

Crown Pastoral Land Tenure Review

Lease Name: Dunstan Downs

Lease Number: Po019

Public Submissions - Part 4 (Submissions 9 -18)

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

From: [Evelyn Skinner](#)
To: [pastoral & tenure review](#)
Cc: [Evelyn Skinner](#)
Subject: PO 019 District Otago
Date: Sunday, 22 November 2020 5:50:02 p.m.

TO WHOM IT MAY CONCERN

My submission is as follows:

2.1 I support the area of approximately 800ha (CA1 on the Plan) being restored to full Crown ownership and control as a conservation area

2.2 I support the area of approximately 200ha (CA2 on the Plan) being restored to full Crown ownership and control as a conservation area.

2.3 Contrary to the proposal, I support the area of approximately 5356ha (CA3 on the Plan) being restored to full Crown ownership and control as a conservation area. The description of landscape, and the significant intrinsic values of this area focuses upon those features which are becoming increasingly rare in this country, due to modification by Man. It is proposed that an access route to GC2 on the Plan for grazing is devised which does not cross CA3. Furthermore, that the "remote experience for recreational users "should exclude all motorised activity.

So I oppose 2.3 as a qualified designation, together with any easements over CA3.

2.4 I support the area of approximately 850ha (GC1 on the Plan) facilitating a period of phasing out sheep grazing. However, under the proposed terms of concession, I would stipulate 5 years rather than 15 years, as presently proposed.

2.5 I support the area of approximately 2330ha (GC2 on the Plan). However, as with 2.4 I would stipulate 5years rather than 10 years be included in the terms of concession.

2.6 I support the area of approximately 2815ha being disposed of by Freehold, with certain protective mechanisms put in place.

The areas CC1 (approx 30ha) and CC2 (approx. 865ha) are to be subject to a conservation covenant, the terms of which SHOULD INCLUDE pest-proof fencing of the plant community mentioned: Halls totara and mountain toatoa. This would help to emphasise the importance the Crown places upon the restorative role played by Landowners as Guardians.

It is understood that the Freehold agreement would be subject to easement to foot traffic as already laid out (the Police, Power, and Conservation Management).

Finally I support the setting up of a separate Public access route and new Carpark adjacent to SH8.

As a FOOTNOTE to this submission, I wish to make the following comment about the significant inherent values as cited in this proposal by the Commissioner. I would like to suggest that while this list may have been considered comprehensive in 1948 (landscape, fauna and flora), in today's 21st century world, unprecedented inroads into the natural landscape have been possible, threatening the access to regions without man-made sounds or light, not to mention the rapidly disappearing corridors for birds through specific vegetation, waterways and wetlands. I submit the SIVs should be expanded to ensure future-proofing during processes such as tenure review. Furthermore, some concession toward mitigating the effects of Global Warming (eg carbon sequestration), should be

evident in this decision-making process.

Thank you for allowing me to make this submission

Yours faithfully

Evelyn M.Skinner
66 Fache Street, Clyde 9330 (027 4493361)



24 November 2020
Commissioner of Crown Lands
Land Information New Zealand Crown Property
CBRE House, 112 Tuam Street
Private Bag 4721
Christchurch, 8140
c/o pastoral&tenurereview@linz.govt.nz

Submission on Dunstan Downs Preliminary Proposal

To whom this may concern,

I am writing to provide a submission to the Dunstan Downs Tenure Review process, on behalf of the Otago Fish and Game Council (**OF&G**). I understand that the Central South Island Fish and Game Council (**CSIF&G**) has also made a submission to this process.

The Dunstan Downs property straddles the regions managed by the two Councils, with OF&G managing sports fish and game resources in catchments ultimately draining into the Clutha and CSIF&G managing that which drains into the Waitaki.

The area managed by OF&G is highly regarded as a destination for outdoor pursuits, particularly angling. Dunstan Creek is a prized fishery, recognised in the *Otago Sports Fish and Game Management Plan 2015 - 2025* as a backcountry fishery¹ of regional importance. As raised in the CSIF&G submission, upland game is likely to be found in the hills in this area.

OF&G has reviewed the preliminary proposal and supports the points raised in the CSIF&G submission. The following points are raised in addition.

