

Crown Pastoral Land Tenure Review

Lease Name: Dunstan Downs

Lease Number: Po019

Public Submissions - Part 5 (Submissions 19 -32)

These submissions were received as a result of the public advertising of the Dunstan Downs Preliminary Proposal

Submission on Dunstan Downs Tenure Review Preliminary Proposal

Submitter details:

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Date: 24 November 2020

To: The Commissioner of Crown Lands
LINZ Crown Property
Pastoral&tenurereview@linz.govt.nz

1. Introduction

Mackenzie Guardians is an Incorporated Society, formed in 2009. The aims of the Society are to promote the protection of the natural/naturalistic wildlife, water, vegetation, heritage, and landscape values of the Mackenzie Country. Since 2009 Mackenzie Guardians Inc. (the Society) has been involved in several RMA, planning and tenure review processes relating to the Mackenzie Basin. The future of Crown pastoral leases is of high interest to our members. Thank you for the opportunity to provide comment on the Dunstan Downs Preliminary Proposal.

2. Mackenzie Basin/Dunstan Downs

Dunstan Downs station is located at the southern edge of the Mackenzie Basin. Its highly natural tussock landscapes are a significant scenic entry/exit point with the Mackenzie Basin to the Lindis Pass. It is the southern gateway to the Mackenzie.

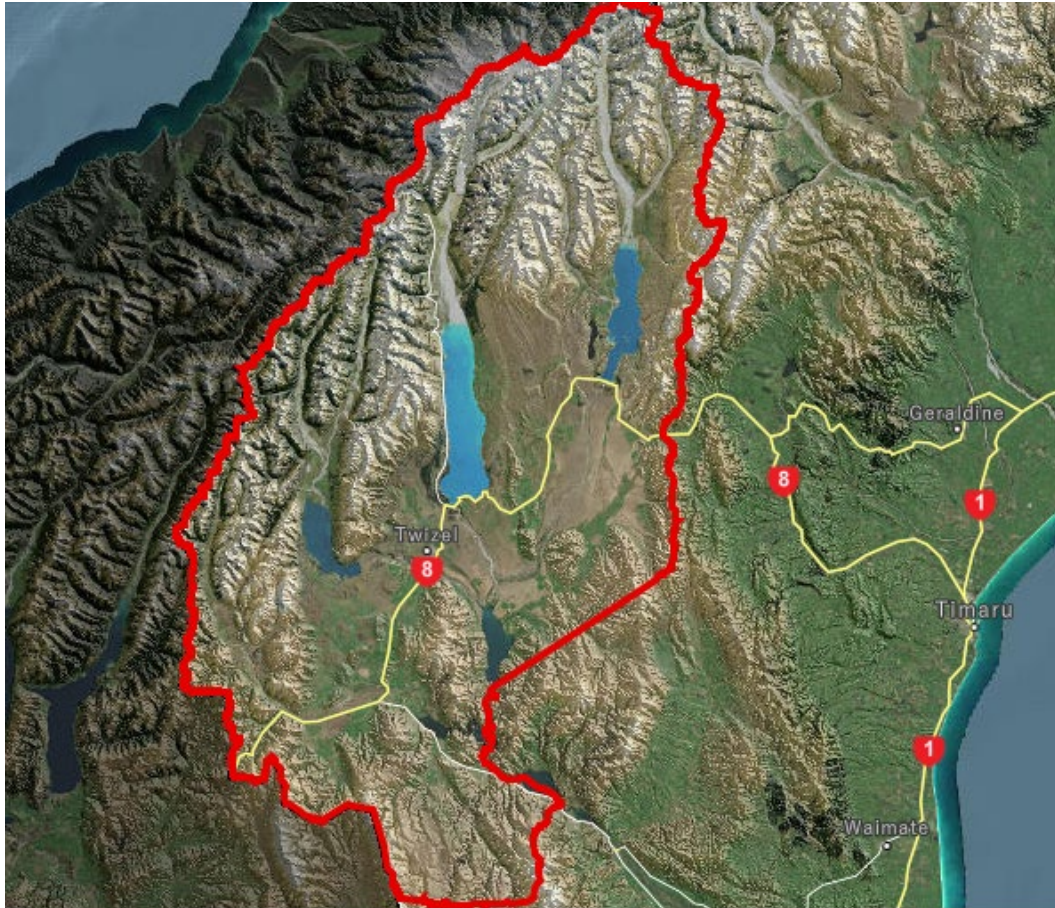


Figure 1 Geographic scope of the Mackenzie Basin Agency Alignment Programme

3. Tenure Review

Over the last 20 years much of the land use change and indigenous biodiversity loss in the Mackenzie Basin has been driven by tenure review.

“Crown decisions allowed about two thirds of the intensification of the Mackenzie”.
(Ann Brower. LINZ submission Enduring Stewardship of Crown pastoral land, April 2019).

The agricultural intensification (greening) in the Basin continues today with further water take/use and farming activities being consented by the Regional and District councils, often not publicly notified.

The Society believes it is inevitable that the freeholding of Crown pastoral land on Dunstan Downs through tenure review will lead to further land intensification and loss of landscape and indigenous biodiversity values. The retention of Crown land in public ownership is one of the last tools available to promote ecological sustainability and to protect the remaining significant inherent values in the Mackenzie Basin.

Biodiversity Loss 1990

Biodiversity Loss 2016

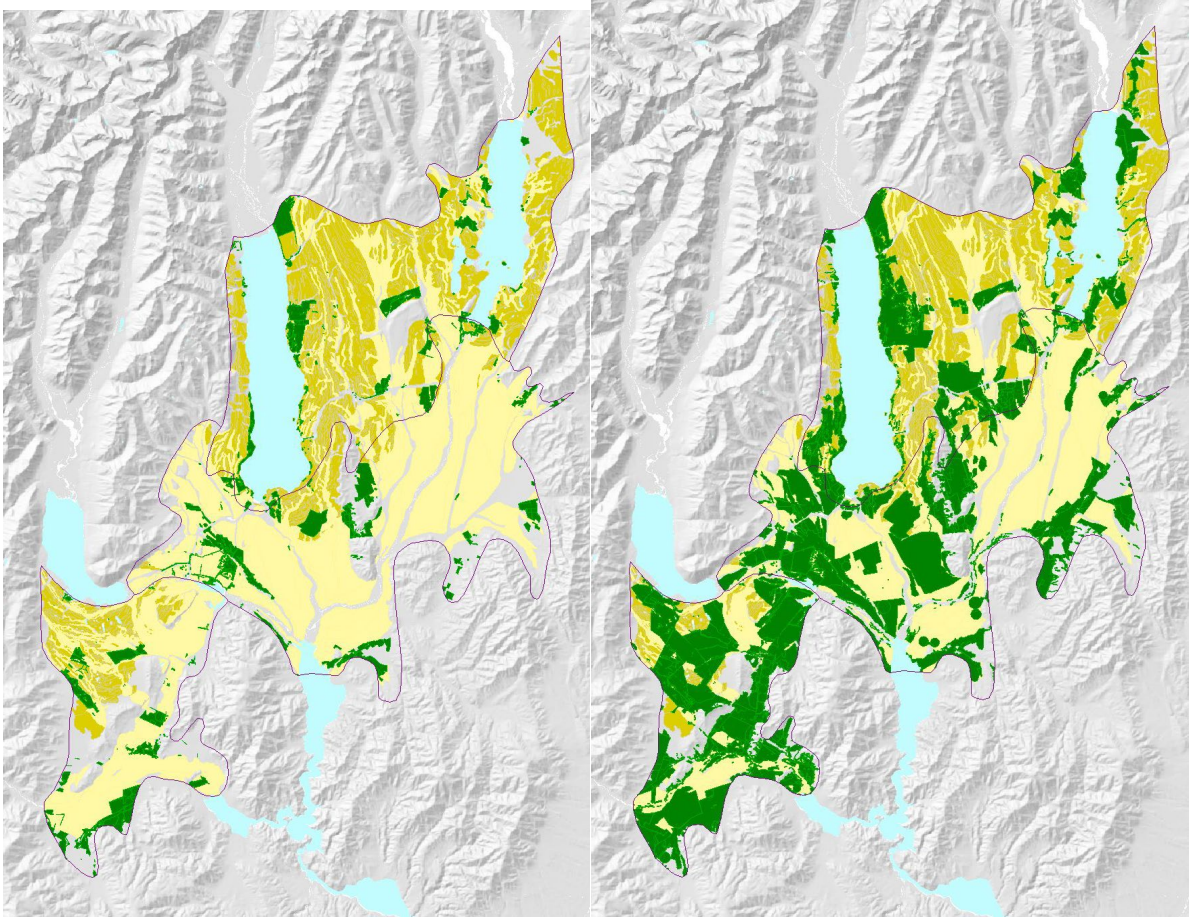


Figure 2 DOC evidence to Mackenzie District Plan Change 13

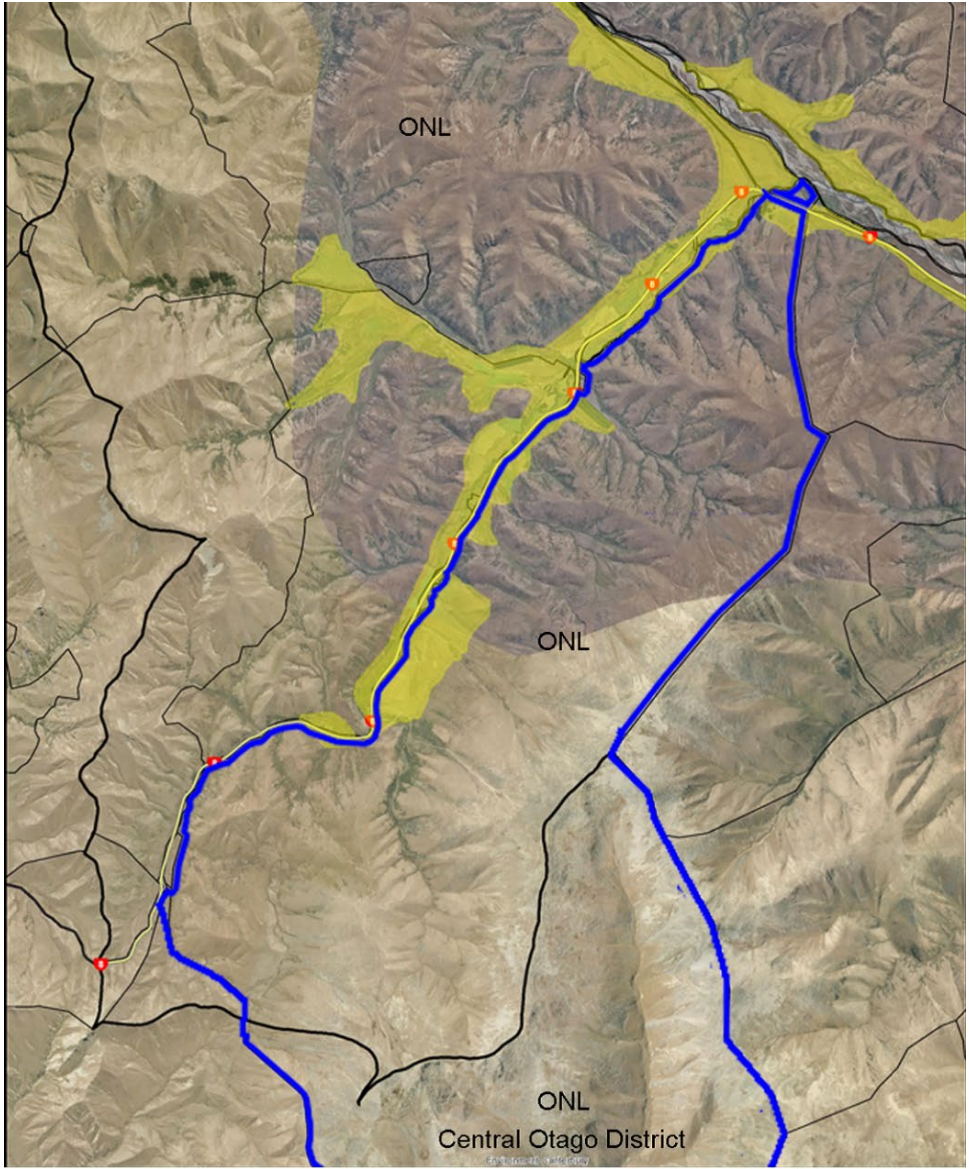
4. Dunstan Downs Lease

Dunstan Downs is located on the main inland route between Canterbury and Otago via the Lindis Pass. The Lindis Pass area is renowned for its scenic beauty. The whole of the Dunstan Downs Pastoral lease has been identified in RMA documents as contributing to Outstanding Natural Landscapes (ONL). The landforms and naturalness of these areas contribute importantly to the State Highway 8 corridor landscape.




Parts of the SH8 highway corridor involving Dunstan Downs is zoned Rural Scenic (RS) in the Waitaki District Plan (Figure 3).

Forestry activities in the Waitaki District RS zone are discretionary. Residential Density rules in the Waitaki District RS zone, states the minimum area for any site for each residential unit contained within the site shall be 20 ha. (Para 4.4.1). The building of residential units in the Rural Scenic zone is a discretionary activity. Mackenzie Guardians are concerned that the Waitaki District Plan rules will not protect the SH8 corridor landscape, making it vulnerable to forestry development and lifestyle subdivision.

