



Crown Pastoral Land Tenure Review

Lease name : Dome Hills Station
Lease number: Po 170

Lease name: Dome Hills II
Lease number : Po 261

Public submissions

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

April 03



Department of Botany

Division of Sciences
PO Box 56, Dunedin
NEW ZEALAND

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DTZ NEW ZEALAND
ALEXANDRA

28 FEB 2003

RECEIVED

February 27, 2003.

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

SUBMISSION ON PROPOSED TENURE REVIEW: DOME HILLS PASTORAL LEASE

Dear Sir,

Thank you for sending me a copy of this proposal for the tenure review of Dome Hills Pastoral Lease. I appreciate the opportunity to comment on this proposal based on my knowledge of the area, gained particularly during the co-supervision of the Protected Natural Areas Survey of the property as part of the Dansey Ecological District by Ms Joy Comrie, in 1990-91.

I am deeply concerned with the relatively small area (1350 ha) and proportion (18.2%) of the property (7414 ha) being proposed for 'restoration to Crown control as a conservation area', particularly as this area does not even contain all of the "Dansey RAP 7 Pisgah" which lies within the property. The report states that 'the upper boundaries have been chosen for suitability of fencing' which is clearly important, but I believe the boundary of the Pisgah RAP on the north side of Kakanui River (North Branch), running down the spur and across the stream towards Crumb Hut, should be as suitable and also require significantly less fencing. The boundary could then run up the opposite spur, to the track shown on the map, and then follow above this track around the contour to Sentinel Rock at about 1100 m. This would embrace Crumb Hut, as well as much of the head basin of Kakanui River (North Branch) within the conservation area. This would be a much more representative area, of more regular outline, and with significantly lower fencing construction (and maintenance) costs. An additional area of probably 7-800 ha would be added to the conservation area with such an addition which would still provide a substantial proportion of the property for freeholding.

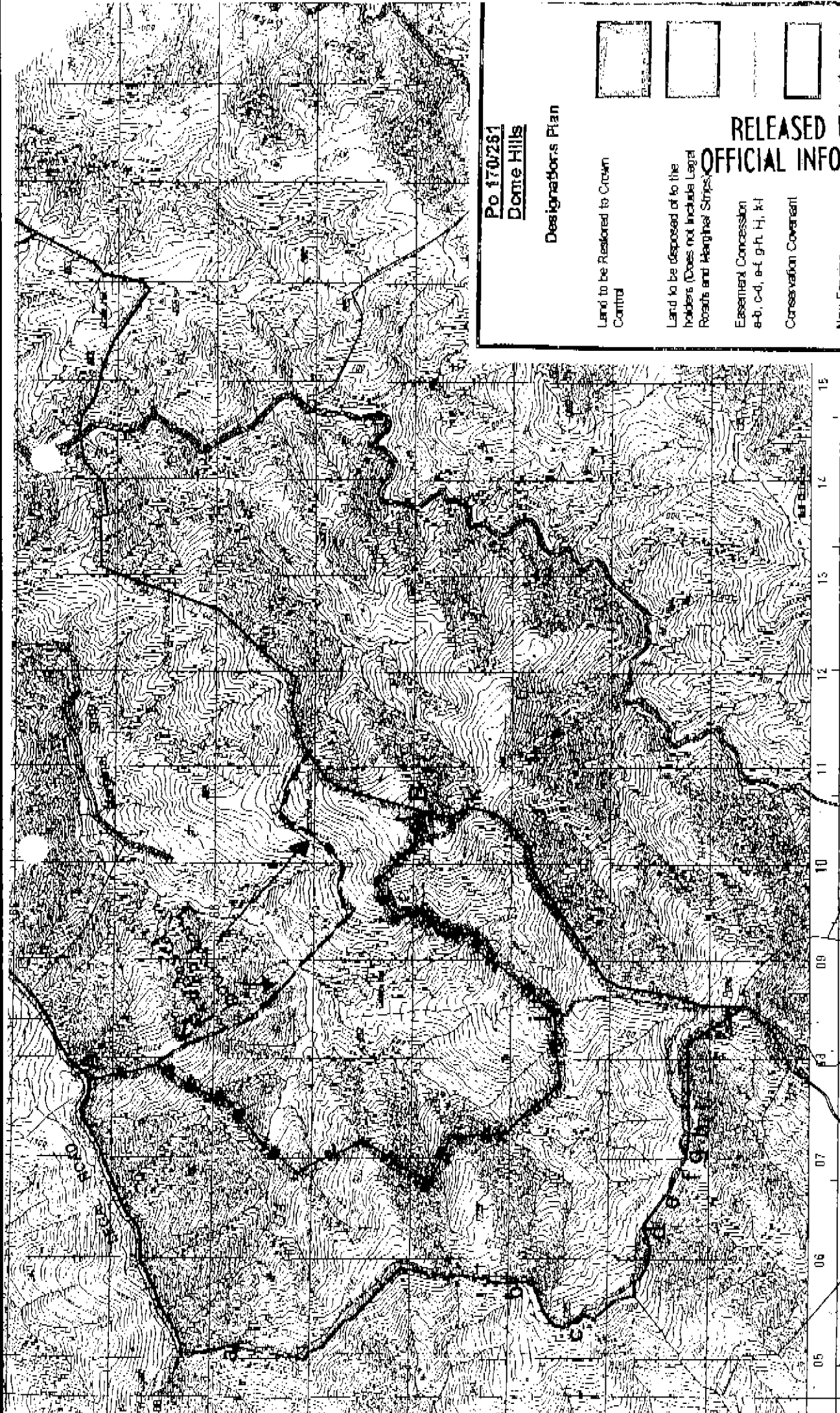
It is pleasing to see provision is being made for a marginal strip up the Kakanui River for much of its extent, together with a conservation covenant of appropriate width (20 m either side of the water course) continuing on to the lower boundary of the proposed conservation area. The essentially normal farming practices that are to be permitted on this streamside covenant, including burning and aerial oversowing-topdressing, is of concern in that this would reduce the important protective value of the riparian vegetation. It is assumed that this has been permitted for pragmatic reasons. Note that the marginal strip, as shown on the map, appears to be off the alignment of the water course in some sections. I assume this is an error on the map.

Public access up the legal road on Pisgah Spur will be important, as will be the existing track around around the upper boundary of the property where the proposed easement of six sections is accepted as being necessary for purposes of farm management.

Thank you for the opportunity to comment on this proposal, which has significant implications for protection of intrinsic and recreational values on the Kakanui Mountains.

Yours sincerely,

Encl.



Dome Hills I & II Stations

SCALE 1:50 000

Scale 1:50000



173°38'

25°

Po 170/251
Dome Hills

Designations Plan

Land to be Restored to Crown
Control

Land to be disposed of to the
holders (Does not include Legal
Roads and Marginal Strips)

Easement Concession
a-b, c-d, e-f, g-h, i-j, k-l

Conservation Covenant

New Fencing

Scale 1:50,000
K Taylor

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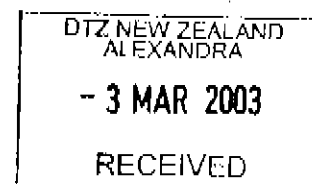
4-Nov-02

Version	1	2	4	5
Otago Land District				
Sheet 1 of 3				
1: N77MC 960 141				

Airpark
Submission

Ken Taylor

From:
Sent: Sunday, 2 March 2003 9:28 p.m.
To: Ken Taylor
Subject: Dome Hills Draft Tenure Review



Dear Ken,

thank you for the opportunity to comment on this draft review of tenure.

I know this lease well having visited it many times over the last 25 years.

Submission

Based on strong botanical and entomological grounds I believe the lower boundary of the area to be retained by the crown should be enlarged greatly. This enlarged area contains steep shrubland/ grasslands dominated by *Ozothamnus* & *Pimelea traversii* shrubs, *Dracophyllum uniflorum* shrubs, a riparian margin of shrubs and sedges, seepages rich in aquatic insects, bluffs rich in a variety of herbs and *Chionochloa rigida* grassland of vigorous and large extent. Several significant insects are to be found here including the uncommon tussock butterfly *Argyrophenga janitae* and day-flying moth *Notoreas* new species. In the seepages, which are generally rare on this dry mountain range, are to be found short-winged races of the alpine stoneflies *Austroperla cyrene*, *Zelandoperla pennulata* and the caddis *Philorhithrus agilis* and New Zealand's only scorpionfly *Nannochorista philpotti*. A rich habitat for caddis, stoneflies, moths and bugs.

The boundary should be from Apostles Rock across the river to 700m point east of the 818m spot altitude and then up that ridge to the 1038m spot height as shown on the 1:50 000 map. An even larger area could be justified on botanical grounds, but the values become more patchy. But steep faces below Trig G 970m are also significant and should be looked at for covenanting.

I'll copy this to the Otago Conservation Board.

A small point: many of the insect names are incorrectly spelt.

yours sincerely

3/03/2003



FOREST
& BIRD

ROYAL FOREST AND
BIRD PROTECTION
SOCIETY OF
NEW ZEALAND INC

Southern Office
P.O. Box 6230
Dunedin
New Zealand
Ph (03) 477-9677
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Email suem@earthlight.co.nz

3rd March 2003

Mr Ken Taylor
DTZ
Box 27
Alexandra



Dear Ken

Submission to Dome Hills – Preliminary Proposal

Thank you for the opportunity to comment on this proposal.

Introduction

1. I write on behalf of the Royal Forest and Bird Protection Society, which represents over 55,000 members nationwide in 57 branches. The Society has been an active advocate of the protection and conservation of New Zealand's natural and physical resources since 1923.
2. In making this submission we are acutely aware that the CCL has adopted what we strongly believe to be an erroneous approach in the consideration of public submissions. Submissions are only allowed if they raise new information, and if the submissions raise a matter that has already been decided upon by the Commissioner then that submission is disallowed. The Society considers these criteria are contrary to the principles of natural justice and the common law understanding of "consultation". Should the CCL's criteria change before final decisions are made on Dome Hills we request the right to make a further submission.
3. We are pleased that it has been decided that the original proposal embracing an extensive QE II covenant did not meet the objects of the CPLA. However we are dismayed that the preliminary proposal now fails to meet the objects of the CPLA in that it proposes to freehold areas that have previously been recognised as having significant inherent values that warranted protection. We can not produce new evidence to this fact, except to reiterate previous points made in the Conservation Resources Report, that appear to have been overlooked and respectfully submit that even though decisions have obviously already been made, we disagree with those decisions and this submission hopes to convince the CCL that those decisions have been based on poor and in some cases erroneous advice with no evidence to support it.

General Description of the Proposal

4. 1350 ha to be designated as land restored to Crown control as a conservation area, subject to access easement concession.
5. 6064 ha to be disposed of by free hold title subject to a conservation covenant under Section 40(2) CPLA over an area 20m either side of the North Branch of the Kakanui River from the western extent of the marginal strip to the boundary of the proposed conservation area.

Significant Inherent Values will be freeholded under this proposal

6. A brief history of the development of the proposals for tenure review on this lease demonstrates that recognised significant inherent values are now proposed to be freeholded.
7. The Conservation Resources Report released with the 16 December 1997 Proposal stated:
8. *The conservation resources report identified some 2,400 ha including the RAP areas within the Crumb block as having high conservation values that warrant the area being transferred to conservation land.*
9. The 1997 proposal included only 910ha being protected and transferred to DOC, and about 960 ha was to be a QE II Covenant. A total of 1870 ha were then considered to have significant inherent values. The Draft Preliminary Proposal Report and Drafting Instructions proposed that 1,800 ha were to be restored to full crown ownership. This was apparently DOC's bottom line.
10. As a result of runholder views and the LINZ delegate's disagreements with the DGC delegate a further recommendation was developed in the "Recommendations for Amended Draft Preliminary Proposal Report and Drafting Instructions" which returned to an extended QE II Covenant extending eastward down the hill slopes almost to Crumb Hut (Report A0155). This report noted on page 8 that the land then proposed for QE II covenant has significant inherent values.
11. As we understand the process as recorded on page 3 in Report AT2054, the CCL made it clear that where significant inherent values are to be protected the CPL Act was quite clear that the preferred option was restoration to full Crown ownership and control. This lead to further consultation and development of the Notice of the Preliminary Proposal. The Preliminary Proposal, does not contain a QE II Covenant, instead it freeholds much of what was originally included in the proposed covenant which various reports have consistently stated have significant inherent values that warranted protection, as they met the DOC SOP Criteria and the objects of the CPL Act.

