

## Crown Pastoral Land Tenure Review

Lease name : OMARAMA

Lease number : PO 369

### Due diligence report (including status report) - Pt 2

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

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

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

November 04

***Schedule B – Open Space Covenant and related folios***

PO 369

3

**Ken Taylor**

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**To:** Caroline Mason  
**Subject:** FW: Open Space Covenants

Please send a copy of the letters for my records.

Ken

-----Original Message-----

**From:** Murray MacKenzie [SMTP:mmackenzie@linz.govt.nz]  
**Sent:** Sunday, March 24, 2002 12:11 PM  
**To:** Ken Taylor  
**Cc:** Caroline Mason  
**Subject:** Open Space Covenants

Hello Ken,

Thanks for the Fax of 7/2/2002

I advise that the CCL has moved and consented to these covenants--a copy of the letters of consent were faxed to Caroline last week

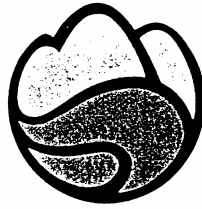
Murray

Murray Mackenzie  
Crown Property Management  
Land Information New Zealand  
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Christchurch

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Thank you



CORRESPONDENCE NO.	287
DATE RECEIVED	14/9
FILE REF	

Queen Elizabeth II  
**National Trust**  
For open space in New Zealand

*Nga Kairauhi Papa*

18 September 2001

In reply please  
quote: 5/12/61

Mr D Gullen  
Commissioner of Crown Lands  
Land Information New Zealand  
Private Box 5501  
**WELLINGTON**

Dear Mr Gullen

**OPEN SPACE COVENANT: OMARAMA STATION**

I refer to previous correspondence and discussions regarding the covenant proposal for part of this Crown pastoral leasehold property and the request you have from the Trust for formal consent to the covenant.

Herewith are replacement pages 4 and 7 for the covenant documents you are holding. Third Schedule clause 1 (page 4) now includes provision for the consent of the Commissioner of Crown Lands to the management statement and any review thereof. In the consent annotation on page 7 there is now reference to the Land Act as well as the National Trust Act.

I turn now to the comments you received from Mike Clare, Department of Conservation, Christchurch in respect to the draft management statement which is to be associated with the covenant. The Trust welcomes the comments made, in particular the questions about the continued pastoral use of the two blocks of land concerned, stocking rates and management decisions, and monitoring.

It is very relevant and important to point out that the prime purpose of the covenant is to retain the broad open space values of the land in question. Conservation and compatible pastoral farming objectives are both elements of the open values of the land. On pages 8 and 9 of the management statement the issues and policies in relation to open space values, landscape, vegetation and pastoral farming and fencing, are clearly stated and affirmed by the Trust and the leaseholder, subject to the Lessor's consent.

The Trust and the leaseholder do not share the generalised view expressed by Mike Clare, that in high altitude tall tussock grasslands it is desirable to have no grazing if managed primarily for conservation purposes. The Trust and the leaseholder are firmly of the view that the conservation values of the two blocks in question have been maintained without impairment or deterioration under the existing grazing regime, and that these values can be sustained under continued pastoral use. Experience elsewhere with similar vegetation demonstrates that the complete withdrawal of grazing animals results in rank growth of tall tussocks, spread of unwanted plants such as hawkweeds, a significant decline in species diversity and an increased fire risk from the build up of fuel.

The Trust and the leaseholder acknowledge that the two blocks of land in question involve contrasting and dynamic soil vegetation systems, and some changes resulting from natural processes, or farming practice, or both, may occur and may impact on the conservation values. For this reason the Trust and the leaseholder believe it is essential to monitor representative sites in both blocks to measure the likely effects of these processes.

If monitoring demonstrates that current grazing practice is having an undesirable impact on conservation values and ecological sustainability then a change in management will be necessary.

As an open space covenant with the Trust on Crown pastoral leasehold land is a tripartite agreement, subject to the consent of the Crown as Lessor any subsequent adjustment to management practice will be subject to the same consents.

