

Crown Pastoral Land Tenure Review

Lease name: SHINGLEY CREEK

Lease number: PO 034

Public Submissions

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

September 09

Submission 1

10 Smacks Close
Papanui
Christchurch 8051



Re: Shingley Creek Tenure Review

Dear Sir,

This review illustrates one of the most irritating issues of tenure review and the lack of interest, thought and concern by those involved in the review,

a straight, existing, fence.

When this proposed boundary fence, between freehold and retained crown land, was erected, it was probably to allow for separate winter and summer grazing or at least to give either block a chance to recover from grazing before restocking it. It was probably to roughly split the land area in half.

It had nothing to do with native plant species or erosion.

However following this review the existing fence is retained as the boundary, for probably no other reason than the cost of changing or moving it.

This review is not for a few days or years, it's forever, so the cost of changing the fence is not relevant.

In photo 6, the land to become freehold, shows poor quality vegetation and exposed soil, prone to erosion, yet is not included in the Conservation area. This is at an elevation of approximately 900m a.s.l.

Why is it not included in the CA. Is it because it doesn't have "intrinsic value", and as such you have problems including it under **certain** designations.

If the land is erosion prone, then it shouldn't become freehold as it wouldn't be capable of "economic use", so it should be placed **into** the CA.

From the map and pictures I believe, the boundary fence should be at the 740 to 800a.s.l. and on the contour to protect the soil and vegetation. I see little point in farming **this** land, when photos 2,4,6, show erosion, that indicates that it shouldn't be.

Regards
Geoff Clark



Submission 2



Shingley Creek Crown Pastoral Lease Tenure Review

Submission from Otago Fish & Game

The Otago Fish & Game Council (Fish & Game) wish to make the following submission regarding the preliminary proposal for the Shingley Creek Property.

Public Access

Fish & Game support the inclusion of hunting dogs and guns over the easement to the conservation land as this will facilitate a larger range of recreational opportunities.

Fish & Game wish to see any access points from the State Highway to the easement clearly marked to ensure no misunderstanding regarding access points occur in the future. We note the Department of Conservation is intending to investigate options to improve this situation and support this approach.

Fish & Game Access for Management Purposes

Fish & Game may on occasions need to access land for the management of sports fish and game bird species. We understand that we have the same access rights for management as the Department although this has not been formally confirmed. In the interim we request that wording be added to the proposal which confers the same access rights to Fish & Game as the Department with regard to management access. Alternately a letter from the Department or LINZ confirming that Fish & Game have the same management rights would meet our concerns.

John Hollows
Environmental Officer

18 February 2009

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

Otago Region

Submission 3

3



OTAGO CONSERVATION BOARD

Our ref: SBC-08-34

20 February 2009

The Commissioner of Crown Lands
c/- Opus International Consultants Ltd
Private Bag 1913
DUNEDIN 9054

Attention: David Payton



Dear Sir

PRELIMINARY PROPOSAL FOR TENURE REVIEW: SHINGLEY CREEK PASTORAL LEASE (PO 034)

The Otago Conservation Board appreciates this opportunity to comment on the Preliminary Proposal for the tenure review of the Shingley Creek Pastoral Lease. We also appreciate Opus for facilitating access for the inspection, and the leaseholder for giving permission to inspect the property.

THE PRELIMINARY PROPOSAL

The Preliminary Proposal is described as follows:-

1. 414 ha (approximately) to be designated as land to be restored to or retained in full Crown ownership and control as conservation area under section 35(2)(a)(i) Crown Pastoral Land Act 1998.
2. 403 ha (approximately) to be disposed of by freehold disposal to the Holder pursuant to section 35(3) Crown Pastoral Land Act 1998, subject to Part IVA Conservation Act 1987, section 11 Crown Minerals Act 1991 and the following protective mechanisms:

Protective Mechanisms:

- (a) A conservation covenant of approximately 22 ha pursuant to section 40(2)(a) Crown Pastoral Land Act 1998.
- (b) An easement to provide conservation management access by foot, horse, non-motorised and motorised vehicles and public access by foot, horse and non-motorised vehicles to the conservation area subject to section 40(2)(b) and 40(2)(c) Crown Pastoral Land Act 1998.

401140

Qualified Designation:

A Farm Management Easement Concession to the Holder for crossing the marginal strip expected to be created upon disposition pursuant to section 36(1)(a) Crown Pastoral Land Act 1998.

The Otago Conservation Management Strategy

The Otago Conservation Management Strategy 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 negotiation will be the priority method for implementing the objective during the course of this CMS".

The Board specifically supports the principle that outcomes of the tenure review of Shingley Creek should be carried out with full weight being given to tenure reviews proceeding on nearby properties, and the probable outcomes of those reviews. It is important that decisions taken in respect of Shingley Creek are appropriate in relation to future recreational opportunities which may become available through these other reviews.

That 414 ha (approximately) be designated as land to be restored to or retained in full Crown ownership and control as conservation area.

The area proposed as conservation land consists of the upper part of the Siberia Creek catchment to the western side of the Kakanui Mountains. It stretches from about 700m in the valley floor to just over 1,100m at two high points on the outer edge of the catchment.

The area includes significant landscape values, which add to the intrinsic worth of the property as conservation values and are important because of its high degree of visibility from State Highway 85.

The natural vegetation consists of tussock grasslands which include greater proportions of shrublands with increasing elevation. This provides an excellent setting for recreation. The area is characterised by a sense of remoteness, despite being relatively easily accessed from the highway. It is probable that recreational use of this area will increase following the successful completion of this tenure review, and that it will become an increasingly popular destination for tramping, mountain biking, horse trekking, and possibly cross country skiing in some seasons. As well as providing opportunities for recreational activities, this new conservation area is likely to prove even more important as a means of gaining access to other areas of recreational interest on the eastern side of the Kakanui Mountains, and for longer traverses of the mountain range itself.

These new recreational opportunities will only be realised if public access to the conservation area is secure.

The Board supports the proposal to restore to or retain in full Crown ownership the area defined as CA1, with security and practicality of public access as noted below.

That 403 ha (approximately) be disposed of by freehold disposal to the Holder, subject to protective mechanisms.

The Board accepts the proposal that some 400 ha of the lower country should be disposed of as freehold with the proviso that legal secure access for the public is provided to CA1 from the Pigroot (SH 85). This access should be suitable for mountain biking as well as for foot and horse.

Protective Mechanism: (a) A conservation covenant of approximately 22 ha pursuant to section 40(2)(a) Crown Pastoral Land Act 1998.

This covenant area, marked as CC on the Designations plan, consists of strips of land adjacent to sections of waterways in Siberia Creek and a tributary of Pigroot Creek.

We understand that the values to be protected consist of native galaxiid fish in the Pigroot tributary, and riparian shrublands in Siberia Creek. The Board supports protection for these values.

It is proposed to allow continued grazing by both cattle and sheep. There is provision in Schedule 2 for the monitoring of riparian shrublands. The Board supports the view that riparian shrublands should be monitored for any sign of adverse impacts, and that appropriate action should be taken to mitigate these impacts.

Protective Mechanism: (b) An easement to provide conservation management access by foot, horse, non-motorised and motorised vehicles and public access by foot, horse and non-motorised vehicles to the conservation area.

This easement makes provision for both public access, and conservation management access.

The Board has concerns over guaranteed public access for public foot, horse and non-motorised vehicles to and across the new freehold land from State Highway 85 to Conservation Area CA1 and beyond.

It is also noted that to gain access to point 'd' on the Designations Plan, it appears to be necessary to cross neighbouring freehold land (being Islay Downs). The Board supports shared use of access via the highway to point 'd', and by easement to point 'c', as this exists already. If this route is not achievable, then the Board would support access via the existing unformed legal road from the Pigroot road to the south west boundary of Shingley Creek pastoral lease and then up the ridge to CA1.

The Board supports where practical the use of either existing public roads and/or formed farm tracks to provide public access to conservation areas. For example, there is the case of access from point 'a' located on the property boundary where the farm track meets the legal road approximately 200m from the boundary of CA1. While this does provide secure legal access, topography could limit access to foot and horse only. The most practical option would be for the easement to be secured over the small amount of existing formed farm track (approx 200m) on the existing freehold. This would then allow access for mountain biking.

Qualified Designation: A Farm Management Easement Concession to the Holder for crossing the marginal strip expected to be created upon disposition pursuant to section 36(1)(a) Crown Pastoral Land Act 1998.

The existing farm track crosses Siberia Creek (at 'b'- 'c') within the area proposed to become freehold. The section of Siberia Creek could also be subject to the creation of a marginal strip as part of the tenure review process. The Board has no objection to this easement being created for farm management purposes.

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

A handwritten signature in black ink, appearing to read 'H. Langsbury', with a large, sweeping flourish underneath.

Hoani Langsbury

Chairperson

Submission 4

4

The Commissioner of Crown Lands
c/o. Opus International Consultants Ltd.
Private Bag 1913
Dunedin
Attention: David Paton



FOREST
& BIRD

Dunedin Branch

PO Box 5793
Dunedin

22.2.09

Dear Sir,

I enclose these submissions on the preliminary proposal for Shingley Creek Pastoral Lease on behalf of the Dunedin Branch of Forest and Bird.

Thankyou for the opportunity to make submissions on this proposal and for arranging permission for us to inspect the lease.

Yours sincerely

Janet Ledingham

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

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

Submission on the Preliminary Proposal for Shingley Peaks Pastoral Lease

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

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

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

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

Introduction

The Shingley Creek lease is on the Western side of the Kakanui Mountains and the proposal for the high altitude land described as CA1 to be restored to Crown ownership is a gain for conservation since it contains many significant inherent values as described in the Conservation resources report and also has significant possibilities for recreation. It will complement the Crown Land already secured by tenure review of leases on the northern side of the Kakanui Range and perhaps in the future might be part of a Kakanui Range Conservation Park.

The proposal:

Land to be restored to Crown Control

Conservation Area CA1. That 414 ha (approximately) be designated as land to be restored to or retained in full Crown ownership and control as a conservation area.

The area proposed for CA1 is the high altitude part of the lease and contains significant ecological, landscape and recreational values which are well outlined in the proposal. We note the presence of threatened species of plants and appreciated the landscape values on this western side of the Kakanui Range and also the potential for recreation. We also noted some access matters that need to be resolved, particularly from SH85 to points 'b' and 'c'.

We fully endorse the proposal to restore this area to Crown ownership and control as a conservation area.

Land to be freeholded

That 403 ha (approximately) be disposed of by freehold disposal to the Holder, subject to protective mechanisms,

The proposed freehold area is in the Siberia Creek catchment below CA1. It has a large proportion of improved pasture on land of LUC classes III and IV and thus is likely to be capable of being managed as ecologically sustainable land and therefore suitable for freeholding.