12. From my reading of all the advice that the CCL has received it is not readily apparent which particular significant inherent values are now being freeholded, it has to be deduced. Consequently Forest and Bird considers that the CCL has made decisions without being aware of the particular values that are now proposed to be freeholded. We also consider that the CCL may have been lead to believe that on going grazing and AOSTD will protect the significant inherent values, due to advice received from, LINZ agents, DTZ, which we regard as being contrary to considerable scientific opinion.

Alluvial Terrace Shrublands in Dansey RAP 7 PISGAH

13. A significant proportion of the lowest altitudes of RAP 7 are proposed for freeholding including the alluvial terraces in the creek above the Crumb hut. Although the terraces are likely to be within the proposed covenant, they will not be protected, due to the covenants providing for ongoing grazing and AOSTD.
14. The Dansey PNA report on page 62 mentions the significance of this part of the RAP. This information has not been presented in the Conservation Resources Report and therefore does not appear to have been taken into consideration by the CCL in making a decision to accept the Preliminary Proposal.
15. *"The inclusion of areas at comparatively low elevation (800m) has meant that this RAP contains plant species such as broadleaf and mountain three finger normally found only in the forest remnant RAPS." (Dansey Ecological District Survey Report).*
16. *"Pisgah RAP also includes alluvial terraces with distinctive associated vegetation on the tread surface and risers. This is the only substantial area of alluvial terrace recommended for protection in the district."*
17. The terms of the proposed covenant provide for ongoing grazing and AOSTD. This management will not protect these highly significant areas.

Justification for Return of Shrublands to Full Crown Ownership

18. Since the original PNA report and the Conservation resources report McGlone has presented new information concerning the vegetation history of the indigenous grasslands of the southeastern South Island, the fernlands that accompanied their fire induced spread and the complex pre fire associations they replaced.¹ We now know that remnant shrublands possess considerable significant inherent values deserving protection.

¹ McGlone, M.S. 2001: *The origin of the indigenous grasslands of south eastern South Island in relation to pre-human woody ecosystems*. NZ Journal Ecology (2001) 25 (1): 1-15.

19. On the basis of fossil information, soils and climate, McGlone suggests that the pre-human vegetation of southeastern South Island can be schematically divided into three broad zones, as follows.
20. A dense moist, closed forest zone, extended throughout Southland- coastal south Otago.
21. A drier open forest – scrub zone extended inland along the edge of the east Otago upland, reaching the coast north of Dunedin.
22. A low forest-scrub grassland zone occupied the inland basins and ranges of Central Otago.
23. Dome hills occupies a transition zone between what would have been according to McGlone a Low forest-shrub grassland zone and an open forest scrub zone. The Dome Hills Conservation Resources report supports this in recording that indicators of old totara forest survives as logs lying amongst the block fields at 640m just above the Kakanui River. Today the only hint we have that this was once a forested/shrubland landscape are the shrub remnants found on the alluvial terraces and creek margins.

McGlone concludes by saying that:

"More importantly, as has been known for a long time, behind nearly every lowland or montane tussock grassland stands the ghost of a destroyed woody ecosystem and on a national scale, a unique dryland ecological zone has been nearly completely eliminated. If preservation of the entire span of fully functional New Zealand ecosystems is the aim, it follows that some attempt will have to be made to ensure the existence of self-sustaining examples of pre-human woody cover of the southeastern South Island."

24. There is no question that these areas are significant and deserve protection. These remnants provide the greatest potential for recovery towards a more natural vegetation of the area proposed for Conservation. However they are unlikely to continue to survive under continued grazing and AOSTD, as they will be prevented from adequate regeneration.
25. Walker et al² indicate that our limited experience with removal of herbivores from Central Otago woody remnants suggests that there is considerable potential for regeneration of certain woody species, and that this may have long been underestimated.
26. Walker³ recommends that reserve design should envisage and allow for the expansion and eventual restoration of sequences of native woody vegetation from the valley floors to the range tops and existing remnants should be

² S. Walker, W.G. Lee & G.M. Rogers 2002: *Woody Biomes of Central Otago, NZ: Their Present, Past Distribution and Future Restoration*: Landcare Research contract Report. LL1020/084

³ S. Walker, W.G. Lee & G.M. Rogers 2002: *Woody Biomes of Central Otago, NZ: Their Present, Past Distribution and Future Restoration*: Landcare Research contract Report. LL1020/084

viewed as foci and seed sources. Close fencing small isolated covenants surrounded by pastoral land will prevent the unfolding of elevational sequences of successional woodlands and forests over time.

27. The continuation of grazing in these important shrubland remnants, will not protect them and is not ecologically sustainable, thus the conservation covenant does not meet the objectives of the CPLA. The advice that the Commissioner received on p10 of Report AT 2054 that the shrublands are best protected by a covenant (which includes ongoing grazing and AOSTD) is patently wrong. We request that this area be adequately protected and incorporated within the proposed conservation area. The CCL has not received any robust scientific advice to justify the claim that these values will be protected under the proposed covenant.
28. Forest and Bird requests that the CCL obtain such advice and reconsiders the decision to freehold these values.

Mid to low altitude tussock lands above Crumb Hut.

29. The 1996 proposal and various proposals during discussions prior to the current proposal recognised the significant inherent values of the Crumb Block down to the hut. These include the snow tussock grasslands, and shrub tussock associations, with narrow leaved snow tussock being abundant and extensive at mid and low altitudes. Shrubs are abundant in these grasslands. Most of this area is included in the Pisgah RAP. The boundaries for the RAP were selected so that this RAP *"contains the greatest diversity of vegetation types in any of the RAPS in Dansey Ecological District, a reflection of the range in elevation, aspect and landform. The cover of the vegetation is generally dense, with few adventive species."*
30. The current proposal as presented in the Preliminary Notice excludes all the mid to lower altitude areas of the Pisgah RAP, and proposes that these will be freeholded, with no protection apart from the small covenant along the stream margins. As far as I can tell, this fact does not appear in any of the advice that has been given to the Commissioner. Report AT2054 notes that *'the majority of the significant inherent values previously identified lie within the 1400ha area which remains. The exception being some conservation values in the vicinity of the two high peaks on the boundary fence. There are significant inherent values relating to shrublands contained within the margins of the north branch of the Kakanui River.'*
31. It appears that as a result of not receiving such direct advice the CCL has overlooked these low to mid altitude tussock/shrubland values. The freeholding of these significant values, which have been recognised and noted in various documents during the tenure review negotiations can not be justified under the objects of the CPL Act. Forest and Bird requests that the boundaries of the Conservation area be extended to include the areas shown on the attached map.

Free holding areas of significant inherent values – not justified

32. The Crown has accepted the lessee's arguments that they needed an extra 400ha excluded from conservation land because it is important as summer run-off, land required in the management of stock health issues, lower altitude land important for cattle grazing over winter and land that is suited to AOSTD.
33. I could find no substantive analysis from the Crown's agents that investigated these claims. There is a strong likelihood that the management of this lease will change, indeed the lessee has indicated an interest in deer farming. Such a change may mean that these claims no longer hold. The CPL Act does not require the CCL to provide for the existing economic use in tenure review, but it does make tenure review subject to protecting significant inherent values. Forest and Bird asserts that the freeholding of significant inherent values on the basis of meeting lessee requirements for current economic use, is not within the objects of the CPL Act and furthermore the Crown has not adequately investigated and thus justified this freeholding.
34. It appears that the CCL has decided that this area can be freeholded and has accepted advice that freeholding this area will promote the management of this area in a way that is ecologically sustainable. Forest and Bird considers the advice given to this extent is erroneous and without substance.
35. During the course of the investigations the CCL was advised by his agents that the significant inherent values within the proposed QEII covenant, as set out in report A0155, would be maintained provided that existing pastoral management is continued, requiring stocking limitations and monitoring.
36. The DTZ delegate advised the CCL that he thought that over the majority of the then proposed covenant, the tussock cover would remain if not improve under grazing and that protection of this area from grazing if it was returned to full crown ownership was likely to result in significant spread of hieracium and a loss of native vegetation biodiversity. This was disputed by the Department of Conservation.
37. I have been advised by scientists working on hieracium that the assertion that removing grazing results in the spread of hieracium is not a substantiated fact, and is erroneous. Grazing of one species, *H lepidulum* can result in a slight short term depression, but grazing can not effectively reduce the spread of *H lepidulum* because stock do not graze evenly and there are always sites where stock do not graze, or miss plants and these leave more than enough *H lepidulum* to drive the system.
38. Rose and Frampton,⁴ found that the establishment of *H pilosella*, *H casepitosum*, and *H lepidulum* seedlings were strongly effected by the type of

⁴ Rose, Allan B., Frampton Chris M., 1999. Effects of microsite characteristics on *Hieracium* seedling establishment in tall and short tussock grasslands, Marlborough New Zealand. *New Zealand Journal of Botany*, 1999, Vol 37: 107-118.

vegetation and litter depth. Few seedlings established among tall tussock bases, robust herbs, or deep litter. Maintaining a healthy tussock cover is likely to be the most effective way of reducing the spread of *Hieracium*⁵.

39. Rose and Frampton⁶ suggest that burning and grazing associated with pastoralism over the last 150 years has increased the vulnerability of tussock grasslands to invasion by opening up the canopy, reducing tussock biomass, exposing bare ground promoting short intertussock species, reducing the litter layer and in many cases transforming tall-tussock to short tussock grassland.
40. Large *Chionochloa* tussocks pose several potential barriers to seedling establishment, including a dense base of competing tillers, dense canopy cover, and a surrounding layer of deep litter. The tall tussock grasslands were less vulnerable to *Hieracium* invasion than the short tussock grasslands due to their greater proportions of robust vegetation and lower proportions of bare ground.
41. In relation to management, Rose and Frampton concluded that: "Where fertilising and oversowing are not economically viable or on conservation lands where they are undesirable because of their effects on indigenous biodiversity, management of vegetation structure provides a key strategy. In such cases, the main management strategy for tall-tussock grassland should be the maintenance of dense stands and deep litter by precluding grazing and burning."
42. It is clear that the significant inherent values identified in the Crumb block will not be maintained under a grazing regime, and that AOSTD is undesirable as it will impact upon the indigenous biodiversity.
43. Forest and Bird considers that freeholding this area will not promote the management of this area in a way that is ecologically sustainable.

Fence lines

44. The high altitude areas have been excluded on the justification of obtaining practical and realistic fencelines. However the proposed new fence line only follows a high spur for a very short distance, it then goes around the hills and through the gorges following a line that was described in report A0155, page 5 as being impracticable to build or maintain and their visual impact would be undesirable, further more the fences would be vulnerable to being wiped out by heavy snows.

⁵ Yeates G.W.; Lee, William G. 1997. Burning in a New Zealand snow tussock grassland: effects on vegetation and soil fauna. *New Zealand Journal of Ecology* 21 (1) 73-79.

⁶ Rose, Allan B., Frampton Chris M., 1999. Effects of microsite characteristics on *Hieracium* seedling establishment in tall and short tussock grasslands, Marlborough New Zealand. *New Zealand Journal of Botany*, 1999, Vol 37: 107-118.

