on the land which was seriously degraded and rabbit infested. The Hendersons have carried out a significant amount of pasture improvement by oversowing and topdressing up to about 1,000m and have conducted rabbit control with shooting and poisoning both before and since the introduction of the virus RHD in the 1990s. Much of the lower country is steep, semi-arid and has only low pastoral value because of

frequent drought stress (Fig. 3). The most productive (irrigated) land occupies less than 100ha of Land Use Capability (LUC) Class IV Waenga Brown Grey Earth soils (Fig. 1).

The valley floors (Bannock Burn and Tucker and Duffers Gullies) and lowest slopes (especially on shady faces) are characterised by a small area of Fraser Recent alluvial soils and Blackstone Hill and Arrow Steepland Yellow Grey Earth soils which have been classified as LUC Class VI land with medium suitability for pastoral use. As indicated above there is a small area of irrigated LUC Class IV land on a gently sloping fan in the vicinity of the homestead.

The drier and more eroded slopes of Round Hill and an unnamed hill a little to the west of Round Hill are characterised by Alexandra Steepland semi-arid Brown Grey Earth soils which have been classified LUC Class VIIe. Class VII land is defined with low suitability for pastoral use. This is the semi-arid area which was so badly rabbit infested and which was such a problem for pastoral use in the early days of the forties and fifties. If the rabbit problem can be contained it may be possible to manage this land in a way that promotes ecological sustainability. If this can be done the land may be suitable for freeholding.

South of Duffers Gully and west of the former gold mining area in the mid reaches of the same gully there is a sequence of soils of steadily increasing moisture status (Fig. 4). The driest Conroy soils (Brown Grey Earths) have been classified LUC Class VIIe and are very similar to the Alexandra Steeplands. The mid slopes above, up to about 1,000m are characterised by Blackstone Hill and Arrow Steepland Yellow Grey Earth soils, classified LUC Class VI with medium suitability for pastoral use. The higher country above about 1,000m is mainly tussock grassland on Carrick Hill and Dunstan Steepland High Country Yellow Grey Earth soils classified LUC Class VIIe (Fig. 5). Thus about 90% of the property is of very limited suitability for pastoral use.

Most of the high country is either tussock grassland or sub-alpine cushion-field and herb-field in a semi-natural state (Fig. 5) having been much less modified by pastoral farming than the mid-altitude country. In contrast to its low pastoral value, the high country land has highly significant inherent values. These natural values were recognised by the Protected Natural Area (PNA) survey conducted in the 1980s (Fig. 6). That survey recognised an area of some 900ha in the catchment of the Bannock Burn as a recommended Area for Protection (RAP 1/5 Bannock Burn – Old Woman Range).

In order for any land to be managed in a way that is ecologically sustainable in the long term, any losses from the soil of essential nutrients in animal products (meat and wool) must be replenished. The alternative is that sooner or later the ecosystem will be depleted and degraded. LUC Class VIIe land may not be capable of being managed in a way that is ecologically sustainable because it may not be justifiable economically to replenish (in the form of fertiliser) the nutrients which are lost through grazing and burning. On lower country where pasture growth rates are higher, topdressing is worthwhile, but at higher altitudes (above about 1,000m), pasture growth and hence response to fertiliser is limited by climate. Under these circumstances conservation values should be assessed and considered as an alternative to unsustainable pastoral use.

Public access to the Old Woman Range and shorter walking opportunities in the Tucker and Duffers Gullies, together with the protection of associated areas of high natural and landscape values are likely to be the main recreational issues in this tenure review.

RECREATIONAL ACTIVITIES AND POTENTIAL

Mason (1988) stated that *"the primary winter recreational potential of the area (Old Man, Old Woman and Carrick Ranges) is for cross country skiing."* He went on to explain that this was largely due to the ease of physical access with road access to the snowline, and the possibility of day trips from Dunedin or Invercargill. Mason also stated that *"the major natural limitation to utilising the vast*

extent of easy rolling terrain is the severity of weather conditions. A 40km traverse the length of the Old Woman and Old Man Ranges is possible, with an overnight camp. However, no quick escape to low country is available in the event of being overtaken by storm conditions."

