

Crown Pastoral Land Tenure Review

Lease name: DINGLEBURN

Lease number: PO 151

Public submissions – Part 4

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

March

04

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Suzanne Smith

From: Alan McMillan [club.wingatui@xtra.co.nz]
Sent: Monday, 19 January 2004 4:36 p.m.
To: Suzanne Smith
Subject: Submission Dingleburn Tenure Review



atn Mr Ken Taylor.

DTZ New Zealand Ltd,
Land Resources Division,
P.O.Box 27,
Alexandra.

Dear Sir,

Submission on Dingle Burn Station Tenure Review.

The New Zealand Federation of Freshwater Anglers Inc, wishes to submit on the preliminary proposal prepared for the Dingleburn Pastoral Lease Property. Waters within or are next to the property are of particular importance for angling. Lake Hawea is a nationally important lake for brown and rainbow trout and chinook salmon. The Hunter River, Dingleburn, and Timaru Creek are important wilderness trout fisheries and Dingle Lagoon is an attractive smaller still water sports fishery for rainbow trout and brook char.

(1) Marginal Strips or Public Riparian Reserves.

Marginal strips should be laid off alongside all the above rivers and lakes which are within or bound the property where public reserves do not already exist including the Dingle Burn, Timaru Creek, Hunter River, Lake Hawea, and Dingle Lagoon. The proposed 40 metre marginal strip on the Lower Dingleburn for access purposes is supported.

The establishment of Conservation area adjacent to Timaru Creek is supported.

The establishment of a reserve at the mouth of the Dingleburn is supported.

(2) Provision for Public Access through to Hunter Valley.

A new track is proposed running from the cattle yards on Dingleburn Road, around the "peninsula" and along the Hawea lakeshore to the Hunter Valley. This will be an attractive new amenity for trampers, mountain bikers, and horse riders, but does not remove the need for vehicle access for anglers or other recreational users along the existing vehicle tracks to the Dingle Lagoon, the Dingle Burn, the head of Lake Hawea, and the Hunter Valley.

Either a public road should be established along the existing track or alternatively, a strip of Crown land should be retained under the existing road and track to the Dingle Burn and on up the Hunter Valley. This strip of Crown owned land should have easements over it for vehicle access for both public recreational use and for farm related access.

Secure vehicle access, or at least the option for future secure vehicle access to the Dingle Burn and the head of the Lake, and the Hunter Valley is a vital element of this Tenure Review. Although the existing road is one way around rocky point and not well formed and there may be legitimate questions of road maintenance, it would be short sighted in the extreme not to retain the option for public vehicle access now or in the future given the significance of the inherent values at the head of the Lake.

Further it is noted that there is no secure public vehicle access at all to the Hunter Valley at the present time on either side of the valley. All access is at the discretion of the owners of either Hunter Valley Station or Dingle Burn Station pastoral leases. Under current lease ownership recreational users enjoy a high level of access to the property with the owners permission but that generosity on their

part is not a good reason for limiting public access provisions. The extent of public access is almost certain to change with changing ownership . Without proper provision for access the area's recreational values could well become captured by private interest at some stage in the future.

Sincerely.

Alan McMillan,
President,
New Zealand Federation of Freshwater Anglers Inc,
19 Haggart Street,
Wingatui,
R.D. 2,
Mosgiel. Phone/fax 03 489 8284

12/01/04

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Otago Tramping & Mountaineering Club Inc

P O Box 1120 Dunedin otmc@ihug.co.nz www.otmc.co.nz

19 January 2004



The Commissioner of Crown Lands
C/- DTZ New Zealand Limited
PO Box 27
ALEXANDRA

Dear Sir,

Draft Proposal for Tenure Review: Dingle Burn Station

I write on behalf of the Otago Tramping and Mountaineering Club Inc. (OTMC), which is one of New Zealand's oldest tramping clubs, and has over 200 members. The club has made extensive use of the Dingleburn station lands and thus has a strong interest in this tenure review.

The Preliminary Proposal

1. We note that the proposal includes the following designations:-
2. 10,110ha (approximately) to be designated as land to be restored to full Crown ownership and control under Section 35(2) (a) CPL Act as conservation area.
3. 6,462ha (approximately) to be restored to Crown control under Section 35(2)(b) and 36(1) (a) CPL Act as conservation area subject to qualifications.

Preliminary Proposal Item 1.

We strongly support the proposal that 10,110ha (CA1, CA2, CA3 and CA4) be restored to full Crown ownership and control as Conservation Area. We note however, that over a distance of about one kilometre between Bricks Gully and Yards Gully (near the head of Lake Hawea) a proposed 20m wide strip of freehold land along the road would isolate a section of CA1 near the shore of the lake. We further note that no such provision appears in the Proposed Designations Report.

We presume this proposed freehold strip is to provide farm access across proposed conservation land for management purposes, but in similar circumstances such access is usually provided by way of an easement over conservation land in favour of the holder. We feel that this type of easement should be used in place of freeholding in this strip. Clearly lakeshore property is special and at times will potentially be valuable for recreation.

Preliminary Proposal Item 2.

