

Crown Pastoral Land Tenure Review

Lease name: ALLANDALE

Lease number: PS 068

Fish & Game Report

As part of the process of Tenure Review Fish & Game councils may provide advice on significant inherent values within the pastoral lease, and the information may be incorporated in the Conservation Resources Report. The advice is part of the information gathered and assessed for the development of a preliminary consultation document.

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

December

2005



Fish and Game Resources Report for the Half Way Bay Pastoral Lease.

Prepared by the
Otago Fish and Game Council

Section One – Introduction

1.1 Purpose

The purpose of this report is to advise the Commissioner of Crown Lands on the sports fish and game bird values present on the land included in the Half Way Bay Crown pastoral lease. The lease is being considered for land tenure review and disposal under the provisions of the Crown Pastoral Land Act. As well as habitat values the report covers angling and hunting values and associated access issues.

Information for this report has been researched and prepared by Otago Fish and Game Council staff.

1.2 Location

The Half Way Bay pastoral lease is located on the western shores of the southern end of Lake Wakatipu. The lease is a large horseshoe shape area of land bordered by the Lochy River in the north, and State Highway 6 and Cainard Road in the south.

Section Two - General Resources Information

2.1 Sports Fisheries Habitat Values

The Water Conservation Order (Kawarau) 1997 recognised outstanding trout fishery and recreational values, particularly for trout fishing [Appendix 1]. The order declared that those outstanding characteristics be protected.

The Lochy River contains important trout spawning, juvenile rearing, and adult fish habitat. In addition, three tributaries of the Lochy River – the Short Burn, the Long Burn and Billy Creek - are important spawning and juvenile rearing streams and contain adult resident fish in the lower reaches. These waters are important for fisheries recruitment

Statutory managers of freshwater sports fish, game birds and their habitats

Otago Region

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into the Lake Wakatipu fishery as well as for the maintenance of resident fish stocks in the Lochy River itself.

2.2 Sports Fisheries Recreation Values

The Lochy River is recognised as a nationally important wilderness trout fishery (Teirney et al 1982, Jellyman and Graynoth 1994). It is internationally renowned and is one of a small group of premier wilderness fisheries in the Otago Fish & Game Region. Its status is confirmed in the draft Sports Fish & Game Management Plan for Otago. The plan is a statutory plan prepared under the provisions of the Conservation Act.

2.3 Gamebird Recreation Values

There are Paradise Shelducks and Californian Quail present within the lease. These are of limited recreational value due to the isolation of the pastoral lease.

2.4 Other Recreational Values

No other recreational values identified.

2.5 Access Information

Angler access will be largely accommodated by marginal strips adjacent to the mainstem and the major tributaries. Anglers boat across Lake Wakatipu and then walk up the river bank which provides easy access to the river.

There are access difficulties further up the river, above the Longburn confluence, because the river flows through a gorge in this area. Anglers commonly use the stock track on the true right bank to make their way upriver past the gorge but this access is at the discretion of the occupier.

Section Three – Consultation

3.1 Consultation Undertaken

N/A

3.2 Issues Identified Through Consultation

N/A

Section Four - Fish and Game Recommendations

4.1 Fisheries Habitat Values

The Lochy River, from its source downstream to Lake Wakatipu, and the Short Burn, Long Burn and Billy Creek all contain important habitat for sports fish. A marginal strip is required on all these waters. Where tributary streams do not qualify for a marginal strip in the upper reaches then a conservation covenant should be applied to protect these values and the riparian zone.

4.2 Fisheries Recreation Values

Recreational fishery values would be adequately protected by the measures outlined in 4.1. and 4.4

4.3 Recreational Game Bird Values

Limited value to game bird hunters due to the isolation of the area, what values exist should be protected by measures out lined in 4.1.

4.4 Access Views

An easement is required for public foot access starting from the marginal strip in the vicinity of the Longburn confluence, up the true right bank of the river following the existing stock track to the property boundary.

Dated: Wednesday, 30 November 2001

Signed



John Hollows
Resource Officer
For: The Otago Fish and Game Council

References

Teirney, L., Unwin, M., Rowe, D., McDowall R., Graynoth, E., 1982, Submission on the Draft Inventory of Wild and Scenic Rivers of National Importance, Fisheries Environmental Report No. 28, MAF, Christchurch.

Jellyman, D. and Graynoth, E., 1994, Headwater trout fisheries in New Zealand, NZ Freshwater Research Report no. 12, NIWA, Christchurch.

