

Crown Pastoral Land Tenure Review

Lease name: DINGLEBURN

Lease number: PO 151

Public submissions – Part 3

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

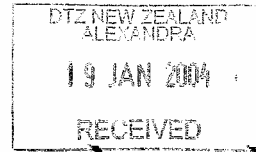
March











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Suzanne Smith

From: Guy steven [rgsteven@xtra.co.nz]
Sent: Monday, 19 January 2004 12:43 p.m.
To: Suzanne Smith
Subject: Dingleburn Tenure Review



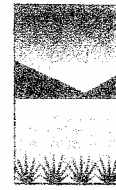
-  Dingleburn.doc (83 KB)
-  Fig. 9 Timaru Creek.jpg (68 KB...)
-  Fig 1 The Peninsula west side ...
-  Fig 2 The Peninsul northeast ...
-  Fig 3 Hunter Valley copy.jpg (...)
-  Fig.7 Timaru Creek.jpg (76 KB)...
-  Fig. 4 Hunter Valley copy.jpg ...
-  Fig. 5 Hunter Valley copy.jpg ...
-  Fig. 6 Hunter ValleyHawea Face...
-  Fig. 8 Timaru Creek.jpg (68 KB...

Dear Sir

Please find attached my submission on the preliminary proposal for Tenure Review of Dingleburn. There is a word document and 9 image documents (open in Adobe Photoshop).

yours sincerely

Anne Steven
Landscape Architect, Wanaka



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ANNE
STEVEN
LANDSCAPE
ARCHITECT

DTZ NEW ZEALAND
ALEXANDRA
23 JAN 2004
RECEIVED

18 January 2004

The Commissioner of Crown Lands
c/o DTZ New Zealand Limited
P O Box 27
ALEXANDRA

Dear Sir,

Re: Preliminary Proposal for Tenure Review of Dingleburn Pastoral Lease

I enclose my submission on the proposed tenure review for Dingleburn pastoral lease. This is an independent submission. I am a qualified landscape architect with special interest and experience in high country landscape including professional assessment for tenure review as a consultant since 1995.

I appreciate the opportunity to make this submission,

yours sincerely

Anne Steven

Sent by email 19.1.04

tel. 03 443 4404
fax. 03 443 4458
mob. 021 2939207
ew. a.steven@xtra.co.nz

80 Ardmore Street
P O Box 576 WAIKANA

Sent by email 19.1.04 ASew

INTRODUCTION

This is an independent submission.

I am a qualified landscape architect with 13 years of experience and my family background is a high country pastoral lease in the Mackenzie Basin. I have been professionally involved with tenure review since 1995. I have been engaged as a consultant providing landscape assessments for around 40 pastoral leases in the review programme (in the Canterbury DOC region). In 2003, on behalf of the High Country Landscape Group (HCLG) of the NZ Institute of Landscape Architects of which I am a member, I undertook an independent audit of 11 pastoral leases that are in the closing stages of the process and prepared reports summarizing and presenting the findings.

I share a mounting concern with the HCLG over the tenure review outcomes and process. The purpose of the group is to investigate and report on high country landscape issues, and to advocate and advise on the protection of landscape values.

I appreciate this opportunity to respond to the preliminary proposal for tenure review of Dingleburn pastoral lease.

I did not attend an early warning meeting or submit a preliminary report with respect to this property.

I have inspected the property on two recent occasions. I flew around the property in December 2003 and in January 2004 I drove up the Hunter Valley and viewed the Hunter valley faces from there.

THE PRELIMINARY PROPOSAL

I understand the preliminary proposal to comprise the following:

- around 5000ha to be designated as unencumbered freehold (this represents over 70% of the property) including areas of steep Class VII and VIII land, remnant beech forest and extensive shrubland areas (existing and regenerating), and extensive areas of lake side land (faces north of Timaru Creek, the Peninsula, true left Hunter Valley north of The Peninsula). Nearly 3000ha of the area comprises unmodified native grassland and shrubland and a further 2000ha is described as low producing pasture with reversion to native bracken fern – a colonising species
- 5 selected areas along the Hunter valley are to be freehold with a conservation covenant (CC1-CC5), totalling 365ha
- the lower Timaru Creek valley is to be freehold with a conservation covenant (1700ha)
- 10 110ha (43% of the property) to be designated as conservation area (most of the true left range of the Hunter valley, a tiny area of mature kanuka forest at the mouth of the Dingle Burn, the steep rugged lake faces of Corner Peak excluding the basal slope, the wooded footslopes of Timaru Creek, the upper

