

Crown Pastoral Land Tenure Review

Lease name: CLOUDY PEAK

Lease number: PO 104

Public Submissions - Part 1

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

November

08



10 Smacks Close
Papanui
Christchurch 8051

Re: Cloudy Peak Tenure Review

Dear Sir,

Thankyou for sending the Cloudy Peak Tenure Review.
Once again it appears to be another "hospital pass" though, which raises the question,
....is your company suitable to carry out these reviews?

It's stated in the Crown Pastoral Land Act (you advise)

24 Objects of Part 2

(I) promote the management of reviewable land in a way that is ecologically sustainable.

However in the review it states that a high proportion of the land is in varying stages of being threatened i.e. chronically/ critically.

You then recommend the continuation of grazing for five years.

Presumably you also recommend freeholding the property to Cloudy Peak Ltd.

I assume that this company has also grazed this threatened land over the previous few years.

So I ask,

How is this promoting reviewable land in an ecological way?

First you advise against continuing grazing, but then you allow it.

Second you recommend freeholding the property to a company that has shown that it is not suitable to farm the property in a sustainable way!

I would question why CC1 stops where it does, and doesn't continue through the property. The covenant is to ensure the riparian strip stays to protect the fish, i.e. it's not there to protect vegetation. So downstream even if the native vegetation does not exist you should still have a covenant on the riparian strip, native vegetation or not. If it is because the stream is used as a vehicle track, you are not recommending sustainable land practices. If the fish don't exist downstream, you've already said that the riparian strip is needed for the fish to survive, so the covenant should be extended.

Thankyou
Geoff Clark.



New Zealand Deerstalkers' Association Incorporated

Level 1 45 – 51 Rugby Street P O Box 6514 Wellington
 Phone: 04 801 7367 Fax: 04 801 7368
 Email: deerstalkers.org.nz
 Website: <http://www.deerstalkers.org.nz>

2 July 2008

Cloudy Peak Tenure Review
 C/o DTZ NZ Ltd
 Land Resources Divn
 DTZ, Box 27
 Alexandra
alexandra@dtz.co.nz



Dear DTR

Cloudy Peak Tarras Tenure Review Preliminary Proposal

New Zealand Deerstalkers' Association National Office (NZDA) makes the following submission on this preliminary proposal for Cloudy Peak pastoral lease Tenure Review. Individual members and NZDA branches may also be making their own submissions.

NZDA is the national body of recreational deerstalkers and other big game hunters. We have 52 branches and hunting member clubs throughout New Zealand. We have 7300 members, and have been actively advocating for recreational deerstalking and hunting, running hunter training courses, trips, conferences etc since 1937. We maintain ethical standards for hunting.

1 The Preliminary proposal:

Cloudy Peak is a 4256 Ha pastoral lease on the western side of the North Dunstan Mountains north of the Thompson Gorge Road, east of Tarras. Two areas, CA1 (1620 Ha) from the crest of the range (up to 1526 m at Cloudy Peak, and the northern slopes of Mt Kamaka, down to about 1000 m in the west and CA2 (160 Ha) on lower land with important shrublands, are proposed to be surrendered, both as Conservation Areas.

CA1 includes the upper catchment of Dry Creek, and upper Wainui Creek. It is easy terrain, suited to walking, mountain-biking, horse riding, ski touring, and 4WD activities.

CA1 will have a 5-year grazing permit, for up to 4,000 sheep (excluding wethers) for up to 8 weeks between mid January and end April, and 400 dry ewes from mid October and end January, at \$0.15/sheep/week. This is a grazing phase-out provision.

CA2 ranges from 380 to 800 m asl. It is known as Edwards Flat. It is set aside to protect shrublands. It is rabbit fenced.

The remainder, 2476 Ha is proposed for freeholding. There is a proposed 20 Ha conservation covenant (CC1), a 20 metre strip extending along the sides of Wainui Stream from the CA1 boundary for 4 km, to protect shrublands in this riparian zone and galaxids.

2 Proposed public access easement a-b, d-e-f, j-k-l:

This is along the SW boundary for foot mountain-bike or horse, and for DOC motorised vehicles. **NZDA seeks confirmation as to the conditions under recreational hunters with guns of dogs, or with a motorised vehicle, with a DOC permit,** will be able to use this easement as an invitee of DOC (Appendix 7, Page 4). It would be highly desirable for hunters to have this right,

when permit-ed. This will encourage hunters to access the area, if it has big game animals, as it makes recreational harvesting of deer and pigs easier.

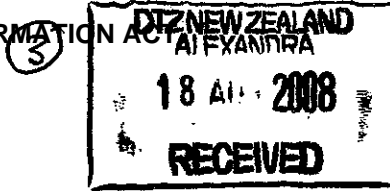
3 NZDA Conclusions:

- a) **4WD Access for recreational big game hunters:** Needed to allow 4WD vehicle access for big game recreational hunters to access the surrendered land as part of their hunting permit right, to improve access for carrying out harvested game.
- b) **Concern that the conservation covenant be fenced or be a marginal strip:** The land will better protected as PCL, including as a marginal strip, rather than as grazed freehold land subject to a covenant. If the Wainui stream bed is more than an average of 3 metres wide over any of its length, then it will already qualify as a marginal strip, and should be so designated.
- c) **Additional marginal strips:** Where any stream-bed has an average width of 3 metres or more, then marginal strips need to be laid off. NZDA asks whether this requirement has been assessed, and if so, what streams qualify. There is nothing in the Preliminary proposal about this. Marginal strips are not always sensible for public access, but they can still be valuable on occasion.

Subject to these concerns, NZDA supports this preliminary proposal.

Yours truly

Hugh Barr
National Advocate



The Manager
DTZ New Zealand Ltd,
Land Resources Division
PO Box 27
Alexandra



**FOREST
& BIRD**
Dunedin Branch

PO Box 5793
Dunedin
13.8.08

Dear Sir,

I enclose this submissions on the preliminary proposal for the Cloudy Peak Pastoral Lease (Po 104) on behalf of the Dunedin Branch of Forest and Bird

Thankyou for the opportunity to make submissions on this proposal.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Janet Ledingham".

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

Email jledingham@xtra.co.nz
622 Highgate, Maori Hill, Dunedin 9010.
Phone 03 467 2960

*P.S. we would like to congratulate
you on the quality of the
proposal as presented - having
the photograph is very helpful -*

Submission on the Preliminary Proposal for the Cloudy Peak Pastoral Lease (Po 104)

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

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

The submission is written with reference to the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the recently stated government objectives for the South Island high country, especially the following:-

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

Introduction

Cloudy Peak is in the Upper Clutha and rises from Ardgour Road up to the crest of the range, i.e. it covers an altitudinal sequence of the vegetation on the western side of the North Dunstan mountains. It is rabbit prone country and thus much of the lower altitude land has been highly modified.

The Conservation resources report identifies a number of areas within the lease worthy of protection and suitable for return to Crown ownership and control and there are possibilities for a number of recreational activities within the lease which are outlined in the proposal.

2.1 Land to be restored to crown control

1. *An area of approximately 1,780 hectares (CA1 and CA2) to be restored to Crown control as a conservation area pursuant to Section 35(2)(b)(i) Crown Pastoral Land Act 1998 subject to qualified designations.*

2.1.1 Conservation Area CA1

CA1 incorporates 1620ha (approx.) along the eastern boundary of the property and includes Cloudy Peak, the northern slopes of Mt Kanaka and the headwaters of Dry Creek and Wainui Creek.

We are delighted to see that it includes altitudinal sequences of approx 500m to 1400m within Dry Creek and approx. 700 to 1500m in the catchment of Wainui Creek. Thus, as noted in the

proposal, 'a sequence of native vegetation from montane shrubland through tussock grassland to herbfield and fellfield on the top of Cloudy Peak' are included in CA1.

