

# Tenure Review of the Dunstan Downs Pastoral Lease – Summary of Substantive Proposal



**April 2022**

## Te Horopaki/Background

The 12,351-hectare Dunstan Downs pastoral lease is a gateway Mackenzie property located near Lindis Pass on State Highway 8, 16km west of Omarama. It varies in altitude from 580 to 2,080 metres above sea level, extending to the top of the St Bathans Range. A location map can be found in **Appendix One**.

The lease is held by Dunstan Downs Limited (the Holder), a company controlled by the Innes family, fourth generation leaseholders. It is a fine wool grazing run which also operates ecotourism activities under an existing recreation permit.

Advice on the inherent values of the lease was provided by the Department of Conservation (DOC) in the form of a Conservation Resources Report in 2002. The CRR has been supplemented by information gathered during the consultation phases.

Following public notification of the preliminary proposal, a substantive proposal has been put to and accepted by the Holder. The Proposal provides for the protection of over 99% of the lease (12,251 hectares) as a conservation area. The remaining 99 hectares are designated for freehold disposal, with 2.2ha subject to a conservation covenant.

A plan showing the substantive proposal designations for Dunstan Downs (the **Plan**) together with a copy of the substantive proposal can be found [here](#) (the **Proposal**).

## Consultation & public submissions

The Dunstan Downs preliminary proposal was advertised for public submissions in September 2020 and 31 submissions were received: 18 from national or regional organisations, and 14 from private individuals. A report analysing the submissions together with full copies of individual submissions can be found [here](#).

The submissions expressed strong support for the proposed conservation areas. However, a number of submitters sought greater protection of the lease and improved public access. Some submitters expressed a preference for an outcome that would see all of the lease except for the homestead and curtilage designated as a conservation area.

Consultation was undertaken with the Director-General of Conservation (DGC) and Holder to seek their views on accepted points from the public submissions and changes to the preliminary proposal.

The main changes to the preliminary proposal are (a) an increase in size of the proposed conservation area from 77% of the total lease area to 99% and (b) provision is now made for a 2.2ha conservation covenant in the Dunstan Creek catchment.

The main points arising from the public submissions and how they have been addressed in the Proposal are summarised in **Appendix Two**.

## Summary of the Substantive Proposal Designations

The Dunstan Downs substantive proposal designations are summarised below.

**CA1 – conservation area of approximately 12,251 hectares**



Figure 1: Remnant shrublands and Totara in McLay's Creek catchment 📷 QV

CA1 is shaded pink on the Plan and comprises of two distinct areas. The Longslip Creek area which encompasses the western flanks of the Wether and Dunstan Ranges. The area contains significant landscape values and a diverse range of plant communities and species including remnant podocarp forest with Halls totara and mountain toatoa, shrublands, tussock grasslands, screes, boulder fields and fellfield communities. The area adjoins existing conservation areas and provides linkages between the Central Otago, Mackenzie and Waitaki ecological regions.

The second area comprises of the Dunstan Creek catchment, a broad montane valley bounded by high mountain ranges. The area has a good diversity of plant communities and species with high natural integrity. Vegetation ranges from shrublands and short tussock grasslands in the valley floors through to good snow tussock and mountain fescue tussock grasslands. It also includes cushion field communities, screes, boulder fields and fellfield communities, alongside montane bogs and wetlands with areas of sub-alpine shrublands. The valley provides a dramatic and remote environment for recreational activities including tramping, fishing, mountain biking, horse riding, and cross-country skiing.



Figure 2: Dunstan Creek Catchment 📷 QV

CA1 is subject to an easement in favour of the Holder to provide access to a small area of freehold land discussed below and labelled CC1 on the Plan. It is also subject to an easement for the conveyance of water from an existing source to the proposed freehold land and an easement to protect an existing telecommunications site.

**Freehold land of approximately 99 hectares**



*Figure 3: Looking down towards farm base* 📷 LINZ

Two areas (shaded green on the Plan and labelled FH1 and FH2) of around 97 hectares are designated for unencumbered freehold disposal. These areas comprise of the homestead block and cultivated paddocks between SH8 and the Ahuriri River. This area has been extensively modified for farming use through cultivation, oversowing and topdressing and farm base development. No SIVs have been identified within these areas with little indigenous vegetation remaining.



