

Crown Pastoral Land Tenure Review

Lease name: PISGAH DOWNS

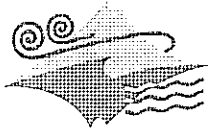
Lease number: PO 248

Public Submissions - Part 1

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

May

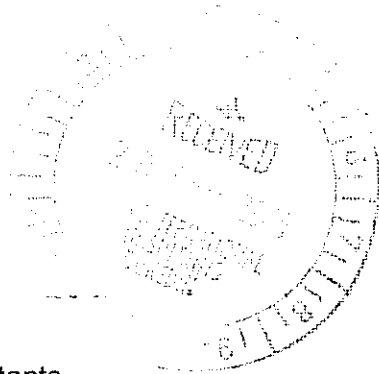
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Office of Te Rūnanga o **NGĀI TAHU**

27 September 2005

David Payton
Opus International Consultants
Private Bag 1913
DUNEDIN



Toitu te Whenua
Legal and Environmental Team
Level 6, Te Waipounamu House
158 Hereford Street
PO Box 13-046, Christchurch
Phone 03-366 4344
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Tēnā koe David

TENURE REVIEW – PISGAH DOWNS PRELIMINARY PROPOSAL

Te Rūnanga o Ngāi Tahu have considered the information provided in the Pisgah Downs Preliminary Proposal, and consider that the values identified in the Ngāi Tahu Cultural Values Report have been integrated into the Preliminary Proposal.

If you have any queries please do not hesitate to contact me.

Heoi anō

David O'Connell
Manager Kaupapa Taiao

David Paton

OPUS

01 OCT 2005

Dome Hills

12c RD

~~17 APR 1998~~

Oamaru

30/09/05

Dear David,

Re Pisgah Downs Tenure Review.

I am writing to request that the survey pegs be put in the ground marking the Pisgah Downs freehold

boundary starting at the first Dome Hills house (at the start of the trees) up to the top of our hut paddock.

This is approx 1 km above the Dome Hills Washed.

This was not done when the Dome Hills Survey was undertaken but I was told it would be sorted out when the Pisgah Downs survey was undertaken.

Someone suggested that the 2nd Dome Hills house maybe on Pisgah Downs. Looking at your tenure review map this is clearly not the case but I would like you to organise

The Survey pegs to be put on the correct boundary.

The legal road on Pisgah Downs (heading east in front of the 1st Dome Hills house) was surveyed when the Dome Hills freeholding was done.

From the 1st Dome Hills house to the top of the Hut paddock there were no pegs put in. They used the original survey information for the survey map.

The existing formed road is not on the legal surveyed road. I do not want the existing formed road to be surveyed as the legal road if it is on Dome Hills freehold title.

When you survey the correct boundary we will then be able to ask the Council to shift the road to its correct legal position if it is in the wrong place.

Can you please confirm that the Dome Hills legal boundary is on the east side of the legal road and that Pisgah Downs legal boundary is on the west side of the legal road.

Pisgah
Daw Downs

New Zealand Deerstalkers' Association Incorporated
45 Rugby St P O Box 6514 Te Aro Wellington Tel 04 801 7367 Fax 04 801 7368
E-mail: office@deerstalkers.org.nz
Website: <http://www.deerstalkers.org.nz>

6 October 2005

Commissioner of Crown Lands
C/- Opus International Consultants Ltd
Private Bag 1913
Dunedin
Attn: Dave Payton
Fax (03) 474 8895 DD 03 474 8914
Email: dave.payton@opus.co.nz

Submission: Pisgah Downs Tenure Review Preliminary Proposal

This submission is made on behalf of the New Zealand Deerstalkers' Association Incorporated (NZDA). NZDA is the national body of recreational deerstalkers and other big game hunters. We have 57 branches and a number of hunting clubs throughout New Zealand. We have 7200 members, and have been actively advocating for deerstalking and hunting and running training courses, trips, conferences etc since 1937.

NZDA has a longstanding interest in the surrender of wildlands unsuitable for grazing from pastoral leases and pastoral occupation licences. Under New Zealand trespass laws, recreational hunters have often been locked out of hunting deer on the wildland parts of these tenures by the lessees, who keep the public wild big game for their own use or sale.

1 Summary of Proposal

Pisgah Downs (4,280 Ha) southwest of Duntroon, stretches to the top of the Kakanui Range, and is also accessible from the Ranfurly side of the Kakanuis. It is also accessible off the Danseys Pass road. 1,694 Ha (CA1) of high altitude land is proposed for surrender, including Mt Pisgah, 1,643 metres, highest point in the Kakanuis. The land is of low land capability class.

A smaller area of 113 Ha (CA2) covering a steep gorge of the eastern tributary of the South Branch of the Maraewhenua River. 2,473 Ha of lower land is to be freeholded, subject to a conservation covenant of 124 Ha, to protect landscape and a gorge of an eastern tributary of the river, and regenerating native vegetation.

A public easement for foot, horse or non motorised vehicles powered by persons (eg cycles), which can also be used with vehicles by DOC for management purposes, gives access to CA2. Parking for 6 cars is to be provided at the start of the easement by the owner.

There is also a public foot, horse, non motorised or motorised vehicles, from the end of McKenzie's Road for one km, to a parking lot for up to 6 vehicles. Then by foot or non motorised vehicle or horse for another 5 km to CA1. DOC gets to use vehicles for management purposes on the whole of this easement, plus another across the northeast boundary of CA1.

NZDA agrees that CA1 is primarily Class 7 and 8 lands not capable of sustainable farming.

2 Outdoor Recreational Value

In the only assessment of outdoor recreational characteristics and value for Otago, Bruce Mason, in "Outdoor Recreation in Otago – A Conservation Plan" Vol 1 (1988, Federated Mountain Clubs)

assessed the Kakanui Mountains, including CA1, as having natural environment and open space character. (Map, Page 28).

A red deer herd, pigs and Chuka provide recreational hunting opportunities in the Kakanuis, and could be expected on the CA1 block at times. This surrender will add an important block of land on the crest of the Kakanui Range, with the potential to form a worthwhile sized conservation park, as further land is surrendered from leases.

3 NZDA General Support for the Proposal

We have not had the opportunity to inspect the property on the ground, so cannot comment on the easements or surrenders in detail. With this qualification we support the proposal subject to our desire to see vehicular access provided via DOC for recreational hunters (See 4 below).

