

Crown Pastoral Land Tenure Review

Lease name: MT NIMROD

Lease number: PT 094

Public Submissions - Part 6

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

November

10

Submission 17

16.03.10
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FOREST
& BIRD

Royal Forest and Bird
Protection Society
of New Zealand Inc

**Submission on the Preliminary Proposal
for the review of tenure
Mt Nimrod Pastoral Lease
under section 34 of the Crown Pastoral Land Act 1998**

This submission is on behalf of the South Canterbury Branch, Royal Forest and Bird Protection Society of NZ Inc, (the Branch). Mt Nimrod Pastoral Lease falls within the area of interest for the Branch and it contains many special features and values, which we would like to see protected and maintained for the long term. The Branch appreciates the opportunity to submit on the Preliminary Proposal for the Review of Tenure of Mt Nimrod Pastoral lease. And we would like to thank Graham and Vicky Patterson for giving us access to the property and for showing us around much of the Pastoral Lease.

The **Mission Statement of the Society**, which the Branch also subscribes to, is;
“To preserve and protect indigenous flora and fauna and natural features of New Zealand for the benefit of the public including future generations.”

One of the Goals of the Society is; *Crown lands with high biodiversity values receive appropriate protection through addition to the conservation estate...”*

And, another Goal, for the South High Country includes;

- *To protect the full range of high country biodiversity, landscape and recreational values in new public parks, reserves and conservation areas managed by DoC.*
- *Achieve ecologically sustainable management on remaining pastoral lease lands.*
- *Sustained control of woody weeds and wildling trees.*

General Observations:

Mt Nimrod Pastoral Lease contains important landscape features, which can be seen from many parts of South Canterbury. And, within the property itself are many significant and interesting natural values, which are worth maintaining for the long term. The wish of the present lessee and family member, to maintain these values for the longer term is commendable. The Branch hopes that their intention to investigate the protection of the landscapes and natural values on the property will be achieved in the near future.

2. Summary of proposal and description of proposed designations:

2.1 Land to be restored to Crown Control

2.1.1 Approximately 257ha to be designated as land to be restored or retained in full Crown ownership and control as Conservation Area (shown edged in pink and labelled "CA1" on the designation plan included in the Proposal Document) under section 35(2)(a)(i) Crown Pastoral Land Act 1998.

The proposal to restore or retain in full Crown ownership and control as a Conservation Area, labelled "CA1", is fully supported by the Branch. Because this would restore for conservation purposes the higher altitude parts of the Pastoral Lease, in the headwaters of the White Rock River Catchment and the South West Catchment of the Nimrod Stream.

The area has high landscape values and remains predominantly in native vegetation of tall tussock and native shrublands, with some remnant forest shrublands at lower altitudes. Protection of this area will link with the area around Mt Nimrod itself, which is a most important landscape feature of South Canterbury. Retaining this area as Conservation land, should help to ensure the survival of native ecosystems and special native plant communities, which includes *Celmisia spectabilis* and *Celmisia ramulosa*.

While there is access to the "CA1" area from the conservation land above, which is below Mt Nimrod itself, there appears to be no direct access to this proposed conservation area, from lower down, for walkers and for Conservation management purposes. The Branch asks that there be access for the walking public, from the Mt Nimrod Scenic Reserve to the "CA1" area by way of a marked poled easement route. And, it would be acceptable for access to be restricted at times, for special farming activities, such as lambing.

2.1.2 Approximately 37.1376 ha to be designated as land to be restored or retained in full Crown ownership and control as Reserve (Scenic Reserve) (shown edged in pink and labelled "SR1" on the designation plan included in the Proposal Document) under section 35(2)(a)(ii) Crown Pastoral Land Act 1998.

The restoration or retention of this area 37.1376 ha in full Crown control, as a Scenic Reserve, is fully supported by the Branch. This area, proposed as an extension to the Matata Scenic Reserve, contains important bush remnants, intact tussock grasslands, on the true left of the Matata Stream.

And including this area within Matata Scenic Reserve would help to maintain its special landscape values within the overall landscape. Protection of the bush and forest remnants would also help to maintain the habitats of these areas for native wildlife, especially kereru, bellbirds, tomtits, fantails and other native birdlife.