Figure 3 Rural Scenic zone



Legend:

-  Dunstan Downs
-  Outstanding Natural Landscape
-  Rural Scenic Zone



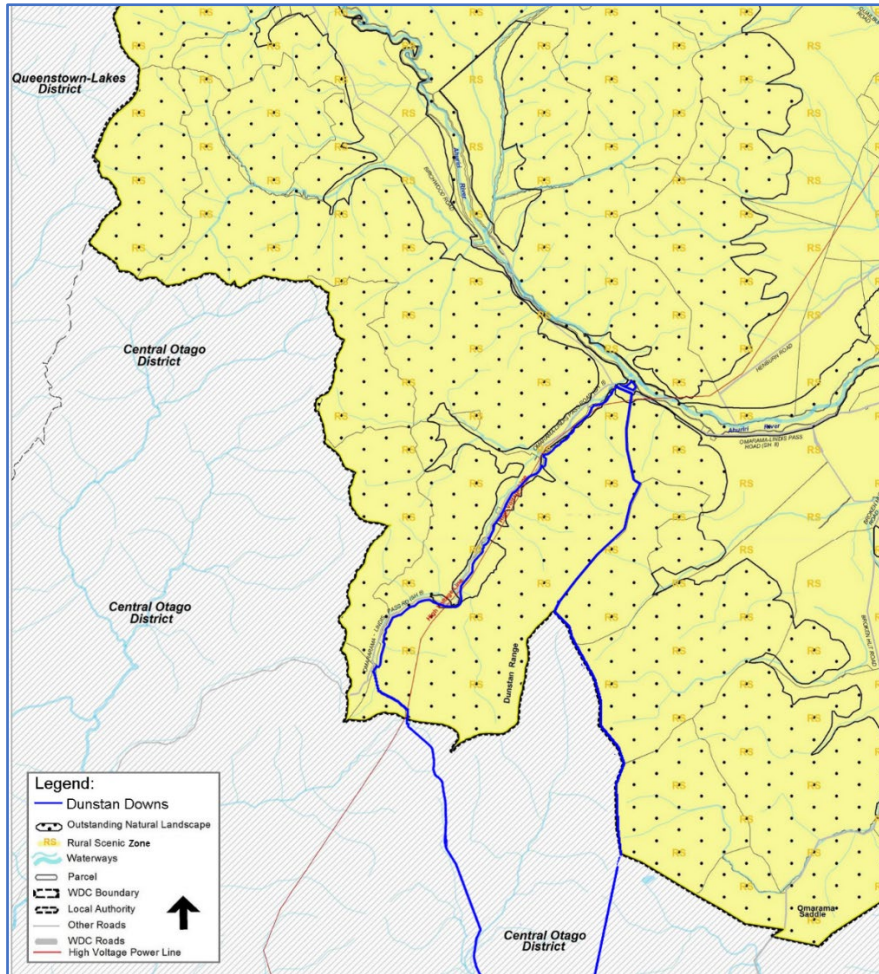


Figure 4 ONL and Rural Scenic zone.

5. The Lindis Pass

The Lindis Pass is one of NZ's most scenic roads within a highly significant landscape of natural character and of national importance. The area is highly valued by our members and the travelling public, including photographers, film makers, painters, poets, authors, and recreationalists.

“The Lindis Pass area is among the best examples of tussock landscapes in the region and is probably the best-known landscape of its kind in the country. Its landform and land cover are exceptional. Dunstan Downs comprises all the east side of the valley and highway corridor from its entry/exit point with the Mackenzie Basin to the Lindis Pass”. (Conservation Resources Report 2005).

In 2020 travellers from far and wide enjoy the Lindis Pass experience. The values described in the 2005 Conservation Resources Report still hold today, and credit is given to the leaseholder and LINZ for their management of the Dunstan Downs lease.

A Landscape Assessment – Lindis Landscape has been prepared by Lucas Associates to inform Mackenzie Guardians Inc. for this submission and is attached.

6. The Crown Pastoral Land Act (CPLA)

The objects of Part 2 are -

- (a) to
 - (i) promote the management of reviewable land in a way that is ecologically sustainable;
 - (ii) subject to subparagraph (i), enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and
- (b) to enable the protection of the significant inherent values of reviewable land
 - (i) by the creation of protective mechanisms; or (preferably)
 - (ii) by the restoration of the land concerned to full Crown ownership and control; and
- (c) subject to paragraphs (a) and (b), to make easier—
 - (i) the securing of public access to and enjoyment of reviewable land; and
 - (ii) the freehold disposal of reviewable land.

The Society notes the objects of the CPLA must be given effect to.

7. The Dunstan Downs Preliminary Proposal

The Preliminary Proposal as presented does not promote the management of reviewable land in a way that is ecologically sustainable or enables the protection of significant inherent values.

The Society is concerned at the lack of up to date information to support the Preliminary Proposal. The LINZ website provided only two reports from 15 years ago: a Conservation Resources Report and Fish and Game Report. The summary of the Preliminary Proposal September 2020 notes “There is limited site-specific information...”

Based on the information provided and after considering the Preliminary Proposal Mackenzie Guardians oppose the proposed designations. The Society seeks the protection of the area proposed to be disposed of as unencumbered freehold, except for buildings and curtilages. The Society supports the following options:

1. Full property purchase as conservation land to contribute to a Conservation Park or:
2. Conservation land as in the PP expanded somewhat with the balance as Freehold with conservation covenant & public access easements or:
3. Retain in Crown ownership as a pastoral lease

8. Conclusion

Given the strategic importance of Dunstan Downs as a gateway to the Mackenzie Basin, the significant inherent values of the lease, and the agricultural intensification and subdivision that has already occurred in the Mackenzie Basin, Mackenzie Guardians seek a tenure review proposal that truly provides protection of the SIVs on Dunstan Downs and manages the pastoral lease in a way that is ecologically sustainable.

Signed

Liz Weir
Secretary
Malvern Hills Protection Society Incorporated

Submission emailed 24 November 2020

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23 November 2020

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Submission to Proposed Tenure Review Dunstan Downs

I am a resident of central Otago and recreational user of public lands in this district. I have a longstanding involvement with conservation groups and regeneration projects, pest control and outdoor activity organisations.

My primary aims are:

The protection and preservation of the natural landscape and character of Central Otago. This covers many values including landscape, amenity, aesthetic and Central Otago's endemic flora and fauna.

And to encourage and support the Government, the Central Otago District Council, the Otago Regional Council, the Department of Conservation and other statutory authorities as appropriate, to establish policies and make decisions which will preserve and enhance the special character of Central Otago's landscapes, heritage and resources for the benefits of future generations.

My concerns;

I have a number of concerns about freeholding of Crown land that was stolen from tangata whenua in the first instance and thereafter leased for private profit for far too long. There can be restitution in returning these lands to Crown ownership.

The Dunstan Downs represents just one of those Crown leases that have despoiled the natural environment that is feted in the CODC "World of difference", and has destroyed much of the bio-diversity that is still not well understood nor well represented in the proposals documentation. The carbon sequestration potential of the restored natural environment and CO2 reduction by reverting the grazing lands would contribute positively, instead of negatively, on our commitments to reduce emissions.

The Government has quite rightly put a stop to further new processes that would do the same in halting tenure reviews that have not yet begun. I submit that the currently 'in process' reviews do nothing more than mollify leaseholders whose license to exploit Crown land has ended, and in the process continue injustices and environmental destruction that the Government has agreed should stop.

Our conservation areas are recognised and monitored as providing and supplying our highest quality and quantity of water resource.

This is extremely pertinent to Central Otago and current to the Manuherehia Catchment water allocation and water quality issues associated with the Otago Regional Council and Environmental Protection Agency plan review. The water harvesting and water yield values of land returned to full conservation and vegetation and soil regeneration is not recognised in this proposal.

The visual amenity of the road frontage dominated by the FH freehold areas proposed would forever be seen as grazing land, not natural landscape, and this road must be one of the most highly exposed landscapes in the region. I therefore submit that these areas should be joined to the Conservation lands for the benefit of the majority of New Zealanders and restored to their natural environment.

Summary.

I therefore submit that given full consideration of all of the values of this lease, the total should be reverted to **full crown ownership**.

Itemised consideration of the Proposal.

I have concerns about the outdated Conservation Resources Report (CRR), dated 2005. There appear to be very little in the way of Fauna biodiversity information – para 2.3. Indeed there is significant vegetation information (if outdated), but barely half a page of birds, reptiles and fish.

I submit a review with updated current Conservation Status of species is necessary.

Positively, Para 2.1.3.2 does point out that the visible land immediately adjacent to Hwy8 will have more value for more people's understanding of the landscape.

I submit the land proposed in FH should revert to Conservation so that the majority can enjoy its natural values.

The proposed GC2 grazing concession for short term grazing and access through conservation land will prevent regeneration of these areas in the slow growing Central Otago vegetation, essentially delaying recovery, and possibly extinguishing bio-diversity in these areas. The movement of stock through the proposed corridor would significantly damage a conservation area.

I submit the grazing and access proposals are inappropriate designations and should be removed.

The proposed CC1 area should be fenced to exclude stock.

The access to the Conservation lands should NOT lie within a freehold designated area, and regardless non-motorised access should be designated up the pylon road currently in the southern end of the FH freehold designated area.

Monitoring of any grazing concessions, and required protection and landcare measures by the occupier should be carried out by the Department of Conservation and include

monitoring of key elements of the full range of significant inherent values, not just vegetation.
Costs to be met by the owner.

I support the;

Retention of CA1 in full crown ownership

Retention of CA 2 in full crown ownership

Retention of CA3 in full crown ownership

Retention of GC1 in full crown ownership with NO grazing concession, no burning, topdressing or oversowing

Retention of GC2 in full crown ownership with NO grazing, no burning, topdressing or oversowing

Retention of proposed covenants CC1 and CC2 in full Crown ownership as Conservation Areas, with NO grazing, no burning, topdressing or oversowing.

The FH Freehold proposal to be amended to exclude the land to the south of proposed access 'e-f' track and to be reverted to full Crown ownership with 10 years grazing concession, with NO burning, topdressing or oversowing.

The land to the south of proposed access 'e-f' track to be reverted to full Crown ownership as Conservation Area, with NO grazing, no burning, topdressing or oversowing.

The alignment of the fence between FH2 and CA1 appears to have been chosen to utilise the existing fence line, rather than to promote ecologically sustainable management. A more secure and landscape and ecologically sensitive alignment is preferred.

Conclusion

Omitted from this proposal is ecosystem service, the vast environmental capital gains represented by ecological regeneration for the full altitudinal sequence from valley floor to mountain basin. The ecological contribution gained from planet saving carbon sequestration and water harvesting far outweighs any low value pastoral farming contribution, especially combined with the cumulative exports off the land when farm energy inputs, current and downstream environmental effects are accounted for.

I submit recognition of the immense and enduring ecosystem service capital contribution should be made and should be given effect to, along with the need to recognise the objectives and requirements of the Carbon Zero Act.

Thank you for the opportunity to comment. I do not wish to present in person.

Yours sincerely



Nigel Murray

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Land and Information New Zealand
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22 November 2020

Downs Station, Tenure Review, Preliminary Proposal

LINZ advertised the availability of this review Proposal in Saturday 26th Sept 2020 PRESS paper, in the Real Estate section. Submissions close Tuesday 24 Nov, 5pm.

Preamble to the New Zealand Deerstalkers Association Inc submission on the Dunstan Downs Station tenure review Preliminary document:

1. New Zealand Deerstalkers Association Incorporated-

Founded in 1938, the New Zealand Deerstalkers Association Inc. (NZDA) advocates for all recreational big game hunters, including over 8,000 members spread over almost 50 Branches around New Zealand. Its principle objective is to protect the rights of all outdoor sports men/women their right to access all unoccupied land held by the Crown and other public bodies.

2. Public access.

The NZDA advocates, that LINZ, under the Crown Pastoral Lands Act, has a powerful obligation – on behalf of the people of New Zealand – to effectively negotiate and secure, in perpetuity, such public access across reviewable land to Crown/public conservation land (thereafter referred to as “PCL “) and any recreational hunting grounds, beyond the PCL.

Likewise, a Crown leaseholder should not be allowed to deny the public of New Zealand what is rightfully and traditionally theirs.

3. Need for multiple access points.

Having viewed numerous high-country stations undergoing Tenure Reviews we have assessed that the majority of PCL’s, eg over 2,000 ha in size, will require more than one access point to provide for health and safety requirements of outdoor recreationists. **We would refer LINZ to the relevant clauses in the Crown Pastoral Land Act section s.24 (c) (ii) which states – “the securing of public access to and enjoyment of reviewable land “.**

If need be such public access points should allow for vehicle parking and suitable negotiated easement(s) to the access point(s). All easements from/to such public access points shall expressly provide for the carriage of firearms by legalised hunters.

4. NZ Access Commission = Advocating. agency

The NZDA accepts the NZ Access Commission as a partner in public access matters, but it retains the right to act alone if deemed necessary.

5. Paper roads

There are 1,000's of kms of unformed "paper" roads in New Zealand and although many of these bisect privately-owned land – this is not considered to compromise "quiet enjoyment" of the possession of that land. It just means that the public access is specifically provided for, in an agreed manner.

6. Farm tracks and Paper Roads

Usually tracks on PLC's start near the homestead paddocks of each station. From there practical tracks have been developed, over time, on routes that suite farming operations and the terrain.

Where these tracks are on or near/adjacent to the paper roads they can be classified/recorded as the paper road, by a LINZ surveyor.