The recreational significance of Happy Valley lies in its strategic position giving access to the northern end of the Old Woman Range. The track from the Nevis Road down to Duffers Saddle and along to Mount Black is well used by cross country skiers in the winter and could be more popular with trampers and mountain bike enthusiasts in the summer months (Fig. 7). Public access to and along the Old Woman Range from the Nevis Road starts over Craigroy pastoral leasehold land: this is currently under review in the tenure review programme. Although the track through Craigroy is technically legal road, it may not precisely follow the legal alignment. If this is the case, public access is not secure and will depend on the outcomes of tenure review. Beyond the yards at the SW corner of Happy Valley, the access is through the Old Woman Range Conservation Area and is therefore available to the public (Fig. 8). The doubtful section is restricted to that section through Craigroy, along the back boundary of Happy Valley. If the high ground within the back boundary of Happy Valley became conservation land through the tenure review of this property, at least walking access to the Old Woman Conservation Area would be assured. The future status of the high country within the back boundary will be discussed in the section on significant inherent values.

We understand that some local walking groups have been permitted access to the hut and old mining area in the mid reaches of Duffers Gully (Fig. 9). This area gives the feeling of an 'oasis' among a 'desert' of semi-arid hills (Fig. 10) and is clearly a special destination for those privileged to go there. Using existing farm tracks, which are steep in places, a round trip involving climbs over saddles into and out of the mid reaches of Duffers Gully can be made from the boundary with Carrick Station (in Tucker Gully). This would make a good day trip of about 10km from the Hawksburn Road. Although use of this round trip would depend on gaining permission from the owners of Carrick Station and Pisa View, it is recommended that public access over Happy Valley land for foot and mountain bike travellers should be established through the tenure review of Happy Valley.

FMC has made an important point in other tenure review submissions: *"The fact that a right of way across other [neighbouring] properties does not yet exist should not be a reason for not making provision for access over [this property]. Provision should be made now in anticipation of further public access becoming available through future tenure reviews or other access arrangements."*

Another possibility for easy walking trips for locals would be an opportunity to explore some of the many water races on the property. Starting from the high country, these include the Carrick Race (Fig. 11), the races in the mid reaches of Duffers Gully (Fig. 12), and the races coming out of the Bannock Burn catchment (Fig. 13). As stated above, the future status of the high country block will be discussed in the section on significant inherent values, but if it becomes conservation land, access along the Carrick Race would be assured. Exploration of the races in the mid reaches of Duffers Gully (Fig. 12) would add another dimension to the day walk (round trip) discussed above. Such exploration would enhance the public knowledge and appreciation of the efforts made by the early gold miners.

Finally, it is argued that the recreational significance of Happy Valley should be assessed not only on present usage but also on potential. This is because current usage is less than its potential for a number of reasons. Because of the current land tenure, and because access to the Old Woman Range and the little known area in the mid reaches of Duffers Gully has not been easy in the past, the recreational use of the tracks described in this report is less than it might have been if access was freely available. There is significant potential for greater use, particularly by foot and mountain bike, and it is the full range of possibilities which should be considered during this tenure review.

In summary, this assessment indicates that there is scope on Happy Valley for day walks and longer trips along the Old Woman Range. These are likely to include tramping and mountain bike trips in addition to forays into the Bannock Burn and along the water races.

SIGNIFICANT INHERENT VALUES AND THEIR IMPORTANCE FOR RECREATION

This report focuses on those features of Happy Valley which are important for public recreational interests. It should be noted that while some of this interest focuses on access, the natural and historic values and landscapes of the areas concerned have a fundamental impact on the recreational value of the place and greatly influence the quality of recreational experience enjoyed. It is for this reason that reference is also made to both natural, historic and landscape values of this pastoral lease.

The Protected Natural Area (PNA) surveys carried out in the 1980s recognised the significance of natural values and identified certain Recommended Areas for Protection (RAPs). On Happy Valley one important area was identified. This area is defined as RAP 1/5 Bannock Burn – Old Woman Range and occupies some 900ha in the catchment of the Bannock Burn (Fig. 6).