We have no objection to the proposal to freehold this 403ha but note that public access across it to CA1 will be needed,

Protective Mechanism:

(a) A conservation covenant (CC) of approximately 22 ha pursuant to section 40(2)(a) of the Crown Pastoral Land Act 1998.

This covers strips of land adjacent to sections of waterways in a tributary of the Pigroot Creek. And Siberia Creek and we accept that the inherent values identified in the Conservation Resources report, native Galaxiid fish in the Pigroot tributary, and riparian shrublands in Siberia Creek are worthy of protection.

We have some reservations over the proposal to allow continued grazing by both sheep and cattle since the CC is not to be fenced, since cattle grazing in particular could surely do significant damage to the riparian shrublands. We do note the provision in Schedule 2 for regular monitoring of riparian shrublands to detect any adverse impacts and the provision for mitigation measures should any such impacts be found.

We support the creation of the Conservation Covenant, but stress that frequent monitoring will be needed to ensure any adverse effects can be detected early and mitigation measures applied.

Access provisions

(b) A easement to provide conservation management access by foot, horse, non-motorised and motorised vehicles and public access by foot, horse and non-motorised vehicles to the conservation area,

We support this access route, but note that it involves access to and across the new freehold land from State Highway 85 to CA1 and beyond which was still to be secured at the time the Preliminary proposal came out. We also note that to gain access to point "d" on the Designations Plan it appears necessary to cross neighboring freehold land, A satisfactory outcome is dependent on the success of DOC negotiations

Summary

Conservation Area CA1

We fully endorse the proposal to restore this area to Crown ownership and control as a conservation area.

Freehold area

We have no objection to the proposal to freehold this 403ha but note that public access across it to CA1 will be needed.

Conservation Covenant

We **support** the creation of the Conservation **Covenant**, but stress that frequent monitoring will be needed to ensure any adverse effects can be detected early and mitigation measures applied.

Access

We support an easement to provide conservation management access by foot, horse, non-motorised and motorised vehicles and public access by foot, horse and non-motorised vehicles to the conservation area.

The provisions to be made to gain access from SH 8S (The Pigroot) to point "d", and also between point "a" and the track within conservation area CA1 need to be clarified and secured.

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We would like to thank Opus for arranging access to inspect the lease and the Runholder for permission to inspect.

Janet Ledingham,

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

Submission 5

5

Simon de Lautour

From: Dave Payton [Dave.Payton@opus.co.nz]
Sent: Monday, 23 February 2009 16:45
To: Simon. Delautour
Subject: FW: NZ Deerstalkers' Assn Submission: Shingley Ck PP
Attachments: NZDA Submn Shingley Ck, PigrootFeb09.doc

From: Hugh Barr [mailto:hugh@infosmart.co.nz]
Sent: Monday, 23 February 2009 2:52 p.m.
To: David Payton Opus Dn
Cc: Dianne Brown
Subject: NZ Deerstalkers' Assn Submission: Shingley Ck PP

Dave Payton, Opus: NZDA submission attached.
Regards
Hugh Barr
Tel 64 4 934 2244 Fx 64 4 934 2244 027 686 0063
hugh@infosmart.co.nz

23/02/2009



New Zealand Deerstalkers' Association Incorporated

Level 1 45 – 51 Rugby Street P O Box 6514 Wellington

Phone: 04 801 7367 Fax: 04 801 7368

Email: deerstalkers.org.nz

Website: <http://www.deerstalkers.org.nz>

23 February 2009

Commissioner of Crown Lands
C/o Optus International Consultants Ltd
Private Bay 1913
Dunedin
Attention: dave.payton@opus.co.nz

Dear Sir:

NZ Deerstalkers' Association Submission: Shingley Creek Tenure Review, Pigroot Kakanui

Greetings. The New Zealand Deerstalkers' Association (NZDA) makes the following submission on the Crown land resulting from this expired Pastoral Occupation Licence (POL).

NZDA is the national association of deerstalkers and other big game hunters, with 50 branches and hunting member clubs throughout New Zealand. NZDA has 7500 members, and has been actively advocating for recreational deerstalking and hunting, running hunter training courses, trips, conferences etc since 1937. NZDA sets and maintains ethical standards for hunting.

A number of NZDA Branches would have an interest in hunting in the Kakanui mountains, of which this access and surrender opens the way. They include North Otago (Oamaru), Otago (Dunedin), Southern Lakes (Queenstown, Alexandra), South Canterbury (Timaru), South Otago (Balclutha). Other branch members and independent recreational hunters will also be interested. There are an estimated 60,000 big game recreational hunters in New Zealand.

Summary:

Shingley Creek is a pastoral lease on the southern side of the Kakanui Mountains, used primarily as a summer run-off block in association with a nearby 1600 Ha farm. It has no road frontage, but is accessible from SH 85 (Pigroot), 45 Km from Palmerston, North Otago. The Dasher Pastoral lease is to the east. The upper parts of the lease are on the western flank of the Kakanui Mountains. Round Hill and Pigroot Hill are just to the south.

The lease is 816 Ha, with grazing allowed for only 9 months of the year ie de-stocked in winter. 414 ha of high altitude land is proposed for surrender (CA1), 403 Ha is to be freeholded. Two proposed conservation covenants, unfenced, up Siberia Creek, from the top of its proposed marginal strip to CA1 (500 m long), and similarly for a smaller tributary of Pigroot Creek to the west, near the start of public access d-c, 1100 m long).

CA1 rises to a high point of 1128 m in the north, on the Kakanui Mountains, and is generally above 800 m, except in the lower parts of the Siberia Stream catchment. The Siberia Stream catchment makes up over 90% of CA1. It is primarily open space with snow tussock and some boulder fields. The land to be freeholded is the lower half of the lease, nearest the valley floor.

Public Access and recreation:

Access is proposed from the SH 85, by d-c, b-a, but not for motorized vehicles, except those

owned by DOC. The access easement again appears to deviate from a legal road along the southern boundary, either because it has to, or more likely to restrict public vehicle access rights. This access provision is very roundabout, being some 3,000 m long, compared to the direct route to CA1, up the left stream (line of the conservation covenant) of 1100 m ie is three times longer. No public access to the western side of CA1 is provided. A route up the stream (CC) would provide such direct western access.

Recommendation 1: NZDA proposes that an additional easement be provided up this Conservation Covenant, to give direct public access to the western side of CA1.

DOC zoned the area Back Country 4WD Drive-in in its 1992 recreation survey of Otago. At present, legal access exists only by marginal strips up Siberia Creek, and possibly via an unformed legal road. Thus, some form of public foot and motorised access easement should be provided from SH 85 to point d, at the start of LINZ's proposed easement. There are important open space and scenic values on the CA1 block that appeal to many recreational users.

Recommendation 2: A public foot and motorised vehicle access easement be provided to "d" (negotiated with the owner of this freehold land) to allow public access to CA1. **No public access to CA1 from SH 85 is currently provided. So no public access is provided in this proposal.**

Public Access explanation: There is major need for Preliminary Proposals to have a section explaining what access is to be provided, and why this is adequate. The presently proposed access is non-existent, if the public has to ask permission to reach point "d".

Big Game Animals: There is evidence of pigs on the property (CRR). NZDA sees the value of this surrender of CA1 as being a step in achieving a Kakanui Conservation Park, incorporating as much of the Kakanui Mountains as available. There will be Red deer and pigs in such a larger conservation park, and recreational hunters will be interested in hunting them.

For that reason, public 4WD access should be provided to and along the public accessway d-c, b-a, to the north-eastern corner of CA1, to allow 4WD public access to be provided in future further into the potential Park. This is the one opportunity to provide for future access via the Shingley Creek property. Adequate public access for the future is a very important consideration.

Recommendation 3: Public 4WD access, possibly not in winter, be provided from SH 85 to point d, and on d-c, c-b, b-a, and through CA1 to its eastern boundary. This would be appreciated for access to CA1, **and also for future access, once additional land is surrendered, to the core of the Kakanui Mountains.** The access easement b-a, along the southern boundary, is a farm track along or near the line of the legal road, and **should be modified to be the legal road.** If DOC has a need to use vehicles on this easement, then the public should have the same rights also. **There is nothing in the CPL Act giving DOC priority for access over the public.**

Conclusion:

NZDA supports this preliminary proposal. But requests that recommendations 1, 2 and 3 above, concerning rectifying the present inadequate provisions for public access, be implemented as well, to adequately provide for *"the securing of public access to and enjoyment of reviewable land"* as required by S 24 (c) (i).

Thank you for the opportunity to comment. Please contact me for any additional information

Yours truly

Dr Hugh Barr
National Advocate

Submission 6

6

NORTH OTAGO TRAMPING AND MOUNTAINEERING CLUB
PO Box 217
Oamaru 9444

21 February 2009

Commissioner of Crown Lands
C/o Opus International Consultants Ltd
Private Bag 1913
Dunedin



Dear Madam/Sir

Tenure Review – Shingley Creek

I refer to David Payton's letter of 5 December 2008 and attachments.

The interests of the North Otago Tramping and Mountaineering Club in this matter lie in access to the Kakanui Range for tramping and the quality of the tramping experience. While it is encouraging to see that this proposal explicitly provides for such access, access of course exists now, albeit with the permission of the runholder which is normally granted subject to farming requirements such as lambing and mustering. Such requirements are well understood by members of this club and it is not clear how they are provided for in the terms of the proposed easement. If they are not, then that would seem to pose serious difficulties for operating a farm.

The logic of the proposed Conservation Area is not clear. As an isolated area, it makes no sense. Some justification is provided in terms of protecting threatened flora and fauna, but the area proposed would appear to be much greater than needed to provide that protection. Much of the proposed Conservation Area appears to be essentially similar in character to the area proposed to be freeholded. An alternative and, on the face of it, more efficient solution could be to covenant more clearly defined and relevant areas.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Chetwin".

John Chetwin
Secretary

Submission 7

7



NEW ZEALAND FOUR WHEEL DRIVE ASSOCIATION INC.

PO Box 90960 Victoria Street West
Auckland 1142, New Zealand

www.NZFWDA.org.nz

23 Feb. 09

Commissioner of Crown Lands
C/- Opus International Consultants
Opus House
197 Rattray St
Private Bag 1913
Dunedin

Attention: Dave Payton



I write to you on behalf of the New Zealand Four Wheel Drive Association (NZFWDA) in response to the request for submissions relating to the Tenure review of Shingley Creek Po034.

The New Zealand Four Wheel Drive Association is the national body that represents a large proportion of the organised 4WD clubs around New Zealand. Individual NZFWDA memberships exceed 2100 people, within approximately 52 clubs. The number of member clubs throughout New Zealand continues to grow, especially in the South Island. These numbers do not include the families of the individual members, many of whom are often heavily involved in NZFWDA activities. The NZFWDA is completely volunteer managed, with a National Executive Council and three regional Zone Committees (Northern, Central and Southern).