7. Recreational Hunters are an environmental management resource

Recreational hunting is a legitimate activity that contributes significantly to the benefits of recreation, economy, ecological protection, and enjoyment of significant inherent cultural values/natural capital (harvesting of resources). Recreational hunting therefore commands a rightful expectation of reasonable, practical, certain and enduring public access – across Crown-owned land.

Dunstan Downs station

The Station - is a 12,351ha strip of land (approx 7 km x 25 km) running from where SH 8 turns away from the Ahuriri river then parallels the highway up and over Lindis Pass and south down the other side, which includes the headwaters and catchment of Dunstan Creek- for approx. 25 km south of the public parking area. The northern part of this land is proposed for freehold (CA1,CA2, FH – coloured green and yellow) with the two large DOC areas having conservation covenants (GC1, GC2 – hatched pink), for limited grazing periods, plus an easement for farm management purposes, on the existing track between two blocks, of approx. 5km in length, over the land to be returned to the Crown.

Public Access – from parking area.

A public park is proposed beside the Omarama - Tarras highway approx 4km short of Lindis Pass, on the uphill side of the road on an almost level area. From this park a **public access** along route a-b of approx. 700m takes you to the boundary of DOC land labelled GC1. The draft easement document, clause 2.1 says *"to pass and re-pass at any time over and along that part of the Easement Area marked "a-b" on foot, on, or accompanied by horses, or by non-motorised vehicle powered by a person or persons."* This easement can be temporary closed at any time by the Grantee for such periods as he/she sees necessary!

For DOC management purposes, from this car park, there is a different access track/route labelled e-f, suitable for vehicles, which ends also at point b. This easement has allowance for the carriage of guns and dogs.- while the public access route doesn't!! – although another section says DOC will issue hunting permits – not sure whether this includes both for small game and big game (centre fire rifles), as small game permits have to normally be especially applied for from the local DOC field office.

There is no other indication of public access routes/tracks being offered!

On the 20m wide easement strip across the freehold section (FH), the new owner can provide signage, gates and stiles, which can be maintained to a suitable standard, by agreement between DOC and the owner.

There has recently been new DOC land gazetted to the west and east of this tract of land. Hopefully, there is some ongoing planning in the near future re the management of these lands and the standardisation of the access conditions? Currently they seem to be treated individually which creates confusion for the participating public.

Registering/gazetting of these public access points, associated paper roads, public access easements, marginal strips, temporary closures, is now becoming an area of concern.

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Results of the Station visit.

NZDA's Graeme Williams visited the station in the company of Jan Finlayson (FMC President) plus Paula Smith (Chair of Aoraki Canterbury Conservation Board), four F & B members and the LINZ rep, plus the LINZ contractor, and Leaseholders Tim Innes, Snr and son Charlie, of Dunstan Downs, and

Graeme stayed in the Backpackers quarters Sunday night and had breakfast at the homestead with Tim Innes and his wife Monday morning, before the start of the drive/helicopter inspection of the station, which includes all the hill faces above the Lindis Pass road from the Ahuriri river up to the Lindis Pass, and then over the back, including Dunstan creek which runs south towards the Lindis valley, and the settlement of Tarras, for approx. 25 km.

Comments arising from the visit and study of the Preliminary Proposal document:

1. Access

The only access point proposed in the Tenure Review Preliminary Proposal is at a road-side point labelled "a – b" on the uphill side of the highway SH 8 about 4 km short of Lindis Pass. This would give access across about 700m of proposed freehold land labelled FH, across onto Crown land, labelled GC1, which is to have a limited grazing concession (15 years?) This access can be temporarily closed by the farmer to suit their farming operations.

The Innes's admitted to Graeme that they have restricted casual hunter access onto the station during the roar periods, February-April, due to the presence of hunting guides and their clients! They report the taking red stags and fallow bucks off the station.

******It's NZDA's view this single public access point for a 12,000ha block of land is completely inadequate, and that denial of access to hunt on DOC land could not be continued.***

In remote high country like this LINZ should have provided data on all the adjacent PL's and Conservation lands that are relevant to the issue of public access, especially the need for multiple access and exit points. We understand the land immediately west of Dunstan Downs is now administered by DOC. (See NZWAC maps) This should have been high-lighted in the Proposal, and included in the consideration for access, including the provision of easements across adjacent land to access the southern parts of Dunstan Downs. G Williams said there was some site discussion about another access point from the east, from the direction of the St Bathans area.

******The NZDA considers the access provisions and means of conveyance over Crown lands, like Dunstan Downs, has not been given adequate consideration for the future.***

The author(s) of the Preliminary Proposal seem to consider the ability of recreationalist drivers of all-terrain vehicles (be they be in 4WD's, quad bike, side by side vehicles, trail bikes or multi wheeled etc..) do not have sufficient skills to negotiate the Dunstan Downs country. Such an inference is short sighted and irresponsible, as well as being discriminatory against the physically disabled and elderly. It also restricts the retrieval of big game animals that have historically been hunted and harvested in the past by the current leases, and their guests, and hopefully into the future.

***** The public use of 4WD tracks for walking and mountain biking doesn't seem to present any safety risks greater than many other such tracks in the greater Canterbury/Otago area, including National/Forest Parks and Recreational Hunting Areas. There seems to be no good reason to restrict public access.**

Our means of conveyance keeps expanding through the use of science, technology and relevant communication systems. These will also be needed to provide the necessary supervision and protection of the ecological/environmental values of these lands, once the pastoral farmers retreat to the lower, more productive areas, and DOC becomes responsible for the back-country.

2. Landscape protection,

As was pointed out, during the station visit, the whole left-hand side of the valley beside SH 8 on the drive up to the Lindis Pass, from the Ahuriri river corner, (approx. 12 km) is proposed to become freehold, which means the Crown will lose control of this country and its landscape appearance. ie: This landscape could become modified to improve its farming output. This landscape of high country with tall tussock and matagouri is iconic to New Zealand and seldom seen by the motoring public.

This iconic roadside landscape should be protected via a suitable conservation covenant or by remaining in Crown ownership. ie: areas FH and CC2. Due to the growing scale of the 'retired' Crown lands coming out Pastoral Lease serious consideration should be given to the establishment or re-establishment of a Lands Department that can be given the responsibility for the 'maintenance' of these lands to protect them from weed and pest invasion, including wilding pines, and the encouragement of public use to assist with this patriotic duty, including wild animal control.

3. Viability of the remnant farm land

Members of the inspecting party were concerned about the viability of the proposed remaining land for farming purposes, especially as it included two large areas that were being provided for the first 10 or 15 years for seasonal grazing. The thoughts expressed were that after 10 years the owners might opt to sell off the freehold land and just retain the homestead area, down by the Ahuriri river.

4. Recommendations

4.1 The NZDA believes this Preliminary Proposal falls short of providing the desired division of land suitable for farming and protection of its environmental values.

4.2 NZDA request LINZ, along with NZWAC and DOC research a minimum standard formula/guidelines for public access for all PL's going into future tenure reviews.

This will provide a consistent/standard specification, instead of dozens of different description that could be cause for endless challenges. This to include specific details on the vehicles, motorised and non-motorised, bikes (pedal or electric) horses, dogs, firearms, signage, plus fencing, gates, surface and maintenance responsibilities. This to also cover the requirement of a minimum of at least two public access points, and if necessary the establishment of a public easement(s) through adjoining lands to achieve such public access in perpetuity. Such a specification for 'public access' should be legally peer reviewed to minimise future amendments as modern technology, pest, weed and wild animal control requirements develop.

Prepared by -

David W Hodder NZDA SIAC member,

Graeme Williams NZDA SIAC member,

On behalf of- New Zealand Deerstalkers Assn Inc
South Island Access Committee
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OTAGO CONSERVATION BOARD

Poari Papa Atawhai - ā-rohe ki Ōtago

Commissioner of Crown Lands
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24 October 2020

Dear Commissioner

The Otago Conservation Board (OCB) is an independent body established under Section 6 of the Conservation Act 1987. Our members are appointed by the Minister of Conservation to provide advice to the New Zealand Conservation Authority (NZCA), to the Department of Conservation (DOC) and where relevant to other public agencies on behalf of the public. We are tasked with being the voice of the public on conservation issues in Otago.

The Board values the opportunity to submit on the Dunstan Downs Tenure Review Preliminary Proposal and appreciates the provision of a helicopter to facilitate the inspection of the property on October 20th. The timing at the onset of lambing was not ideal for either submitters or for the Innes's; however, we understand that there are time constraints to complete current reviews before the programme is wound up.

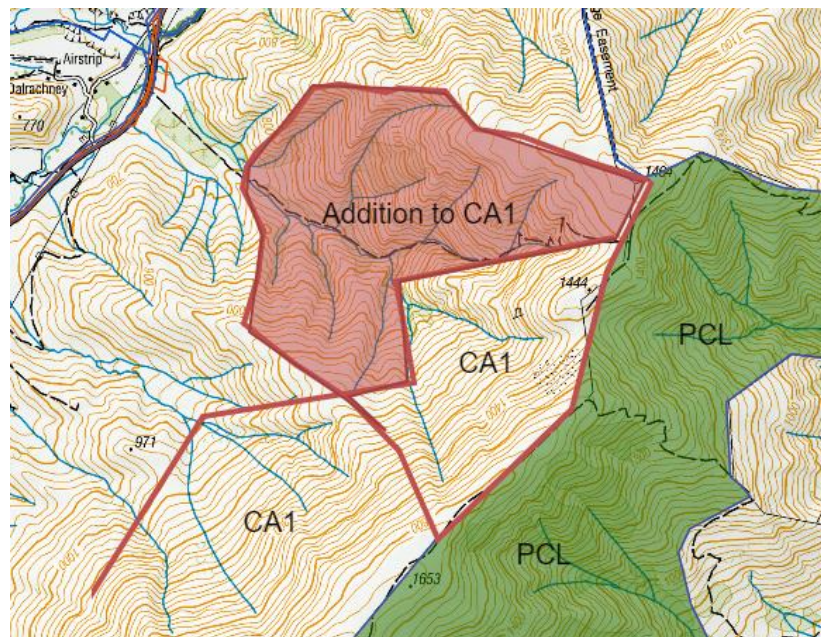
Comments are provided for each area shown on the Designations Plan. It is anticipated that LINZ will seek further advice from DOC on these matters as a time on the ground will be required to assess recommended alterations to the proposal.

CA2/CA3/GC2. There are many positives to this review and the Board acknowledges the efforts of parties involved to reach this point. The designation of that part of the Dunstan Creek catchment which lies within Dunstan Downs as public conservation land is strongly supported. On the basis that the GC2 grazing concession will not be renewed on expiry, this phase out grazing is also supported. The area is a logical addition to the Oteake Conservation Park, protects well documented biodiversity, landscape and recreation values. The proposal protects the Dunstan Creek headwaters. Dunstan Creek is a key tributary to the Manuherkia River, a catchment under pressure. In the long term this outcome will help maximise water yield and quality which in turn has positive impacts on aquatic life, recreational users and the economic fabric of the region.

CA1. The designation of this area as public conservation land is also supported. While it is acknowledged that the existing fence line has been adopted for reasons of expediency, the fence line is located at a higher altitude than the demarcation between modified land and land which contains significant inherent values including regionally significant scattered snow totara and possibly mountain totara. Short of constructing a new contour fence at a lower

altitude, a covenant is recommended to protect the band of land between the 900-metre contour and the existing fence. This covenant would preclude clearance of vegetation or AOSTD in this belt with the intended effect that stock would not drift to the fenceline.

At the northern end of CA1 there is a significant unnamed west facing catchment opposite the Dalrachney Homestead. This steep catchment supports numerous native shrubland remnants, which in the absence of recent burning or spraying appear to be increasing in extent. This steep unstable catchment appears to offer little in the way of grazing. The existing fence which runs across the headwaters of the catchment appears to be in poor condition (confirmed by comments by Ken Taylor). The condition of the fence likely reflects its location on an unsuitable line. It is recommended that a more sustainable line be identified which follows ridgelines by dropping well towards the valley floor of Longslip Creek. Doing so would create a valuable addition to CA1. A possible fence line and addition to CA1 is depicted in the diagram below.



CC2 (Eastern Block)

There appears to be little justification for freeholding the eastern portion of the CC2 (to the east of an existing fence in the vicinity of the pylon track). From our brief inspection the area was observed to support intact grey shrublands, narrow leaved snow tussock and in the higher reaches the much less common slim leaved snow tussock which is vulnerable to grazing. It is noted that the DOC Conservation Resources report maps this area as being of significant ecological value. It is recommended that this area be returned to full Crown ownership as a conservation area. Given current conservative grazing practices, this area could be added to GC1 to allow for phase out grazing.

CC2 (Eastern Block). This area is quite complex. There is no doubt that it is worthy of protection. A covenant is supported subject to some alterations being made to conditions. Grazing should be confined to sheep only (currently refers to sheep and cattle). A conservative stocking limit should be defined in the covenant. By doing so, this will remove the future possibility of fertiliser rates and stocking numbers being increased with inevitable impacts on natural values. A greater commitment to

monitoring should be stipulated. Five years is too longer interval between photo point monitoring. Given the significance of the Lindis Pass landscape and natural values, the monitoring interval should be every two years. Not only does this better record the condition of the covenant, it has the added benefit of ensuring the Department and the landowner maintain regular contact.

It is also recommended that a detailed inspection of red tussock grasslands and wetlands be undertaken along the margins of Longslip Creek adjacent to State Highway 8, with a view to identifying areas of wetland and red tussock from which stock should be excluded by way of fencing. These areas could either be protected as conservation areas or retained in the covenant subject to a nil grazing condition.