- slopes and summit area of the dividing range between Dingle Burn and Timaru Creek, and the middle to upper reaches of Timaru Creek valley)
- a 10yr grazing concession is proposed for the Timaru Creek conservation area (600 su)
 - a 15 yr concession for commercial guided hunting for Red Deer in the same area
 - a 15 yr grazing concession for cattle and sheep on fans in the Hunter River valley upstream of Green Bush Island fan. Fans are to be perimeter fenced.
 - areas of native forest including their regenerating margins are to be included as conservation area (estimated to be 90ha) but will not be fenced off

The preliminary proposal recognises and enables the protection of significant inherent landscape values (SIV) over a large part of the lease, which I fully support.

There are significant parts of the reviewable land however which have SIV for which protection is not being enabled.

These areas are being proposed for freehold unencumbered or freehold with a covenant that enables certain pastoral and other activities to continue/occur.

These lands are described in the Preliminary Proposal as being “[mostly] considered suitable for sustainable ongoing pastoral use”. This may be so from a physical point of view (looking at nutrient balances, extent and health of cover etc) but is not necessarily true in the sense of sustaining the existing values. I consider any activity that reduces the extent, health and diversity of native cover (including regenerating cover), and as a consequence the degree of naturalness and coherence of the landscape, to be unsustainable.

My assessment of the proposal and the reviewable land concludes that there are parts of the proposed freehold (with or without covenant) that are not capable of sustaining such use without significantly and permanently compromising the SIV of these areas.

In my opinion, the objects of the Crown Pastoral Land Act 1998 and the two new objectives recently adopted by government will not be met under the current Preliminary Proposal.

CONCERNS WITH THE PRELIMINARY PROPOSAL

I have several concerns about the Preliminary Proposal:

- 1. Inadequate recognition and provision for protection of Significant Inherent Landscape values of The Peninsula.**
- 2. Inadequate recognition and provision for protection of Significant Inherent Values of the lake and river valley faces of the Hunter Valley**
- 3. Lack of recognition and protection of Significant Inherent Values of Hunter Valley Fans**
- 4. Inadequate recognition and provision for protection of significant inherent values of Lake Faces north of Timaru Creek**
- 5. Inadequate recognition and provision for protection of Significant Inherent Values of Timaru Creek Valley**

Explanation

1. Inadequate recognition and provision for protection of Significant Inherent Values of The Peninsula.

(refer Figs. 1 and 2)

I find it surprising that neither DoC nor LINZ have recognised and provided for the protection of the Significant Inherent Values (SIV) of this distinctive landform. It appears to have been "written off" because the vegetation cover is modified, and there is no consideration of future vegetation outcomes. Its other values have been ignored.

The DoC reports refer to the area visible from the Haast-Wanaka highway to have high natural landscape values, and describes the Hunter valley landscape as "one of Otago's most majestic scenic valleys". The Peninsula is a significant part of both of these landscape contexts. However the DoC report does not describe the landscape values of the Peninsula specifically beyond referring to it as a prominent landform and briefly describing the vegetation cover.

The whole of The Peninsula is considered to have significant inherent value and be outstanding natural landscape, for a number of reasons.

It is one of the more significant and dominant landforms contributing to the excellent natural scenery experienced from Lake Hawea. It is a unique landform within the Lake Hawea landscape, akin to The Peninsula in Lake Wanaka. Together these two landforms add special character to the Lakes district.

The Peninsula contributes in a major way to the outstanding quality of the natural landscape of the Lake Hawea area.

The Peninsula is highly visible especially the west side and southwest end. It is experienced both at close range and as a whole from a distance, as one moves around on the lake or admires the panoramic view from the Haast-Wanaka highway or the road up into the Hunter valley.

Despite a modified cover, in my opinion The Peninsula has a high degree of naturalness, intactness, and coherence. There is a predominance of natural elements, patterns and processes. In particular the absence of obvious cultural modifications or elements over the whole landform is a notable attribute and one that needs to be maintained.

The landform is distinctive and memorable because of its classic ice-scoured peninsula form and the juxtaposition of its form with the lake, alluvial fans and terraces and the incredibly rugged and steep Rocky Point area.

The Conservation Resources Report (CRR) states that there is a strong tendency for regeneration (p.4, third paragraph). Given freedom from persistent intervention, the native bracken cover and eventually native woody vegetation would return and enhance the natural landscape setting of the lake, particularly relevant on the west side

and south end. There is remnant beech cover on the south side also which should be protected and allowed to expand.