We are also pleased to note the proposal that some 6,462ha (CA5 and CA6) to be restored to Crown control as conservation area subject to qualifications. OTMC does however have some reservations about the nature of the qualifications. The first of these relates to grazing in CA6.

We note that CA6 consists of four fans in the Hunter Valley which are mainly covered by pasture grasses. These fans are surrounded by conservation land CA1. It is proposed that these be grazed under the terms of a grazing concession. We also note that paragraph 3.2.2 of the Proposal states that “stock will be confined to the proposed concession areas by existing fencing.” However, paragraph 3.2.2.1 notes that there have been past grazing/fencing/flood problems. It also indicates that there is potential conflict with habitat management of the riverbed.

OTMC recommends that a condition of the concession be that the four fans be regularly monitored for security of fencing and grazing damage of the surrounding conservation area. If monitoring reveals problems then the terms of the concession may need to be revised. OTMC submits that provision for such revision should be made in the schedules attached to the concession document.

We note that Grazing Concession GC2 provides for annual grazing by 600 SU over an area of 6,322ha of Conservation Area CA5. This amounts on average to 1 SU per 10ha and as such may only have minimal impact on the ecology of the area. However, monitoring will be required to ensure that this is the case because it is likely that grazing will be concentrated in certain areas. Even at the lowest stocking rates, removal of animal products (meat and wool) inevitably results in slow but steady depletion of soil nutrient reserves. To ensure that the system is being “managed in a way that is ecologically sustainable” (CPLA S24) soil nutrient monitoring and maintenance should be carried out as a condition of the Concession.

OTMC has no objection to the granting of a concession licence for guided hunting over an area of some 900ha in Conservation Area CA5.

OTMC has no objection to the granting of a Right of Way easement concession for stock droving over a route from Timaru Creek to the Dingle Burn.

OTMC supports the granting of a concession licence for farm management purposes over the marginal strip at the Dingle Burn Bridge, so long as this route is also available for public foot and non-motorised vehicle access.

Preliminary Proposal Item 3.

We note that the Preliminary Proposal includes a designation for the disposal of 7,135ha by freehold disposal to the holder. We further note that this freehold disposal is subject to a number of protection mechanisms. Some of these are of concern to OTMC and we discuss these below and submit certain recommendations which relate to the CPLA and the declared government objectives for the South Island High Country [EDC Min (03) 5/3; CAB Min (03) 11/5 refer].

OTMC notes that 5 separate areas, totalling 365ha are proposed to be protected under a Conservation Covenant within the proposed freehold area. Four of these are areas of regenerating scrub and bush along the lower parts of the Lake Hawea faces, while the fifth is more mature shrubland/forest located on the steep slopes adjacent to Silver Burn. We note that all 5 areas are to be protected under the same covenant, the objective of which is “to preserve the Values”. These values are described as “vegetation which has regenerated through a predominantly natural succession process into diverse shrublands” which are listed in Clause 3 of Schedule 1 attached to the Conservation Covenant document.

Our concern with these areas relates to potential stock damage hindering the natural regeneration processes. We have two concerns. The first relates to the provision in Clause 3 of Schedule 1 (replacing Clause 3.1.1 of the standard Covenant) that the owner may graze the land. This appears inconsistent with the stated objective “to preserve the Values”. OTMC submits that to achieve this objective and “to ensure that conservation outcomes for the high country are consistent with the NZ Biodiversity Strategy”, Clause 3.1.1 of the Standard Covenant should be retained. Our second concern relates to the security of fencing and the threats of stock invasion and grazing damage around the margins of the Covenant areas. Some areas are fenced and appear to be well protected against marginal damage (for example CC4 is fenced along north and south boundaries). Other areas are not fenced and are fringed with a gradation of scrub from open fern/pasture to more dense regeneration bush.

While we accept that stock are unlikely to penetrate dense scrub we believe that with increasing intensity of grazing on the surrounding freehold pasture, the risk of stock damage to the regenerating vegetation is significant. OTMC submits that to achieve the stated objective of “preserving the values” regular monitoring of the regenerating vegetation should be carried out. If grazing damage is observed then it should be a condition of the Covenant that secure fencing be put in place.

OTMC notes that there is provision for landscape protection under a Conservation Covenant over the area CC6 on the slopes above Timaru River below Corner Peak and Dingle Peak. The Lake Hawea face immediately to the west of this area is highly visible, especially as seen from the Haast Heritage Highway (SH 6). This important scenic route is used by thousands of tourists travelling along the shore of Lake Hawea between the West Coast and Queenstown, and should therefore be included within the landscape protection covenant.

Easements

OTMC supports the provision for foot, non-motorised vehicle and motorised vehicles from point ‘a’ to ‘b’ shown on the designations plan (Sheet 4 of 4). We note from the text that there is provision for car parking at the yards at ‘b’ (not at ‘a’ as shown in error on the map Sheet 1 of 4).

OTMC submitted in its Report in 1999 that public access over the Dingleburn Station Road from the Timaru River to the vicinity of Dingleburn homestead should be legalised. OTMC still believes that this is the ideal to strive for but accepts that there are practical difficulties. The difficulties include safety considerations (made more severe by the likely increase in traffic following tenure review), absence of passing places around the bluffs, and the need for public (Council?) ownership.