On the question of monitoring, Mike Clare raises a valid point. The Trust continues to consult with other agencies involved in monitoring with the object of adopting a suitable methodology which can be tailored to the objects and aims of a particular covenant and the type of soil – vegetation systems involved, whether dryland, wetland or rupestral. In some cases photographs from fixed photo points may suffice; in other cases a more detailed assessment will be desirable, e.g. line transects recording cover and frequency of plants.

The approach suggested under 17.2 (page 11) in the management statement has been amended after consultations with other agencies (e.g. Ag Research). The Trust and the leaseholder believe that fenced enclosure plots should be established for comparative purposes. It is a question of how many and their placement. At present it is considered that at least two plots should be installed on representative sites in each block.

On the Mt St Cuthbert block there are several permanent sample points used by the leaseholder and the local Landcare Group to measure condition and trend in tall tussock grassland by the method employed by the Otago Regional Council. This will be continued in conjunction with the Landcare Group.

The Trust is also supporting a new methodology for vegetation monitoring being formulated by the High Country Trustees and the Rural Futures Group. In broad terms, this methodology involves locating permanent sites by GPS co-ordinates and obtaining digital images from a helicopter operated digital camera. The images are to be calibrated with an on-the-ground point analysis and/or height frequency assessment. This approach could be helpful for assessment of a wide range of soil-vegetation systems, especially in remote areas.

The Trust acknowledges its responsibility to monitor soil-vegetation systems within covenants on Crown leasehold land, and has resolved to meet that responsibility by employing a robust methodology tailored to suit particular soil-vegetation systems. Ongoing consultation with current practitioners will be desirable in developing and using an acceptable methodology.

I am also forwarding herewith copies of the revised management statement wherein there is a new paragraph 11.1 and a revised paragraph 17.2.

The Trust and the landholder would greatly appreciate your early consideration of this material and return of the covenant document with your consent endorsed thereon.

Yours sincerely



John Bishop  
Estate Manager

**THIRD SCHEDULE**

1. To assist in achieving the aims and objectives of the covenant, a management statement will be prepared by the Covenantor and the Trust and reviewed from time to time with a copy of the management statement being held at the offices of the Trust PROVIDED THAT for so long as the land the subject of this Deed is pastoral land held on Pastoral Lease under the Land Act 1948 the consent of the Commissioner of Crown Lands shall be required to the management statement or any review thereof.
2. The Trust may and wherever practical provide the Covenantor from time to time, and at any time upon request by the Covenantor, such technical advice or assistance as may be necessary or desirable to assist in meeting the objectives set out in this Deed.
3. If any question arises in the management of the land that is not clearly covered in the objectives or conditions of this Deed, then that question shall be resolved by the Trust after consultation with the Covenantor and if necessary the Commissioner of Crown Lands.

The COMMISSIONER of CROWN LANDS  
hereby consent to the execution of the  
within Open Space Covenant pursuant to  
Section 89 (1) of the Land Act 1948 and  
Section 22(3) of the Queen Elizabeth the  
Second National Trust Act 1977.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Commissioner of Crown Lands

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Address



MOUNT ST. CUTHBERT AND  
EWE RANGE BLOCK COVENANT  
(OMARAMA STATION LIMITED)

OPEN SPACE COVENANT

MANAGEMENT STATEMENT

File No. 5/12/61

QE II National Trust  
PO Box 3341  
WELLINGTON

Agreed between the landholder and  
the Trust July 2001.