Protection of this area, which will be de-stocked, should help to maintain the water

quality and water flows of the Matata Stream. However, animal pests will need to be firmly controlled in this area by the new managers, the Department of Conservation.

However, we feel the area to be designated as land to be restored or retained in full Crown ownership and control as a scenic reserve, is minimal. There are other areas just outside this proposed Scenic Reserve area which also contain important natural values. Including a stand of silver beech trees, higher up, which is most unusual to find on the central East Coast of the South Island. Adding this area to the Matata Scenic Reserve, would add significantly to its already high botanical importance. So, the Branch would recommend that this stand of lone silver beech trees, be included in the proposed Scenic Reserve extension, or at least protected by an appropriate conservation covenant.

There appears to be no specific provisions made in the document to access "SR1". It is said because this area adjoins Matata Scenic Reserve itself, the public access will be provided from there. However, practical access, from the adjoining Scenic Reserve itself, would be most difficult for many. We ask that a poled access easement route be provided, from the legal road, across a short length of land to be freeholded, to the Matata Scenic Reserve itself or its "SR1" extension.

2.1.3 Approximately 32 ha to be designated as land to be restored or retained in full Crown ownership and control as Reserve (Scenic Reserve) (shown edged pink and labelled "SR2" on the designations plan included in the Proposal Document) under section 35(2)(a)(ii) Crown Pastoral Land Act 1998.

The proposal to designate approximately 32ha as land "SR2" as a Reserve (Scenic Reserve), is fully supported. Because this interesting area will be included within the adjoining Mt Nimrod Scenic Reserve and contains significant forest remnants, extending up the attractive White Rock River.

By adding this small area to the Scenic Reserve, would help to maintain the integrity of the overall landscape, including the unusual rocky knobs above the present reserve. The proposed extension "SR2", contains good examples of broadleaf forests in a relatively low rainfall area. And also includes stands of kowhai trees which provide an important source of nutrition for kereru, in particular, especially during the lean winter months and spring time.

However, we again feel that the area to be added to Mt Nimrod Scenic Reserve, is not great and there are further areas, higher up, that should be worthy of inclusion within this reserve. Comment will be made further on when the areas to be freeholded are discussed.

It is noted that there is no specific foot access, from outside the reserve, to this proposed extension "SR2" to Mt Nimrod Scenic Reserve. We question if access by foot from the existing Scenic Reserve, to the SR2 area would be practical for most active walkers because of the steep and rocky nature of the terrain found there. While it is not always necessary to have access for the public to such areas, here we feel a poled access

easement should be provided, from the legal road, higher up, down the slope to the northern boundary of "SR2".

This south facing slope, below the legal road, contains a good cover of native plants, including celmesia and dracophyllum. And, we feel this area is worthy of protection for its significant values that are present there, preferably by remaining in Crown control, or at least, protected by a conservation covenant. So that the natural values of this interesting area, are indeed maintained for the long term.

2.2 Land to be disposed of by freehold disposal to Graham Bradley Patterson.

2.2.1 Approximately 1481 ha to be designated as land to be disposed of by Freehold Disposal to Graham Bradley Patterson as persons specified under Section 35(3) Crown Pastoral Land Act 1998 (shown edged in green on the designations plan in the Proposal Document) subject to protective mechanisms.

This area of approximately 1481 ha, to be disposed of by Freehold Disposal, has a good vegetation cover and the land has been very well managed, especially with regards to stocking rates, and the control or removal of both plant and animal pests, including wallabies. And, as well as native grasslands present on this area, there are excellent stands of native trees and shrublands, including impressive examples of broadleaf in good condition, due to possums being well controlled. There are also landscape features within this area, which includes interesting rocky outcrops, above the legal road in the centre of the property. And another visually pleasing feature is a rock bound waterway, surrounded by good stands of native bush, with a delightful waterfall flowing down into a clear flowing mountain stream - probably a branch of the White Rock Stream.

