

Crown Pastoral Land Tenure Review

Lease name : MT DASHER

Lease number : PO 030

Public Submissions – Part 3

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

These submissions are released under the Official Information Act 1982.

May

16

Submission 9

10 December 2015

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

Preliminary Proposal for Tenure Review of Mt Dasher 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 Mt Dasher pastoral lease. As you will appreciate, this is the first opportunity that the New Zealand Walking Access Commission (the Commission) has had to comment on this proposal.

The following submission should be considered as new information as, to-date, the tenure review planning, extensive discussion and consultation have been undertaken without input from the Commission – the statutory body established in 2008 to lead and support public access negotiations.

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:

- Supports public access along the easement labelled 'a-b-c', where the existing track deviates from the legal road alignment on the designation plan, and also recommends public access by vehicle and horse be permitted in addition to the proposed foot access.
- Seeks to have public access on foot and with vehicles and horses over the easement b-d to provide public access from Mole Hill Road to the conservation area GC1.

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.

Central to its role is the Commission's leadership functions in 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 Mt Dasher 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.

The Commission was not consulted during the preparation of this preliminary proposal, nor has the Commission had the opportunity to undertake a ground inspection.

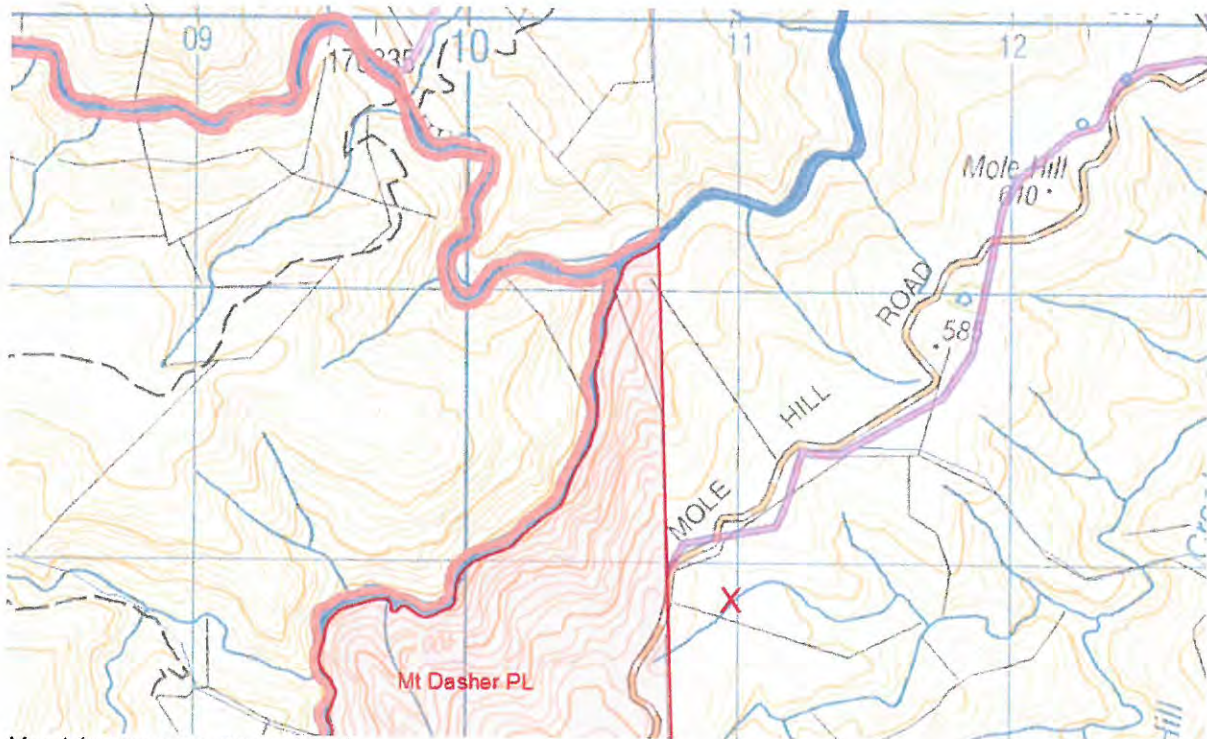
Therefore, this submission should be considered as new information provided by the Crown agency with statutory responsibility¹ for leading and supporting the negotiation, establishment, maintenance, and improvement of –

- walking access (including walkways, which are one form of walking access) over public and private land; and
- types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, and motor vehicles.