This surrender is of interest to hunters, and we strongly support this change to public conservation land for its recreational hunting value, and its other recreational values. As these recreational hunting resources are publicly owned, it is better that they be on public land, where they are available to the public, rather than on privately occupied land.

4 Easements

We generally support the easements provided. However, having a process whereby hunters can take vehicles (4WD or Quads) in to the boundary with CA1 would make it easier to take out game animals for the table. This would assist hunters to hunt in the area, and help keep deer and pig numbers in control.

It would more than halve the distance carcasses would need to be carried. This would improve recreational hunting pressure on the CA1 block, so aiding the sustainable management of this block. Sustainable management is a goal of the Crown Pastoral Lands Act (CPLA). So this change would assist achieving this goal.

Without a public right for recreational hunter vehicle access from DOC, the lessee remains the owner of the vehicular access, ie has the right to refuse permission, and to charge whatever he likes for that access.

If hunter vehicle access was considered part of DOC's management of the block ie a management purpose, then recreational vehicle access would be available if needed. We urge that LINZ check with DOC that this is, or can be the case. It would be ironic if DOC could employ commercial hunters to kill big game, and allow them to use the road for "management purposes" while not allowing recreational hunters for the same purpose.

For instance LINZ and DOC could agree that a hunting permit for CA1 and beyond, could include motorised access to the end of these easements ie assisting DOC with big game management.

Please contact me if you require further information.

Thanking you
Yours truly

Dr Hugh Barr
NZDA National Advocate

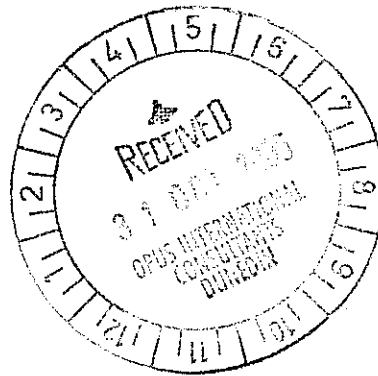
cc Department of Conservation, Dunedin



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)
P.O. Box 1604, Wellington.

28 October 2005

The Commissioner of Crown Lands
C/- Opus International Consultants Ltd.
Private Bag 1913,
DUNEDIN.



Dear Sir,

Re: Preliminary Proposal for Tenure Review: Pisgah Downs Po 248

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 13,000 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, 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 the more recently stated government objectives for the South Island high country especially the following:-

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

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

FMC appreciates this opportunity to comment on the Preliminary Proposal for the review of Pisgah Downs pastoral lease..

The Preliminary Proposal

FMC notes that the proposed designations are described as follows:-

2.1 An area of approximately 1694 ha (CA1) to be designated as land to be restored to or retained in full Crown ownership and control as Conservation Area.

2.2 An area of approximately 113 ha (CA2) to be designated as land to be restored to or retained in full Crown ownership and control as Conservation Area.

2.3 An area of approximately 2473 ha to be designated as land to be disposed of by freehold disposal to Pisgah Downs Ltd. subject to protection mechanisms.

2.3.1 Protective Mechanisms

(a) A Conservation Covenant (CC) of approximately 124 ha for the purpose of preserving the regenerating mixed broadleaf forest and shrublands and historic sites.

(b) An easement to provide public access by foot, horse and non-motorised vehicle from McKenzies Road to the conservation areas over routes "a-b-d" and "e-f-g-h" and vehicle access over the route "e-f".

(c) An easement for conservation management access from McKenzies Road over the routes "a-b-d", "b-c", "e-f-g-h" and "g-i".

It is understood that the owner will provide parking for 6 cars at "a" and "f".

FMC Submissions

You will recall that in March 2004, FMC submitted a report on the "Recreational and Related Significant Inherent Values of Pisgah Downs". FMC is pleased to note that a significant number of our recommendations for the outcomes of tenure review are included in the current Preliminary Proposal. There are however, some features of the proposal which give us cause for concern especially the absence of formal recognition of the actual formation of the track up Pisgah Spur as the legal road alignment, thus leaving in doubt the secure public access required by the Crown Pastoral Land (CPL) Act 1998.

The details of FMC views on, and objections to, the Preliminary Proposal are presented below and are arranged in the same format as the Preliminary Proposal quoted above.

Preliminary Proposal, Item 2.1.

2.1 An area of approximately 1694 ha (CA1) to be designated as land to be restored to or retained in full Crown ownership and control as Conservation Area.

We applaud the proposal that almost 1,700 ha of high country (CA1) will be restored to full Crown ownership and control as Conservation Area. FMC is pleased to note that this proposal is very similar to the recommendations contained in the FMC Report (March 2004), and that it includes all that part of Dansey RAP 7:Pisgah which is situated within the Pisgah Downs lease area.

FMC is pleased to note that this area includes much of the headwaters of the South Branch of the Maerewhenua River, and a significant part of the complex network of historic water races which served the Livingston Diggings.

The FMC Report (2004) on Pisgah Downs recommended "*For all the reasons identified by the PNA survey, to comply with the NZ Biodiversity Strategy, and to meet the recently declared government objectives for the South Island high country, this area should be returned to full Crown ownership and control and managed for conservation and recreation*". FMC is therefore pleased to recognise that in large measure this recommendation has been accepted.

We do however, note that the proposed Conservation Area is to be bounded by a new fence along the line A-B. This is in contrast to the recommendation made in the FMC Report (2004) and the plans accompanying the Scoping Report (2002), the Conservation Resources Report and the DOC Proposed Designations Report. All these reports indicated that the existing fence between Hut and Snowy Blocks should form the boundary. The FMC Report recommended that "*From a recreational perspective it would be helpful if the hut situated at about 800m could be included within the conservation area. It appears possible to achieve this, and at the same time make use of existing fencelines to separate conservation land from freehold. A representative section of the historic water races in the Maerewhenua catchment should also be protected. If the area to become conservation land includes a sufficiently large part of the upper reaches of both the north and south arms of the South Branch, a representative section of water races will be included.*"

FMC now considers that there are still good reasons why the existing fence between the Hut and Snowy blocks should form the boundary of the Conservation Area. These reasons include an uninterrupted section of the water races from their intakes to the point where the races enter Snowy Block, access to the races and hut along the farm track "g-i" from point 1038m, and avoidance of the need for, and expense of, building a new fence. If necessary, an easement for farm management purposes over the track "g-i" could be provided as part of the final agreement. Furthermore, the amount of land involved would be little more than 100ha.

FMC submission:

FMC submits that the proposal should be revised so that the existing fence between the farm blocks known as Hut and Snowy forms the boundary between Conservation Area CA1 and the proposed freehold land.