The NZFWDA wishes to make comment on the provision of public access through the section land proposed to be Freeholded. The NZFWDA feels that the proposed easements fall short of providing access for all New Zealander to the High Country land to be restored to Crown ownership. By limiting the easement to Foot, horse and non-motorised vehicles the proposal is discriminatory against those who wish to access the Back Country using motorised vehicle by choice or necessity. The adoption of the proposed Easement would restrict the ability of those young and old who are physically unable to gain access to these areas without the assistance of Motorised vehicles. Furthermore the high country that the proposed route provides access to can be very inhospitable with rapidly changing weather patterns and limited access to cover. The vastness of the area makes it unsuitable and foolhardy for all but the most experienced of trampers or hunters to venture on foot, access for motorised vehicles into the area provides for safe access for those less experienced or with limited time.

The evolution of the four wheel drive (4WD) vehicle, and the numbers of such vehicles imported into NZ over recent years, has allowed a wide spectrum of the population to consider using 4WDs to travel to areas that may in the past only have been accessed by tramping club members. Those tramping clubs traditionally used modified trucks (often 4WD) to transport walkers as far as possible before they got out and walked to their intended destination. Today's families wish to access the same areas, but increasingly they choose to use the more flexible 4WD and remain in the

company of other vehicles for safety. It is the children of today who will be the future guardians of our lands and unless they have experienced the variety and grandeur of our lands, most likely by 4WD, their enthusiasm to conserve and protect them is unlikely to be as passionate as their forebears.

The route of the proposed easement follows a vehicle track that forms part of a popular 4WD Track known as Dunrobin Road. Dunrobin Road provides a link between the Pigroot and Five Forks in the Waireka valley as well as allowing 4WD enthusiasts a spectacular opportunity to experience the high country of the Kakanui Mountain Ranges. Dunrobin Road is recorded as a 4WD track in literature including *4WD South Island, 93 New Off Road Adventures, Ken Sibley and Mark Wilson, Shoal Bay Press, 1999.*

Whilst the NZFWDA fully respects the right of land owners and is fully aware that the current lease holders are willing to allow some vehicles and groups access to the route subject to a small fee, we believe that this Tenure review is the only opportunity available to guarantee the ongoing availability of access to the Kakanui Mountain High Country for ALL New Zealanders. If this access is not grasped and held onto at this stage there is a possibility that future owners of the land to be Freeholded maybe less open to access and restrict New Zealanders their traditional rights to enjoy some of New Zealand's greatest countryside.

Finally the NZFWDA questions why a government organisation, namely the Department of Conservation (DoC), is being provided motorized vehicle access over the proposed easements when the public is not. The NZFWDA strongly believes that if one group is to be granted motorized access over the easements then it is discriminatory to not allow the same access to all, and if there is due reason to exclude public motorised vehicles from the route then that reasoning should also exclude DoC vehicles.

The NZFWDA would welcome and encourage direct communication with the Commissioner of Crown Lands to discuss any issues relating to 4WD access and recreation associated with any proposed Tenure review or any other issues that may be appropriate

Your faithfully



Tony Jack
Southern Zone Public Relations Officer
New Zealand Four Wheel Drive Association

Submission 8

www.or4g.org.nz



OTAGO RECREATIONAL 4WD GROUP

WWW.OR4G.ORG.NZ

Member of the New Zealand Four Wheel Drive Association

C/- 9 Wickliffe Terrace, Port Chalmers, Dunedin

100 Years of
The New Zealand Four Wheel Drive Association

23 Feb. 09

Commissioner of Crown Lands
C/- Opus International Consultants
Opus House
197 Rattray St
Private Bag 1913
Dunedin



Attention: Dave Payton

Dear Commissioner,

Tenure review of Shingley Creek Po034

The Otago Recreational 4WD group (OR4G) is the local group of recreational four wheel drivers based in Dunedin. The OR4G is a family based group formed with the intension of providing a safe family oriented environment for recreational four wheel driving. The group has approximately 40 individual member, many also bring family and friends to organised trips.

The OR4G also has a history of providing fund raising activities for rescue helicopters and also providing emergency transport and assistance to hospitals, police and search and rescue. The OR4G is an affiliate club of the New Zealand Four Wheel Drive Association.

Although the OR4G is based in Dunedin members of the group have a long history of travelling throughout the South Island and many members have had the opportunity to travel through Shingley Creek Station on the route known as Dunrobin Rd.

The Otago Recreational 4WD Group fully supports the submission put forward by the New Zealand Four Wheel Drive Association for the tenure review of Shingley Creek Po034 .

Yours faithfully,

Graeme Thompson
Chair Person

Otago Recreational 4WD Group

Submission 9

Simon de Lautour

9

From: Dave Payton [Dave.Payton@opus.co.nz]
Sent: Tuesday, 24 February 2009 11:10
To: Simon. Delautour
Subject: FW: Shingley Creek Tenure Review submission - hard copy follows

From: Alan McMillan [mailto:club.wingatul@xtra.co.nz]
Sent: Tuesday, 24 February 2009 10:36 a.m.
To: dave.payton@opus.co.nz
Subject: Shingley Creek Tenure Review submission - hard copy follows

Public Access New Zealand

Incorporated

Secretary, Public Access New Zealand Inc., P. O. Box 17, Dunedin, Otago New Zealand. phone/fax 64-03-489 8284

Commissioner of Crown Lands,
C/o Opus International Consultants Ltd.,
Private Bag 1913,
Dunedin.

23rd February 2009
atn Dave Payton
Dear Sir,

SHINGLEY CREEK TENURE REVIEW – Preliminary Proposal.

Thank you for your advice that this proposal has now been put to the holders of this pastoral lease and for giving us this opportunity to comment on its substance.

As with all such proposals our interest is largely, but not exclusively, confined to ensuring the retention of existing public accessways through the lands concerned and the development of new accessways where public use can be enhanced.

This interest extends to the establishment of negotiated access easements over land freeholded as a result of Tenure Review as well as ensuring adequate public access provisions are included across newly established conservation lands. .

Having studied the preliminary proposal we consider the public interest can be enhanced by inclusion of the following in the final plan.

- (1) There appears to be no legal public vehicle access to this property from State Highway 85. although the proposal does make provision for vehicle access for the department for "management purposes etc"

As a matter of principle we believe there is no good reason for excluding the public from vehicle accessways where departmental use is permitted. As a consequence we believe all arrangements for departmental vehicle access should be amended so as to include public vehicle access – with restrictions only applicable for safety, weather and track conditions. .

There appears to be no provision for public access to the western section of CA1 and we would recommend that an additional public access easement be provided from State Highway 85 to connect with the western conservation easement "cc", and that easement for public access be extended up the full length of the conservation easement..

24/02/2009

RELEASED UNDER THE OFFICIAL INFORMATION ACT

We note a difficulty in obtaining access across the adjoining property from State Highway 85 via a farm track towards point "d" on that track which is in the current leased area.

In the event that this difficulty obstructs the provision of public vehicle access on the track e,d,c,b,a, we would then insist that consideration be given to opening up the unformed legal road which, starting from State Highway 85 and bisecting the adjoining property, then follows the southern and eastern boundaries giving connection at one point with the farm track back to c,d,e and in the other direction up to the boundary of CA1

This alternative would give the adjoining landowner the opportunity to decide which option was the more acceptable to him.

(2) Marginal Strips.

We note provision is made for the establishment of a marginal strip on Siberia Creek from the property boundary up stream to the full extent of the legislative requirement—a position which we support.

We note a marginal strip exists from State Highway 85 to the boundary of the property and thus provides a continual public accessway up Siberia Creek from the public highway and including the proposed conservation covenant up to the boundary of CA1.

This is a valuable accessway but use may be restricted by physical obstructions and a negotiated 4 WD accessway through proposed freehold land at this point would provide suitable departmental management access as has been suggested and would be a preferred option if the public is granted a similar opportunity.

The legal (unformed?) road commencing from State Highway 85 and continuing along the southern and eastern boundary of the property appears to be partially on the leased property and partially outside it

This road is of considerable importance as the public has substantial rights over its use and for access to this property, and for future possible use for access to the adjoining property to the east, if and when that becomes available, it is essential that its status be protected.

This review may be an opportunity to ensure easements are negotiated to confirm there are no future uncertainties over public access to those parts of the road where legal alignment is unclear

(3)

We would ask that public 4WD access be confirmed over the track a,b,c,d,e, from State Highway 85 through to the eastern boundary of CA1 and recognise that a negotiated easement will be necessary where this track crosses adjacent and proposed freehold land. We note the department has indicated it would negotiate an easement to solve this problem but see our additional comments on this point, above. . .

Public Access New Zealand Inc., supports this preliminary proposal but asks that serious consideration be given to the above comments.- particularly those relating to the use of the unformed legal road.

Thank you for this opportunity to comment.

Sincerely

Alan McMillan,
Chairman,
Board of Trustees,
Public Access New Zealand Inc.,

Public Access New Zealand

Incorporated

Secretary, Public Access New Zealand Inc., P. O. Box 17, Dunedin, Otago New Zealand.
phone/fax 64-03-489 8284

Commissioner of Crown Lands,
C/o Optus International Consultants Ltd.,
Private Bag 1913,
Dunedin.
23rd February 2009



Dear Sir,

SHINGLEY CREEK TENURE REVIEW – Preliminary Proposal.

Thank you for your advice that this proposal has now been put to the holders of this pastoral lease and for giving us this opportunity to comment on its substance.

As with all such proposals our interest is largely, but not exclusively, confined to ensuring the retention of existing public accessways through the lands concerned and the development of new accessways where public use can be enhanced.

This interest extends to the establishment of negotiated access easements over land freeholded as a result of Tenure Review as well as ensuring adequate public access provisions are included across newly established conservation lands. .

Having studied the preliminary proposal we consider the public interest can be enhanced by inclusion of the following in the final plan.

- (1) There appears to be no legal public vehicle access to this property from State Highway 85, although the proposal does make provision for vehicle access for the department for "management purposes etc"

As a matter of principle we believe there is no good reason for excluding the public from vehicle accessways where departmental use is permitted. As a consequence we believe all arrangements for departmental vehicle access should be amended so as to include public vehicle access – with restrictions only applicable for safety, weather and track conditions. .

There appears to be no provision for public access to the western section of CA1 and we would recommend that an additional public access easement be provided from State Highway 85 to connect with the western conservation easement "cc", and that easement for public access be extended up the full length of the conservation easement..

We note a difficulty in obtaining access across the adjoining property from State Highway 85 via a farm track towards point "d" on that track which is in the current leased area.