B. Submission

Existing public access

Mole Hill Road is a legal road, providing vehicle access to the northern end of Mt Dasher pastoral lease. This legal road ends on the eastern boundary at point X on Map 1 below. (Note that legal roads are shown purple in the following maps). A formed track continues south providing vehicle access through the pastoral lease.



Map 1 (source www.wams.org.nz)

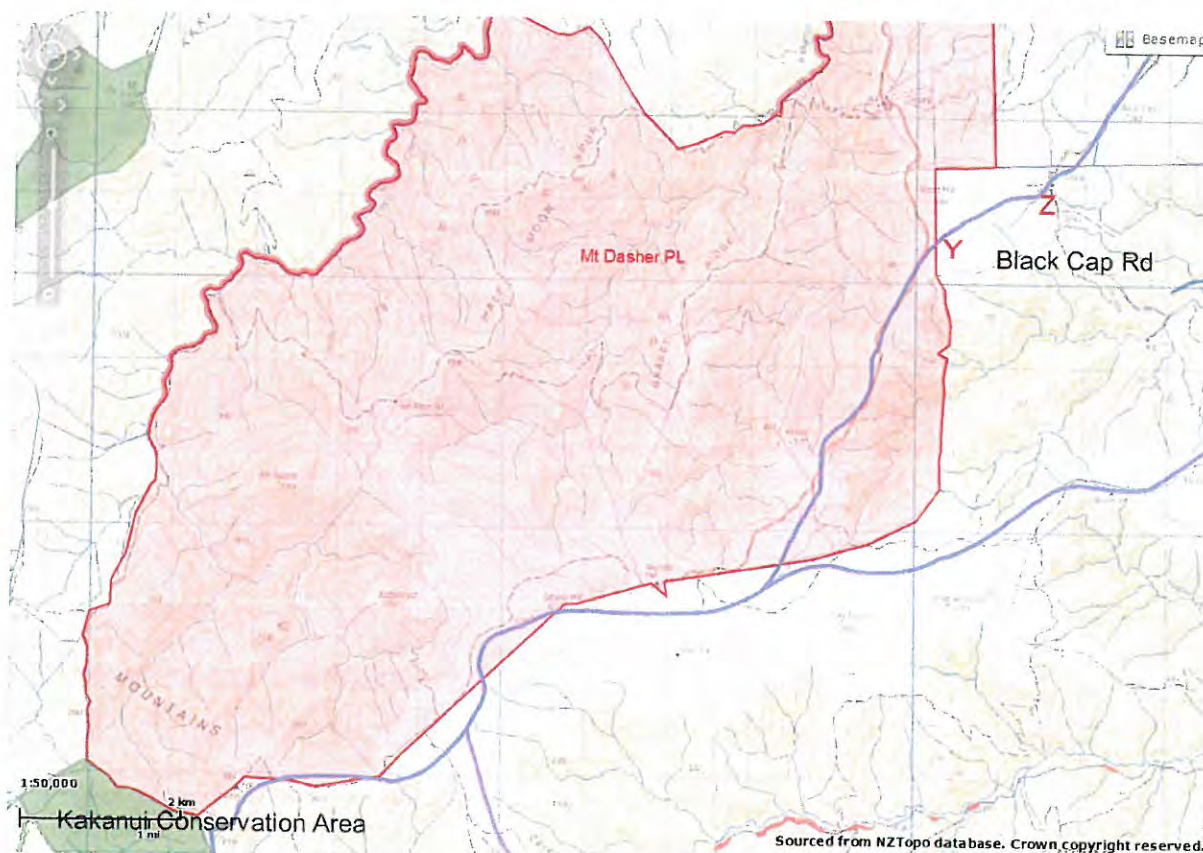
¹ Section 3(b) Walking Access Act 2008

Black Cap Road provides legal access generally to the mid-section of the pastoral lease intersecting the eastern boundary of the pastoral lease at point Y approximately 600m south of Scout Hill – see Map 2 below.

Black Cap Road is not formed from the airstrip and hut, indicated by point Z on Map 2, to the boundary of the pastoral lease, indicated by point Y.

For approximately 3.5km south of point Y, a vehicle track is on the legal road alignment.

This road then traverses, unformed, in and out of the pastoral lease, south and west, before intersecting with the Kakanui Conservation Area at the southern end of the pastoral lease.