OTMC believes that public legal access over this road should be the long-term aim but accepts that this is unlikely to be achieved through tenure review.

OTMC also recommended that there should be public foot and mountain bike access from Dingleburn along the lakeside track to the Hunter River at Green Bush. We understand that such provision would have created management problems for the holder, and that an alternative has now been proposed. OTMC supports the formation of the proposed new track (i-j-k-l-w-m-n-q-p) which we understand will be cut and benched to a width of 1m, and be suitable for mountain bike use. We do however, assert that unless this track is formed as part of the current review, the CPL Act requirement for secure public access will not be met.

OTMC has reservations about the foot and mountain bike access provision from the Dingleburn Station Road to the mouth of the Dingle Burn. As submitted in our 1999 Report the ideal would have been across the existing Dingle Burn Bridge near the homestead. This would permit equally easy access to the Dingle Valley and the lakeside track to Green Bush and the Hunter River.

We understand that the holders see such access as a major intrusion into their privacy in the immediate vicinity of their homestead. We further understand that the proposed alternative consists of a cut and benched track (suitable for mountain bike use) around the lakeside of the Peninsula. Whilst OTMC understands the privacy issue, we do not understand the need for such a long diversion around the outside of the Peninsula. OTMC submits that a better alternative would be a cut track around the north side of the lake on the Dingleburn Flats continuing around the base of the slope (say the 400m contour) to the Dingle Burn Bridge. This would then provide easy access to both the riverbed leading to the Upper Dingle, and up the side of Lake Hawea to the Hunter River.

OTMC argues that it is important to minimise the length of the diversion around the homestead, given that trampers heading for the Dingle will already have walked some 10km along the Dingleburn Station Road from the carpark at ‘b’. We therefore strongly urge reconsidering the route around the Peninsula and re-siting this along the south side of the Peninsula, beside the little lake on the flats.

OTMC has no objection to the proposed foot and non-motorised vehicle access from the Dingle Burn Bridge to the Conservation Area CA2. We understand that this access will be within an extended marginal strip 40m wide on each side of the Dingle Burn below the bridge.

OTMC supports the proposal for public foot and non-motorised vehicle access from the Dingleburn Bridge to the Dingleburn Conservation area. We understand that under normal conditions this is likely to be along the riverbed, within the marginal strip, but that a high water alternative will be formed along the true left bank of the Dingle Burn. So long as this is done, the requirement to provide secure public access will be fulfilled.

OTMC supports the two proposed public access easements marked on the designations plan as (x-z) to Junction Hut, and as (x-y) providing access to Corner Peak and Dingle Peak. We note however, that the proposal refers to the existing 4WD track to Junction Hut. It is our understanding that this track to date is only partly

formed. In order that the access requirements of the CPL Act are satisfied it will be necessary to complete the formation of this track as part of the tenure review of Dingleburn Station.

OTMC has no objection to the easement for conservation management purposes over the existing farm track to Green Bush Hut, and to the conservation area in the Upper Dingle Valley.

Preliminary Proposal Item 4.

OTMC supports the proposal that some 8,000ha of former Hawea State Forest land between Timaru River and Dingle Burn remain as conservation area.

Preliminary Proposal Item 5.

We note that some 90ha of conservation land is proposed for disposal in exchange for other land designated by the proposal. We find this proposal obscure and find it difficult to comment except that the principle of exchange appears logical so long as there is no significant net change in total area of conservation land.

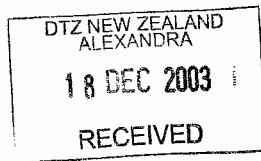
Conclusion

OTMC fully supports the proposal to designate a large area of mountain land between the Dingle Burn and Lake Hawea, together with other land with significant inherent values adjacent to Lake Hawea and Timaru River, as land to be returned to full Crown ownership. In total this constitutes over 10,000ha of new conservation land. This will be an excellent outcome of this tenure review.

We also support many of the access routes proposed. In particular we support (a-b) for public foot and vehicle access, and the following routes for public foot and non-motorised vehicle access:- (i-j-k-l-w-m-n-q-p), (x-y), (x-z), and (e-f-fl). So long as all proposals for tracks to be formed are completed as part of this review, we believe that the CPL Act requirement for secure access will be satisfied.

Yours faithfully

David Barnes
Conservation & Recreation Advocacy Officer



Graham Dickson

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6 Scaife Place
WANAKA
Ph/Fax 03 4438544
December 16, 2003

Commissioner of Crown Lands
C/-DTZ New Zealand Ltd
Land Resources Division
PO Box 27
Alexandra

Dingleburn Station Tenure Review

I wish to make the following submission on the tenure review proposal for Dingleburn Staion.