In the event that this difficulty obstructs the provision of public vehicle access on the track e,d,c,b,a, we would then insist that consideration be given to opening up the unformed legal road which, starting from State Highway 85 and bisecting the adjoining property, then follows the southern and eastern boundaries giving connection at one point with the farm track back to c,d,e and in the other direction up to the boundary of CA1

This alternative would give the adjoining landowner the opportunity to decide which option was the more acceptable to him.

(2) Marginal Strips.

We note provision is made for the establishment of a marginal strip on Siberia Creek from the property boundary up stream to the full extent of the legislative requirement—a position which we support.

We note a marginal strip exists from State Highway 85 to the boundary of the property and thus provides a continual public accessway up Siberia Creek from the public highway and including the proposed conservation covenant up to the boundary of CA1.

This is a valuable accessway but use may be restricted by physical obstructions and a negotiated 4 WD accessway through proposed freeholded land at this point would provide suitable departmental management access as has been suggested and would be a preferred option if the public is granted a similar opportunity.

The legal (unformed?) road commencing from State Highway 85 and continuing along the southern and eastern boundary of the property appears to be partially on the leased property and partially outside it. This road is of considerable importance as the public has substantial rights over its use and for access to this property, and for future possible use for access to the adjoining property to the east, if and when that becomes available, it is essential that its status be protected.

This review may be an opportunity to ensure easements are negotiated to confirm there are no future uncertainties over public access to those parts of the road where legal alignment is unclear.

(3)

We would ask that public 4WD access be confirmed over the track a,b,c,d,e, from State Highway 85 through to the eastern boundary of CA1 and recognise that a negotiated easement will be necessary where this track crosses adjacent and proposed freehold land. We note the department has indicated it would negotiate an easement to solve this problem but see our additional comments on this point, above. . .

Public Access New Zealand Inc., supports this preliminary proposal but asks that serious consideration be given to the above comments.- particularly those relating to the use of the unformed legal road.

Thank you for this opportunity to comment.

Sincerely

Alan McMillan,
Chairman,
Board of Trustees,
Public Access New Zealand Inc.,

A handwritten signature in blue ink, appearing to read "Alan McMillan", is written over the printed name and title.

Submission 10



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)

P.O. Box 1604, Wellington

10



20 February 2009

The Commissioner of Crown Lands
c/- Opus International Consultants Ltd.
Private Bag 1913
DUNEDIN.

Attention: David Payton.

Dear Sir,



Re: Preliminary Proposal for Tenure Review: Shingley Creek Pastoral Lease (Po 034)

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

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

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

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

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

FMC appreciates this opportunity to comment on the Preliminary Proposal for the review of Shingley Creek Pastoral Lease. We also appreciate Opus facilitating access for inspection, and the holder for permission to inspect the property on 28 January 2009.

THE PRELIMINARY PROPOSAL

FMC understands that the Preliminary Proposal is described as follows:-

1. 414 ha (approximately) to be designated as land to be restored to or retained in full Crown ownership and control as conservation area under section 35(2)(a)(i) Crown Pastoral Land Act 1998.
2. 403 ha (approximately) to be disposed of by freehold disposal to the Holder pursuant to section 35(3) Crown Pastoral Land Act 1998, subject to Part IVA Conservation Act 1987, section 11 Crown Minerals Act 1991 and the following protective mechanisms:

Protective Mechanisms:

- (a) A conservation covenant of approximately 22 ha pursuant to section 40(2)(a) Crown Pastoral Land Act 1998.
- (b) An easement to provide conservation management access by foot, horse, non-motorised and motorised vehicles and public access by foot, horse and non-motorised vehicles to the conservation area subject to section 40(2)(b) and 40(2)(c) Crown Pastoral Land Act 1998.

Qualified Designation:

A Farm Management Easement Concession to the Holder for crossing the marginal strip expected to be created upon disposition pursuant to section 36(1)(a) Crown Pastoral Land Act 1998.

FMC COMMENTARY AND SUBMISSIONS

FMC inspected this property in 2003 and submitted a Report entitled Preliminary Report on the Recreational and Related Significant Inherent Values: SHINGLEY CREEK, (April 2003). For your information we append a copy of that Report to this submission.

It is pleasing to note that the area proposed as conservation area is more extensive than suggested in the FMC Report, but we have reservations about the access provisions in this Preliminary Proposal. This is important because in the FMC Report (2003) access to the main Kakanui Mountains and the Hectors Plateau on the eastern slopes were identified as key issues in this review.

The details of FMC views on the Preliminary Proposal are presented below.

PROPOSAL 1 That 414 ha (approximately) be designated as land to be restored to or retained in full Crown ownership and control as conservation area.

The area proposed as conservation land consists of the upper part of the Siberia Creek catchment on the western side of the Kakanui Mountains and stretches from about 700m in the valley floor to just over 1,100m at two high points on the outer edge of the catchment.

FMC agrees that the area includes significant landscape values which add to the intrinsic worth of the property as conservation values and are important because of its high degree of visibility from the Pigroot (State Highway 85).

The natural vegetation consists of tussock grasslands which include greater proportions of shrublands with increasing elevation and this provides an excellent setting for recreation. The area is characterised by a sense of remoteness despite being relatively easily accessed from the Highway. It is probable that recreational use of this area will increase following the successful completion of this tenure review, and that it will become an increasingly popular destination for tramping, mountain biking, and horse trekking and possibly cross country skiing in some seasons. As well as recreational activities within this new conservation area, it is likely to prove even more important as a means of gaining access to other areas of recreational interest on the eastern side Kakanui Mountains (the Hectors Plateau for example) and for longer traverses of the mountain range itself.

These new recreational opportunities will only be realised if public access to the conservation area is secure. It is not entirely clear to FMC how secure access will be provided by the outcome of this review. For example it is not clear what provision is to be made to gain access from SH 85 (The Pigroot) to point "d", and similarly between point "a" and the track within conservation area CA1. It appears that an easement over a short length of track within the existing freehold may be required. These issues will be addressed in the section dealing with 'Protective Mechanism' – proposed easement.

FMC Submission

- *FMC fully supports the proposal that 414 ha (approximately) of Shingley Creek pastoral lease should be designated as land to be restored to or retained in full Crown ownership and control as conservation area. Our only reservation is that public access to this area from State Highway 85 (to CA1) must be secure in order to fulfil the objectives stated in the Crown Pastoral Land Act 1998, and in Cabinet Minutes referred to in our introduction.*

PROPOSAL 2 That 403 ha (approximately) be disposed of by freehold disposal to the Holder, subject to protective mechanisms.

This area represents almost half of the leasehold land, and is situated in the Siberia Creek catchment below the area designated as CA1.

In the FMC Report (2003) it was concluded that: *"There is a large proportion of improved pasture on land of LUC Classes IV and VI on Shingley Creek which is probably capable of being managed in a way that is ecologically sustainable so it is therefore likely to be suitable for freeholding".*

FMC therefore accepts the proposal that some 400 ha of the lower country should be disposed of as freehold. We remain concerned however that public access to and across this new freehold may not be secure. Our concerns will be explained in the section on Protective Mechanisms.

FMC Submission

- *FMC accepts the proposal that some 400 ha of the lower country should be disposed of as freehold. We remain concerned however that public access to and across this new freehold may not be secure.*

Protective Mechanism: (a) A conservation covenant of approximately 22 ha pursuant to section 40(2)(a) Crown Pastoral Land Act 1998.

FMC understands that this Covenant Area, marked as CC on the Designations plan, consists of strips of land adjacent to sections of waterways in Siberia Creek and a tributary of Pigroot Creek.

The FMC Report (2003) failed to identify the natural values in these two places, but we accept the recommendations based on the Conservation Resources Report which does identify significant inherent values in both Siberia Creek and the tributary of the Pigroot Creek. We understand that the values to be protected consist of native Galaxiid fish in the Pigroot tributary, and riparian shrublands in Siberia Creek.

We note that it is proposed to allow continued grazing by both cattle and sheep, despite the absence of any provision to fence the area to be protected. It is probable that cattle grazing could do significant damage to the riparian shrublands so regular monitoring of vegetative condition will be important. We note that Covenant Clause 3.1.1 is to be deleted, thus allowing both sheep and cattle grazing, and that there is provision in Schedule 2 for monitoring of riparian shrublands. In our view, it will be most important that the condition of riparian shrublands are monitored frequently so that the Minister can be advised of any adverse impacts, and action taken to ensure that the Owner does mitigate such impacts, if appropriate by fencing or removing cattle.

FMC Submission

- ***FMC accepts the need for a Conservation Covenant to protect native fish in the Pigroot Tributary and riparian shrublands in Siberia Creek. We are concerned that continued grazing, particularly by cattle, may have adverse impacts on the riparian vegetation. We believe that regular and frequent monitoring of vegetative condition, followed by mitigation measures where appropriate, will be essential to ensure the protection of the values.***

Protective Mechanism: (b) An easement to provide conservation management access by foot, horse, non-motorised and motorised vehicles and public access by foot, horse and non-motorised vehicles to the conservation area.

FMC notes that this easement makes provision for both public access, and Conservation Management access. We wish to make it clear that we have no objection to access for conservation management purposes.

As indicated above however, we are concerned that the provisions for public foot, horse and non-motorised vehicles may not be sufficiently comprehensive and secure to guarantee access to and across the new freehold land from State Highway 85 to Conservation Area CA1 and beyond. We also note that to gain access to point "d" on the Designations Plan it appears necessary to cross neighbouring freehold land. There seem to be gaps in secure access at both ends of the proposed easement "a-b-c-d". The provision of secure public access at both ends seems to depend on the good offices of DOC and the Holder to provide means of getting around the problems.

The documents provided with the Preliminary Proposal are not entirely clear on these matters. The caption to Photo 2 is confusing. The boundary of the SW corner of CA1 is not clear in this illustration. This Photo does show the formed track climbing across existing freehold land. The problem of providing public access from point "a" to the Conservation Area CA1 would be solved by creating an easement over a short length of this track on existing Shingley Creek freehold land. We accept that public foot access could be gained over the short distance between point "a" and a second gate into CA1. This does not however, provide suitable access for mountain bike use.

The document does refer to "Point "a" located on the property boundary where the farm track meets the legal road approximately 200m from the boundary of CA1", and that the "legal road does provide legal access from point "a" to CA1 but that topography would limit access to foot and possible horse only". Our concern is with secure access for mountain bike users over the said 200m between point "a" and CA1. The document states that DOC "intend to negotiate public and management access over the section of formed track between point "a" and the boundary of CA1 with the owner of the adjoining land outside of Tenure Review.

FMC does not accept this as a satisfactory solution as it does not provide secure access as required by Cabinet Minutes and the Crown Pastoral land Act 1998. The solution would be to create an easement over this short section of formed track on the existing freehold land.