45. The history of negotiations show that a low altitude fence line that was proposed between the lessees suggested QEII covenant, and conservation land, in report A0155, was more acceptable than a higher fence, as going across hill faces would have a *'highly visible effect inappropriate in a conservation area.'* In this report the LINZ delegate agreed that the holder had used his long-term experience of the land contour and acceptability of snow to choose stable and easily maintained fence lines.
46. This advice has now all been ignored and the preliminary proposal includes a fence line which was once considered impractical, prone to snow damage and with unacceptably high landscape values.
47. The proposal also includes bulldozing a track to assist with fence construction and act as a firebreak. This will create a huge landscape scar and is as originally said, *'inappropriate'* in a conservation area. Landscape is a significant inherent value and is a matter to be considered under the objects of the CPL Act. I can find no advice to the commissioner on the landscape impacts of the proposed fence line.
48. Forest and Bird submits that the proposed fence line is unacceptable from a landscape perspective as well as being sited in the wrong place in relation to protecting significant inherent values. The proposal as outlined in the preliminary Notice does not meet the objects of the CPL Act and must be renegotiated.

Marginal Strips

49. We note that Submission No AT9100 states that consideration of marginal strips is not required under the CPL Act. Forest and Bird considers that as tenure review is the final disposition of the Crown's interest in these lands, marginal strips should be laid off as part of the process to provide secure public access.
50. In the case of Dome Hills, the existing fixed position marginal strips are obviously in the wrong place, as is confirmed by the Due Diligence Report AT9102. The creeks are deeply incised and hence no movement would have occurred. Yet the cadastral plans show them half way up hillsides in places. The original recording of them is in error, and should be corrected, otherwise new strips upstream of them are not going to connect. We request that this is done as part of this tenure review.

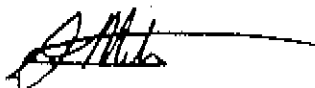
Public Access

51. It is not clear that the public access provisions up Pisgah Spur are adequate as the actual formation of this road does not always conform to the legal alignment and part of its length is situated on the neighbouring property. Secure public access must be provided for as part of this tenure review.

Summary

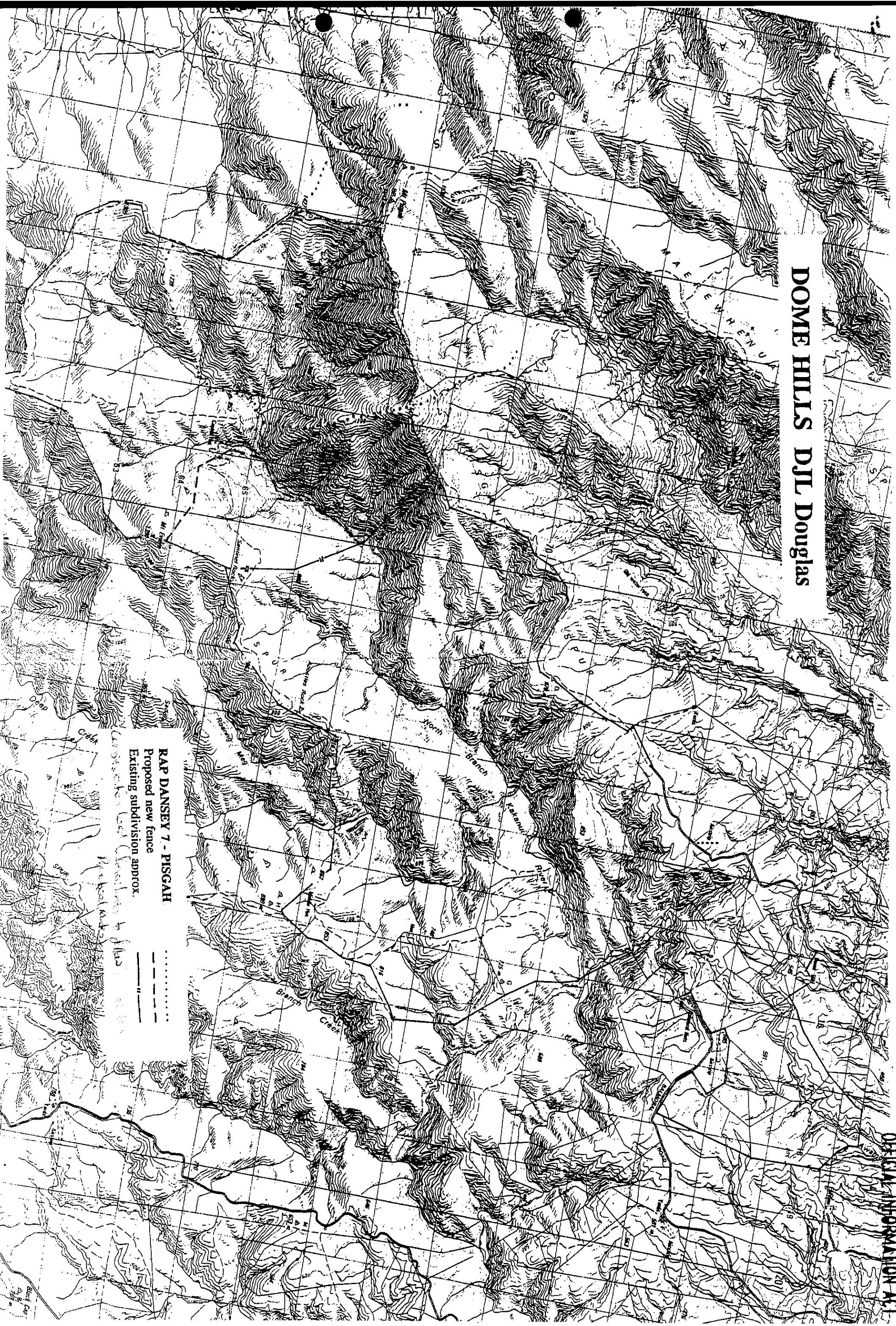
1. The proposal does not meet the objectives of the CPLA as it:
 - a. Freeholds a significant area that has been identified as containing significant inherent values.
 - b. Pretends to protect some significant areas by proposing a conservation covenant. However as the covenant provides for ongoing grazing and AOSTD the covenant will not protect the identified values.
 - c. Provides for a fence line that will create an unacceptable scar visible for decades, and will not protect the significant inherent values.
2. Forest and Bird submits that as the Preliminary Notice fails to adequately meet the objects of the CPLA it should not proceed until substantial renegotiation has occurred to ensure the identified significant inherent values are protected and there can be no doubt that the proposal meets the objects of the Act.
3. Forest and Bird requests the CCL to provide evidence that the legal road up Pisgah spur will provide secure public access.
4. Forest and Bird requests that the DGC correctly fixes the marginal strips prior to completion of this tenure review.
5. Forest and Bird wishes to receive a copy of the analysis of submissions and to receive notice of the outcome of our submission.

Yours sincerely



Sue Maturin
Southern Conservation Officer

DOMESTIC HILLS D/L Douglas



RAP DANSEY 7 - PISCAR
Proposed new fence
Existing subdivision approx.

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OFFICIAL INFORMATION ACT

Ken Taylor

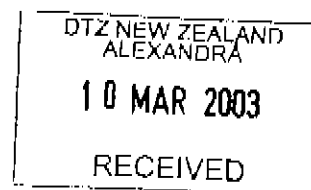
From:

Sent: Tuesday, 4 March 2003 3:55 p.m.

To: Ken Taylor

Cc: Richard.Pettinger@orc.govt.nz

Subject: (no subject)



Ken

I would like to send in the following submission on the Dome Hills

Dear Sir,

I am writing to comment on the Dome Hills Tenure review. I know this area well through a series of tramping trips I attended with the Otago Tramping and Mountaineering club. I also attended early warning meetings when this parcel was discussed. My concern is that the proposal does not go far enough to protect the headwaters and rugged mountain scenery in the neighborhood of Kakanui Peak. I am particularly disappointed that Crumb Hut and the land surrounding it are excluded. The early warning meeting discussed access down Kakanui Spur and Piaga Spur, neither of which seem to be mentioned in the proposal. I believe that it is essential that, at the very least a public access way on Kakanui Spur must be provided. This could be "foot access only" as there is no need for vehicular access here, and I acknowledge that the very steep topography would make vehicle track quite difficult to maintain. In addition I also urge you to expand the conservation area to include the land around Crumb Hut, which does not appear to be included at present, and some of the steep northeast faces 1 km or so to the east of the present proposed conservation lands boundary. It seems to me that these goals can easily be achieved by making the North trending fence line shown on Dome Hills Boundaries Map 3, as the conservation area boundary.

Best Regards,

PS I am 2/3 of the way through a 3 year posting in the US. We will be back in about a year though and I am watching the tenure review scene.

10/03/2003



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)
P.O. Box 1604, Wellington.



9 March 2003

The Manager
DTZ New Zealand Ltd
PO Box 27
ALEXANDRA

Dear Sir

Re: Preliminary Proposal for Tenure Review: Dome Hills I and II

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents some 15000 members of tramping, mountaineering, climbing and other outdoor clubs throughout NZ, and indirectly represents 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 formalise and enhance recreation opportunities, to protect public interest values, and to ensure public access on high country pastoral leases through the tenure review process.

FMC fully supports the aims of tenure review: *"to promote the management of reviewable land in a way that is ecologically sustainable... to enable the protection of the significant inherent values of the reviewable land... and to make easier the securing of public access to and enjoyment of reviewable land"* (Crown Pastoral Land Act 1998, S.24).

FMC is grateful for this opportunity to comment on the Preliminary Proposal for Dome Hills

THE PRELIMINARY PROPOSAL

This tenure review involves two adjoining pastoral leases situated on the eastern side of the Kakanui Mountains covering the entire upper catchment of the North Branch of the Kakanui River. It is proposed that both these leases be surrendered. Approximately 1350ha (subject to survey) will then be allocated to conservation estate and 6064ha (subject to survey) will be classified as farmland and disposed of on freehold title to the current lessees. A conservation covenant will be placed on a 40m wide strip centred to the Kakanui River from the western end of the marginal strip to the boundary of the proposed conservation area. An easement for farm management purposes will be placed on certain existing farm tracks in the proposed conservation area.

FMC POSITION

FMC supports the general principles of tenure change, but believes that there is scope for considerable improvement on the proposals for Dome Hills. While we recognise that a large part of the property has farming values and will be able to support sustainable pastoral use, there are over 2000ha in the Crumb Block with high conservation values and which are not suitable for sustainable pastoral use. To propose that only 1350ha of this area be transferred to the Department of Conservation for conservation and recreational purposes is unsatisfactory.

The Conservation Resources Report identified some 2400ha as warranting transfer to the Department of Conservation. We note the statutory preference (Crown Pastoral Land Act 1998) is for transfer of land with significant inherent values to full Crown ownership and control, and believe that any significant departure

from the Department's proposals needs to be justified fully. While some land in the vicinity of Crumb Hut may be suitable for sustained pastoral use, we do not accept that freeholding the land above about 1000 to 1100m is justifiable. FMC has argued before that nutrient losses in animal products must be replenished to ensure long-term sustainability. At higher altitudes pasture response to applied fertiliser (to replenish nutrients) is not economically justifiable so pastoral use is not sustainable under these circumstances.