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## PART A: INTRODUCTION

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### 1 PREFACE

- 1.1 An open space covenant has been negotiated with the landholder of Omarama Station to protect some 975 hectares of high altitude tussock grassland and associated vegetation on the property. The two blocks in question are regarded as ecologically significant areas. This management statement for the covenant areas provides for monitoring of the protected grasslands by the landholder and the Queen Elizabeth the Second National Trust (the National Trust).
- 1.2 The National Trust was established in 1977 and is an independent statutory organisation with the responsibility to provide, enhance and protect open space for the benefit and enjoyment of the people of New Zealand.
- 1.3 Open space is defined in Section 2 of the Queen Elizabeth the Second National Trust Act 1977 as:  
“any area of land or body of water that serves to preserve or to facilitate the preservation of any landscape of aesthetic, cultural, recreational, scenic, scientific, or social interest or value.”
- 1.4 An open space covenant is a legal agreement between the National Trust and a landholder to protect an area of open space or a specific landscape feature. The covenant is a legal contract, registered in perpetuity against the title, committing the present and any future landholder to manage the area in a specified way, with the National Trust as permanent trustee.
- 1.5 The requirement to prepare this management statement is contained in the open space covenant document. It is therefore an integral component of the open space covenant agreement and, as such, amplifies the objectives incorporated in the covenant document.
- 1.6 This management statement describes the natural and physical resources of the covenant areas, identifies specific management issues, and outlines policies agreed between the landholder and the National Trust for its future management. If additional information indicates that an operative management policy or policies are no longer appropriate, then the management statement may need to be amended accordingly. The management statement will be periodically reviewed.

### 2 AIMS AND OBJECTIVES

- 2.1 The broad objectives for management, as specified in the covenant document, are:
- a) To protect and maintain the open space values of the land.
  - b) To protect native flora and fauna on the land representative of high altitude tussock grassland and shrubland communities, with particular reference to the representative vegetation associations.

- c) To protect and maintain the landscape values of the land, with particular regard to the distinctive mix of landforms, tussock grasslands and shrublands.
- d) To use the land for pastoral farming, in conformity with objectives (a) to (c) above, while requiring change in management when monitoring proves it necessary.

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**PART B: DESCRIPTION**

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**3 LOCATION AND GENERAL DESCRIPTION**

- 3.1 Omarama Station is located on the southern boundary of Omarama Township.
- 3.2 The property is a large pastoral farm, and includes the Cattle Creek catchment, which encompasses the Cuthbert Range and north-facing high country on the Ewe Range. The altitude of the property extends from 430 m above sea level, at Omarama, to 1611 m on the southeastern boundary on the Ewe Range.
- 3.3 The land includes steep, moderately steep, rolling and gently sloping side slopes, ridges and mountaintops.
- 3.4 At the Mount St. Cuthbert site, the bedrock is sedimentary dark greywacke and argillite, with prominent rock outcrops, screes and boulder fields. Soils are mainly well drained Kirkliston yellow-brown earths, also known as brown soils.
- 3.5 At the Ewe Range Block, the bedrock is metamorphic chlorite subzone II schist. Soils are mainly Puketeraki yellow-brown earths (brown soils) and associated gley soils and podzols on slowly draining surfaces.
- 3.6 The climate is sub-humid, with mild summers and cool to cold winters. Soil moisture deficits can occur with the prevailing northwest wind in spring, summer and autumn.
- 3.7 At the summit area on Mount St. Cuthbert, the annual average rainfall is between 700 and 1100 mm. For the Ewe Range block the annual rainfall is from 1000 to 1200 mm. Snow lies over the covenant areas during winter.

**4 LEGAL DESCRIPTION AND TENURE**

- 4.1 The legal description of the covenant areas is: (Note – this is to be confirmed once survey completed)  
Part Run 322B, Ahuriri, Benmore, Gala and Hawkdun Survey Districts, being part of the land contained in Certificate of Title Volume 338 folio 23 (Otago Land Registry), and having an area of 975 hectares approximately.
- 4.2 The land held is Crown land leased by way of a pastoral lease of pastoral land issued under the Land Act 1948. The lease is held by Omarama Station Limited, Peter Charles Lewis Gibson and Stephen John Brocklebank, and is for a term of 33 years from 1 July 1984. The lease has perpetual rights of renewal for further terms of 33 years duration.