The PNA Report for RAP1/5 states:- *“The landform comprises high summit plateaux, outlier cirque basins and deep NE trending gully. Across the summit plateaux a pattern of regular and deflated surfaces occurs on exposed dry sites, and bogs/flushes on more sheltered low lying areas. Solifluction and nivation features are prominent on eastern aspects of shallow gullyheads. Eastwards, the plateau is lightly glaciated: a regular pattern of low buttresses and wide joint-controlled depressions with tarns.*

Below the periglacial summit area the Bannock Burn catchment deepens abruptly in mid-upper reaches and is slumped on both flanks. Tors stud the regularly sloping ridge crests. The deep valley profile is much reduced in the lower reaches.

The vegetation contains a full altitudinal sequence of communities from montane tussock and scrub through to high alpine cushionfield. Cushionfield is widespread across the upper plateaux and east around the head of the Bannock Burn..... Dracophyllum muscoides dominates exposed pavement of the Old Woman Range, continuing down southeast-facing ridge crests of the Bannock Burn catchment. Pockets of slim snow tussock and blue tussock are confined to sheltered depressions and north-facing slopes. Diverse cushion-herbfield communities over the hummocky eastern plateau occur in a mosaic with wetland species around tarns and string bogs.

The upper Bannock Burn catchment has a mosaic of fellfield, cushion and snowbank communities across wide, gentle slopes. Wetlands along stream-side slopes are dominated by moss and Carex.

Slim snow tussock and blue tussock dominate the upper Bannock Burn valley but are replaced by dense narrow-leaved snow tussocklands below 1,350m. Areas of alpine fescue and golden Spaniard are prominent on upper exposed slopes.

Below 1,050m the catchment is extensively oversown. Silver tussock maintains 50% cover over most of lower slopes with patches of matagouri, Coprosma propinqua and Carmichaelia petriei amongst boulders and scattered outcrops. Briar and hemlock become abundant towards the base of the catchment.”

There is also an area of high natural and landscape value in the top block of Happy Valley extending from the Nevis Road to the rim of the Bannock Burn catchment (Figs 2, 5 and 14). This area extends from the high point at 1,473m down to a fenceline which roughly follows the contour between about 1,000 and 1,100m. This area (Fig. 14) consists of tussock grasslands, fellfield, cushion and snowbank communities and tors, very similar to that described in the RAP1/5.

Because of the highly significant inherent values recognised by PNA Survey it is recommended that the entire area of RAP 1/5 within Happy Valley should be returned to full Crown ownership and control to be managed for conservation and recreation purposes. It is our considered opinion that the natural values of the adjacent top block of Happy Valley (Figs 2, 5 and 14) above the contour fence which is situated at about 1,000 to 1,100m, are essentially comparable with the values within the RAP. We therefore recommend that this block, down to the contour fence at about 1,000 to 1,100m should also be returned to full Crown ownership and control.

It should be noted that in the General Description section above, doubts were expressed about the ability to manage this area in a way that promotes ecological sustainability as required by the Crown Pastoral Land (CPL) Act 1998. The reasons for this doubt were explained above. We argue that the inherent values are significantly greater than the marginal pastoral value and that the land should therefore be returned to full Crown ownership and be managed for conservation and recreation purposes.

There are important historic values in the mid-reaches of Duffers Gully. These values are centred on a short length (a few hundred metres) of the gully which includes an historic miner's stone cottage (dating back to the start of gold mining in the 1870s) and well stacked heaps of stone tailings (Figs 9 and 10). These tailings are quite extensive and represent a great deal of physical manual labour. These features add considerable interest for recreational visitors and should be protected. It may not be necessary to preclude grazing, and recognition as an Historic Reserve with grazing rights and public access could be appropriate.

AREAS TO BE PROTECTED

There are a number of areas on Happy Valley with significant natural, historic or landscape values which deserve protection in terms of the CPL Act 1998.