1. Dunstan Creek has an existing marginal strip from St Bathans Loop Road until around 1100m elevation. It is expected this will be retained.
2. Access to the southern parts of Dunstan Downs is limited, despite the existence of a legal road and a marginal strip north of St Bathans Loop Road. Anglers report to OF&G that the only practical access is via a property to the south of Dunstan Downs, which adjoins St Bathans Loop Road near the St Bathans Domain campsite. Permission of the landholder is required to use this access route, which is graciously provided currently. Improving access from St Bathans Loop Road, including vehicle access, to the conservation areas marked as GC2 and CA3 should be considered as part of the tenure review process to lift current limitations on access.
3. Section 24.1 of the *Preliminary Proposal Pt 1* notes that a recreation permit may be granted over the land in future. Commercial capture of public recreation resources (such as land and

¹ Backcountry fisheries meet criteria set out in the *Otago Sports Fish and Game Management Plan 2015 – 2025*, such as being set in a largely unmodified, natural landscape; being distant from population centres; having low encounter rates for other users; having association with other outdoor pursuits such as camping or tramping; and providing an experience characterised by scenic beauty and feelings of solitude.

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



river space) is a serious issue for outdoor recreation in Otago. There is an elevated risk of commercial capture of recreation resources creating negative outcomes for the public as a result of this tenure review process, especially in the southern parts of Dunstan Downs, for the following reasons:

- a. Some fisheries in Otago are managed to restrict access through booking and ballet systems to preserve identified backcountry characteristics. Dunstan Creek is not currently subject to such restrictions, but angling use has been found to be increasing over time. If recreation permits were granted over conservation areas, the number of users may increase, leading to a need to impose such restrictions.
- b. In the context of limited access to the southern parts of Dunstan Downs, there is an elevated risk of commercial capture of recreation resources. If commercial activities were enabled along Dunstan Creek, particularly in the form of guide access or a fishing lodge, there would be an incentive for that business owner to pay the property owner to the South to hinder public access through their property – effectively closing the fishery to the public. This would be a perverse outcome which should be avoided.

OF&G seeks that commercial recreation be not allowed on conservation areas marked as CA1, CA2, CA3, GC1 and GC2.

Faithfully,

A handwritten signature in black ink that reads 'N. Paragreen'.

Nigel Paragreen
Environmental Officer

Craig Harris
Commissioner of Crown Lands
Land Information New Zealand.



9 November 2020.

Dear Commissioner,

Dunstan Downs Crown pastoral lease tenure review preliminary proposal

Introduction

Federated Mountain Clubs was founded in 1931 and advocates for New Zealand's backcountry and outdoor recreation on behalf of 22,000 members in over 90 clubs. Accordingly, our organisation has a strong interest in Crown pastoral tenure review as, through the process, land can be redesignated for new purposes including conservation and recreation.

We welcome Dunstan Downs' tenure review. However, examining its documentation has prompted our disquiet on: procedural and substantive matters relating to the commissioning of, update, and dissemination of specialists' reports; and the proposal's consequent development and content. We discuss these issues below. In order to achieve a review that is appropriate and lawful, these matters will require careful navigation, which we give recommendations on.

Purpose of the review

We note the prioritised objects of the statute enabling tenure review, Part 2 of the Crown Pastoral Land Act 1998:

Section 24

(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)(i)*, and *(b)(ii)*.

The primacy of the promotion of the management of reviewable land in a way that is ecologically sustainable and the protection of significant inherent values is affirmed by the former Parliamentary Commissioner for the Environment in her 2009 Change in the high country: Environmental stewardship and tenure review. Barton (Legal Aspects of High Country Pastoral Leases and the Tenure Review Process - A Background Paper, 2006) takes the same position and underlines their equivalence: *section 24(a)(i), which states the object of tenure review to promote the management of reviewable land in a way that is ecologically sustainable, has a primacy of place in the objects of tenure review that is equalled only by the protection of significant inherent values.*

The objects of Part 2 of the Crown Pastoral Land Act must be given effect to; tenure review is not a bargaining process.

Neither fairness nor perception of fairness are considerations to be taken into account in the tenure review process.

