



## **Crown Pastoral Land Tenure Review**

**Lease name : The Knobbies  
Lease number: Po 129**

**Lease name: Cairnhill  
Lease number : Po 083**

### **Public submissions**

These submissions were received as a result of the public advertising of the preliminary proposal for tenure review.

**March 03**

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



Commissioner for Crown Lands  
C/- Knight Frank (NZ) Ltd.  
PO Box 27  
ALEXANDRA

20 March 2002

22 MAR 2002

RECEIVED

Dear Sir

**Re: Preliminary Proposal for Tenure Review: Knobbies/Cairnhill**

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 recreation clubs throughout NZ, and indirectly represents 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 formalise and enhance recreation opportunities, to protect significant inherent values, and to ensure public access on high country pastoral leases through the tenure review process.

FMC fully supports the aims of tenure review: "to promote the management of reviewable land in a way that is ecologically sustainable... to enable the protection of the significant inherent values of the reviewable land... and to make easier the securing of public access to and enjoyment of reviewable land" (Crown Pastoral Land Act 1998, S.24).

FMC is grateful for this opportunity to comment on the preliminary proposal for The Knobbies/Cairnhill..

**THE PRELIMINARY PROPOSAL**

The following are included in the proposal:-

- (1) 1728 ha to be designated as land to be restored to full Crown ownership and control
- (2) 6089 ha to be designated as land to be disposed of by freehold disposal to the holder.

**FMC SUBMISSION**

FMC supports the general principles of tenure review and also supports the general thrust of the changes proposed for Knobbies/Cairnhill.

FMC supports most of the terms of the preliminary proposal in so far as these contribute to fulfilling the objects of the Crown Pastoral Lands Act 1998; "to promote the management of reviewable land in a way that is ecologically sustainable... and to enable protection of the significant inherent value of reviewable land." They also go a long way towards achieving good conservation and recreation outcomes, but there are important exceptions which we will deal with below.

FMC is pleased to note that it is proposed that the entire area of Run 810 (the Onslow block of The Knobbies) be restored to full Crown ownership and control. FMC supports this proposal, which will add to the existing Manorburn Conservation Area, and include a large part of the Manorburn 2 RAP.

We note that the description of the proposed freehold land in the proposal states that some 4080 ha was overgrown and topdressed or cultivated into improved pastures. The total area of the proposed freehold is 6090ha so there is a balance of some 2000ha which is described in the preliminary proposal document as "unimproved tussock grassland largely in

*the headwaters of Mount Campbell and Speargrass Creeks.* Although the description states that there are "no significant inherent values within the developed area of the property", there are areas of kanuka, manuka and Olearia shrublands, and both snow tussock and red tussock grassland which are of significant inherent value in the unimproved area. Of particular significance is an area of some 50ha of red tussock grassland in the Mount Campbell Creek catchment. The areas of interest are situated in Runs 262 I and 262 J, in the vicinity of Gordon Peak and in the headwaters of Speargrass and Mount Campbell Creeks.

Released under the Official Information Act

FMC does not accept the statement in the Preliminary Proposal that "the very limited area of significant inherent value in the Mount Campbell area have not been protected as tenure review is a negotiated process and this area was excluded from the proposed conservation area." FMC understands that tenure review is not a negotiated process, but rather it is a consultative process, and that there is a responsibility to protect the significant inherent values of reviewable land. It is clear from the Crown Pastoral Land Act 1998 (S.26) that "Before taking any action specified in subsection (1) [eg undertaking a review under section 27] the Commissioner must consult the Director General of Conservation." Furthermore, the significant inherent values in the vicinity of Gordon Peak and in the headwaters of Mount Campbell and Speargrass Creeks, were identified in the Conservation Resources Reports for The Knobbies and Cairnhill. Of particular note is the statement in the DOC Report on Cairnhill (1999) that "A landscape study was completed in conjunction with the PNA survey (Smith, 1989) and in this Report the far eastern extremity of the property comprising the headwaters of Mount Campbell Creek was recommended for protection." Both The Knobbies and Cairnhill DOC Reports state that "rock tors are present along the higher portions of the Knobbies Range. Many of these have provided a refuge from fire and grazing over the years. Smaller tors are present on the east side of Mount Campbell Creek, some of which support species uncommon elsewhere on the property." FMC believes that these significant inherent values should be protected as required under the Act.

The exclusion of the areas referred to above is contrary to the recommendations in the Conservation Resources Reports (CRR) for both The Knobbies and Cairnhill. Both include recommendations (and justification) for the designation of conservation land to be returned to full Crown ownership and control as follows:-

The CRR for The Knobbies recommends that "an area of approximately 75 ha (Mount Campbell Creek Conservation Area) be designated as a conservation area for the purpose of protecting conservation values and facilitating recreational use." This recommendation is justified as follows:- "The headwaters of Mount Campbell Creek contain features which sustain the special natural quality and integrity of the high country landscape and therefore has significant inherent values. The area appears to meet criteria for protection as a priority natural area."

The CRR for Cairnhill recommends "the restoration of approximately 200ha of land in the headwaters of Mount Campbell Creek [lying immediately downstream of the 75ha area referred to in The Knobbies Report] to full Crown ownership as a conservation area under DOC management." This recommendation is justified as follows:- "The land contains features which sustain the special natural quality and integrity of the high country landscape and therefore has significant inherent values."

Although not large, or very dramatic, these areas in the upper catchments of Speargrass and Mount Campbell Creeks are important because they contribute to the biodiversity of the area. They are also close to the old Coach Road which receives significant public use, (as for example by the annual Goldfields Triathlon, and frequent use by mountain bikers following the route to Alexandra) and are therefore seen and appreciated by the general public.

It is noteworthy that the CMS for Otago has identified 41 Special Places including "The Drylands" where The Knobbies and Cairnhill are situated. The objectives for "The Drylands" are: "to protect a full range of Central Otago and lowland semi-arid indigenous landscapes, ecosystems and species, along with significant historic resources associated with them, and to provide and manage appropriate recreational opportunities in those settings." A key implementation method for "The Drylands" is to "negotiate protection of carefully selected examples of important native ecosystems and key historic sites in the area as they become available, particularly in the context of pastoral lease tenure reviews." [our underlining]. These objectives and implementation methods could be significantly advanced if an area in the vicinity of the headwaters of Mount Campbell and Speargrass Creeks was returned to full Crown ownership and control. This would be the case if the recommendations in the Conservation Resources Reports had been taken up in the Preliminary Proposals for tenure review.

Without development and appropriate maintenance the management of the 'unimproved tussock grassland' for pastoral use is not likely to be ecologically sustainable. To allow the freeholding of these areas would not be consistent with the

object of the Crown Pastoral Land Act 1998, to "Promote the management of reviewable land in a way that is ecologically sustainable."

FMC therefore recommends that the unimproved areas of The Knobbies and Cairnhill (up to 2000ha) which contain snow tussock, red tussock and shrubland communities and have significant landscape value, should be returned to full Crown ownership and control, to be managed for conservation purposes. This would allow the removal of grazing and a consequent renewal of the vigour of the tussock grasslands enabling the native vegetation to have a better chance of shading out the invasive hawkweeds. It would also permit the shrublands to increase in stature.

### Legal Road Alignment

We note that there are a number of legal roads marked on the plan of The Knobbies and Cairnhill supplied by Opus. The proposal states that "public access to and through the proposed freehold and to the conservation area is well catered for by a network of public roads. In most cases these are formed to a basic level." There is however, no statement in the proposal about the continuing security of public access over these roads. These roads both traverse the Knobby Range, and run along its crest. One of these roads was the original coach road to Alexandra, and is still important for recreational use on the Knobby Range. FMC seeks assurance that the alignment of the formation on the ground coincides with the legal alignment on the cadastral map. If it does not, there is a risk it could be closed to public use. Consequently, FMC recommends that the actual formation of the legal roads on The Knobbies and Cairnhill, and the road which provides access to the Onslow block of The Knobbies (proposed to become conservation land) should be recognised as Legal Roads as part of the tenure review process.

### CONCLUSIONS

The preliminary proposal for the tenure review of Knobbies/Cairnhill contains good clauses which will result in valuable gains for public recreation and conservation, and go some way towards implementing the objects of the Crown Pastoral Lands Act 1998

The objectives of the Special Place "The Drylands" identified in the CMS for Otago would be significantly advanced if natural areas with significant inherent value in the headwaters of Speargrass and Mount Campbell Creeks were returned to full Crown ownership and control.

FMC believes that the outcomes of this tenure review would be better if the issues identified above are dealt with. We urge the agents to seek improved outcomes for the benefit of the New Zealand public.

The improved outcomes which should be sought are:-

- Confirmation of secure public access over formed public roads that coincide with the alignment of the legal roads.
- Return to full Crown ownership and control of at least 275ha, and up to 2000ha of land with significant inherent values (red tussock and snow tussock grasslands, shrublands and landscapes) in the vicinity of the headwaters of Speargrass and Mount Campbell Creeks.

Finally, we appreciate this opportunity to comment on the draft proposals for the tenure review of Knobbies/Cairnhill and wish to be heard in support of this submission if a hearing is held. We would be happy to be involved in further discussions regarding any of the issues discussed in this submission.

Yours faithfully



Barbara Marshall  
Secretary, Federated Mountain Clubs of NZ (Inc.)



Department of Botany

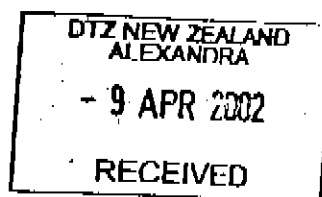
Division of Sciences  
PO Box 56, Dunedin  
NEW ZEALAND

University of Otago  
Te Whare Wananga o Otago

Tel: National 03 479 7573 International 64 3 479 7573  
Fax: National 03 479 7583 International 64 3 479 7583  
Email: [amark@otago.ac.nz](mailto:amark@otago.ac.nz)

Released under the Official  
Information Act  
April 8, 2002.

Manager,  
Knight Frank (NZ) Ltd.,  
PO Box 27,  
ALEXANDRA.



**SUBMISSION ON PROPOSED TENURE REVIEW:  
THE KNOBBIES/CAIRNHILL PASTORAL LEASE**

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it; based on my knowledge of the areas involved, gained over many years of ecological research on the tussock grasslands and pastoral leases of Central Otago.

I have read the proposal for tenure review of The Knobbies/Cairnhill Pastoral Lease very carefully and feel that the balance of the proposal is greatly in favour of the freeholding option, with a 3.5 to 1 ratio of area split between land to be freeholded and that to be transferred to full Crown ownership (6090 ha to 1728 ha, respectively).

I fully support the transfer of all of the Onslow Block to full Crown ownership, given the generally high conservation values it contains. The extensive areas of red (copper) tussock grassland as well as mixed red-fescue tussock grassland plus some limited but important areas of wetlands, makes this a valuable resource for conservation and indigenous biodiversity.

On the area proposed for freeholding, however, there are some portions of considerable ecological importance, notably mixed shrublands of *Olearia bullata*, *O. lineata*, manuka, kanuka and native brooms, both *Carmichaelia petriei* and *C. (Chordospartium) crassicaule* (coral broom), located on the west-facing escarpment above Speargrass Creek, with areas dominated by narrow-leaved snow tussock (*Chionochloa rigida*) on the south aspect slopes of gullies on this scarp face. This scarp extends from the southern boundary of the property for a distance of approx. four kilometres, to the prominent gorge (ie. through Run 262 J and across much of the adjacent Run 262 I). This area should be transferred to full Crown ownership and management for its high conservation values. The existing fence along the eastern bank of Speargrass Creek plus the fence that runs along the top of the scarp in Run 262 J, as far as the run boundary, being recommended as the boundary of this area. An extension of a fence along the top of the scarp in Run 262 I to the northern side of the gorge that runs down to Speargrass Creek, will be necessary at the northern end. Such an area, if protected, would also provide valuable protection for the riparian zone of Speargrass Creek.

In addition, I recommend that a Landscape Protection Covenant be placed on the Knobby Range above Lake Roxburgh, from approx. 600-650 m elevation to the crest of the range, in order to protect the existing unimpeded landscape, particularly as viewed from the main highway to the west.

I trust that my recommendations will be given serious consideration, and I thank you again for the opportunity to comment on this proposed tenure review.

Yours sincerely,

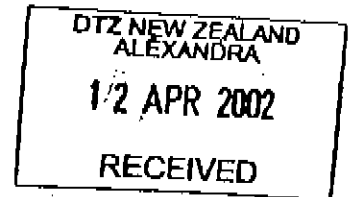
Alan F. Mark FRSNZ DCNZM.  
Professor Emeritus



# OTAGO CONSERVATION BOARD

Our ref: OCB 34

11 April 2002



Commissioner of Crown Lands  
c/o Knight Frank (NZ) Ltd  
Land Resources Division  
Box 27  
ALEXANDRA

Dear Sir

## SUBMISSION ON THE KNOBBIES/CAIRNHILL TENURE REVIEW

Following is the Otago Conservation Board's submission on the Notice of Preliminary Proposal for the Tenure Review of The Knobbies/Cairnhill pastoral lease.

The board supports the proposed restoration of the Onslow Block to full Crown ownership and control as a conservation area. The significant inherent values in it include areas of red tussock grassland and wetlands with high biodiversity.

There are also significant inherent values on the west-facing scarp to the east of Speargrass Creek, including mixed shrublands with *Olearia lineata*, *Olearia bullata*, *Carmichaelia petriei*, *Carmichaelia (Chordospartium) crassicaule*, manuka and kanuka. That part of the scarp to the south of the gorge near the middle of Run 262I should also be restored to full Crown ownership and control for its high conservation values.

Finally, the board believes that a landscape protection covenant is desirable for that part of the property on the western slopes of the Knobby Range (e.g. from around 600 m asl to the crest of the range).