CC1

This document appears to contain some errors. While it does not provide for grazing, the monitoring programme outlined in Schedule 3 refers to monitoring the impacts of grazing. This area has a very high biodiversity ranking: mountain totara and mountain toatoa are regionally significant being important remnants of what was probably once a dominant forest type prior to Polynesian fires. *Olearia frimbriata* has a threat ranking of 'Nationally Vulnerable' versus declining as stated in the covenant document. *Coprosma intertexta* has a threat ranking of 'At Risk Declining' versus the term 'Uncommon' used in the document. Given the area's very high values and its continuity with proposed conservation land it is strongly recommended that CC1 is added to CA1. Although it is reported as being well protected from grazing by the nature of the vegetation, fencing the northern boundary with proposed freehold would be practical and expedient. A new fence should be located to allow for natural expansion of this very important shrubland/forest remnant.

Public Access. It is acknowledged that existing public access routes will provide access to proposed public conservation areas i.e. an existing 4WD track through the Lindis Pass Scenic Reserve and the Wether Range and Manuka Creek Easements. However, given the limited grazing provided for in CC2 and our recommendation that the eastern portion is be designated as public conservation land, non-motorised (foot, bicycle and horse) access is recommended along the pylon route. Locked gates will be required to prevent non authorised vehicle use. A system such as a managed combination lock system would be required to facilitate horse access.

Commercial Recreation / Fat Mans Hut. The Preliminary Proposal makes no reference to commercial recreation rights being granted to the holder on lands proposed for transfer to full public ownership. There are no recreation concession documents in the material supplied for public comment; although the following clause is noted "*24 Recreation Permit 24.1 Immediately on the registration of the Final Plan and a copy of the proposal to which it relates over the Land and pursuant to s64 of the Act, any recreation permit granted over the Land shall be determined.*" The Otago Conservation Board is unclear as to the meaning and implications of this clause. It is not our understanding that Recreation Permits issued under the Land Act (1948) can carry over once the land has been designated as a conservation area. If commercial recreation is to be undertaken following the completion of the review, this is a matter which the public should be able to consider in their assessment of the

proposal. Although the grazing concession confers the right for the concessionaire to use Fat Mans Hut (and quite reasonably so in our opinion) the document is silent on the public's rights to use the hut when it is not being utilized for farming purposes. It is our view that the hut will be a valuable recreation asset providing a safe haven in this remote area. It would be unfortunate if public use of this facility is excluded until the grazing concession expires.

The Board trusts that our submission will be given due consideration matters raised can be resolved in a constructive manner. The Board may be contacted if clarification is sought on any points raised.

Cultural Issues

The Board has not been privy to a cultural resources report for the property supplied to LINZ by Te Rūnanga o Ngāi Tahu. In the absence of such information the Board expects that cultural advice has been accepted by LINZ and that the proposed designations achieve recommended outcomes.

A handwritten signature in black ink, appearing to read 'Tara Druce', with a large, stylized initial 'T' and 'D'.

Tara Druce
Chair
Otago Conservation Board
Phone: 021 2166543

Submission on the Dunstan Downs Pastoral lease Tenure Review.

OTMC is the largest and oldest tramping clubs in Otago and as such the club has a strong interest increasing outdoor recreational opportunities Otago. The club and its members have a history of using the using the Central Otago ranges adjoining this tenure review for our trips. This tenure review covers a stunning landscape extending from the 2,088-metre Mt St Bathans in the south to the Ahuriri River to the north. The proposed area is important to us because it has high potential for tramping and skiing, particularly in its connection with the Oteake Conservation Park. For this reason we support the tenure review, however we have a series of recommendations that would strengthen the proposal and lead to an outcome that would be better for our members.

Recommendations

The areas CA1, CA2 and CA3 in he designation plans be adopted as proposed.

These areas have high potential for tramping and cross-country skiing. It is adjacent to the Oteake Conservation Park providing a large, continuous area of conservation land. This area also includes the dramatic western faces and summit ridge of the St Bathans Range. Indeed the SW corner of CA3 is located at the Summit of Mt St Bathans.

CG1 and CG2 be adopted as proposed.

We support the use of temporary grazing permits to support the viability of the farming operations as a transitional arrangement. The period of 10 and 15 years seems reasonable.

CC1 not be adopted and instead be retained as conservation land.

This area, containing a relic totara forest is quite small at only 30ha. The cp_dunstan-downs-summary-preliminary-proposal_20200925.pdf document notes CC1 has very high indigenous vegetation values and that the area is inaccessible to stock. For this reason, value of this land to the farmer is small and having it as a conservation covenant would impose ongoing administration costs both to the farmer and crown so it would be better incorporate CC1 in the conservation estate as part of CA1. If this is not possible then CC1 should have provision for public access by right.

CC2 be adopted as proposed with some provision for public access from the Lindis Pass reserve to the public conservation land associated with GC1/CA3.

The Lindis Pass is a very easy point of public access and could provide practical access to the new conservation land in the St Bathans Range and the Oteake Conservation Park beyond.

The FH area be adopted subject to reasonable public access easements especially for the Ahuriri River.

The Ahuriri River is a major recreation resource however in this area the road reserve and the riparian strip are separated by several hundred meters of freehold land leaving the public without any access along several km of the river. A simple easement allowing public foot access would greatly increase public enjoyment of the river. We are open to reasonable closure for farm management for farm management purposes such as lambing so the easement would not significantly impede the farmer's use of the area.

The easement e-f currently for conservation management access should also allow public foot access although we would be open to reasonable closure for farm management for farm management purposes such as lambing.

This would allow the public to see the relict totara forest.

Craig Harris

Commissioner of Crown Lands

Land Information New Zealand.

22 November 2020.

Re Dunstan Downs Crown pastoral lease tenure review preliminary proposal

Dear Sir,

1. Disclaimer: I am currently co-chair of the Dunedin Branch of Forest and Bird Society, but what follows is my personal submission, and does not necessarily reflect the views of any members of the Society other than myself. The Society has made its own separate comprehensive submission, and the purpose of my personal submission is to make several recommendations that I consider to be important (or give added weight to them, if those recommendations have already been made by others).
2. The objects of the Crown Pastoral Land Act which I consider most relevant to the current tenure review are as follows:

Part 2, Section 24 of the Crown Pastoral Land Act 1998 states:

The objects of this Part are—

(a) to—

(i) promote the management of reviewable land in a way that is ecologically sustainable:

.....

(b) to enable the protection of the significant inherent values of reviewable land—

(i) by the creation of protective mechanisms; or (preferably)

(ii) by the restoration of the land concerned to full Crown ownership and control;

And the following object:

(c) subject to paragraphs (a) and (b), to make easier—

(i) the securing of public access to and enjoyment of reviewable land;

Additional objects, to enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument, and the freehold disposal of reviewable land, must also be considered, though their priority is not as high as those of (a)(i), (b)

3. I am in broad agreement with much of the preliminary proposal and encourage its broad acceptance, subject to modifications suggested by myself and others. My personal recommendations are outlined in points 4, 5, 6 below.

Comments:

- (a) Scenic values within and surrounding the property are of national importance. The following views, taken from this property, are typical examples of what is to be seen from the tops.



- (b) Flora and fauna have been poorly documented. No comprehensive inventories are available. One reasonably descriptive vegetation survey was conducted in 2002. However, site inspection on one day in October 2020 revealed a new-to-science species of *Melicytus* (below), whose presence suggests that an unknown number of other treasures of flora or fauna may lie in waiting for discovery on this property.

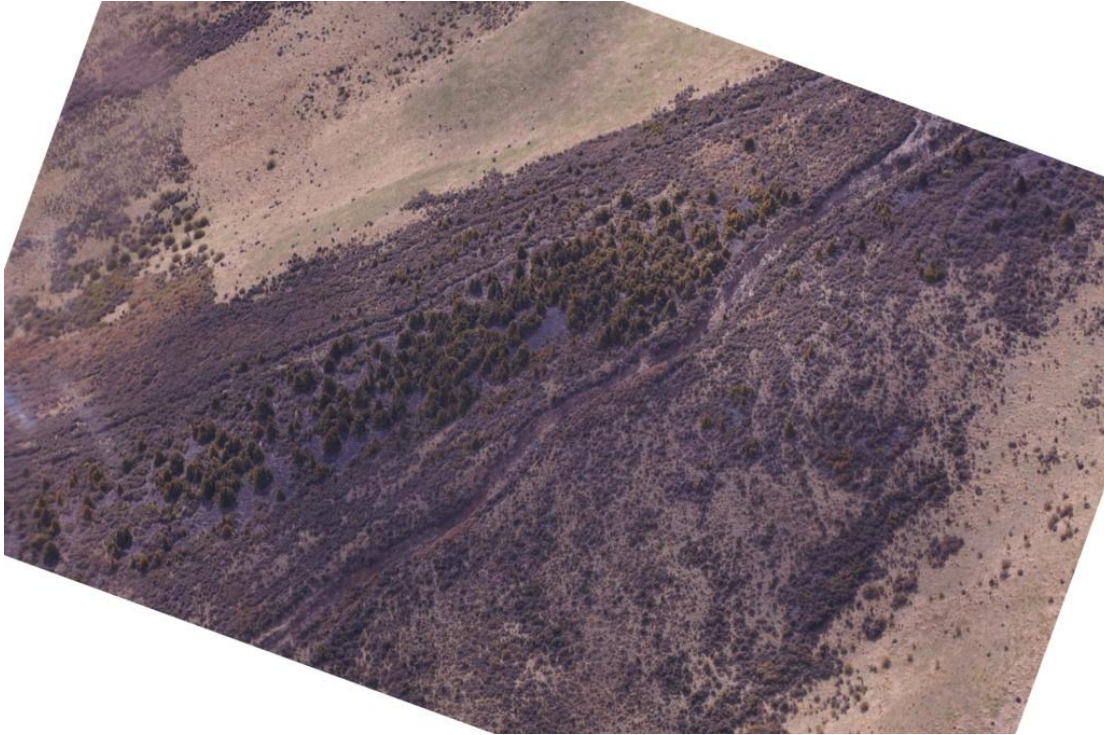


- (c) In terms of weeds, the land is relatively clean. Only a few wilding pines were spotted during aerial inspection, October 2020. One is shown below, lower right.



4. Re Land to be disposed of as freehold to Dunstan Downs Limited and subject to a conservation covenant, designated in the proposal as CC1.

This land contains a significant remnant of original Halls totara – mountain toatoa forest, once widespread in the Lindis Pass area, with adjacent shrubland, close to and visible from the Lindis Pass highway. Part of this land is shown in the aerial shot below. This is of national importance.



Recommendation: The proposed CC1 should not be enacted. This area should instead be retained in Crown ownership as a public Conservation Area, administered by the Department of Conservation. It should be merged with the proposed CA1 to which it is adjacent, with appropriate fencing to allow at least 20% future expansion of the shrubland surrounding the totara and mountain toatoa in the centre. Public access via proposed easement “a – b” should suffice, as described in the preliminary tenure review proposal.

5. Re Land to be disposed of as freehold to Dunstan Downs Limited and subject to a conservation covenant, designated in the proposal as CC2.

This land parcel is adjacent to existing conservation land, and has iconic landscape values of national importance.

Recommendation: The proposed CC2 should not be enacted. This area should instead be retained in Crown ownership as a public Conservation Area, administered by the Department of Conservation. It should be merged with the adjacent Lindis Pass Scenic Reserve, with appropriate fencing as required to separate it from GC1.

6. Re The proposed 15 year grazing concession for the 850 ha block designated as GC1.

Comments:

(a) Much of this land, such as that shown below, is very steep and should never have been grazed.



(b) Until several years ago, this property carried Saxon merinos, but now carries half-breed Merinos which graze more aggressively into remaining montane shrublands. For the integrity of existing vegetation it is desirable that minimum further grazing occur.

Recommendation:

That the proposed grazing concession term of 15 years be reduced to ten years for CG1.

Yours sincerely

A handwritten signature in cursive script that reads "Paul Smale".

Paul Smale
46 Montague St
Dunedin 9010
027 384 5738

Commissioner of Crown Lands
Land and Information New Zealand
CBRE House 112 Tuam St
Private Bag 4721
Christchurch 8140

22 November 2020

Downs Station, Tenure Review, Preliminary Proposal

LINZ advertised the availability of this review Proposal in Saturday 26th Sept 2020 PRESS paper, in the Real Estate section. Submissions close Tuesday 24 Nov, 5pm.

Preamble to the New Zealand Deerstalkers Association Inc submission on the Dunstan Downs Station tenure review Preliminary document:

1. New Zealand Deerstalkers Association Incorporated-

Founded in 1938, the New Zealand Deerstalkers Association Inc. (NZDA) advocates for all recreational big game hunters, including over 8,000 members spread over almost 50 Branches around New Zealand. Its principle objective is to protect the rights of all outdoor sports men/women their right to access all unoccupied land held by the Crown and other public bodies.

2. Public access.

The NZDA advocates, that LINZ, under the Crown Pastoral Lands Act, has a powerful obligation – on behalf of the people of New Zealand – to effectively negotiate and secure, in perpetuity, such public access across reviewable land to Crown/public conservation land (thereafter referred to as “PCL “) and any recreational hunting grounds, beyond the PCL.

Likewise, a Crown leaseholder should not be allowed to deny the public of New Zealand what is rightfully and traditionally theirs.