### HISTORY OF USE

- 5.1 Omarama Station (as Omarama Run) was first taken up in 1858 and like many runs at that time, was large (c. 70,000ha) and carried up to 45,000 sheep in 1884. The run was subdivided in 1915 and now consists of 8,000ha of hill country and 3,000ha of alluvial floodplains, most of which is under irrigation.
- 5.2 The property now carries about 10,000 merino sheep and 800 cattle, and has been in the Wardell family since the early 1920s. The hill blocks have been used for extensive sheep grazing; the lower country has been oversown and topdressed; and the flats drained and improved and used mainly for cattle and hogget grazing, hay and silage.

### 6 PASTORAL FARMING PRACTICES

- 6.1 Both covenant areas consist of largely unimproved tall tussock grassland and associated scrub and wetland communities, except for the south lower face of Mt St Cuthbert, which has been oversown and topdressed every three years since 1980.
- 6.2 Both areas are used principally for sheep grazing, with cattle grazing confined to lower altitudes.
- 6.3 The St Cuthbert area carries 300-400 merino ewes from mid-January to mid-February, and again from 1-15 April.
- 6.4 The Ewe Range area, also known as the Downs Block, has a similar pattern of use, with 300-400 merino ewes from 28 February to 1 April.
- 6.5 Both areas are regarded as important by the landholder in maintaining a balanced use of the property.
- 6.6 Intermittent burning for management purposes occurred on the Downs Block up to the 1970s, and on the St Cuthbert area up to the 1950s. No further burning is envisaged.

### 7 NATURAL VALUES

- 7.1 Omarama Station is located within the Benmore and Hawkdun Ecological districts within the Mackenzie and Waitaki Ecological Regions.
- 7.2 The Mount St. Cuthbert site was identified as a PNA (No.3) in the Benmore District PNA survey. The area has a dense healthy stand of slim snow tussock (*Chionochloa macra*) regarded as the best in the southern Mackenzie Basin, descending through narrow-leaved snow tussock (*C. rigida*), with gullies, scree and boulder fields supporting mixed shrubland including celery pine, snow and mountain totara, coprosma, olearias and the rare native broom *Carmichaelia kirkii*. There is a relatively rich and diverse flora present. The shrublands and relic totara on fire-protected terrain represent pre-fire forests and shrublands, which formerly occupied most land above the climate treeline (c. 1100-1200m). Primary grassland communities exist above this zone. High altitude vegetation is in good condition; lower zones in fair to good condition, with hawkweeds and exotic grasses as prominent invasive species at lower altitudes and on sunny slopes.

- 7.3 The Ewe Range Block site has been identified as an RAP in the Hawkdun District PNA Survey (Hawk 1). This site comprises high altitude slim snow tussock/matthews fescue tussock grassland with numerous cushion bogs, seeps and flushes, grading down-slope to narrow leaved snow tussock/fescue tussock grassland, and some scrub on lower shaded faces. A relatively rich diverse flora, transitional between Canterbury and Otago is present. Most of this block is at and above the regional treeline. Grasslands and cushion herbfields are primary communities and in good to very good condition.
- 7.4 Several undescribed species of shrubs and herbs are present in both areas, although not exclusive to the district. One endangered plant, *Carmichaelia kirkii* has been noted, but the flora requires further appraisal. Several species of plants noted appear to be at their northern or southern limits.
- 7.5 Passerines, gulls, harrier hawk, paradise shelduck, pipit, and falcon can be seen over both areas.
- 7.6 Common skinks and geckos are abundant, and although the moths of the Ewe Range have been documented, there is a need for a detailed assessment of the indigenous fauna present in both areas.

## 8 RECREATIONAL USE

- 8.1 Omarama is an important centre for gliding in New Zealand, and gliders are often seen encircling the Mt St Cuthbert area.
- 8.2 Mt St Cuthbert is sometimes used as a take-off point for hang-gliders.
- 8.3 There is very little demand for access for tramping to either area.