Under unencumbered freehold tenure, there would be no certainty that the landscape would not change to a more modified landscape and that existing landscape values would not be compromised. Grazing, burning, oversowing and topdressing, subdivision fencing, and tracking are all likely future uses. The vegetation cover can only become more exotic under such a regime, and the presence of cultural elements and patterns would most likely increase. This direction of change is not appropriate for landscape that contributes so significantly to the lake setting and total landscape experience of the Hawea area.

I believe there should be a covenant placed over the Peninsula to control uses and management so as to conserve and enhance the existing significant inherent values. This covenant should prevent any further fencing, tracking, burning, spraying or clearance of native cover (including bracken) and oversowing. Forestry and structures are not appropriate activities. On going light grazing and topdressing may be permissible. The object of the covenant is to ensure use and management that will maintain and enhance the natural character and allow the native cover to return. In the future this may preclude grazing.

2. Inadequate recognition and provision for protection of Significant Inherent Values of the lake/river valley faces to the north of the Dingle Burn, in the Hunter Valley.

(refer Figs. 3-6)

As stated above, the Hunter valley landscape is “one of Otago’s most majestic scenic valleys” and is a “spectacular natural backdrop” (DoC CRR and Proposed Designations Report [PDR]). All of the faces north of Bricks Gully were identified in the DoC report as having significant landscape (including ecological) value. DoC also recommended that all of the range face become conservation land with the exception of the southernmost 5km or so, nearest the homestead.

The high natural landscape values are clearly described in the PDR, including beech forest remnants and actively regenerating native shrublands “reasserting the natural character of the Hunter Valley”. The existence of a full altitudinal sequence from valley floor to mountain top is identified as an important attribute even in the currently modified state, as is the climatic gradient (along the foot slopes from north to south) from broadleaf to kanuka dominated woodland.

DoC in the PDR recognises the importance of the range faces as the backdrop to the Hunter Valley landscape experience and states that recreational use of the Hunter Valley is increasing. I fully support this assessment. The range faces on Dingleburn are the main outlook from the track up the Hunter Valley (which hugs the true right).

At present the range faces are visually intact from valley floor to tops, with a high degree of coherence and naturalness. This is a key attribute underlying their high

landscape value at present. The active postburn regeneration of native bracken and shrublands is an important aspect of this quality.

I consider that any ongoing or more intensive pastoral use of the range faces that will weaken this intactness, naturalness and coherence is inappropriate. It is very important that the natural character is not further compromised by pastoral use and that the landscape is allowed to become more natural in character.

Under the Preliminary Proposal, the basal ranges slopes are proposed to be freeholded with a contour fence, or a fence that follows the perimeter of triangular planar faces. Some of this fence is existing, other sections would be new. Parts of these basal slopes are proposed to have a covenant over them that allows only grazing.

At present where there is no visual distinction between the lower slopes and upper slopes, they are visually continuous. My concern is that the lower slopes will become different and the fence line become obvious, as the lower slopes outside the proposed covenanted areas are likely to be burnt repeatedly and oversown and topdressed, replacing woody cover with exotic green pasture in contrast to the native cover above the fence and in contrast with the more natural covenant areas below. The fence will eventually show up as an unnatural line fragmenting the landform. The difference between the covenanted areas and the unencumbered freehold may show up in the future as a very unnatural band across the faces.

These outcomes would significantly weaken the existing landscape values and detract from the whole Hunter Valley landscape experience which is expected to be one of natural landscape with minimal obvious human presence.

Whilst ideally I support the DoC proposal that the range faces should remain as Crown land for conservation purposes, it is possible that freehold with a landscape covenant over the area preventing any further burning, spraying and oversowing, tracking, bladed fence lines, or any exotic tree planting or erection of structures may be appropriate. Light grazing and topdressing may be able to continue without causing the effects described above, this should be monitored however. Fence lines should be placed by hand and along topographically sensitive alignments so that they remain invisible from the true right side of the valley. The alignment also should also avoid creating natural “camp” areas for sheep, as the strong contrast across the fence line highlights the fence line. DoC notes in the Proposed Designations Report that the contour fence at about the 500-600m contour was erected as part of a catchment board run plan. The position of the fence line and the subsequent division of foot slope and upper slopes would not have been made on the basis of landscape values (including ecological values). It is not therefore necessarily an appropriate decision to persist with this fence line in the long term.

The future intent of any landuse or management regime should be to retain the existing landscape character or promote a more natural landscape character. With refrain from burning etc, it is anticipated that the native cover will eventually return in many places which may preclude pastoral use in the long term. This is a future outcome that should be accepted and planned for in the long term.