Proposed Public Access

The Preliminary Proposal provides for a DOC management easement from Mole Hill Road but there appears to be no reason why public access to the conservation area GC1 should be excluded from this easement.

Practical, enduring public access should be provided from Mole Hill Road in the north through to the proposed Conservation Area GC1 as Mole Hill Road is the only legal access that is formed to the boundary of the pastoral lease.

Public non-motorised access is provided for from Black Cap Road via a proposed easement a-b-c in the Preliminary Proposal, over the existing track.

As noted in previous section, above, the track follows the legal road for approximately 3.5km. Therefore, public vehicle and horse access should also be provided for on those sections of the easement a-b-c where that easement falls outside of the legal road alignment.

Recommendation

The Commission supports the creation of the easement a-b-c to provide public foot access over the sections of the track which do not fall within the road alignment where Black Cap Road traverses south within the pastoral lease – to provide public access to the new conservation areas CA1 and GC1. In addition, the Commission also recommends that public are able to access the two conservation areas using vehicles and horses.

The Commission also recommends that public vehicular and horse access is provided along the proposed easement d-b to allow practical public access from Mole Hill Road south to join up with the proposed access a-b-c.

Conclusion

The Commission:

1. **Supports** public access (shown with a dashed orange line and labelled 'a-b-c' on the designation plan),
2. **Seeks** to have public access for vehicles and horses over this easement a-b-c (where the easement is established outside of the existing legal road), and
3. **Seeks** to have public access on foot and with vehicles and horses over the easement b-d.

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

Yours sincerely



Mark Neeson
Chief executive

Submission 10



11 December 2015

The Commissioner of Crown Lands
Land Information New Zealand
Crown Property and Investment
CBRE House, 112 Tuam Street
Private Bag 4721
CHRISTCHURCH 8140

Dear Sir

SUBMISSION ON PROPOSED TENURE REVIEW: MT DASHER PASTORAL LEASE

Enclosed is our submissions on the preliminary proposal for Mt Dasher Pastoral Lease on behalf of the New Zealand Plant Conservation Network.

Thank you for the opportunity to make submissions on this proposal.

Yours sincerely

A rectangular area containing a handwritten signature in blue ink, which appears to be "Rewi Elliot".

Rewi Elliot
NZPCN Submissions Subcommittee
11 Burnham Street
Lower Hutt
Wellington



11 December 2015

Manager
Land Information NZ
Crown Property and Investment
Private Bag 4721
CHRISTCHURCH 8140

Dear Sir

SUBMISSION ON PROPOSED TENURE REVIEW: MT DASHER PASTORAL LEASE

We appreciate the opportunity to comment on the submission on the proposed tenure review of Mt Dasher Pastoral.

This submission is written on behalf of the New Zealand Plant Conservation Network which has approximately 800 members, many with strong interests in High Country plant conservation values. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

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

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

This submission is made on the basis of an inspection trip undertaken by Alan Mark with other NGO's at the early warning stage in 2011 and more recently in November 2015, and the Conservation Resources Reports (CRR) from 2005 and 2011 (CRR).

The **proposal** for this 7,134 ha property has changed considerably since this time and is **much improved**, particularly with the **substitution of Crown management and control** of the substantial areas that previously were proposed as Conservation Covenants. Alan Mark raised considerable concern for this aspect of the initial proposal.

There are many significant intrinsic values described by Comrie (1992) for the Dasher RAP: "The combination of relatively unmodified vegetation and volcanic landforms makes the Dasher RAP one of the most valuable in Dansey Ecological District", and also recognised in the Conservation Management Strategy for Otago (Special Place14: Kakanui), and in DOC's Conservation Resources Report, and also as a recognised Geopreservation Site (No. 296: Dasher), would all be adequately protected (see Plates 1 and 2). **We therefore confirm the Significant Inherent Values (SIV) of this**

total area, and strongly endorse the proposal for its retention in Crown control, for management in the public interest. We note there is to be monitoring of the GC1 area by the concessionaire to ensure its sustainable management and retention of the significant inherent values. We **recommend this monitoring** to be with the use of **permanent photographic points**, to be situated **at appropriate sites** and of **adequated coverage**, in consultation with the Department of Conservation.