Yours sincerely

F F

Les Cleveland  
Chairperson

Safari Excursions - Wild Flower Walks  
41 Glencarron Street  
Alexandra  
TELEPHONE 03 448 7474  
E-mail [jdouglas.alex@xtra.co.nz](mailto:jdouglas.alex@xtra.co.nz)

8 April 2002

Commissioner of Crown Lands  
c/- The Manager  
Knight Frank (NZ) Ltd  
PO Box 27  
ALEXANDRA



Dear Sir

### **KNOBBIES / CAIRNHILL TENURE REVIEW - PRELIMINARY PROPOSAL**

The Commissioner of Crown Lands has advertised a proposal to freehold land of some 6089 ha while returning to Crown control 1728 ha.

I am pleased that the proposed entire area of Run 810 (the Onslow block of The Knobbies) is to be restored to full Crown ownership and control. I support this proposal, which will add to the existing Manorburn Conservation Area, and include a large part of the Manorburn 2 RAP.

I see that the description of the proposed freehold land in the proposal states that some 4080 ha was oversown and topdressed or cultivated into improved pastures. The total area of the proposed freehold is 6090ha so there is a balance of some 2000 ha which is described in the preliminary proposal document as *"unimproved tussock grassland largely in the headwaters of Mount Campbell and Speargrass Creeks."*

Although the description states that there are *"no significant inherent values within the developed area of the property"*, there are areas of Kanuka, Manuka and Olearia shrublands, and both snow tussock and red tussock grassland, which are of significant inherent value in the unimproved area. Of particular significance is an area of some 50ha of red tussock grassland in the Mount Campbell Creek catchment. The areas of interest are situated in Runs 262 I and 262 J, in the vicinity of Gordon Peak and in the headwaters of Speargrass and Mount Campbell Creeks.

I do not accept the statement in the Preliminary Proposal that *"the very limited area of significant inherent values in the Mount Campbell area has not been protected as tenure review is a negotiated process and this area was excluded from the proposed conservation area."* I understand that the tenure review is not a negotiated process, but rather it is a consultative process, and that there is a responsibility to protect the significant inherent values of reviewable land. It is clear from the Crown Pastoral Land Act 1998 (S.26) that *"Before taking any action specified in subsection (3) [egg, undertaking a review under section 27] the Commissioner must consult the Director General of Conservation."*

Furthermore, the significant inherent values in the vicinity of Gordon Peak and in the headwaters of Mount Campbell and Speargrass Creeks were identified in the Conservation Resources Reports for The Knobbies and Cairnhill. Of particular note is the statement in the DOC Report on Cairnhill (1999) that *"A landscape study was completed in conjunction with the PNA survey (Smith, 1989) and in this Report the far eastern extremity of the property comprising the headwaters of Mount Campbell Creek was recommended for protection."* Both The Knobbies and Cairnhill DOC Reports state that the *"rock tors are present along the higher portions of the Knobbies Range. Many of these have provided a refuge from fire and grazing over the years. Smaller tors are present on the east side of Mount Campbell Creek, some of which support species uncommon elsewhere on the property."* I believe that these significant inherent values should be protected as required under the Act.

The exclusion of the areas referred to above is contrary to the recommendations in the Conservation Resources Reports (CRR) for both The Knobbs and Cairnhill. Both include recommendations (and justification) for the designation of conservation land to be returned to full Crown ownership and control as follows: -

The CRR for The Knobbs recommends, "an area of approximately 75 ha (Mount Campbell Creek Conservation Area) be designated as a conservation area for the purpose of protecting conservation values and facilitating recreational use." This recommendation is justified as follows: - "The headwaters of Mount Campbell Creek contain features which sustain the special natural quality and integrity of the high country landscape and therefore has significant inherent values. The area appears to meet criteria for protection as a priority natural area."

The CRR for Cairnhill recommends "the restoration of approximately 200ha of land in the headwaters of Mount Campbell Creek [lying immediately downstream of the 75ha area referred to in The Knobbs Report] to full Crown ownership as a conservation area under DOC management." This recommendation is justified as follows: - "The land contains features which sustain the special natural quality and integrity of the high country landscape and therefore has significant inherent values."

Although not large, or very dramatic, these areas in the upper catchments of Speargrass and Mount Campbell Creeks are important because they contribute to the biodiversity of the area. They are also close to the Old Teviot "Coach" Road (Roxburgh to Alexandra), which receives significant public use, (as for example by the annual Goldfields Triathlon, and frequent use by mountain bikers following the route to Alexandra) and are therefore seen and appreciated by the general public.

It is noteworthy that the CMS for Otago has identified 41 Special Places including "The Drylands" where The Knobbs and Cairnhill are situated. The objectives for "The Drylands" are: "to protect a full range of Central Otago and lowland semi-arid indigenous landscapes, ecosystems and species, along with significant historic resources associated with them, and to provide and manage appropriate recreational opportunities in those settings."

A key implementation method for "The Drylands" is to "negotiate protection of carefully selected examples of important native ecosystems and key historic sites in the area as they become available, particularly in the context of pastoral lease tenure reviews." (My highlighting). These objectives and implementation methods could be significantly advanced if an area in the vicinity of the headwaters of Mount Campbell and Speargrass Creeks was returned to full Crown ownership and control. This would be the case if the recommendations in the Conservation Resources Reports had been taken up in the Preliminary Proposals for tenure review.

Without development and appropriate maintenance the management of the 'unimproved tussock grassland' for pastoral use is not likely to be ecologically sustainable. To allow the freeholding of these areas would not be consistent with the object of the Crown Pastoral Land Act 1998, to "Promote the management of reviewable land in a way that is ecologically sustainable."

I therefore recommend that the unimproved areas of The Knobbs and Cairnhill (up to 2000ha), which contain snow tussock, red tussock and shrubland communities and have significant landscape value, should be returned to full Crown ownership and control, to be managed for conservation purposes. This would allow the removal of grazing and a consequent renewal of the vigour of the tussock grasslands enabling the native vegetation to have a better chance of shading out the invasive hawkweeds. It would also permit the shrublands to increase in stature.

### Legal Road Alignment

I bring to your attention that there are a number of legal roads marked on the plan of The Knobbs and Cairnhill supplied by Opus. The proposal states, "public access to and through the proposed freehold and to the conservation area is well catered for by a network of public roads. In most cases these are formed to a basic level." There is however, no statement in the proposal about the continuing security of public access over these roads. These roads both traverse the Knobby Range, and run along its crest.



One of these roads was the original "Coach Road" to Alexandra, and is still important for recreational use on the Knobby Range. I seek assurance that the alignment of the formation on the ground coincides with the legal alignment on the cadastral map. If it does not, there is a risk it could be closed to public use. Consequently, I recommend that the actual formation of the legal roads on The Knobbies and Cairnhill, and the road, which provides access to the Onslow block of The Knobbies (proposed to become conservation land), should be recognised as Legal Roads as part of the tenure review process.

## CONCLUSIONS

The preliminary proposal for the tenure review of Knobbies/Cairnhill contains good clauses which will result in valuable gains for public recreation and conservation, and go some way towards implementing the objects of the Crown Pastoral Lands Act 1998

The objectives of the Special Place "The Drylands" identified in the CMS for Otago would be significantly advanced if natural areas with significant inherent value in the headwaters of Speargrass and Mount Campbell Creeks were returned to full Crown ownership and control.

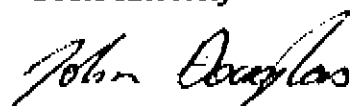
I believe that the outcomes of this tenure review would be better if the issues identified above are dealt with. I urge the agents to seek improved outcomes for the benefit of the New Zealand public.

The improved outcomes, which should be sought, are: -

- Confirmation of secure public access over formed public roads that coincide with the alignment of the legal roads.
- Return to full Crown ownership and control of at least 275ha, and up to 2000ha of land with significant inherent values (red tussock and snow tussock grasslands, shrublands and landscapes) in the vicinity of the headwaters of Speargrass and Mount Campbell Creeks.

Thank you for the opportunity to comment on the Knobbies / Cairnhill Preliminary Proposal and wait for your reply.

Yours sincerely



John Douglas  
Manager / Chief Guide

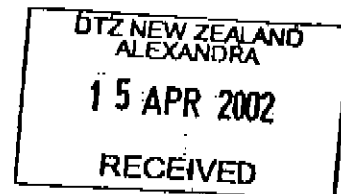
ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INC

UPPER CLUTHA BRANCH

PO BOX 38  
LAKE HAWEA

10<sup>TH</sup> April 2002

The manager  
Knight Frank  
PO Box 27  
ALEXANDRA



Dear Sir

Re TENURE REVIEW, PRELIMINARY PROPOSAL - THE KNOBBIES/CAIRNHILL.

We thank you for sending us a copy of the above proposal. We would be pleased if you would accept this submission.

We understand these two runs are now managed as one unit, having been combined after the 1999 fire. This submission is made on that basis. We have viewed the property - the Onslow block on a separate occasion.

**GENERAL;**

1. The fire that swept through these runs destroyed most of the woody vegetation on a large area of the western and northern parts. While there are some small patches of kanuka and other odd plants such as olearia, cassinia and matagouri remaining on this lower developed part of the run, there is nothing of significant inherent conservation value present. Therefore we would agree with the proposal where it states that this lower part, which is to be designated as land to be disposed of by freehold disposal to the holder.
2. However we do not agree with the proposal where it states that the significant inherent conservation values in the Mt Campbell and Speargrass creek areas - the upper and eastern parts of the property described as undeveloped land - are very limited and have not been protected by return to full Crown ownership and control. Further, nor do we entirely agree with the statement in the proposal (last page, second to last paragraph) that tenure review is a negotiated process - it is also a consultive process - *Section 26 of the CPL Act.*
3. While we applaud and fully agree with the Onslow Block being designated as a conservation area, this is no reason for not considering a small but important area on the east side of the head waters of Speargrass creek. This rocky hillside escarpment which continues north east past the Knobbles dam into an adjoining run is important in that it contains, on the back faces of the small creeks coming off it, a fair amount of tall tussock which has escaped recent burning. Present also are cassinia, coprosma, matagouri, toi-toi, olearia, astelia, aophylla, carmichaelia and muehlenbeckia. While the head of the creek has recently been top-dressed, we believe this area should be reserved for its botanical value. We do not consider it too late. In comparison, this area is more accessible to the public than the Onslow Block.

**LANDSCAPE;**

1. One of the inherent conservation values, which are being overlooked in this proposal are the landscape values. It is an attractive landscape and quite photogenic; even where it has been modified. The hillside we have mentioned above is part of that landscape. The Knobbles range as seen from Roxburgh and from SH3 is noteworthy and should be protected from undue development, such earthworks and forestry.
2. The road from Roxburgh to Alexandra, the "Old Coach Road" passes through this landscape is an experience in itself. At the moment it is not being greatly used, but in years to come it will become popular - *Section 40, protective mechanisms (2) (d) public enjoyment of the land concerned.* There are also the historic values to consider.

-2-

**ACCESS;**

1. The proposal merely states that "Public access is secured via existing roads". The question arises: are the present formations on the legal roads? These roads were surveyed many years ago to suit mainly gold-miners and other traffic to and from Roxburgh, Alexandra and other parts of Central Otago. We would seek assurance that these roads passing through the Knobbs and Cairnhill - also the Onslow Block - be recognised as the legal roads and surveyed accordingly during the tenure review process.
2. The roads on the plan supplied are more numerous than usual and will be greatly appreciated in years to come by walkers and mountain bikers.

**ONSLOW BLOCK;**

1. This will be a valuable addition to the adjacent Manorburn conservation area. While it is not "High" country as we generally know it, it is an extensive area of lower altitude tall tussock grassland reserved. There is not much such land of this quality now available.

**CONCLUSION:**

Over all we see this as a good proposal. Good for the lessee and good for the Public of New Zealand if the area we mentioned, south of Gordon Peak, is set aside as a scenic reserve. See map attached.

We do not see that our suggestion is unreasonable in anyway. It will not be too difficult to fence the area off. Now that these two runs are combined, there will be one strong "ecologically, economically and sustainable" unit capable of further development.

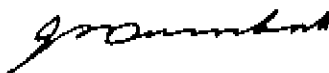
Attached are photographs:

- (1) Looking north east along escarpment from vicinity .966
- (2) Looking south west along escarpment from track descending to east side Speargrass creek in vicinity of north boundary Run 262 L.
- (3) Vegetation north side and below below Trig V.
- (4) Vegetation looking into east side Speargrass creek below Trig V.
- (5) Depicting the landscape.
- (6) Depicting the landscape.