3. Need for multiple access points.

Having viewed numerous high-country stations undergoing Tenure Reviews we have assessed that the majority of PCL’s, eg over 2,000 ha in size, will require more than one access point to provide for health and safety requirements of outdoor recreationists. **We would refer LINZ to the relevant clauses in the Crown Pastoral Land Act section s.24 (c) (ii) which states – “the securing of public access to and enjoyment of reviewable land “.**

If need be such public access points should allow for vehicle parking and suitable negotiated easement(s) to the access point(s). All easements from/to such public access points shall expressly provide for the carriage of firearms by legalised hunters.

4. NZ Access Commission = Advocating. agency

The NZDA accepts the NZ Access Commission as a partner in public access matters, but it retains the right to act alone if deemed necessary.

5. Paper roads

There are 1,000's of kms of unformed "paper" roads in New Zealand and although many of these bisect privately-owned land – this is not considered to compromise "quiet enjoyment" of the possession of that land. It just means that the public access is specifically provided for, in an agreed manner.

6. Farm tracks and Paper Roads

Usually tracks on PLC's start near the homestead paddocks of each station. From there practical tracks have been developed, over time, on routes that suite farming operations and the terrain.

Where these tracks are on or near/adjacent to the paper roads they can be classified/recorded as the paper road, by a LINZ surveyor.

7. Recreational Hunters are an environmental management resource

Recreational hunting is a legitimate activity that contributes significantly to the benefits of recreation, economy, ecological protection, and enjoyment of significant inherent cultural values/natural capital (harvesting of resources). Recreational hunting therefore commands a rightful expectation of reasonable, practical, certain and enduring public access – across Crown-owned land.

Dunstan Downs station

The Station - is a 12,351ha strip of land (approx 7 km x 25 km) running from where SH 8 turns away from the Ahuriri river then parallels the highway up and over Lindis Pass and south down the other side, which includes the headwaters and catchment of Dunstan Creek- for approx. 25 km south of the public parking area. The northern part of this land is proposed for freehold (CA1,CA2, FH – coloured green and yellow) with the two large DOC areas having conservation covenants (GC1, GC2 – hatched pink), for limited grazing periods, plus an easement for farm management purposes, on the existing track between two blocks, of approx. 5km in length, over the land to be returned to the Crown.

Public Access – from parking area.

A public park is proposed beside the Omarama - Tarras highway approx 4km short of Lindis Pass, on the uphill side of the road on an almost level area. From this park a **public access** along route a-b of approx. 700m takes you to the boundary of DOC land labelled GC1. The draft easement document, clause 2.1 says *"to pass and re-pass at any time over and along that part of the Easement Area marked "a-b" on foot, on, or accompanied by horses, or by non-motorised vehicle powered by a person or persons."* This easement can be temporary closed at any time by the Grantee for such periods as he/she sees necessary!

For DOC management purposes, from this car park, there is a different access track/route labelled e-f, suitable for vehicles, which ends also at point b. This easement has allowance for the carriage of guns and dogs.- while the public access route doesn't!! – although another section says DOC will issue hunting permits – not sure whether this includes both for small game and big game (centre fire rifles), as small game permits have to normally be especially applied for from the local DOC field office.

There is no other indication of public access routes/tracks being offered!

On the 20m wide easement strip across the freehold section (FH), the new owner can provide signage, gates and stiles, which can be maintained to a suitable standard, by agreement between DOC and the owner.

There has recently been new DOC land gazetted to the west and east of this tract of land. Hopefully, there is some ongoing planning in the near future re the management of these lands and the standardisation of the access conditions? Currently they seem to be treated individually which creates confusion for the participating public.

Registering/gazetting of these public access points, associated paper roads, public access easements, marginal strips, temporary closures, is now becoming an area of concern.

.....

Results of the Station visit.

NZDA's Graeme Williams visited the station in the company of Jan Finlayson (FMC President) plus Paula Smith (Chair of Aoraki Canterbury Conservation Board), four F & B members and the LINZ rep, plus the LINZ contractor, and Leaseholders Tim Innes, Snr and son Charlie, of Dunstan Downs, and

Graeme stayed in the Backpackers quarters Sunday night and had breakfast at the homestead with Tim Innes and his wife Monday morning, before the start of the drive/helicopter inspection of the station, which includes all the hill faces above the Lindis Pass road from the Ahuriri river up to the Lindis Pass, and then over the back, including Dunstan creek which runs south towards the Lindis valley, and the settlement of Tarras, for approx. 25 km.

Comments arising from the visit and study of the Preliminary Proposal document:

1. Access

The only access point proposed in the Tenure Review Preliminary Proposal is at a road-side point labelled "a – b" on the uphill side of the highway SH 8 about 4 km short of Lindis Pass. This would give access across about 700m of proposed freehold land labelled FH, across onto Crown land, labelled GC1, which is to have a limited grazing concession (15 years?) This access can be temporarily closed by the farmer to suit their farming operations.

The Innes's admitted to Graeme that they have restricted casual hunter access onto the station during the roar periods, February-April, due to the presence of hunting guides and their clients! They report the taking red stags and fallow bucks off the station.

******It's NZDA's view this single public access point for a 12,000ha block of land is completely inadequate, and that denial of access to hunt on DOC land could not be continued.***

In remote high country like this LINZ should have provided data on all the adjacent PL's and Conservation lands that are relevant to the issue of public access, especially the need for multiple access and exit points. We understand the land immediately west of Dunstan Downs is now administered by DOC. (See NZWAC maps) This should have been high-lighted in the Proposal, and included in the consideration for access, including the provision of easements across adjacent land to access the southern parts of Dunstan Downs. G Williams said there was some site discussion about another access point from the east, from the direction of the St Bathans area.

******The NZDA considers the access provisions and means of conveyance over Crown lands, like Dunstan Downs, has not been given adequate consideration for the future.***

The author(s) of the Preliminary Proposal seem to consider the ability of recreationalist drivers of all-terrain vehicles (be they be in 4WD's, quad bike, side by side vehicles, trail bikes or multi wheeled etc..) do not have sufficient skills to negotiate the Dunstan Downs country. Such an inference is short sighted and irresponsible, as well as being discriminatory against the physically disabled and elderly. It also restricts the retrieval of big game animals that have historically been hunted and harvested in the past by the current leases, and their guests, and hopefully into the future.

***** The public use of 4WD tracks for walking and mountain biking doesn't seem to present any safety risks greater than many other such tracks in the greater Canterbury/Otago area, including National/Forest Parks and Recreational Hunting Areas. There seems to be no good reason to restrict public access.**

Our means of conveyance keeps expanding through the use of science, technology and relevant communication systems. These will also be needed to provide the necessary supervision and protection of the ecological/environmental values of these lands, once the pastoral farmers retreat to the lower, more productive areas, and DOC becomes responsible for the back-country.

2. Landscape protection,

As was pointed out, during the station visit, the whole left-hand side of the valley beside SH 8 on the drive up to the Lindis Pass, from the Ahuriri river corner, (approx. 12 km) is proposed to become freehold, which means the Crown will lose control of this country and its landscape appearance. ie: This landscape could become modified to improve its farming output. This landscape of high country with tall tussock and matagouri is iconic to New Zealand and seldom seen by the motoring public.

This iconic roadside landscape should be protected via a suitable conservation covenant or by remaining in Crown ownership. ie: areas FH and CC2. Due to the growing scale of the 'retired' Crown lands coming out Pastoral Lease serious consideration should be given to the establishment or re-establishment of a Lands Department that can be given the responsibility for the 'maintenance' of these lands to protect them from weed and pest invasion, including wilding pines, and the encouragement of public use to assist with this patriotic duty, including wild animal control.

3. Viability of the remnant farm land

Members of the inspecting party were concerned about the viability of the proposed remaining land for farming purposes, especially as it included two large areas that were being provided for the first 10 or 15 years for seasonal grazing. The thoughts expressed were that after 10 years the owners might opt to sell off the freehold land and just retain the homestead area, down by the Ahuriri river.

4. Recommendations

4.1 The NZDA believes this Preliminary Proposal falls short of providing the desired division of land suitable for farming and protection of its environmental values.

4.2 NZDA request LINZ, along with NZWAC and DOC research a minimum standard formula/guidelines for public access for all PL's going into future tenure reviews.

This will provide a consistent/standard specification, instead of dozens of different description that could be cause for endless challenges. This to include specific details on the vehicles, motorised and non-motorised, bikes (pedal or electric) horses, dogs, firearms, signage, plus fencing, gates, surface and maintenance responsibilities. This to also cover the requirement of a minimum of at least two public access points, and if necessary the establishment of a public easement(s) through adjoining lands to achieve such public access in perpetuity. Such a specification for 'public access' should be legally peer reviewed to minimise future amendments as modern technology, pest, weed and wild animal control requirements develop.

Prepared by -

David W Hodder NZDA SIAC member,

Graeme Williams NZDA SIAC member,

On behalf of- New Zealand Deerstalkers Assn Inc
South Island Access Committee
C/- PO Box 12
Thorndon Wellington 6144

SUBMISSION ON PRELIMINARY PROPOSAL FOR TENURE REVIEW OF DUNSTAN DOWNS

PASTORAL LEASE, LINDIS PASS Po 019

SUBMITTER DETAILS

NAME: Tim Dennis

ADDRESS FOR SERVICE: 40 Rata Street, Wanaka

This is a submission on the Commissioner of Crown Land's (Commissioner) preliminary proposal for tenure review of the Dunstan Downs pastoral lease (Preliminary Proposal) publicly notified under s43 Crown Pastoral Land Act 1998 (CPLA).

Preliminary & Background

I would like to thank the Innes family for their generous support of public access. Over the past 20 years I have contacted them on occasion and they have been very willing with access which has allowed me to explore the open tops that form part of their lease and connect with Public Conservation Land towards the head of the Manuherikia Valley.

I am a track and trail designer and public access planner based in Central Otago. I have been responsible for the development of public access tracks and trails across much of Otago including around 50km of public access tracks in Wanaka and around 250km of cycle trails in Otago including Alps to Ocean, Clutha Gold and Roxburgh Gorge. I am a qualified Master Trail Builder for the New Zealand Cycle Trail project and am currently managing the public access and development of the Cromwell Gorge Trail. I am the former chairman of the Upper Clutha Tracks Trust based in Wanaka www.uctt.org.nz

I have submitted on numerous tenure reviews over the past 25 years with my focus being public access and in particular the quality and appropriateness of the access proposed as fits my professional qualifications and experience.

My Submission

I generally support the proposal as advertised. The only areas where I seek amendment is as follows:

Public access A-B: The marked public access to GC1 is straight up a hill following a fence line. There is no potential in the future to form this to any useful standard that would make its existence valuable for the general public. Instead I request that the public access more closely follows E-F. To avoid the poor location of E off SH 8 I recommend that the public access parking be located 200m north along SH8 and a short bench track cut to join with the existing 4wd track leading to Point F. This will be a useful and valuable access as the majority of the route is formed and thus easily walked or ridden with a mtb. The easement should allow for bicycles.

Creation of public access easements that go straight up hills as proposed by A-B is simply a waste of time and will not result in achieving Objective 24(c)(i) of the CPLA. My suggested alternative access would meet the objective of the act in regards public access.

Pylon Road Access: There are few easy opportunities for mountain biking in the Lindis Pass area with most of the existing public access restricted to very steep 4wd tracks. The Pylon Road is an exception and would be an ideal setting for recreational mountain biking that most averagely fit people could tackle. For this reason I believe an easement should be provided along the pylon track as indicated on Figure 1 from the southern boundary of CC2 to Point 2. The Morven Hills Tenure Review includes public foot and cycle access from Goodger Road to the southern boundary of CC2 and continuing this through to SH8 makes logical sense.

The access Point 2 would be best located away from the stock yards to reduce interference with farm operations and there is a good area to the west of the yards on SH8 as indicated Point 2. A short 500m track will need to be benched (mountain bike friendly) to avoid the stock yards and reach the pylon road.

My suggested alternative access would meet objective 24(c)(i) of the act in regards public access.

Totara Forest on CC1

While my expertise is not in ecological values, I have been watching the progress of this rare remnant Totara forest as it slowly grows up the flanks of the Dunstan Range. A similar forest is located on Birdwood Station opposite the Dunstan Downs homestead. These rare ecosystems used to be common across Otago. It seems odd that this forest is not included in CA1 or GC1. I support including this forest ecosystem in CA1 or GC1 and this would achieve Objective 24(b)(ii) of the CPLA.