CA1 also includes landforms representative of the Dunstan Mountains, shrublands containing predominantly *Olearia odata* which are so far not well represented in the Conservation estate and tall tussock which is rare on the NW of the Dunstan Mountains.

Recreational possibilities arising from the creation of CA1 will be welcomed by many. Since it will provide for public access along the eastern boundary of the lease and allow for a traverse from Thomson's Saddle, along the top of the Ardour Conservation Area to Mt Kamaka, then Cloudy Peak and north towards the Dunstan Mountains. We hope that it will eventually be possible to negotiate public access from the Cloudy Peak boundary across to Lauder Station and the tussock grassland reserve there.

Dunedin Forest and Bird strongly supports the designation of Conservation area for the land within CA1

2.1.2 Conservation Area CA2

The proposed CA2 covers approximately 160ha within the lower Dry Creek catchment known as Edwards Flat and extends from approx. 380 to 800m in altitude. The shrublands within CA2 have highly significant inherent values and definitely warrant protection. CA2 also includes areas of 'Land Environments' classified as 'critically under protected' (45ha), 'chronically threatened' (75ha), and a small area of 'at risk' land environment.

Dunedin Forest and Bird strongly supports the designation of Conservation area for the land within CA2

2.1.3, 2.1.4 and 2.1.5. Qualified designations related to CA1 and CA2

We have no objection to the proposed easement concessions for farm management, water conveyance purposes and a grazing concession for 5 years in favour of the holder of the proposed freehold land pursuant to Section 36(1) (a) Crown Pastoral Land Act 1998.

2.2. An area of approximately 2,476 hectares to be disposed to Cloudy Peak Limited pursuant to Section 35(3) Crown Pastoral Land Act 1998 subject to a protective mechanisms and a qualified designation.

This proposed freehold consists of the lower flats and terrace country and the lower hill country in Dry and Wainui Creek catchments. Most of this land has a history of cultivation and relatively intensive land use with oversowing and topdressing on the lower hill country.

We note that much of this land is rabbit prone and subject to drought in summer and there is also Hieracium present which will be contributing to the degraded state of some of the lower hill country. Alternative land use such as viticulture and subdivision is proposed for the freehold land.

We have no objection to the land proposed for freeholding, but note that had we not been aware of the major rabbit management problem on the shady faces in the lower part of Dry Creek it would have been thought desirable to include that and its mainly *Olearia* shrublands and thus join CA1 and CA2

Protective Mechanism:

2.1 The proposed freehold is subject to a protective mechanism being conservation covenant, CC1, pursuant to Sections 40(1)(b) and 40(2)(a) Crown Pastoral Land Act-

In Wainui Creek a 20ha strip of land about 4km in with a riparian margin extending 20m each side of the Creek is proposed for protection under a Conservation Covenant. This would cover an area of high ecological value within the mid to upper reaches of Wainui Creek which is known to contain *galaxias sp* and the adjacent riparian vegetation which includes *Olearia odorata*, *matagouri* and *mingimingi*". It does not appear that grazing will be excluded from this area which we think should be the case.

We support the creation of CC1 but suggest that it should be fenced off to allow for adequate protection, particularly of the Creek itself

Qualified Designation:

2.2.2. The proposed freehold is subject to a qualified designation being an easement in gross under Section 30(3)(b) Crown Pastoral Land Act for public access on foot, mountain bike or horse.

This proposed easement would provide public foot, mountain bike and horse access over the routes marked as "a-b", "d-e-f" and "j-k-l" on the Designations Plan and also provide conservation management access over routes "a-b-c", "d-e-f" "e-k", "g-h-l" "j-k-l" and "h-m" on the same plan. This would then provide for a round trip up or down Dry Creek, with a return on the spur between Dry and Wainui Creeks

We strongly endorse this easement to provide access.

2.2.3. continuation in force of an existing easement

The proposed freehold is subject to a qualified designation under Section 36(3)(c) Crown Pastoral Land Act being subject to the continuation in force of a deed of easement in favour of Lindis Irrigation Limited granting it the right to convey water (with incidental rights) over the proposed freehold.

We have no objection to this designation

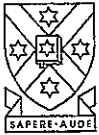
Summary

Overall we see this as a good outcome for Conservation and the access provisions for recreational purposes seem adequate.

It is particularly pleasing that it has been possible to include an altitudinal sequence of largely indigenous vegetation from Cloudy Peak down to 500m in Dry Creek in a Conservation Area.



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

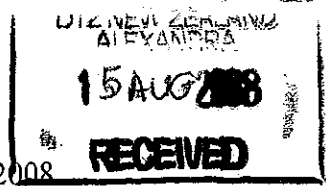


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August 13, 2008

Manager,
DTZ New Zealand Ltd.,
PO Box 27,
ALEXANDRA.

SUBMISSION ON PROPOSED TENURE REVIEW: CLOUDY PEAK PASTORAL LEASE

Dear Sir,

Thank you for sending me a copy of this proposal for the tenure review of Cloudy Peak Pastoral Lease (4255.6 ha). I appreciate the opportunity to comment on this proposal based on my knowledge of the vegetation of the area gained over many years of involvement with plant ecological research on the Dunstan Mountains and the Otago high country in general.

This preliminary proposal for tenure review achieves a reasonable balance between the area to be transferred to full Crown ownership and control (42% or 1780 ha in two separate parcels: CA1, with a 5-year grazing period proposed, and CA2), and that proposed for disposal as freehold (58% or 2476 ha, with 20 ha to be covenanted for protection of the inherent values of the mid to upper reaches of Wainui Creek).

These two proposed conservation areas and the proposed conservation covenant involving a strip about 20 m-wide either side of the creek are all endorsed. Physical separation of the two proposed conservation areas by some 3.5 km of land proposed for freeholding is of concern in relation to the long-term viability of the ecological and biological values of the lower elevation CA2 block. A continuous corridor of conservation land linking these two areas would involve an additional 320 ha being designated as conservation land which would provide much greater long-term security for the indigenous biota in both blocks, and will be discussed further below.

To comment in more detail, the proposed Conservation Area CA1 covers the upper western aspect slopes of the property from the upper (eastern) boundary of the property (generally the ridge crest at the northern end of the Dunstan Mountains) and the mid-to-upper (western aspect) slopes of both Wainui and Dry Creeks above about 1000 m, across the full width of the property. This area contains a wide range of vegetation types, including mixed shrub-tussockland, narrow-leaved and slim snow tussock grasslands, cushion-fellfield and herbfield, with occasional schist tors and other rock outcrops, altogether representative of the northern slopes of the Dunstan Mountains. As the proposal states the shrub component of the mixed shrublands contains numerous shrubs of *Olearia odorata* and fewer of *Carmichaelia crasicaule* (coral broom) and *C. vexillata*, as well as the scabweeds *Raoulia parkii* and *R. beauverdii* and the bidi bidi *Acaena buechananii* all which are generally uncommon, the last five of which have been formally ranked as variously threatened. Among the important altitudinal sequences of vegetation are two "land environments" that have been ranked as "under-protected" to "chronically threatened". The provision of limited grazing on this proposed conservation area for a period of five years (with no right of renewal), to allow the occupier of the freehold land, time to adjust the stock management of the property, but with the concession provided in a way that would 'encourage a reduction in the grazing pressure on CA1 within the 5 year term', is accepted. Details of the grazing concession, however, as formalised in the schedules, are considered to be somewhat deficient. Schedule I states that no more than 4000 sheep (excluding

wethers) may be grazed for up to 8 weeks between mid January and the end of April and a further 400 dry ewes from October to February. This statement is ambiguous since it could be construed that an unlimited number of wethers would be permitted, but I assume it should be taken to mean that no wethers will be permitted. This needs to be clarified. Assuming that this is the situation, the stocking rate should be relatively light compared with the historical situation, but some monitoring is recommended so that the impact of continued grazing can be assessed. A series of representative permanent photo-points with adequate written descriptions and plant species lists should not be very onerous (or expensive; but a charge on the grazer) and should be a minimum requirement in relation to this grazing concession.