*Figure 4: Mustering huts within CC1* 📷 LINZ

The balance comprising of 2.2 ha of land in the Dunstan Creek catchment is designated for freehold disposal subject to a conservation covenant (shaded yellow on the Plan and labelled CC1). Two mustering huts and a woolshed are located within this area that have strong heritage links to the Innes family. The Holder plans to use the huts in connection with its ecotourism and horse trekking business. This area has been significantly modified through stock concentration. The purpose of CC1 is to facilitate retention of the huts and provide an opportunity for ecotourism. The area will not be grazed other than through holding horses at the hut.

The proposed conservation covenant will ensure the area is managed in a manner that is compatible with surrounding conservation land. The covenant includes provision for the construction and maintenance of an accommodation unit subject to consent from the Minister of Conservation on the design specifications. It would also need to obtain all applicable consents under the Resource Management Act 1991.

## Objects of Part 2 of the CPLA

The objects of tenure review are set out in section 24 of the CPLA:

- (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 Proposal is considered to meet these objects as it:

- Promotes the management of reviewable land in a way that is ecologically sustainable (section 24(a)(i)) through the retirement of 99% of the lease from grazing by domestic stock (CA1), and limiting economic uses to those parts of the lease that have demonstrated an ability to support such uses while promoting ecological sustainability.
- Subject to section 24(a)(i), enables the reviewable land capable of economic use to be freed from the management constraints of pastoral lease tenure (section 24(a)(ii)). The proposed freehold land has limited economic uses for farming purposes but will enable the continuation of the Holder's ecotourism activities. There is potential for the freehold land to be further subdivided into two lifestyle blocks.
- Provides for the protection of significant inherent values through the return to full Crown ownership of 12,251 hectares as conservation area (section 24(b)(ii)). It also provides for the protection of significant inherent values on a small pocket of freehold land (CC1) through a conservation covenant over the area (section 24(b)(i)).

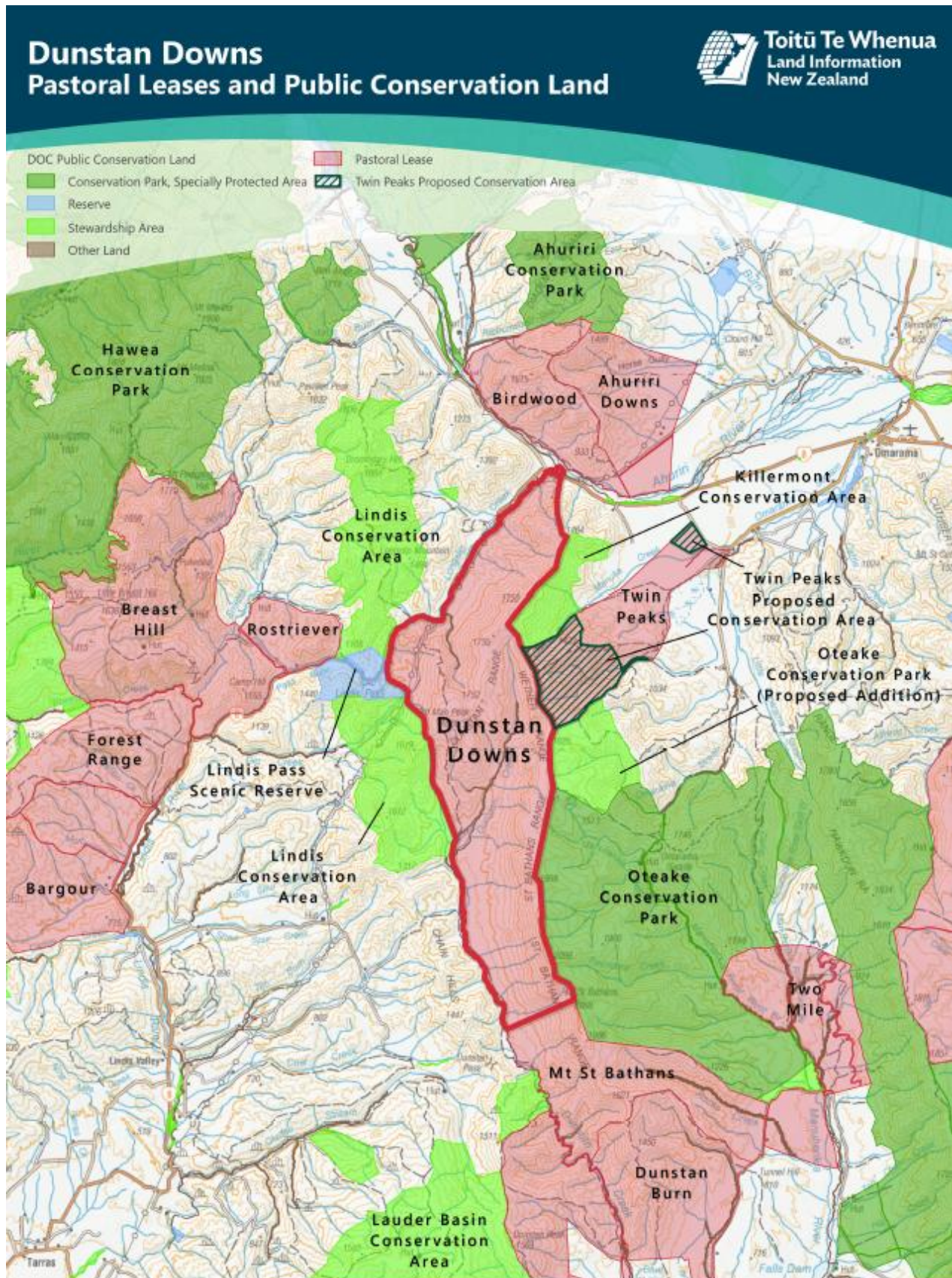
- Secures public access to and enjoyment of 12,251 hectares of land through its addition to the conservation estate (section 24(c)(i)). Access to the Ahuriri River is catered for by a practical marginal strip adjacent to Longslip Creek which joins the river at the northern end.
- Provides for 99 hectares of freehold land (section 24(c)(ii)) with 2.2 hectares subject to a conservation covenant. These areas have been extensively modified for farming and includes two dwellings, various buildings used for commercial accommodation, the station huts, the woolshed and sundry farm buildings.