Map

We thank you

Yours faithfully



John L Turnbull

For Upper Clutha Branch

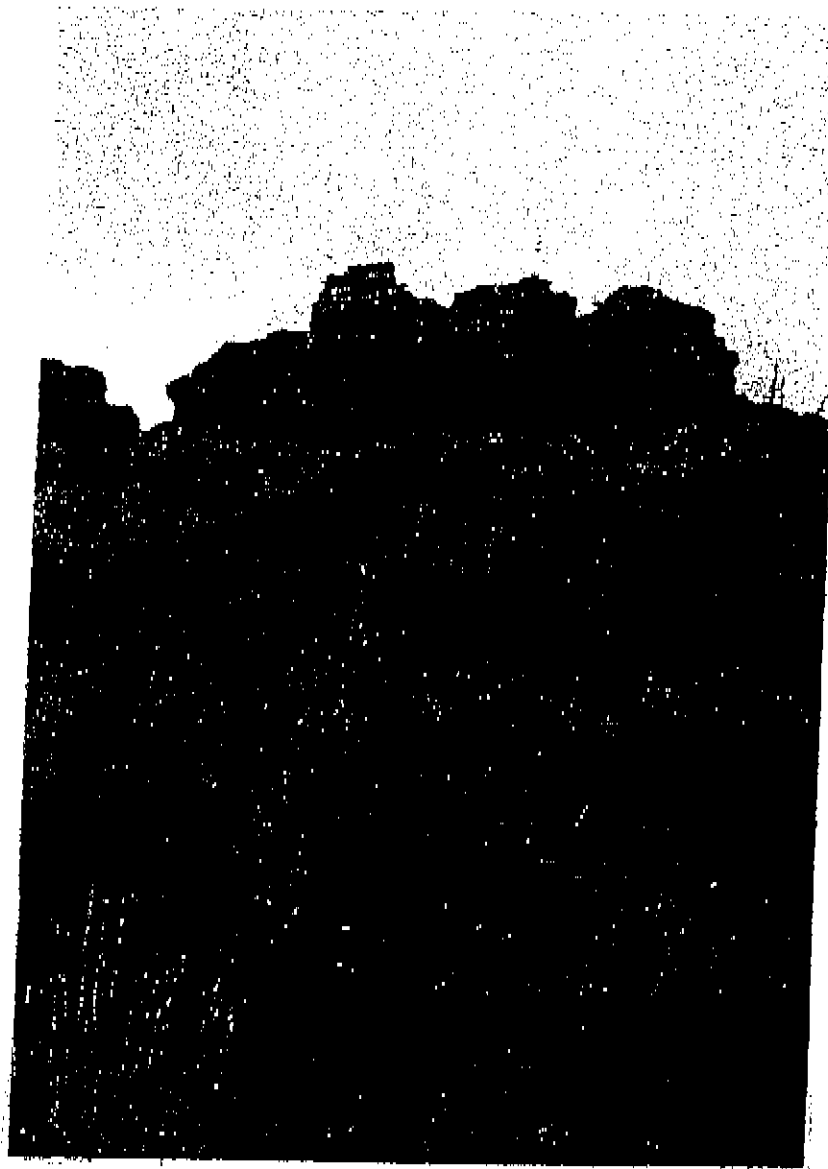


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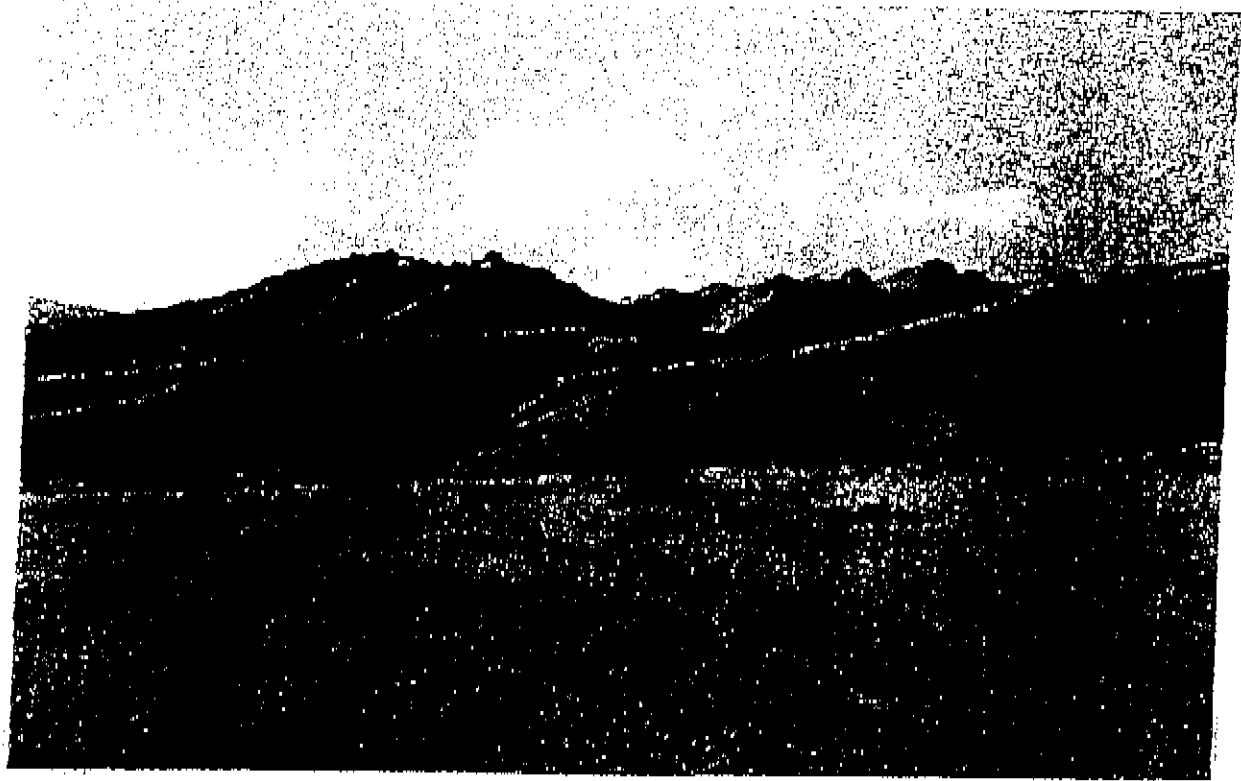


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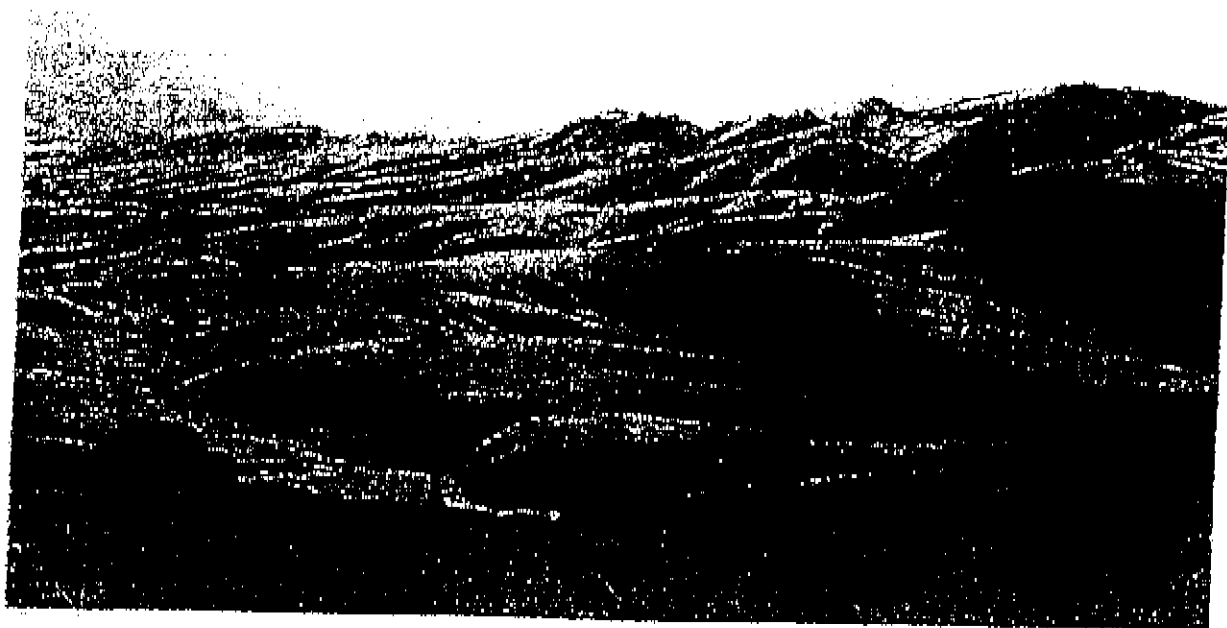
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**Southern Office**  
P.O. Box 6230  
Dunedin  
New Zealand  
Ph (03) 477-9677  
Fax (03) 477-5232  
Email [guem@earthlight.co.nz](mailto:guem@earthlight.co.nz)



**FOREST  
& BIRD**

ROYAL FOREST &  
BIRD PROTECTION  
SOCIETY  
NEW ZEALAND

April 12 2002

The Manager  
Mr Ken Taylor  
Knight Frank  
Box 27  
Alexandra

Dear Ken Taylor

### **Submission to Knobbies/Cairn Hill Proposed Tenure Change**

Thank you for the opportunity to comment on this proposal.

I write on behalf of the Royal Forest and Bird Protection Society, which represents over 45,000 members nationwide in 56 branches. The Society has been an active advocate of the protection and conservation of New Zealand's natural and physical resources since 1923.

Forest and Bird inspected these leases with the kind permission of Mr and Mrs McNeish.

This submission is based on an examination of the proposal in terms of its fulfillment of Part 2 of the Crown Pastoral Lands Act 1998, (CPLA).

#### **Preliminary Proposal as Presented**

1. 1728.077 ha (approximately) to be restored to full Crown Ownership and control.
2. 6089.7804 ha (approximately) to be disposed of by freehold title.

#### **Summary**

Forest and Bird welcomes the proposed protection and retention in Crown ownership of the Onslow Block however we strongly believe that overall this tenure review proposal does not fulfil the objects of Part 2 of the CPLA. We recommend that in order to meet these objects the following additional areas warrant protection.

1. Lake Roxburgh Faces - Protective Covenant
2. Upper western slopes of the Knobbies above 650m - Protective Covenant
3. Upper western slopes of the Knobbies - Return to full Crown ownership and control
4. Mt Campbell Creek wetlands - Return to full Crown ownership and control.



### **Land to be Restored to Full Crown Ownership and Control**

Forest and Bird supports the proposal to return the entire Onslow Block of the Knobbies pastoral lease. We agree with the Department of Conservation's description of this area having high significant inherent values and agree that protection of this area meets the objects of Part 2 of the CPLA.

### **Protection for Lake Roxburgh Faces**

We note that the DOC report on the Tenure Review of Cairnhill Pastoral lease originally proposed a QEII covenant for the steep western facing escarpment that overlooks Lake Roxburgh, marked A on the accompanying map. We are disappointed that the Notice of Preliminary Proposal makes no mention of this area.

It is difficult for us to have faith in the accuracy of the Notice of Preliminary Proposal when the section that describes the land to be freeholded does not mention the full range of inherent values. Landscape values are not mentioned. Yet the landscapes of these leases have been described in the Department of Conservation's own reports as being distinctive, having special qualities within a regional context and being those that are "*frequently captured in books, films, and television advertisements which romanticize the high country, and help reinforce the deeply felt attachment that many people have for the South Island High Country.*" (P 4 DOC Report on Tenure Review of Knobbies Pastoral Lease and P 5 DOC Report on Tenure Review of Cairnhill Pastoral Lease).

This earlier DOC report provided extensive justification for the establishment of a QE II Covenant. On page 23 it described the Roxburgh Gorge Faces as one of the most distinctive landscapes in Central Otago.

This area warrants protection as it retains the following significant inherent values.

1. **Significant landscape values which retain an indigenous element**  
The landscape report describes this escarpment with its rocky walls provide a wild and scenic backdrop to Lake Roxburgh. Despite the fire an altitudinal sequence of kanuka shrublands survive in the most northern and largest gully. Provided there is a seed source it is likely that these shrublands will regenerate over time.
2. **The rugged backdrop, comparatively free of human made elements is an important landscape attribute providing a scenic setting for recreational users of this part of Lake Roxburgh.** It is noted that there is a proposal to run scenic river cruises between Roxburgh and Clyde. The operator described the Gorge as "one of Central Otago's best kept secrets". (ODT 12.4.02).

The Lake Faces are not capable of ecologically sustainable management and freeholding these faces with out protective mechanisms will not meet the Objects of Part 2 CPLA. These faces are steep with a series of deeply incised gullies, which drain directly into the lake. They are classified as Class 7e - NZ Land Resource

Inventory. The DOC report describes this land on page 23 as a degraded land with steep loose faces with numerous rock outcrops and this combination creates a truly semi arid environment. Grazing is not ecologically sustainable over the long term, neither would treeplanting. Further fires will damage the remaining indigenous vegetation and further degrade the natural and scenic values of this area. It is difficult to see what ecologically sustainable use could be made of this land other than a benign use such as scenic appreciation...

Forest and Bird believes that in order to meet the objects of tenure review this area should either, but preferably be returned to full Crown ownership and control or be protected by a Landscape Covenant which precludes, burning, fencing, tracking, topdressing and oversowing, planting of any exotic species, and the introduction of human made elements.

### **Tops of the Knobbies**

The upper western faces of the Knobby Range (above 650m contour line) are visible from the State Highway and are a distinctive landscape with craggy tors and rocky outcrops. The above DOC report describes this area as having a moderately high distinctiveness. Although the grassland is highly modified this area retains a sense of naturalness and open space. We believe the landscape values of this area is under threat as further South in the nearby Pinelheugh and Mt Teviot areas, extensive forestry plantations are being developed. It is clear that the District Plan can not be relied upon to adequately protect the outstanding landscape values of much of Central Otago. Yet as noted above these are iconic landscapes for New Zealand, essential to our identity and they contribute to our ability to attract tourists.

This landscape is an important setting to the future recreational enjoyment of the local roads passing through this area.

Forest and Bird recommends that the western faces of the Knobby Range be covenanted to protect the open space values and to preclude exotic plantings, earthworks and tracking.

### **Speargrass Creek and Escarpment – Area B on Accompanying Map**

The DOC Landscape Report describes this area as distinctive due to its strong sense of place and overall impression of tussock cover. It notes that although the original tussock cover has been modified an overall impression of continuous grasslands remains, especially on the valley floor and other discrete areas where red tussocks still dominate the vegetation.

We are disappointed that both the DOC report and the Notice of Preliminary proposal fail to mention the botanical significance of the remaining tall tussock and shrublands on the escarpment along the eastern edge of Speargrass Creek. The DOC report describes mixed shrublands in the Roxburgh Gorge, and mentions small-scattered pockets of *Olearia* shrublands.

The Speargrass escarpment retains a high sense of naturalness with an indigenous shrubland component in the gullies which are scattered across the faces and dense tall tussock grassland/mixed shrublands in the gullies. The mixed tussock/shrubland is

largely made up of matagouri, *Olearia bullata*, *O. lineata*, *Carmichaelia petiolaris* and *Carmichaelia crassicaule* (coral broom) *Muehlenbeckia sp*, *Toi toi*, and spear grass. Hard tussock and blue tussock are also present. The dry faces are predominantly modified with brown top and sweet vernal, with matagouri and hard tussock. *Hieracium* is also present.

Closer to and around the rocky bluffs you can find, *Senecio sp*, *Ozothamnus leptophyllus* – previously *Casstina vauvilliersei*), *Astelia sp* *Helichrysum bellidioides*, *Gaultheria sp*, *Brachyglottis sp*, *Asplenium terrestre* and *Scleranthus uniflorus* and the occasional *Coprosma sp*.