However, there are also important landscape and ecological values (basalt boulderfields, healthy stands of tall narrow-leaved snow tussock (*Chionochloa rigida*) grassland, and localised copper tussock (*C. rubra* subsp. *cuprea*) dominated wetlands) in an area contiguous with and downslope from the GCC area (see Plates 3 and 4), in the upper reaches of the South Kakanui, Quinns and Hector catchments, mostly Class VII Land Capability (i.e. vulnerable to erosion and with very limited productive potential). These areas have been identified as “significant areas” of Landscape Units 2 and 3 in the Resources Report (see Map: Figure 5). Both of these **contiguous ‘Significant Landscape Units’** justify recognition and it is **strongly recommended that they be given appropriate protection under the Crown Pastoral Land Act.** We recommend they be **designated as a single Conservation Covenant with a no-burning condition**, not only to retain their landscape, ecological, biodiversity, soil conservation and Carbon storage values, but, as important, their value for maximising water production, as is now generally recognised and accepted as an aspect of ecosystem services, on the basis of considerable research on the Otago uplands (Holdsworth & Mark 1990; Mark & Dickinson 2008; Mark *et al.* 2012), including as-yet unpublished research nearby, in the Dansey Pass area.



Photograph: Alan F. Mark, FRSNZ KNZM, Emeritus Professor

Plate 1: View east from near Siberia Hill (1,272 m), across to the impressive volcanic plug of Kattothyrst, 1,293 m, showing a variable cover of heavily-flowering snow tussock in the low-alpine grassland, and a localised basalt boulderfield below the summit. The impact of a herd of c.200 cattle within the Covenant and cropping the snow tussock flower heads, when visited in February 2011, would be excluded under the current proposal for a Crown-protected area.



Photograph: Alan F. Mark, FRSNZ KNZM, Emeritus Professor

Plate 2: An impressive rock outcrop near Siberia Hill with a highly diverse mixture of alpine plants, including *Celmisia densiflora*, *C. lyallii*, *Aciphylla gracilis*, *A. aurea*, *Hebe buchananii*, *Gaultheria crassa*, *Leucogenes grandiceps* (S.I. Edelweiss), *Brachycome haastii*, *Brahyglottis bellidifolia*, *Raoulia subsericea*, *Prasophyllum colensoi* and *Chionochoa rigida*. February 2011.



Photograph: Alan F. Mark, FRSNZ KNZM, Emeritus Professor

Plate 3: A localised basalt boulderfield associated with an extensive area of tall snow tussock grassland near Mitchell's Hut but within the area proposed for freeholding. Such areas, are not uncommon below the boundary of the proposed GC1 and justify recognition as Conservation Covenants with a no-burning condition. Here the boulderfield is associated with a fringe of shrubs, including snow totara (*Podocarpus nivalis*), *Coprosma ciliata*, *Dracophyllum longifolium* and *Hebe rakaiensis*, plus golden spaniard (*Aciphylla aurea*). February 2011.



Photograph: Alan F. Mark, FRSNZ KNZM, Emeritus Professor

Plate 4: View of the Mt Dasher skyline from below Mitchell's Hut (upper centre of photo) showing two large boulderfields surrounded by healthy tall snow tussock grassland, in the upper Quinns Creek catchment, below the proposed GC1/freehold boundary. This area should have a Conservation Covenant designation with a no-burning condition to protect the obvious manifold Significant Inherent Values. 10 October 2015.

The **proposed Conservation Covenant of 55 ha in Hector's Creek (CC1)**, containing mixed forest remnant stands and associated shrublands, is described as RAP4 in Comrie's PNA Report (Comrie 1992). This area could not be visited in the time available but was viewed from near the main access track less than a kilometre distant, with binoculars, in the deeply incised Hector's catchment (Plate 6). These stands are clearly of **Significant Inherent Value (SIV)**, being of considerable ecological significance as remnants of the pre-human-settlement forest in this Ecological District. The remnants still retain a representative biodiversity, as described in Comrie's PNA report. Being too steep for a practicable fenced boundary, **a formal covenant is justified and is strongly recommended, extending down Hectors Creek to the property boundary and both upslope and upstream to contain all of the woody remnants plus an adequate buffer. Also strongly recommended, there should be a no-burning or spraying covenant is justified and is strongly recommended, extending down Hectors Creek to the property boundary and both upslope and upstream to contain all of the woody remnants plus an adequate buffer. We endorse the conditions recommended for this proposed Covenant: no-burning or chemical spraying or intentional top-dressing.** We also note that, under 'covenant conditions: implementation', the Minister 'may' require both a 'management plan' and a 'monitoring plan' for this covenanted area. We strongly support the development of both such plans, given the ecological importance of this area.