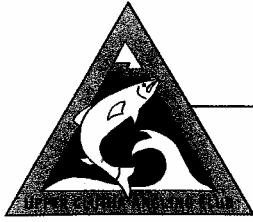
Public access to the foreshore of Lake Hawea is important for the public to enjoy the lake. At present the public road to the north of Timaru Creek is separated from the lake by a strip of some 100m wide. The public road continues some 3km north of Timaru Creek but stops at the cattle yards with the road to the north being private. While at present there is access over the land between the public road and the lake it is not as of right and could be fenced off at any time. In this review it is important to consider the long term public needs when resident and visitor populations are much higher. I consider that public access to the lake north of Timaru Ctreak is desirable. I make the following points:

- * At the end of the legal road at the cattle yards, point (a) in the review, the road is only some 100m. from the lake. The topography is relatively gentle and lake access at this point is feasible and the shoreline is usable with views up the lake, with quite a different aspect to Timaru Creek.
- * It would be good for the long term if there was access to the lake and the foreshore reserve from the end of the legal road. This is as far as the public can be guaranteed a good road surface.
- * It would make a good destination if there was a reserve at this point where the legal road ends and where in the longer term - say within 50 years - a lakeside facility could be developed at the end of the road with lake access, parking, trees for shade and other facilities. While not essential now it could be of high value in the future.
- * A suitable area for such a reserve would be about 150m X 100m. and be at the end of the legal road. A suitable area seems to be from the ford on the road, to the end of the legal road, giving a good frontage, and then out to the shoreline taking in some 150 to 200m of shore including the small bay. This would be a minimum reserve but a larger area could be desirable.
- * This area is to the south of the cattle yards and adjoins the legal road and in my opinion would not interfere with farming operations. It is currently covered in bracken and briar but could be easily cleared.

I would recommend a reserve at the end of the legal road, as described above, be created to give usable access to the lake at this point.


Graham Dickson

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for the aspiring angler

17 January 2004



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

Dear Sir/Madam

Submission on Dingle Burn Station Tenure Review

1.0 Introduction

The Upper Clutha Angling Club wishes to submit on the preliminary proposal prepared by DTZ for the Dingleburn Pastoral Lease property.

The property has significant inherent values for anglers and hunters. Lake Hawea, the Hunter River, the Dingle Burn, Timaru Creek and Dingle Lagoon all support important sports fisheries and are valued and used by anglers. Continuing public access to those fisheries and protection of sports fish habitat values are key issues for Upper Clutha Angling Club.

Dingle Lagoon is significant as it is the only large wetland in the area and contains a large number of native and introduced bird species as well as sports fish. The lagoon qualifies for marginal strip protection under the Conservation Act 1987 (Part IVa, Marginal Strips), yet this has not been specified in the report.

The property provides access to the head of Lake Hawea and the Hunter Valley.

The linkages between this tenure review proposal and the establishment of both public roads and marginal strips is not clear. This is a generic problem with tenure reviews, which needs to be addressed to enable meaningful public participation in the process and to ensure beneficial public interest outcomes. In this case there is limited reporting on existing or proposed marginal strips and no discussion about the potential to establish public roading within the property.

Upper Clutha Angling Club assumes that there are either existing marginal strips in place on Lake Hawea foreshore, the Hunter River, the Dingle Burn, Timaru Creek and Dingle Lagoon, or that strips will be established as a consequence of tenure review, or that strips are not required because the land concerned will be conservation land.

2.0 Comments on the Proposal:

In general the proposal does not adequately protect significant sports fishery values and more particularly associated public access within or across the lease property. Specific outcomes are discussed below

Timaru Creek

The proposal to restore land adjacent to Timaru Creek to the Crown as conservation area is **supported**. This will protect existing sports fishery and habitat values and public access. The existing public road provides secure access to the area.

Dingle Burn, Dingle Lagoon, Lake Hawea and Hunter River

Anglers presently access the Dingle Burn with the permission of the lessee by driving along the formed road to the Dingle Burn. This allows them to tramp to popular fishing water upstream.

The public road ends at point ‘a’ as defined in the DTZ report (near cattle yards) and a public motorised vehicle access easement is proposed beyond that point for three or four kilometres, ending in a proposed car park at point ‘b’. A public access easement for non- motorised vehicles and pedestrian traffic is then proposed along the formed road to point ‘c’ and then deviates from the formed road by running around the peninsula to the mouth of the Dingle Burn and on along the Hawea lakeshore and up the Hunter Valley.

A vehicle easement for management purposes (for DoC but apparently not for Fish and Game – refer pge 12) continues up along the formed road past Dingle Lagoon to the homestead and up the Dingle Burn (‘d’, ‘e’, ‘f’) and also up the Hawea lake edge and the Hunter (‘e’, ‘h’, ‘k’, ‘l’, ‘m’, ‘n’, ‘o’, ‘p’ etc.).

The proposal poses some serious problems.

- Anglers will have to undertake an impractically long tramp to get into the Dingle Burn from the proposed car park at point ‘b’. This involves going around the peninsula and then up the river along a 40 metre marginal strip.
- The Dingle Lagoon marginal strip will be landlocked and will not be legally accessible by anglers or other recreational users. An access way past the lagoon could serve the dual purpose of providing access to it and providing more direct public access to the Dingle Burn
- The future option of establishing a public road up to the Dingle Burn and beyond to the head of Lake Hawea and the Hunter Valley will be lost if the opportunity is not secured now. At the present time the public most commonly access the Hunter valley by vehicle with permission from the lessee of Hunter Valley Station. The Crown needs to preserve its options with regard to access into the Hunter Valley on the Dingle Burn Station side given the lack of any secure public access at the present time
- There is no formal protection for the Dingle Lagoon outlet stream, which is not large enough to qualify for a marginal strip.