The interesting rocky outcrops, above the central legal road, are worthy of protection and we ask that this area be included in "SR1" or at least be protected by a conservation covenant. The Branch feels that this area should be protected for long term.

The areas around the rock bound stream and associated stands of bush, are all worthy of protection as well, preferably within the "SR2" scenic reserve extension, or at least by a protective conservation covenant. Here, the Branch asks that this area also be seriously considered for long-term protection.

As mentioned above, the Branch feels that the stand of silver beech trees is especially significant, not only locally but also regionally and nationally. Because the occurrence of this species, on the eastern foothills of the central South Island, is most unusual. The Branch recommends that this rare stand of silver beech trees be protected either by inclusion into the nearby proposed "SR1" extension to Matata Scenic Reserve, or protected by its own conservation covenant. And, we would recommend that there be an adequate buffer area provided around the stand of trees, so they can regenerate outwards.

Also present within the Mt Nimrod Scenic Reserve and in areas on the adjoining Mt Nimrod Pastoral Lease (and freehold land as well), there are small populations of the critically endangered jeweled gecko (*Naultinus gemmeus*). This attractive species of native wildlife is found within the shrublands, in particular the areas of bush and shrubs along the streams, which flow through the pastoral lease. The Branch would recommend that these areas be included in the “SR2” area adjoining Mt Nimrod Scenic Reserve, or given protection by a covenant. So to ensure that this gecko population and habitats remain intact for the long term. The Branch would be pleased to assist Opus International, for LINZ and the lessee, to identify these areas where the endangered jeweled gecko are present.

Regarding the area of Pastoral Lease, around the homestead and farm buildings, disposal of this part of the property to the Lessee should be acceptable. Provided the access road to Mt Nimrod Scenic Reserve itself, is formalised by the time the review of this tenure is completed. There is a stand of native trees, opposite the entrance to the homestead road, on the eastside of the Back Line Road, within a small parcel of the Pastoral Lease, which should be protected. And this area needs to be fenced to keep stock out, for the long-term survival of this attractive stand of native trees.

Regarding the Pastoral Lease land, adjacent to the Motukaika Road, the Branch does not opposed the proposal to freehold this largely developed area of land.

2.2.1a Protective Mechanism - proposed easement for public and conservation management purposes.

The proposed easement, for public foot, horse and non-motorised vehicle access, marked with a orange line labelled ‘a-b-c’, is satisfactory, in part, for foot access only. The ‘a-b’ section is not suitable at all for horses or non-motorised vehicles, such as mountain bikes. Because this access route connects with Mt Nimrod Scenic Reserve and access to “a-b” is just not practical, or desirable, for horses or mountain bikes, to pass through the reserve itself. So an alternative easement is needed for horses and mountain bikes, at least, from the Back Line Road, to access the present legal road route to the upper part of Mt Nimrod itself. While this would cross freehold land, this easement could be seen as compensating for the legal easement, from the public road, that is now blocked off on land proposed to be freeholded, because of farm fences.

The proposed easement for conservation management purposes, could also be the access route for both horses and non-motorised vehicles, such as mountain bikes. The Branch would recommend that the proposed easement for conservation management purposes, also provide for the legal easement route for all three users, walkers, horse-riders and mountain bikers.

And we would also recommend that there be foot access, from the proposed legal road access to both the “SR1” extension to Matata Scenic Reserve and also to “SR2” extension to Mt Nimrod Scenic Reserve. The full easement “a-b-c” for foot access, however, is

fully supported by the Branch and we recommend that this access route be implemented.

Also, access should be provided for, from the Mt Nimrod Scenic Reserve, by a poled unformed route, across country to the area "CA1", that is proposed to be a Conservation Area.

2.2.1b Protective Mechanism - proposed easement for conservation management purposes.

This proposed easement "b-d" and "e-f" for vehicle conservation management purposes, is supported by the Branch.

Summary of requests and recommendations:

2.1.1 The Branch strongly recommends that 257ha "CA1" be restored or retained in full Crown ownership and control as a Conservation area. And that poled access be provided, from the Mt Nimrod Scenic Reserve, in a more or less direct line, to this new Conservation area.