The essential role of specialists' reports in Crown pastoral lease tenure review preliminary proposals' preparation

On 21 February 2017, at a Christchurch meeting between Land Information New Zealand, the Department of Conservation, Federated Mountain Clubs, and Ngai Tahu, it was agreed that, among other things, specialists' reports on significant inherent values - that is, for example, landform, landscape, botanical, avian faunal, aquatic faunal, herpetological, invertebrate, historic, and recreational values as relevant - would be actively disseminated, to LINZ as well as to the public, as part of tenure review processes. The necessity was clear: such reports furnish information about the prioritised statutory objects and are therefore essential - in their entirety - to generating an appropriate preliminary proposal. They represent the evidential foundation on which proposals can properly stand.

The statement that: *We don't have or hold any of the CRR scientific reports that may have underpinned the CRR. The scientific reports are internal to DOC, so we have not received or hold this information* indicates that proposed designations have been generated without recourse to individual specialists' reports, and are therefore likely to be unsound, or at least not rigorously related to the statutory objects of tenure review.

Relatedly, Dunstan Downs' avian, aquatic, herpetological, and invertebrate faunal values have been at best only cursorily considered at all stages of the review, from information-gathering to information-dissemination and proposal development. This is a severe flaw in terms of the review's foundational evidence and process.

Further, it appears that where species have been recorded in the review process, updates to their conservation statuses were not considered in development of the preliminary proposal.

These circumstances place the review, as it presently stands, at risk of legal challenge. FMC can only conclude that without filling the present evidential gap underlying the initial proposal - be it through public submissions, to some extent by properly factoring in existing Departmental reports, or by urgently commissioning any additional information necessary - a preliminary proposal cannot properly be put forward.

Dunstan Downs - property overview

Straddling the transition between Canterbury and Otago in terms of local governance and natural values, this 12,351.4 hectare Crown pastoral lease stretches from the Ahuriri River in the north, to near Lindis Pass in the west, and to the 2,088-metre Mt St Bathans in the south. On the Wether, Dunstan, and St Bathans ranges, much of the property covers full ridge-to-valley altitudinal sequences. It presents as conservatively-managed and largely clean. The individual specialists' reports currently available report strong conservation and recreation values.

(We note also that 77% of the lease is proposed for redesignation as public conservation land, and that 77% of the lease is either Class 7 or Class 8 in the Land Use Capability system; however, the boundaries of the proposed public conservation land do not align with the boundaries of the Class 7 and Class 8 land. Even if there were such alignment, it would not appropriately reflect the complexities of the property's values, or, therefore, an optimal preliminary proposal. Possible presentation of the equivalent percentages as justification for the preliminary proposal would be a faulty approach.)

Potential whole-lease restoration to full Crown ownership and control

Before addressing the preliminary proposal at proposed designation level below, we wish to put forward the concept of whole-property restoration to full Crown ownership and control for conservation and recreation purposes, with exception of the homestead and curtilage areas.

Whole-property purchase would solve multiple evidential problems with the review to date and would, in FMC's view, respond appropriately to the presently-available information on significant inherent values that suggests that greater protection of those values than currently proposed is needed.

As indicated, however, we accept that whole-lease restoration to full Crown ownership and control may not, at this point, be acceptable to the parties and so address the proposal in its segments below.

Proposal evaluation at proposed designation level

Proposed CA1

This roughly 800 hectare land parcel is part of Longslip Valley, identified as an Outstanding Natural Landscape in the Canterbury Regional Landscape Study (Boffa Miskell and Lucas Associates). Its main value is in its 'wholeness'. It has high landscape legibility and coherence.

The area has small populations of the Declining *Carmichaelia vexillata*, the Naturally Uncommon *Raoulia petriensis*, and the Declining *Ranunculus haastii*.

It is Class 7 and Class 8 land.

It provides habitat for karearea, the Nationally Vulnerable banded dotterel, the Declining South Island pied oystercatcher, and the Declining New Zealand pipit.

The proposed area has high potential for tramping, skiing, and hunting, particularly in its connection with the Killermont Conservation Area, newly promulgated Twin Peaks public conservation land, and consequently

the Oteake Conservation Park. While the Wether Range easement provides good public access, further access via a spur between the Wether Range easement and McLays Creek should be considered.

Other significant inherent values are outlined in the preliminary proposal summary. Given the insufficiencies of supporting documentation relating to significant inherent values, it should be assumed that this block contains a range of additional potentially highly significant values.

Recommendations:

*** that proposed CA1 be adopted.**

*** that additional public access to proposed CA1 be considered as per above.**

Proposed CA2

There are small wetlands, bogs, and tarns in this proposed approximately 200 hectare block. There is a complex association of tussocks, shrubs, the Declining *Carmichaelia crassicaulis*, and many others, and mosses and lichens.