## Other matters taken into account

Section 25 of the CPLA requires the Commissioner to take into account:

- The principles of the Treaty of Waitangi. A Cultural Values Report was obtained from Te Rūnanga o Ngāi Tahu, which has informed the development of the Proposal. Te Rūnanga o Ngāi Tahu was also consulted on the preliminary proposal as required under section 44 of the CPLA and provided further advice that informed the development of the Proposal.
- Whether the land or any part of it is required for any other Crown purposes. No other Crown purposes have been identified for this land.

# Appendix One – Dunstan Downs Location Map



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**Te Kāwanatanga o Aotearoa**  
New Zealand Government

## Appendix Two – Summary of main public submissions and how they have been considered in the Proposal

Submission Points	Response
10 submissions recommended that provision should be made for public access to Old Man Peak. The form of access requested varied from non-motorised to 4WD.	This point was accepted for further consideration. Public access will now be available within the proposed conservation area. Vehicle access is not specifically provided for and will be determined as part of DOC management for the area.
Seven submissions recommended that the entire lease (other than Homestead and curtilage area) should be returned to full Crown ownership to protect SIVs.	This point was accepted for further consideration. This is essentially the outcome achieved with over 99% of the lease to be restored to the Crown.
14 submissions suggested that CC1 should be restored to full Crown ownership and control.	This point was accepted for further consideration. This is the outcome put forward in the substantive proposal.
Eight submissions suggested that CC2 should be designated a conservation area or scenic reserve with consideration given to the granting of a phase out grazing concession.	This point was accepted for further consideration. A five-year grazing concession was offered to the holders, but not pursued. CC2 is now designated a conservation area.
15 submissions thought provision should be made for public access over the Pylon track. Some submitters sought vehicle access, while others sought foot access only.	This point was accepted for further consideration. Public access will now be available within the proposed conservation area. As discussed, vehicle access is not specifically provided for and will be determined as part of DOC management for the area.
Seven submissions stated support for the proposed public access easement 'a-b'.	This specific route is no longer required as this is now within the conservation area.
Four submissions suggested that the proposed carpark at point 'a' should be larger.	This area is now within the conservation area. Parking requirements will be determined as part of DOC management for the area.
15 submissions provided statements of support for conservation area CA1. Three of these submitters also suggested for CA1 to encompass additional areas.	This point was accepted for further consideration. This is essentially the outcome achieved with over 99% of the lease to be restored to the Crown.
15 submissions provided statements of support for conservation area CA2.	CA2 has been retained as part of a larger CA1.
14 submissions provided statements of support for conservation area CA3.	CA3 has been retained as part of a larger CA1.
In their submission, the Canterbury Aoraki Conservation Boards suggested that the concession easement, 'm-n' should preclude track realignment and visible earthworks.	This point was accepted, and the easement does not allow for this.
12 submissions provided statements of support for grazing concession GC1.	A grazing concession was offered to the holders, but not pursued.
11 submissions provided statements of support for grazing concession GC2.	This point was accepted for further consideration. After consideration of all the public submissions, many of which