Access from State Highway 85 to point "d" is also discussed in the document. This also seems to depend on the good offices of DOC to create a practicable route within the marginal strip along Siberia Creek. This would probably be satisfactory for foot and horse access but more may be needed to fulfil the requirement for secure access for mountain bikes. The provision of secure access (as required by statute) appears to depend upon the word of DOC to carry out the work that is described as "minimal track formation work". Study of the marginal strip route on the map, and inspection on the ground suggests that this would be a preferred alternative to the circuitous route via point "d" to "c". Whilst the lack of secure access from SH 85 to point "c" is far from satisfactory from a legal perspective FMC might be prepared to accept this situation with a written guarantee from DOC that the necessary track formation work will be done.

We understand that in the Resources Report identified access for a loop walk around the perimeter of Shingley Creek. FMC agrees that this would provide a good day trip as well as alternative access to Obi. It would require public foot access up the Pigroot tributary and the spur to point 732m, and along the western boundary to CA1. The proposal overlooks this potential and we submit that such an opportunity for a day walk should be revisited when the proposal is reviewed.

FMC Submission

- *FMC is not satisfied that the proposal meets the statutory requirement to provide secure public access. We assert that what is required is an additional new easement over the formed track from point "a" to the boundary of CA1. To confirm that the necessary track formation work along the marginal strip beside Siberia Creek to point "c" will be carried out, a written guarantee should be provided by DOC.*
- *We also recommend that access for a loop walk around the perimeter of Shingley Creek pastoral lease should be reconsidered.*

Qualified Designation: A Farm Management Easement Concession to the Holder for crossing the marginal strip expected to be created upon disposition pursuant to section 36(1)(a) Crown Pastoral Land Act 1998.

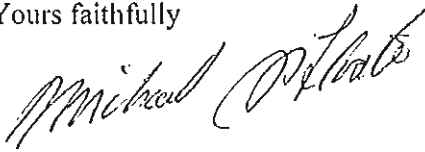
FMC appreciates that the existing farm track crosses Siberia Creek (at "b-c") within the area proposed to become freehold. We also appreciate that this section of Siberia Creek could also be subject to the creation of a Marginal Strip as part of the tenure review process. Furthermore, we appreciate that continued use of this track within the freehold area would be a reasonable expectation on the part of the Holder, so an easement to cross the Marginal Strip would be appropriate. FMC has no objection to this easement being created for farm management purposes.

FMC Submission

- *FMC has no objection to the creation of an easement concession (b-c) to cross the Marginal Strip expected to be created upon disposition of the proposed freehold land.*

Finally, FMC thanks the Crown Agent, Opus International Consultants Ltd, for facilitating access to the property. We also thank the runholder for permission to inspect the property and the Commissioner of Crown Lands for the opportunity to comment on the Preliminary Proposal for the tenure review of Shingley Creek pastoral lease.

Yours faithfully



bp

Phil Glasson
Secretary, Federated Mountain Clubs of NZ, Inc.

Appendix.1RECREATIONAL AND RELATED SIGNIFICANT INHERENT VALUES
ON SHINGLEY CREEK*A Report to FMC based on Field Inspections and other research
to assist in the Crown Pastoral Lease Tenure Review Process*April 2003CONTENTS

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LIST OF FIGURES

Fig. 1 Shingley Creek consists of a pastoral lease of about 800 ha, and a corresponding freehold area which stretches down to the homestead which can be seen in the centre of this picture. There has been quite extensive pasture improvement and much of the land appears to be capable of being managed in a way that is ecologically sustainable.

Fig. 2 This view is looking down into the Siberia Creek catchment from above the northeastern boundary. The track in the middle distance marks this boundary and also provides an alternative route to the Kakanui Mountains and the Hectors Plateau. Because of the recreational interest in these areas access across Shingley Creek land is the most critical issue in this tenure review.

Fig. 3 The areas of greatest recreational interest lie beyond the boundaries of Shingley Creek pastoral lease. Access to areas such as the Hectors Plateau and the volcanic peaks like Kattothrust, far left in this view, is critical. The road which stretches into the distance starts on Shingley Creek and crosses the Kakanui to the Kakanui River Valley. It follows a legal road but the actual formation should be recognised as the legal road.

Fig. 4 It is important to be able to gain public access to Obi (Trig B) because from Obi there are recreational routes to Kakanui Peak and the Kakanui Mountains, as well as to the Hectors Plateau. This view shows the zig zag track to the summit of Obi. If this does not coincide precisely with the alignment of the legal road, the formation on the ground should be recognised as the legal road during tenure review.

Fig. 5 Although most of this pastoral lease may be suitable for freeholding, there is a small area of high ground adjacent to the boundary with The Dasher, between about 1,100m and 1,300m which has been classified LUC VIIe and which is almost certainly not capable of supporting ecologically sustainable pastoral use. These Kaikoura Steepland soils would be better used for conservation purposes. The vegetation is less modified than elsewhere on Shingley Creek pastoral lease.

Fig. 6 In this area of Kaikoura Steepland soils, the tussock grassland is depleted but there is also considerable biodiversity including sub-alpine shrubs like *Drachophyllum* and *Coprosma* together with *Celmisia* and *Luzula* species. This area is worthy of protection on account of its significant inherent values.

Fig. 7 The trip to Obi is interesting in itself, but is even more interesting in that it leads to some unique features of the Hectors Plateau which are a great asset to the recreational people of North Otago. The zig-zag climb is steep but the views are worth the effort expended in getting to such a vantage point. Such are the reasons why access across Shingley Creek is so important.

Fig. 8 Despite its modest altitude, there are many interesting sub-alpine plants in spectacular natural rock gardens right alongside the track, and these add greatly to the recreational experience of a trip over Obi. Although not actually on the Shingley Creek pastoral lease, this area might be regarded as an upward extension of the natural values of that property.

RECREATIONAL AND RELATED SIGNIFICANT INHERENT VALUES

ON SHINGLEY CREEK

INTRODUCTION

This report has been prepared following the Early Warning Meeting in September 2002 at which the properties entering the tenure review process in 2002 were introduced. An inspection of the property was carried out in January 2003 with the kind permission of the runholder. This report is offered as a contribution to the statutory consultation process undertaken by the Department of Conservation.

The report focuses on those features of Shingley Creek Station which are important for public recreational interests. It should be noted that while much of this interest focuses on access, the natural values and landscapes of the property have a fundamental impact on its recreational value and greatly influence the quality of recreational experience enjoyed. It is for this reason that reference is also made to both natural and landscape values in this report. The landscapes and views to be had from the rim of the Siberia Creek catchment and from Obi are outstanding and add greatly to the enjoyment of traversing this property. From a recreational perspective its greatest value is in providing access to the Kakanui Mountains and the volcanic peaks of the Hectors Plateau.

Shingley Creek is a small pastoral lease of about 800ha situated on the Pigroot side of the Kakanui Mountains. It appears to be associated with a corresponding area of freehold land reaching down to the homestead in the lower reaches of the Shingley Creek catchment (Fig. 1). The pastoral lease is almost entirely situated in the Siberia Creek catchment, between about 600m near the highway and almost 1200m on the spur between Shingley Creek to the West, and Waddells Creek to the East (Fig. 2). Its eastern boundary coincides with the western limits of The Dasher.

There is a legal road which links the Shag Valley and the Kakanui River valley. This road climbs a prominent spur on the Shingley Creek Station freehold before following the eastern boundary of the pastoral lease and reaching a high point on Obi (Trig B). From there the legal road continues over the Hector's Plateau (Fig. 3) by way of Siberia Hill and Mount Difficulty to join The Dasher Road at the homestead of that name.

Although small, Shingley Creek is important in the tenure review process because of its close proximity to several other properties under review. These include The Dasher and Mt Stalker to the East, and Islay Downs and Mt Dasher to the West and North. Its importance lies in its situation leading up to the Kakanui Mountains at Obi (Fig. 4) and the access it provides to the interesting basalt volcanic peaks like Mt Dasher, Kattothrust and Siberia Hill (Fig. 3) as well as to the main Kakanui Mountains including Kakanui Peak and Pisgah. Other pastoral leases are involved along the Kakanui Mountains and these include Clover Flats, Longlands, and Dome Hills. Still further to the north, but closely associated in the recreational context are Ben Ledi and Mt Alexander, all of which are at various stages of tenure review. This highlights the importance of considering the outcomes of this tenure review in the wider context of the whole range of Kakanui Mountains and recreation opportunities generally in North Otago. This lease cannot be properly considered in isolation from these other properties.

METHODS OF SURVEY AND ASSESSMENT

A site visit and field inspection was carried out in January 2003. 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 for Otago, has also been used as a source of reference.

GENERAL DESCRIPTION OF SHINGLEY CREEK STATION

Shingley Creek pastoral lease is located on the southern side of the Kakanui Mountains, some 50 km inland from Palmerston. The property extends from a high point (almost 1,300m) near Obi (Fig. 4) on the Kakanui Mountains, and drops to about 600m near where the Pigroot highway crosses the Pigroot Creek. It includes the entire catchment of Siberia Creek (Fig. 2).

Almost all the land below about 1000m has been improved by fencing, oversowing and topdressing and there is a large area of developed land on the adjoining freehold (Fig. 1). There is very little land which is still in a semi-natural state. This semi-natural area is adjacent to the boundary with The Dasher and lies between about 1,100 and 1,300m (Fig. 5).

Recreational use of the area has been relatively light in the past although it has considerable potential. There is some use by local pig hunters, and other users include local trampers and occasional mountain bike enthusiasts. 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 SHINGLEY CREEK STATION

Most of the pastoral lease in the Siberia Creek catchment is typified by High Country Yellow Brown Earth Hightop Hill soils with some Brown Granular Loam Cargill Hill soils derived from basalt parent material. There are also small areas of High Country Yellow Brown Earth Kaikoura Steepland soils on the highest ground in the northeast corner, and along the ridge which marks the boundary with The Dasher. This area of Kaikoura Steepland soils generally coincides with the small area of semi-natural vegetation referred to above (Fig. 5).

The highest ground, lying between about 1,100 and 1,300m, carries Kaikoura Steepland soils which have been classified Land Use Capability (LUC) Class VII, of very limited suitability for pastoral farming. The lower parts of the Siberia Creek catchment have been classified LUC Classes IV to VI and are therefore probably capable of being managed in a way that is ecologically sustainable.

In order to be managed in a way that is ecologically sustainable in the long term, any losses of essential nutrients in animal products (meat and wool) must be replenished. The alternative is that sooner or later the ecosystem will be depleted and degraded. LUC Class VII land may not be capable of being managed in a way that is ecologically sustainable because it may not be justifiable economically to replenish (in the form of fertiliser) the nutrients which are lost through grazing and burning. On lower country where pasture growth rates are higher, topdressing is worthwhile, but at higher altitudes (above about 1,000m), pasture growth and hence response to fertiliser is limited by climate. Under these circumstances conservation values need to be assessed and considered as an alternative to unsustainable pastoral use.