Preliminary Proposal, Item 2.2

2.2 An area of approximately 113 ha (CA2) to be designated as land to be restored to or retained in full Crown ownership and control as Conservation Area.

FMC is very pleased to note that the natural and historic values of the lower gorge of the eastern part of the South Branch of the Maerewhenua River have been recognised and proposed for return to full Crown ownership and control. The natural values include regenerating mixed broadleaf forest and shrubland while the historic values are represented by a significant section of historic water races which provided resources for the Livingston diggings. FMC fully supports this proposal.

FMC submission:

FMC fully supports the proposal that an area of approximately 113 ha (CA2) be designated as land to be restored to or retained in full Crown ownership and control as Conservation Area.

Preliminary Proposal, Item 2.3.

2.3 An area of approximately 2473 ha to be designated as land to be disposed of by freehold disposal to Pisgah Downs Ltd. subject to protection mechanisms.

FMC is largely supportive of this proposal as we consider that it is likely to lead to ecologically sustainable land use. We do however, consider that the boundary between proposed freehold and Conservation Area (CA1) is in the wrong place. We believe that the Proposal should reflect the recommendations made in the Scoping Report, the Conservation Resources Report and the DOC Designations Report that the boundary should follow the existing fence between Hut and Snowy Blocks for reasons which are explained above (see discussion on 2.1 above).

FMC submission:

FMC submits that the proposed boundary of the freehold area should be changed to the existing fence between farm blocks known as Hut and Snowy as recommended in earlier official Reports.

Preliminary Proposal, Item 2.3.1 (a)

(a) A Conservation Covenant (CC) of approximately 124 ha for the purpose of preserving the regenerating mixed broadleaf forest and shrublands and historic sites.

FMC is concerned that the terms of Special Conditions (in Schedule 2) for the Covenant Area CC are not sufficiently robust to protect the values which is the stated Objective of the Covenant.

The FMC Report on Pisgah Downs (2004) stated:- *"There is no doubt that with the cessation of burning and grazing there would be an improvement in the vigour of the tussock grassland and a recovery in shrublands in gullies and sheltered areas. Because of this it may be appropriate for such land to be returned to full Crown ownership and control to be managed for conservation and recreational purposes"*.

FMC asserts that protection and regeneration of shrublands is incompatible with proposed grazing. FMC recommends that the entire 124 ha of Covenant Area CC should be returned to full Crown control and be protected by adding this area to the proposed Conservation Area CA2. We do however, have no objection to the proposal to allow the owner to clear by hand a 5m wide strip of vegetation to maintain a stock route through the area between points "j-k".

FMC submission:

FMC is opposed to the Special Conditions attached to the proposed covenant area (CC) because we consider grazing to be incompatible with the objective to "preserve the particular Values specified in Schedule 1". FMC submits that the proposed covenant area should instead be returned to full Crown ownership and control by adding this area (124ha) to the proposed Conservation Area CA2. This is the preferred mechanism for protection stated in S24(b)(i) of the CPL Act 1998.

Preliminary Proposal, Item 2.3.1(b)

(b) An easement to provide public access by foot, horse and non-motorised vehicle from McKenzies Road to the conservation areas over routes "a-b-d" and "e-f-g-h" and vehicle access over the route "e-f".

The FMC Report (2004) on Pisgah Downs stated: *"Public access on foot and mountain bike, and possibly also horse are the main priorities for recreation in this tenure review. The main access route which should be confirmed for public use through this tenure review is the legal road up Pisgah Spur to the Kakanui crest, and along the main crest of the Kakanui Mountains to the head of the Maerewhenua Spur. The actual alignment of the road formation on the ground should be compared with the legal alignment on the cadastral map, and if there are any differences, the actual formation should be formally recognised as the legal road. This would satisfy the requirement of the CPL Act 1998 as it would provide secure public access to the crest of the Kakanui Mountains and to any new conservation land which may be created out of the upper part of Pisgah Downs pastoral lease.*

In summary, this assessment indicates that there is considerable scope in the wider Kakanui area for extended tramping or mountain bike and winter ski touring trips on the Kakanui Mountains. It is envisaged that in time the traverse along the range from Danseys Pass to Mt Pisgah, Kakanui Peak, Obi, the Mt Dasher/Mt Stalker country and the Waianakarua catchment or the Pigroot will become a classic trip. Access to the central part of the Kakanui Mountains via the Pisgah Spur opens up a much wider range of options than just traversing the ridge from end to end; in combination with routes on neighbouring properties, a number of round trip options are emerging. It is recommended that public access for all these activities should be secured as an outcome of tenure review."

FMC does not understand why sections "e-f" and "e-f-g-h" are treated differently in the proposal. If our recommendation that the actual formation of the track up Pisgah Spur should be formally recognised as the legal road was implemented, then public access to the Conservation Area CA1 and the crest of the range would be guaranteed. We do however, appreciate the owner's agreement to provide 6 car parks at "f". We accept that the requirement to provide public access along the crest of the range from Mt Pisgah to the head of Maerewhenua Spur will be provided either through the Conservation Area CA1 or along the existing legal road.

FMC submission:

FMC emphasises the need to provide secure public access along Pisgah Spur from McKenzies Road to the Conservation Area CA1. This would be best achieved by formal recognition of the formation on the ground as the legal road.

Preliminary Proposal, Item 2.3.1(c)

(c) An easement for conservation management access from McKenzies Road over the routes "a-b-d", "b-c", "e-f-g-h" and "g-i".

FMC has no objection to the establishment of easements as specified for management purposes. Indeed we would suggest that if the route up the Pisgah Spur "e-f-g-h" is to be used for management purposes then it should also be available for public use.

FMC submission:

FMC has no objection to the establishment of the specified easements for management purposes.

Otago Conservation Management Strategy

FMC is aware that important objectives and priorities for conservation and recreation were set in the Conservation Management Strategy (CMS) for Otago. Both the objective and the stated priority for the Kakanui Mountains Special Place are very relevant to the tenure review process and the outcomes of this tenure review can materially assist in the achievement of the objective.

The following is an extract from the FMC Report on Pisgah Downs which deals with the section on the Kakanui Mountains Special Place in the Otago CMS: "*The Kakanui Mountains area has been recognised as one of 41 Special Places in Otago which have been identified in the Conservation Management Strategy (CMS) for Otago. The objectives for the Kakanui Mountains Special Place include:- "To maintain the natural resources contained within the existing protected areas on the Kakanui Mountains while taking opportunities that may arise through pastoral lease tenure review to negotiate protection of, and access to, areas of high natural and recreational value."*

It should be further noted that the CMS states that:-"foot access [will be] negotiated at key points for the public to areas managed by the department, with public vehicular access having a lower priority."