This shrubland escarpment grades into a modified grassland valley with pockets of red tussock in the wetter areas. Speargrass creek is an attractive meandering creek draining into Speargrass dam on the neighboring property to the north. The Western side of Speargrass creek has been ploughed, with the resultant complete loss of the once dense red tussock landscape.

Forest and Bird believes the headwaters, and eastern catchment including the escarpment contain significant inherent values which should be retained in full crown ownership and control in order to fulfil the objects of Part 2 of the Act.

These shrublands probably represent remnants of a previously more extensive vegetation within this ecological district, but they are now uncommon. The presence of coral broom is significant as it is likely that this species is close to its southern limit here on the southern end of the Knobblies. As noted on page 13 of the DOC conservation report coral broom is relatively rare. This report only refers to it being in the Mount Campbell Creek headwaters where they say its prevalence is of conservation significance. We also found them to be prevalent on the Knobblies escarpment.

We submit this area meets the criteria for determining significant inherent values.

1. This area is the only opportunity on the southern end of the knobblies to protect an ecosystem that is now uncommon, and probably close to its southern limit.
2. The range of species in this shrubland seems to be different to the majority of shrublands found else where in the Manorburn Ecological District, particularly in the North and South Rough Ridge, and Greenland land systems. The Knobblies and Cairnhill were not surveyed as part of Manorburn Ecological District and it may be that these shrublands are special to the Knobblie Range. Botanists have only recently begun to realise the significance of grey shrublands and it is possible that they have been overlooked on earlier surveys.
3. The Manorburn Ecological Survey report notes that the transition from extensive red tussock dominated uplands to narrow-leaved snow tussock occurs on the southwestern end of the Knobblies and around Gordon Peak. Protecting the Knobblies escarpment down to Speargrass Creek would contain a representation of this transition and would in itself include an altitudinal sequence from red tussock on the valley floor to narrow-leaved tussock on the escarpment.

4. The remaining indigenous component of this landscape, particularly the remnant red tussocks along the stream margins and the dense tall tussock in the gullies is important for the ecological integrity and functioning of Speargrass Creek and Speargrass Dam.
5. This area contains one of the most diverse remaining indigenous ecosystems on the two leases. It includes a stream, riparian margins with a range of native wetland plant species, seeps and pockets of red tussocks, shrublands, and rocky tors.
6. Long-term, provided grazing is removed and fires prevented this area is likely to regenerate into a denser shrubland, with the remnants spreading across the faces from the gullies. Continued grazing and burning will prevent this restoration of the landscape, and deprive future generations of an opportunity to see how this landscape may have looked pre human settlement.

Forest and Bird considers this area has significant inherent values which require protection in terms of S24 of the CPLA. The inherent values identified above can not be ecologically sustained under a pastoral regime.

#### **Mt Campbell Creek Wetlands**

We note that the DOC Report on Tenure Review for the two leases originally recommended that 275ha in the headwaters of Mt Campbell Creek catchment be retained in full Crown Ownership and control. This was justified on the basis that *"the land contains features which sustain the special natural quality and integrity of the high country landscape and therefore has significant inherent values."* It goes on to say that the head of Campbell creek represents one of the strongest red tussockland remnants on the Manorburn Plateau and that this area was identified as an area worthy of protection as a heritage landscape. This area was also described as meeting the Protected Natural Area Program criteria for protection as priority natural areas, as well as ranking between moderate to high for 5 out of 7 primary criteria outlined in the Reserves Act.

Despite this extensive justification, the Notice of Preliminary Proposal for the Knobbles and Cairnhill pastoral leases describes these values as:

*The very limited area of significant inherent values in the Mount Campbell Creek area....."*

Dr Peter Johnson in his 1999 botanical and conservation assessment of this area described the area as also having scenic and recreational attributes. From a recreational perspective this land provides a setting with high natural and openspace values. Dr Johnson eloquently described this in his report.

*"Finally, the innate character of the head of Mt Campbell Creek is such that when one is there on the ground, there is no feeling of being merely within some pocket handkerchief of tussock country. Instead the uplifted view point within a setting of broad headwater basin with a skyscape and landscape that stretches to far-distant ranges, gives a scenic appeal to the place, to which the diversity of tussock and*

*wetland add biological authenticity. In a nutshell: a place with high biological conservation and charm to boot."*

We accept that parts of this area has been modified and in places there are extensive patches dominated by *Hieracium*. However as Dr Johnson said; *"depending on where you stand and which direction you look within the valley head, the landscape can appear to have quite different proportions of plant cover. Looking eastwards one sees a great deal of short Hieracium vegetation, where as a view looking towards the north or west suggests an almost complete blanket of red tussock."*

It is clear to us upon inspection and upon reading the relevant reports that this area more than meets the definition of significant inherent values in the CPLA and therefore under Section 24 CPLA this land should be protected and should not be available for freeholded.

### **Conclusions**

The protection of the Ouslow Block will be a great asset for conservation, and recreation. However Forest and Bird strongly believes that this tenure review proposal does not fulfil the objects of Part 2 of the CPLA. We recommend that in order to meet these objects additional areas need to be protected.

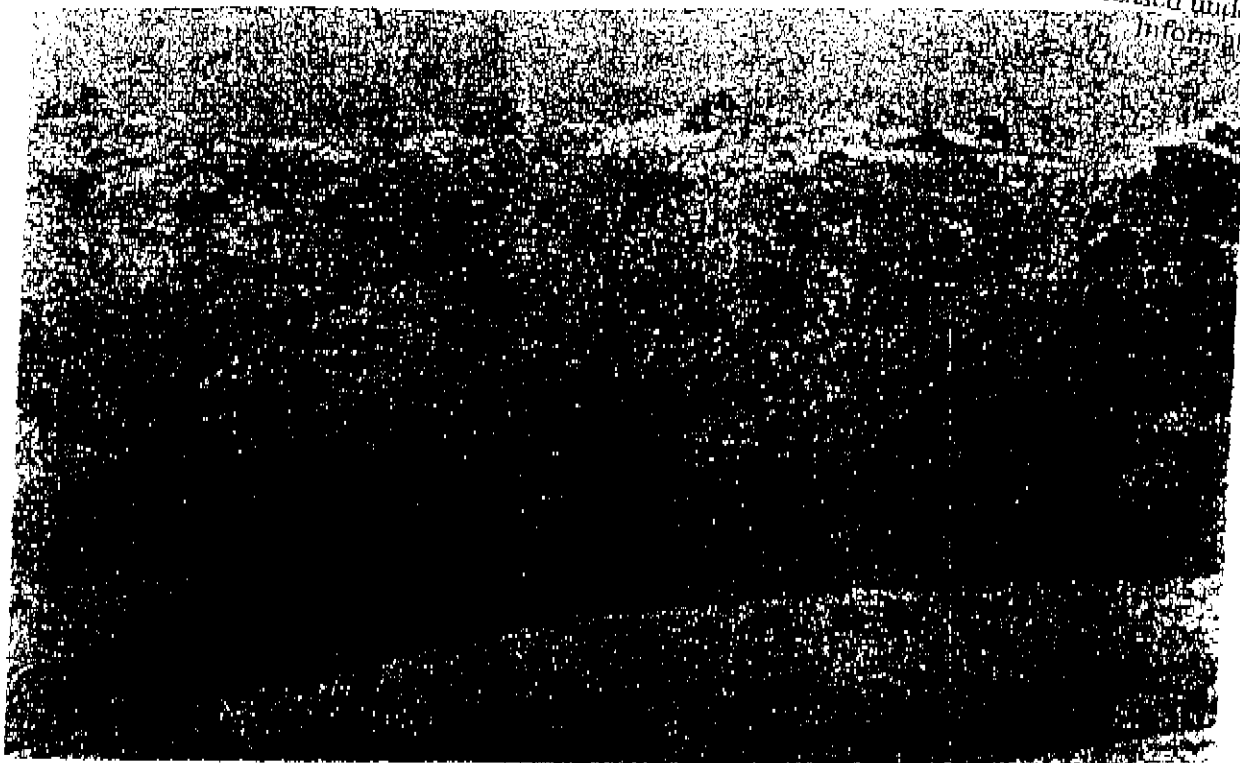
5. Lake Roxburgh Faces – Protective Covenant
6. Upper western slopes of the Knobbies above 650m - Protective Covenant
7. Speargrass Creek and Escarpment – Return to full Crown ownership and control
8. Mt Campbell Creek wetlands – Return to full Crown ownership and control.

We would be pleased to discuss these priorities with you.

Yours sincerely



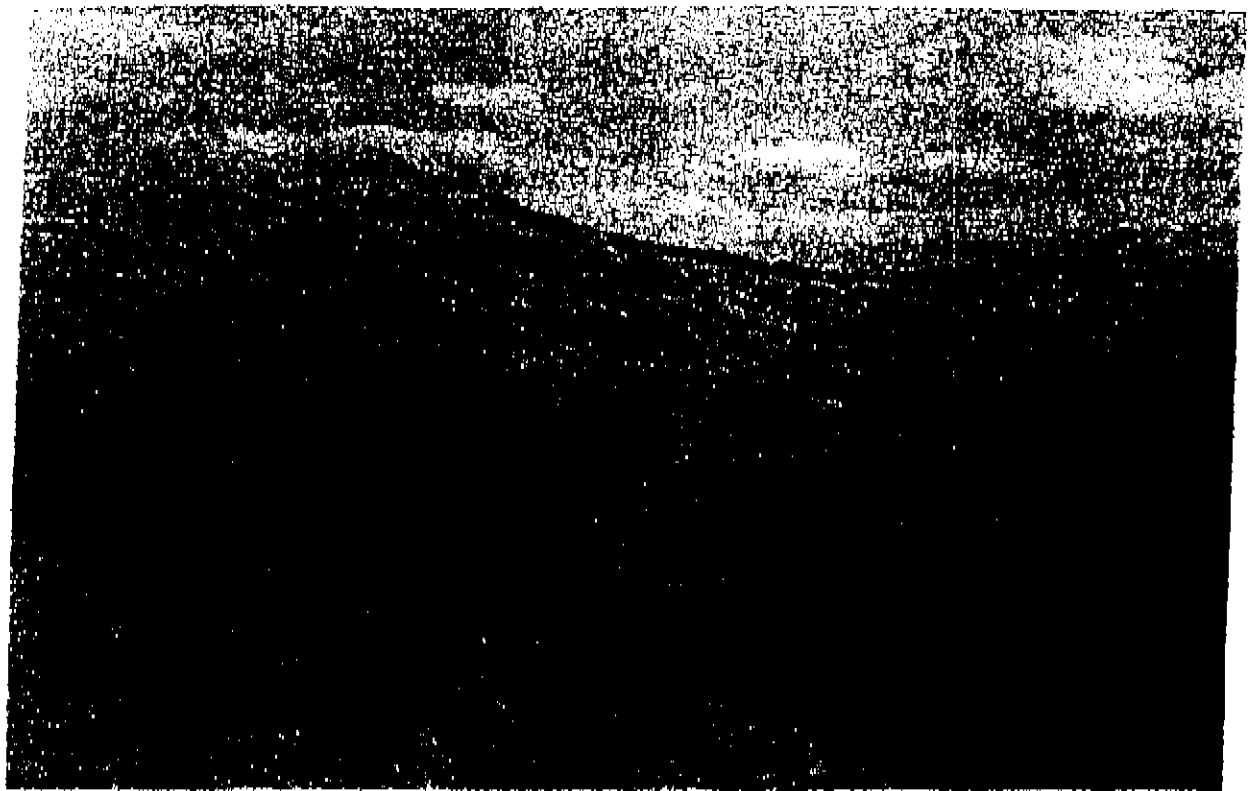
Sue Maturin  
Southern Conservation Officer



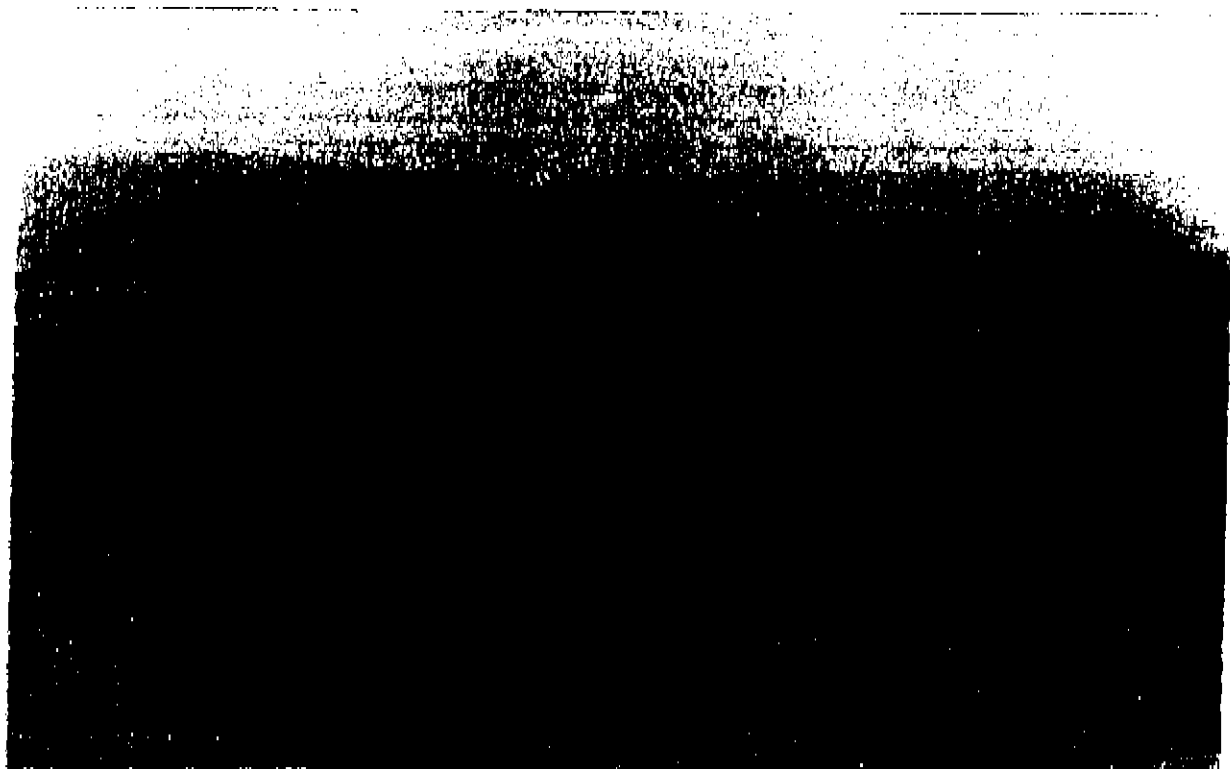
Speargrass Creek Escarpment – looking across from the legal road shown as 1 on the attached map. Note the shrublands extending across the slope, these include matagouri and Olearia, and native brooms. Tall snow tussock survives in the wet shady sites. It is probable that there is enough of a seed source to enable this hillside to recover to a dominant dry shrubland.