2.1.2 The Branch strongly recommends that 37.1367 ha "SR1" be restored or retained as a Scenic Reserve, as part of Matata Scenic Reserve. And we also strongly recommend that the boundaries of "SR1" be extended to include the significant stand of silver beech trees and other native trees and shrublands. And we recommend that a practical poled access route be provided for, from the proposed legal road access, to the new "SR1" area or to the upper parts of Matata Scenic Reserve.

2.1.3 The Branch strongly recommends that approximately 32ha "SR2" be restored or retained as a Scenic Reserve and included in Mt Nimrod Scenic Reserve. We also recommend additional areas, higher up, which have ecological and landscape significance, be included in this reserve as well. If that does not occur then they be protected by a suitable conservation covenant.

And the Branch would also recommend that a south-facing slope, with a good cover of native vegetation, between the legal access way and the SR2 area be included in Mt Nimrod Scenic Reserve as well, or separately protected by a conservation covenant.

Also a practical poled foot access route be provided to "SR2" area from the proposed legal road access-way.

2.2.1 The Branch would recommend that the interesting high rocky outcrops, just south of the legal road access-way, be given protection, either by inclusion within "SR1" or by a protective conservation and landscape covenant.

As mentioned above, the Branch recommends that the stand of rare silver beech trees be protected, preferably by inclusion within SR1, or by a separate protective conservation covenant.

The Branch recommends that stands of bush, including broadleaf trees and shrublands, along stream margins, as well as the rocky river environment and waterfall, be protected, preferable by inclusion within SR2, or by a protective conservation covenant.

The Branch recommends that bush and shrublands, which are habitats for the critically endangered jeweled gecko, also be protected from clearance, preferably by inclusion within the "SR2" reserve, or by a protective conservation covenant.

The Branch recommends that a south facing slope, between the proposed legal road access and the SR2 extension to Mt Nimrod Scenic Reserve, be protected preferably by inclusion within the Mt Nimrod Scenic Reserve, or by a protective covenant. (As mentioned above)

The Branch recommends that the small stand of native trees, on the east side of the Back Line Road, be protected and fenced out.

The Branch does not oppose the proposal to freehold the Pastoral Leasehold land, which is adjacent to Motukaika Road.

- 2.2.1a** *The Branch fully supports the provision of public access, "a-b-c", for walkers at least. And recommends that there be access for non-motorised vehicles and possibly horses, from the Back Line Road, through to the easement, "e-f" and "b-d", and then to the proposed legal road access-way.*

However, the Branch recommends that there be poled foot access, from the proposed legal road access-way, to both the SR1 extension of Matata Scenic Reserve, and across to the SR2 extension of Mt Nimrod Scenic Reserve. And we also recommend that there be a direct poled foot access route, from Mt Nimrod Scenic Reserve, to the CA1 Conservation area higher up.

- 2.2.1b** *The Branch fully supports the easements "b-d" and "e-f" for vehicles for Management purposes. And this easement should also be available for mountain bikes, and walkers as well.*

The Branch recommends that legal road access to the Mt Nimrod Scenic Reserve, be resolved within the time frame for completing the review of tenure for this property.

In Conclusion:

Many significant natural values and outstanding landscape features exist on Mt Nimrod Pastoral Lease. The Branch feels this review of tenure presents a once only opportunity to ensure the protection and maintenance of these highly important values, for the long term. Not only for the benefit and enjoyment of the present generation but also for future generations that will come after us. So that future generations will still be able to see, and appreciate some of the near natural ecosystems and landscapes that we have been privileged to experience and enjoy.

And, the Branch would like to thank again Graham and Vicky Patterson, most warmly, for allowing our group the opportunity to see over much of the Mt Nimrod Pastoral Lease. Their management of the existing values of native grasslands, special plants and native trees, on Mt Nimrod, was particularly pleasing to see. And their efforts, to maintain the property largely free of wilding trees and keeping animal pests down to low numbers, was also commendable.