	considered ongoing grazing would not adequately protect SIVs, this concession is no longer included in the Proposal.
10 submissions suggested changes to grazing concession GC1, including a reduced term and additional restrictions on stock and farming activities.	This point was accepted for further consideration. A grazing concession was offered to the holders, but not pursued.
Six submissions suggested changes to grazing concession GC2, including a reduced term and additional restrictions on stock and farming activities.	This point was accepted for further consideration. As discussed, this concession is no longer included in the Proposal due to the assessed impact on the SIVs.
Three submissions recommended that CC2 be extended north to the McLays Creek bridge. The submitters also indicate a preference for Crown control, possibly with a phase out grazing concession.	This point was accepted for further consideration. A grazing concession was offered to the holders; however this was not pursued. CC2 is now designated a conservation area.
Six submissions suggested tighter conditions for conservation covenant CC2.	It is now proposed that this area is restored to Crown control.
Five submissions proposed that the eastern boundary between the freehold land and CA1 should be at a lower altitude and not aligned to the existing fences.	This point was accepted and the altitude band of the proposed freehold reduced.
Two submissions stated support for the continuation of existing easements.	The existing easements will continue in accordance with the provisions of the CPLA.
The Central Otago Environment Society suggested that provision should be made for public access from the Morven Hills boundary to the carpark at 'a'.	This point was accepted for further consideration. Public access will now be available within the proposed conservation area.
Three submissions provided statements of support for conservation covenant CC2 (in some cases tagged with request for access to GC1 and CA3).	It is now proposed that this area is restored to full Crown ownership and control. Access will be determined as part of the management of this area.
Three submissions recommended that provision should be made for additional public access to the Whether Range.	With the adjacent land now proposed as a conservation area, public access will be available.
Three submissions recommended that information contained in an updated landscape assessment should be taken into consideration.	This point was accepted for further consideration and was one of the contributing factors for the significantly enlarged conservation area.
One submitter recommended that GC2 be considered a 'remote experience area' and that vehicles should not be permitted.	This concession is no longer included in the Proposal due to the assessed impact on the SIVs. Vehicle access is not specifically provided for and will be determined as part of DOC management for the area.
Four submissions provided statements of support for the proposed freehold land subject to boundary changes identified in other submissions.	This point was accepted for further consideration. After consideration of all the public submissions, many of which considered ongoing grazing would not adequately protect SIVs, very little freehold is now being offered.