The Speargrass Creek escarpment is a striking visual feature in this landscape. We recommend that this landscape including the escarpment and land down to the western side of Speargrass Creek be protected by return to full crown ownership and control. It appears that much of the western riparian margin along the creek has been fenced.



Looking south along the Speargrass Creek Escarpment. Forest and Bird recommends that this area be protected and fenced along the crest of the escarpment.



Looking across Campbell Creek. This view illustrates the sense of naturalness that prevails in this landscape, despite extensive areas of hieracium, and brown top. This area represents one of the strongest red tussockland remnants on the Manorburn Plateau. Forest and Bird believes it meets all the criteria for return to crown ownership and control under the CPLA.

Po129/1 The Knobies and Cairnhill Tenure Review  
 Po129 and Po083

Land to be retained in full Crown ownership and control

Land to be freeholded to A R McNeish, K M McNeish and K M McNeish and James Harvie

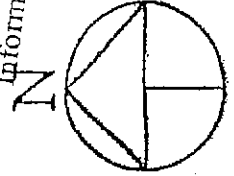
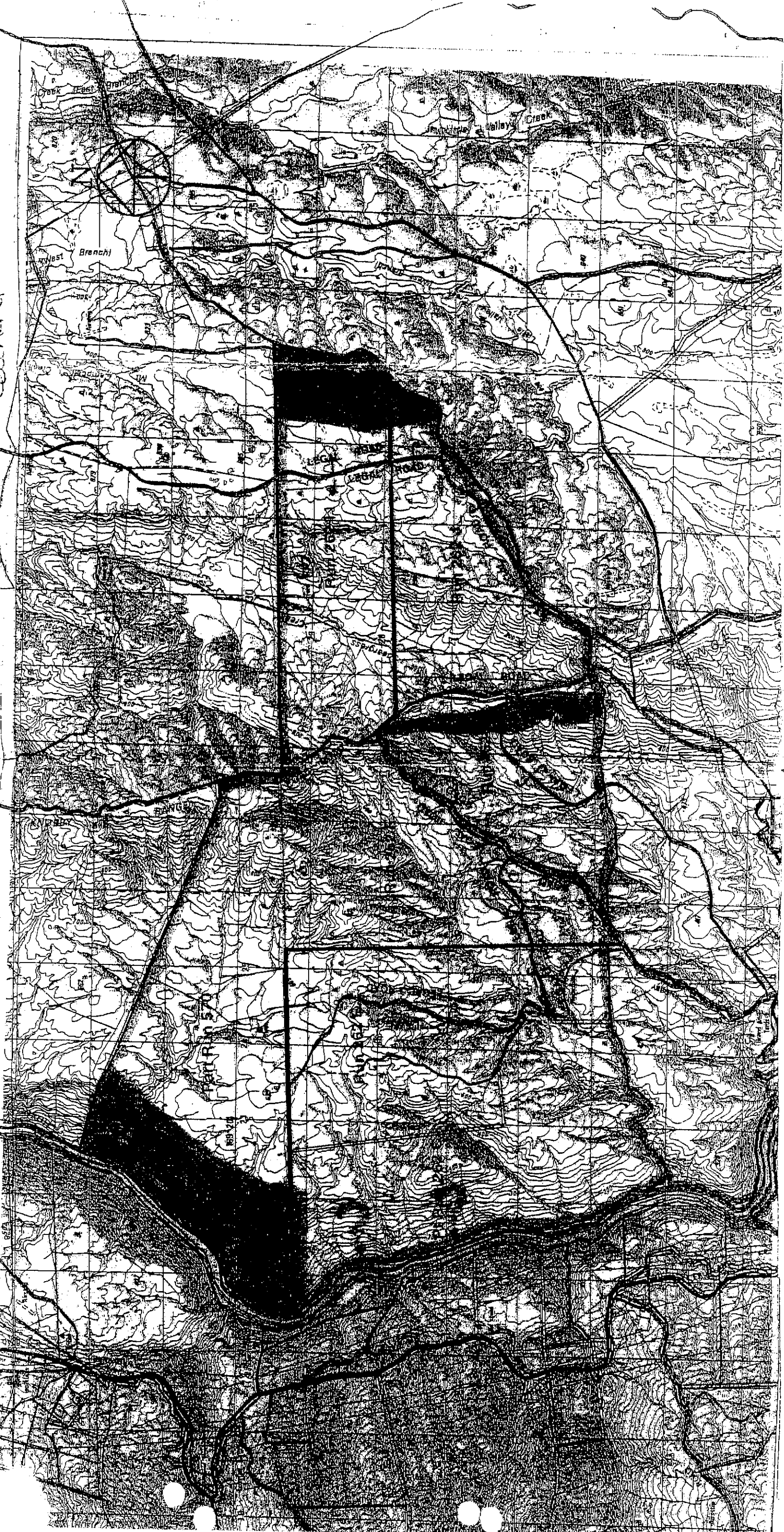
Stargross Escarpment A

Campbell Creek

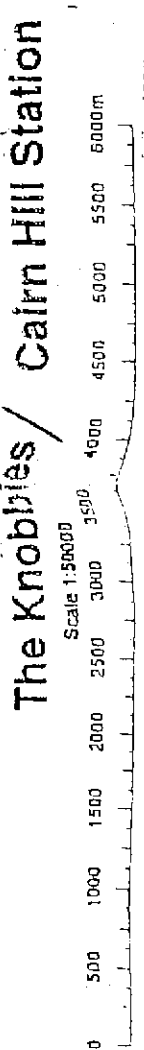
Knobie tops & Roxburgh Lake Facos

Coherent

Released under the Official Information Act

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| Version             | 1             | 2 | 3 | 4 | 5 |
| OTAGO Land District | Sheet 1 of 2  |   |   |   |   |
| NZMS 260 G43        | Date 6/7/1999 |   |   |   |   |



Forest to Bird Proposed Additions



# Public Access New Zealand

INCORPORATED

R D 1 Omakau 9182 Central Otago New Zealand  
www.publicaccessnewzealand.org

Phone & Fax 64-3-447 3554  
PANZ@CA.CO.NZ

Friday 12 April 2002

Knight Frank (NZ) Limited  
P O Box 27  
Alexandra



## Submission on Preliminary Proposal Knobbles-Cairnhill Tenure Review

While PANZ welcomes the proposed public reservation of the isolated Onslow block, we believe that the failure to make provision for either Crown ownership or protective mechanisms over any of the approximately 6000 hectares of the main Knobbles Range to be unacceptable. We submit that this failure is contrary to the requirements of the Crown Pastoral Land Act 1998 and, unless rectified, tenure review should not proceed.

The matters requiring attention are—

- landscape protection along the Lake Roxburgh faces
- landscape protection along the crest and upper faces of the Knobby Range
- reservation of the Mount Campbell Creek catchment
- investigation of reservation of part of the Speargrass Creek catchment and the eastern escarpment of this catchment
- public accesses to Speargrass Creek and the Mount Campbell Creek catchment
- determination of alignment of all legal roads, with realignment if necessary to create practical public access
- public identification of streams requiring marginal strips, then creation of additional public access if proposed strips will be inadequate for securing public access.

## Recreational Overview

There is a history of relatively light recreational activity which is confined to the Knobby Range crest, access to the Speargrass Creek Dam, and along the Lake Roxburgh faces. Recreational use of the Onslow block has been almost non-existent.

At the early warning meeting about this review we specifically identified a need to maintain an open space/landscape corridor along crest of Knobby Range, to protect the setting for recreational activity along the linear through-accesses provided by legal roads. The same consideration applies to the Lake Roxburgh faces, that despite being unused directly for recreation, provides the crucial setting for recreation on the lake.

We are most disappointed with the consideration given to public recreation in this review. This does not to recognise the full nature of recreational needs, as well established by DoC's adoption elsewhere in its functions

of the recreational opportunity spectrum formula-- recreational experience = activity + setting. Recreation needs cannot be satisfied by access on roads alone; the settings for recreation are an integral part of the experience. There is opportunity under the CPLA to protect recreational settings in the absence of public reservations. In this case there should be extensive use of protective mechanisms, in addition to relatively limited retention of Crown ownership over remaining natural areas on the Knobby Range.

We note the CCL's advice to Knight Frank on 5 April 2000 concerning the Alfaburn tenure review that "the CPLA allows the Commissioner to address landscape issues in making decisions. This means that the Commissioner needs specific advice on this aspect...and that advice must now be provided". That requirement wasn't fulfilled then and has not been fulfilled on Knobbles-Cairnhill.

### Onslow Block, in relation to the rest

DoC states in their *Knobbles Conservation Resources Report* (pg 8) that "from a conservation perspective the most significant landscape on the property is the Onslow block that is essentially an intact tall tussock grassland".

We agree that this block has the most intact tall tussock grassland, but cannot agree that this is "the most significant landscape on the property". Vegetation is but one component of landscape and is merely the current overlay of the landscape's original skeleton, which remains. The report acknowledges that this "skeleton" of craggy skylines and rocky outcrops is still intact. However, no provision has been made for the protection of this underlying landscape. This is the overwhelming character of the Knobby Range, which is aptly named.

The DoC view of "conservation" is not in accord with the definition of 'conservation' in the Conservation Act, which includes recreational values or perceptions of intrinsic landscape values in addition to a strictly ecological view. Their emphasis on "most" significant is telling. The notion that only "most significant" areas warrant protection, and lesser areas of significance (in DoC's view) don't deserve protection is erroneous and contrary to the CPLA's requirements. Section 24 (b) requires "the protection of the significant inherent values of reviewable land", not just "most significant" areas. There is ample documentation in DoC's reports, with one exception, to justify the areas we believe should be retained in Crown ownership, or with landscape protective mechanisms, in addition to the Onslow block. The exception is the Speargrass Creek escarpment, where DoC has failed to advise the CCL of obvious 'significant inherent values'.

We welcome the proposed reservation of the Onslow block however we believe that it has little recreational appeal compared to the Mount Campbell and Speargrass Creek catchments.

Our appended Photo 1 shows the Onslow block looking south towards its head. This is a relatively featureless landscape, with a pattern of small scale drainage's providing the only features. There is a uniformity of tussock cover with the only variation (not prominent) being red tussock along stream margins. There is no focus for recreational-visual attention unless botany is the primary attraction. I cannot imagine that, except for the latter activity, this area will attract many visitors. Compare this to the Mount Campbell Creek catchment (Photo 2) and Speargrass Creek (Photo 4). The Mount Campbell Creek catchment has clusters of rock outcrops on ridges and flanks and a sense of partial enclosure within the head basin. The massif of Gordon Peak provides a distinct geographical feature, that is prominent from throughout the Clutha and Manuherikia valleys, and dominates the

basin. It is the most prominent crease on the Knobby Range. There is a greater diversity of vegetation patterns (Photo 3). In all, it is a more visually attractive area to visit and explore.

The same can be said for the Speargrass Creek catchment (Photo 5), with greater topographic relief, an interesting water feature outside of the properties under review but an attraction for recreational access through the properties. As well, a craggy escarpment that leads to the higher Mount Campbell Creek area dominates the catchment. In all there is far greater visual, vegetative and topographic diversity in the eastern extent of the Knobby sector of the two runs than the Onalow block. The latter is obviously important for nature conservation reasons. The former is important for both nature conservation and recreation. Both needs should be accommodated by this tenure review. Currently they are not.

There is more discussion of relative botanical values below.

### Lake Roxburgh faces

Lake Roxburgh is a greatly under appreciated recreational resource, largely due to boat access being necessary over much of its length. With greater awareness, this situation will change. The Knobbles-Cairnhill faces are a rugged, arid landscape, that despite its almost complete transformation from native vegetation to thyme, is undeveloped (Photo 5). As the *Knobbles Scoping Report* acknowledges (pg 2), these faces and the two most distant snow/red tussock blocks around Gordon Peak are the only areas on main blocks of the properties that remain undeveloped. Despite modification, the *Cairnhill Conservation Resource Report* (pg 23) recommended a landscape covenant along the river faces. Unfortunately this has not been carried forward in the Preliminary Proposal.

The limited discussion on the future of these faces, in the official information supplied to us, stress that these faces are largely incapable of other uses than pastoralism; that, in the writers' view, they will largely look after themselves. No consideration is given to possible conversion to forestry or of the potential severe visual impacts of farm tracking or other earthworks. It is stretching credibility to also argue that freeholding of these faces is promoting the management of reviewable land in a way that is ecologically sustainable, as required by section 24(a). However, other than the provision of marginal strips we do not suggest that these faces require public reservation. This is because of the high degree of vegetative modification and that the face serves only as a backdrop for recreation on the lake and immediate shoreline. However this is a distinctive and classic Central Otago scene that unavoidably has significant inherent values warranting a degree of protection. Such a situation was anticipated by the CPLA under section 24(b) (i) "By the creation of protective mechanisms; or (preferably) (ii) By the restoration of the land concerned to full Crown ownership and control".

In this instance we believe that no preference requires to be given to Crown ownership. However there is an alternative obligation to create protective mechanisms. We recommend a landscape covenant under the Conservation Act with the objective of maintaining an undeveloped, open space environment. This would be implemented through prohibitions of tree planting, buildings, structures, and earthworks, and requirements for removal of wilding trees.