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## **PART C: MANAGEMENT ISSUES AND POLICIES**

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### **9 OPEN SPACE VALUES**

- 9.1 The covenanted land on Omarama Station has significant open space value because the sites are prominent natural landscape features, large areas of healthy tussock grassland, and habitats of ecologically important plants.
- 9.2 The National Trust believes that the covenant areas provide the opportunity for scientific study of traditional resource use.
- 9.3 The National Trust also believes the covenant areas can be managed in a manner that will protect, maintain and enhance their open space values.
- 9.4 **Policy -** The covenant areas will be managed to maintain, enhance and protect the open space values.

### **10 LANDSCAPE**

- 10.1 The covenant areas have retained their distinctive landscape character because the landholder has a good understanding of natural processes and limitations particular to the land. This understanding has influenced land use decisions and has ensured that the features protected retain their open space values. As land use in the region intensifies, it is possible that the appearance of adjacent land will change, thus raising the landscape significance of these protected sites.
- 10.2 **Policies -** In order to achieve protection of the landscape values, the National Trust will:
- i) Monitor change resulting from natural processes and pastoral farming practices as they may impact on the covenant areas;
  - ii) Ensure potential conflict between management practices and natural processes are properly assessed, and
  - iii) Require changed management strategies when and where monitoring suggests it is necessary.

### **11 VEGETATION AND PASTORAL FARMING**

- 11.1 The objectives of the covenant provide for continued use of the land for pastoral farming, having regard to the aims of protecting native flora and fauna and the natural landscape values of the land. Pastoral farming activity has been undertaken on the land for over fifty years. The Trust believes the farming regime on the land has contributed in a positive manner to the present diversity and good condition of the vegetation.
- 11.2 In order to maintain and protect the open space values of the covenant areas, the following management principles are to be pursued:



- a) The annual stocking rate shall be determined having regard to the ability of the ecosystems to sustain the grazing regime. Particular care will be taken in ensuring stocking rates and grazing regimes do not have any adverse impact on the covenant area.
- b) All stock types run will be chosen for their compatibility with the sensitive environment.
- c) No exotic forestry will be established and there will be no shelterbelts on or near the covenant area.
- d) There will be no oversowing, topdressing, or burning in the covenant areas, except where formal consent has been granted for management purposes.
- e) The objectives of the open space covenant must be paramount in considering proposals for changes in management practises.

11.3 **Policies –**

- i) Protection of the natural character of the mountain habitats will be a focus of management.
- ii) Pastoral farming activities will be undertaken having regard to the aims of, and the specific management principles established relating to the open space covenant.

**12 FENCING**

- 12.1 Both covenant areas form the highest parts of large grazing blocks. The Mt St Cuthbert area is bounded to the east by block fences, and the Ewe Range area is bounded to the south and west by property boundary fences.
- 12.2 **Policy -** No further fencing is proposed unless monitoring indicates that a change in management is desirable or essential to achieve the objectives of the covenant.

**13 WEED AND PEST CONTROL**

- 13.1 Invasion of weeds can threaten the native vegetation of the covenant areas. Because some weeds are more visually dominant than the native species, they also compromise the landscape values. Some unwanted plants, particularly *Hieracium praealtum* and *H. pilosella*, can be found on the land. Wilding pines could be a problem in the future, although past control on these lands by cutting has been effective and will be maintained.
- 13.2 Introduced animals such as rabbits, hares and pigs are present and can cause damage to the protected vegetation. Rabbits at present are at low numbers as a result of RCD, and controlled further by regular night patrols and shooting.
- 13.3 In terms of the Biosecurity Act 1993 and regional pest management strategies (RPMS) adopted under that legislation, there are legal obligations requiring the control, and where possible, eradication of all plant and animal species designated "pest". For plants and animals which pose a serious threat to the open space values of the covenant areas, greater control than that required by the RPMS may be necessary.