Furthermore, it is important to note that the priority for Kakanui Mountains is:- "In this Special Place, tenure review negotiations and wilding tree control will be the priority method for implementing the objective during the course of this CMS."

FMC recognises that opportunities presented by the tenure review of Pisgah Downs have been taken to further this objective.

Conclusion

There are many good features in this Preliminary Proposal for the tenure review of Pisgah Downs. These features include the proposed new conservation areas CA1 and CA2 and public access routes to these areas and to the crest of the Kakanui Range. FMC strongly supports these proposals.

We submit however, that public access and the requirement of the CPL Act 1998 would be better served by formally recognising the actual formation of the track up Pisgah Spur as the legal road.

FMC also considers that the boundary of Conservation Area CA1 should follow the recommendations of 3 earlier official reports and make use of the existing fence between the Hut and Snowy farm blocks.

FMC does not accept that the proposed Covenant Area (CC) adequately protects the significant mixed broadleaf forest and shrublands within the area designated CC as we assert that grazing is incompatible with the objective "to protect the Values". FMC submits that the proposal must be revised to fulfil the CPL Act statutory objective 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." This could be done by adding the 124ha (CC) to the proposed Conservation Area CA2.

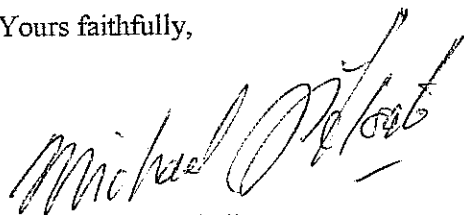
FMC submissions have been set out in this letter in the same format as the Preliminary Proposal for the tenure review of Pisgah Downs. Under each of the Proposal Items we have summarised our recommendations under a subheading '*FMC Submission*'.

FMC believes that if these submissions are accepted and acted upon, the review would then be in accord with the Crown Pastoral Land Act 1998 and would assist in achieving the objectives stated both in that Act and the more recently declared government objectives for the South Island high country.

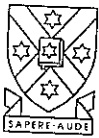
FMC believes that the outcomes of this tenure review could materially assist in achieving important objectives declared in the Otago Conservation Management Strategy.

Finally, we thank you for this opportunity to comment on the Preliminary Proposal for the tenure review of Pisgah Downs pastoral lease. We also thank the agents (Opus International Consultants) for arranging permission to visit Pisgah Downs and the runholder for permission to inspect the property.

Yours faithfully,



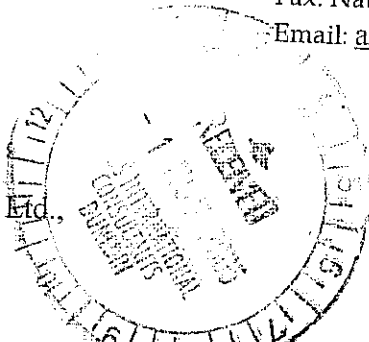
pp Barbara Marshall
Secretary, Federated Mountain Clubs of NZ, Inc.



Department of Botany

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October 28, 2005.

 Manager,
 Opus International Consultants Etc.,
 Private Bag 1913,
 DUNEDIN.

SUBMISSION ON PROPOSED TENURE REVIEW: PISGAH DOWNS PASTORAL LEASE

Dear Sir,

Thank you for sending me a copy of this proposal for the tenure review of Pisgah Downs Pastoral Lease, of some 4280 ha. I appreciate the opportunity to comment on this proposal based on my knowledge of the area, gained particularly during the co-supervision of the Protected Natural Areas Survey of the property as part of the Dansey Ecological District by Ms Joy Comrie, in 1990-91.

Allocation of the area proposed for restoration to full Crown ownership and control as two conservation areas (1807 ha) in relation to that being proposed for freeholding (2473 ha), including a conservation covenant of ca. 124 ha, represents a reasonable balance (42.8% vs 57.8%) between conservation and freeholding.

Regarding the larger Conservation Area (CA1) of 1694 ha, I am aware that it includes all of the portion of the "Dansey RAP 7 Pisgah" (about one third) that lies within the property (much of the balance was in the Dome Hills Pastoral Lease and also proposed as a conservation area: the remaining ca.10% portion of the RAP lies on the southern slopes of the Kakanui Mountains), which is altogether commendable. This area is known to contain "the greatest diversity of vegetation types of any of the RAPs in the Dansey Ecological District, a reflection of the range in elevation, aspect and landform." This area contains important and extensive representative areas of scree, fellfield and slim snow tussock grassland, all with their distinctive biota. The lower boundary of this proposed Conservation Area 1 extends some distance below the RAP boundary, thereby including a better representation of the narrow-leaved snow tussock grassland vegetation type, which replaces the slim snow tussock grassland on the mid slopes, below about 1300 m. This lower boundary to the proposed conservation area (CA1), as shown on the map accompanying the proposal, however, would require a new fence (shown as "A - B" on the map), exceeding 2 km in length, to be constructed across the full width of the property. The existing fence could have been used and indeed, should be used for this boundary, somewhat further downslope, below the existing hut. This lower boundary is strongly recommended as it is obviously a functional fenceline boundary, having served as a "block boundary" within the pastoral lease. The proposed fence (A - B), being at a higher elevation, is likely to be more prone to snow damage than is the existing alignment. Using this existing boundary fence as the lower boundary of the proposed CA1 block would also obviate the need for the two easements "g-h" and "g-i" proposed "for public and conservation management access to the proposed Conservation Area". The existing hut would then be included in the Conservation Area 1, to be available for general public use but presumably would also be available for use by the owner of the freehold land, as and when required.

I note that motor vehicle access is to be restricted to "management purposes" beyond the site proposed for public vehicle parking (Site "f" on the map, which, I acknowledge will be provided by the owner). Given the generally good condition of this road for at least 3 km beyond Site "f" (to the sharp right angle in the road about 3 km beyond Site "f", where the upper boundary of the "Stony" Block meets the boundary fence), I recommend that motor vehicle access be permitted to this point

and that parking for up to six vehicles be provided here. This would make walking access to the summit of Mt Pisgah substantially more attractive. The easement proposed for public vehicle use between the end of McKenzies Road at Site "e" and the newly recommended parking area (rather than that originally proposed for Site "f"), for up to 6 vehicles, is supported .