The Conservation Resources Report identified significant inherent values in the Crumb Block over which the Preliminary Proposal fails to provide any satisfactory protection. There are two areas where adequate protection should be provided by return to full Crown ownership and control as provided for in the CPL Act. The first of these areas are the alluvial terrace shrublands in Dansey RAP 7 (Pisgah). The PNA Report states that "*Pisgah RAP includes alluvial terraces with distinctive associated vegetation on the tread surface and risers. This is the only substantial area of alluvial terrace recommended for protection in the district.*" This area should be included in the proposed conservation area. The second area which the Preliminary Proposal fails to protect contains snow tussock grasslands, shrub tussock associations and narrow leaved snow tussock which is abundant and extensive at mid and low altitudes in the Crumb Block. The PNA Report stated that the RAP "*contains the greatest diversity of vegetation types in any of the RAPs in the Dansey Ecological District, a reflection of the range in elevation, aspect and landform. The cover of the vegetation is generally dense with few adventive species.*" The only protection proposed in the Preliminary Proposal is for a conservation covenant strip 40 m wide centred on the Kakanui River. This is unsatisfactory as it allows for oversowing and topdressing which would be counter to the intention to protect natural values. FMC recommends that instead this area should be returned to full Crown ownership and control, to be managed for conservation purposes.

FMC is also aware that the Otago Regional Council has indicated in its Consultative Draft Regional Plan: Water that the whole of Dome Hills might be converted to exotic forestry. Such a change in land use would have a dramatic and seriously adverse effect on landscape values. This should be prevented by protecting the landscape values under a binding covenant.

We are not convinced that the access provisions up Pisgah Spur are adequate given that the actual formation of this legal road does not entirely conform to the legal alignment, and that for a large part of its length it is situated on the neighbouring Pisgah Downs property.

FMC urges that negotiations be re-opened to seek the achievement of these objectives.

Report to FMC on Recreation and Related Public Interest Values on Dome Hills

A report was commissioned by FMC (1998) to assess the recreational and related public interest values of Dome Hills Station. The report indicated that there are significant potential recreational opportunities on Dome Hills, particularly in the Crumb Block, although these are little used at present.

We enclose a copy of the report for your information, because it presents an account of the recreational use and potential of Dome Hills, and because it details the arguments why these should be made available for public enjoyment.

Conclusions from the FMC (1998) Report

We reproduce here the conclusions from the 1998 Report (in italics) together with our commentary on how these conclusions relate to the recommendations in the Preliminary Proposal for Tenure Review (2003).

Significant conservation and recreation gains could be possible outcomes of this tenure review.

- 1. Although the current recreational use of the Kakanui Range is relatively light, there is considerable potential for increasing recreational use of Dome Hills by trampers both on day trips and extended overnight travel, by mountain bike and horse riders, by hunters, and in winter*

by cross-country skiers and for alpine ski touring.

FMC accepts that the proposed outcomes will provide improved recreational opportunities in the area. If the additional matters discussed in this submission can be negotiated then the outcomes will be significantly better.

2. *There is a large area of improved pasture land on Dome Hills which may be suitable for freeholding.*

FMC still supports this conclusion, but we believe that the current proposal includes more land for freeholding in the Crumb Block than is warranted.

3. *There are two separate areas which have been identified as RAPs in the PNAP Survey of the Danseys Ecological District. These consist of some 800ha on Mt Pisgah and about 40ha on Kakamut Peak. Adjoining these RAPs and within the Crumb Block is other land above about 1100m with high conservation and recreation values, and greater diversity than the RAP itself, which should be included in the land to be transferred to DOC for conservation and recreational purposes.*

FMC is pleased to note that much of the RAPs are now included in the proposed conservation land, but we would argue that this should be extended to include the two areas discussed above (ie alluvial terrace shrublands and the extensive mid-altitude tussocklands). This could be achieved by including in the conservation area all land in the Crumb Block originally recommended for protection by the Department of Conservation.

4. *There is some land below about 1000m within the Crumb Block which may be suitable for freeholding if suitable boundaries can be negotiated. The stream courses seem to offer the best natural boundaries, while use of the existing block boundary fences would obviate the need for too much new fencing.*

FMC accepts that some land within the Crumb Block can be managed sustainably and could be suitable for freeholding. We believe that if the boundaries of the conservation land as proposed by the Department of Conservation are not adopted, they should be as indicated on the map in the report to FMC.

5. *If there was to be a desperate need for summer feed then some arrangement might be made to provide emergency grazing on conservation land in exceptional seasons if the need could be shown to be critical for farm survival.*

FMC proposed that provision be made for emergency grazing of conservation land on the basis of say, two years in ten. This should be subject to specific provisions relating to proven need, and agreed stock numbers and time limits, and should contain a sunset clause with expiry no later than 2013. This would provide adequate time for alternative arrangements to be made.

6. *Public use of the Crumb Hut in the heart of the Crumb Block would be a desirable outcome of tenure review.*

There appears to be no provision for public use of the Crumb Hut in the Preliminary Proposal. FMC accepts that the current lessee does allow public use of the hut but formal acceptance of this should be written into the terms of the agreement so that public use would be assured under any future ownership. The boundaries proposed by FMC would see the hut included in the conservation land. This should not preclude the occasional use of the hut by Dome Hills staff.

7. *Formal public access to the range top via Pisgah Spur needs to be established through tenure review, even though parts of the legal road (McKenzie Road) are situated on the neighbouring*

property.

Conservation land without practical access is unsatisfactory. It is not clear to us just how practical public access will be achieved from the terms of the Preliminary Proposal.

8. *The open space aspects of both the "mountain" and "high hills" landscape units could be compromised by allowing the conversion of Dome Hills to exotic forestry as foreshadowed in the Consultative Draft Otago Regional Plan: Water. Previous attempts at afforestation with Radiata pine have demonstrated that the environment is not well suited to good tree growth. A landscape covenant to protect the property from the adverse effects of afforestation should be considered.*

FMC proposed that a landscape covenant be registered on the title to protect the landscape values from the adverse effects of afforestation as it is known that the environment is not well suited to good tree growth in any case.

9. *There are some areas of conservation value in the gorges of the main North Branch of the Kakanui River and some tributary creeks on the property, and some areas of scrub on the faces would revert to native shrubland if grazing was terminated. Conservation covenants over the best of these shrub remnants is recommended.*

FMC recommends that consideration be given to protection for the best of the shrubland remnants in the gorges of the North Branch of the Kakanui River and/or Deep Creek. Furthermore, the shrublands in the Crumb Block should be included in the proposed conservation area as discussed above.

10. *Both the main North Branch of the Kakanui River and its major tributary, Deep Creek are likely to qualify as streams which require marginal strips to be laid off, but foot access via these steep and tortuous gorges is simply not practical. This reinforces the need to negotiate satisfactory legal access up the Pisgah Spur.*

Marginal strip requirements do not appear to be adequately provided for in the Preliminary Proposal.

11. *The Draft CMS for Otago states that the objective for the Kakanui Mountains Special Place is "to maintain the natural resources contained within the existing protected areas on the Kakanui Mountains while taking opportunities that may arise through pastoral lease tenure review to negotiate protection of and access to areas of high natural and recreational value." It is further stated that "In this Special Place, tenure review negotiations... will be the priority method for implementing the objective during the course of this CMS." These statements demonstrate DOC's commitment to tenure review and show that the objective for the Kakanui Mountains Special Place could be significantly advanced by the negotiation of good outcomes on Dome Hills Station.*

FMC supported the objectives of the Otago CMS and we note that these objectives could be advanced by an appropriate outcome of this tenure review. We therefore urge the Department of Conservation to vigorously pursue its stated objectives and insist that the negotiating parties seek improved terms of this tenure review in order to achieve these objectives.

CONCLUSIONS

The Preliminary Proposal for the tenure review of Dome Hills Station contains some good clauses which will result in gains for public recreation and conservation. However, significant improvements in the terms of the deal are required before we would consider it to be satisfactory.

The FMC view is that all significant recreation, conservation and public interest values on Crown Land should be retained in Crown ownership and made available for public enjoyment through the

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tenure review process, regardless of how large or small those areas may be on any individual property. This is in line with the clearly stated preferences of the Crown Pastoral Land Act 1998.

For these reasons we urge that negotiations be re-opened with the lessee to seek an improved arrangement which would include the matters we have detailed above.

Finally, we appreciate this opportunity to comment on the Preliminary Proposal for the tenure review of Dome Hills Station, and wish to be heard in support of this submission if a hearing is held. We would be happy to be involved in further discussions regarding any of the issues discussed in this submission.

Yours faithfully

Barbara Marshall
Secretary, Federated Mountain Clubs of NZ (Inc.)



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)
P.O. Box 1604, Wellington.

PASTORAL LEASE TENURE REVIEW

**Field Survey and Assessment of
Recreational and Related Public Interest Values**

DOME HILLS

January 1998

Compiled for Federated Mountain Clubs (FMC) of NZ (Inc.)
By Dr Michael J S Floate, High Country Consultancy.

**RECREATION AND RELATED PUBLIC INTEREST VALUES
ON DOME HILLS STATION**

**A Report to EMC based on Field Inspections and other research
to assist in the Crown Pastoral Lease Tenure Review Process**

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Fig 1. The Dome Hills homestead (middle distance, left) is on McKenzie Road which is metalled to Trig D at about 1000m, and a legal road (4WD track) continues on to Mt Pisgah, the highest point on the property on the skyline at 1643m.

Fig 2. Dome Hills includes the entire upper catchment of the North Branch of the Kakanui River. Most land below about 1000m has been developed by fencing, oversowing and topdressing. Some 5500ha of the total of 7500ha may be suitable for sustainable pastoral farming and for freeholding.

Fig 3. Much of the Crumb Block is still in tussock grassland but it also includes the Pisgah RAP 7 and eroded soils and screes on LUC Class VIIe and Class VIII land which cannot support sustainable pastoral use. Most of the Crumb Block should become conservation land.

Fig 4. The McKenzie Road leads up the Pisgah Spur to Mt Pisgah, although for much of its length it is sited on the neighbouring Pisgah Downs land. A block where afforestation with Radiata Pine has been attempted can be seen on the left at about 800m.

Fig 5. Recreational use in the past has been by only small numbers of local trampers, occasional cross-country skiers, and local pig hunters, all of whom sometimes use the Crumb Hut situated in the heart of the Crumb Block. Public use of this hut would be a desirable outcome of tenure review.

Fig 6. The "high hills" landscape unit consists of the steeply dissected mid-altitude country surrounding the deeply incised Kakanui River and its tributaries such as Deep Creek, seen here across the ravine of the main river which flows from right to left.

Fig 7. The steep sides of some gorges provide shelter for native shrubs immediately adjacent the water course, and on screes higher on the valley sides. These add interest to the landscape and would flourish in the absence of grazing and burning. They could be protected under a binding covenant.

Fig 8. Conversion to exotic forest is foreshadowed in the Draft Regional Water Plan, but afforestation would have a major impact on landscape values and, as shown in this picture, the environment is not well suited to good tree growth.

Fig 9. The Crumb Block includes the skyline ridge (ranging from 1300 to 1400m) between Mt Pisgah and Kakanui Peak. While the spur in the middle distance (with the track from Crumb Hut to Kakanui Peak) may be suitable for freeholding the remainder should become conservation land.

Fig 10. The boundary of the conservation land below the Pisgah Spur could follow the existing Crumb Block fence down the prominent ridge to the left of the zig-zag farm track. All this land has high conservation value and cannot support sustainable pastoral use.

Fig 11. The tenure review of Dome Hills should be considered in relation to recreation opportunities and conservation values on neighbouring properties such as Islay Downs. Trampers staying here in a former ski hut on Islay Downs might include Kakanui Peak (centre) and Dome Hills in their trips.

Fig 12. Mt Pisgah (centre) can be seen here from Clover Flat which adjoins Dome Hills along the skyline. There are opportunities to plan through trips from the Pig Root to the Kakanui Valley which could include several neighbouring properties (Clover Flat, Longlands, Islay Downs) all of which are also involved in tenure review, and should be considered collectively.