- 3.4 The control of weeds and unwanted plants is the responsibility of the landholder in terms of the covenant agreement. Physical means of control are preferable to chemical means.
- 13.5 **Policies -**
- i) The control of "pest plants" will be carried out in accordance with the requirements of the RPMS and the Biosecurity Act 1993.
  - ii) All unwanted weeds, plants and pest animals will be progressively controlled or eradicated, where practicable.
  - iii) Priority will be given to the control of weeds or animal pests that pose the greatest threat to the open space values of the land.
  - iv) Numbers of animal pests will be monitored, and any necessary control measures implemented.
  - v) Biological and physical methods of control will be favoured in preference to chemical means.
  - vi) Control methods adopted will be so chosen to minimise the detrimental effect on protected vegetation, wildlife and other open space values.
  - vii) The use of toxic chemicals will be kept to a minimum and strictly controlled.

#### 14 ENTRY AND PUBLIC ACCESS

- 14.1 The covenant agreement provides that, subject to any conditions mutually agreed between the National Trust and the landholder, members of the public shall have access to the covenanted land with the prior permission of the landholder. This reflects Section 33 of the Queen Elizabeth the Second National Trust Act 1977 which indicates that, subject to conditions negotiated for a specific covenant, "the public shall have freedom of entry and access to all Trust land and to all land subject to an open space covenant".
- 14.2 Permission for entry within the Omarama Station property and covenant must first be obtained from the landholder.
- 14.3 It must be recognised by intending visitors that there are potential hazards within the farmed property and dangers inherent in venturing into remote areas in changeable weather conditions. All visitors should acquaint themselves with potential dangers and hazards and accept responsibility for any actions taken by them against advice offered either in person, by published information, or signage within the property.
- 14.4 If adverse impacts due to public use become apparent, as a result of monitoring of the covenant by the National Trust, then it may be necessary for the landholder, after consultation with the Trust, to impose constraints on public entry.
- 14.5 **Policy -** Entry to the covenant area may be permitted, with the prior approval of the landholder.

#### 15 FIRE

- 15.1 The natural, scenic and habitat values of the covenant area can be threatened by the risk of fire. Wild fires can cause substantial damage. Therefore every endeavour will be made to prevent fire damage to the protected vegetation by carefully monitoring

the risk and, if necessary, imposing controls on access to ensure protection of the area during high-risk periods.

15.2 **Policies-**

- i) A strict fire ban will be enforced during dry periods and public access may be restricted during high-risk periods.
- ii) A fire plan will be formulated in consultation with the Department of Conservation and the district council to cover the control and suppression of any wild fire on the property.

**16 STRUCTURES**

16.1 The covenant areas have significant open space values. The visual impact of buildings and other structures could adversely impact on these values.

16.2 **Policies -**

- i) The landholder will consult with the National Trust on any proposal for structures that may have an impact on the open space values protected by the covenant.
- ii) Only those structures necessary for management of the covenant areas, and agreed to, will be erected.

**17 MONITORING AND RESEARCH**

17.1 In order to ensure that the objectives of the covenant are being achieved, it is desirable for the areas to be monitored to confirm the appropriateness of management.

17.2 To this end, it is desirable to set up one or more fenced enclosure plot in each of the covenanted blocks (eg 50x50 metres). Monitoring using permanent line transects to record cover and frequency of tussock and inter-tussock plants both inside and outside the enclosure plots will be undertaken by the National Trust and landholder and kept under review. Additional monitoring of critical habitats using photographs taken from fixed points and descriptive information will also be undertaken and kept under review.

17.3 The covenant areas provide unlimited opportunities for research on the flora and fauna of the district, and benchmark studies of ecological processes, traditional resource use, and sustainable management.