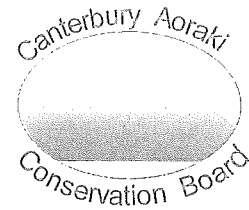
The Branch awaits with much interest the final decisions on the review of this tenure of Mt Nimrod. And we trust full consideration will be given to this submission from the South Canterbury Branch, Royal Forest and Bird Protection Society of NZ Inc, along with those other interested groups.

Yours sincerely



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Submission 18



MT NIMROD TENURE REVIEW

Canterbury/Aoraki Conservation Board Submission

Background

Mt Nimrod is a pastoral lease of about 1,807 ha located on the eastern flank of the Hunter Hills, approximately 25 km west of Timaru on Backline Road. It is a low- to mid-altitude hill and high country property rising from just under 300 masl at the Backline Road boundary to just over 1,000 masl at the northwest boundary. Most of the land lies between 500 and 800 masl. It is a highly visible lead-in to the extensive protected hinterland of the Hunter Hills Conservation Area along the Hunter Hills Range. Most significantly, it forms the lead-in to the premier summit in South Canterbury, Mt Nimrod (1,525 masl).

Conservation Resources

The LINZ Conservation Resources Report and the submission by the South Canterbury Branch of the Royal Forest and Bird Society of New Zealand provide comprehensive descriptions of the conservation resources and assessments of their Significant Inherent Values (SIVs). The Preliminary Proposal also has a useful summary of conservation values. The Canterbury/Aoraki Conservation Board (CACB) will not reiterate the details of these descriptions and observations.

Mt Nimrod Pastoral Lease is a complex mosaic of landscapes, landforms and plant and animal associations and communities, both significantly natural and significantly modified through pastoral farming operations. Consequently, it has a relatively complex mosaic of areas with and without ecological and/or landscape SIVs. This has resulted in a difficult challenge to ensure designations which provide the opportunity for financially viable farming on the one hand, and full protection of significant areas with ecological and landscape values plus public access for recreation opportunities, on the other.

Viable Stewardship

Viable stewardship, the successful integration of profit and protection objectives in a socially acceptable framework, is the best option for most of the landscapes of Mt Nimrod ie, the designated 1,400 ha proposed for freehold pastoral farming. The leasees have demonstrated that they have the attitude and ability to continue to successfully follow this three-way approach.

Safeguarding the current significant levels of SIVs and overall naturalness of the proposed freehold in the long term is a highly desirable objective. The CACB is confident that the leasees' management will facilitate this; excellent ground covers indicate that their grazing management

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ensures substantial pasture residuals and survival and vigour of short tussock (*Festuca novae zealandiae*) at lower altitudes and tall tussock (*Chionochloa rigida*) at higher altitudes (800 – 1,000 masl) as well as a range of native shrub and herbaceous species (eg, *Dracophyllums*, *Coprosmas* and *Celmesias*).

Conventional development through pasture improvement of this type of country involves aerial oversowing of unsprayed areas with improved pasture species, topdressing and subdivision to enable judicious, timely grazing of the contrasting landscape units. A significant level of naturalness can be retained. This is the approach and result achieved by the leasees and they plan to continue in this way.

Unfortunately, there is no guarantee that this naturalness will be retained if ownership changes. It will be lost if blanket spray/oversow technology is used for pasture improvement.

Special Condition Covenant Recommended

We refer to the Values Map in the Designations Plan for Mt Nimrod. CA1 will commendably protect 257 ha with both ecological and landscape SIVs across the higher altitude part of the lease in the upper catchment of the White Rock River and the southwest catchment of Nimrod Stream. This area of SIVs is actually contiguous across the proposed freehold area and includes the upper catchment of the unnamed tributary of the White Rock River in the north of the property, an area of at least 200 ha.

The CACB strongly recommends that a special conditions covenant banning the use of blanket spraying and burning is imposed on the area contiguous with CA1, as described. This is essential to increase the probability of the long term retention of the tall tussock, shrubs, herbs and forest remnants of this area under grazed-grassland management.

We also recommend negotiations to extend this covenant over those lower-altitude areas too steep for conventional cultivation or direct drilling. Spot spraying for weed control should remain acceptable.