One submitter provided a statement of support for CC1.	After consideration of all the public submissions the land contained in this covenant is now being restored to full Crown ownership and control.
Federated Mountain Clubs provided a statement of support for easement concession 'm-n'.	The easement has been retained.
Four submissions requested that the public be able to use the huts and woolshed in Dunstan Creek during the term of the proposed grazing concessions. With one requesting that these remain in place at the expiry of GC2.	This point was accepted for further consideration. As these huts do not meet the standard required for public ownership it is not possible to provide public access to the huts. This proposal will allow the current holders to retain ownership of the huts and may make them available to members of the public at their discretion.
Federated Mountain Clubs suggested that the land between SH8 and the Ahuriri River be designated as conservation area.	This point was accepted for further consideration. The area was reassessed for significant inherent values. No such values were identified. Therefore this area does not meet the criteria for retention by the Crown and freehold disposal is the appropriate outcome.
Three submissions recommended that a conservation covenant be created over land proposed for freehold disposal to protect landscape values.	This point was accepted for further consideration. With the restoration of over 99% to Crown control, a covenant over the remaining freehold is not considered necessary.
Two submissions recommended that the land should be retained as a pastoral lease if a proposal that achieves protection of all SIVs cannot be achieved.	The proposal protects all identified SIVs.
One submitter provided a statement of support for the exclusion of 4WD access from public access easements.	As the proposed conservation areas embody all the previous easement routes, no separate public access easement is required. Vehicle access is not provided for in the proposal. DOC may consider this as part of the management of the proposed conservation area.
Two submissions suggested that information on the recreational opportunities and benefits of the Dunstan Downs pastoral lease be provided.	With the restoration of the majority of the lease to Crown control, future recreation options will be determined as part of the ongoing management of this area.
One submitter provided a statement of support for the exclusion of public access over the track to Old Man Peak.	The track over Old Man Peak will now be within the proposed conservation area. The form of access will be determined as part of the DOC management of this area.
Two submissions recommended that the land located above the dividing fence within CC2 should be retained in full Crown ownership.	This outcome is included in the Proposal.
The Otago Conservation Board recommended that the boundary of CA1 should be extended to encompass an area known as Mother Raymonds Gully.	This outcome is included in the Proposal.
Two submissions suggested changes be made to the proposal to ensure practical public access from SH8 to the Ahuriri River is provided.	This point was accepted for further consideration. The access to the Ahuriri River area was reassessed. Practical access is available via the marginal strip adjacent to Longslip Creek. As Dunstan Downs only has 400m of frontage onto the Ahuriri River which is also subject to a marginal strip, additional access is not required.

The New Zealand Walking Access Commission suggested public access should be provided to the faces north of Lindis Pass Scenic Reserve.	With the expansion of the conservation area, public access will now be available.
Four submissions provided statements of support for the Preliminary Proposal.	After consideration of all the public submissions, many of which considered ongoing grazing would not adequately protect SIVs, the proposal has been substantially modified with the majority of the lease now to be restored to Crown control.
The Otago Conservation Board recommended that provision be made for a conservation covenant adjacent to CA1 down to the 900m contour.	With the restoration of this land to Crown control this covenant is not required.
The Central South Island Fish & Game Council supported fencing of waterways.	The only waterways associated with the proposed freehold are short section of the Ahuriri River and Longslip Creek. Both are currently fenced.
Four submissions suggested that public access easements should provide for the carriage of guns.	The Proposal no longer includes a public access easement. The public may apply to the Director General of Conservation for hunting permits.
11 Submissions had concerns that the Conservation Resources Report and other information relied on to devise the Preliminary Proposal was out of date and should be updated.	This point was not accepted for further consideration as it related to the tenure review process and not the Proposal. However, public submissions from Environmental Defence Society, Forest and Bird and Federated Mountain Clubs and other parties highlighted the significant landscape values associated with this area. DOC technical advisors also visited the lease throughout the tenure review to provide further information. The Proposal now designates over 99% of the lease to be restored to the Crown.
One submitter recommended public access be provided to CC1.	Public access was provided under the preliminary proposal. CC1 is now included as part of the expanded conservation area.
Two submissions commented that the inspection as part of the public notification was inadequate.	This point was not accepted for further consideration as it related to the tenure review process and not the Proposal.
Three submissions suggested that the proposal should take account of the Climate Change Response (Zero Carbon) Amendment Act 2019.	The Commissioner is not responsible for the administration of this Climate Change Response (Zero Carbon) Amendment Act 2019. While this legislation is of significance to all activities in Aotearoa, it is not a factor in determining designations under the Act. The point was therefore disallowed.
Six submissions recommended that the natural attributes of Dunstan Downs are acknowledged.	The natural attributes of Dunstan Downs were identified and recognised during the development of the preliminary proposal and substantive proposal. No new information was introduced and therefor the point was not considered. The Proposal now designates over 99% of the lease to restored to the Crown.
One submitter requested that Department of Conservation management of the land should not preclude access to trig points.	The point relates to post tenure review management of the reviewable land which is not permissible under the provisions of the Act.
Four submissions requested provision should be made in access easements for the public to be accompanied by dogs.	As the proposed conservation areas embody all the previous easement routes, no separate public access easement is required. Dog access will be determined as part of DOC management for the area.