At the south end of the area, I support the line between proposed freehold and conservation land. I do not support unencumbered freehold of this section of range

face. This highly visible section of the range is equally as important as the rest of the range landscape to the landscape setting for Lake Hawea and as part of the Hunter Valley landscape experience. At present the range face reads as a whole with little obvious fragmentation. Attributes of naturalness, intactness and coherence are high. These attributes should be retained.

I consider a covenant should be placed over the whole area. The aim of the covenant would be to protect the existing landscape character or allow it to become more natural. Tracking and subdivisional fencing (unless invisible being erected by hand along a discreet alignment), oversowing above 700-800m, and exotic tree planting should be prevented.

Repeated clearance of native cover is not generally supported however in this case it is considered that allowing more intensive development of the lower slopes (which will undoubtedly involve repeated burning and/or spraying and AOSTD) will enable the upper slopes - which rise to 1400m asl - to remain within the freehold area without requiring them to be fenced off. A fence across the range would potentially fragment the landscape through contrasting landuse and an actual visible fence line. It is anticipated the upper slopes would receive only light grazing with stock preferring to graze the lower improved country (if they were not fenced off). This would require monitoring. If grazing proves to be decreasing the vigour and diversity of the native cover then it will have to cease. In that case a fence would be required (with no blading of the fence line). A recommended line is shown in Fig 6.

3. Lack of Recognition and Protection of Significant Inherent Values of Hunter Valley Fans

(refer Figs 3-5)

I consider the freehold and continued pastoral use of some of the fans in the Hunter Valley to be appropriate.

Green Island Bush fan, and the fans between Green Island Bush fan and Bricks Gully however are at present less developed and retain natural cover and a more natural appearance (see Figs 3 and 4). These fans should not be developed further and the native cover allowed to regenerate without interference. Covenant CC1 should extend to include these fans, allowing grazing only. This will promote retention of the full altitudinal sequence of vegetation cover and habitat from valley floor to tops and retain the natural character of the fans. If unencumbered freehold is allowed, then it is likely they will be cleared of woody cover by burning, spraying or bulldozing, and sown in exotic pasture grass, and subdivided into paddocks, possibly with future shelter belts. This is not considered appropriate in this part of the Hunter Valley where a natural landscape is expected. Grazing should be monitored to assess whether native cover is decreasing in extent and diversity, if it is then grazing should cease.

The on-going grazing of cattle both on the grazing concession areas within the proposed conservation area and within the area just described needs to be assessed in terms of impact on wet areas. Trampling and fouling of streams and wetlands is likely in places. If this is occurring then cattle grazing should cease.

4. Inadequate recognition and provision for protection of Significant Inherent Values of Lake Faces north of Timaru Creek

The significant inherent values of these faces are similar to those of the range faces of the Hunter Valley, although here they are not part of the Hunter Valley landscape. They are part of the awesome mountain backdrop enjoyed from the Haast-Wanaka highway and are an integral part of the whole section of range from Timaru Creek to Rocky Point.

These faces also rise to over 1400m asl and appear as a whole with high values of naturalness and coherence.

A landscape covenant should also be placed over these slopes allowing only light grazing and topdressing of land above 500-600m asl. Burning and spraying should not be permitted over the steeper land, allowing it to eventually return to a native woody cover. Fencing likewise should be invisible, preferably only separating the gentler colluvial foot slopes and fans from the steeper country above. There should be no fencing across the steeper faces.

6. Inadequate recognition and provision for protection of Significant Inherent Values of Timaru Creek Valley

(refer Figs. 7-9)

A large area is proposed to be freehold under a conservation covenant which permits (subject to District Plan and Regional Council rules and restrictions) the removal of any tree/shrub/plant (by physical clearance, burning, spraying), fencing, structures, grazing and oversowing and topdressing and "any other activity that might have an adverse effect on the Values". The area includes land above 1000m - rising to over 1400m in places - although generally the proposed boundary approximates the 1000m contour. A lot of this country is steep and broken with many areas of native shrubland and remnant beech forest (outside the conservation areas existing and proposed). According to the DoC CRR native woody cover is typically vigorously regenerating. I also note that hieracium cover is also extensive in areas where tussock grassland has been depleted. Around 8km of new fencing is proposed around Deer Spur Creek valley and across the top of Moonlight Valley on the true right. There is no stock fencing proposed around the proposed and existing conservation areas.

The only Value described for this area to be protected by covenant is "openness" (ie, an absence of built structures).