SCHEDULE 10 WATER CONSERVATION (KAWARAU)
ORDER**10 Water Conservation (Kawarau) Order**

The following is the full text of the Water Conservation-(Kawarau) Order 1997.

1. Title and Commencement -

- (1) This Order may be cited as the Water Conservation (Kawarau) Order 1997.
- (2) This Order shall come into force on the 28th day after the date of its notification in the *Gazette*.

2. Interpretation -

In this order, unless the context otherwise requires, -

“Act” means the Resource Management Act 1991:

“Preserved waters” means the waters set out in Schedule 1 of this order:

“Protected waters” means the waters set out in Schedule 2 of this order.

3. Preservation in natural state

(1) It is declared that the waters described in Schedule 1 contain one or more of the following outstanding amenity and intrinsic values which are afforded by waters in their natural state:

(a) Natural and physical qualities and characteristics that contribute to -

- (i) People's appreciation of pleasantness of waters:
- (ii) Aesthetic coherence:
- (iii) Cultural and recreational attributes:

(b) Biological and genetic diversity of ecosystems:

(c) Essential characteristics that determine the ecosystem's integrity, form, functioning, and resilience.

(2) Because of the outstanding amenity and intrinsic values recognised in subclause (1), these outstanding values shall be sustained.

(3) Because of the outstanding amenity and intrinsic values recognised in subclause (1), it is hereby further declared that the water bodies set out in Schedule 1 are outstanding in their natural state.

(4) Because the water bodies set out in Schedule 1 are recognised to be outstanding in their natural state, they must be preserved as far as possible in their natural state.

(5) Except as provided in clauses 5 and 6 of this order, the exercise of a regional council of its functions and powers under Section 30(1)(e) and (f) of the Act (as they relate to water) are restricted or prohibited so as to retain the preserved waters as far as possible in their natural state.

4. Protection of characteristics

(1) It is declared that the waters set out in Schedule 2 which are no longer in their natural state contain one or more amenity and intrinsic values which warrant protection because they are considered outstanding.

(2) Because of the outstanding amenity and intrinsic values recognised in subclause (1),

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these outstanding values shall be sustained.

(3) Because of the outstanding amenity and intrinsic values recognised in subclause (1), it is declared that the water bodies described in Schedule 2 contain one or more of the following outstanding characteristics, as set out in Schedule 2 -

- (a) As a habitat for terrestrial and aquatic organisms:
- (b) As a fishery:
- (c) For its wild, scenic and other natural characteristics:
- (d) For scientific values:
- (e) For recreational, or historical purposes:
- (f) For significance in accordance with tikanga Maori.

(4) Because of the outstanding characteristics specified in subclause (3), the characteristics of the waters, as set out in Schedule 2, are protected.

(5) Except as provided in this order the exercise by a regional council of its functions and powers under Section 30(1)(e) and (f) of the Act (as they relate to water) are restricted or prohibited as set out in Schedule 2.

5. Exemptions -

The restrictions and prohibitions in clauses 3(5) and 4(5) and Schedule 2 do not limit the regional council's functions or powers to grant a resource consent or to make a rule for any part of the preserved waters or protected waters for all or any of the following purposes -

- (a) Maintenance or protection of any network utility operation (as defined in Section 166 of the Act) or any public or private road or any bridge:
- (b) Maintenance of soil conservation and river protection works:
- (c) Research into, protection of, enhancement of, or restoration of, values and characteristics for which the water bodies are being preserved or protected, as the case may be:
- (d) On the same or similar conditions for any lawful use of water being undertaken immediately before the date on which this order came into force.

6. Further exemptions-

(1) This clause applies to:

(a) the Dart River mainstem from Lake Wakatipu to its confluence with the Beans Burn; and

(b) the Rees River mainstem from Lake Wakatipu to its confluence with Hunter Stream.

(2) The restrictions and prohibitions in clause 4(5) and Schedule 2 do not limit the regional council's functions and powers to grant a resource consent or to make a rule for the waters referred to in subclause (1) for all or any of the following purposes:

- (a) the construction, maintenance and protection of roads and bridges:
- (b) any exercise of the powers of a Catchment Board under the Soil Conservation and Rivers Control Act 1941:
- (c) any exercise of the powers of a River Board or local authority under the River Boards Act 1908:
- (d) any exercise of the powers of a Land Drainage Board or local authority under the

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Land Drainage Act 1908.