Two submissions had concerns relating to the conduct of the tenure review process.	This point was not accepted for further consideration as it related to the tenure review process and not the Proposal.
The Environmental Defence Society recommended that the tenure review should consider the Ahuriri River Conservation Order.	The Commissioner is not responsible for the administration of the Ahuriri Conservation Order. While the Order is of significance to activities that may affect the Ahuriri River system, it is not a factor in determining designations under the Act. The point was therefore disallowed.
The Environmental Defence Society questioned the validity of a tenure review Cabinet Minute.	This point was not accepted for further consideration as it related to the tenure review process and not the Proposal.
The Environmental Defence Society requested to be consulted on the substantive proposal.	This is not a matter relating to the designations established in the Preliminary Proposal. The point was therefore disallowed.
One submitter recommended that easement concession 'm-n' should not be granted.	The easement concession was required to secure access to the Dunstan Creek Huts contained in CC1.
Four submissions requested that the boundaries of CC1 be fenced.	CC1 is now included as part of the expanded conservation area.
The Otago Fish & Game Council requested that an existing marginal strip adjacent to Dunstan Creek remain.	No changes to marginal strips were suggested under the Proposal. It is noted that the land adjacent to Dunstan Creek is designated to be restored to full Crown ownership and control as a conservation area, removing the requirement for a marginal strip.
The Otago Fish & Game Council requested that the Proposal provide for access to Dunstan Creek from the St Bathans Loop Road.	The land between Dunstan Downs and the St Bathans Loop Road does not form part of the Dunstan Downs tenure review and cannot be considered in this context.
Two submissions stated opposition to the granting of recreation permits over the proposed conservation areas.	No recreation permits are to be created under the Proposal.
Federated Mountain Clubs requested that the the public access easements need to clearly set out the circumstances under which temporary closure can occur.	As the proposed conservation areas embody all the previous easement routes, no separate public access easement is required.
Federated Mountain Clubs requested that Land retained by the Crown be designated as stewardship land.	The point relates to post tenure review management of the reviewable land which is not subject to the provisions of the Act.
Three submissions requested acknowledgement of the existing management of the lease.	This is not a matter that the Commissioner is able to consider. Less than 1% of the lease is available for freehold disposal. This is the residual area after the recognition of the significant inherent values elsewhere on the lease.
Three submissions requested provision be made for horse gates on all public access routes.	The point relates to post tenure review management of the reviewable land which is not subject to the provisions of the Act.
Three submissions requested that consideration be given to an alternative public access route to that currently proposed over 'a-b'.	As the proposed conservation areas embody all the previous easement routes, no separate public access easement is required. The Proposal now designates over 99% of the lease to be restored to the Crown.

Mackenzie Guardians Incorporated suggested that the proposal should provide for additional protection of values and the provision of additional access.	The submission did not specify where changes to the proposal are sought. The Proposal now designates over 99% of the lease to be restored to the Crown.
One submission was opposed to the granting of a grazing concession over GC1.	A grazing concession was offered to the holders, but not pursued.
One submission was opposed to the granting of a grazing concession over GC2.	This concession is no longer included in the Proposal due to the assessed impact on the SIVs.
Three submissions raised general concerns about the adequacy of proposed public access easements and routes.	The Proposal now secures public access to and enjoyment of 99% of the reviewable land.
The New Zealand Deerstalkers Association raised Concerns about the proposed split between conservation areas and land identified for freehold disposal.	The submitter did not provide specific details of the changes sought or new information.
The Central Otago Environment Society requested that conservation areas CA1, CA2, CA3, GC1 and GC2 be available for game bird hunting.	This is a management issue for the administering agency post tenure review and not a matter for the Commissioner to determine.
The Central Otago Environment Society requested that stiles be required where a gate is locked on a public access route.	This is a management issue for the administering agency post tenure review.
Marginal strips should be created adjacent to Longslip Creek.	The Commissioner has advised the Director-General of Conservation of the proposed disposition of Crown land. No response has been received. It was noted that moveable marginal strips were created under the previous lease renewal.