The small area Kaikoura Steepland area, of LUC Class VII with semi-natural vegetation cover (Fig. 6), situated between about 1,100 and 1,300m, is almost certainly better retained in full Crown ownership and control to be managed by the Department of Conservation for conservation and recreational purposes.

It seems likely that most of this pastoral lease, on the other hand, is capable of being managed in a way that is ecologically sustainable. So it is therefore probably suitable for transfer to freehold ownership.

RECREATIONAL USE AND POTENTIAL NEW OPPORTUNITIES

The recreational use of Shingley Creek 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.*" He 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.*"

Recreational importance of Shingley Creek is that it provides access across the property for trips along the Kakanui Mountains or along the legal road over Obi (Fig. 7) to Siberia Hill and Mt Difficulty, and onwards to The Dasher Road (Fig. 3) and Mount Pleasant Road, and thence out to the Kakanui Valley Road.

It is almost certain that both now and in the future the predominant use will be as a means of getting on foot, or mountain bike or possibly horse to the more interesting terrain beyond Shingley Creek boundaries (Fig. 3). One possible exception to this generalisation could be pig hunting as signs of rooting were noted during the inspection and local hunters do use the general area from time to time.

Local tramping clubs from Dunedin, Central and North Otago also use the area from time to time, with access being both from the Pigroot side and from the Kakanui Valley. With tenure reviews in progress on several neighbouring properties (see those listed above) 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, and in some seasons for cross country skiing. 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 these tenure reviews.

An increasing problem for people wishing to do trips involving overnight stays in the backcountry is security of car parking at road ends. Consideration should be given during the tenure review process to making provision for car parking, where possible off highways, and in the most secure places possible near the start of new easements over land which becomes freehold through tenure review. In the case of Shingley Creek Station, it would be very helpful if off-road parking could be provided near the end of the legal road. If parking could be provided reasonably close to the homestead, without causing undue disturbance to the owner or manager, then this would help to improve the security situation too.

Finally, it is argued that the recreational significance of properties under review should be assessed not only on present usage but also on potential. This is because current usage is much less than its potential for a number of reasons. Because of the current land tenure under pastoral lease, and because access to the ridge system has not been easy in the past, the recreational use of the Kakanui Mountains and the road over Obi is less than it might have been if access was freely available. There is significant potential for greater use and it is the full range of possibilities which should be considered during this tenure review.

In summary, this assessment indicates that there is considerable scope for increased recreational use of the Kakanui Mountains and the road over Obi to the east if easier access over Shingley Creek Station becomes available. Predominant uses would be for tramping, mountain bike trips and horse riding, and the possible use of the Kakanui Mountains for cross country skiing in some seasons, as well as use by local pig hunters.

SHINGLEY CREEK IN THE CONTEXT OF THE WIDER KAKANUI 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 outcome of this review in the context of the wider network of possible recreational opportunities over the entire geographic area.

Shingley Creek is situated in an area where a number of other tenure reviews are in progress. These include The Dasher and Mt Stalker to the East, and Islay Downs and Mt Dasher to the West and North. Its importance lies in its situation leading up to the Kakanui Mountains at Obi (Figs. 4 and 7) and the access it provides to the interesting basalt volcanic peaks on the Hector's Plateau (Fig. 3) as well as to the main Kakanui Mountains including Kakanui Peak and Pisgah. Other pastoral leases are involved along the Kakanui Mountains and these include Clover Flats, and Dome Hills. A significant area formerly part of Longlands is now conservation land. Still further to the north, but closely associated in the recreational context are Ben Ledi and Mt Alexander, all of which are at various stages of tenure review, and could provide near continuous access along the range to Danseys Pass.

Public access to and over Shingley Creek is therefore important because the outcomes of these other tenure reviews are likely to provide opportunities to plan for through trips from the Pigroot to Danseys Pass and the Kakanui valley in the foreseeable future. This tenure review of Shingley Creek needs to bear in mind all these possible future possible options, and to make appropriate decisions to facilitate recreational opportunities for the future.

We argue below that ensuring public access across Shingley Creek to the terrain beyond is the key issue in this tenure review. However, there are alternative routes to achieve this objective. The preferred choice is probably the legal road up the spur from the homestead, but a route from the Pigroot highway starting at the Pigroot Creek might be an alternative. This route would involve a short crossing of Islay Creek land into the lower part of the Siberia Creek catchment (Fig. 2).

SIGNIFICANT INHERENT VALUES AND THEIR IMPORTANCE FOR RECREATION

This report focuses on those features of Shingley Creek Station which are important for public recreational interests. It should be noted that while most of this interest focuses on access, the natural values and landscapes of the areas concerned have a fundamental impact on the recreational value of the place and greatly influence the quality of recreational experience enjoyed. It is for this reason that reference is also made to both natural and landscape values of this pastoral lease.

In practice, by far the largest part of Shingley Creek has been much modified by pastoral farming and land development over the years. Consequently few areas of even semi-natural vegetation remain. Furthermore, the landscapes of greatest interest are concentrated near the back boundary of the property and beyond.

There is however, an area close to the track up the eastern boundary with The Dasher, adjacent to the legal road leading to Obi and beyond, which does still have significant inherent value (Figs. 5 and 6). This is the area characterised by Kakanui Steepland soils which carries a depleted tussock grassland. Although depleted in terms of its tussock stature the plant community does contain a wide range of sub-alpine species including *Drachophyllum* and *Celmisia* together with other high altitude plants including *Coprosma*s and *Luzula* spp (Fig. 6).

Beyond the Shingley Creek boundary the altitude increases to 1425m at Obi (Trig B) and on the road up to the summit there are superb natural rock gardens including such interesting plants as the southern Edelweiss (Fig. 8). Natural features such as this certainly add to the value of the recreational experience of traversing the wider environs of the Kakanui Mountains.

Because it is unlikely that the area of LUC VIIe land could be managed in a way that is ecologically sustainable, it would be better to be returned to the Crown and managed for conservation and recreational access. The area concerned is no more than about 100ha and its exclusion from the farm would have no impact on the farming business. If necessary, an easement for management purposes could be provided.

AREAS TO BE PROTECTED

There is an area of about 100ha, close to the road up ridge between the catchments of Siberia Creek (on Shingley Creek Station) and Waddells Creek (on The Dasher) which has significant inherent value. This is the area characterised by Kakanui Steepland soils, which has been classified LUC Class VIIe, and which carries a depleted tussock grassland (Figs. 5 and 6). Although depleted in terms of its tussock stature, the plant community does contain a wide range of sub-alpine species and is worthy of protection.

Because of these significant inherent values, and because it is unlikely that the land could be managed in a way that is ecologically sustainable, it is recommended that it should be returned to the Crown and managed for conservation purposes and recreational access.

ACCESS REQUIREMENTS

Access across Shingley Creek land to the Kakanui Mountains and over Obi (Fig. 4) to the Hector's Plateau (Fig. 3) is the most important issue in this tenure review. There is an existing road up the spur from Shingley Creek homestead, up the eastern boundary of the pastoral lease and up to Obi at Trig B (Fig. 7) which provides the

required access and follows a legal road from Shingley Creek to The Dasher. However, the actual road formation may not precisely coincide with the alignment of the legal road, thereby making problematical its use by the general public. This situation needs to be resolved during tenure review. The preferred solution would be formal recognition of the actual road formation as the legal alignment. Failing that, the next best alternative would be the establishment of an easement over the existing road for foot, mountain bike and equestrian use.

There are alternative routes to the legal road described above. One route starts at the Pigroot Creek crossing on the Pigroot highway. This route would involve a short crossing of Islay Creek land into the lower part of the Siberia Creek catchment. Thence the route could follow a track up the south boundary of the lease to join the legal road at the southeast corner of the pastoral lease. Another alternative suitable for foot use, would climb the central spur to point 1128m on the northern boundary, and then turn eastwards to Obi (Fig. 2). These alternatives would keep well away from the homestead.

OTAGO CONSERVATION MANAGEMENT STRATEGY

In the Otago Conservation Management Strategy for Otago (CMS) the Kakanui Mountains are recognised as a Special Place. The objectives for this Special Place are: *"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 CMS states that these objectives will be implemented by methods including:

- *"Foot access negotiated at key points for the public to areas managed by the Department, with public vehicular access having a lower priority."*
- *"Protection of key areas for natural and historic resources will be sought through pastoral lease tenure review negotiation opportunities".*

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 for the Kakanui Mountains Special Place through the tenure review process, and that significant progress would be made towards the objective if this tenure can be successfully negotiated.

CONCLUSIONS

Significant conservation and recreation gains are possible outcomes of this tenure review. FMC recommendations for outcomes from this tenure review are as follows:-

1. Although the current recreational use of the Kakanui Range is relatively light, there is considerable potential for increasing recreational use of the range by trampers, mountain bike users and horse riders, by hunters, and in some seasons in winter by cross-country skiers.
2. There is a large proportion (about 700ha) of improved pasture land on land of LUC Classes IV and VI on Shingley Creek which is probably capable of being managed in a way that is ecologically sustainable so it is therefore likely to be suitable for freeholding.
3. Formal public access to the range top via Shingley Creek needs to be established through tenure review. The preferred solution would be formal recognition of the actual road formation as the legal alignment. Alternatively, an easement should be established over the existing road for foot, mountain bike and equestrian use. Another alternative would be a route starting from the crossing of the Pigroot Creek on the Pigroot highway described above.

4. There is a small area between the catchments of Siberia Creek (on Shingley Creek Station) and Waddells Creek (on The Dasher) which has significant inherent value and is worthy of protection. This area should be returned to full Crown ownership and control and be managed for conservation and recreational purposes.
5. The tenure review of Shingley Creek should be carried out with full weight being given to tenure reviews proceeding on nearby properties, and the probable outcomes of those reviews. It is important that an overview is developed now for the entire network of recreational opportunities on the Kakanui Mountains. It is important that decisions taken for Shingley Creek are appropriate in relation to recreational opportunities which may become available through these other reviews.
6. 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 Shingley Creek.

ACKNOWLEDGEMENTS

Permission to visit and inspect the property was granted by the runholder and this is gratefully acknowledged. This inspection was facilitated by the staff of DTZ New Zealand who also provided access to LUC maps. Local tramping clubs and others were helpful in providing accounts of trips undertaken in the area.

Submission 11



Department of Botany

Division of Sciences
PO Box 56, Dunedin
NEW ZEALAND

University of Otago
Te Whare Wananga o Otago

Tel: National 03 479 7573 International 64 3 479 7573
Fax: National 03 479 7583 International 64 3 479 7583
Email: amark@otago.ac.nz



February 23, 2009.