RECREATION AND RELATED PUBLIC INTEREST VALUES
ON DOME HILLS STATION

METHODS OF SURVEY AND ASSESSMENT

A site visit and field inspection was carried out in January 1998. In part this report is based on the field inspection and in part it is based on information gathered from other sources. Those sources include both publications and accounts by members of local tramping and outdoor recreation groups that have been consulted about trips undertaken in the Kakanui Mountains area. A study of "Outdoor Recreation in Otago" was undertaken by Mason (1988) and published by the Federated Mountain Clubs of New Zealand (FMC). Reference is made to this recreation plan for Otago in the recreational opportunity discussion below. Land Use Capability (LUC) maps have been used to assess the extent of soil types and topographic areas and their significance with respect to sustainable pastoral use. The Conservation Management Strategy (Draft) for Otago, and the Conservation Resources Report for Dome Hills Station have also been used as sources of reference.

GENERAL DESCRIPTION OF DOME HILLS STATION

Dome Hills Station consists of two pastoral leases (Po170 of about 2500ha, and Po261 of almost 5000ha), on the eastern side of the Kakanui Mountains, some 50 km west of Oamaru. The property extends from the range crest of the Kakanui Mountains (including the summits of Mt Pisgah, 1643m and Kakanui Peak, 1528m) eastwards towards the Waitaki valley. It includes the entire upper catchment of the North Branch of the Kakanui River above about 300m. The homestead is situated at the top end of McKenzies Road (Fig 1).

Almost all the land below about 1000m has been improved by fencing, oversowing and topdressing (Fig 2). There is however, a considerable area (about 2000ha) in the Crumb Block at the top of the property which is still mainly tussock grassland with some eroded soils and scree slopes (Fig 3). The Crumb Block includes about 800 ha of the Pisgah RAP 7 (Fig 3) which was identified in the PNA Survey conducted in 1980. That survey also identified a small area (Kakanui RAP 6) on Kakanui Peak within Dome Hills.

The landscape of Dome Hills has been described in 2 units: the "mountain" steep-land system and the "high hills" (dissected) system. These will be described in more detail in a later section of this report.

Access to and over the property to the crest of the Kakanui Range is via the McKenzie Road (legal road) which is surveyed and metalled to Trig D, and continues as a 4WD track to the summit of Mt Pisgah (Fig 4). Although it is legal road all the way, and the legal road coincides with the road formation for almost all of its length, much of that formation is actually on the neighbouring Pisgah Downs Station, but very close to the boundary. The road is used by the public for recreational access to the tops although the numbers of users are small.

Recreational use of the area has been relatively light in the past although it has considerable potential. The main users are local pig hunters, who often stay in the Crumb Hut which is situated in the heart of the Crumb Block (Fig 5). Other users include local trampers and occasional cross-country skiers in winter. With increased knowledge of the area and improved access through tenure review it is likely that usage by walkers and mountain bike enthusiasts will increase.

Land resources of Dome Hills Station

The property extends from about 400m at the homestead to over 1600m along the crest of the Kakanui range. It has been developed with extensive tracking, fencing, oversowing and topdressing up to about 1000m (Figs 2 and 3).

There is only a very small area of Tasman recent soils on flats, low terraces and fans which are classified in Land Use Capability (LUC) Class V.

On the highest country in the vicinity of Kakanui Peak and Mt Pisgah there are small areas of Kaikoura Steepland (high country yellow brown earth) soils in LUC Class VIII which have no pastoral value, but do have high conservation values.

Between these extremes there are over 3500ha of each of LUC Class VI and VIIe land. The better Class VI land mainly consists of Kauru and Kakanui yellow grey earth soils and Tengawai Steepland yellow grey soils which have largely been developed into improved pastures. There are also significant areas of Hurumui Hill and Steepland yellow brown earth soils, which have also been oversown and topdressed (Fig 2).

Some of the 3500ha of LUC Class VIIe land is relatively stable with tussock grassland cover, but much of this class of land has either been eroded, or has potential for serious erosion (Fig 3). As such, the Kirkliston and Kaikoura Steepland high country yellow brown earth soils have serious limitations for farming and cannot support sustainable pastoral use. In much of the Crumb Block (Fig 3) there is an intimate mix of eroded or unstable Class VIIe land with patches of rock, scree and eroded land in Class VIII. This area should be retired from grazing and become conservation land.

PUBLIC INTEREST VALUES

FMC has researched the recreational and other public interest values on Dome Hills Station. This included a site visit carried out in January, and both written and verbal accounts of tramping and climbing trips undertaken by members of recreation clubs in Otago. We are grateful to the lessee for permission to visit and inspect the property. The following commentary and recommendations are based on our research and the site visit.

Recreational use and opportunities

The recreational use of Dome Hills Station must be considered in the wider context of public recreation on the Kakanui Range, and include not only present usage, which is light, but also future potential usage by trampers, skiers, mountain bike and horse riders, and by hunters.

Mason (1988) notes with respect to recreation in the Kakanui Mountains that "*tramping activity tends to be concentrated on the forested Waianakarua catchment with its deeply dissected ridge and valley system.*" In this respect the landscape resembles the Dome Hills area except that of course Dome Hills is entirely grassland with only small isolated patches of scrub in the most sheltered gullies (Fig 6 and 7). For this reason it is likely that with increasing pressure for new recreational areas, and increasing knowledge of this area, together with improved access, usage will increase following the completion of tenure review. Mason (1988) also notes that "*over the greater area of the Kakanui Mountains there is less frequent tramping activity. Features such as the volcanic caps of Siberia Hill and Kattothyrist, and the high points of Kakanui Peak and Mt Pisgah are the more usual attractions. Winter snow cover provides another dimension, particularly for ridge climbs from the Pigroot. When snow cover is sufficient, extended ski tours on variable terrain are possible from Obi in the south along the main crest to Dansey's Pass. This is a distance of over 35 km. The crest is relatively narrow with greater variations in gradient than is found on most Central Otago ranges. The crest is suitable for both cross-country and alpine ski touring in the right conditions.*"

Local tramping clubs from Dunedin, Central and North Otago do use the area from time to time, with access being both from the Pigroot side and up the Pisgah Spur. With tenure reviews in progress on the neighbouring properties (Longlands, Clover Flat and Islay Downs) an increasing number of through trips over and along the range are becoming possible. The area is also well suited to mountain bike and horse riding.

There is a musterers hut in the Crumb Block (Crumb Hut, Fig 5) which the present run holder permits the public to use, and it appears that the most frequent users are local pig hunters. It would be desirable that Crumb Hut is included in the land to be transferred to DOC through tenure review. However, the land in the vicinity of the hut does have pastoral value, and it is still used for mustering. It would be very desirable that some agreement could be reached whereby both public and farm staff have rights to use this hut.

Related public interest values

A Conservation Resources Report of Dome Hills Station has been prepared by the Department of Conservation. This report deals with:-Botanical values and PNAP Survey recommendations, Fauna, Landscape, Recreation, History and Management considerations. Many of the sections of this report are of interest and importance to recreational users of the area. Of particular note are the landscape, vegetation, and recreational use and management issues sections.

Dome Hills has been divided into two distinct landscape types, each with its own unique characteristics. These types are the "mountains" system consisting of the high altitude lands around Kakanui Peak and Mt Pisgah, and the "high hills" (dissected) system which includes all the steep and rolling topography in the remainder of the Kakanui catchment.

The "mountains" landscape type is made up of the mountain tops, steep gully systems, and the broad ridges along with the distinctive snow tussock grassland (Figs 3 and 5). This landscape contains native vegetation which is still largely intact, giving the landscape unit a high value for naturalness.

The "high hills" landscape unit, by contrast, is much less natural in its appearance and includes much pastureland improved by oversowing and topdressing, together with tall and short tussock and some shrublands in sheltered sites in the gorges. It consists of deep gorges, rocky outcrops, and the spurs and ridges that extend off the main mountain ridges (Figs 2, 6 and 7).

Both these landscape units are dominated by a sense of open space which would be totally changed by afforestation. There is a suggestion in the "Consultative Draft Regional Plan: Water" for Otago that the whole of Dome Hills might be converted to exotic forestry. While such a suggestion might have merit in relation to the water economy of the district it would have a very serious adverse effect on landscape values. Furthermore, as shown by a previous attempt to establish a Radiata pine plantation at about 800m adjacent to McKenzie Road, the environment is not well suited to good tree growth (Fig 8). For ecological and landscape reasons exotic forestry should be opposed on Dome Hills, and a covenant protecting these values might be considered.

Two areas were identified in the Danseys Protected Natural Area Programme (PNAP) Survey in 1989-90 as areas recommended for protection (RAPs). These are Pisgah: RAP 7 and Kakanui Peak: RAP 6. Pisgah RAP 7 is an area of some 1980ha stretching from about 900m to over 1600m around Mt Pisgah. Of this area some 800ha is situated on Dome Hills and consists of one of the greatest ranges of vegetation diversity in the Danseys Ecological District. It ranges from small alluvial terraces with a range of native shrubs on the stream margins, to slim-leaved snow tussock (*Chionochloa macra*) on the higher hill slopes. Kakanui RAP 6 consists of 700ha of tussock grassland and fellfield on windswept gravels and rock around Kakanui Peak. Although only about 40ha of this RAP is situated on Dome Hills it is in marked contrast to the Pisgah RAP 7. The Conservation Resources Report notes that the area immediately to the south of the area of the RAP to Kakanui Peak and Mt Evelyn is an unmodified tussock grassland with greater species diversity than the RAP itself. There is thus a case for including both RAPs, and all the land above about 1000m around the skyline ridge at the top of the Crumb Block in the area to become conservation land (Figs 9 and 10).

It is accepted that the lower ground (below about 1000m) in the Crumb Block has pastoral value and might be excluded from the conservation land. The spur in the centre of the block might be included in the land to become freehold if suitable boundaries could be negotiated. The water courses probably

provide the best natural boundaries (see map on p9) while the existing fence running off the Pisgah Spur (Fig 10) could also be utilised to obviate the need for too much new fencing. If there was to be a desperate need for summer feed then some arrangement might be made to provide emergency grazing on conservation land in exceptional seasons if the need could be shown to be critical for farm survival. One of the important management issues which will arise is that of recreational access. While it is recognised that there is legal access up the McKenzie Road for most of its length, considerable sections of that road are sited on Pisgah Downs, the neighbouring property (Fig 4). Some satisfactory and guaranteed form of public access needs to be established as an outcome of this tenure review.

Both the main North Branch of the Kakanui River and its major tributary, Deep Creek, are likely to qualify as streams which require marginal strips to be laid off, but foot access via these steep and tortuous gorges is simply not practical. This reinforces the need to negotiate satisfactory legal access up the Pisgah Spur.

Sites of historical interest

Although there was extensive alluvial gold mining activity in the adjacent Maerewhenua River valley where there is a network of water races, and in the Livingstone Diggings, there is little of historic interest on Dome Hills Station. There is one small water race which can be seen high on the Pisgah Spur, and there are 2 minor water races which have their origins in the Awamoko Stream below the homestead. None of these features are worthy of special protection.

Otago Conservation Management (Draft) Strategy

The Otago Draft Conservation Management Strategy, 1996 (CMS) states that the objective for the Kakanui Mountains (Special Place #14) is *"to maintain the natural resources contained within the existing protected areas on the Kakanui Mountains while taking opportunities that may arise through pastoral lease tenure review to negotiate protection of and access to areas of high natural and recreational value."*

The sections above have indicated that there are both high natural and recreational values in the Crumb Block on Dome Hills Station, so that achievement of the objective of the Otago Draft CMS would be assisted by negotiating the transfer of the greater part of the Crumb Block to DOC.

Landscape protection (advocacy on burning, tracking issues and plantation forestry) and fencing to exclude stock from fragile areas, are recognised in the Draft CMS as a management issues for the Kakanui Mountains.