The proposed Conservation Area CA2 is located some 3.5 km downslope from the southern end of the CA1 area, on a SW aspect slope and contains mixed shrub-short tussock grassland which has been heavily modified by pastoral farming. This area contains important remnants of *Olearia odorata* shrubland and a lone relic kowhai, *Sophora microphylla*, and a small wetland seepage.

The intervening area upslope, to the lower boundary of CA1, involving some 320 ha, represents an important continuum of vegetation and also habitats which, if formally protected, would provide an important corridor for the movement of both plants and indigenous invertebrates with the potential for any necessary migrations of these biota as may be necessitated by future climate changes. It is essential that such security be an integral part of reserve design at this time of land tenure change. The condition of the vegetation along this corridor should therefore be assessed in relation to this option and, if deemed to be suitable, should be seriously considered for formal reservation. Additional fencing would be required along the ridge crest on the north-eastern boundary of this block, with the proposed easement (j-k) for public and conservation management access, dictating its location and included within the enlarged conservation area.

The proposed c. 20 ha area of conservation covenant (CC1), being a strip some 4km long with a riparian margin extending 20m each side of Wainui Creek, has been proposed for protection under a Conservation Covenant. This covers an area of high ecological value within the mid to upper reaches of Wainui Creek. The values which are intended to be protected here are described in the Preliminary Proposal as "*Galaxias sp. D within Wainui Creek... ..protection of the Creek and the adjacent riparian vegetation... ..including Olearia odorata, matagouri and mingimingi*". There is a long list of activities, including grazing and associated activities, which the owner must not carry out within this area without the formal approval of the Minister of Conservation. The Deed of Covenant does not explain, however, how these conditions will be enforced, nor does it explain how grazing will be excluded. I am concerned about how the management and protection of the valuable riparian vegetation within this area would be achieved, since it has considerable ecological and biological values over and above those of the stream itself. A formal joint plan for the management of this c. 20 ha of land should be prepared by the Minister in consultation with the owner, and included in the Substantive Proposal.

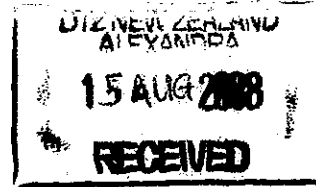
The various easements recommended in the proposal and indicated on the accompanying map are endorsed.

I appreciate the opportunity to comment on this provisional proposal and I trust my submission will be seriously considered.

Yours sincerely,



Alan F. Mark FRSNZ,
Emeritus Professor

15th August 2008Upper Clutha Branch
4 Stonebrook Drive
WANAKA 9305FOREST
& BIRDROYAL FOREST AND
BIRD PROTECTION
SOCIETY OF
NEW ZEALAND INCThe Commissioner of Crown Lands
e.mail - ken.taylor@dtz.co.nz
c/o DTZ Ltd
PO Box 27
ALEXANDRA

Dear Sir

Preliminary Proposal Po 104 CLOUDY PEAK

We thank you for supplying us with a copy of this proposal. We had intended requesting permission to inspect this property but the weather, mainly snow on the "tops", and other commitments have prevented us from doing so. This submission is therefore based on an inspection we undertook in 2003 when the property was under a previous owner who was also in tenure review.

As you will be fully aware our branch has been involved in the process of tenure review for many years now. We appreciate having this opportunity to comment on Cloudy Peak. This proposal appears to reflect the Conservation Resources Reports in many areas - this shows respect for the reports, which is good.

(I) General:

- Cloudy Peak faces north west, and rising from its frontage on the Ardour Valley road to the summit of Cloudy Peak itself, it gives good altitudinal sequences of the range of vegetation on the western side of the North Dunstan Mountains.
- Cloudy Peak is very aptly named as its position for some reason seems to attract much cloud to its summit. At the same time this gives the peak its own micro-climate which results in an attractive herb-field near the summit of Cloudy Peak itself.
- The Tarras district lies nicely to the sun but at the same time attracts much wind which makes it dry-out very quickly after rain. It has been suggested, and also investigations carried out, for a wind farm on Thomsons Saddle to generate electricity.

-2-

(II) The Proposal as presented:

(1) (2.1.1) Land to be returned to Crown Control, CA1, 1780 hectares.

We fully support this move; as stated in the proposal it does contain much in the way of rare or threatened species. We see this higher altitude portion of Cloudy Peaks as a valuable addition to the North Dunstan Conservation Area and will fit in well with that which was returned to the Crown from Ardour pastoral lease.

(2) (2.1.2) Land to be a Conservation Area CA2, approximately 160 hectares.

It is good to see this area containing uncommon shrub-land characteristics to the area to be protected in this way. That the area is rabbit fenced has much in its favour.

(3) (2.1.3) A qualified designation - the granting of an easement for farm management purposes to the holder of the proposed freehold land

This will be necessary for the management of the proposed freehold land. We see no problem with this.

(4) (2.1.4) A qualified designation - the granting of an easement for the conveyance of water for farming purposes in favour of the proposed.

This will also be necessary for the management of the freehold land. We see no problem.

(5) (2.1.5) A qualified designation - granting of a grazing concession in favour of the holder of the proposed freehold land.

A grazing concession over the proposed land to be returned to the Crown (CA1) for management purposes, to allow the holder of the proposed freehold land time to adjust to the changes arising from the tenure review process. This is acceptable.

-3-

(6) (2.2) Land to be disposed of by way of freehold to Cloudy Peak Limited subject to protective to protective mechanisms and a qualified designation.

An area of land of approximately 2476 ha being the balance of the land below the 1780 ha (CA1) being returned to the Crown for protection. This land is mostly modified by cultivation on the lower terraces and by aerial over-sowing and topdressing above this. This could be described as good sweet country but at the same time is very prone to rabbit infestation and drought. To be ecologically sustainable it requires care and sound management. To be economically viable depends on many factors, some beyond the control of the manager.

The proposal suggests that viticulture and subdivision are alternative land uses after freehold title is given. While we see some logic in viticulture we do not see much logic in subdivision as an alternative in making it ecologically sustainable or even economically viable, long term.

(7) (2.2.1) Protective mechanism - proposed conservation covenant.

This is to protect ecological values in the 20 ms wide riparian strip alongside approximately 4 kms of Wainui Creek downstream from the proposed conservation area (CA1). Protecting the values in the riparian strip is necessary to protect the population of Galaxids in the creek which have a threat classification of 'nationally vulnerable'. We fully approve the protection of the riparian strip but wonder if a covenant is the best way of doing this. Although costly, fencing it off might be better long term.

In dry conditions sheep and cattle will be looking for any water available in the creek-bed and will be pushing and poking and doing much damage to the vegetation in doing so.

The covenant document:

"... 5. IMPLEMENTATION OF OBJECTIVES, The Minister May: 5.1.2 prepare, in consultation with the Owner, a joint plan for the management of the Land to implement the objectives specified in clause 2.1....."

To us, if the area is not fenced, it is essential that a management plan be in place right from the start. Also, provision should be made for

-4-

regular monitoring of the riparian strip.

(8) (2.2.2) Qualified designation - proposed easement for public and conservation management purposes.