It is Class 6 and Class 7 land.

This proposed block provides habitat for the Nationally Critical black-billed gull, the Nationally Endangered black-fronted tern, the Nationally Vulnerable banded dotterel, the Naturally Uncommon black shag, the paradise shelduck, and the welcome swallow.

Recreational opportunities include tramping, skiing, hunting, and trout fishing, particularly when considered in conjunction with proposed CA3 and proposed GC2 and the Oteake Conservation Park.

Its contiguousness with proposed CA3 and proposed GC2, and consequent connection with existing conservation land, amplifies its inherent significance in terms of conservation and recreation.

Other significant inherent values are outlined in the preliminary proposal summary. Given the insufficiencies of supporting documentation relating to significant inherent values, it should be assumed that this block contains a range of additional potentially highly significant values.

The proposed farm management easement is appropriate in itself, but should be altered in accord with any adjustment to proposed GC2.

Recommendations:

*** that proposed CA2 be adopted.**

*** that the proposed farm management access easement “m-n” be adopted; it should, however, be amended accordingly should proposed GC2 be amended.**

Proposed CA3

The primary landscape value of this proposed roughly 5,356 hectare land parcel is its ‘wholeness’ and relatedly its sense of backcountry remoteness. It is extremely natural-looking. It has high landscape legibility, intactness, and coherence. There are excellent views of Central Otago, the Lindis/Ahuriri area, and into the Mackenzie.

The glaciated cirque at the head of Dunstan Creek is impressive in landscape terms.

The land is distantly visible from parts of State Highways 8 and 6 (upper parts of the St Bathans Range), and an impressive backdrop. It is visually distinctive.

Geomorphologically, the whole St Bathans Range is of interest. Specifically, the St Bathans mid-slope shoulder is of interest, as are its skewed knobs.

There are valley-floor-to-summit botanical sequences. The area is dominated by native tussock species.

Up to 1,200 meters, it is largely mountain tussock with associated species such as *Anistome flexuosa*, *Brachyscome sinclairii*, *Bulbinella angustifolia*, *Rytidosperma pumilum*, and *Celmisia lyallii* for example, and lichens and mosses. Around 1,500 metres, there is mountain tussock with associated species such as *Dracophyllum pronum* and *Agrostis muelleriana*, for example.

There are small populations of the Declining *Carmichaelia vexillata*, the Naturally Uncommon *Raoulia petriensis*, and the Declining *Ranunculus haastii*.

There is a rich wetland just east of Old Man Peak.

It is largely Class 7 and Class 8 land.

The area is habitat for karearea, the Nationally Vulnerable banded dotterel, the Declining South Island pied oystercatcher, and the Declining New Zealand pipit.

Recreational opportunities include tramping, skiing, mountain biking, horse riding, hunting, and trout fishing. These, and the underlying conservation values, are of higher significance when considered along with contiguous land parcels proposed CA1, proposed CA2, and proposed GC2, and the connected Oteake Conservation Park and beyond.

Other significant inherent values are outlined in the preliminary proposal summary. Given the insufficiencies of supporting documentation relating to significant inherent values, it should be assumed that this block contains a range of additional potentially highly significant values.

Recommendation:

*** that proposed CA3 be adopted.**

Proposed GC1

This proposed approximately 850 hectare parcel of public conservation land with grazing concession, largely the upper regions of McLays Creek, has high landscape values. It is part of an Outstanding Natural Landscape as identified in the Canterbury Regional Landscape Study (Boffa Miskell and Lucas Associates). Its mid-high altitude place in Longslip Valley means it has high inherent landscape value. It is highly visible.

Up to around 1,200 metres, there is mountain tussock with associated *Celmisia gracilentia*, *Luzula rufa*, *Gaultheria novae-zelandiae*, and *Celmisia lyallii*, for example, and mosses and lichens.

In places, there are the Vulnerable *Carmichaelia vexillata*, the Declining *Ranunculus haastii*, and the Naturally Uncommon *Raoulia petriensis*.

It is largely Class 7 and Class 8 land.

It is habitat for the Declining banded dotterel, the Declining South Island pied oystercatcher, and the karearea.