3.0 Recommendations

Upper Clutha Angling Club requests that:

- a) A public vehicle access easement or public road be established from point 'a' to a point immediately adjacent to the Dingle Lagoon to provide for practical access to the lagoon and up the Dingle Burn. A car park easement is established at this point. We note that Queenstown Lakes District Council is supportive of some extension to the existing public Dingle Burn Station road.
- b) A strip of land underlying the proposed vehicle access easement for management purposes to the Dingle Burn and on up the Hunter Valley is retained by the Crown with an easement back to the lessees. This will preserve public access options for the future. This is critically important. The Southern Lakes area is changing rapidly and the public's interest in access to the backcountry needs to provide for not just in the immediate future but also in the long term.
- c) The new track construction proposed around the Hawea lakeshore is funded as part of the tenure review process. Consideration should be given to funding for public toilet facilities at the car park areas as well. We consider this is necessary and in keeping with other facilities such as those found at the mouth of Timaru River.
- d) Vehicle easements relating to DoC for management also apply to Fish and Game.
- e) A conservation covenant is applied to land on either side of the Dingle Lagoon outlet stream to protect sports fish habitat values.

4.0 Conclusion

The public have enjoyed very good access through Dingle Burn Station for recreational purposes due to the generosity of the existing lessees. The property is one with very important recreation values and it is critical that those be properly provided for through this tenure review. Public access to the head of Lake Hawea, to the Hunter Valley and to the Dingle Burn are essential outcomes of this review. Access needs to be practical in accommodating different recreational activities and the expanse of land involved. In Upper Clutha Angling Club's view the preliminary proposal does not go far enough in protecting and providing for practical public access through the property.

Yours faithfully

Upper Clutha Angling Club
Enquires 443-8903

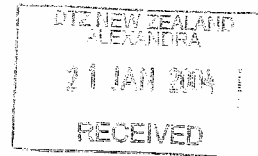
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**FOREST
& BIRD**

ROYAL FOREST AND
BIRD PROTECTION
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19th January 2004

The Manager
Mr Ken Taylor
DTZ
Box 27
Alexandra

Dear Ken Taylor

Submission to Dingleburn Proposed Tenure Change

Thank you for the opportunity to comment on this proposal.

The Preliminary Proposal as Presented

Forest and Bird notes that the proposal includes the following designations:-

1. 10,110ha (approximately) to be designated as land to be restored to full Crown ownership and control under Section 35(2) (a) CPL Act as conservation area.
2. 6,462ha (approximately) to be restored to Crown control under Section 35(2)(b) and 36(1) (a) CPL Act as conservation area subject to qualifications:

Qualifications:

- (a) *Concession for sheep and cattle grazing under Section 36(1)(a) CPL Act over an area of approximately 140 hectares, comprising four discrete areas of fan within the Hunter Valley for a term of 15 years for up to 200 stock units per annum.*
- (b) *Concession for sheep grazing under Section 36(1)(a) CPL Act over an area of approximately 6,322 hectares, comprising land between Timaru Creek and the Dingle Burn, for a term of 10 years for up to 600 stock units per annum.*
- (c) *Concession license for commercial guided hunting under Section 36(1) (a) CPL Act over an area of approximately 900 hectares, located north of the ridgeline between Dingle Peak and Maungatika for a term of 15 years.*

- (d) Right of Way easement concession under Section 36(3) (b) CPL Act for droving stock on a route from Timaru Creek to the Dingle Bum.*
 - (e) Concession licence under Section 36(3) (b) CPL Act for access for farm management purposes across marginal strip at the Dingleburn Bridge for a term of 30 years.*
3. 7,135ha (approximately) to be designated as land to be disposed of by freehold disposal to the holder under Section 35(3) CPL Act, subject to Part IVA of the Conservation Act 1987, Section 11 of the Crown Minerals Act 1991 and the following protective mechanisms under Section 40(1)(b) CPL Act:

Protective mechanisms:

Under Section 40(2)(a) CPL Act:

- (a) Conservation covenant under Section 77 of the Reserves Act 1977 over five individual areas totalling 365ha (approximately) for the purpose of preserving the natural landscape amenity and natural environment.*
- (b) Conservation covenant under Section 77 of the Reserves Act 1977 over one area totalling 1700ha (approximately) for the purpose of preserving the natural landscape.*

Under Section 40(2) (c) CPL Act:

- (c) Easement under Section 7(2) Conservation Act 1987 to provide for public access variously by motorised vehicle, on foot and by non-motorised vehicle and for access for management purposes on a route from the end of the Dingleburn legal road to the Dingle Burn and Hunter River.*
- (d) Easement under Section 7(2) Conservation Act 1987 to provide for public access on foot and by non-motorised vehicle from the Dingle Bum bridge to the Dingleburn Conservation Area.*

4. 8,000ha (approximately) to remain as conservation area under Section 37(1)(a) CPL Act comprising ex-Hawea State Forestland between Timaru Creek and the Dingle Burn.