In terms of general public access to the summit of the Kakanui Mountains in the vicinity of Mt Pisgah, the Pisgah Spur route is of major significance and shows as a "Legal Road" together with that along the upper boundary of the lease towards the northwest, on the relevant map. As part of this tenure review exercise it is critical that the formed track along this route, above the end of the formed section of McKenzie Road, be formalised as the legal road, to be available in perpetuity, for public use.

Given the generally good condition of the snow tussock cover within the "Snowy" and "Stony" Blocks on the upper slopes of the area proposed for freeholding, I strongly recommend a "no burning" covenant and desirably also a "no oversowing" covenant be placed on this area (defined by the perimeter fences), so as to ensure perpetuation of this snow tussock cover, especially for its value in maximising water yield, notably in this area prone to easterly fogs (as revealed by our studies elsewhere in Otago: Holdsworth & Mark. 1990: J. Royal Soc. N.Z. 20: 1-24; Ingraham & Mark. 2000: Austral Ecology 25: 402-8).

The smaller Conservation Area (CA2) of some 113 ha, which is located within a steeply incised gorge of an eastern tributary of the South Branch Maerewhenua River, is proposed to secure mixed stands of broadleaved-Halls totara forest and shrubland, plus associated stream fauna, which are now generally rare along the northeastern margins of the Kakanui Mountains. Similar small mixed woody stands were identified in the Dansey PNA survey, in the catchments of the North Branch of the Maerewhenua River to the northwest, and in Hector's Creek to the southeast. These are all relict stands of very high ecological value, and their formal protection, plus exclusion of stock grazing, as opportunity allows, is strongly endorsed. Considerable new fencing will be required (and is proposed) to secure this CA2 area from grazing animals and I am concerned that a larger area (beyond the strict confines of the gorge) will not be secured at this time, to more adequately provide for the potential future extension of these woody remnant stands under conservation management.

Regarding the proposed Conservation Covenant of some 124 ha, in the eastern tributary of the South Branch Maerewhenua River, designed to recognise, "for the purpose of preserving the landscape, inherent natural and historical values in perpetuity", I have similar concerns. While the landscape and historical values of this area can probably be protected with such a covenant, the continued access of sheep and cattle will inevitably prevent the potential restoration of the "inherent natural values" of the various plant communities. Moreover, the owner would retain rights under the Trespass Act on this proposed covenant and so could prevent public access either generally or specifically. These are undesirable aspects for such an important area with its wide range of values. Given that there is a common boundary between the area proposed as a Conservation Covenant and the Conservation Area CA2, it would be preferable to combine these two areas into one larger Conservation Area (CA2) with a perimeter fence (its exact location to be determined by the topography) to exclude stock generally while retaining the easement "a-b-c" for conservation management purposes, as necessary, between the two fenced boundaries.

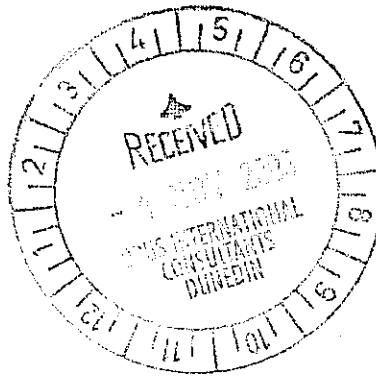
Thank you for the opportunity to comment on this proposal, which has significant implications for protection of intrinsic natural values as well as many important historic and recreational values on the Kakanui Mountains.

Yours sincerely,



Alan F. Mark FRSNZ.
Professor Emeritus

Commissioner of Crown Lands,
C/o David Payton
Tenure Review Contract Manager,
Opus International Consultants Ltd,
Private Bag 1913,
Dunedin



**FOREST
& BIRD**
Dunedin Branch
PO Box 5793
Dunedin

2.11.05

Dear Sir,

Submission on the proposed outcomes from tenure review of Pisgah Downs pastoral lease

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

This submission is written on behalf of the Dunedin Branch of the Forest and Bird Protection Society which has approximately 565 members with strong interests in botany and natural history in general and in the High Country. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

The submission is made on the basis of an inspection trip to the property in October 2005 and on knowledge of the area. It is written with reference to the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the recently stated government objectives for the South Island high country, especially the following:-

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

Pisgah Downs is a lease with high conservation values both on the higher country adjacent to Mt Pisgah, containing significant diversity of vegetation (part of which is within RAP 7, an area recommended for protection from a PNAP survey) and part of which includes land with deeply incised gullies of the South Branch of the Maerewhenua River and a tributary of the South Branch where there is significant regeneration of mixed broadleaf forest and scrublands. In addition there is well-preserved tussock country, important for water conservation and the landscape values. The lease also contains significant relics of the Livingstone Goldfield in the form of multiple water races, storage dams and other mining remains.

The Proposal

The preliminary proposal allows for the establishment of two Conservation Areas, **CA1** (approximately 1694 hectares) and **CA2** (approximately 113 hectares) to be restored to, or retained in full Crown ownership, together with one Conservation Covenant, **CC**, of 124 hectares within the balance of the lease, where approximately 2473 hectares is proposed for freeholding subject to easements for access to the two Conservation Areas and the Conservation Covenant.

Conservation Area CA1

We fully support the return to the Crown of this area. It extends from the southern boundary which takes in the top of Mt Pisgah along the range crest to the property boundaries to the east and west down to a proposed new fence, a short distance above an existing fence across the lease at the southern boundary of the Hut Block. The area includes that part of RAP 7 which is on the Mt Pisgah lease and has significant botanical ecological and landscape values.

The existing fence at the higher end of the Siphon and Hut Blocks was proposed as a boundary in both the scoping report and Conservation report and would have seemed a logical northern boundary for the Conservation Area, and thus would avoid the cost of a new fence, relatively close to an existing one. The hut at the lower end of the Hut block is excluded from the **CA1** Conservation area by the new fence in the proposal, but we would argue that it should be available for public use. It would be an ideal base for botanical trips up on **CA1** and for anyone tramping along through **CA1** and beyond along the ridge-tops and for those wishing to explore and enjoy **CA2** and **CC**.