There is strong potential for tramping, skiing, and hunting; these, and the conservation values, are amplified when contiguousness with proposed CA1 and proposed CA3, and, therefore connection with the Oteake Conservation Park and other public conservation parcels, are considered.

Other significant inherent values are outlined in the preliminary proposal summary. Given the insufficiencies of supporting documentation relating to significant inherent values, it should be assumed that this block contains a range of additional potentially highly significant values.

FMC accepts the rationale for a grazing concession to support the farming transition. However, we suggest that a conservative approach is needed due to: the high natural values identified; the high likelihood that there are unrecorded other high values present; and proposed redesignation to a land status whose purpose is to support those values' preservation. The grazing concession should be reduced to ten years. Additionally, in recognition of the present inadequacy of information on natural values, FMC suggests that concessionaire-funded monitoring designed and executed by the Department of Conservation be a condition of the concession in order to ensure necessary adjustments can be made in support of natural values' maintenance or enhancement.

Due to strong natural values' presence, the statutory imperative for their protection, and process issues identified elsewhere in this submission, FMC proposes further on in this submission that proposed CC1, proposed CC2, and proposed FH unencumbered south of McLays Creek are redesignated as public conservation land with certain grazing concessions to run in concert with proposed GC1 and proposed GC2. If FMC's proposals are adopted, where fencing upgrades or additions are needed in connection with those grazing concessions, temporary fencing should be used, in order to keep costs - of construction and removal, and to conservation values - down; to be clear, all such fences should be removed on the concessions' expiry. Regardless of whether FMC's proposals are adopted, there should be no vegetation clearance associated with grazing concession fencing.

Proposed continuation of an existing easement in favour of the New Zealand Police is appropriate. We note that the easement relates to land outside proposed GC1; FMC supports its continuation in entirety and will not comment on it further in this submission.

Recommendations:

- * that proposed GC1 be adopted.
- * that the concession be limited to ten years as per above.
- * that concessionaire-funded monitoring by the Department of Conservation as per above be a condition.
- * that temporary fencing be used if adjacent proposed redesignations are altered as above, and that, regardless of adjacent land redesignations and consequent type of fencing, there be no associated vegetation clearance.
- * that, as above, any superfluous fencing be removed on concessions' expiry.
- * that the existing easement in favour of the New Zealand Police be continued as per above.

Proposed GC2

The lower half of the eastern side of the St Bathans Range on Dunstan Downs, it is proposed that this roughly 2,330 hectare block become public conservation land with a ten-year grazing concession.

Geomorphologically, the whole St Bathans range is of interest.

Its main landscape value is its 'wholeness', and therefore its sense of backcountry remoteness. It is extremely natural-looking. It has high landscape legibility, intactness, and coherence. It provides excellent views into the Mackenzie, toward Hawea, and southward into Otago.

Of botanical interest, snow totara, *Coprosma ciliata*, *Olearia cymbifolia*, and dwarfed mountain toatoa exist here. Short tussockland includes hard and blue tussock; *Rytidosperma pumilum* and silver tussock; and associated species such as *Coprosma petriei*, *Pimelea oreophila*, *Anistome flexuosa*, the Declining *Geranium sessiliflorum*, and lichens and mosses.

Here and there, there are the Vulnerable *Carmichaelia vexillata*, the Declining *Ranunculus haastii*, and the Naturally Uncommon *Raoulia petriensis*.

Up to 1,200 metres, there is mountain tussock with associated species such as *Raoulia subsericea*, *Blechnum penna marina*, *Coprosma petriei*, *Celmisia lyallii*, and mosses and lichens.

Lower down, there are complex associations of tussocks, shrubs, and many others, including the Nationally Vulnerable *Carex capillacea*, the Declining *Carmichaelia crassicaulis*, and lichens and mosses.

The land provides habitat for the Nationally Critical black-billed gull, the Nationally Endangered black-fronted tern, the Nationally Vulnerable banded dotterel, the Naturally Uncommon black shag, the Declining New Zealand pipit, the welcome swallow, and the paradise shelduck.

It is Class 6 and Class 7 land.

The area contains high recreation values in its potential for tramping, mountain biking, horse riding, skiing, hunting, and trout fishing. These, and its conservation values are amplified when contiguousness with proposed CA2, proposed CA3, and therefore the Oteake Conservation Park and beyond, are taken into account.