5. 90ha (approximately) of Conservation land to be disposed of by way of exchange with other land designated by the proposal under the Conservation Act 1987 under Section 37(1)(c). This area comprises small portions of land which result from rationalism of the present bush line boundary between Conservation area and land designated in the proposal to be disposed of to the holder.

Forest and Bird Submitts as follows.

CA1 – 4

Forest and Bird strongly supports return to full crown ownership and control of the 10,110 ha.

We are disappointed that the area above CC1 and CC1 have not been included in the area to be restored to the Crown as we consider there are enough significant inherent values to warrant this. Freeholding these areas reduces the value of the lake to mountains altitudinal sequence, as there will be management differences which are likely to be manifested physically. Continued grazing will prevent restoration of the area CC1 and is likely to severely retard regeneration of the shrublands.

<p>Recommendation CA1 be extended to include all of CC1.</p>

Grazing Concessions - C6 Fans in the Hunter Valley and Timaru Creek

The Society is pleased that these areas are to be returned to full crown ownership, however we are concerned that it is proposed to enable ongoing grazing for 15 years. We consider this should be reduced to 6 years to enable the station to make any necessary transitions in management following tenure reviews. Stock will continually prevent the restoration of these areas. In addition Stock grazing on riverbanks does not make for wise ecological management of waterways, and their presence reduces the sense of naturalness of this valley.

<p>Recommendation Reduce all grazing concessions including the Timaru Creek concession to 6 years.</p>

CC2, CC3, CC4, CC5

The Society endorses the protection of these areas, all of which are shrublands/forests. However the covenants provide for ongoing grazing which will not protect these areas nor will it enable restoration. Stock grazing prevents natural regeneration so that eventually these areas will become eaten out and once the old trees/shrubs die it is likely there will not be a healthy understorey to replace them.

<p>Recommendations</p> <p>CC3 and CC4 These two areas of mixed forest and shrublands should be incorporated into CA1 and fenced to ensure adequate protection of their significant inherent values.</p> <p>CC2 and CC5 These should be closely monitored and if there is insufficient regeneration of the full-expected diversity of these remnants then grazing should be terminated. Covenant documents to be amended accordingly.</p>

CC6 Timaru River Covenant

The CRR (page 11) notes that the beech forests are vigorously expanding and there is also 'vigorous expansion of other woody species including broadleaf, marble leaf, lemon wood, lancewood and matagouri.' The report also notes that the 'aprons of regenerating beech outside of mature forest areas and kanuka/manuka/broadleaved shrublands represent a return to native vegetation in areas where farming attempts have proved unsuccessful. Together these areas comprise one of the largest forest/shrublands in the comparatively dry eastern part of the Wanaka Ecological District...'

It is clear that the CRR ranks these remnants and regenerating shrublands as important and it is submitted that they meet criteria for significant inherent values under the CPLA.

The proposed tenure review recognises part of the landscape values of this area as it proposes a landscape covenant. However it is clear that this area also has significant inherent values relating to the regenerating shrublands and broadleaved forest.

Forest and Bird submits that freeholding these with a covenant that will allow grazing as well as spraying and burning is contrary to the objects of the CPLA. Ongoing grazing and burning will not protect the vegetation values, and will prevent further expansion of beech forest and regeneration of the forest and shrublands. Fire is totally incompatible with protecting shrublands and forests, and grazing prevents regeneration, and reduces the potential biodiversity values of the area.

The Consultation documents indicate that the DGC delegate consider that the natural botanical values within this area were 'severely compromised by an invasion of tussock hawkweed over much of its area'.

I am advised by botanists that the tussock hawkweed at this elevation is unlikely to be a significant conservation problem in this area, as the shrublands and beech forests are likely to overtime expand and out compete the *Hieracium lepidulum*. Although the Hieracium could remain, its low abundance would have minimal impact on the composition and structure of the native community. I am advised that our indigenous flora is more resilient than we may think. In the absence of burning and grazing, although the tussock hawkweed may expand, it is likely over time to end up as an understorey under a regenerated shrubland/ forest. This is an excellent situation for DOC to be able to monitor the fate of tussock hawkweed in the absence of burning and grazing.

<p>Recommendation Forest and Bird submits that CC6 be returned to full crown ownership and control. To facilitate any transition to different farm management as a result of tenure review, the Society would support a short term grazing concession of 5 years.</p>
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Lake Faces from Timaru River to the Peninsula

The landscape maps in the CRR, indicate that the area around Rocky Point Creek which is now proposed for freeholding is an area with high natural landscape value. The CRR is several years old and I have not inspected this area. Lake faces, regenerating shrublands and landscape values have now been recognised generally as being more significant than thought at the time the surveys and reports would have been done for the Dingleburn Conservation Resources Report.

The Peninsula has a high degree of naturalness and given its strong tendency for regeneration if fire was excluded from this area it is likely that it will eventually regenerate to shrublands which would enhance the landscape values. This area is highly visible from a major tourist route in New Zealand.

Recommendation

Given the potential significance of these areas including the Peninsula, Forest and Bird submits that there should be a covenant over all the Lake Faces, and the Peninsula to ensure that exotic tree planting and subdivision for housing development is not allowed. The covenant should also not allow for any burning of regenerating shrublands or forest areas.