Conservation Area CA2

We strongly support the creation of this Conservation Area with its deeply incised gullies and important vegetation within it as well as historic race lines associated with the Livingston Diggings. We have noted that following one of the race lines round above the tributary of the South Branch of the Maerewhenua River forms a logical and enjoyable route round into the Conservation Covenant area **CC** with the historic mining remains

Conservation Covenant CC

We support the creation of this area of approximately 124 hectares which includes regenerating broadleaf and shrublands and a wealth of historic sites from the goldmining era, but submit that it might better be added to **CA2**. We would have no objection to the proposal to maintain a stock route through it. It would also be desirable to extend the area to a small extent to the south to take in the race lines down to GR 740 N.

Freehold of Snowy and Stony Blocks, LU3 in the Conservation report

The Snowy and Stony Blocks are designated as Landscape Unit 3 in the Conservation report and mention was made of the adverse effects that shelter planting, forestry planting, burnoffs and further landuse intensification could have on this landscape of narrow leaved snow tussock, short tussock and other intertussock species including *Aciphylla aurea*.

If these blocks are to be freeholded we submit that some formal agreement by covenant would be desirable to avoid the above adverse affects and that there should be a management plan that would protect the existing tussock and thus water yield down to the lower boundaries of the Snowy and Stony blocks on the proposed freehold area (in line with the site of the proposed car park for public access). This landscape outside **CA1**, particularly on the higher

slopes of the blocks, has significant inherent values and it would be desirable to protect it in perpetuity from the management strategies such as have been used on the adjoining Dome Hills land which was freeholded through tenure review some years ago and has resulted in significant landscape and land degradation completely abolishing tussock cover.

Areas proposed for freehold

Apart from the provisos mentioned above we would support the areas to be freeholded as being capable of providing ecologically sustainable land use

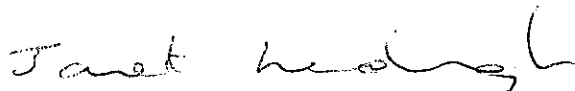
Public Access

The provisions for public access seem adequate in general, but we would ask that consideration be given to extending the road access for another approximately 2 km further on from 'f', (the proposed car park), to the next gate up at the fence dividing the Snowy and Stony Blocks. This would cut a little off the time needed to walk up to the ridgeline at Mt Pisgah and would allow more time for day walks and botanizing. The road is in good condition up to this point.

We believe that the existing road up the Pisgah Spur should be formally recognised as the legal road

Overall, we see this proposal as a good outcome for both conservation and recreation as well as for the lessee to continue the farming operation especially if the points raised above can be addressed.

We appreciate the opportunity to make submissions on this proposal and would also like to thank Mr. McKenzie for allowing us access to the property.



Janet Ledingham

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

Email janet.ledingham@stonebow.otago.ac.nz

Home address

622 Highgate, Maori Hill, Dunedin. Phone 03 467 2960



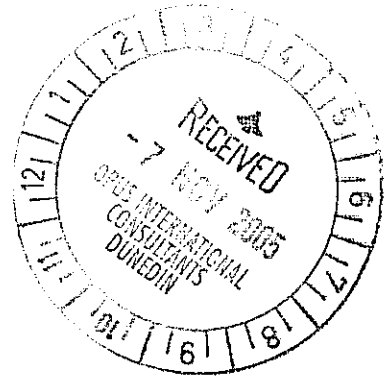
OTAGO CONSERVATION BOARD

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Our ref: SBC-08-34

3 November 2005

Commissioner of Crown Lands
c/- Opus International Consultants Ltd
Private Bag 1913
DUNEDIN



Dear Sir

SUBMISSION ON TENURE REVIEW OF PISGAH DOWNS PASTORAL LEASE

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of the Pisgah Downs Pastoral Lease.

The Otago Conservation Board supports the following aspects of the preliminary proposal:

- the designation of about 1807 ha as land to be restored to Crown control as conservation areas (CA1 and CA2);

The high-altitude area in CA1 extends to Mt Pisgah - the highest point in the Kakanui Mountains - and has a suite of outstanding conservation values, including high-altitude native grasslands, cushionfields and scree. CA2 protects important values such as shrubland, freshwater koura and endemic bird habitat.

- the conservation covenant over an area of about 124 ha for the purpose of protecting shrublands, regenerating forest and historic values;

This area appears to be of sufficient size and shape to adequately protect the stated values.

- the proposed easements for public access.

The board believes that the proposal should be changed as follows:

- the lower boundary of the proposed conservation area CA1 should be slightly lower along a suitable fencable line to encompass some significant native shrublands and associated communities.

These shrublands, grasslands and mid-altitude streams below the proposed lower boundary are significant for a range of native plants and insects. They can be included in the area proposed to be retained by the Crown by changing the lower boundary to a line

joining a point 1 km south of Point f to a point two thirds of a km north of Point B on the Designations Plan. This relatively small addition to the proposal makes all the difference in terms of ecological representation and is broadly backed by the Department of Conservation conservation resources report. The mid-altitude communities are in good condition here and require both recognition and protection under Crown control.

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

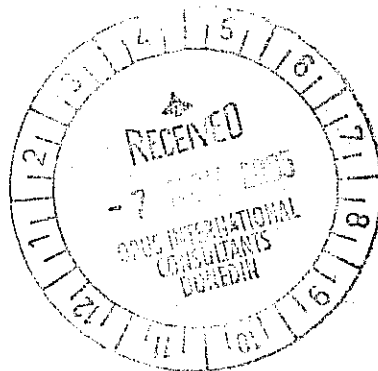
Yours faithfully



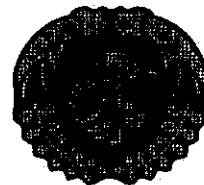
♣ ♣

Fergus Sutherland
Chairperson

The Commissioner of Crown Lands
 C/o Opus International
 Private Bag 1913
 DUNEDIN



7



**FOREST
& BIRD**

ROYAL FOREST AND
 BIRD PROTECTION
 SOCIETY OF
 NEW ZEALAND INC

4th November 2005

Dear Sir,

Tenure Review - Pastoral Lease Po 248 - PISGAH DOWNS - Preliminary Proposal

We thank you for sending us a copy of this proposal. We would be pleased if you would accept this submission on it from our branch. We in our branch are familiar with this property and have carried out an inspection of it, and wish to thank Mr J McKenzie for allowing us to do so.

The Upper Clutha Branch of the Society has a membership of 160. Members are very conscious of the importance of the Tenure Review process and fully support the aims and objectives of Part 2 of the Crown Pastoral Lands Act 1988; also the more recently stated Government additional objectives for the South Island high country in the Cabinet Paper (EDC Min (03); CAB Min (03) 11/5) of August 2003; as per LINZ Website.