It should also be noted that the priority for the Kakanui Mountains Special Place is that *"In this Special Place, tenure review negotiations and wilding pine control will be the priority method for implementing the objective during the course of this CMS."*

It is clear from this statement of priorities that DOC is committed to achieving its objective through the tenure review process, and that the objective for the Kakanui Mountains Special Place will be achieved if this tenure can be successfully negotiated.

Dome Hills Station in the context of the wider Kakanui Mountains area

An important part of the tenure review process which is sometimes overlooked, is to consider the property in question in relation to recreational and other related public interest values and accessways on neighbouring properties. Where neighbouring properties are also undergoing tenure review an overview should be taken of the outcomes over the entire geographic area.

Dome Hills Station is bounded by Pisgah Downs to the north west, Balmoral to the south east, and Clover Flat and conservation land ex Longlands Station to the west of the Kakanui range crest. While

the properties to the east of the range are not currently involved in tenure review, the land to the west of the range crest is all likely to become conservation land in the near future. Public access to, and use of this land in association with Dome Hills is therefore important because the outcomes of these tenure reviews are likely to provide opportunities to plan for through trips from the Pigroot to the Kakanui valley in the foreseeable future (Figs 11 and 12).

CONCLUSIONS

Very significant conservation and recreation gains are possible outcomes of this tenure review.

1. Although the current recreational use of the Kakanui Range is relatively light, there is considerable potential for increasing recreational use of Dome Hills by trampers both on day trips and extended overnight travel, by mountain bike and horse riders, by hunters, and in winter by cross-country skiers and for alpine ski touring.
2. There is a large area of improved pasture land on Dome Hills which may be suitable for freeholding.
3. There are two separate areas which have been identified as RAPs in the PNAP Survey of the Danseys Ecological District. These consist of some 800ha on Mt Pisgah and about 40 ha on Kakanui Peak. Adjoining these RAPs and within the Crumb Block is other land above about 1100m with high conservation and recreation values, and greater diversity than the RAP itself, which should be included in the land to be transferred to DOC for conservation and recreational purposes.
4. There is some land below about 1000m within the Crumb Block which may be suitable for freeholding if suitable boundaries can be negotiated. The stream courses seem to offer the best natural boundaries, while use of the existing block boundary fences would obviate the need for too much new fencing.
5. If there was to be a desperate need for summer feed then some arrangement might be made to provide emergency grazing on conservation land in exceptional seasons if the need could be shown to be critical for farm survival.
6. Public use of the Crumb Hut in the heart of the Crumb Block would be a desirable outcome of tenure review.
7. Formal public access to the range top via Pisgah Spur needs to be established through tenure review, even though parts of the legal road (McKenzie Road) are situated on the neighbouring property.
8. The open space aspects of both the "mountain" and "high hills" landscape units could be compromised by allowing the conversion of Dome Hills to exotic forestry as foreshadowed in the Consultative Draft Otago Regional Plan: Water. Previous attempts at afforestation with Radiata pine have demonstrated that the environment is not well suited to good tree growth. A landscape covenant to protect the property from the adverse effects of afforestation should be considered.
9. There are some areas of conservation value in the gorges of the main North Branch of the Kakanui River and some tributary creeks on the property, and some areas of scrub on the faces would revert to native shrubland if grazing was terminated. Conservation covenants over the best of these shrub remnants is recommended.
10. Both the main North Branch of the Kakanui River and its major tributary, Deep Creek, are likely to qualify as streams which require marginal strips to be laid off, but foot access via these steep and tortuous gorges is simply not practical. This reinforces the need to negotiate satisfactory legal

access up the Pisgah Spur.

11. The Draft CMS for Otago states that the objective for the Kakanui Mountains Special Place is *"to maintain the natural resources contained within the existing protected areas on the Kakanui Mountains while taking opportunities that may arise through pastoral lease tenure review to negotiate protection of and access to areas of high natural and recreational value."* It is further stated that *"in this Special Place, tenure review negotiations... will be the priority method for implementing the objective during the course of this CMS."* These statements demonstrate DOC's commitment to tenure review and show that the objective for the Kakanui Mountains Special Place could be significantly advanced by the negotiation of good outcomes on Dome Hills Station.

It is recommended that negotiations be pursued to achieve these objectives.

ACKNOWLEDGEMENTS

Permission to visit and inspect the property was granted by the runholder and this is gratefully acknowledged. Knight Frank provided access to LUC maps, and local tramping club members and others were helpful in providing accounts of trips undertaken in the area.



OTAGO CONSERVATION BOARD

Our ref: SBC-08-34

10 March 2003

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



Dear Sir

SUBMISSION ON TENURE REVIEW OF DOME HILLS PASTORAL LEASE

Thank you for the opportunity to comment on the Notice of Preliminary Proposal for the tenure review of the Dome Hills Pastoral Lease.

The Otago Conservation Board supports the following aspects of the preliminary proposal:

- the designation of about 1350 ha as land to be restored to Crown control as a conservation area;
- the proposals for public access;
- the conservation covenant over an area 20 metres either side of the North Branch of the Kakanui River from the western extent of the marginal strip to the boundary of the proposed conservation area.

The board believes that the proposal should be changed as follows:

- The land to be restored to Crown control as a conservation area should include more of the land at the head of the North Branch of the Kakanui River. The board believes that the botanical and entomological values in the land immediately to the east of the proposed conservation area are significant enough to justify an enlargement of the latter.

We appreciate the opportunity to provide comment on this proposal and we are willing to elaborate on any of the issues we have raised.

Yours faithfully

P. P.

Fergus Sutherland
Chairperson

Public Access New Zealand

INCORPORATED

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DTZ NEW ZEALAND
ALEXANDRA

14 MAR 2003

RECEIVED

March 14, 2003

Commissioner of Crown Lands
C/- DTZ New Zealand Ltd
P O Box 27
Alexandra

Submission on Dome Hills Tenure Review

As submitted on previous tenure reviews, we believe that the process adopted by LINZ for analysis of public submissions, unlike for consultation with pastoral leasees, is not in accord with legal requirements for open-minded consideration, putting forward proposals that are not yet finalised with a preparedness to alter such proposals.

A lack of willingness to reconsider the validity of decisions already made, in terms of compliance with the objects of the Crown Pastoral Land Act and for correcting factual errors, leads us to the view that the tenure review public submission process is a farce, not warranting the time and expense of comprehensive, detailed commentary, as has been our practice in the past.

It is our view that both the process adopted for analysing public submissions and this preliminary proposal if implemented are unlawful.

We submit that the current proposal not proceed. The Crown has no obligation to proceed.

The farcical nature of the official process is highlighted by official information released to us which reveals that all the following matters we raise have been previously considered but are liable to be disallowed from further consideration because no "new information" is provided by us in this submission. The strong possibility that officials and agents have got it wrong is apparently not open for reexamination. This situation requires urgent Government intervention if ANY public confidence is to remain in the tenure review process.

Public Access New Zealand is a charitable trust formed in 1992. Objects are the preservation and improvement of public access to public lands, waters, and the countryside, through retention in public ownership of resources of value for recreation. PANZ is supported by a diverse range of land, freshwater, marine, and conservation groups and individuals.

PANZ is committed to resist private predation of the public estate.

Area proposed for retention in Crown ownership

Section 24 (b) Crown Pastoral Land Act 1998 (CPLA) requires the protection of the significant inherent values of reviewable land by the creation of protective mechanisms; or (preferably) by the restoration of the land concerned to full Crown ownership and control. "Inherent value" and "significant inherent value" are defined by section 2.

DOC identified 3000 hectares in the headwaters of the north branch of the Kakanui River as having "unmodified native grassland". This has to qualify as a "significant inherent value". Yet only 1350 ha is now proposed for Crown retention, with no form of protective mechanism for proposed freehold containing the balance of areas of "significant inherent value". This is a gross failure to fulfill the requirements of the Act.

Boundaries of designated land

Landscape is a "natural resource" within the meaning of "inherent value". The Commissioner of Crown Lands (CCL) has a duty to ensure that proposals enable the protection of those values. The boundaries chosen, with associated fencing and earthworks, will grossly deface the landscape (refer to appended photos).

The fact that the landscape impact of boundaries is a valid consideration within the ambit of the CPLA is demonstrated by repeated recorded commentary by the lessee and officials during development of the earlier proposals.

The official papers record that the boundary fence is to be a deer fence plus firebreak access track.

The lessee asserted that "an (earlier, lower altitude) proposal creates impractical fencelines. They go around hills and impassible gorges. They would not be practical to build or maintain and their visual impact would be undesirable. The fences would also be vulnerable to being wiped out by heavy snows" (because these go across slopes).

The CCL's agent agreed that these were valid points, and that practical and realistic fence lines are needed.

However the current proposal defies all the above logic and has moved the boundaries upslope and maintain cross-slope alignments, in the knowledge that major landscape scarring will occur and that fencing will be very susceptible to snow damage. The Crown will inherit a high maintenance burden. However the main legacy arising from this proposal, if implemented, will be the unnecessary disfigurement of the last vestige of a natural landscape in the north Kakanui River catchment. This may appear incidental to an agency like LINZ, but it is hardly a desirable consequence, on which the Crown's actions will be judged.

Marginal strips

The CCL has arbitrarily decreed that marginal strips are not within the scope of tenure review, despite direct linkages with other mechanisms for public access or protection.

Official advice and cadastral records conform that existing marginal strips in the upper north branch of the Kakanui River are not in conformity with the actual watercourse.

The CCL's agent has recommended that the location of marginal strips need to be determined PRIOR to defining the extent of a proposed streamside conservation covenant which is intended to connect to the strips.

Failure to determine the location and extent of marginal strips prior to proposing this covenant defies logic and precludes practical outcomes for the Crown.

As well, the recommendation for an "alternative" in the form of a covenant, along the banks of streams that may qualify for marginal strips appears ultra vires. Part IVA Conservation Act marginal strip requirements must be first determined.

Part of that determination is the correct location of existing marginal strips. The current cadastral record is merely a field or compiled sketch position. The strips have not been fixed by "right line" survey. They are indicative only and should be corrected as to their plan position in light of current topographic information. The strips clearly are not around steep hillsides well above the river, as currently recorded on cadastral records, and never have been. The river is deeply incised in the area in question and is not subject to a shifting course (photo 7).

We note that official papers record that errors in the cadastral record (failure to record marginal strips on SO's 2290 and 2291) have been corrected. So it should also be possible to correct the cadastral record of marginal strips in the upper Kakanui River catchment. Otherwise new marginal strips will have to be created where existing strips deviate from the actual watercourse. This will cause a needless and messy duplication. Note that existing marginal strips, landlocked or otherwise, are "reserved from sale of other disposition". They cannot be dispensed with by simple administrative action. Special empowering legislation is required.

Riverside Conservation Covenant

We note that the proposed covenant makes no provision for public access. This is entirely inappropriate given the duty under section 24(c) CPLA to "secure of public access to and enjoyment of reviewable land".

We also note that the proposed covenant does not cover all the upper reaches of the river, contrary to DOC's recommendations in their designations report.

We submit that no conservation covenant be created, with riverside reserves created instead, with the same purposes as for marginal strips. These should be along all of the Kakanui River outside of any proposed headwater conservation area, existing or new marginal strips. This would ensure adequate riparian protection as well as assured public access between the river margins and any headwater conservation area.