Dingleburn Road around Rocky Point and access through CA 1

Forest and Bird is strongly opposed to the freeholding of a 20m strip at Rocky Point. The proposal does not make it clear whether this includes the road. However the consultation report suggests that it does. This effectively splits the proposed conservation area, diminishing the quality of an altitudinal sequence from the Lake to the tops. Road maintenance can have adverse environmental impacts which DOC needs to have management control over in order to ensure protection of the adjacent conservation areas.

The Society is similarly opposed to the proposed freeholding of a 20m strip through through CA 1 for the same reasons.

The Society would support an easement for farm management purposes only, in both cases.

Access Easements

Dingleburn Station Road

Forest and Bird believes that the Crown should do all it can to ensure that at some point in the future it may be possible to legalise public access over the Dingleburn Station Road, and at the very least ensure that no provision in this tenure review will compromise that for the future. Apparently the Queenstown Lakes District Council has expressed an interest in this access becoming a

legal road, partly because there is a public demand and why should the lessee pay for all the maintenance. The Society wholeheartedly agrees.

The PDR notes the importance of the Crown retaining ownership of the Dingleburn road as it provides key access to the proposed and existing conservation lands in the Dingleburn and Hunter River Valley.

It appears from looking at the map that various parts of the current formed Station Road are to be included in the freehold. This will hinder the possibility in the future of legalising public access should an opportunity arise for this or future generations.

Recommendation
That no portion of the existing formed road/track should be freeholded.

d-c-g around the homestead in the Dingleburn

Forest and does not support the compromise easement to avoid the homestead. We appreciate the lessee's desire for privacy, however this proposal has to be viewed over the long term and it may be that in a decade or more there may not be a homestead at this location.

Recommendations

1. To cover the possibility of there not being a homestead in 20 –100 years time, we suggest that the road be retained in Crown ownership and there be a mechanism created which would enable a public access easement, or legal road to be created over this track/road should there no longer be a homestead.
2. The Society supports FMC's suggested shorter route around the tarn on the Dingleburn Flats. This would provide good access to the Lake and the lower Dingleburn.

Yours sincerely



Sue Maturin
Southern Conservation Officer



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FAILED

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19 January 2004



Ken Taylor
DTZ New Zealand Ltd
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ALEXANDRA

Tēnā koe Ken

Ngāi Tahu Submission on the Preliminary Proposal for Dingleburn Pastoral Lease

Te Rūnanga o Ngāi Tahu and the relevant Papatipu Rūnanga: Te Rūnanga o Moeraki, Te Rūnanga o Hokonui, Kāti Huirapa ki Puketeraki and Te Rūnanga o Otakou have considered the information provided in the Preliminary Proposal for Dingleburn Pastoral Lease, and have made the following comments regarding the Preliminary Proposal.

The area now known as Dingleburn Pastoral Lease is of immense cultural, spiritual and traditional significance to Ngāi Tahu. Dingleburn Pastoral Lease was frequently used by Ngāi Tahu and is associated with a number of significant sites.

3.1 Proposed Conservation Land

Conservation Area 2

A kainga named O Tu Purupuru used to stand at the mouth of the Dingleburn River / Whakakea.

Recommendation: That the Department of Conservation consults with Papatipu Rūnanga to identify an appropriate name for the proposed Conservation Area at the mouth of the Dingleburn River / Whakakea to highlight the significance of this area to Ngāi Tahu.

Conservation Area 5

Mt Dingle is of immense significance to Ngāi Tahu and is of wāhi tapu status. Under the current Preliminary Proposal Mt Dingle / Turihuka is to remain in Crown ownership and managed as a Conservation Area.

Recommendation: That Mt Dingle / Turihuka remains in Crown ownership and managed as a Conservation Area in partnership with Papatipu Rūnanga.

3.2.1.1. Hunting Concession

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There has been no consultation with Te Rūnanga o Ngāi Tahu regarding the proposed hunting concession as part of the Preliminary Proposal. The Minister of Conservation has a responsibility under Section 4 of the Conservation Act to consult with iwi regarding the granting of concessions.

As already mentioned in this submission Mt Dingle is of wāhi tapu status, and the Department and LINZ's issuing of a hunting concession over an area of wāhi tapu status, without any formal consultation with Ngāi Tahu, is inappropriate.

Recommendation: That Te Rūnanga o Ngāi Tahu and the kaitiaki Papatipu Rūnanga are formally notified of the hunting concession in the Dingleburn Preliminary Proposal.

3.5 Land to be disposed of by way of freehold ownership

Dingleburn Lagoon / Turihuka

Rawiri Te Maire was a child living in Wanaka when Te Puoho attacked Ngāi Tahu settlements within the Wanaka region in 1868. Te Maire became a well respected tohunga and recorded a number of the Ngāi Tahu settlements within the Wanaka / Hawea region. Te Maire recalls the Māori name for Dingleburn Lagoon as Turihuka.

H.K Taiaroa, a leading Ngāi Tahu rangatira, recorded a comprehensive list of mahinga kai sites throughout the South Island. According to Taiaroa's papers Turihuka is the name for a well known kainga that was located beside Dingleburn Lagoon / Turihuka, which was well known for eeling and koukoupara.