The Royal Forest and Bird Protection Society (Forest and Bird) as a whole is New Zealand's oldest and most active voluntary conservation organisation. Formed in 1923 the Society has around 38,000 members in 56 branches around New Zealand.

The Society's constitution requires it to:

1. "Take all reasonable steps within the power of the Society for the preservation and protection of indigenous flora and fauna and natural features of New Zealand for the benefit of the public including future generations."
2. "Protection of natural heritage including indigenous forests, mountains, lakes, tussock-lands, wetlands, coastline, marine areas, offshore islands and the plants and wildlife found in those areas."

We see this as a good proposal but it needs some modification to fully meet the requirements of the CPL Act of 1998. It is pleasing to see that notice has been taken of the PNA survey conducted in the mid 1980's, and the area then recommended for protection in RAP 7, has in fact been protected by being retained by the Crown for management of its natural values.

1.0 GENERAL:

This property, situated on the east side of the Kakanui Range in North Otago, enjoys a cooler climate compared to runs on the west side; there being cooling sea breezes in the afternoon on most days. However being in North Otago, it is prone to severe droughts at times.

**ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND INC.
 UPPER CLUTHA BRANCH**

SECRETARY

PO BOX 38 · LAKE HAWEA · CENTRAL OTAGO · 9192
 PHONE: (03) 443 3669 · FAX: (03) 443 7668

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☞ The land is what could be described as 'clean' short tussock country at the lower levels merging into tall tussock at the higher altitudes. The tall tussock cover remains at relatively low altitudes here (600-700m asl) due to the cooler climate and more conservative history of land use. The absence of sweet briar, broom, gorse etc is very noticeable.

☞ The inter-tussock vegetation is mostly exotic at the lower altitudes being mainly browntop and sweet vernal. Although the proposal states that 1255 hectares have been over-sown and top-dressed, clover was not much in evidence.

☞ The portion of land on Pisgah Downs being returned to Crown control will be a valuable addition to that land already returned to Crown control through the tenure review process on Dome Hills; also the other portions of land on other properties still in the process. Being able to walk the length of the Kakanui Range will be a significant addition to the range of outdoor activities in the North Otago/Maniototo area.

2.0 SIGNIFICANT INHERENT CONSERVATION VALUES:

☞ The landscape is the most significant value on this property, embracing important historic, ecological and aesthetic values. From the lower rolling tussock country to the top of Mt Pisgah itself, the landscape has a strong sense of completeness and integrity.

☞ The presence of extensive and intact areas of tall tussock on lower altitude terrain is a significant value, as this type of landscape is now rare.

☞ Mt Pisgah is very visible from afar and forms part of the back drop to North Otago, and is impressive both winter and summer.

☞ The deep gorges at the north end of the property where it adjoins the Maerewhenua River are visually dramatic, contrasting with the softer rolling tussock country in which they are incised. It has indigenous woody vegetation of great interest botanically - mixed broadleaf shrubs, grey scrub species such as olearia, remnant snow tussock, cabbage trees, and a range of smaller native plants (ferns and such like).

☞ The extensive system of twin water races, and the dams associated with them which were used in connection with mining operations at Livingstone, is very significant. Their (intact) presence will in future be greatly appreciated.

3.0 CONSERVATION AREA CA1:

☞ The retention of this area of approximately 1694 hectares in Crown control for conservation and recreational purposes meets with our full support. Especially so as it takes in parts of RAP-7 with its fell fields, alpine scree and the habitat for the giant weta.

☞ We see the construction of the new fence "A-B" at the bottom end of this area as a replacement for the existing fence parallel to it and approximately 500 ms to the north east, so as to encompass more of the land around the hut, and include the hut.

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✍ The present fence however is by and large a sensible, visually coherent and practical line and we see little benefit in shifting it. The northwest end could be re-aligned to better relate to the topography and create a more visually coherent change in landscape character (which will result if farmed only on one side). The line proposed would have adverse long term landscape outcomes; it will divide the basin; and visually fragment the water races in several places (see Photo 1) and detract from their cultural and historic values. The complete system of water races in this area would not be able to be followed around. These water races are very visible from the track up to Mt Pisgah and should be left visually intact.

✍ As this land is lower it has become considerably more modified with very little tall tussock left, but if returned to Crown control as part of area CA1, given time, it has the potential to recover. At present it is an anomaly in the landscape, there being much healthier tall tussock to either side. Under freehold use this anomaly is likely to be exacerbated. Under conservation management, there is the opportunity for it to return to a similar condition to the land surrounding it thus restoring the integrity of the range landscape here.

4.0 THE MIDDLE COUNTRY BETWEEN CA1 AND CA2:

✍ This is a large area of lower altitude, mostly intact tall tussock country - ranging in altitude from about 600ms upwards. It makes up about half of the land to be designated freehold. This type of country is becoming increasingly rare. It would create a good buffer and transition zone (both visual and physical) between the lower country in the vicinity of conservation area CA2 and the upper area CA1, but to adequately do this it needs to be protected by way of a covenant. The CRR states that tall tussock cover is more or less continuous above 800m therefore there is no logic in separating the area into protected and non-protected areas.

✍ Tall tussock, even if modified, with its tawny colour, fine texture and homogeneous appearance, has a distinctive natural look, high aesthetic values, and gives the Kakanui range its special character (see Photo 2). The lower altitude areas contrast visually with the CA1 area, this natural landscape diversity should be retained.

If protection is given, the sedges and some of the woody plants in the bottoms of the gullies would have a chance to contribute to the landscape character. These types of communities are noted in the CRR as being very limited in occurrence in this ecological district. The CRR points out the high potential for recovery of these tussocklands and shrublands, and stresses the importance of giving consideration to the potential for recovery. Protection would enhance the altitudinal sequencing value of the CA1 and covenant area as a whole and link to the shrubland and remnant forest in CA2.

✍ The openness and simplicity of the landscape with fewer rocky outcrops gives a different dimension to that above and below this area but is still part of the larger foothill areas of the Kakanui range.

✍ Tall tussock cover or at least a natural looking brown coloured grassland cover is important as the setting for the gullies of CA2, adds to the experience of rugged natural landscape (see Photo 5 and 6)

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✍ This area also contains a significant portion of the paired water races – open rolling grassland of indigenous character is the appropriate context

✍ Being able to walk or drive through extensive, lower altitude, rolling tall tussock country is an experience that is becoming increasingly rare for the public. This rolling tussock land is the context for the public easement accessing Mt Pisgah (see Photo), it is important that the natural character and appearance of sweeping, intact, dense tall tussock is retained.