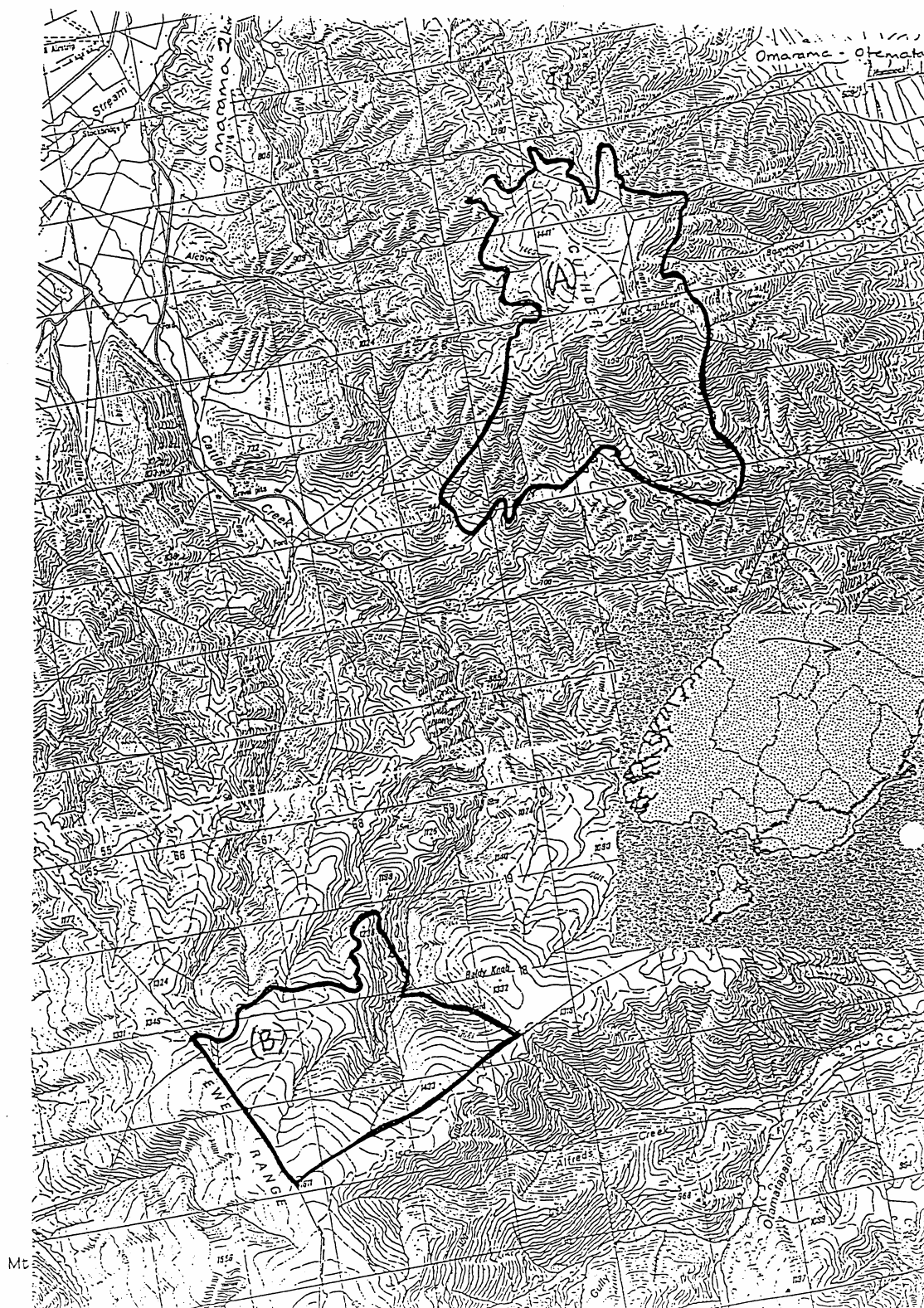
17.4 **Policies -**

- i) A monitoring process relating to the aims of the open space covenant will be established and implemented, with monitoring being undertaken by the Trust and the landholder in consultation with other appropriate expertise.
- ii) Scientific research will be encouraged to provide further information on the natural and physical resources of the covenant areas and their sustainable management.

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APPENDIX I: LOCATION MAP

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**APPENDIX II: REFERENCES**

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Protected Natural Areas Programme, Survey Report of Mackenzie Ecological Region, 1984. Biological Resources Centre. (p.86)

Protected Natural Areas Programme, PNA Survey Report for the Hawkdun Ecological District, 1994. Department of Conservation. (5.4-5.7)