(3) The purposes in subclause (2) include -

- a) The undertaking of work necessary to prevent or control soil erosion and flooding affecting properties adjacent to the above water bodies including work in the river bed such as (but not by way of limitation) the diversion of water and damming of water to construct river training works, groynes and other flood protection works;
- b) The maintenance of existing flood protection and erosion control works both in and adjacent to the above water bodies;
- c) Action taken in accordance with section 330 of the Resource Management Act 1991 to carry out any of the works referred to in paragraphs (a) and (b).

7. Provisions for the Nevis River -

The regional council may grant a resource consent or make a rule in a plan for hydro electric development in respect of the Nevis River if that resource consent or rule complies with the restrictions and prohibitions set out in Schedule 2.

8. Existing permits may be replaced -

The restrictions and prohibitions in clauses 3(5) and 4(5) and Schedule 2 do not limit the regional council's functions in respect of any part of the preserved or protected waters to replace any existing resource consent or grant any resource consent in substitution for an expiring resource consent if the new resource consent is granted on substantially the same terms and conditions as the existing or expiring resource consent.

9. Lake Dunstan not affected -

Nothing in this order affects the levels of Lake Dunstan or the operation of the Clyde power station.

10. Scope -

Nothing in this order limits the effect of sections 14(3)(b) and 14(3)(e) of the Act relating to use of water for an individual's reasonable domestic needs, the reasonable needs of an individual's animals for drinking water, and for fire-fighting purposes.

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Schedule 1

Waters to be preserved

All map references NZMS 260

Waters	Outstanding amenity and intrinsic values
Dart River mainstem above the Beans Burn confluence to source (E40:375077 to E39:590261):	a, b, c, e, f
All tributaries of the Dart River within the boundaries of the Mount Aspiring/Tititea ¹¹⁷ National Park, excluding Route Burn, but including the sections of the Rock Burn and Beans Burn within the boundary of the Mount Aspiring/Tititea ¹¹⁸ National Park:	a, b, c, e, f
Parts of tributaries of the Dart River not within the Mount Aspiring/Tititea ¹¹⁹ National Park Rock Burn (E40:386048 to E40:383047); Beans Burn (E40:375077 to E40:370084).	a, b, c, e, f
Route Burn from confluence with Dart River to source, and all its tributaries, including Left Branch and North Branch (E40:394982 to D40:284012 and D40:292060)	a, b, c, d, e, f
Rees River mainstem above Hunter Stream confluence to source (E40:499117 to E40:579149):	a, b
All tributaries of the Rees River within the boundaries of the Mount Aspiring/Tititea ¹²⁰ National Park:	a, b
Greenstone River mainstem from Lake Wakatipu to source, including Lake McKellar and its tributaries (E41:441758 to D41:275860 and D41:249861)	a, d, f
Caples River mainstem from Greenstone River confluence to source (E41:412757 to D41:289890 and D41:296-837):	a, d, f
Lochnagar and Lake Creek (at or about E40:615143; and E40:649110 to E40:627143):	f
Nevis wetland (all water bodies upstream of F43:885-243 on a tributary of Roaring Lion Creek)	f

Key:

Amenity values:

- (a) Natural and physical qualities and characteristics that contribute to people's appreciation of pleasantness of waters:
- (b) Natural and physical qualities and characteristics that contribute to aesthetic coherence:
- (c) Natural and physical qualities and characteristics that contribute to cultural attributes:
- (d) Natural and physical qualities and characteristics that contribute to recreational attributes

Intrinsic values:

- (e) Biological and genetic diversity of ecosystems:

¹¹⁷ Amendment required by Statute¹¹⁸ Amendment required by Statute¹¹⁹ Amendment required by Statute¹²⁰ Amendment required by Statute

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- (f) Essential characteristics that determine the ecosystem's integrity, form, functioning and resilience.

