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## Friends of Ben Rudd's Newsletter, No 10

( Stamp )

### 19 August 2002

Welcome to the tenth Friends of Ben Rudd's Newsletter. This issue lets you know about the Open Space Covenant.

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#### **Friends membership news**

- It is with great sadness that we have learnt that Jim Fleming, of Dunedin, a founding Friend and active 1950s OTC member, passed away last year. His smiling face and gentle voice will be missed around OTMC and Ben Rudd's property activities.
  - We thank the following for making generous donations: Edith Mercier (again!), Bob & Evelyn Entwistle, John Cox, Marie McDonald and Henry Stoddart. *Correction:* the Dunedin XY Tramping Club made the \$50 donation noted in the previous newsletter as being by the "Dunedin" TC. Thank you all for your generous support and continuing membership. We are grateful to those on the current mailing list for paying subscriptions. Those few who haven't yet paid for 2002, please do so.
  - New members: Welcome to Kevin Rogan, 387 High St, Dunedin, ph 477 7759; and Paul Bingham, PO Box 53, Alexandra, ph 449 3099. Farewell to Alistair McDonald who has resigned, as have Dave Peacock and Pam Bardsley, now living in England.
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**This year's Planting day:** Help us plant silver beech on 28 September (rain day: 29<sup>th</sup>). Also this day will be an opportunity to do some final work around the seat installed in memory of Linda Mercier. Meet at the Bullring at 10 AM, and make a day of it. Contact Ken M, phone 476 7100. Remember, that no work should be undertaken on the property without Ken's knowledge.

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A helicopter spraying job to control broom and gorse above the Firebreak was carried out just before Winter. Conditions were excellent, and the job was done at the same time that the DCC was spraying the adjacent Flagstaff Scenic Reserve. Any necessary follow-up control work will be carried out in the coming Summers. The Otago Regional Council's Biodiversity Committee's Environmental Enhancement Programme has kindly helped with funding this important work. The Trust thanks that ORC Committee for paying \$2000, approximately 50% of the total cost of the operation.

**For those who may have forgotten, here is the overall purpose of the Ben Rudd's Trust (from the Trust deed):**

*"To promote the environmental, recreational and educational role of the Ben Rudd's property within the context of the Flagstaff area."*

### **Individual Purposes:**

- "To protect and foster the historical connection the Otago Tramping and Mountaineering Club (and its predecessor groups) have had with the Ben Rudd's property."
- "To maintain the flora and fauna of the Ben Rudd's property."
- "To manage the historical plantings of the Ben Rudd's property."
- "To promote the use of the Ben Rudd's property by recreational walkers."

Friends will have become aware that, since these purposes were expressed, the focus on meeting these purposes has been quite wide, including building an association with the NZ Ecological Restoration Network which reflects the emphasis on reestablishment of locally indigenous ecology; and also the confirmation of the Spiers Road legal access to the property.

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### **QEII COVENANT PROGRESS**

On 29 August, the OTMC's AGM will be asked to give formal approval to a proposed Open Space Covenant and accompanying Management Statement for the entire property. These have been prepared by the Trust and the QEII Trust, with OTMC committee involvement. If the OTMC AGM approves the documents, a formal signing will be held in the OTMC rooms, 3 Young St, on Thursday 19 September at 8 PM. Friends who are not full members of OTMC are welcome to observe the AGM (only full members may vote), and all Friends are welcome at the signing ceremony.

- If you would like to view the documents before the AGM considers them, copies may be obtained by contacting Richard on (03) 487 9488, or Teresa on (03) 477 4987. The documents are a little too large to send to everyone.

Very briefly, the Covenant obliges any future owner of the land to continue to work to achieve the type of purposes indicated above. A consequence of this is that the Firebreak track cannot be upgraded to any kind of road. Walking opportunities have absolute priority on the land. Access for walkers and their continued enjoyment of the Flagstaff part of Dunedin's Skyline have always been among the principal reasons for the OTMC's retention of ownership of the land.

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### **Some thoughts on dogs (and other things)**

In putting together policies for the Management Statement which accompanies the Covenant, the Trust was obliged to consider the use of the property for several activities. Among these were campfires, and the taking onto the property of horses and dogs. Fires were an easy issue, as they are controlled by legislation. One cannot light a fire within one kilometre of a Scenic Reserve without a permit. If you want to boil up a billy at the Shelter, it can only be done by the use of stoves, given that the Trust could not obtain a permit on behalf of all users of the property. Horses may be allowed for special events, and among the conditions of their entry onto the property may be that they use only the Firebreak track, and that all droppings are removed after their visit!! This may be necessary to ensure no weed seeds are introduced.

Dogs are a different matter. Antony Hamel's and Graham Bishop's guidebook says dogs are not prohibited on the Jim Freeman track. This is true, but the issue hasn't ever been discussed, to our knowledge, either by the OTMC or the Trust. Since dogs are prohibited on Club trips, maybe it was never an issue, as trampers would so rarely think of taking dogs with them. Dogs are tolerated on at least the Flagstaff / Pineapple Walkway, but technically are not allowed on the Scenic Reserve itself without a permit. If they are allowed by permit on a reserve, it is strictly for limited purposes such as land management, eg, pest control. In light of the Trust's intention of ensuring compatibility with the scenic reserve management, the Ben Rudd's property would not be seen as an appropriate place for dogs. However, the Trust may allow any designated hunter to have a dog for pest control work.

Dogs are allowed on public roads, however, but the only public roads adjacent to the Ben Rudd's property are unformed: Spiers Road and the one that begins at the Bullring and ceases to be a formed road at the corner at the top of the steep section, where it becomes the Firebreak. That Firebreak is actually Water Department land, Scenic Reserve or the Ben Rudd's property, but does not become public road again for quite a distance. The Swampy Ridge Track Walkway takes over as one gets past the top of the Pineapple Track.

While dogs are normally free to use public roads, it is the sensitivity of unfenced adjacent land that must be considered. For example, the Trust made an undertaking to assist to keep dogs off Spiers Rd next to Mr Childs' land, for instance, and it is understood that the DCC has gone along with that. If dogs begin to use Spiers Road, we could lose the goodwill and tolerance of Mr Childs, and result in a need to put up fencing on both sides of the 20 metre-wide road line. This could prove very costly to everyone involved.

The Firebreak track is commonly used by dogs, with no readily apparent problems. This could continue to be tolerated, but the options, with dogs using the track, are either that they must be strictly prevented from entering the reserve (ie, be leashed) or again, the track could be fenced. The OTMC/Trust would be alone in paying for the fence where the Firebreak track is on Ben Rudd's land.

### **Summary and possible conclusions (please give us your opinion on this):**

The OTMC and the Trust do not want to fence the Ben Rudd's boundary, so we have an obligation to manage our land compatibly with our neighbours. The Management Statement could extend the public road rights to the use of the Firebreak (but limit use to walkers, dogs, mountain bikes, formal horse riding events and limited land management vehicles *only*). This would complement the DoC/DCC tolerance of controlled dogs on the formal Walkways in the area. The OTMC and Trust would not wish to fence the Firebreak track. Thus, dogs that are under strict control would be tolerated on the Firebreak track, only, as it crosses the property. They would not be seen as appropriate elsewhere.

This is how the proposed Covenant's Management Strategy currently is drafted. Comments are needed very quickly, please.

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Please contact me if you have any contributions, advice, suggestions, etc, for these newsletters. I can be emailed at richard.pettinger@orc.govt.nz, or phoned at home at (03) 487 9488.

- Richard P.