The designation by the Department of Conservation of a **marginal strip up to 100 m width in the South Branch of the Kakanui River** is also **strongly recommended** as an adjunct of this tenure review, to enable some protection to the important riparian vegetation and biodiversity (including some threatened species: *Carmichaelia kirkii*, *Teucrium parvifolium* *Celmisia hookerii*) here, as described in the Resources Report.

Public access is a very important aspect to consider in any tenure review proposal. This is particularly the case with Mt Dasher, given the extended shape of the property, and the remoteness of the area recommended for protection; also, beyond this, is the main axis of the Kakanui Mountains at its most remote eastern end. The Mole Hill Road, which we used as access, crosses some freehold land and apparently the actual road does not always coincide with the legal 'paper' road, despite it being maintained by the District Council before it becomes a private road which apparently, is maintained by the lessee, Mr Simm. We understand that Mr Sim, is agreeable, in principle, to

discretionary walking, mountain bike, and perhaps horse access, and even 4WD vehicles across the freehold portion of his property. It would be most desirable if such access could be formalised as an aspect of tenure review (perhaps using an agreement to not unreasonably deny such access, with a fee-paying basis to be agreed to for maintenance purposes), at least as far as the boundary of the land proposed for freeholding, i.e. Mitchell's Hut. Here it would border public conservation land with unrestricted public access as of right. This 4WD track extends north-westward across the Hector Plateau to pass Trig B, "Obi", on the boundary of the property, from where there is a continuation of the track, providing very steep access to the highway in the Shag Valley (NOTE: this access is much more challenging than that through the Mt Dasher property).



Photograph: Alan F. Mark, FRSNZ KNZM, Emeritus Professor

Plate 6: View down into Hectors Creek catchment from near the access track, showing patches of forest and associated shrubland remnants which, together with an adequate buffer, justifies recognition as a Conservation Covenant, with a no-burning or spraying condition. The area is part of RAP 4 of Comrie (1992). February 2011.

We trust that this response and its recommendations will be given serious consideration.

Yours sincerely



Rewi Elliot
NZPCN Submissions Subcommittee
11 Burnham Street
Lower Hutt
Wellington

REFERENCES

- Comrie J. 1992: *Dansey Ecological District*: Survey report for the Protected natural Areas Programme. Dunedin. Department of Conservation.
- Holdsworth D.K. and Mark A.F. 1990: Water and nutrient input:output budgets: effects of plant cover at seven sites in upland snow tussock grasslands of eastern and Central Otago. *Journal of the Royal Society of New Zealand* 20: 1-24.
- Mark A.F., Barrett B.I.P., and Weeks E. 2012: Ecosystem services in New Zealand's indigenous tussock grasslands: Condition and trends. In: J. Dymond (ed.): "*Ecosystem services in New Zealand - conditions and trends.*" Lincoln, Manaaki Whenua Press. 1-33.
- Mark A.F. and Dickinson K.J.M. 2008: Maximising water yield with indigenous non-forest vegetation: a New Zealand perspective. *Frontiers in Ecology and the Environment* 6(1): 25-34.

Submission 11



Dunedin Branch
PO Box 5793
Dunedin 9058

The Commissioner of Crown Lands,
Land Information New Zealand,
Crown Property and Investment,
CBRE House, 112 Tuam Street,
Private Bag 4721,
CHRISTCHURCH 8140

6.12.15



Dear Sir,

I enclose these submissions on the preliminary proposal for Mt Dasher Pastoral Lease on behalf of the Dunedin and Central Otago-Lakes Branch of the Royal Forest and Bird Protection Society.

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

Yours sincerely

A handwritten signature in blue ink, appearing to read "J. Ledingham".

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

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

Submission on the Preliminary Proposal for Mt Dasher Pastoral Lease

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

This submission is written on behalf of the Dunedin and Central Otago Lakes Branches of the Forest and Bird Protection Society which have approximately 900 members, many with strong interests in the High Country values and recreational opportunities as well as in botany and natural history in general. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

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

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

This submission is made on the basis of an inspection trip with other NGO's at the early warning stage in 2011 and more recently in November 2015. We have also consulted the Conservation Resources Reports (CRR) from 2005 and 2011 (CRR).