### Knobby Range landscape protection

As raised earlier, the "skeleton" of craggy skylines and rocky outcrops on this range is still intact. However, no provision has been made for the protection of this.

The *Knobbles Conservation Resource Report* (p18), in its discussion of recreation, states "the legal road which dissects the property on the crest of the Knobby Range is subject to frequent use by mountain bikers who follow the route to Alexandra. 4WDs also use this route, although the gate providing access is often locked. From the crest of the Knobby Range magnificent views of the Old Man, Dunstan, Remarkables, Hawkdun and St Bathans Ranges can be attained". This indicates that there is a significant level of public recreational interest; that must have some attributes attractive to the public. In fact this is the most frequently used part of the property.

Page 20 records NGO views that an open space/landscape corridor should be maintained along crest of Knobby Range. However on p24 this is rejected: "given that this is a modified semi cultural landscape without significant inherent natural values it is considered that its protection is a district planning issue".

Section 24(b) CPLA requires enabling the protection of the significant inherent values of reviewable land—

- (i) By the creation of protective mechanisms; or (preferably)
- (ii) By the restoration of the land concerned to full Crown ownership and control;

'Enable' means authorize, empower, supply the means to make possible (*Concise Oxford*). This is an active duty; not something confined to advocacy that another body fulfills this function. This is a duty of the CCL in this and every other tenure review, provided there are significant inherent values present. Therefore it is irrelevant to tenure review that DOC considers that protection is a district planning issue. It is equally irrelevant that it not current DOC policy to make provision for landscape protection on lands not under the department's control. It is the provisions of the CPLA that must prevail.

The determining question is, are there significant inherent values present?

Section 2 CPLA defines "inherent value"—

"Inherent value", in relation to any land, means a value arising from—

- (a) A cultural, ecological, historical, recreational, or scientific attribute or characteristic of a natural resource in, on, forming part of, or existing by virtue of the conformation of, the land; or
- (b) A cultural, historical, recreational, or scientific attribute or characteristic of a historic place on or forming part of the land.

The range crest is modified from a vegetation point of view and to this extent it is "semi cultural" or "semi natural". It's predominant values are a grassland, being a craggy, rolling crest with "magnificent" views towards the Alexandra basin, the Old Man Range and more distant ranges (Photos 6, 7). Being a relatively low altitude this is accessible year round. Having an historic coach road over the northern part of the range, dating from the earliest gold rushes to Central Otago in 1862, is another distinctive and special attribute. This provides a dramatic and unforgettable approach to Alexandra. It made such an impression on Goldfields Commissioner Vincent Pike that he wrote about it in 1887, in his book 'A History of early Gold Discoveries in Otago'. This was the only route from the Tuapeka to Dunstan Goldfield prior to the Dunstan Road being opened up. Illustrations of this route also feature in early publications about the Otago goldfields.

These attributes are cultural, historical, and recreational, which individually or collectively, qualify as 'inherent values', whether applied to a 'natural' or 'historic resource'. In this instance there is an overlap between a natural resource and historic place.

S 2, CPLA—

“Natural resources” means—

- (a) Plants and animals of all kinds; and
- (b) The air, water, and soil in or on which any plant or animal lives or may live; and
- (c) Landscape and landform; and
- (d) Geological features; and
- (e) Ecosystems;—

and “natural resource” has a corresponding meaning.

The disdain for protection of this area is presumably founded on the high degree of modification of otherwise native grasslands. Snow tussock has been replaced by hard tussock and oversown exotic grasses, however the overall impression is still one of extensive tussock grasslands. It is understandable that DoC does not want to end up with responsibility for managing highly modified grasslands, but that is not necessarily a consequence of recognising the existence of inherent values of whatever attribute and enabling their protection. In any event the meaning of ‘natural resources’ includes “plants ... of all kinds”, so DoC’s advice that this is confined to significant inherent ‘natural’ values is not in accord with the requirements of the CPLA, or the Conservation Act 1987, where ‘natural resources’ are almost identically defined.

Given the strong historic attribute of the coach road and environs, the area certainly qualifies as a historic place (s 2, CPLA)—

“Historic place”—

(a) Means—

- (i) Any land (including an archaeological site); or
  - (ii) Any building or structure (including part of a building or structure); or
  - (iii) Any combination of land and a building or structure,—  
that forms part of the historical and cultural heritage of New Zealand; and
- (b) Includes anything that is in or fixed to any such land:

The historic ‘structure’ of the coach road (not on the reviewable land) would be meaningless if its environs (on the reviewable land) were changed from an open landscape to an enclosed exotic forest and as a consequence numerous rocky crags and distant views became obscured. This is a combination of land and structure that forms part of the historical and cultural heritage of New Zealand.

The final matter to be considered is, are the inherent values “significant” and therefore “deserving the protection of management” under the Reserves or Conservation Acts?

The *Concise Oxford* defines ‘significant’ as meaning “noteworthy, of considerable amount or effect or importance, not insignificant or negligible”.

DoC describing the views (a recreational attribute) to be obtained from the range crest as “magnificent”, and the presence of a historic coach road associated with early goldfields history, at a minimum can be individually described as ‘noteworthy’, and cannot be dismissed as ‘insignificant or negligible’. Therefore the presence of these attributes, and the distinctive landscape and landform, qualify as ‘significant inherent values’ deserving protection under the auspices of the CPLA. This could apply to any one attribute alone, even if a narrow view were taken that the ‘historic place’ was on legal road (uncertain, due to uncertain alignment) and therefore not on the land subject to tenure review.

## S 2, CPLA-

"Significant inherent value", in relation to any land, means inherent value of such importance, nature, quality, or rarity that the land deserves the protection of management under the Reserves Act 1977 or the Conservation Act 1987.

The final issue is the form of protection. There are two options under section 24(b), protective mechanisms or Crown ownership. In our view, the latter is unwarranted as it is merely a corridor of open space that needs protection, without any requirements for nature protection or public recreation within this corridor, outside of the legal road that traverses the range crest. A protective mechanism in the form of a covenant is all that is necessary. We would prefer a Section 27 Conservation Act covenant as this is more secure than other options. This is deemed to be an interest in the land that requires DoC to publicly notify and call for objections if this interest were proposed for disposal. We have little faith in the adequacy or security of QE II Trust covenants. A sustainable management covenant is our second preference, however we believe that the landscape protection we advocate is within the statutory functions of DoC and should be accepted by the department.

A landscape protection covenant should extend along the range between the southern and northern boundaries of the properties and extend down to approximately 650 metres on western faces and eastern faces/basins. If the areas we advocate for Crown ownership in the Speargrass and Mount Campbell Creeks are reserved then these can be excluded from the covenant area. Although the historic coach road only traverses the northern half of the properties, we strongly believe that the full extent of the range crest requires landscape protection. The craggy topography extends the full length of the range within the properties and 'magnificent' views are obtained throughout, all from public roads. In fact the southern sector of the range is more spectacular than the northern, especially on the climb/descent of the Speargrass escarpment (Photo 8). There is considerable potential for 4WD, foot, cycle or horse use of the southern range crest along legal roads, to the south and out to Gordon Peak - all being very attractive for recreational use.

## Stone Cairns and the Old Coach Road

A related matter is the presence of stone cairns marking the route of the coach road. The *Cairnhill Due Diligence Report* (pg 2) states "one or two stone cairns alongside the Old Coach Road, worthy of some form of protection, may be situated on the lease".

The *Cairnhill Scoping Report* (pg 4) states "rock cairns marking the Old Coach Road will undoubtedly be subject to protection covenants" as a 'Potential Land Outcome': "historic stone cairns marking the Old Coach road from Roxburgh to Alexandra are expected to be preserved by a protection covenant" and "...agreement to covenants and easements should [be] relatively easily achieved" (pg 5).

The *Cairnhill Conservation Resource Report* states (pg 15) that the "coach road along the crest of the Knobby Range was the original route followed by horse-drawn coaches and bullock supply teams. Impressive stone cairns were built alongside the road to aid travelers in times of poor visibility; however none of these structures are present on Cairnhill pastoral lease". "The Knobby Coach Road is of historic significance. As the route is a legal road it is not part of the pastoral lease".

It is unclear what checking of survey plans and field inspections, if any, DoC undertook to provide the latter advice concerning the alignment of the road, and the location of the cairns. The due diligence process, which

has a purpose of determining the likely position of leasehold boundaries, would be the more likely source of authoritative advice to the CCL, yet this report is uncertain as to the lease-road boundaries.

It is imperative that these boundaries are determined prior to tenure review proceeding. If portions of the road formation, or the cairns, are on leasehold then express action for their protection and public access must be made. There is an obligation to do so under section 24(b) CPLA.

## Mount Campbell Creek

We are most disappointed that the headwaters of this catchment are not proposed for public reservation in the Preliminary Proposal. This is despite DoC identifying 'significant inherent values' in their conservation resource reports, reinforced by independent scientific opinion.

In the *Knobbles Conservation Resource Report* (pg 10) the *Chionochloa rubra* tussocklands are described thus—  
“These are mostly restricted to small areas within the damp valley bottom of Speargrass Creek and a more extensive area covering approximately 50 ha comprising the head of Mount Campbell Creek... In Mount Campbell Creek the gently sloping valley floor, numerous small gullies and flat poorly drained areas support a largely intact red tussock cover. Some 40 native inter-species...are present”.

The significance of botanical values was assessed (pg 14)—

“although partially modified, Mount Campbell Creek comprises a semi-intact red tussockland. This vegetation type which once covered virtually the entire Manorburn plateau has mostly been converted to a mix of short tussock/exotic grassland or degraded *Heiracium* infested grasslands”.

DoC recommended (pg 26)—

“Campbell Creek Conservation Area (c 275 ha ex both leases)

Justification: “the headwaters of Mount Campbell Creek contain features which sustain the special natural quality and integrity of the high country landscape and therefore has significant inherent values. These appear to meet criteria for protection as a priority natural area. The head of Campbell Creek represents one of the strongest red tussockland remnants on the Manorburn plateau”.

On pg 27 these were ranked moderate to high, and low for size, buffering.

“Given the paucity of protected red tussocklands, the area merits protection on its representativeness alone”.

These recommendations led to proposals for public reservation.

“... the DGC Delegate...considers that the area should be returned to the Crown to protect significant inherent values. The DGC delegate considers ongoing grazing inappropriate as this will not benefit the significant inherent values contained within the area”. *CPL Preliminary Proposal Standard 8*, pg 1.

“The head of Campbell Creek represents one of the strongest red tussockland remnants on the Manorburn plateau. The desirability of protecting remaining low-mid altitude red tussocklands has been well aired over recent years”. *CPL Preliminary Proposal Standard 8*, pg 5.

However this proposal ( to reserve 275 hectares) was dropped after objections from the lessee—

“The lessee yielded to Onalow Block being fully retained by the Crown under condition that the proposals for the Mt Campbell Creek area be dropped”. *Report on Consultation*, pg 3.

The lessee's reported grounds for objection were that there are "no additional values (limited conservation values) to Onslow Block and need to maintain summer grazing balance". *Report on Consultation*, pg 5. While the first matter is a matter of contention, the latter is not a relevant consideration under the CPLA.

DoC then commissioned an additional conservation assessment by Landcare Research scientist PN Johnson.

Johnson supported DoC's earlier moderate to high ranking, but differed with a higher ranking of "somewhere" above low for size and buffering.

Johnson's conclusions are reproduced in full below—

**Representativeness of proposed Conservation Area (pp 4-5)**

"In the context of the Manorburn Ecological District, the vegetation pattern and diversity in the head of Mt Campbell Creek is, in broad terms, representative of the higher elevation character of the District. From a vegetation and flora viewpoint the proposed Conservation Area does not appear to contain anything unique or rare. By comparison with the vegetation and habitats already protected in the Manorburn Conservation Area it basically represents something more of the same, which is not altogether a bad thing considering (a) that it is some 13 km distant from Manorburn CA and represents a more westerly portion of the Ecological District, and (b) that conservation advantages could be argued for a further, discrete conservation site ('more than one egg-in-the basket')."

"There is also a more local scale within which to consider the values and significance of this proposed Conservation Area, namely the context of the Knobby Range itself. In the absence of the upper Mt Campbell Creek Conservation Area, what other actual or potential sites for conservation protection are there anywhere near the range crest? On other, higher, Central Otago Ranges, land has been retired from pastoral use for several reasons, including for soil and water conservation purposes, and for protection of more alpine habitats, biota, and landscapes. The Knobby Range does not rise to a subalpine or alpine zone, and the range crests are at a level where pastoral farming remains an alternative or competing land use with biological conservation. But might there not be an argument also for ensuring that some portion, like the Mt Campbell Creek head, should be protected against further pastoral development, as a representation of the 'original' character of the range crest landscape and plant cover".

"Finally, the innate character of the head of Mt Campbell Creek is such that when one is there on the ground, there is no feeling of being merely within some pocket handkerchief of tussock country. Instead the uplifted viewpoint within a setting of broad headwater basin, with a skyline and landscape that stretches to far-distant ranges, gives a scenic appeal to the place, to which the diversity of tussock and wetland add biological authenticity. In a nutshell: a place with high biological conservation, and charm to boot". *Mt Campbell Creek: botanical and conservation assessment*.

However, the proposal for a conservation area was dropped from the Preliminary Proposal on the basis of Knight Frank's advice to the CCL that, in reference to the Johnson report, there is "nothing unique or rare", and "more of the same" (compared to the Onslow block) in Mount Campbell Creek. *CPL Preliminary Proposal Standard 8*, pg 10. DoC and Landcare emphasis on 'representativeness', and 'uniqueness' has probably contributed to the KF advice, which is inconsistent with the provisions of the CPLA.



The primary consideration of section 24, when considering freeholding is the "promotion of the management of reviewable land in a way that is ecologically sustainable". It is only when it is reasonably anticipated, based on best present day knowledge, that existing or new unspecified land uses will be ecologically sustainable with the removal of its present tenure restraints, that freeholding can be justified.