This is good, and having access also via Thomsons Saddle is going to make for a good round trip - it will become very popular.

The obvious choice for those wishing to climb Mt Kamaka, and/or Cloudy Peak, is from Thomsons Saddle if the road to it is in good order.

(9) (2.2.3) Qualified designation - continuing in force of an existing easement.

The continuation of an existing easement in gross for Lindis Irrigation Ltd to convey water. No problem.

(III) Conclusion:

We see this as quite a good proposal for conservation except that we cannot see a covenant being sufficient to protect 4 kms of riparian strip alongside Wainui creek. At the very least the covenant should be made more robust as we have suggested in (II) (7) above.

With regards to the proposed freehold land being ecologically sustainable, only time will tell. The land itself may be good enough but having rabbits and much drought in the equation makes it more difficult.

We thank you for this opportunity to comment on the proposal and we await the outcome with interest.

Yours faithfully



Denise Bruns

Secretary Upper Clutha Branch



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)

P.O. Box 1604, Wellington

1931
75
years
2006

11 August 2008

The Commissioner of Crown Lands
C/- DTZ New Zealand Ltd.,
Land Resources Division,
PO Box 27
ALEXANDRA



Dear Sir,

Re: Preliminary Proposal for Tenure Review: Cloudy Peak Pastoral Lease (Po 104)

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 13,000 members of tramping, mountaineering, climbing and other outdoor clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country.

On their behalf, FMC aims to enhance recreation opportunities, to protect natural values, especially landscape and vegetation, and to improve public access to the back country through the tenure review process.

FMC fully supports the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the more recently stated government objectives for the South Island high country especially the following:-

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

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

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

For your information we attach as an appendix to this submission, the report which FMC prepared on the tenure review of Cloudy Peak in 2003, at the 'Early Warning' stage of the tenure review process.

THE PRELIMINARY PROPOSAL

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

1. **An area of approximately 1,780 hectares to be restored to Crown control as a conservation area pursuant to Section 35(2)(b)(i) Crown Pastoral Land Act 1998 subject to qualified designations.**

Qualified Designation:

- 1.1 The proposed conservation area is a qualified designation being subject to an easement concession for farm management purposes in favour of the holder of the proposed freehold land pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.
- 1.2 The proposed conservation area is a qualified designation being subject to an easement concession for water conveyance purposes in favour of the holder of the proposed freehold land pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.
- 1.3 The proposed conservation area is a qualified designation being subject to a grazing concession in favour of the holder of the proposed freehold land pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.

2. **An area of approximately 2,476 hectares to be disposed to Cloudy Peak Limited pursuant to Section 35(3) Crown Pastoral Land Act 1998 subject to a protective mechanisms and a qualified designation.**

Protective Mechanism:

- 2.1 The proposed freehold is subject to a protective mechanism being conservation covenant pursuant to Sections 40(1)(b) and 40(2)(a) Crown Pastoral Land Act-

Qualified Designation:

- 2.2 The proposed freehold is subject to a qualified designation being an easement in gross under Section 30(3)(b) Crown Pastoral Land Act for public access on foot, mountain bike or horse.
- 2.3? The proposed freehold is a qualified designation under Section 36(3)(c) Crown Pastoral Land Act being subject to the continuation in force of a deed of easement in favour of Lindis Irrigation Limited granting it the right to convey water (with incidental rights) over the proposed freehold.

FMC SUBMISSIONS

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

PROPOSAL 1 **An area of approximately 1,780 hectares to be restored to Crown control as a conservation area pursuant to Section 35(2)(b)(i) Crown Pastoral Land Act 1998 subject to qualified designations.**

FMC understands that this area consists of Proposed Conservation Areas CA1 and CA 2.

Conservation Area CA1.

CA1 incorporates 1620ha (approx.) along the eastern boundary of the property and extends from approx.

500 to 1400m in the catchment of Dry Creek and approx. 700 to 1500m in the catchment of Wainui Creek.

FMC is pleased to note that the proposed areas in both catchments incorporate altitudinal sequences of native vegetation from montane shrubland, through tussock grasslands to herbfield and fellfield around the summit area of Cloudy Peak.

FMC notes that part of this area, between about 1,000m and 1,200m in the upper catchment of Dry Creek, corresponds with the area recommended for protection in the FMC Report (2003). We are pleased to note that our recommendation has been followed, and even more pleased to note that area CA1 in the current proposal extends northwards to include Cloudy Peak itself, and the upper catchment of Wainui Creek.

Not only does this proposed CA1 area provide protection for some 1,600ha of high country with high natural and landscape values, but it also provides for public recreational access along the entire eastern boundary of the property. This is important as it will allow the public to enjoy the values of the land around Cloudy Peak summit (1526m) and to traverse the Dunstan skyline from Thomsons Saddle, along the top of the Ardgour Conservation Area to Mt Kamaka, on to Cloudy Peak and northwards towards the Dunstan Mountains.

We realise that access between the boundary of Cloudy Peak and Lauder Station (currently under review) would involve crossing part of 'The Point' which we understand is private land. It is to be hoped that in the future some arrangement can be made with the owner(s) of The Point to enable recreational access further along the Dunstan Mountains towards Lauder Station and the high natural values protected within the Tussock Grassland Reserve on that property.

FMC is also pleased to recognise that significant areas of 'Land Environments' classified as 'under protected' and as 'critically under protected', together with a smaller area of 'chronically threatened' land environment are included within the area to be protected.

FMC strongly supports the designation of 1,620ha in the upper catchments of Wainui and Dry Creeks as Conservation Area CA1.

Conservation Area CA2

This proposed Conservation Area CA2 covers some 160ha within the lower Dry Creek catchment known as Edwards Flat and extends from approx. 380 to 800m.

Although this area was not included in the recommendations made in the FMC Report (2003), we recognise that the shrublands have highly significant inherent values and warrant protection.

FMC is again pleased to recognise that significant areas of 'Land Environments' classified as 'critically under protected' (45ha), and 'chronically threatened' (75ha), together with a small area of 'at risk' land environment are included within the area to be protected.

FMC Submission

FMC unreservedly endorses and supports this proposal for a total of some 1780ha of land to be restored to Crown control (consisting of approx. 1,620ha in CA1, and approx. 160ha in CA2, subject to qualified designations).

Qualified Designations:

- 1.1 The proposed conservation area is a qualified designation being subject to an easement concession for farm management purposes in favour of the holder of the proposed freehold land pursuant to Section 36(1) (a) Crown Pastoral Land Act 1998.**

FMC understands that this designation will allow the holder to continue to use and maintain the farm tracks across the Conservation Area CA2. This designation is for a period of 30 years from the commencement of consultation.

FMC Submission

FMC has no objection to this designation

- 1.2 The proposed conservation area is a qualified designation being subject to an easement concession for water conveyance purposes in favour of the holder of the proposed freehold land pursuant to Section 36(1) (a) Crown Pastoral Land Act 1998.**

FMC understands that this designation will allow the holder to convey water for irrigation from within the Dry Creek catchment to the proposed freehold, and to convey water from an existing stock water dam to stock within the proposed freehold. This designation will apply to conveyance of water across Conservation Areas CA1 and CA2 for a period of 30 years.

FMC Submission

FMC has no objection to this designation

- 1.3 The proposed conservation area is a qualified designation being subject to a grazing concession in favour of the holder of the proposed freehold land pursuant to Section 36(1) (a) Crown Pastoral Land Act 1998.**

FMC understands that this concession will allow the holder to graze a limited number of sheep within Conservation Area CA1 for a period of 5 years with no right of renewal. FMC has some concerns about permitting grazing within a new Conservation Area but we appreciate the need for some time to make adjustments in farm management to accommodate the tenure review changes.