Introduction

Mt Dasher is an approximately 7133.7985 hectare lease on the Kakanui Range and is situated almost entirely within the Dansey Ecological District in the Kakanui Ecological Region. It lies between the south branch of the Kakanui River and its major tributary Deep Creek to the north and west the summits of Obi and Siberia Hill in the south and the main north ridge of the Siberia Hill complex in the east. The PNAP survey of the Dansey Ecological District (Comrie 1989/90) recommended two areas for protection, RAP4 Hectors (areas of broadleaf forest in the Hectors Stream catchment) and part of RAP5 Dasher (shrubland \ tussockland and cushionfield on schist and volcanic substrates.

The landscape with the basalt boulderfields extending down from the headwaters of Deep Creek and the caps of volcanic rock on the summits of Katthohtyrst, Siberia Hill and Mt Dasher is indeed a spectacular landscape.

The proposal:

Conservation Area CA1 An area of approximately 2,927 hectares.

CA1 covers the high altitude southern portion of the lease and is blessed with many significant inherent values (SIVs), ecological, historical, recreational and scientific and important ecosystem services which are well described in the CRRs and the proposal . Of high ecological importance are the high quality tussock cover including copper tussock, wetlands with cushion vegetation and a multitude of plant species which include some 'at risk' species. Specialised plants found on the boulderfields and snowbank areas are of great interest to those with botanical experience.

Ecological services provided by CA1 include the potential of the tussock grassland to maximise water yield and maintain catchment stability.

The historical values include two 19C surveyors Trig stations on Siberia Hill and Mt Obi.

The recreational values are high and will enable this rather unique landscape to be enjoyed by trampers, photographers and lovers of natural history. The presence of Half Moon Hut would encourage trips of several days duration since the less than desirable access provisions mean that daytrips would be constrained.

We note that the present QEII Covenant will lapse and be part of the CA and are sure that the SIVs will be best protected by this designation. On our 2011 visit there were cattle grazing in the covenant area and damage from pugging was very evident in places.

We fully endorse the creation of CA1 as a Conservation Area for the protection of the high number of SIVs within it.

Grazing concession GC1

We note that a 10 year grazing concession is proposed with a specified number of sheep only for a specified period each year. We also note the conditions in the attached schedules which we endorse. We do note that the concessionaire is to carry out monitoring and would suggest that this is overseen by DOC as well.

We do not object to this concession.

Land to be freeholded, approximately 4206.7985 hectares.

Although this is the lower part of the lease, classed as Class VI and capable of economic use, shows greater modification from grazing, over-sowing, burning and clearing it still has considerable SIVs worthy of some protection. Landscape values of significance on the Hector's Plateau are as shown in the shaded area of LU 3 in the map from the CRR and boulderfields contribute to those landscape values. In that shaded area there are still some copper tussock wetlands and other good *Chionocloa rigida* tussock cover which are of considerable value in the contribution they make to water and soil conservation and biodiversity and should at the very least be subject to a 'no burning' covenant to comply with the requirement for ecologically sustainable management.