Manager,
OPUS international Consultants Ltd.,
Private Bag 1913,
DUNEDIN..

SUBMISSION ON PROPOSED TENURE REVIEW:

SHINGLY CREEK PASTORAL LEASE

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it based on my good knowledge of this area of the Kakanui Mountains, and this property in particular, having organised a group of volunteers to remove the wilding pines from the property some four years ago.

The general thrust of this proposal, to return the upper half (~414 ha) of the property to full Crown ownership and management control, as a conservation area (labelled CA1 on the plan), with the balance of the land (~403 ha, being the lower half of the property) being disposed of with freehold title, is endorsed.

The area proposed for conservation is relatively intact indigenous vegetation with much of its natural character of narrow-leaved snow tussock extending from the lowest point in the bed of Siberia Creek at ~660 m, to the highest point at 1128 m just below the main crest of the Kakanui Mountains. A minor but important indigenous shrub component of *Dracophyllum uniflorum*, *Gaultheria crassa*, *Pimelia pseudolyallii* and *Melicetyus alpinus* occurs with the snow tussocks above ~1000 m with scattered *Carmichaelia crassicaule* and *Hebe rakaiensis* present on the lower slopes.

The area proposed for freeholding below the Conservation Area CA1 appears to be capable of sustainable pastoral management and with considerably lower conservation values, apart from the two riparian sections proposed in Siberia Creek and the unnamed tributary of Pigroot Creek to its northwest. Here the proposed Conservation Covenants would occupy the formal marginal strips but remain unfenced and subject to the grazing of both sheep and cattle. I am concerned that the grazing of cattle in these areas would almost certainly be highly damaging to both the riparian vegetation and important aquatic life, particularly the chronically threatened flathead galaxiids, *Galaxias depressiceps*. Fencing these strips is clearly impracticable but in order to provide even reasonable protection for the important ecological values in these two covenanted areas, grazing should be limited to sheep only. I note the provision for monitoring the effects of grazing on these two covenanted strips areas, and for mitigating measures to be taken should unacceptable impacts be revealed, but it is my considered view that such provisions are unacceptable to the future welfare of recognised heritage values within these proposed covenants. Accordingly, I strongly recommend that the grazing in the adjoining blocks be limited to sheep only.

Provisions for access via easements to provide for both conservation management by motorised vehicle and other means, as for public access (foot, horse and non-motorised vehicles) up to the boundary of the proposed conservation area, appears adequate but I am concerned with the apparently uncertain provisions for general access from the State highway to the lower boundary (Site d on the plan) of the property which is to be freeholded. I assume general access over this section is either already available or will be provided for as part of this tenure review process.

I trust that this response and recommendations will be given serious consideration and I thank you again for the opportunity to assess and comment on these proposals for tenure review.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'A. F. Mark', written over a horizontal line.

Alan F. Mark. FRSNZ / Professor Emeritus

Submission 12

12

Simon de Lautour

From: Dave Payton [Dave.Payton@opus.co.nz]
Sent: Thursday, 26 February 2009 17:29
To: 'Simon de Lautour'
Subject: FW: Shingley Creek PO 034 Prelim Proposal

Attachments: Shingley Creek PO 034 Prelim.doc



Shingley Creek PO
034 Prelim.d...

-----Original Message-----

From: Errol & Jan Kelly [mailto:ejkelly@clear.net.nz]
Sent: Wednesday, 25 February 2009 11:31 p.m.
To: dave.payton@opus.co.nz
Subject: Shingley Creek PO 034 Prelim Proposal

Dear Dave Payton,

Please find attached a submission from the Central Otago Recreational Users Forum on Shingley Creek Preliminary Proposal, PO 034, for delivery by February 25th. I apologise for not getting it to you within working hours today, I have been absent in Dunedin for an appointment and could not do otherwise.

With kind regards
Jan Kelly
secretary
Central Otago Recreational Users Forum.

CENTRAL OTAGO RECREATIONAL USERS FORUM

25 February 2009

The Commissioner of Crown Lands
c/o. OPUS International Consultants Ltd.
Private Bag 1913,
DUNEDIN.

Attention: David Payton

Dear Dave Payton,

Attached is a brief submission on the Shingley Creek Pastoral Lease, PO 034, on behalf of the Central Otago Recreational Users Forum.

By their invitation, I attended the visit arranged by Dr Floate for Federated Mountain Clubs, and for the Upper Clutha and Dunedin Branches of the Forest and Bird Society, on January 28th this year. Thank you for arranging permission with them for the inspection of the Lease, courtesy of Mr Kearney.

I have introduced myself to Mr Kearney, and have explained my presence there.

This is brief submission because technically the Shingley Creek Pastoral Lease is not in Central Otago and so is outside of the area we work in. But as it includes part of a legal road that leads towards the Kakanui Conservation Area, we were interested to visit, and to make this submission.

Yours sincerely

Jan Kelly
secretary
Central Otago Recreational Users Forum.

186 Faulks Road, RD 2, WANAKA 9382.
Phone: 03 443 4337
E-mail: ejkelly@clear.net.nz

CENTRAL OTAGO RECREATIONAL USERS FORUM

25 February 2009

Address for Service:

186 Faulks Road,
RD 2,
Wanaka 9382.

Name:

Jan Kelly, Secretary of CORUF, for CORUF members.

To:

The Commissioner of Crown Lands
c/o David Payton,
Tenure Review Contract Manager,
OPUS International Consultants Ltd.,
Private Bag 1913,
Dunedin

Submission to Preliminary Proposal,
Shingley Creek Pastoral Lease PO 034.

Central Otago Recreational Users Forum

This Submission is written by the Central Otago Recreational Users Forum which represents about 60 recreational clubs and groups. A significant part of our brief is to interact on behalf of public outdoor recreation on public lands, to the statutory managers of those lands. We also seek to find a middle way that provides acceptable conditions to differing interests.

A fundamental principle guiding us is the belief that public lands should be accessible in some way to the public, and not restricted only to the very fit and capable.

The associated principle is for due care and respect, to the land, the landscape, natural and historical values, and to the private landowners whose properties have easements on them as access to conservation land.

With these things in mind, the Central Otago Recreational Users Forum makes the following submission.

Land to be restored to Crown Control

Conservation Area CA1. *That an area of approximately 414 ha. (labeled CA1 on the proposed Designation Plan) be restored to full Crown ownership and control as a conservation area pursuant to Section 53(2)(a)(1) of the Crown Pastoral Land Act.*

CORUF is happy to support the return to full Crown Control of Conservation Area CA1, as shown on the Map in the preliminary proposal.

We appreciate that this is an interesting high altitude area with good natural values. Being close to a mayor highway, it is accessible in terms of proximity to Dunedin and other towns, and to

Central Otago recreationists, and has good potential for low-impact recreation, including hiking, walking, riding, biking, back country skiing in some seasons, some motorised vehicle access, and for general appreciation of the quality of the landscape in general, the natural values, and the wonderful views.

We endorse the restoration of area CA1 to Crown ownership and control as a conservation area.

Land to be Freeholded: We do not hold an opinion on the freeholding of the remainder of the property as we are focused on public recreation only, and private farmland is outside of our brief, except in so far as it includes public access easements.

There are some issues to be worked out with regard to the access easements.

2.3.2 Protective Mechanism – proposed easement for public and conservation and conservation management access, shown as a-b, c-d on the map.

We have looked at the route in question, and while technically it can be driven, we are satisfied with the limitation of public access, using it to get to and from the conservation area CA1, to foot, horse and non-motorised vehicles.

The difficulty with the route **a-b, c-d**, is to get onto it from Highway 85, as a strip of privately owned land lies between the access easements and the Highway.

While a riparian strip can conceivably be used, as noted on page 7 of the Preliminary Proposal, there is the ongoing problem that the only adjacent parking area is on the other side of the busy Highway 85.

Even if a public track can be identified and built along the riparian strip across this neighbouring property, there is the practical problem of having to leave one's vehicle in a very well used public parking area for long periods of time, and to wheel a bike or get a horse across that highway and through a gate, in safety.

While this is a management issue, not a matter of submission, we flag it as an area of concern to us, especially if families are hoping to safely enter the access tracks for a day of recreation.

Legal Road within the upper (eastern) boundary of CA1.

While this legal road is not mentioned as such in the Preliminary Proposal, it is of interest to CORUF as it forms part of a long-used customary route that leads into and through the Kakanui Conservation Area, albeit through other properties not addressed in this submission.

CORUF is concerned to retain access to this portion of the longer route, as we see that in time, as more parts of it link up, the route will become a significant public access way for Motorised vehicles.

We appreciate that at all times clear access to it via the existing farm roads will require the permission of the landowner of Shingley Creek. We have no problem with this limitation, and would register identity, purpose and duration in making a request for that permission.

Our concern as regards this Submission is to ensure that the **legal road remains identified as a drivable route for motorised vehicles**, from the farm gate that is further up hill from *point a*, to the point where the legal road exits CA1 and heads off towards Obi Peak.

We submit that an Easement linking *point a* to the upper gate via **the existing farm track that lies outside of CA1** would also be of great benefit and practicality, preventing mountain bikers from wearing tracks up the steeper hill within CA1.

Thanking you,
Jan Kelly, for the Central Otago Recreational Users Forum

Submission 13

13

Simon de Lautour

From: Dave Payton [Dave.Payton@opus.co.nz]
Sent: Thursday, 26 February 2009 17:29
To: 'Simon de Lautour'
Subject: FW: Preliminary Proposal - Shingley Creek Pastoral Lease Po 034
Attachments: sub 20 February 2009.doc

From: Denise Bruns [mailto:denise.bruns@gmail.com]
Sent: Thursday, 26 February 2009 7:40 a.m.
To: Dave.payton@opus.co.nz
Subject: Preliminary Proposal - Shingley Creek Pastoral Lease Po 034

Hi Dave

Please find attached our submission on the proposed tenure review for Shingley Creek pastoral lease.

Denise Bruns
Secretary
Upper Clutha Branch
Forest & Bird Society
4 Stonebrook Drive
Wanaka

26/02/2009

20 February 2009

The Commissioner of Crown Lands
C/o Opus International Consultants Ltd
Private Bag 1913
DUNEDIN

Dear Sir

Perliminary Proposal – Shingley Creek Pastoral Lease Po 034

We are grateful for the opportunity to be able to make a submission on the proposed tenure review for Shingley Creek pastoral lease, and to follow up on our survey report submitted in June 2003 in which we made a number of suggestions for desirable outcomes.

Generally we see this proposal as delivering good conservation outcomes and we support the proposals. We are pleased that the outcomes we suggested have been incorporated in this final proposal but have some further points to make following our recent inspection and consideration of the values together with the proposal.