Our concerns relate to the intention to protect the natural values within the Conservation Area, especially as it is recognised that the tussock grassland has been significantly modified by past grazing management. We do accept, however, that the grazing regime described in Schedule 1 of the Draft Concession document should result in quite lax grazing pressure. The permitted grazing is for “4,000 sheep (excluding wethers) for 8 weeks January to April, and 400 dry ewes from October to February” [or approx 19 weeks]. We have calculated this to approximate to 760 SU per annum on 1620 ha or 0.47 SU per ha per annum. This should represent only lax grazing but we are unclear about the reference to “excluding wethers”. If the wethers are additional to the other permitted numbers of sheep it is not possible for us to calculate the actual grazing pressure, or predict the ecological effects of that grazing pressure on natural values. We therefore believe that annual vegetation monitoring using fixed point quadrats would be appropriate. Since the holder will be the beneficiary of the Grazing Concession it should be his (or her) responsibility to fund that monitoring .

FMC Submission

FMC considers that if the questions about “excluding wethers” and the consequent effect on grazing pressure can be satisfactorily answered, or that annual monitoring will be carried out, then FMC would accept the proposed Concession for 5 years as a reasonable transition period to a new management regime following the outcome of tenure review.

PROPOSAL 2 An area of approximately 2,476 hectares to be disposed to Cloudy Peak Limited pursuant to Section 35(3) Crown Pastoral Land Act 1998 subject to a protective mechanisms and a qualified designation.

FMC notes that the proposed freehold consists of the lower flats and terrace country and the lower hill country in Dry and Wainui Creek catchments, most of which has a history of relatively intensive land use on the flats and terraces, or oversowing and topdressing on the lower hill country.

Given the degraded state of some of the lower hill country (Hieracium invasion for example) we question whether current management really has “shown it to be capable of ecologically sustainable use.” However, we do note the comment that “alternative land use potential will become available as a result of tenure review.” We wonder: what alternative land use is contemplated? We note that viticulture and subdivision are possibilities. However, given that the first object of the CPL Act 1998 is “to promote the management of the Crown’s high country in a way that is ecologically sustainable”, we consider it reasonable that the Substantive Proposal should be more specific about how such ‘ecologically sustainable management’ will be achieved.

We also note that issues related to the inclusion of significant inherent values and recreational opportunities associated with the proposed freehold are considered under the heading of Protective Mechanisms.

FMC Submission

FMC would have no objection to this designation, if our concerns about ecologically sustainable management of the lower hill country are addressed.

Protective Mechanism:

2.1 The proposed freehold is subject to a protective mechanism being conservation covenant pursuant to Sections 40(1)(b) and 40(2)(a) Crown Pastoral Land Act-

FMC notes that an area of approx 20 ha, being a strip some 4km long with a riparian margin extending 20m each side of Wainui Creek is proposed to be protected under a Conservation Covenant. This would cover an area of high ecological value within the mid to upper reaches of Wainui Creek.

The values which are intended to be protected are described as “Galaxias sp D within Wainui Creek.....protection of the Creek and the adjacent riparian vegetation.....including Olearia odorata, matagouri and mingimingi”.

We note that there is an extensive list of activities within this proposed Covenant area which the owner must not carry out. The Deed of Covenant does not explain however, how this will be enforced, nor does it explain how grazing will be excluded.

FMC Submission

FMC supports the objective of the Covenant but is concerned about how protection of riparian vegetation will be achieved. We propose that a joint plan for the management of the land (as provided for in 5.1.2 of the Deed of Covenant) should be prepared by the Minister in consultation with the owner, and included in the Substantive Proposal.

Qualified Designation:

2.2 The proposed freehold is subject to a qualified designation being an easement in gross under Section 30(3)(b) Crown Pastoral Land Act for public access on foot, mountain bike or horse.

FMC understands that this proposed easement would provide public foot, mountain bike and horse access over the routes marked as "a-b", "d-e-f" and "j-k-l" on the Designations Plan and also provide conservation management access over routes "a-b-c", "d-e-f" "e-k", "g-h-l" "j-k-l" and "h-m" on the same plan.

FMC appreciates that most of the recommendations made in the FMC Report (2003) for public access on Cloudy Peak have been incorporated in this Proposal. One exception is that public access is not included in the proposal for access between the Ardgour Road (Cloudy Peak Station) and the proposed Conservation Area CA2. We do note however, that as an alternative, public foot, bike and horse access is proposed (as was included in the FMC Report (2003)) close to Dry Creek, along the southern boundary of the property. In total these proposals make possible a round trip up or down Dry Creek, with a return on the spur between Dry and Wainui Creeks (or vice versa).

The remaining access proposed in the FMC Report (2003) will be included within the proposed high country Conservation Area CA1. A ridgeline track along the eastern boundary of the property provides excellent recreational opportunities which add to those already available between Thomsons Saddle and Mt Kamaka

We realise that it is outside the scope of this tenure review, but it is hoped that at some time in the future it will be possible to negotiate public access further northwards along the Dunstan Mountains to the Lauder Tussock Reserve and beyond.

FMC Submission

FMC endorses and supports the proposal for an easement which would provide public foot, mountain bike and horse access over the routes marked as "a-b", "d-e-f" and "j-k-l" on the Designations Plan. This would provide two alternative routes to Conservation Area CA1, and the high country around Cloudy Peak, as well as to the ridgeline track along the eastern boundary of the property.

2.3 The proposed freehold is a qualified designation under Section 36(3)(c) Crown Pastoral Land Act being subject to the continuation in force of a deed of easement in favour of Lindis Irrigation Limited granting it the right to convey water (with incidental rights) over the proposed freehold.

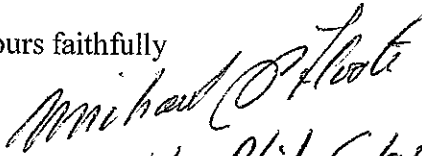
FMC accepts that the continuation in force of the easement in favour of Lindis Irrigation Ltd. is necessary for the provision of water to the proposed freehold on Cloudy Peak, and for the sustainable management of the property.

FMC Submission

FMC has no objection to this designation

Finally, FMC thanks the Crown Agent, DTZ New Zealand Ltd, for consultation regarding the period of time allowed for submissions (taking into account winter weather conditions) and we also thank the Commissioner of Crown Lands for the opportunity to comment on the Preliminary Proposal for the tenure review of Cloudy Peaks pastoral lease.

Yours faithfully


pp. Phil Glasson

Secretary, Federated Mountain Clubs of NZ, Inc.

APPENDIX.1.

**Preliminary Report on Recreational
and Related Significant Inherent Values on Cloudy Peak**

A Report to FMC prepared in 2003

CONTENTS

Contents	page
List of Figures	2
Introduction	3
Methods of survey and assessment	3
General description of Cloudy Peak	4
Recreational activities and potential	4
Significant inherent values and their importance for recreation	6
Areas to be protected	7
Access requirements	7
Conservation Management Strategy for Otago	8
Conclusions	8
Acknowledgements	8
<i>A map showing the important recreational access routes (in yellow)</i>	9
Figures	Follow page 9

LIST OF FIGURES

Fig.1 Walkers set out from Thomson Saddle, through the new conservation area which was formerly Ardgour pastoral lease, towards Mt Kamaka, the rocky knob in the distance and to the right of centre in this view. Beyond Mt Kamaka lies Cloudy Peak and the whole length of the Dunstan Mountains which provide a range of opportunities for recreation.