The area has more complex values than just openness. The area has high degrees of naturalness (note, which is not the same as indigenous), intactness and coherence all of which contribute significantly to its high landscape value. These attributes also need to be protected. The DoC CRR identified almost all of the proposed covenant area as having significant inherent value.

The landscape of the proposed covenant area is an integral part of the whole Timaru Creek landscape and it should remain undifferentiated from the rest of the valley. The landscape also appears visually intact from valley floor to mountain top. Parts of this landscape are highly visible from public areas.

A key aim of any landuse and management is to avoid any further reduction in native cover especially shrublands and forest, and to allow for its expansion. Beech forest naturally covers valley sides up to around 1100m asl in this locality and further east. A predominantly green exotic grassland cover is not considered an appropriate substitution for native shrublands, forest and grasslands in this valley. Prevention of any unnatural manmade lines or contrasts in cover and any disruptions to the present degree of visual intactness from floor to tops is also essential to protect the area's existing values.

On p.11 of the Preliminary Proposal LINZ states that the purpose of the covenant is “to protect the natural landscape”. The generous conditions of covenant proposed will not protect the landscape values of this area.

The conditions of covenant need to prevent any further clearance of woody cover (native shrublands, and bracken as the precursor to shrubland and forest) – thus clause 3.1.2 and 3.1.5 need to be retained as covenant conditions. This is steep country with a hieracium problem – exposure of open ground by burning or spraying is likely to encourage further spread of hieracium. Dense bracken and native cover would effectively exclude hieracium. It should be accepted that the extent of grazing land will decrease over time as native shrubland and forest expand.

The new fence proposed will create an unnatural line across Deer Spur valley and detract from its landscape value especially attributes of intactness and coherence. Contour fencing is not an appropriate form on open slopes, as it visibly splits the land form with the potential for green-ness (from stock camps, grazing effects and AOSTD) occurring below the fence line contrasting with the native cover above. It is difficult to hide the fence line itself. Fences should follow natural lines in the topography. A recommended fence line that follows land form is shown on Figs. 8 and 9. Fence lines should be erected by hand and not bladed, which creates a visual scar and brings in weeds which themselves make a visual green line. This proposed fence line also removes some of the higher altitude land above 1000m from the proposed covenant area. Continued grazing of these areas is understood to be physically unsustainable.

Light grazing and maintenance topdressing is probably acceptable. Oversowing should be limited to areas with a high exotic herb/grass content already and should not expand into areas where there is a predominance of native species. Restrictions on stock numbers and times of grazing need to be put in place. This activity needs to be monitored to ensure the native cover is not decreasing in extent, health or diversity. If it is showing such a trend then pastoral use needs to cease. This is particularly important because there is no fencing proposed to prevent stock grazing in the beech forest and shrubland areas in existing conservation or proposed conservation areas. With no fencing, the existing situation remains unchanged.

Re buildings the proposed condition is acceptable although the wording should be that “any such building does not compromise the values outlined in Background B in any way”.

The Clause 3.1.10 should not be deleted. It does not make sense that any activity other than those specifically listed in preceding clauses that might have an adverse effect is

permitted to be undertaken. The whole point of having a covenant is to protect the values, not provide the potential for them to be degraded or compromised.

To address my concerns, I would like to see the proposal amended as follows:

1. A covenant placed over the entire Peninsula landform to protect its landscape values.
2. A covenant placed over some of the range faces proposed for freehold in the Hunter valley to protect their landscape values, as identified in Figs. 3-5.
3. A covenant placed over Green Island Bush fan and the fans between Green Island Bush fan and Bricks Gully fan, to prevent any further development and modification, to retain their natural character and role in natural altitudinal sequence of vegetation cover.
4. A covenant over the lake faces north of Timaru Creek to protect their landscape values.
5. Amendment to the boundary of proposed CC6 to achieve a more appropriate boundary between freehold and conservation land, and amendments to the covenant conditions to ensure the SIV will be protected.

These amendments are shown on the annotated photos referred to in the text.

CONCLUSION

I support the designation of the proposed conservation areas as described in the Preliminary Proposal.

I do not support the other proposals in full. I submit that the protection of SIV of large areas of Dingleburn pastoral lease is not being enabled as required under the Crown Pastoral Land Act 1998, Part II.

I have suggested appropriate amendments to the proposal which would ensure it meets the requirements of the Act. These amendments would also ensure consistency with the two new Tenure Review Objectives recently adopted by Government

A. Steer
Landscape Architect, Wanaka.