✍ This area has been assessed by the landscape architect (Alan Petrie) as having moderately high inherent landscape values and as having significant ecological value, as well as containing the water races of cultural heritage value (refer CRR values map).

✍ Tall tussock country has important ecosystem servicing value (water yield would be far higher than that of the more modified country).

✍ A rich range of invertebrates in a diversity of habitats is supported by the tall tussock habitat.

✍ Suggested Covenant Goals:

- (i) Ecological – to retain and enhance the existing level of indigenous species richness and biodiversity; to increase biomass; to retain the existing weed free state.
- (ii) Landscape – to retain the existing degree of naturalness and visual coherence and unity through avoidance of new fencing and tracking as far as possible (and no bladed fence lines); no exotic tree planting; no over sowing although topdressing permitted; no cultivation.
- (iii) Historical – maintain the integrity and intactness of the existing structures.

✍ There is also to be regular monitoring, using representative photo points for landscape monitoring, field monitoring for ecological measurements, for biomass, species and habitat richness and biodiversity.

✍ Any decline in the above shall trigger a review of stock management either to total exclusion of stock or to reduced grazing pressure. Conversely if there is proof of significant improvement, pastoral use might be increased, carefully (similar to section 5 in the existing covenant document)

5.0 CONSERVATION AREA CA2:

✍ We applaud this move to protect this area of approximately 113 hectares which is mostly a steep sided gorge containing regenerating woody species of vegetation (see Photos 5 and 6). It will be an asset to conservation and, with fencing off for protection, it will become evermore an attractive place for the public to visit.

✍ While we agree with this designation, it does not include all of the important woody vegetation (see Photo 6) of the shrubs. The area needs to extend further upstream to fully cover the extent of remnant woody vegetation (see the map which is part of this submission).

✍ The use of the existing fence - a straight line straight across the gorge - is not a good landscape outcome, in the long term. We appreciate that all this entails extra fencing, but it is worth considering important because of the scarcity of such vegetation and the rich habitat it provides, as well as its aesthetic values.

✍ Extending the area upstream will also take in the head of the water race which is important for the integrity of the whole area, and which will give physical access to the source.

✍ The fence should be above the water race, not on it as suggested by the map (we realise the map in the Preliminary Proposal is at a coarse level but there will not be another opportunity to identify appropriate actual boundaries). Locating the fence on the race would take away the character and integrity of the bench. Including the water race in the area will provide an excellent walking route with the best views over the gorge.

6.0 CONSERVATION COVENANT:

✍ We support this as it is more modified than CA2, but is a valuable area nonetheless, as adding CA2 to that area and the proposal enables the public to enjoy it. It has high aesthetic/landscape experience values due to the winding nature of the creek, the micro-topography including interesting stream-cut rock outcrops, and the remnant broadleaf, olearia, tall tussock, flax, kowhais, etc.

✍ The water race once again provides an excellent route for traversing the gully and enjoying its character. The water races and dam are themselves features of significant historic interest. This proposal will enable the public to access these physically. We suggest re-fencing a small area where one has to cross (with difficulty) three high fences in short succession to follow the water race. Re-fence to reduce fence crossing to one (see Map).

✍ We note that in the Covenant: "Page 11 Clause 5, Last Para": (*"If after undertaking consultation the Minister reasonably deems (using the methodology described in Clauses 3 & 4) that stock management practices are still resulting in a decrease of the values, the lands boundary shall be fenced to a standard satisfactory to the Minister so that stock is permanently excluded... .."*) This is excellent.

We suggest some amendments to the covenant deed however:

(i) The goals should not just be maintenance of the existing balance of exotic and indigenous, it should aim for a gradual increase in the indigenous cover at the expense of the exotic cover especially in the more immediate riparian area. The landscape values to be protected should include retention of the existing degree of naturalness and visual coherence (precluding more tracking, fencing, tree planting, etc). The existing cultural features should be left intact and able to be appreciated. The stream should be maintained in its natural state, ie, no more damming.

(ii) The monitoring programme must include ecological field monitoring to measure the degree of regeneration occurring and measure any loss of biomass or stature. Photo points alone are not sufficient. Photo points are a good measure of landscape character change however.

-6-

Also: A decline in or absence of regeneration should be listed as an adverse effect of VMP results (and (iii) here should read stature not statute!)

Clause 3.1.1. Amend to remove right to graze cattle. Cattle grazing is not compatible with the objective of the Covenant.

Clause 3.1.5. Sowing seeds is not compatible with covenant objectives and values of the covenant. The values are described as natural values and the substantially unmodified character of the landscape. Amend.

7.0 ACCESS:

Access "a-b-d" is quite adequate to get to Conservation area CA2 but it would be far better if it was also available to be "a-b-c" (the same as that allowed for DoC administration purposes); to enable a round trip to be made instead of returning via the same route from CA2:

Access "e-f-g" is not as adequate, as we fail to see the logic in having the car park at "f" when the road is of a similar standard to spot height .970ms, a further 1.5ks nearer the Conservation Area CA1.

We noted in three places that the road has been surveyed and pegged along the fence line next to Dome Hills.

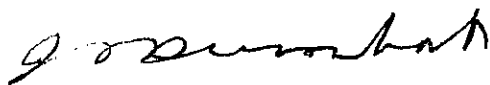
The public access up the spur already utilises the 4WD track which is in good repair generally and provides an excellent existing and known route. I appreciate that the map is prepared at a coarse scale but it needs to be confirmed that the easement – or legal road – does actually follow the track, not the fence, which is an illogical and in places impractical route.

8.0 IN CONCLUSION:

We believe that if our suggestions for improvement to the proposal are given due consideration, and are implemented, there will be a very good outcome to this review of tenure on Pisgah Downs.

We thank you for the opportunity to make our submissions.

Yours faithfully



John L Turnbull and Anne Steven

for Upper Clutha Branch of the Society

-7-

Attached:

Aerial photograph of the property

Photographs



Photo 1.

The proposed fence line slices through the paired water race system (left of photo, water races marked in blue) and removes the Hut valley from the conservation area. The Hut valley is relatively very degraded, an island of degradation in a large area of much healthier tall tussock grassland. Removal of the pressure of grazing and burning would give this area a chance to recover.

The existing fence line (black line to right) is an appropriate boundary although at its far end, a re-alignment (the orange line) would result in a better long term landscape outcome.

(photo taken by A Steven on 25 October 2005).