An important area with highly significant inherent natural values was identified in PNA surveys as RAP 1/5 Bannock Burn – Old Woman Range: Because of the highly significant inherent values in that area, which are briefly described above, the area described as RAP 1/5 should be returned to full Crown ownership and control to be managed for conservation and recreation purposes.

There is also an area in the adjacent top block of Happy Valley extending from the Nevis Road to the rim of the Bannock Burn catchment which also has highly significant inherent values comparable to those of RAP 1/5. This area extends from the high point at 1,473m down to a fenceline which roughly follows the contour between about 1,000 and 1,100m. It consists of tussock grassland and fellfield, cushion and snowbank communities and tors, very similar to that described in the RAP1/5. We have expressed the opinion above that it is unlikely that this area could be managed for pastoral use in a manner which would promote ecological sustainability (as required by the CPL Act 1998). We therefore recommend that this block (adjacent to RAP 1/5) down to the contour fence at about 1,000 to 1,100m should also be returned to full Crown ownership and control.

The historic features in the mid reaches of Duffers Gully, including a miners stone cottage and heaps of stacked stone tailings which date back to the 1870s, add considerable interest for recreational visitors and should be protected. It may not be necessary to preclude grazing and recognition as an Historic Reserve with grazing rights and public access may be appropriate.

ACCESS REQUIREMENTS

One of the main issue in this tenure review is public access to and along the Old Woman Range, particularly for cross country skiing.

Although the track to the Old Woman Range through Craigroy is technically legal road, it may not precisely follow the legal alignment. If this is the case, public access is not secure and will depend on the outcomes of tenure review. Beyond the yards at the SW corner of Happy Valley the access is through the Old Woman Range Conservation Area and is therefore available to the public. The doubtful section is restricted to that part of the track through Craigroy, along the back boundary of Happy Valley. If the high ground within the back boundary of Happy Valley became conservation land through the tenure review of this property, at least walking access to the Old Woman Conservation Area would be assured. The CPL Act 1998 requires that provision be made for secure public access. It is therefore recommended that public access to the Old Woman Range along the back boundary of Happy Valley should be assured as an outcome of tenure review, either by designation of a Conservation Area or an easement for public foot and non-motorised vehicle access.

Public access is also required to the historic gold mining area in the mid reaches of Duffers gully. Ideally this would be in the form of an easement (for foot and non-mechanised vehicle use) on the tracks leading to and from Tucker Gully over the saddles to the north and south of the historic mining area.

The lower reaches of Bannock Burn carry two water races which traverse the shrublands in the Gorge. A contoured road gives easy access which the public might enjoy if an easement could be provided across the farmland.

OTAGO CONSERVATION MANAGEMENT STRATEGY

In the Otago Conservation Management Strategy for (CMS) the Old Man - Garvie area is recognised as a Special Place. The objective for this Special Place is:

"To protect the entire high altitude range crests for their landscape, nature conservation, cultural, and recreational importance, to improve legal access to them, and to ensure that recreational and commercial uses are managed to sustain resources and ensure quality recreational experiences....."

It should be further noted that the CMS states that *"Protected areas boundaries will be rationalised by disposals, acquisitions, swaps and other means (including tenure review) to link as far as practicable the existing inland protected areas and areas of indigenous vegetation between them."* [underlining our addition].

It is also noted that the CMS includes the following statements: *"Pastoral lease tenure review on adjacent properties will provide opportunities to negotiate to protect the entire range crest."* and *"Continued identification of key natural and historic resources to enable well informed decision making in the pastoral lease tenure review process."*

Finally, it should be noted that the CMS priority for the Old Man area states that *"Completion of protection negotiations, including tenure reviews, will be a priority in this Special Place."*

From statements in the CMS, it is clear that DOC is committed to achieving its objectives for the Old Man - Garvie Special Place and that significant progress would be made towards achieving the objectives if this tenure review can be successfully negotiated.

CONCLUSIONS

1. The tenure review of Happy valley is a one-off opportunity to enhance the recreational opportunities of the Duffers Saddle - Old Woman range area, and to increase the recreational value of those lands by recognising the significant inherent natural, historic and landscape values described

above and in the PNA Surveys carried out in the mid 1980s.