Fig. 2 Looking towards Dunstan Pass (the low saddle in the middle distance) which gives access to Dunstan Creek and St Bathans, with the St Bathans Range beyond. Public access to Dunstan Pass is emerging out of the reviews of the Lindis pastoral leases and continuous public access from Dunstan Pass to Thomsons Saddle, including crossing Cloudy Peak, would greatly enhance the recreational opportunities in the area.

Fig. 3 Not all of the properties along the range are yet under review and one is in freehold ownership. Nevertheless, it is important that a broad view is taken of the overall outcomes as each lease is reviewed. Lack of a formal access easement across freehold land should not inhibit the securing of access as opportunities arise. Hopefully the gaps can be filled in later.

Fig. 4 Public use, on mountain bike, foot or horse, of the track along the back boundary of Cloudy Peak is the main issue in this tenure review. This view is looking south from near the summit of Cloudy Peak towards Mt Kamaka, the sharp rocky peak in shadow in the centre of this picture, which is situated on the boundary between Cloudy Peak and the former Ardgour leasehold land, now conservation area.

Fig.5 Looking down the lower reaches of Dry Creek and the southern boundary of the property. The homestead is among the trees at the extreme right of this picture, on the valley floor of the Lindis River. The lease includes about 500ha of terraces and lower rolling land which can be managed in a way that is ecologically sustainable and is therefore suitable for freeholding.

Fig. 6 A typical view of Cloudy Peak which is well named because of the persistent cloud cover on its summit. This view is looking up the right branch of Wainui Creek with Cloudy Peak obscured but just to the left of centre on the skyline. Note the contrast between the dry sunny faces with much scabweed and the greener shady faces.

Fig. 7 Here, one of the Otago Goldfields Cavalcade Trails makes its way along the Dunstan tops between Cluden Pass and Cloudy Peak. This route is likely to become increasingly popular in future as traditional NZ trampers and outdoors people are displaced from National Parks and the increasingly well known 'Great Walks' which are becoming dominated by overseas visitors.

Fig. 8 From the Dunstan Tops there are expansive views to the Manuherikia and Central Otago, to the Upper Clutha and, on a fine day, as far away as Mt Aspiring and even Mt Cook.

Fig. 9 The higher parts of Cloudy Peak are characterised by Dunstan Steepland soils which cannot support ecologically sustainable pastoral use because of the losses of essential nutrients in animal products. Areas like the upper Dry Creek catchment, with significant landscape values and extensive tussock grasslands are better returned to full Crown ownership to be managed for conservation and recreation purposes.

Fig. 10 Much of the mid-altitude country has been classified LUC Class VI or better and should be capable of being managed in a way that is ecologically sustainable. Such country should therefore, be suitable for freeholding.

Fig. 11 In the vicinity of Cloudy Peak itself is an area of alpine herbfield with occasional plants of fine leaved snow tussock and drachophyllum. Such areas are not common on the Dunstan Mountains and therefore deserve to be protected, especially as they cannot support ecologically sustainable pastoral use.

Fig. 12 Shrublands occur in deeply incised gullies where they are relatively protected from burning and grazing. Native shrublands below Mt Kamaka, near the head of Dry Creek, add to the biodiversity and significant inherent value of this area. They have the potential to recover their former ecological glory and could be added to the adjoining conservation land which was formerly part of Ardour pastoral lease.

Fig. 13 One or more of the best examples of lowland shrubland, like this area near the Wainui Creek forks, could be protected under a binding conservation covenant registered on the freehold title. When allowed to recover it would demonstrate the former extensive shrubland cover.

Fig. 14 Occasional 'Old Man' matagouri bushes show something of the stature of former shrublands on the lower slopes. Areas protected under covenant could eventually reach a similar stature.

INTRODUCTION

This report has been prepared following the Early Warning Meeting in September 2002 at which the properties entering the tenure review process in 2002 were introduced. An inspection of the property was carried out in December 2002, with the kind permission of the runholder. This report is offered as a contribution to the statutory consultation process undertaken by the Department of Conservation.

The report focuses on those features of Cloudy Peak which are important for public recreational interests. It should be noted that while much of this interest focuses on access, the natural values and landscapes of the areas concerned have a fundamental impact on the recreational value of the property and greatly influence the quality of recreational experience enjoyed. It is for this reason that reference is also made to both natural and landscape values in this report.

This pastoral lease is situated in a critical position on the Dunstan Mountains between Thomsons Saddle on the Thomson Gorge Road (Fig. 1) to the south and the Lauder Basin Conservation Area and other features of the Dunstan Mountains further north. There are other pastoral leases along this ridge system which are, or have been, involved in the tenure review process. These include Ardour, which adjoins Cloudy Peak to the South, and Mt St Bathans (including Dunstan Peak) and the Lindis Group of leases to the north of Dunstan Pass (Fig. 2). These latter properties provide access from the Lindis Pass highway (SH 8) and recreational use of this whole area is likely to increase in the future. It is important that a broad view of the overall outcomes be taken and as each lease is reviewed, and consideration be given to the emerging network of recreation opportunities (Fig. 3).

Mason (1988) has described the general area as follows:- *"The Dunstons are tilted block mountains of schist, situated between the upper Clutha and Manuherikia valleys. The eastern escarpment rises moderately steeply from the Manuherikia basin. The western slopes have a rough, craggy appearance at their base (the Northburn and Bendigo localities are notable for these landforms), with a pattern of low, shallow valleys and ridges. With increasing altitude the landscape becomes progressively subdued and indistinct as the broad summit crests are reached.*

The range crest lowers towards its centre to a narrow waist at Thomsons Saddle (900m) (Fig. 1)

High tops extend to the northern end of the range above Dunstan Creek, undulating between 1370 and 1676m. There are relatively few tors at this extent of the range. Several nivation cirques have cut into eastern faces within the Lauder Creek catchment and periglacial soil hummocks are widespread over the summit area.

The Dunstan Mountains are connected to the Lindis country by the relatively low Chain Hills divide between the Lindis and Dunstan Creek catchments."

Public use of the track along the back boundary of Cloudy Peak and along the length of the Dunstan Mountains is the main issue in this tenure review (Fig. 4).

METHODS OF SURVEY AND ASSESSMENT

A site visit and field inspection was carried out in December 2002. This report is based on the field inspection and in part, on information gathered from other sources. The other sources include studies of topographical and Land Use Capability (LUC) maps, consultation with recreational user groups and a knowledge of the landscapes seen from the Upper Clutha area. A study of "Outdoor Recreation in Otago" was undertaken by Mason (1988) and published by FMC. Reference is made to this Recreation Plan for Otago in the recreation section below. The Conservation Management Strategy for Otago has also been used as a source of reference.

GENERAL DESCRIPTION OF CLOUDY PEAK

Cloudy Peak is a relatively small pastoral lease of a little over 4,000ha, which is very similar in size to the neighbouring Ardgour Station. Cloudy Peak homestead is situated in the Ardgour Valley at about 300m and the property extends from the Lindis River to Cloudy Peak (1,526m) on the crest of the Dunstan Mountains (Fig. 5).

Cloudy Peak is well named because if there is a single cloud in the district it is more likely to be on Cloudy Peak than anywhere else (Fig. 6). Despite its only modest altitude, the summit area is quite montane in character which may be due to the frequent cloud cover. The upper catchments of both Wainui Creek and Dry Creek are important for their landscape values.

The recreational significance of Cloudy Peak is that it is situated to the north of Thomsons Saddle and a new conservation area, formerly part of Ardgour (Fig. 1). The track along the back boundary of Cloudy Peak continues north over The Point and Cluden Station, around the rim of the Lauder Creek catchment, and onwards to Cluden and Dunstan Passes. Public access is available to Mt Kamaka at the southernmost point of Cloudy Peak and the route all along the Dunstan Mountains is likely to become increasingly important for recreational use in the future (Fig. 7).