Proposed Conservation Area

We are pleased to see the upper portion of the property proposed to be retained as Crown land to protect the natural inherent values this area contains and allow free public exploration of this area. Whilst we acknowledge The Dasher, Mt Dasher and Islay Downs are not in tenure review presently or have not progressed to a preliminary proposal, we see this area as the beginning of a highly valuable larger conservation area taking in the higher altitude basins and range crest linking through to the Kakanui Conservation Area and ultimately along the range to Danseys Pass.

It is unfortunate that the lower boundary following an existing fence line, which is the most practicable option for delineating the lower edge, is so unsympathetic to landform and that it has been bladed. It creates an unnatural scar across the slopes; and different land management on either side will inevitably accentuate this incongruity, reducing the naturalness and aesthetic value. We would have preferred a new line that took in the mid section of Siberia Creek following natural spur lines; being better related to the LU1 identified in the landscape report. However we accept using this fence line allows a large area of headwater basin to be protected.

Proposed Covenant Areas

We support the placing of a restrictive covenant over the riparian margins to protect both woody vegetation and the streams themselves as galaxid habitat. We are concerned however that stock will be able to continue to access these areas particularly cattle and maybe in the future deer. Whilst the dominance of matagouri may discourage stock from accessing and browsing the riparian margins, the fact that matagouri is dominant suggests that browsing has caused the loss of other more

palatable species for example koromiko and Hebe rakaiensis, which are recorded in the Conservation Resources Report (CRR) as being only sparsely present now. Hebe rakaiensis is identified as rare. These species will be unable to return if browsing is permitted to continue and the likely longer term outcome is a shrubland largely consisting of only matagouri and coprosma.

Whilst fencing would provide good protection we would prefer more sensitive land management, as fencing creates visual scars with associated loss of natural character and visual coherence.

Access of cattle to streams is counter to current best practice in the interests of stream bank protection and water quality issues.

We request that cattle - and deer - be excluded from the grazing blocks that contain the covenanted streams. Light sheep grazing may be able to continue as the shrubs may be able to become dense and tall enough to effectively keep sheep out combined with more palatable pasture elsewhere.

For monitoring it will be necessary to carry out a base line survey to identify range of and proportions of different species to be able to determine future adverse effects.

We note that the CRR identified ecological values over the upper part of the Pigroot tributary, and over into Siberia Creek. Extension of the covenant over this area could allow sheep grazing and topdressing and oversowing but prevent earthworks, tree planting, and burning and spraying of native vegetation (refer Plan 4.2.3 of the CRR). Protection of the vegetation (and visual) values of this area would complement the anticipated protection of the Pigroot catchment on Islay Downs to the west, identified in the CRR for that property, and uphold the landscape integrity. These areas are highly visible from SH85.

Public Recreational Access

We support the proposals for public access. We stress that the access between the property and SH85 (the Pigroot) needs to be sorted. This is a key access point to the Kakanui, with an existing large pull off and car park at the Siberia Creek/Pigroot Creek confluence where the highway bridge is. Having public access by foot, horse and mountain bike between point d and c is strategic, as it is possible then that access can be negotiated along the 4WD track over the intervening freehold between SH85 and Shingley Creek boundary. This would be the main practical access, via the proposed easement (and a short legal road section) all the way up to CA1 and the Kakanui Range crest.

In the interim, there is potential for access to be made up the Siberia Creek marginal strip, and if need be via the unformed legal road. These are probably both second-best options however to the existing 4WD track up Pigroot Creek connecting to 'd'.

If the legal road were to be used there would have to be a practical and legal connection to the 4WD track within Shingley Creek. It looks possible to do this at the saddle north of Pigroot Hill, where the legal road and 4WD track on Shingley Creek appear to first meet.

We are pleased that the DOC is pursuing an access agreement which includes public access over the short section of 4WD track on the Shingley Creek freehold, between 'a' and CA1. This access is critical to practical horse and mountain bike access up on to the range crest. In the interim, access can be gained along the legal road formation, probably with some difficulty for horse and mountain bike.

The proposal overlooks the potential for a loop walk around the perimeter of Shingley Creek PL. The missing section is public foot access up the Pigroot tributary and spur with point 732 on it and along the western boundary to CA1. This access was identified as desirable in the CRR and in our first report. We maintain that this foot access (only) should be provided for, enabling an enjoyable easily accessible loop walk from SH85 to Obi and back. Alternatively, access could be up the creek within the CC area to the CA1 boundary where it would still be easy to access the western spur. In time it may be that better access is possible up the Pigroot catchment if Islay Downs progresses in tenure review. In this case this Shingley Creek access could be relinquished.

As this block is used for summer grazing only, there would be no issues with disturbance of lambing ewes; and as of right public access is already proposed through the grazing blocks with no apparent concerns.

We look forward to seeing the final proposal and seeing our few concerns addressed,

Yours faithfully

Denise Bruns
Secretary
Upper Clutha Branch
Forest & Bird Society

Per Anne Steven
Branch Committee Member,

20 February 2009

The Commissioner of Crown Lands
C/o Opus International Consultants Ltd
Private Bag 1913
DUNEDIN



**FOREST
& BIRD**

Royal Forest and Bird
Protection Society
of New Zealand Inc

Dear Sir

Preliminary Proposal – Shingley Creek(Pastoral Lease Po 034

We are grateful for the opportunity to be able to make a submission on the proposed tenure review for Shingley Creek pastoral **lease**, and to follow up on our survey report submitted in June 2003 in which we made a number of suggestions for desirable outcomes.

Generally we see this proposal as delivering good conservation outcomes and we support the **proposals**. We **are** pleased **that** the outcomes we suggested **have** been incorporated in this final proposal but have some further points to make following our recent inspection and consideration of the values together with the **proposal**.

Proposed Conservation Area

We are **pleased** to see the upper portion of the property proposed to be retained as Crown land to protect the natural inherent values this area contains **and** allow free public exploration of this area. Whilst we acknowledge The Dasher, Mt Dasher and Islay Downs are not in tenure review presently or have not progressed to a preliminary proposal, we see this area as the beginning of a highly valuable larger conservation area taking in the higher altitude basins and range crest linking through to the **Kakanui** Conservation Area and ultimately along the range to Danseys Pass.

It is unfortunate that the lower **boundary** following an existing fence line, which is the most **practicable** option for delineating the lower edge, is so unsympathetic to **landform** and that it **has** been bladed. It creates **an unnatural** scar across the slopes; and different **land** management on either side will inevitably **accentuate** this incongruity, reducing the naturalness **and** aesthetic value. We would have preferred a new line **that** took in the mid section of Siberia Creek following **natural** spur lines; being better related to the LUI identified in the **landscape** report. However we accept using this fence line allows a large area of **headwater basin** to be protected.

Proposed Covenant Areas

We Support the placing of a restrictive covenant over the riparian margins to protect both woody vegetation and the streams themselves as galaxiid habitat. We are concerned however **that** stock will be able to continue to access these **areas** **particularly** cattle and maybe in the future deer. Whilst the dominance of matagouri may discourage stock from accessing **and** browsing the **riparian margins**, the **fact** that **matagouri** is dominant suggests that browsing has caused the loss of other more

palatable species for example koromiko and Hebe rakaiaensis, which are recorded in the Conservation Resources RepOit (CRR) as being only sparsely present now. Hebe rakaiaensis is identified as rare. These species will be unable to return if browsing is permitted to continue and the likely longer term outcome is a shrubland largely consisting of only matagouri and coprosma.

Whilst fencing would provide good protection we would prefer more sensitive land management, as fencing creates visual scars with associated loss of natural character and visual coherence.

Access of cattle to streams is counter to current best practice in the interests of stream bank protection and water quality issues.

We request that cattle - and deer - be excluded from the grazing blocks that contain the covenanted streams. Light sheep grazing may be able to continue as the shrubs may be able to become dense and tall enough to effectively keep sheep out combined with more palatable pasture elsewhere.

For monitoring it will be necessary to carry out a base line survey to identify range of and proportions of different species to be able to determine future adverse effects.

We note that the CRR identified ecological values over the upper part of the Pigroot tributary, and over into Siberia Creek. Extension of the covenant over this area could allow sheep grazing and topdressing and oversowing but prevent earthworks, tree planting, and burning and spraying of native vegetation (refer Plan 4.2.3 of the CRR). Protection of the vegetation (and visual) values of this area would complement the anticipated protection of the Pigroot catchment on Islay Downs to the west, identified in the CRR for that property, and uphold the landscape integrity. These areas are highly visible from SH85.

Public Recreational Access

We support the proposals for public access. We stress that the access between the property and SH85 (the Pigroot) needs to be sorted. This is a key access point to the Kakanui, with an existing large pull off and car park at the Siberia Creek/Pigroot Creek confluence where the highway bridge is. Having public access by foot, horse and mountain bike between point d and c is strategic, as it is possible then that access can be negotiated along the 4WD track over the intervening freehold between SH85 and Shingley Creek boundary. This would be the main practical access, via the proposed easement (and a shOit legal road section) all the way up to CA1 and the Kakanui Range crest.

In the interim, there is potential for access to be made up the Siberia Creek marginal strip, and if need be via the unformed legal road. These are probably both second-best options however to the existing 4WD track up Pigroot Creek connecting to 'd'.

If the legal road were to be used there would have to be a practical and legal connection to the 4WD track within Shingley Creek. It looks possible to do this at the saddle north of Pigroot Hill, where the legal road and 4WD track on Shingley Creek appear to first meet.

We are pleased that the DOC is pursuing an access agreement which includes public access over the short section of 4WD track on the Shingley Creek freehold, between 'a' and CAL. This access is critical to practical horse and mountain bike access up on to the range crest. In the interim, access can be gained along the legal road formation, probably with some difficulty for horse and mountain bike.

The proposal overlooks the potential for a loop walk around the perimeter of Shingley Creek PL. The missing section is public foot access up the Pigroot tributary and spur with point 732 on it and along the western boundary to CAL. This access was identified as desirable in the CRR and in our first report. We maintain that this foot access (only) should be provided for, enabling an enjoyable easily accessible loop walk from SH85 to Obi and back. Alternatively, access could be up the creek within the CC area to the CAI boundary where it would still be easy to access the western spur. In time it may be that better access is possible up the Pigroot catchment if Islay Downs progresses in tenure review. In this case this Shingley Creek access could be relinquished.

As this block is used for summer grazing only, there would be no issues with disturbance of lambing ewes; and as of right public access is already proposed through the grazing blocks with no apparent concerns.

We look forward to seeing the final proposal and seeing our few concerns addressed,

Yours faithfully

A handwritten signature in purple ink, appearing to be 'DB' followed by a long horizontal flourish.

Denise Bnms
Secretary
Upper Clutha Branch
Forest & Bird Society

Per Anne Steven
Branch Committee Member,