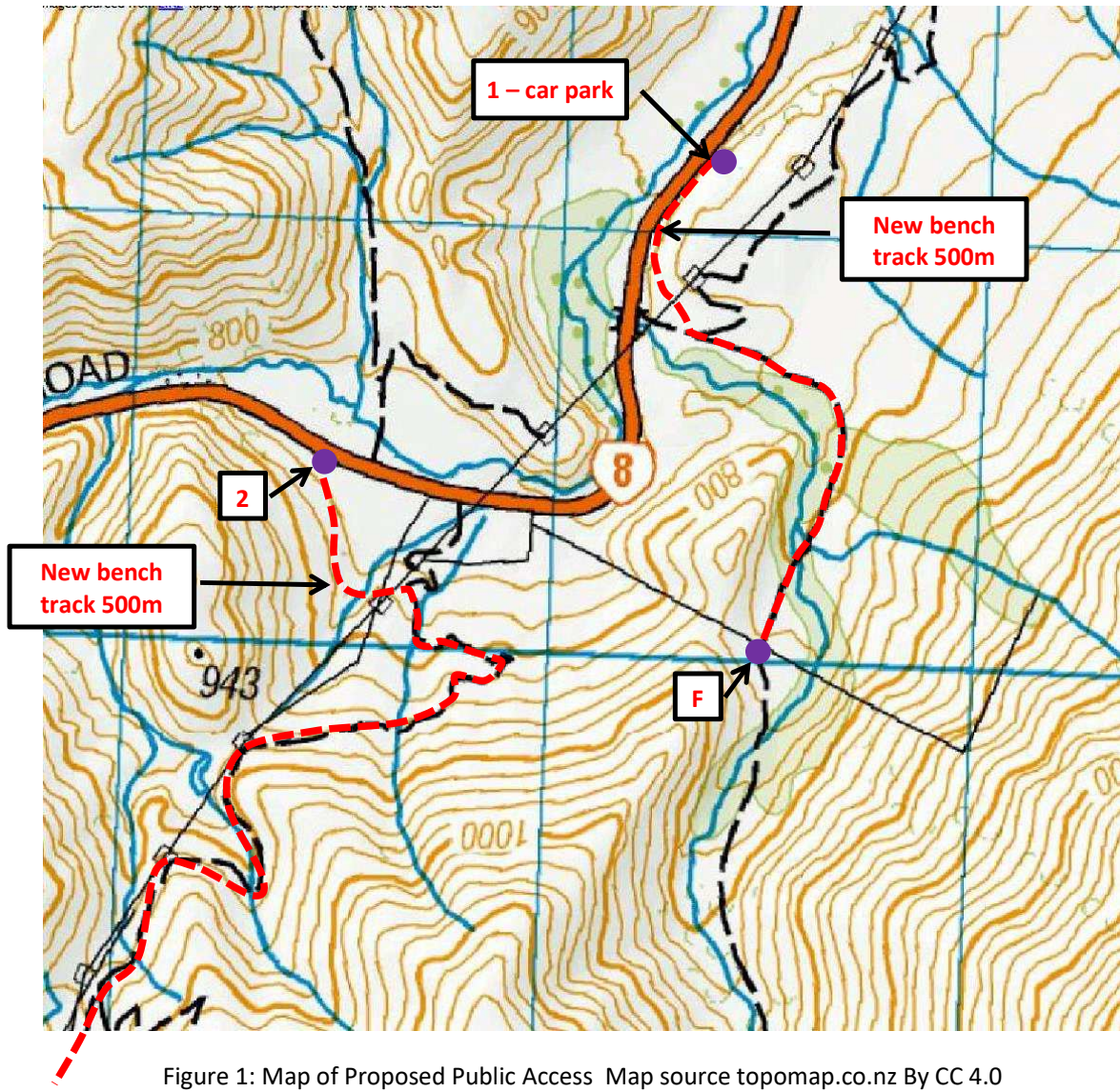


Figure 1: Map of Proposed Public Access Map source topomap.co.nz By CC 4.0

From: Tony Perrett <tperrett007@gmail.com>

Sent: Tuesday, 6 October 2020 2:36 p.m.

To: pastoral & tenure review <pastoral&tenurerevie@linz.govt.nz>

Subject: Dunstan Downs Pastoral Lease Tenure Review Preliminary Proposal

Dear Commissioner

I have had a good look at the content of the advertised Preliminary Proposal for this tenure review and offer the following comments:

Overall, I support the designations proposed for this review and consider that they are in accordance with section 24 of the Crown Pastoral Land Act 1998.

The only concern I have relates to the proposed term of the grazing concession GC1. The advertised term for this concession is an excessive 15 years and the stocking rate is the very modest 100 stock units which is annualised.

Comparing this to the much larger and more valuable grazing concession GC2 where the stocking level is much greater and the term is 10 years.

Grazing concessions as part of a tenure review preliminary proposal are really only a tool to enable the lessee to transition his farming operation over several years from a large scale lease operation to a new, smaller scale freehold one with potentially reduced stock numbers.

The term of GC1 seems out of step with the term for GC2. No real explanation seems to be offered to justify this difference.

I recommend therefore the term for GC1 be reduced to 10 years.

Regards

Tony Perrett



Upper Clutha

NZDA

New Zealand Deerstalkers Association

28 Kingston Street,
Albert Town,
Wanaka, 9305

uppercluthadeerstalkers@gmail.com

23 November 2020

Commissioner of Crown Lands
Land Information NZ Crown Property
CBRE House, 112 Tuam Street
Private Bag 4721
Christchurch 8140

Dear Commissioner of Crown Lands,

Tenure Review Lease Po019 Dunstan Downs

I write in regard to the Notice of Preliminary Proposal for the Dunstan Downs Tenure Review, public submissions for which are due to close on 24 November 2020.

The Upper Clutha Branch NZ Deerstalkers Association is one of almost 50 branches spread throughout NZ and is administered by a national body domiciled in Wellington. The Upper Clutha Branch is situated in Wanaka and has 300 members drawn from the Makarora, Hawea, Wanaka, Tarras and Cromwell areas. We are an Incorporated Society, registered Charitable entity, undertake regular branch hunting trips, firearms training and competitive shooting and ensure our membership complies with the national code of ethics. All of our financial members enjoy the benefits of group public liability and fire insurance cover.

Our principal interest in the Dunstan Downs proposal is to ensure that fair and reasonable recreational hunting access is available to public conservation land and that in the process the lessee/farmer can be reassured that if a practical option is put in place, any inconvenience to their farming activities will be minimized.

Unfortunately, it has been our observation that the tenure review process has historically failed to provide fair hunting access by unreasonably attaching conditions to access easements that limit the carriage of firearms and dogs. Concerns about feral animal populations and predator activity are often expressed during the process but the means by which they might be best controlled – foot hunters - are often not provided for.

A local example is the Wether Range Easement which was created as an outcome of the adjacent Kellermont Review – a token easement created from SH8 to the top of the Wether Range – poor roadside access and parking, an 880 metre grunt straight up the boundary fenceline – no provision for riding horse or cycling traffic and a prohibition on rifles and dogs. Consequently, there has been little public interest in this route and unfortunately the Dunstan Downs proposal seems to be headed down the same path.

We note the Dunstan Downs property is ringfenced by a number of other Tenure Review outcomes – Dalrachney, Lindis Pass Scenic Reserve, Morven Hills, Killermont, Twin Peaks and the Oteake Conservation area. In each case, some access has been provided to the conservation areas created, but the Dunstan Downs proposal fails to identify any of these and we are unable to form a global view. If information about adjacent access alternatives/options could be included in each proposal, it might well resolve and short circuit the initial concerns of submitters.

For example, the current proposal states in several places “the range/valley provides a dramatic and remote environment for recreational users including day walks, extended remote tramping, mountain bike and horse riding trips, cross country skiing and ski touring in winter and the more passive pursuits such as fishing, photography, botanizing and bird watching. The use of this area has been limited in the past due to the remoteness and the distances in gaining access”. This reads well but the proposal fails to explain its role and contribution to the suggestion of increased public involvement – certainly not by providing inadequate foot access a – b up a steep, bare ridge at the extreme northern end of a property spanning 25 kilometers.

Easement a-b: It appears that the only public access to this huge 9500 hectare conservation area will be via route a-b which will commence at a new carpark adjacent to SH8, limited to foot traffic only, and following the outer edge of a set of sheep yards before climbing to a low saddle. This will give direct access to the boundary of conservation land at McLays Creek (having traversed freehold land) and a 5km uphill ramble will take you to the summit of Old Mans Peak and the Dunstan Stream beyond. This will enable access for the

enthusiastic hunter and tramper, but will not easily allow for horse traffic or cycling, let alone skiing.

Easement e-f: An easement for conservation management purposes follows an existing access track but with a locked gate. This was considered to be “unsuitable for public access as the exit point from SH8 is in a dangerous location and would not comply with traffic safety etc” However the proposal fails to acknowledge that there is a marginal strip on McLays Creek which allows for legal public access in its own right. While the track departs the strip in some areas it would appear to be a relatively simple matter for DOC to widen and formalize the strip at the next lease review or some other appropriate time. The route would certainly provide a more practical alignment for public access to the hinterland by foot traffic, cyclists and horse riders. Provision for safe access from the highway and off-road parking could be simply achieved with modest earthworks.

Pylon Road: This provides another easement alternative but the access track to NZED transmission lines was discounted because of “direct conflict between public use and farm management, Transpower etc”. Conflict between pedestrians and farm vehicles? Certainly if public vehicular use was permitted there might be some conflict but foot, horse or cycle is unlikely and there would be some benefit in confining movements to a specific, defined track rather than sending people up a “leading ridge”.

Carriage of firearms and dogs: It is not clear to the submitter from the documents, what the rights of a hunter and his firearm and dogs have to traverse the easement. Certainly, there have been limitations and exclusions on adjacent easements. We would submit that there should be no limitations or exclusions on recreational hunting activity as long as it is confined to foot access, hunters carrying a current DOC hunting permit, and that the farmer should not have discretion to control activity during various times of the year. Hunters travelling through the freehold land pose no more threat to farming activity than other hikers, horse-riders and cycles.

Recommendation:

1. **That easement a-b is not a practicable or easy option for public access and should be deleted in favour of either of the following:**
 - **Public access along easement e to f.**
 - **Public access via the Pylon Road.**

Either option will provide a kinder gradient, and easier practical physical access for trampers, hunters, bicycles and horse riders.

- 2. That no restrictions be placed on access for recreational hunters and their dogs, and the carriage of firearms be permitted without the prior approval of the landowner being required.**

Thank you for the opportunity to make this submission. We trust that you will give due consideration to our request for improved public access to this potentially significant area.

Yours faithfully

Murray Burns, SECRETARY

18 November 2020

Commissioner of Crown Lands
Land Information New Zealand
Crown Property and Investment
Private Bag 4721
CHRISTCHURCH

Preliminary Proposal for Tenure Review of Dunstan Downs Pastoral Lease: Submission from the Walking Access Commission

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of the Dunstan Downs pastoral lease.

The Commission's public access statutory role is described below, under section **A. Introduction**, and the detailed submission is presented in section **B. Submission**.

In summary, the Commission;

1. **Supports** the creation of the conservation areas (including grazing concessions) for the public access they will provide,
2. **Supports** the creation of the public access easement "a-b",
3. **Seeks** practical public access to and alongside the Ahuriri River,
4. **Seeks** additional public access to CA1 from State Highway 8, in the vicinity of the Lindis Creek bridge/Dalrachney turnoff,
5. **Seeks** the creation of open public access to the west facing slopes on the approach to the Lindis Pass, and
6. **Seeks** the creation of a public access easement for walking and mountain biking on the pylon track.

A. Introduction

Purpose, Objective and Functions of the NZ Walking Access Commission

The Walking Access Act 2008 (WA Act) (sections 3, 9 and 10) sets out the purpose, objective and functions of the NZ Walking Access Commission.

The Commission is the Crown agency with statutory responsibility¹ for leading and supporting the negotiation, establishment, maintenance, and improvement of –

- walking access (including walkways, which are one form of walking access) over public and private land; and

¹ Section 3(b) Walking Access Act 2008

- types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, and motor vehicles.

Central to its role is the negotiation and provision of free, certain, enduring and practical access to the outdoors for New Zealanders and visitors.

Focus of Submission is Public Access

The Commission's submission on the Preliminary Proposal for Dunstan Downs is designed, as envisaged by the WA Act, to achieve free, certain, enduring and future-focused public access in this area of New Zealand.

The Commission's submission reinforces the objectives of the Crown Pastoral Land Act 1998 (CPL Act), in particular section 24(c) which is to make easier the securing of public access to and enjoyment of reviewable land. Specifically, our submission addresses the public access and public enjoyment matters specified in subsection (2) (c) and (d) of section 40 of the Crown Pastoral Land Act 1998 Act (Protective mechanisms).

This submission is aligned with Land Information New Zealand's Strategic Intentions including by:

- Improving the wellbeing of New Zealanders and their families
- Making the best use of the Crown estate, and
- Safeguarding New Zealand's interest in sensitive assets.