Conservation interests (associated with enhancing the recreational experience) are primarily focused on the landscape values of the higher country including the crest of the Dunstan Mountains, Mt Kamaka, Cloudy Peak and the upper catchments of Wainui Creek and Dry Creek. There are expansive views from the ridgeline, including the summits of Mt Kamaka and Cloudy Peak, which add greatly to the quality of the recreational experience (Fig. 8). There are also extensive areas of remnant shrublands and degraded scrub which adds to the biodiversity of the property. These are of interest because they contain a much higher proportion of *Olearia* than most other such shrublands in the Upper Clutha area. Some of these in Dry Creek and Wainui Creek may have potential for recovery if protected from burning and grazing.

There are some 500ha of rolling and terrace land below about 500m and most of the property lies between about 500m and 1000m, although about one quarter of the lease extends upwards from about 1,000m to just over 1,500m. A large part of the higher country (above about 1,000m) on Cloudy Peak Station is characterised by Carrick High Country Yellow Brown Earth soils and the closely related Dunstan Steepland soils (Fig. 9). Much of this land has been classified in Land Use Capability (LUC) Class VIIe. This land is therefore rated with a low suitability for pastoral use. It may not be capable of being managed in a way that is ecologically sustainable because it may not be justifiable economically to replenish (in the form of fertiliser) the nutrients which are removed in animal products (meat and wool). Where such losses are not replenished, the system cannot be sustainable and sooner or later soil degradation will occur. On lower country where pasture growth rates are higher, topdressing is worthwhile, but at higher altitudes pasture growth and hence response to fertiliser is limited by climate. Under these circumstances conservation values need to be assessed and considered as an alternative to unsustainable pastoral use.

Most of the mid-altitude country is characterised by Arrow and related Blackstone Hill Yellow Grey Earth soils most of which have been classified LUC Class VI (Fig. 10). The mid-altitude country and the lower rolling and terrace country which has been classified in higher LUC Classes is capable of being managed in a way that is ecologically sustainable, and should therefore be suitable for freeholding.

RECREATIONAL ACTIVITIES AND POTENTIAL

The recreational significance of this pastoral lease lies in its position (or at least the position of its back boundary) along the crest of the Dunstan Mountains between Mt Kamaka and Cloudy Peak (Fig. 4). The ridge system leads further north over The Point and Cluden Station to Cluden Pass, Dunstan Pass and the Lindis group of pastoral leases which are also currently under tenure review (Figs. 7 and 8). If the Preliminary Proposals for these properties are eventually gazetted they will provide public access to Dunstan Pass (Fig. 2) and the upper reaches of the Dunstan Creek catchment. The linkage between this North Dunstan area and Thomsons Saddle (and the Thomson Gorge Road) is likely to become increasingly important as a recreational resource in future (Figs 1, 2, 3 and 4).

Traditional NZ trampers and other outdoor enthusiasts are increasingly seeking new recreational opportunities as the more popular National Parks and 'Great Walks' are more and more becoming dominated by overseas tourist visitors. As this happens the traditional NZ users are being displaced and are seeking opportunities in new areas such as those likely to become available through the tenure review process.

Another reason for increasing demand has been provided by Mason (1988) who stated: *"The Northern Dunstan PNA [Protected Natural Area at the head of Lauder Creek] is an unknown as far as the recreational public is concerned, although no doubt this situation will change with greater awareness of its natural values and its potential for cross country skiing."* Mason also observed that with greater awareness of the same features, it could be anticipated that summer visitation will also increase.

Mason (1988) has observed that there may be some potential for cross country skiing on parts of the Dunstan Mountains but that the amount of snowfall is frequently limited by the orientation of the range to the southerlies which bring most of the snow. In some years however snow does lie long enough for recreational use.

The location of Cloudy Peak on the Dunstan Mountain crest is closely parallel to the situation of Glenfoyle and Sandy Point on the 'Grandview Range'. All these pastoral leases occupy key locations in mid-way positions along ridgetop routes where public access has recently been provided or proposed at one end of the ridge system. In relation to the tenure reviews of Glenfoyle and Sandy Point FMC submitted that:-

This ridge system (from Breast Hill and Grandview to Tarras and Lindis Peak) and its associated tracks provide easy travel and excellent views of the surrounding area as far afield as Mount Aspiring National Park, the Remarkables, Lindis Pass, and the St Bathans Range. It is ideal for tramping, mountain bike trips, and horse riding and should also be considered for 4WD use with the runholders consent. Through trips to the Lindis area should become available over time through tenure reviews of neighbouring properties. Nine Mile is one of a group of 6 properties currently in the tenure review process in the Lindis Pass area. It is therefore important to make appropriate access provisions at this stage at the Hawea end of the system (eg. Glenfoyle) so that provision for through trips can be completed as other tenure reviews proceed."

The FMC report on Sandy Point similarly stated:- *"The significance of the track system from Grandview and Bluenose, to Trig Hill (on the northern boundary of Sandy Point) and beyond, is that it allows the recreational visitor to continue enjoying this panorama from changing perspectives along the ridges. It provides a wide range of options for walkers, trampers, mountain bike users and possibly horse riders and 4WD enthusiasts."*

Sandy Point is important because, like Glenfoyle, it provides a key section in the centre of this ridge system. Access to the central part is important because the distances to the extremities of the system are considerable, and access to the central part of the system opens up a greater number of alternative trips for day or overnight travel."

The case for public recreational use of the ridge track along the back boundary of Cloudy Peak is similar in that it occupies a key position between the new public access over former Ardgour leasehold land and the Lauder Basin Conservation Area further north along the Dunstan Mountains. It would be good for tramping trips and possibly even better for mountain bike use.

The recreational significance of pastoral leases like Cloudy Peak should be assessed not only on their present usage but also on potential. This is because current usage is much less than its potential for a number of reasons. Partly because of lack of awareness and partly because of the current land tenure under pastoral lease, and access to some parts of the ridge system has not been easy in the past, the recreational use of the ridge system described in this report is less than it might have been if access was freely available. There is significant potential for greater use and it is the full range of possibilities which should be considered during this tenure review.

An increasing problem for people wishing to do trips involving overnight stays in the backcountry is security of car parking at road ends. Consideration should be given during the tenure review process to making provision where possible for car parking off highways, and in the most secure places possible near the start of new easements over land which becomes freehold through tenure review. In the case of Cloudy Peak, consideration should be given to future opportunities for off-road parking in the vicinity of Wainui Creek bridge.

In summary, this assessment indicates that there is considerable scope along the ridge system for mountain bike trips, tramping, and possibly horse riding. It is recommended that public access for all these activities should be secured as an outcome of tenure review. The riverside also offers opportunities for more gentle day walks and if it does not already exist a marginal strip or easement along the true left of the Lindis River should be included.

SIGNIFICANT INHERENT VALUES AND THEIR IMPORTANCE FOR RECREATION

This report focuses on those features of Cloudy Peak Station which are known to be important for public recreational interests. It should be noted that while much of this interest focuses on access, the natural values and landscapes of the areas concerned and views to be had from the key vantage points have a fundamental impact on the recreational value of the property and greatly influence the quality of recreational experience enjoyed. It is for this reason that reference is also made to both natural and landscape values of this property.