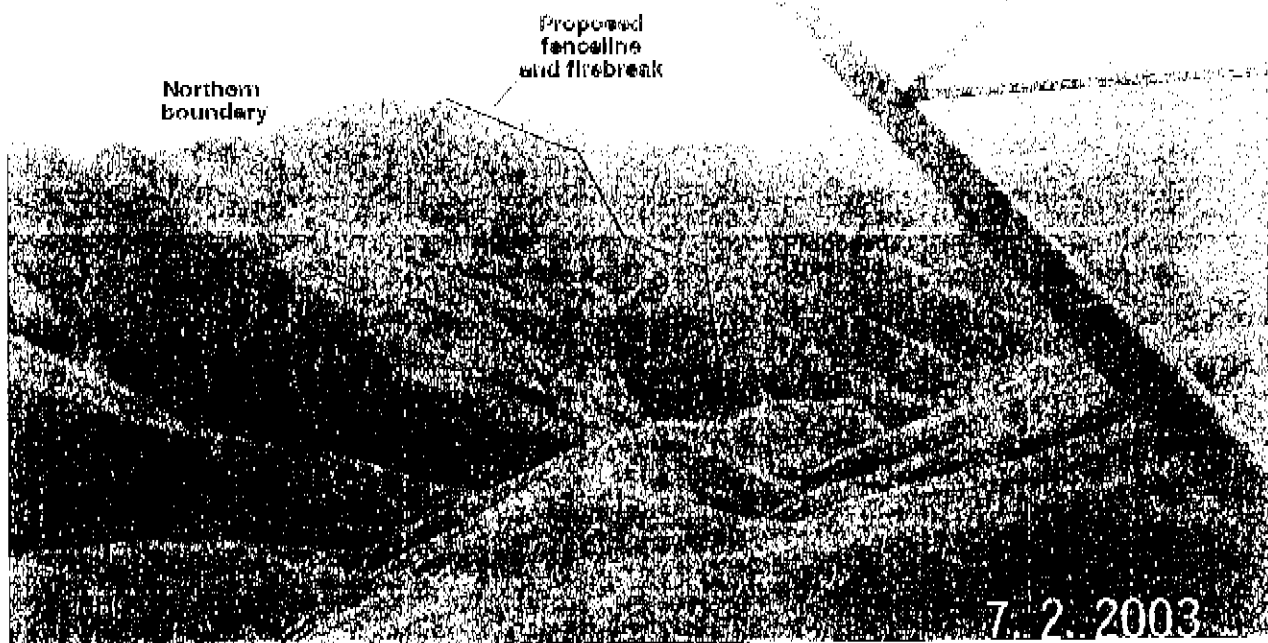
Yours faithfully



Bruce Mason
Researcher and co-spokesman

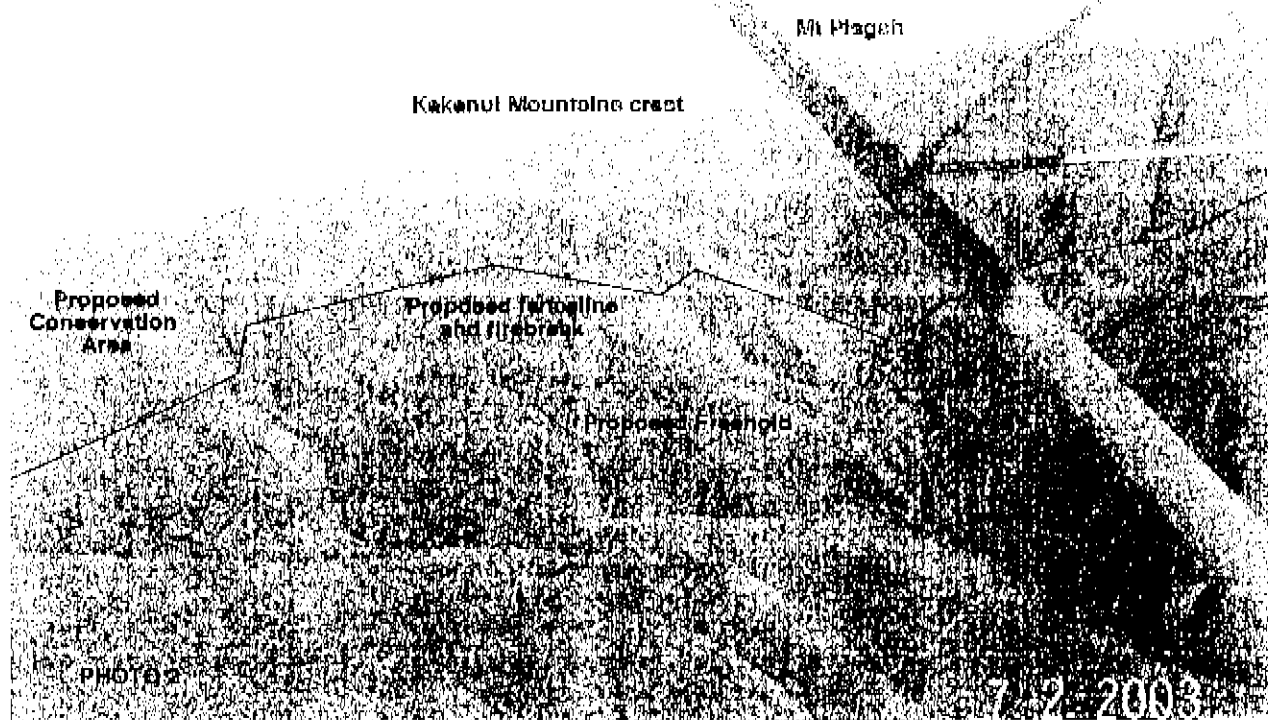
Appendices: 7 photographs

Dome Hills Treasure Review

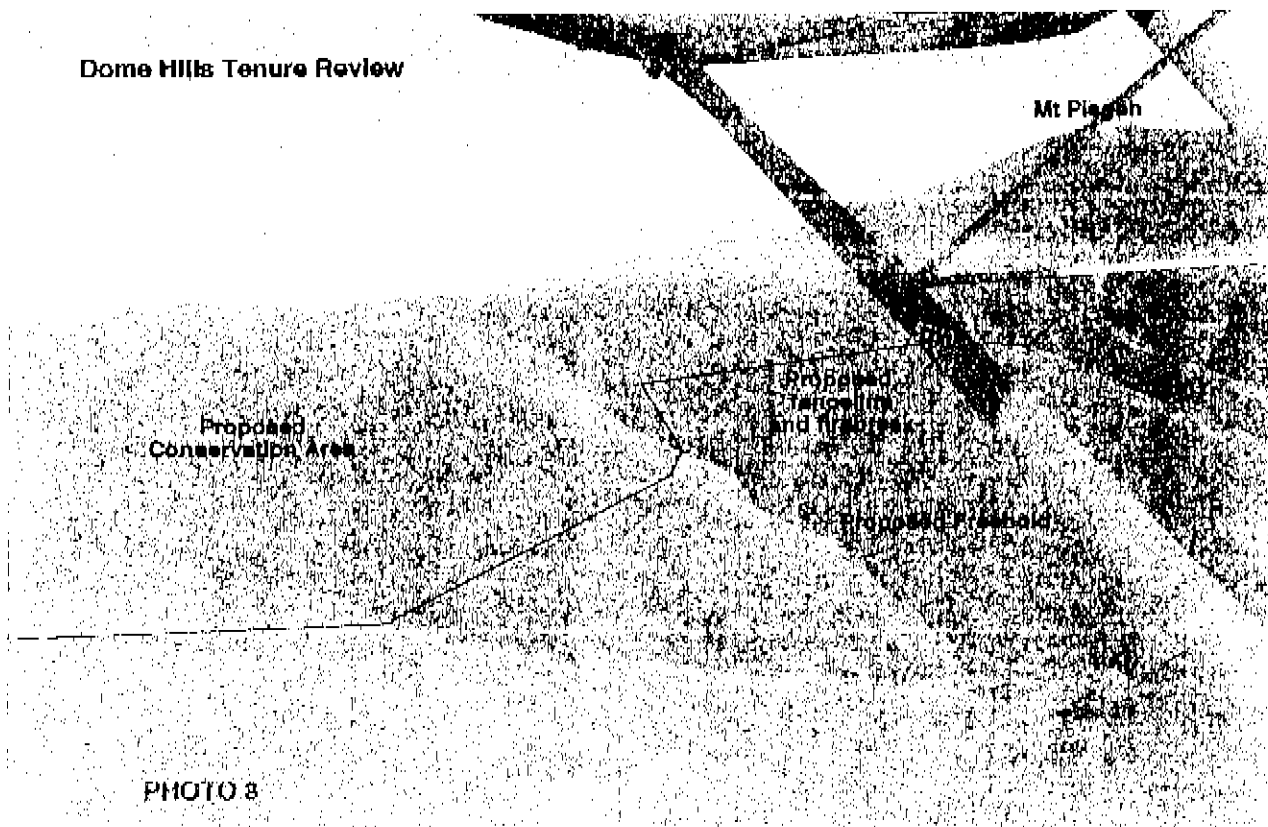


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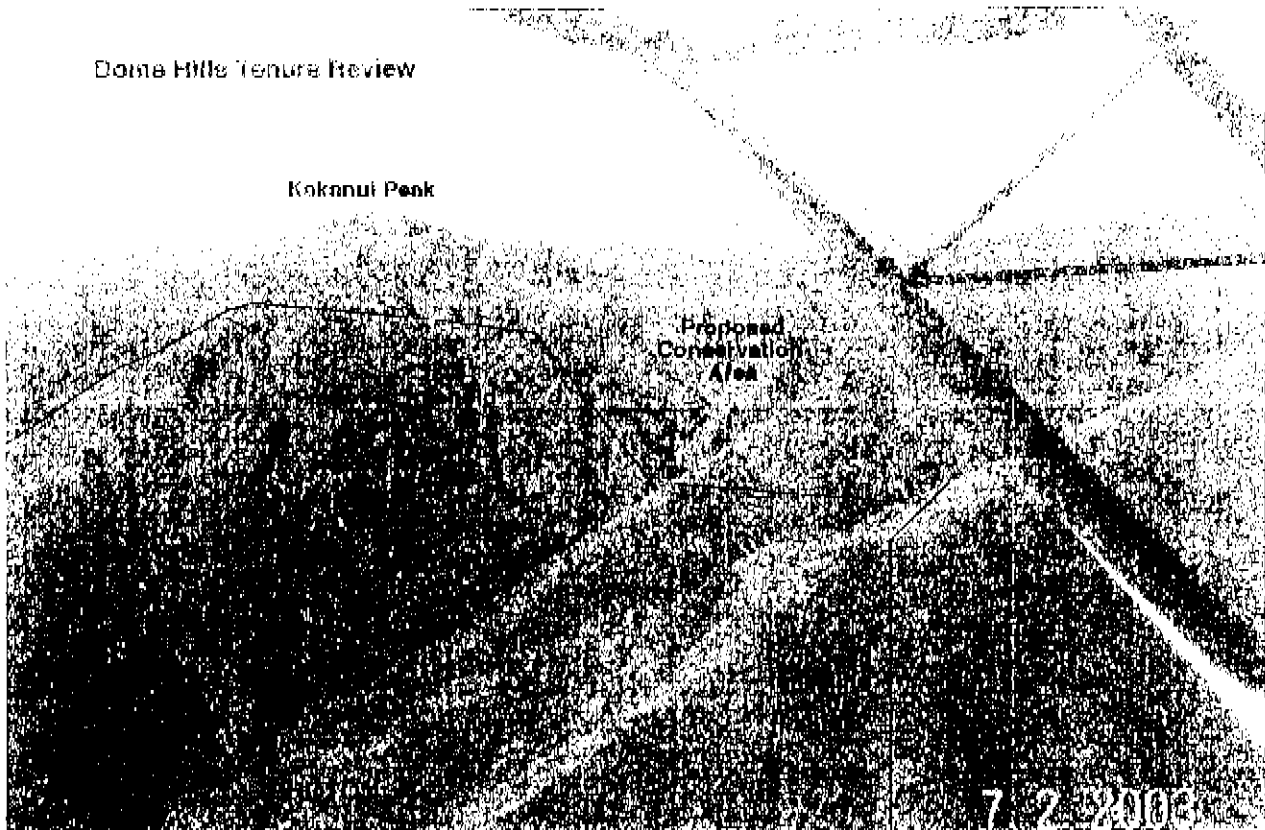
Dome Hills Tenure Review