There is no doubt that during Ngāi Tahu occupation of the Wanaka / Hawea region Dingleburn Lagoon / Turihuka included a variety of other mahinga kai resources, and the lake and surrounding wetlands would have been much larger than its present state.

The Conservation Resource Report for Dingleburn states that "*the margins of the Dingle Burn Lagoon (20 ha) which lied to the west of the homestead, support wetland vegetation including raupō, Carex coriacea, Juncus effusus, crack willow, and a sward of exotic grasses and herbs*".

The Ngāi Tahu kainga of Turihuka was strategically located beside the lagoon to take advantage of the mahinga kai resources of the lagoon, and was extensively used by the inhabitants of Turihuka. Regardless of its current state, Dingleburn Lagoon / Turihuka consists of significant inherent cultural values.

Under the Preliminary Proposal Dingleburn Lagoon / Turihuka is proposed to be freeholded. As a result Dingleburn Lagoon / Turihuka contains significant inherent cultural values, and requires protection according to the Objects of the Crown Pastoral Land Act (1998).

Recommendation: That Dingleburn Lagoon / Turihuka is to be restored to full Crown ownership and control as a Conservation Area under Section 35 (2) (a) of the CPLA 1998.

Dingleburn River / Whakakea

The Māori name for the Dingleburn River is Whakakea. A kainga (settlement) known as O Tu Purupuru was located at the mouth of the Dingleburn River / Whakakea. This kainga would have been strategically located beside the river so its people could utilise the river's resources. As a result

FAXED

the Dingleburn River / Whakakea is of cultural importance to Ngāi Tahu and requires appropriate protection and access mechanisms.

My current understanding is that the CPLA (1998) does not necessarily apply marginal strips, and instead once the Pastoral Lease has completed Tenure Review a marginal strip will be applied if it fits the criteria of the Conservation Act (1987).

A possible problem is that if the Dingleburn River / Whakakea does not fit the criteria of the Conservation Act (1987) then a marginal strip will not be issued. The Dingleburn River / Whakakea contains significant inherent cultural values and requires appropriate protection to achieve the Objects of the CPLA (1998).

Recommendation: That LINZ replies to Te Rūnanga o Ngāi Tahu outlining whether the Dingleburn River / Whakakea fits the criteria for a marginal strip.

Recommendation: If the Dingleburn River / Whakakea does not fit the criteria for a marginal strip, then it is recommended that a 20 metre strip along the Dingleburn River / Whakakea is granted as a Conservation Area as per Section 35 (2) (a) (i).

Conservation Covenants

Under the Preliminary Proposal there are a number of Conservation Covenants located alongside the edge of Lake Hawea to protect native shrubland/forest.

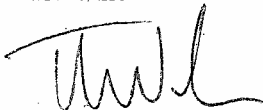
The land immediately surrounding Lake Hawea is part of the significant scenic values of the Dingleburn Pastoral Lease. The significant inherent values contained in the surrounding land of Lake Hawea needs to be protected. While the surrounding areas of Lake Hawea contain farming values they also contain scenic values that require adequate protection.

Recommendation: That the surrounding land around Lake Hawea (from Timaru River to the top of Hunter Valley) is protected as a Conservation Covenant as per Section 40 (2) (a) of the CPLA (1998).

I would appreciate if you would provide a written response to myself outlining whether each recommendation outlined in this submission will be included in the Substantive Proposal.

I look forward to receiving your response.

Heoi anō



Takerei Norton
Kairuruku Pūrero Ngā Rawa Taiao
Natural Resources Unit Project Co-ordinator

cc Te Rūnanga o Moeraki
Te Rūnanga o Hokonui
Te Rūnanga o Otakou
Kāti Huirapa ki Puketeraki



FAXED

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20 FEB 2004
RECEIVED

18 February 2004

Phil Murray
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ALEXANDRA

Tēnā koe Phil,

Ngāi Tahu Submission on Dingleburn Pastoral Lease

This letter is to clarify the Te Rūnanga o Ngāi Tahu submission dated 19th January 2004 for the Preliminary Proposal for Dingleburn Pastoral Lease, in particular the recommendation for the protection of Dingleburn Lagoon / Turihuka and the surrounding wetlands.

As outlined in the original Te Rūnanga submission the Dingleburn Lagoon / Turihuka and surrounding wetlands are of cultural importance to Ngāi Tahu Whānui. Turihuka was a well known settlement, and was strategically located beside Dingleburn Lagoon / Turihuka to take advantage of the mahinga kai resources associated with the lagoon and the surrounding wetlands.

Which was not made explicit in our original submission was that Te Rūnanga and kaitiaki Papatipu Rūnanga request that the Dingleburn Lagoon / Turihuka and the surrounding wetlands, including the outlet, have some form of protection mechanism.

Recommendation:

- That the Dingleburn Lagoon / Turihuka, the surrounding wetlands, the outlet, and 20 metres surrounding these three natural resources be restored to full Crown ownership and control as a Conservation Area under Section 35(2)(a) of the CPLA 1998.

If you have any further queries please do not hesitate to contact me.

Heoi anō

Takerei Norton
Kairuruku Pūrero Ngā Rawa Taiao
Natural Resources Unit Project Co-ordinator

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