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Schedule 2

Waters to be Protected

All map references NZMS 260

Waters	Outstanding Characteristics	Restrictions and Prohibitions
Kawarau River mainstem from Scrubby Stream to Lake Wakatipu control gates (F41:035680 to F41:738667)	<ul style="list-style-type: none"> (c) wild and scenic characteristics (c) natural characteristics, in particular the return flow in the upper section when the Shotover River is in high flood; (d) scientific values, in particular the return flow in the upper section when the Shotover River is in high flood; (e) recreational purposes, in particular rafting, jetboating and kayaking 	<ul style="list-style-type: none"> (i) no damming allowed; (ii) water quality to be managed to Class CR standard
Nevis River mainstem gorge from Nevis Crossing to Kawarau River confluence (F41:978644 to F42:952516)	<ul style="list-style-type: none"> (c) wild characteristics (e) recreational purposes, in particular fishing and kayaking 	<ul style="list-style-type: none"> (i) no damming allowed unless a rule in a plan or condition in any water permit granted makes provision for river flows to be provided at sufficient levels to enable kayaking to be undertaken in the gorge at times stated in the plan or permit, and the extent of any impounded water is not beyond F42:943468; (ii) fish passage to be maintained; (iii) water quality to be managed to Class CR, Class F and Class FS standards.

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Waters	Outstanding Characteristics	Restrictions and Prohibitions
Nevis River mainstem above Nevis Crossing to source (F42:952516 to F43:799217)	(c) scenic characteristics (e) recreational purposes, in particular fishing	(i) no damming allowed unless a rule in a plan or condition in any water permit granted makes provision for river flows to be provided at sufficient levels to enable kayaking to be undertaken in the gorge at times stated in the plan or permit, and the extent of any impounded water is not beyond F42:943468; (ii) fish passage to be maintained; (iii) water quality to be managed to Class F and Class FS standards.
Shotover River mainstem (at or about F41:765680 to E40:662173)	(c) wild and scenic characteristics; (c) natural characteristics, in particular the high natural sediment load and active delta at confluence with Kawarau River; (d) scientific value, in particular the high natural sediment load and active delta at confluence with Kawarau River; (e) recreational purposes, in particular rafting, kayaking and jetboating; (f) historical purposes, in particular goldmining.	(i) no damming allowed; (ii) water quality to be managed to Class CR standard.
Dart River mainstem from Lake Wakatipu to confluence with Beans Burn (at or about E41:438-853 to E40:375-077)	(a) habitat for wildlife; (c) scenic characteristics; (c) natural characteristics, in particular natural turbidity; (d) scientific value, in particular natural turbidity; (g) significance in accordance with tikanga Maori, in particular sites at the mouth of the river.	(i) no damming allowed; (ii) braiding of water to be maintained.
Rees River mainstem from lake Wakatipu to confluence with Hunter (at or about E41:448-852 to E40:499-117)	(a) habitat for wildlife; (c) scenic characteristics; (g) significance in accordance with tikanga Maori, in particular sites at the mouth of the river.	(i) no damming allowed; (ii) braiding of water to be maintained.

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Waters	Outstanding Characteristics	Restrictions and Prohibitions
Diamond Lake, Diamond Creek and Reid Lake (at or about E40:435-975; E40:444-963 to E40:450-918)	(a) habitat for wildlife and quinnat salmon; (b) fishery	(i) no damming allowed; (ii) fish passage to be maintained (iii) water quality to be managed to Class F and Class FS standards
Lake Wakatipu (from outlet at control gates (F41:738-667) to confluences of Dart River (at or about E41:438-853) and Rees River (at or about E41:448-852) and including whole lake)	(b) fishery; (c) scenic characteristics; (d) scientific value, in particular water clarity, and bryophyte community; (e) recreational purposes, in particular boating; (g) significance in accordance with tikanga Maori, in particular sites at the head of the lake, and the legend of the lake itself.	(i) fish passage to be maintained; (ii) water quality to be managed to Class AE, Class CR, Class F and Class FS standards.
Lochy River mainstem (F42:720-488 to E42:480-390 and E42:462-364)	(b) fishery; (e) recreational purposes, in particular fishing.	(i) fish passage to be maintained; (ii) water quality to be managed to Class F and Class FS standards.
Von River mainstem (E42:500592 to E42:444363 and E42:375581)	(b) fishery (e) recreational purposes, in particular fishing.	(i) fish passage to be maintained; (ii) water quality to be managed to Class F and Class FS standards.

Key:

Outstanding characteristics (Section 199(2)(b) and (c) of the Act):

- (a) as habitat for terrestrial or aquatic organisms;
- (b) as a fishery;
- (c) for its wild, scenic or other natural characteristics;
- (d) for scientific and ecological values
- (e) for recreational purposes;
- (f) for historical purposes;
- (g) for significance in accordance with tikanga Maori.

Restrictions and Prohibitions:

References to Classes are Water Quality Classes as in the Third Schedule of the Act.