Farm Management Flexibility

Whilst most of the Crown Lease is too steep and/or inaccessible for intensive development by conventional cultivation or direct drilling, several freehold paddocks near the homestead and Mt Nimrod Reserve and a small area of leasehold on Motukaika Road are farmed more intensively. Further developments/improvements of these gentle-contour areas are possible and planned (eg, more use of lucerne). The continuing improvement and integration of these areas within the whole-farm operation is encouraged in order to help maintain the sustainable management of the hill blocks.

Proposed Scenic Reserves

SR1 (37 ha approx) provides a valuable extension of protection upstream from the existing Matata Reserve. It contains forest remnants and some intact tussock grassland. We strongly support its restoration as a scenic reserve.

SR2 (32 ha) which extends protection of SIVs upstream from the existing Mt Nimrod Reserve, contains forest remnants and a prominent rocky knob. We strongly support its restoration as a Scenic Reserve.

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Altitudinal Sequence Question

We questioned the absence in the Proposal of a corridor of conservation land connecting the Scenic Reserve SR2 with CA1. This would enable a desirable continuous protected altitudinal sequence from about 300 masl on the boundary of Mt Nimrod Reserve to 1,525 masl on the summit of Mt Nimrod, following the White Rock River Catchment. We balanced the value of this against the following criteria:

- 1 The patchy/disjointed distributions of areas with SIVs between SR2 and CA1,
- 2 the strong negative impact that such a corridor will have on farm management operations, and
- 3 confidence that SIVs will be significantly retained under the grazed-grassland management.

Our decision is to support the proposed demarcations in the Preliminary Proposal.

Proposed Easements for Access

- 1 We agree that the proposed Easement a-b-c, a legal road, is highly desirable and available for the public and for conservation purposes – for foot, horse and non-motorised vehicles (ie, not motorized vehicles).
- 2 We agree that the proposed vehicle access Easement b-d and e-f, should be for conservation management purposes only (ie, not for public access).

Mt Nimrod Peak is a popular walking destination and it offers a magnificent view from the top – a scarcely to be rivalled panorama of much of South Canterbury from the sea to the Main Divide. Public access to the top is most important and is only available through Mt Nimrod Station (Easement a-b-c provides this).

We are aware of the desire expressed by some parties for another access route to the top of Mt Nimrod beside the legal road. We find it difficult to argue for another legal route to the top which would only run parallel to the existing legal road and would probably impede farm operations. The present runholders readily grant permission to parties wanting to ascend Mt Nimrod by the desired parallel route.

Nevertheless, we suggest that the leasees are approached to sound out whether or not they would be agreeable to another easement.

Conclusion

The proposed tenure review will result in the protection of significant areas (CA1, SR1, SR2) with high and potentially high SIVs, while ensuring that a viable, pastoral farming operation can continue and improve. An acceptable balance will result, particularly if the suggested special-condition covenant is imposed.

We expect the Substantive Proposal to have a relatively close similarity to the Preliminary Proposal.

*Prepared by John M Keoghan
On behalf of the Canterbury/Aoraki Conservation Board*

18 March 2010

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Submission 19

Submission 19

Federated Mountain Clubs (FMC) Inc,
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Wellington
Friday 19th March 2010

Mr Mike Todd,
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Dear Mr Todd,

This is the submission of Federated Mountain Clubs (FMC) on the preliminary proposal for the tenure review of the Mt Nimrod Pastoral Lease under the Crown Pastoral Land Act 1998.

FMC supports the restoration to the Crown of the areas SR1 and SR2 as scenic reserve to be added to the existing Mt Nimrod and Matata Scenic reserves.

FMC also supports the restoration of the area CA1 to full Crown ownership and control as an addition to the Hunter Hills Conservation Area.

Given the existence of the legal road and proposed new public access easement, we have no objection to the freehold disposal to Mr Graham Patterson of the balance of the lease.

We were greatly impressed during our inspection by the understanding of and respect for the land shown by Mr Patterson in his farming. It was a pleasure to visit his property. We resist the temptation to penalise a leaseholder who has lovingly kept the land in good heart by suggesting that more such land should therefore be restored to public ownership.

Yours sincerely,

David Round
On behalf of Federated Mountain Clubs (Inc)