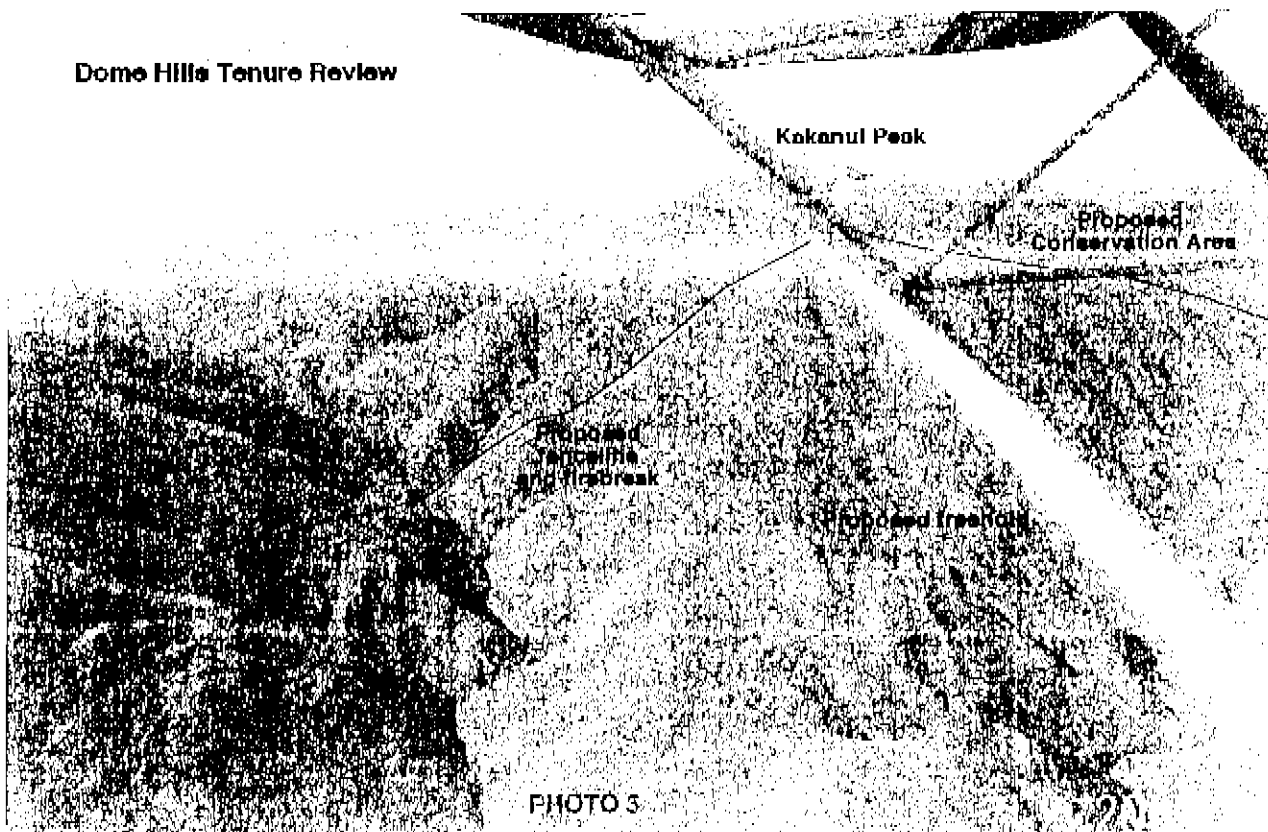
Dome Hills Tenure Review



Dome Hills Tenure Review



Dome Hills Tenure Review



Dome Hills Tenure Review

Headwaters of Kakanui
catchment only part
untracked

(should all be
conservation
area)

Mt Plegah

Part of extensive tracking
on Dome Hills

PHOTO 6

2003

Dome Hills Tenure Review

Deeply Incised Kakanui
River north branch

Should have
marginal strips along all
of watercourse

PHOTO 7

2003

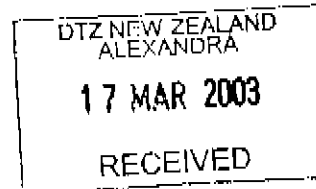
ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED

UPPER CLUTHA BRANCH

PO Box 38
LAKE HAWEA

12th March 2003

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



Dear Sir

DOME HILLS
TENURE REVIEW - PRELIMINARY PROPOSAL

We thank you for supplying us with a copy of the above proposal. We would be pleased if you would accept this submission on it.

Our society is well known throughout New Zealand for its work in protecting the environment and the interests of its members. The society consists of 57 branches and 85,000 members nationwide; we in our branch take a particular interest in the Central and surrounding regions of Otago. We fully support the aims of Part II of the CPL Act of 1998.

We inspected the property in February 1998 before making a submission on the previous preliminary proposal. We again thank Mr and Mrs Douglas for allowing us to do so.

We are very pleased that the idea of a QE II Covenant, which was promoted in the first proposal, to protect the significant inherent conservation values found in the property, has now been dropped.

However we are very concerned that the size of the previous area to be protected by the above covenant (980ha), plus that to be returned to full Crown ownership and control (910ha), a total of 1870 ha, has now been reduced to 1350 ha. The balance of approximately 500 ha to now become freehold in this proposal.

We cannot see any logic in this when the Conservation resources report released with the 18 December 1997 proposal stated:

The Conservation resources report identified some 2,400 ha, including the RAP areas within the Crumb block as having high conservation values and warranted the area being transferred to conservation land.

In the original proposal in an attempt to justify the use of a QEII covenant it was specifically mentioned the Crumb basin and its "...species rich vegetation, including small but healthy remnants of the original shrubland, located on small alluvial terraces and steeper shady stream margins..." Under this proposal this lower land is now to become freehold. The fence from Mt Evelyn to point 1478 on the Plegah Ridge should be redrawn. We enclose a plan of another route to include more of the Crumb basin.

Protective Mechanism: (Appendix 3)

"A conservation covenant under Section 40 (2) (a) Crown Pastoral Land Act 1998 over an area 20 metres either side of the North Branch of the Kakanui River from the western extent of the marginal strip to the boundary of the proposed conservation area".

This is not the appropriate way to protect "...streamside vegetation and aquatic habitat, Or, manage the land to preserve its natural environment and landscape amenity...". (background B & C)

This especially so, when, (Special Conditions 3) allows the owner to aerial oversow and top dress the land.

The whole object of aerial oversowing and topdressing land is to introduce higher producing exotic grasses and clovers for the benefit of the stock being carried. When tussock country is oversown and topdressed it is inevitable that the tussock and native grasses will very quickly disappear. There is any amount of evidence to support this in North Otago

There should not be a covenant on this section of the river at all. Instead, the marginal strip should be extended from its present western extent to the new conservation area. Also, according to the plan attached to the proposal (Appendix 1) the western extent of the marginal strip appears to wander up the hill below the Apostles Rock. This must be rectified.

Fencing:

We attach a plan of a more appropriate fence line for the new fence required for the conservation area. Bulldozing of any new fence line should be kept to an absolute minimum, or preferably a bulldozer should not be used at all. The scars are there for ever. See attached 2 photos to illustrate the severe visual effect bulldozing has on this country.

Landscape:

The landscape is a significant inherent value that must be taken into consideration under the CPL Act. The Kakanui mountains - and Dome Hills is part of the Kakanui mountains - together with the Mt Plegah and Maerowhenua spurs form the dominant backdrop to the north and western edge of North Otago and are very visible from the whole district. It is essential that this landscape is kept in a natural state. Therefore there should be no inappropriate earth works or planting of trees. A covenant to cover these two issues would be most appropriate.

Access:

We note that the Plegah Spur road, is a legal road. In the main, this runs through Plegah Downs station and it is not at all clear if the actual formation of the present road is on the legal road. This must be fully researched and full public access must be secured to the new conservation area as part of the Tenure Review Process.

Conclusion:

This proposal does not meet all the objectives of the CPL Act 1998 in that it does not fully protect the significant inherent conservation values identified in the lower areas of the Crumb basin in various reports available to the Commissioner Crown Lands.

We see the advantages to be gained by the lessee in securing such a large proportion of this property (8084 ha) as freehold land would far outstrip any hardship suffered by not having the use of the lower land in the Crumb basin for a very short period in summer. It is not a function of the CPL Act to provide for the existing economic use in tenure review, but it does make it clear that tenure review is about protecting significant inherent values.

We believe the proposal should be re-visited and proper consideration be given to the reports available on the values found in the lower Crumb basin as we have indicated above.

-3-

Our plan of the conservation and freehold areas goes some way in meeting our concerns. It is a far better fence line as it avoids sidings, is shorter and therefore cheaper.

Our plan will allow for an altitudinal profile of vegetation from the valley floor to the mountain tops.

Our plan also shortens the marginal strip to be created up river from the present marginal strip to the conservation area.

Illustrations:

Photo No 1 is a view taken from the track between Sentinel Rock and Crumb hut, looking up the upper reaches of the north Branch of the Kakanui river towards Mt Piagah. It takes in the lower slopes of the Crumb basin containing the significant shrublands on the river margins. The photo also shows the visual effect of roading, or tracking, in this type of country.

Photo No 2 shows what can happen when due regard is not given to adequately plan and survey a road before construction.

Plan showing proposed Conservation land, proposed Freehold land, also marginal strip to be created.

We thank you for the opportunity for this input.

Yours faithfully

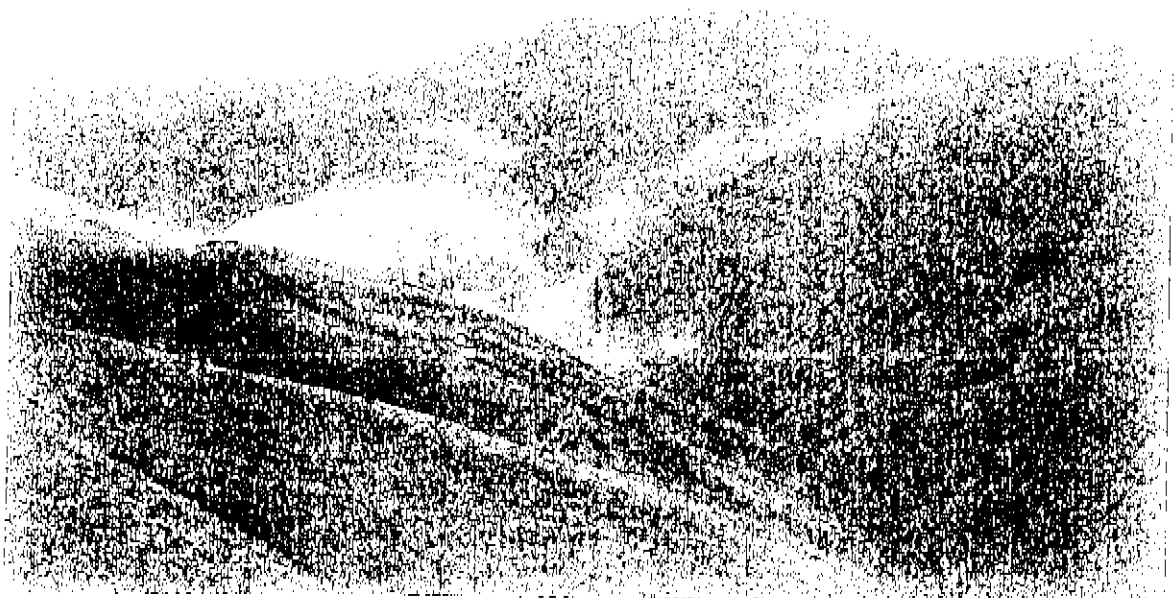


John L Turnbull

For Upper Clutha Branch Forest and Bird

Attached: Photos
Plan

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