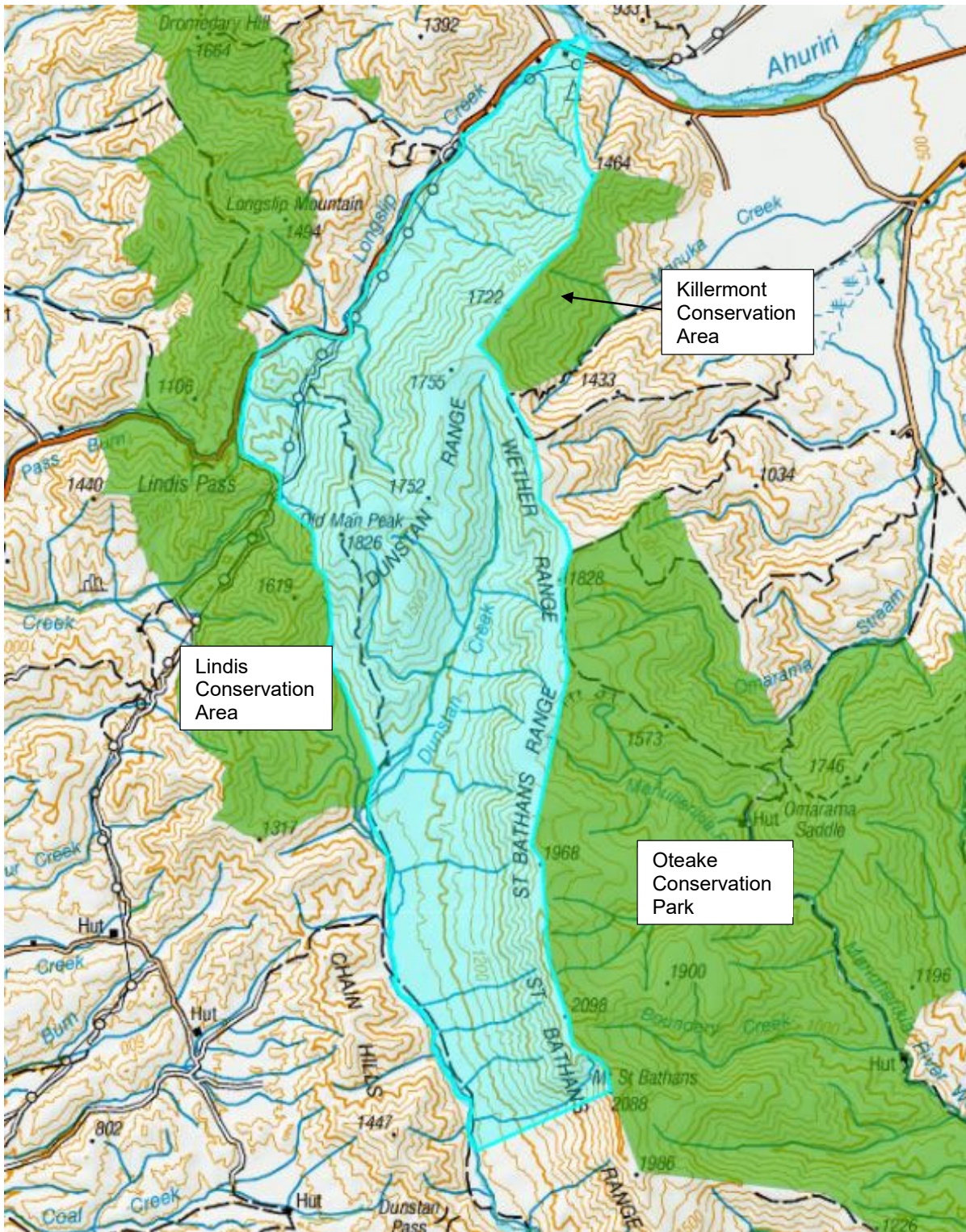
B. Submission

Context

The Dunstan Downs pastoral lease encompasses some 12,350 hectares of land situated in the transition between Otago and Canterbury. It stretches from the Ahuriri River in the north, to the foot of the Lindis Pass in the west, and to the south it encompasses the Dunstan Range, the western faces of the Wether Range, and most of the western faces of the St Bathans Range. In the north and north-west State Highway 8 intersects, adjoins or is close to the property.

The lease adjoins the Killermont Conservation Area in the north east, the Lindis Conservation Area to the west, and the Oteake Conservation Park to the south east (see Map 1 below).

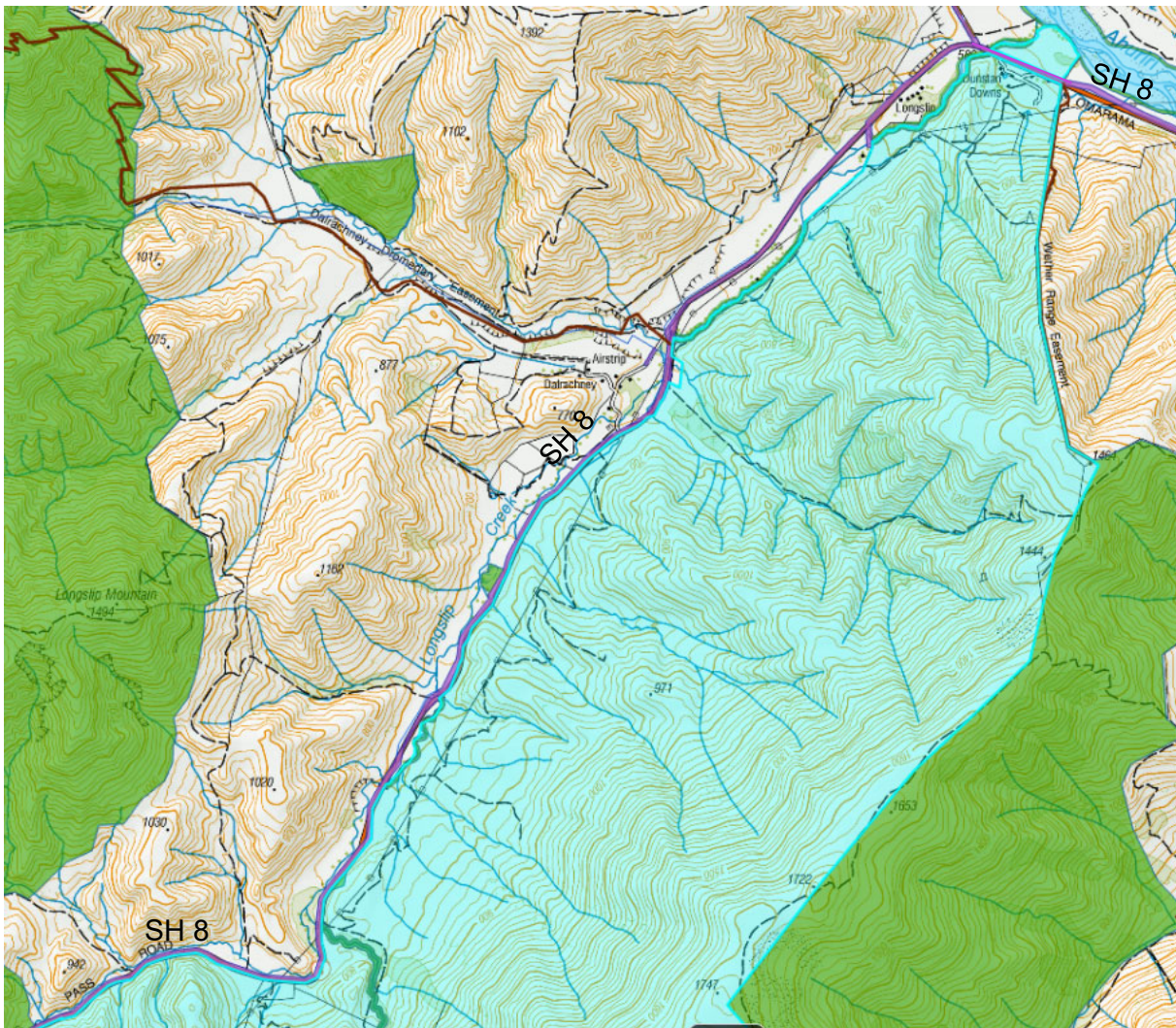
This property presents a significant opportunity to provide recreation opportunities now and into the future. High country areas are becoming increasingly important recreation areas for walking, tramping, horse-riding, mountain biking, fishing and hunting, and the Ahuriri River is an internationally acclaimed fishing river.



Map 1 Dunstan Downs pastoral lease (blue), and Public Conservation Land (green). (source www.wams.org.nz)

Existing public access

State Highway 8 intersects the northern tip of the property and adjoins the property south of Longslip Creek towards the Lindis Pass (see Map 2 below).



Map 2 State Highway 8 (purple) adjoining Dunstan Downs (blue)

(source www.wams.org.nz)

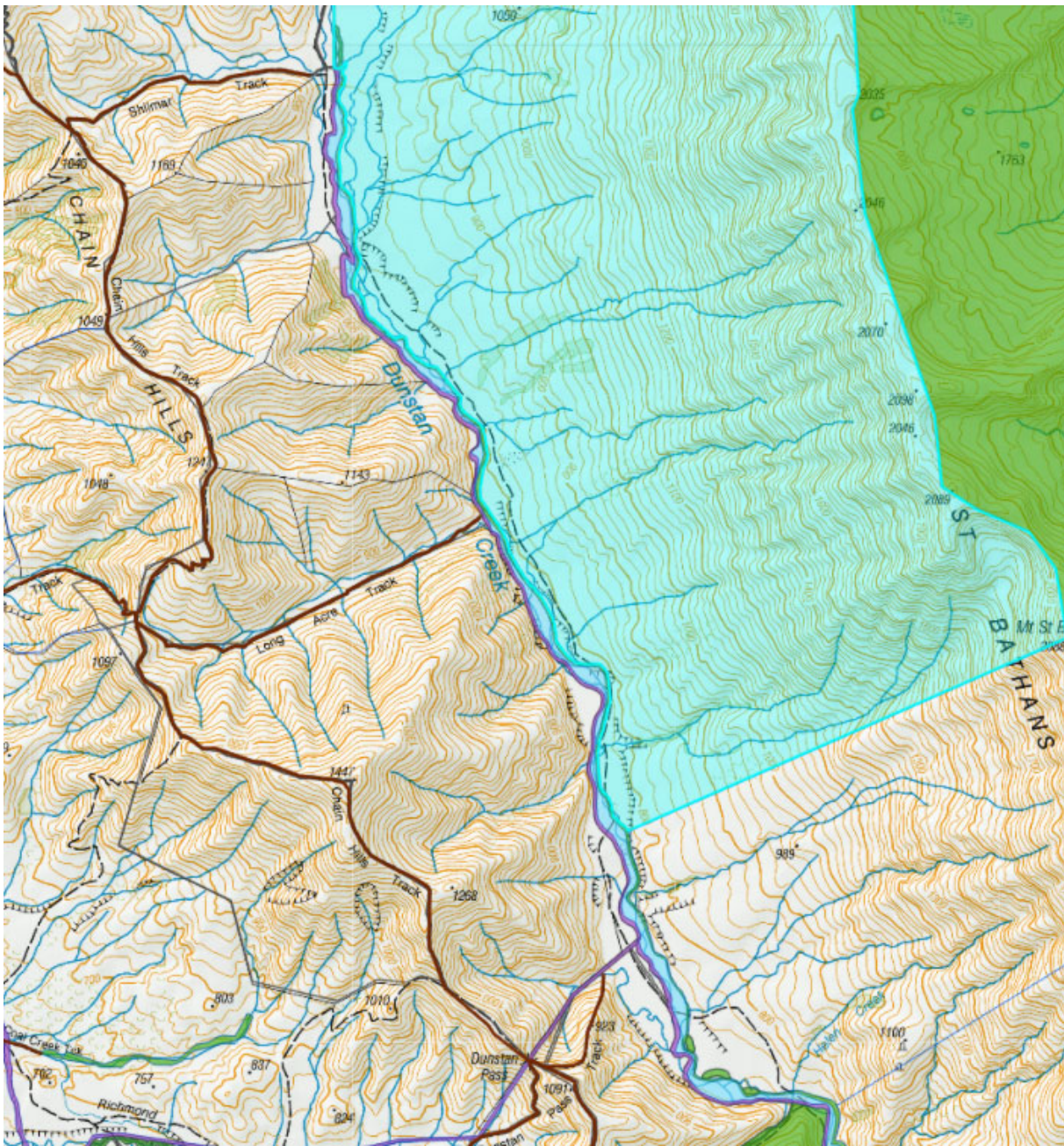
An unformed legal road (ULR) adjoins the property along much of Dunstan Creek in the south west, which connects with other ULR and Department of Conservation(DOC) tracks, including the Dunstan Pass, Longacre and Shilmar Tracks (see Map 3 below).

Public access is also possible from the adjoining conservation areas and park (see Map 1, above).

Marginal Strips

The Dunstan Downs pastoral lease is subject to Part IVA Conservation Act 1987, therefore marginal strips apply on all streams/ rivers with an average bed width of 3 metres or more.

Marginal strips have been mapped alongside Longslip Creek in the north west and Dunstan Creek in the south west, as well as alongside McLays Creek in the vicinity of the proposed management purposes easement "e-f". There is also a fixed marginal strip alongside the Ahuriri River at the northern extremity of the property



Map 3 Legal road access (purple) and DOC Track access (red) in the south west

(source www.wams.org.nz)

Public access in the Preliminary Proposal

Public access will be available in the areas identified to become conservation area (CA1, CA2 and CA3), including in the areas proposed to be subject to grazing concessions (GC1 and GC2).

The only other public access identified in the Preliminary Proposal is a 20 metre wide easement “a-b” from State Highway 8 to GC1/CA3.

Additional public access required.

Additional public access is required as set out below.

1. Public access to and alongside the Ahuriri River

The northern end of Dunstan Downs includes a small area of some 14ha between State Highway 8 and the Ahuriri River. There is a moveable marginal strip (S24(1) Conservation Act 1987) (CA Act) alongside part of the Lindis Creek and a fixed marginal strip (S24(3) CA Act) alongside the Ahuriri River.

There should be practical walking access provided to and alongside the river, as indicated by red dashes and red dots respectively on Map 4.



Map 4 Practical walking access to and alongside the Ahuriri River (red dashes and dots respectively)
(source www.wams.org.nz)

The Ahuriri River is an internationally acclaimed fishing river and a significant scenic attraction in its own right, and there is limited public access available to it.

Walking access to the river could be provided by a 5-10m wide easement extending north-north-east from the Lindis Creek marginal strip along the property boundary.

The fixed marginal strip alongside the river does not necessarily provide practical access to the river as the river boundary is likely to have moved. An easement along the property boundary nearest to the river would secure practical public access alongside the existing marginal strip and/or river. The easement could possibly be of variable width and would need to ensure a band of public access at least 20m from the riverbank.