2. The higher country of Happy Valley is situated in a commanding position overlooking Cromwell and Lake Dunstan. It includes the entire catchment of Duffers Gully and most of the catchment of the Bannock Burn. Its northern boundary is close to the Nevis Road while its western boundary runs along the crest of the range, bordering Craigroy Station on the Nevis side.
3. The high country at the back of the property includes Duffers Saddle and the Carrick Water Race. In fact, water races are a characteristic feature of the property with races used during the gold mining era, and more recently bringing irrigation water out of the Bannock Burn for farms in the Bannockburn area. Some of these may be suitable for recreational use.
4. A high proportion of the property has been classified LUC Class VIIe. The lower altitude steep slopes on Round Hill and similar areas are characterised by semi-arid soils which are prone to rabbit infestation and have low pasture potential due to frequent drought stress. The higher country, above about 1,000m is characterised by Dunstan and Carrick high country soils of inherently low fertility and has also been classified LUC Class VIIe.
5. High country LUC Class VII land may not be capable of being managed in a way that is ecologically sustainable because it may not be justifiably economic to replenish the nutrients which are lost through grazing and burning. Conservation values should be assessed and considered as an alternative to unsustainable pastoral use.
6. Public access to the Old Woman Range and shorter walking opportunities in the Tucker and Duffers Gullies, together with the protection of associated areas of high natural and landscape values are likely to be the main recreational issues in this tenure review.
7. Mason (1988) stated that "*the primary winter recreational potential of the area (Old Man, Old Woman and Carrick Ranges) is for cross country skiing.*" He went on to explain that this was largely due to the ease of physical access which includes road access to the snowline, and the possibility of day trips from Dunedin or Invercargill.
8. The track from the Nevis Road through Duffers Saddle and along to Mount Black is well used by cross country skiers in the winter and could be more popular with trampers and mountain bike enthusiasts in the summer months. Public access to and along the Old Woman Range from the Nevis Road starts over Craigroy pastoral leasehold land. Although the track is technically legal road, it may not precisely follow the legal alignment and public access is probably not secure and will depend on the outcomes of tenure review.
9. PNA surveys carried out in the 1980s recognised the significance of natural values and identified one RAP on Happy Valley. This area is defined as RAP 1/5 Bannock Burn – Old Woman Range and occupies some 900ha in the catchment of the Bannock Burn.
10. Another area of high natural and landscape value is situated in the top block of Happy Valley extending from the Nevis Road to the rim of the Bannock Burn catchment and which FMC asserts is of comparable conservation and recreation value to the RAP.
11. FMC recommends that both these areas should be returned to full Crown ownership to be managed for conservation and recreation purposes. If this recommendation is adopted, public foot and non-motorised access along the back boundary to the Old Woman Conservation Area will be secured as required by the CPL Act 1998.

12. If public access is not secured as recommended above, then an easement for public foot and non-motorised vehicle access along the back boundary will be required.

13. Significant historic values (a stone hut and stacked stone tailings relating to early gold mining) have been recognised in the mid-reaches of Duffers Gully. These features add considerable interest for recreational visitors and should be protected. It may not be necessary to preclude grazing, and recognition as an Historic Reserve with grazing rights and public access would be appropriate.

14. Access would be best provided by an easement for public foot and non-motorised vehicle access on farm tracks leading to and from Tucker Gully over the saddles to the north and south of the historic mining area in Duffers Gully.

15. The fact that rights of way may not yet exist across neighbouring properties should not be a reason for failing to make provision for access over Happy Valley. Provision should be made now in anticipation of further public access becoming available through future tenure reviews or other access arrangements.

16. The recreational significance of Happy Valley should be assessed not only on present usage but also on potential. This is because current usage is less than its potential for a number of reasons including ease of access in the past.

17. The outcome of the tenure review of Happy Valley could contribute significantly to the achievement of the objectives declared for the Old Man - Garvie Special Place in the Otago Conservation Management Strategy.

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