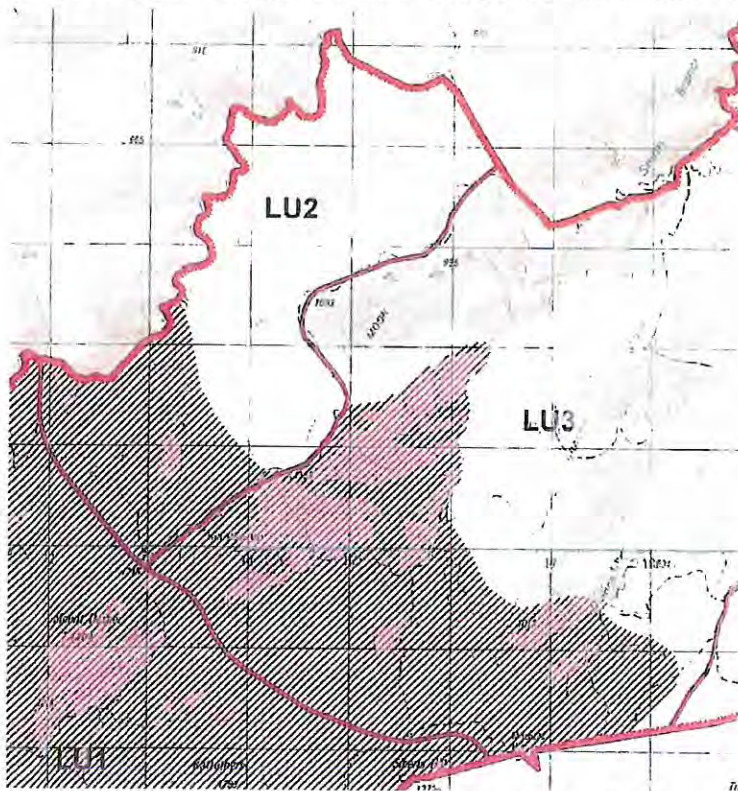


Figure 1. The hatched area of Landscape Units 2 and 3 are identified in the CRR as having significant landscape values. They should have some protection in the form of a covenant which prohibits burning.



Figure 2. Part of the area below Mitchells Hut and outside the GC1 lower boundary with high landscape values, boulderfields and good snow tussock cover in the Upper catchment of Quinn's creek. We submit that this should be designated as a Conservation Covenant with a no-burning designation to protect the pictured SIVs and as a buffer zone for the protection of the CA.

The shaded area of the Landscape Units LU2 and LU3 as shown in Figure 1 should be designated a Covenant with a no-burning condition.

Freehold tenure for the shaded parts of LU2 and LU3 with no protective mechanisms in place would not ensure ecologically sustainable management as required by the CPL Act.

Covenant CC1 55 hectares.

This proposed covenant, well described in the CRRs consists of the part of RAP Hectors which lies within the Mt Dasher lease boundary. It allows for the protection of a broadleaved forest remnant and adjoining shrubland in the upper Hectors Creek catchment which is an example of the vegetation representative of that existing in pre-human times with dominant species being broadleaf, kowhai, three-finger, cabbage tree, marbleleaf, kohuhu and lancewood.

We have noted the covenant conditions and in general support them. However under point 5 Implementation of the objectives we note that the minister may undertake three courses of action 5.1.1,5.1.2,5.1.3. Point 5,1,2 is to do with the preparation of management plan for the covenant and 5.1.3 with the preparation of a monitoring plan. Since it is very important that these things are done surely the preface to point 5 should be The Minister **shall** rather than The Minister **may**.

We note that the covenant is not to be fenced except by mutual agreement, presumably this would happen if the monitoring showed it was justified in the future.

We suggest that a no-burning buffer zone upstream, downstream and up-slopes around the covenant would be desirable.

We fully support the creation of CC1 to protect this significant remnant of forest. We strongly submit that it would be better protected if there was a no-burning buffer zone around it.



Figure 3. CC1 Looking into Hectors Creek and the remnant broadleaf forest which we recommend be surrounded by a no-burning buffer zone for its protection.

Public access

We endorse the easements as stated, but regret that the public will be unable to use Mole Hill road for access unless by special permission, as it is not a public road. The Black Cap legal road access will make for a long walk in to the Conservation Area. We do understand that access has been a major problem for this review.

Marginal strip on the South Kakanui

We have noted the SIVs present on the lower slopes of the South Branch of the Kakanui River where, from the CRRs and the proposal, we understand there are small patches of forest dominated by broadleaf and scattered riparian shrublands including *Carmichaelia kirkii*, leafless mahoe, *Teucrium parvifolium*- all declining and *Celmisia hookeri* and *Einada allanii*, both naturally uncommon. The decision of the Department of Conservation to create a 100 metre marginal strip outside tenure review seems a satisfactory solution for their protection.

Forest and Bird in general fully supports this Proposal for Mt Dasher. We are aware that the negotiations for this lease have been protracted and we are delighted with the final outcome in terms of gains for the Conservation of this intriguing and important landscape and the values within it with the creation of CA1 and CC1. We do hope that consideration will be given to a buffer area surrounding CC1 with a no-burning condition and similarly a no-burning condition/covenant over the hatched areas of LU2 and LU3 which are outside CA1-

Acknowledgement

We wish to thank Mr Wayne Sim for allowing us to inspect the lease and Bob Webster of Opus for arranging the inspection.

Janet Ledingham

For Dunedin and Central Otago-Lakes Branches , Royal Forest and Bird Protection Society