Recommendation

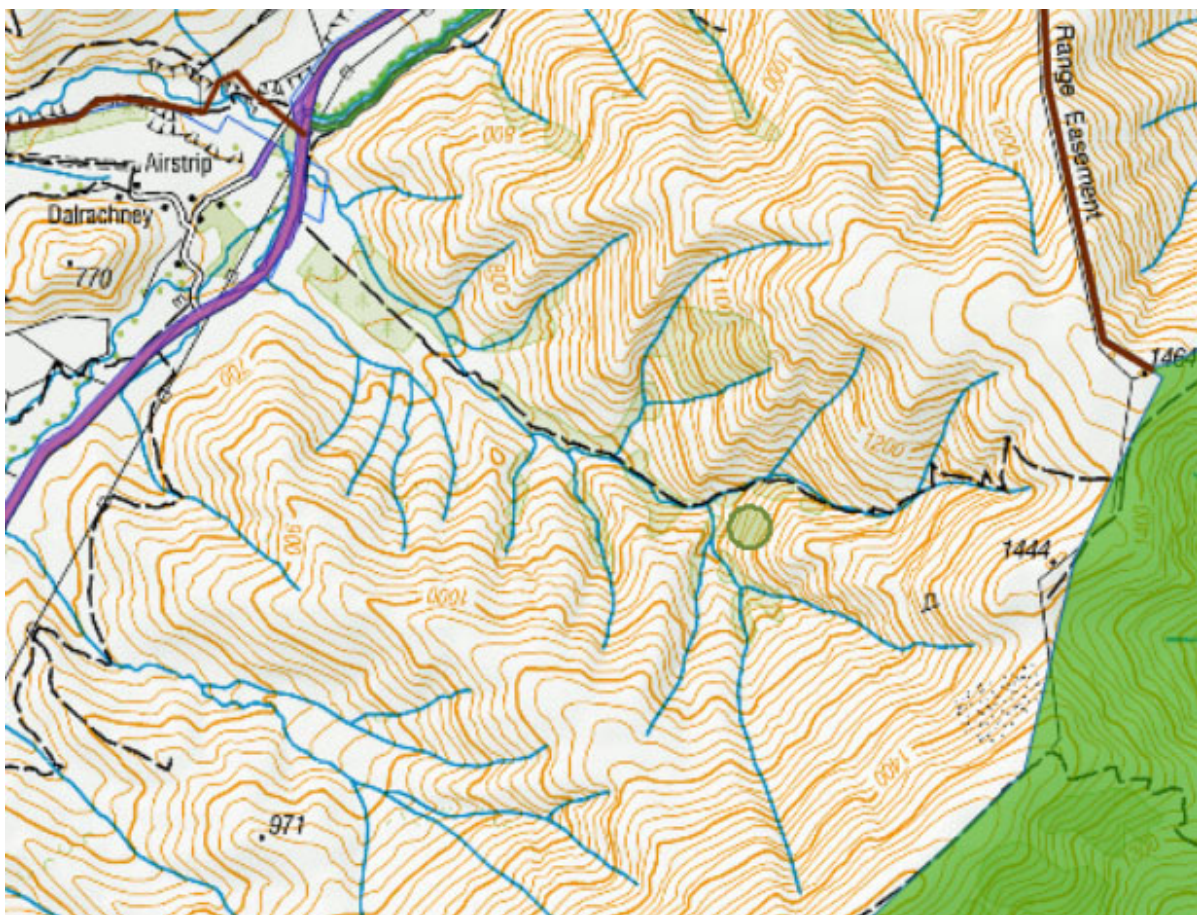
The Commission *recommends* that practical public access to and alongside the Ahuriri River be provided along the lines outlined above.

2. Additional public access to CA1.

The Wether Range Easement (alongside the eastern boundary of Dunstan Downs) and Manuka Stream Easement provide access to the Killermont Conservation Area and then to CA1 in the north and east respectively, but public access to CA1 from the west off State Highway 8 is limited to the proposed public access easement “a-b” at the southern end of CA1.

This area, in association with adjoining public conservation lands, has great potential for a range of recreation activities, particularly tramping and hunting. There needs to be several access points to both facilitate access to the area, allow for potential shorter loop tracks, and facilitate egress in the event of an emergency.

An additional access point from State Highway 8 in the vicinity of the Lindis Creek bridge /Dalrachney turnoff would be appropriate. Public walking access on the existing track up the valley, or on an adjoining ridge to the north or south (see Map 4 below) would for example create the possibility of more circular routes north (Wether Hills Easement) or south (proposed easement “a-b”). People could be dropped off at one end, walk the track, and then picked up at the other end.



Map 4 Proposed additional public access to CA1 from State Highway 8 (in the vicinity of Lindis River bridge/Dalrachney turnoff) (source www.wams.org.nz)

Recommendation

The Commission *recommends* that an additional public walking access route from State Highway 8 to CA1 be provided, along the lines suggested above.

3. Public access to the western facing slopes approaching Lindis Pass

The approaches to Lindis Pass from the Ahuriri valley are part of an iconic landscape that is universally appreciated. Not only is it a fascinating and scenically attractive landscape, it draws people into wanting to explore some of it, and experience more of the natural world.

4. Public access on the pylon track (FH including CC2).

Good public use has been made of the pylon track to the south of Dunstan Downs, through the Lindis Conservation Area and private property to Goodger Road. The existing 'Pylon Track' is 19km one way. If the currently proposed designation of freehold with a conservation covenant was to be retained, similar use should be made of the pylon track north from the Lindis Conservation Area, through the proposed CC2 to State Highway 8 at approximately "a" (see Map 5 above).

A public access easement for walking and mountain biking (shown "a-x" on Map 5) would extend the existing "Pylon Track" track some 6km to the north, and would also enable a shorter 8-9km half loop walk/ride from "a" to the foot of the Lindis Pass (see dashed lines Map 5). People could be dropped off at one end, and then picked up at the other end

Recommendation

The Commission *recommends* that a public access easement providing for walking and mountain biking be established on the pylon track as shown in Map 5.

Conclusion

The Commission:

1. **Supports** the creation of the conservation areas (including grazing concessions) for the public access they will provide,
2. **Supports** the creation of the public access easement "a-b",
3. **Recommends** that practical public access be provided to and alongside the Ahuriri River,
4. **Recommends** that additional public access to CA1 from State Highway 8 be provided in the vicinity of the Lindis Creek bridge/Dalrachney turnoff,
5. **Recommends** that open public access be provided to the west facing slopes on the approach to the Lindis Pass, and
6. **Recommends** that a public access easement be created on the pylon track, for walking and mountain biking.

Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Dunstan Downs pastoral lease.

Yours sincerely



Ric Cullinane
Chief Executive

24 November 2020

**Crown Pastoral Land Consultation
NZ Game Animal Council –**

**Submission on Dunstan Downs
Property numbers: Po019**



1.0 About the Game Animal Council

The Game Animal Council (GAC), established under the Game Animal Council Act 2013, is a statutory agency with responsibilities for, inter alia, representing game animal hunters, and advising on and managing aspects of game animal hunting. Game animals are feral pigs, chamois, tahr, and all species of deer.

2.0 Management of Game Animals on Crown Pastoral Land (CPL)

The Game Animal Council has no direct mandate over private land, however:

(1) The Council has the following functions in relation to game animals that can apply to Crown Pastoral Land (CPL):

- (a) to advise and make recommendations to the Minister:
- (b) to provide information and education to the hunting sector:
- (c) to promote safety initiatives for the hunting sector, including firearms safety:
- (d) to advise private landowners on hunting:
- (e) to develop, on its own initiative or at the direction of the Minister, voluntary codes of practice for hunting:
- (f) to raise awareness of the views of the hunting sector:
- (g) to liaise with hunters, hunting organisations, representatives of tangata whenua, local authorities, landowners, the New Zealand Conservation Authority, conservation boards, and the Department of Conservation to improve hunting opportunities:
- (j) to operate voluntary certification schemes for professional hunting guides and game estates:

(k) to promote minimum standards and codes of conduct for certified hunting guides and game estates:

(l) to investigate complaints and take disciplinary action in relation to certified hunting guides and game estates:

The Game Animal Council acknowledges that lessees of Crown pastoral land have exclusive possession of the land within their lease and they may choose to have game animals or not. The GAC does have an advisory role if requested and also wants to work with lessees to improve hunting opportunities where possible.

3.0 Dunstan Downs Hunting Opportunities

This area is recognised for a number of values, with hunting being one such significant and important recreational activity in this area. The current open permit hunting areas which sit to the east and west of CC2, CA2 and CA3 provide limited access (walking), however, hunters are drawn from across New Zealand for the open tussock country experience. Having Dunstan Creek (CA2 and CA3, and eventually GC2) restored to Crown control will provide increased public conservation land for people to recreate and hunt on, and will provide an important link from the west (Lindis Pass side) to the east on the St Bathans Range.

The Game Animal Council wishes to see the following key principles recognised and provided for in the Dunstan Downs plan:

- a. Hunting access ways to public conservation land should be established, maintained or enhanced, and they need to be in a form suitable for hunters carrying firearms and accompanied by dogs (where dogs are permitted on the land the access is provided for).**
- b. Access provisions for vehicles to public conservation land are made certain and enduring; and that these vehicle access ways are maintained or enhanced.**
- c. Access provisions should be made certain and enduring through the use of legal instruments such as easements.**
- d. Where access is provided it should be the crown's responsibility to manage any negative effects that the access has on farming operations on that land. The cost of creating and maintaining access should be borne by the crown.**

4.0 Role of the Game Animal Council Post Tenure Review

The Game Animal Council has considerable expertise on game animal management and hunting both amongst Council members and within the wider hunting sector. The GAC offers its expertise and advice to the Commissioner on any aspects of access across CPL, policy formulation, consents for managing game animals or other hunting related matters.

The GAC is available to discuss or clarify any aspects of this submission.

Yours sincerely, on behalf of the Game Animal Council.

Tim Gale
General Manager
New Zealand Game Animal Council

021 688 531

<https://nzgameanimalcouncil.org.nz/>
<https://www.facebook.com/nzgameanimal/>

The NZ Game Animal Council is a statutory organisation responsible for the sustainable management of game animals and hunting for recreation, commerce and conservation.



23 October 2020

Senior Portfolio Manager
Crown Property Christchurch
Private Bag 4721
Christchurch 8140

c/o tenurereview@linz.govt.nz

Dear Senior Portfolio Manager for LINZ Tenure Review

DUNSTAN DOWNS TENURE REVIEW- PRELIMINARY PROPOSAL

Central South Island Fish and Game Council (CSIFGC) has reviewed the preliminary proposal for the tenure review of Dunstan Downs pastoral lease. Longslip Creek is an important spawning tributary to the Ahuriri River and the Dunstan and Bathans ranges provide game bird hunting opportunities, particularly for chukar.

Management

Section 26Q of the Conservation Act 1987 directs CSIFGC to manage, maintain and enhance the sports fish and game resource in the recreational interests of anglers and hunters. This includes assessing and monitoring sports fish and game bird populations and maintaining and improving the sports fish and game resource by maintaining and improving access amongst other functions.

The preliminary proposal includes a carpark at the area identified as 'a' on the Proposed Designations Plan ("the Plan"). The Plan designates an easement for public foot access from 'a-b'. Both of these designations provides for public access onto the conservation areas marked as CA1, CA2, and CA3. and GC1 and GC2 (subject to a grazing concession for periods of 15 and 10 years respectively). CSIFGC supports the Plan to provide for public access to these areas.

CSIFGC seeks that the conservation areas marked as CA1, CA2, CA3, GC1 and GC2 are available for game bird hunting, specifically upland game birds such as chukar.

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

Central South Island Region

32 Richard Pearse Drive, PO Box 150, Temuka 7948, New Zealand. Telephone (03) 615 8400
www.fishandgame.org.nz

It is noted that if a permit is issued by the Director General to a member of the public, then a gun may be carried on the Easement Area (a-b) for the purpose of gaining access to hunt on that land. It is also noted that the Grantor reserves the right to authorise hunters who hold current permits issued by the Director General to hunt on land accompanied by dogs. Both of these are critical for upland game hunting and it is considered that this should be provided for to recognise upland game bird hunting as a legitimate outdoor pursuit, which is in line with recreational activities that can be undertaken on Crown Land.

The proposal sets out that where gates are locked, the Grantor may require the Concessionaire to erect a stile near a locked gate. CSIFGC requests that public access is provided for over fence lines and that if a gate is locked, a stile must be erected to facilitate public access through conservation areas.

CSIFGC supports the fencing of waterways with appropriate buffers to exclude stock and to help maintain and improve water quality and instream health.

CSIFGC submits that marginal strips are applied to Longslip Creek in all instances where it runs through land designated as freehold in the Plan.

Regards

A handwritten signature in black ink, appearing to read 'Angela Christensen', with a stylized flourish at the end.

Angela Christensen
Resource Officer

To the Commissioner of Crown Lands

Re. Dunstan Downs Tenure Review Proposal.

I agree in principal to the Dunstan Downs tenure review proposal but would suggest a long term passive grazing concession instead of your proposed 10 & 15 year concessions

Having mustered & been over this property frequently over the last 40 years I have noticed a progressive improvement in vegetation cover since the removal of cattle & wethers over the last 10 years on the Dunstan Creek catchment with only ewes summer grazing.

My view is a long term passive grazing concession should be considered for the Dunstan Creek catchment being 1500 ewes for 3 summer months annually. This number of stock grazing should have no adverse effect on native vegetation or the environment long term, will control introduced grasses & reduce the fire risk.

Yours Sincerely,
Gerald Meares.

3292 Back Line Road

R.D.1. TIMARU.

18.11.2020