There is no assurance contained in the advice to the CCL that this central requirement will be satisfied. Quite the reverse. DoC stated that "this vegetation type which once covered virtually the entire Manorburn plateau has mostly been converted to a mix of short tussock/exotic grassland or degraded *Heiracium* infested grasslands", *Knobbles Conservation Resource Report*, pg 14.

An immediately adjoining catchment of wall-to-wall *heiracium* provides a stark illustration of land degradation under past and existing pastoral use. The dominance of this invasive weed, to the exclusion of almost everything else, provides graphic evidence of ecological instability. Given that there is so little tall tussock left in the general locality, and conversely so much has been degraded, provides compelling evidence that the existing use is unsustainable. If the intensity of use were to increase through the removal of tenure restraints, the process of degradation can only be accelerated. A primary driver for enactment of the CPLA was realisation that exploitive pastoralism over 'unimproved' tussock grasslands in the SI high country is unsustainable. There is now increasing awareness that even with fertiliser and sowing inputs, including on better land such as Class VI lands with only moderate limitations to pastoral use, this use is unsustainable - evidenced by falling production.

The land in question in Mount Campbell Creek is LUC Class VII. This has severe limitations to pastoral use.

Freeholding of these lands would be a failure to promote the management of this land in a way that is ecologically sustainable (section 24(a)).

The co-objective of Part 2 of the CPLA is to enable the protection of the significant inherent values of reviewable land (section 24(b)).

The advice contained in conservation resource reports clearly identifies such values. Aside from discussion of uniqueness and representativeness contained with this advice, other criteria to qualify as an area of land with 'significant inherent values' are met.

Cf. section 2 CPLA--

"Inherent value", in relation to any land, means a value arising from---

- (i) A cultural, ecological, historical, recreational, or scientific attribute or characteristic of a natural resource in, on, forming part of, or existing by virtue of the conformation of, the land; or
- (ii) A cultural, historical, recreational, or scientific attribute or characteristic of a historic place on or forming part of the land;

"Significant inherent value", in relation to any land, means inherent value of such importance, nature, quality, or rarity that the land deserves the protection of management under the Reserves Act 1977 or the Conservation Act 1987:

"Natural resources" means---

- (a) Plants and animals of all kinds; and
- (b) The air, water, and soil in or on which any plant or animal lives or may live; and

(c) Landscape and landform; and

(d) Geological features; and

(e) Ecosystems;—

and "natural resource" has a corresponding meaning:

The dismissal by Knight Frank of this as a qualifying area for protection, on the basis that there is "nothing unique or rare" and "more of the same", is in error either in fact or in law.

An area of 'significant inherent value' requires sufficient importance, quality, OR rarity, to deserve protection. It doesn't require all these factors. The conservation resource reports, including the Johnson report, clearly document the importance and quality of the area. That quality of the area is, as stated—

"The head of Campbell Creek represents one of the strongest red tussockland remnants on the Manorburn plateau. The desirability of protecting remaining low-mid altitude red tussocklands has been well aired over recent years". *CPL Preliminary Proposal Standard 8*, pg 5.

The importance derives from the paucity of comparable areas, which necessitates the desirability of protecting what remains. Therefore a "more of the same" argument is erroneous even if it were correct, which it is not. It is also made out of context.

Johnson's "more of the same" comment was contained in —

"By comparison with the vegetation and habitats already protected in the Manorburn Conservation Area it basically represents something more of the same, which is not altogether a bad thing considering (a) that it is some 13 km distant from Manorburn CA and represents a more westerly portion of the Ecological District, and (b) that conservation advantages could be argued for a further, discrete conservation site (more than one egg-in-the basket)".

Besides, Johnson recorded significant vegetative differences with the Manorburn CA (immediately adjacent to the Onslow block) in his Table 1. There is 35% 'dense wetland red tussock' at Mt Campbell Creek compared to 11% at Manorburn, and other significant differences in the mixes between hard and tall tussock. These differences are visually obvious and the reason why I commented earlier that there is greater recreational appeal to the Mt Campbell Creek catchment, compared to Onslow. Additionally, the more featured relief, and rock outcrops (absent from Onslow), make Mt Campbell a place "with high biological conservation, and charm to boot". Visitors' perceptions of the area are an integral part of its recreational attributes, being another qualifier of 'significant inherent value'.

We submit that the 275 hectares earlier identified by DoC as deserving protection as a Crown area be so reserved, however this area should be extended to the summit of Gordon Peak to ensure protection of landscape values and availability for public recreation, for the whole 'visual' catchment.

## Speargrass Creek and escarpment

Early on in the tenure review process this catchment was identified as having some values that require protection--

'Known Significant Inherent values/Public Use'

"Only the two undeveloped eastern blocks containing the headwaters of Mount Campbell Creek and the faces above Speargrass Creek could hold ecological values (red tussock/dome swamps) that may be subject to some form of protection covenant". *Cairnhill Scoping Report*, pg 4.

It is surprising that little official attention has been directed to this catchment, given the red tussock along the stream sides and the vigorous cover of snowgrass and native shrubs along its prominent eastern escarpment (Photo 9). An area in the upper catchment has been developed, but this is confined to one bank.

From a recreational perspective this is probably the most 'scenic' part of the properties. The *Cairnhill Scoping Report* (pg 4) states "the best (public) access to Speargrass dam involves a short section on the property and has been regularly used. It is anticipated that a public access covenant will be required". My knowledge is that this is frequently used by anglers for access to the dam.

It is obvious that there are significant inherent values present that have either been officially overlooked, or downplayed, to enhance acceptance of the Preliminary Proposal.

We submit that the undeveloped portions of the catchment be re-evaluated for possible retention in Crown ownership.

## Speargrass public access easement

The *Cairnhill Conservation Resource Report* (pg 22) recommended public access to the proposed Mount Campbell Conservation Area via Speargrass Creek by foot, mountain bike, horse, with guns/dogs subject to hunting permit.

"This route will provide the most practical access to the proposed Mount Campbell Conservation Area. A legal road round the head of Speargrass creek will provide an alternative but less direct route. This legal road also provides a potential opportunity for a round trip..."

*CPL Preliminary Proposal Standard 8*, stated (pg 1) that this "will enhance existing access to the proposed Mount Campbell conservation area in addition to the present legal road access", and it would provide public with a "round trip" opportunity" (pg 7).

Along with the proposed Mount Campbell Creek conservation area, this proposed easement was dropped from the Preliminary Proposal.

The rationale advanced for dropping this easement was that "enhancing access exceeds objects of securing public access".

Irrespective of the future prospects of a conservation area in Mount Campbell Creek we believe that it is desirable to have an easement at least as far as southern boundary of the properties at Speargrass Creek. This would allow a connection to (future) marginal strips on the adjoining Matangi pastoral lease and hence access to the dam.

If a conservation area is established in Mt Campbell Creek, we believe that it is highly desirable to utilise the proposed easement through Speargrass Creek for access. This route is only 4.5 km long of relatively easy going, compared to 8 km along range-crest legal roads. The latter involves a substantial climb up the eastern escarpment at its highest point.

We are unimpressed by the argument that "enhancing access exceeds objects of securing public access". Section 24 (c) (1) entails "the securing of public access to and enjoyment of reviewable land". There is no inherent exclusion of 'enhancement' while 'securing' access to a particular area. Besides, the duty is to secure access to and enjoyment of 'reviewable land', meaning all the land under review and not just those areas destined to be vested in DoC. As already noted we believe that an easement should be secured at least as far as Speargrass Creek.

## Legal roads

There is a generic problem under current tenure review procedures concerning public roads. This is well illustrated by the current review.

The best the *Cairnhill Due Diligence Report* (pg 2) can state is that "five legal [formed] roads appear to follow legal alignments" (our emphasis).

It is crucial that, for assurance of public access to any lands reserved or for through passage along recreational attractions such as the Old Coach Road, that the alignments be determined and rectified as required. This should be a matter of priority for the Crown, given the duty to secure public access and recreational enjoyment under the CPLA. Public roads provide the greatest security of access of any mechanism available in New Zealand, far superior to easements currently the primary focus of official attention. To leave the status and alignment of an existing network of public roads uncertain, while creating new accessways such as easements is a misapplication of resources. Once tenure review is complete there will never be another comprehensive opportunity to rationalise existing roads for the benefit of local occupiers and visitors alike.

## Lack of transparency on marginal strip requirements

There is another generic problem that must be addressed as a matter of priority. This is the CCL's instruction of 17 November 1999 that all decisions relating to marginal strips are to be made by the DG Conservation's delegate for tenure review. Consequently, with all marginal strip decisions internalised within DoC and Chief Surveyors' offices, there is no public accountability for official performance. This is despite marginal strips often being intimately related to public access easements being proposed through the advertised tenure review process, or reliant on connections to existing public roads. It is a nonsense, when it is the disposition of Crown land through tenure review that is the trigger for creating marginal strips, that these actions are arbitrarily divorced from the public arena.

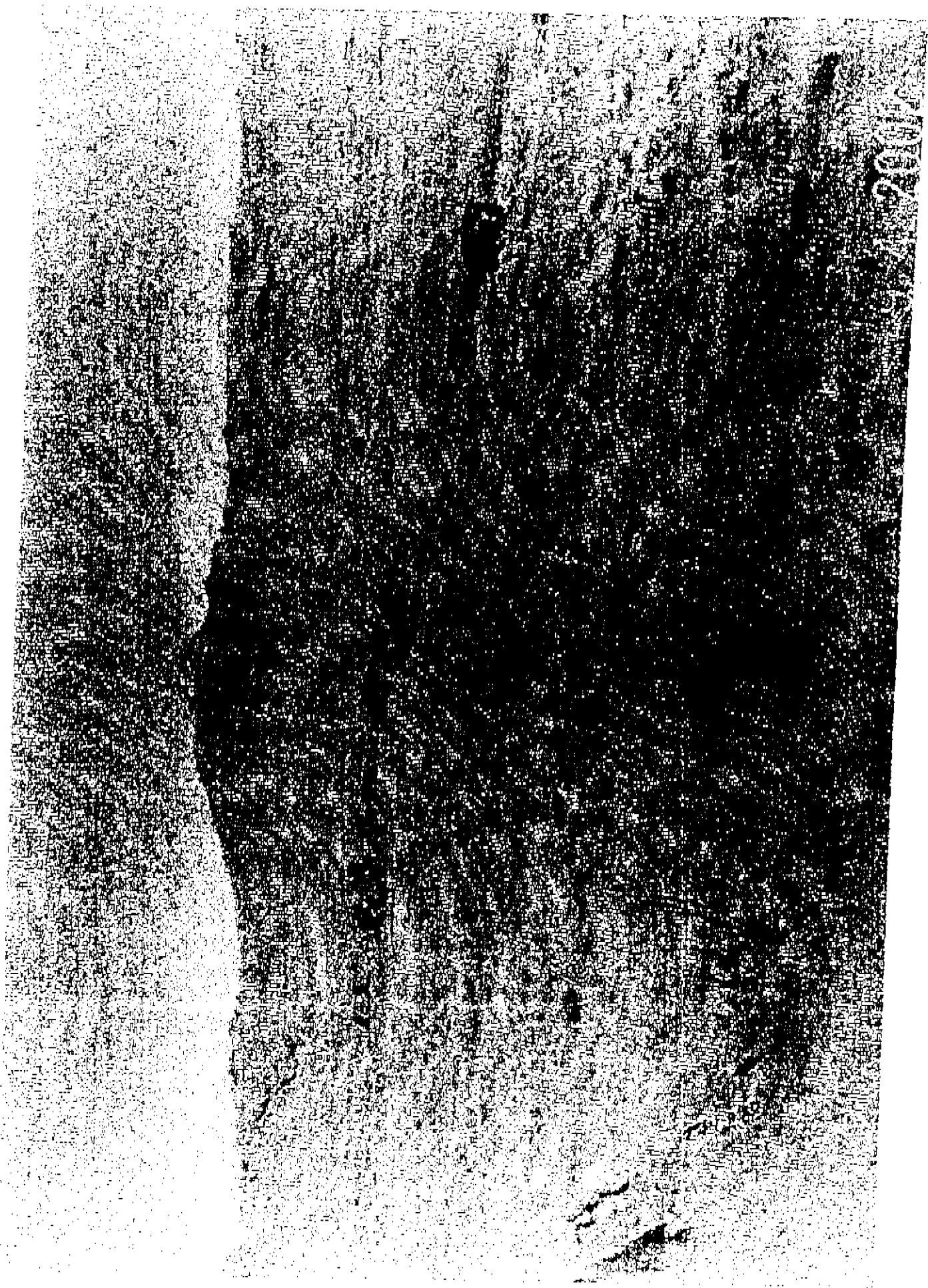
It is not good enough for the *Knobbies Due Diligence Report* to state that Lake Roxburgh and the North Branch of the Teviot River are possibly the only margins requiring strips. There has to be certainty, with the extent of strips publicly identified so that easements or other mechanisms can rectify deficiencies in access. The public has a right to know, given that these strips are supposed to be for public benefit.