Mason (1988) has commented on the vegetation of the Dunstan Mountains as follows: *“Tall tussock grassland has a more complete presence north of Thomsons Saddle although this is moderately to severely depleted. Only a relatively small area of alpine herbfield occurs on the northern crest. Short fescue and silver tussock grassland cover lower slopes. Pockets of shrubland occur throughout this half of the range, being mainly confined to deeply incised gullies.”* [see Figs. 12, 13 and 12]

As noted in the general description of Cloudy Peak, a large part of the property has been classified LUC Class VI which should be capable of supporting sustainable pastoral use with appropriate development and maintenance. As a result of past burning and grazing by both sheep and rabbits, most of the vegetation has been much modified from its natural state, but there are some areas of scrub especially on the lower shady hill slopes. These are of interest because they contain a much higher proportion of Olearia than most other such shrublands in the Upper Clutha area. Although there is currently little vegetation of significant inherent value there is potential for recovery in the absence of grazing and burning and an eventual return to mature native shrubland. The combined worth of the landscape values, the existing shrublands and their potential for recovery (Figs. 9 and 12), together with recreational value and location adjacent to the conservation area around Mt Kamaka, suggest that the upper Dry Creek catchment is a strong candidate for return to full Crown ownership and control and to be managed by DOC for conservation and recreation purposes.

Additional support for such a proposal comes from the probability that this area cannot be managed in a way that is ecologically sustainable and that it is already fenced on three sides, requiring little extra fencing to protect the proposed conservation area.

The highest ground along the ridge crest, in the vicinity of Cloudy Peak summit there is an area of alpine herbfield (Fig. 11) which Mason (1988) reported was not common on the northern crest of the Dunstons. This area therefore has high inherent natural value and is not capable of being managed in a way that is ecologically sustainable. It could be included in a corridor along the crest of the range between Mt Kamaka and the boundary of the property near Cloudy Peak itself, which would then provide for both conservation and recreation needs. It could be a 'pan-handle' like extension to the proposed conservation area in the upper catchment of Dry Creek.

On a number of the lower slopes, on shady faces, there are remnant shrublands which have an unusually high content of Olearia and significant potential for recovery to their former ecological glory (Figs. 13 and 14). One example occurs near the fork in Wainui Creek. Others occur on the shady faces of the lower slopes in the valley of Dry Creek. The best example (or examples) of such shrublands might be considered for protection under a binding covenant registered on the new freehold title.

AREAS TO BE PROTECTED

Because of the past history of pastoral use on Cloudy Peak, most of the vegetation has been considerably modified and little of significant inherent value remains. However, there are some areas of scrub which contain much Olearia and have potential to revert to mature native shrublands of significant stature. FMC has argued before that it is not only current vegetative state which should be considered during tenure review but also the potential of communities to revert to their native state.

There are two contiguous areas along the back boundary of Cloudy Peak which FMC recommends for return to full Crown ownership and control, to be managed by DOC for conservation and recreation purposes. The first of these is the upper catchment of Dry Creek which has high inherent landscape values and a significant potential for shrubland recovery. It is an area that cannot be managed in a way that is ecologically sustainable for reasons discussed above. Furthermore, it would provide recreational access northwards from Mt Kamaka and enable the recreational public to enjoy the significant natural values of the upper Dry Creek catchment and the views to be had from the track along the ridgeline.

The other area proposed for return to full Crown ownership on the back boundary of Cloudy Peak is a corridor along the ridge, running from the northern boundary of the proposed conservation area in the upper Dry Creek, over Cloudy Peak summit and on to the property boundary with The Point, north of Cloudy Peak. This area contains an important area of alpine herbfield which is not common on the Dunstons and would also provide public access along the crest of the range and include the spectacular views from the ridge and from Cloudy Peak itself.

Consideration should also be given to protecting some of the lowland shrublands which include a lot of Olearia and occur in places on the lower shady faces, as for example near the Wainui Creek forks, and in Dry Creek. The best example(s) could be protected under a binding covenant registered on the new freehold title.

ACCESS REQUIREMENTS

The following access provisions will be required:-

Walking access is required along the bank of the Lindis River. There should already be a marginal strip along the true left bank of the Lindis River which could be used by locals and others for a gentle riverside walk. If a marginal strip does not already exist one should be laid off as part of the tenure review process.

Public access for foot, mountain bike and possibly also horse riding will be required along the crest of the Dunstan Mountains northwards from Thomsons Saddle. The first section of the crest is now conservation land which was formerly part of Ardgour Station. This provides public access to Mt Kamaka. What is required out of this review is public access along the crest from Mt Kamaka to the northern boundary of Cloudy Peak with The Point. There is an existing track along the ridge for all but about one kilometer of the crest near Mt Kamaka. This would serve ideally for recreational purposes. FMC is aware that The Point is freehold property and access further north towards the Cluden and Dunstan Passes will depend on consent from the owner. It is to be hoped that in the future an easement for public recreational use might be negotiated across land on The Point.

If the areas proposed above for return to full Crown ownership do in fact become conservation land, public access as far as The Point boundary will be assured. If the ridge crest does not become conservation land then a formal easement along the crest will be required as described above for foot, mountain bike and equestrian use.

The fact that a right of way across The Point does not yet exist should not be a reason for not making provision for access over Cloudy Peak. It does mean however, that some other arrangement will be needed for recreational users to exit from the Dunstan Mountains. A number of possibilities exist:

- (i) A public access easement for foot, mountain bike and possibly equestrian use could be negotiated during the tenure review of Cloudy Peak. A suggested route would be down Centre Spur and the Wainui Creek valley. The upper part of the spur, locally known as Tongue Spur, provides great views over the Upper Clutha area. An alternative route would be down the valley of Dry Creek.
- (ii) Temporary public use of the Tongue Spur route could be negotiated during tenure review of Cloudy Peak with a sunset clause that this be phased out when public access along the crest through The Point land becomes available. It would however, be very desirable to retain access down Tongue Spur as this provides options for round trips.
- (iii) In the future it may be possible to gain access via Beggs Creek and the Thomson Gorge Road to Matakanui.

CONSERVATION MANAGEMENT STRATEGY FOR OTAGO

There are important statements in the Conservation Management Strategy (CMS) for Otago, in which the North Dunstan Mountains are recognised as a Special Place. It is noted in the CMS that the Lauder Basin Conservation Area is landlocked and that public access to the area is required. The objective for this Special Place is:- *“To extend protection in the area to cover the remaining higher altitude areas of nature conservation importance, and to secure appropriate public access.”*

Implementation includes:- *“Pastoral lease tenure review on properties in the area may provide opportunities to negotiate to protect the areas of interest. Overall management of these new areas with the existing conservation areas will confer net conservation and management benefits.”*

This objective and intended implementation accords very closely with the recommendations made in the present report. Furthermore, it should be noted that the priority for the North Dunstan Mountains Special Place is:- *“The negotiation of protection arrangements for areas of biodiversity importance and recreational opportunities and access are the priority activities in this Special Place.”*

CONCLUSIONS

The tenure review of the Cloudy Peak pastoral lease presents an important opportunity to enhance the recreational potential and use of the Dunstan Mountains area. There is also an opportunity to enhance the quality of recreational experience on those lands by recognising and protecting the significant landscape and other natural values described above.

This property occupies a key position in the central part of the range between Thomsons Saddle and the Lauder Basin Conservation Area, and the Cluden and Dunstan Passes which provide access to Dunstan Creek and St

Bathans, and to the Lindis group of pastoral leases currently under review. If the recommendations in the Preliminary Proposals for the Lindis leases are gazetted, the need for secure access between Thomsons Saddle and the Lindis area increases in importance.

Most of the Cloudy Peak pastoral lease is likely to become freehold as a result of tenure review. Consequently, secure public access for foot and mountain bike use, and possibly horse riding is the most important recreational issue in the tenure review of this property.

The outcome of the tenure review of Cloudy Peak, if it includes the important recreation and conservation recommendations included in this report, could contribute significantly to the achievement of the objectives declared for the North Dunstan Mountains Special Place in the Conservation Management Strategy for Otago.

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