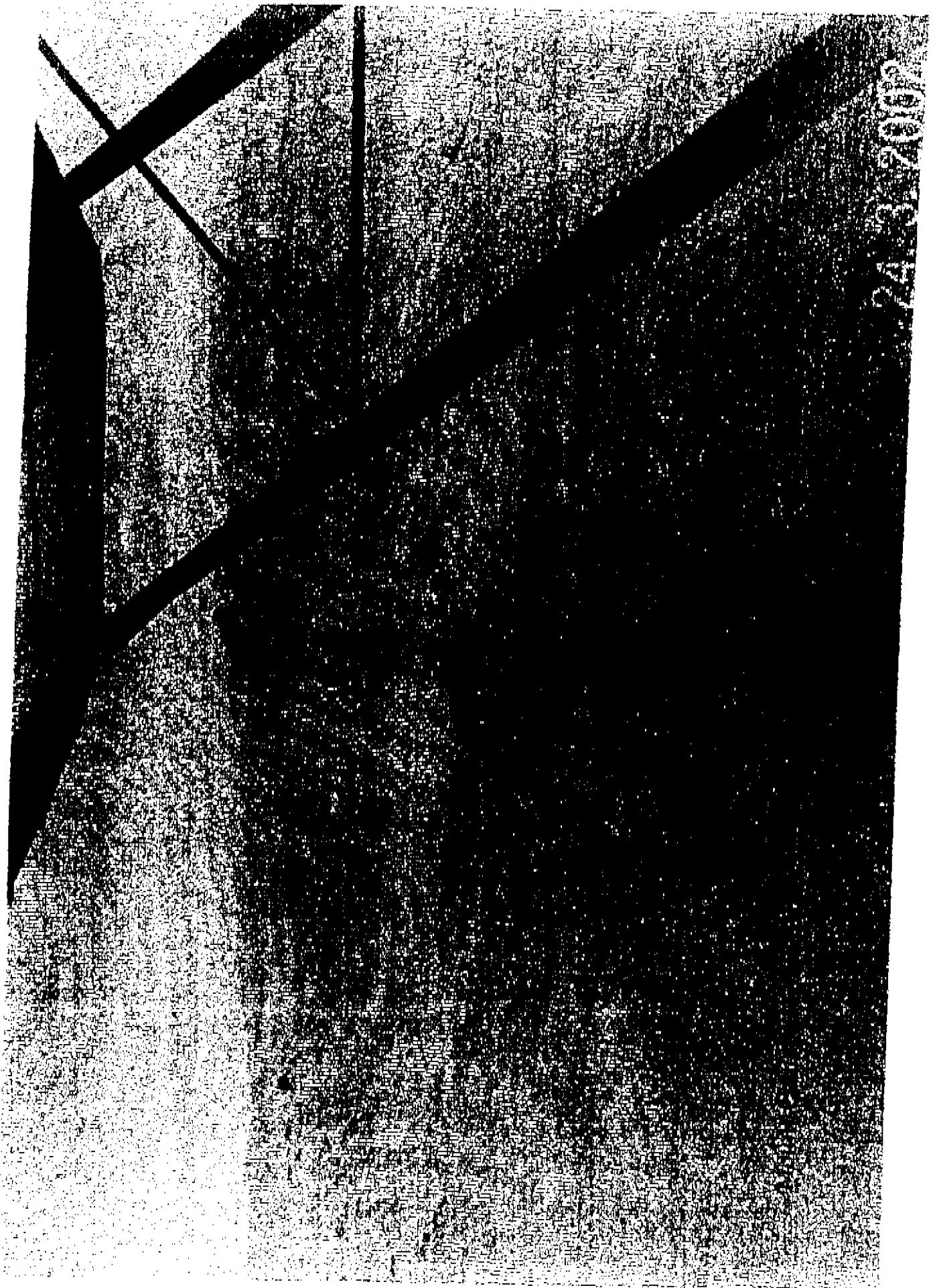
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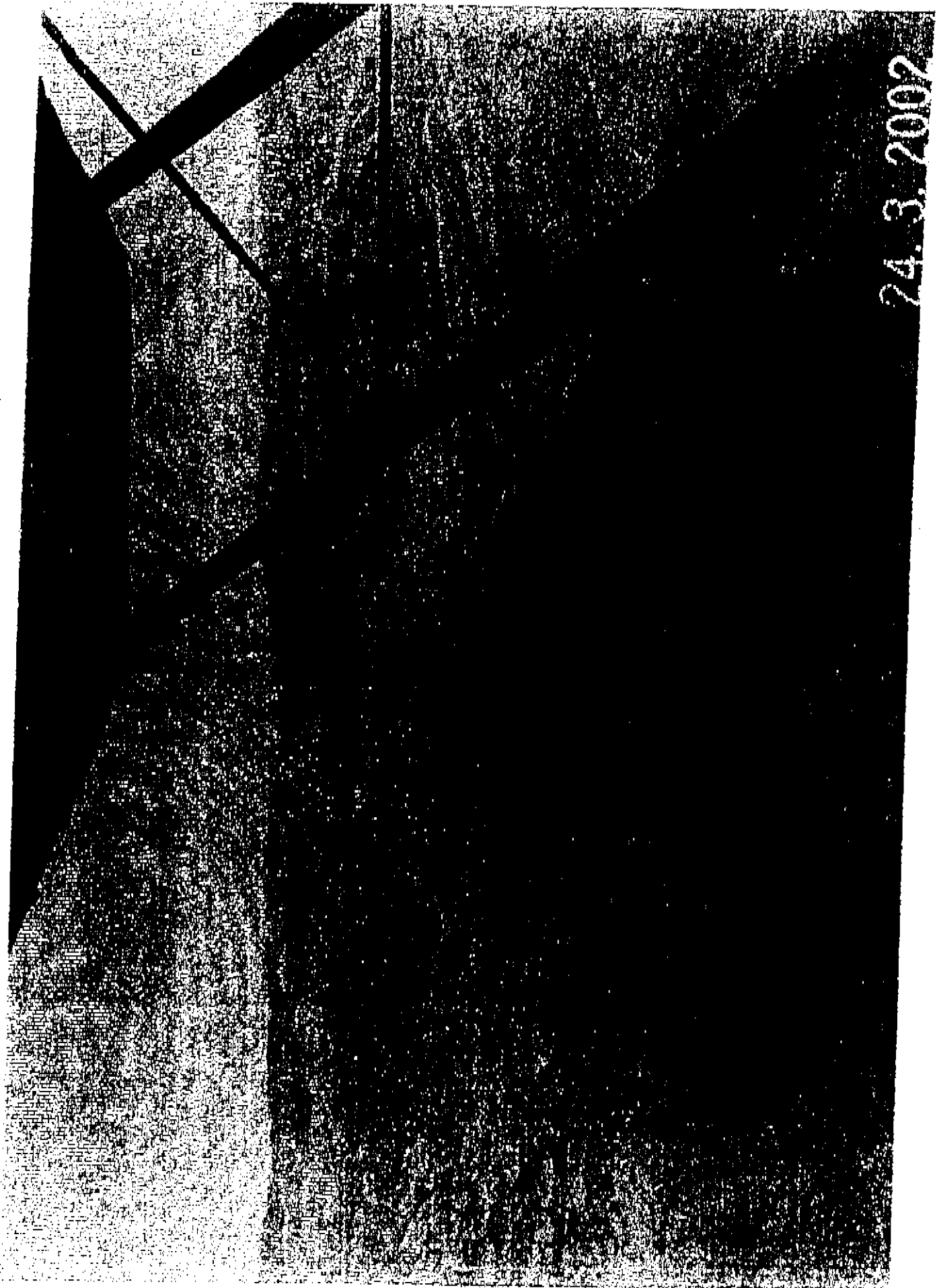
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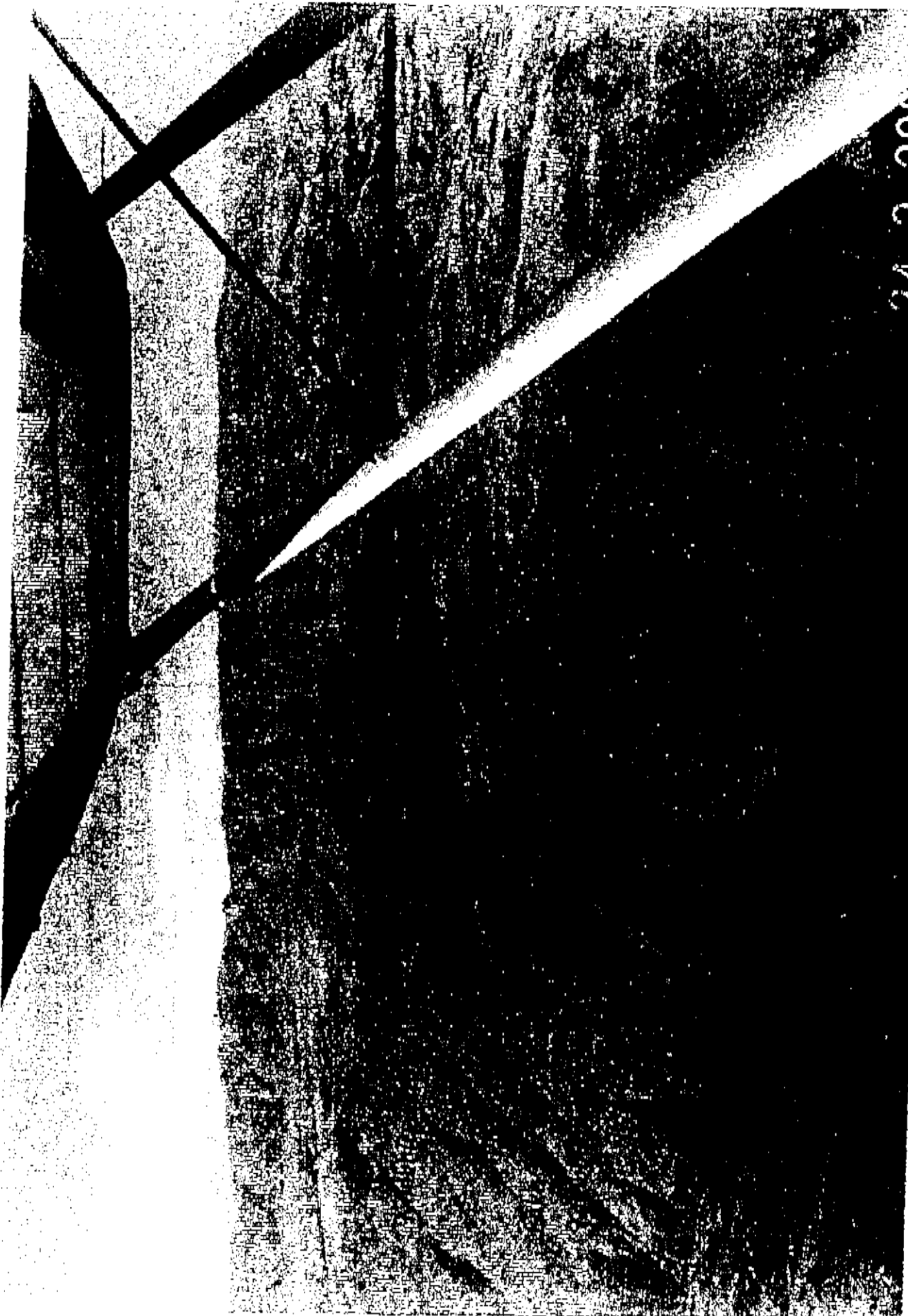




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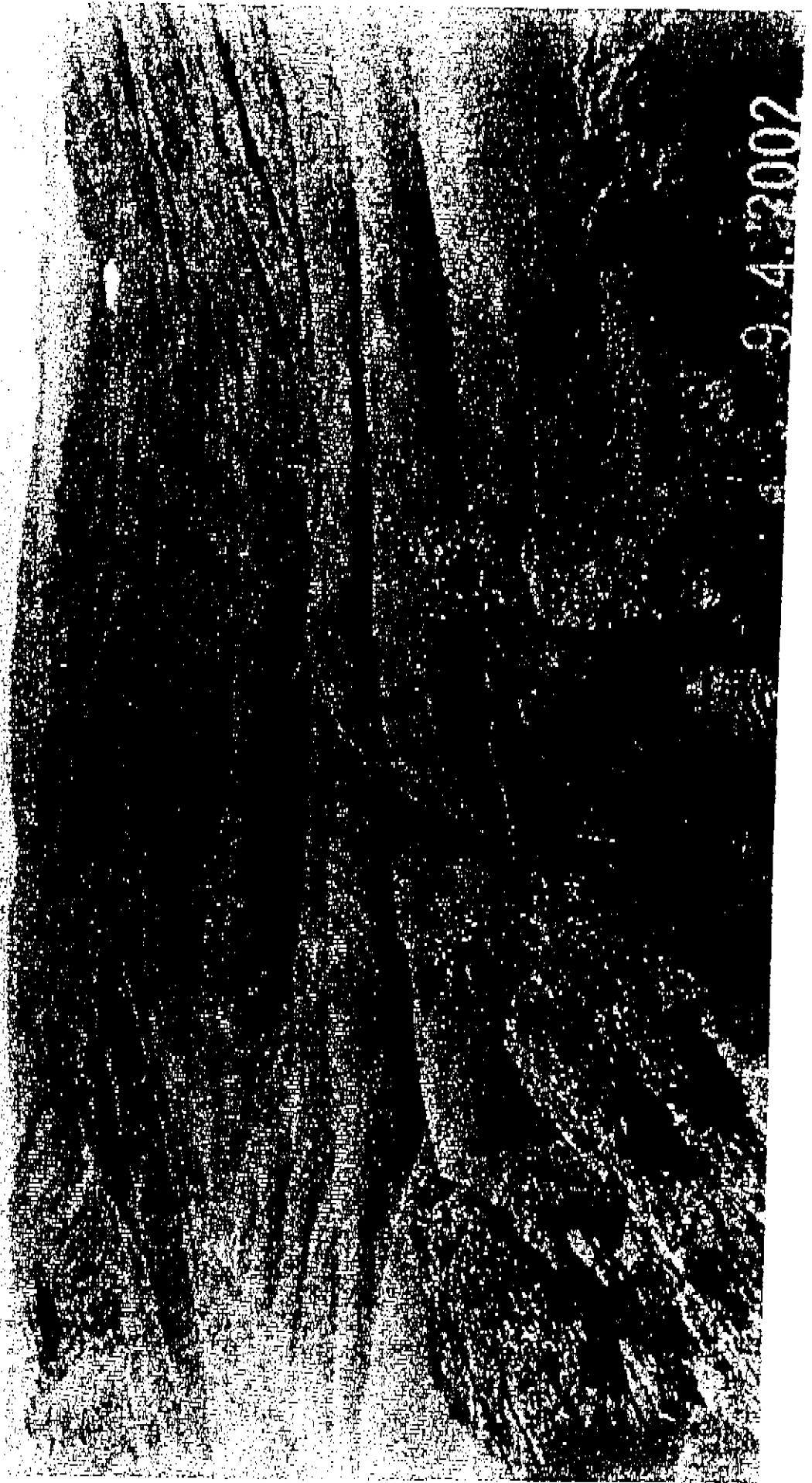


1965-1966

Xiethix-Cornhill

Wilson

Springgrass Creek catchment



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