Other significant inherent values are outlined in the preliminary proposal summary. Given the insufficiencies of supporting documentation relating to significant inherent values, it should be assumed that this block contains a range of additional, potentially highly significant inherent values.

FMC accepts the rationale for a grazing concession - and associated easement - to support the farming transition. However, we suggest that a conservative approach is needed due to: the high natural values identified; the likelihood that there will be unrecorded other high values present; and proposed redesignation to a land status whose purpose is to support those values' preservation. In recognition of the present inadequacy of information on natural values, FMC suggests that concessionaire-funded monitoring designed and executed by the Department of Conservation be a condition of the concession in order to ensure necessary adjustments can be made in a timely way in support of natural values' maintenance or enhancement.

The concession should make clear that the concessionaire will have the same rights and responsibilities as the public with respect to use of the huts and woolshed.

Recommendations:

- * that proposed GC2 be adopted.
- * that concessionaire-funded monitoring by the Department of Conservation as per above be a condition.
- * that the concession clarify that the concessionaire have the same rights and responsibilities as the public with respect to use of the huts and woolshed.

Proposed freehold with CC1

The relict totara forest in this proposed 30 hectare covenanted area is a significant natural landscape feature. It is clearly visible and of visual interest.

Botanical values are especially important. The *Olearias* include *Olearia bullata*, *Olearia odorata*, and the Nationally Vulnerable *Olearia fimbriata*. Notably, the proposed block is host to Halls totara, mountain toatoa, and the Declining *Coprosma intertexta*.

This is largely Class 7 land.

The *Olearia* species present almost certainly mean that strong, diverse invertebrate and bird communities are present. Geckos and skinks are likely common.

Other significant inherent values are outlined in the preliminary proposal summary. Given the insufficiencies of supporting documentation relating to significant inherent values, it should be assumed that this block contains a range of additional, potentially highly significant, inherent values.

Given the very high significant inherent values which are prioritised for protection, as the Act says, (*preferably*) by the restoration of the land concerned to full Crown ownership and control; that the land would not be fenced; and that cases made for freeholding relating to practicalities of subdividing and landscape implications (point 2.6, preliminary proposal summary) are unsupported and would likely withstand little examination, FMC cannot support this proposed redesignation.

This block should be redesignated as public conservation land for conservation and recreation purposes. It should be merged with proposed CA1.

FMC is recommending greater levels of protection for Dunstan Downs than proposed by the preliminary proposal. These include redesignation of proposed freehold with CC1, proposed FH unencumbered south of McLays Creek, and proposed freehold with CC2 as public conservation land, including ten-year grazing concessions for the proposed FH land and proposed CC2; if a concurrent ten-year concession to move through proposed CC1 would be supportive to the lessee through that period, then it should be considered.

In the event of proposed CC1 being enacted, it should be fenced against wild grazing animals; the Longslip Creek Marginal Strip that runs along McLays Creek should remain in place to support public recreational access and enjoyment; and monitoring should include foot-based relevant multidisciplinary (relating at least to invertebrate and lizard values as well as botanical) monitoring at a frequency to be determined by the Department of Conservation, to allow any damage to the values to be remedied in a timely way.

Recommendations:

- * that proposed freehold with CC1 not be adopted.
- * that it be merged with proposed CA1.
- * that consideration should be given to a ten-year concession to access the block, as per above.
- * that if proposed CC1 is enacted, amendments relating to fencing, the Longslip Creek Marginal Strip, and monitoring, as per above, be made.

Proposed freehold with CC2

The Lindis face is a highly significant landscape of national reputation and value, visually fascinating, visually impressive, and memorable. The entire Longslip Valley has been identified as an Outstanding Natural Landscape in the Canterbury Regional Landscape Study (Boffa Miskell and Lucas Associates) and in the Central Otago District Plan. The Boffa Miskell study identified the Lindis Pass area as a *heritage* landscape. Within Longslip Valley, the Lindis Pass area has long been recognised as an area of outstanding scenic value. It is highly visible. Unified management of the whole Lindis Pass area is needed to maintain the highly significant landscape values.

Geomorphologically, the Quaternary fault traces are of interest.

Native plant communities dominate. Up to 1,200 metres, there is mountain tussock with associated plants such as *Scleranthus uniflora*, *Coprosma petriei*, *Gaultheria novae-zelandiae*, *Blechnum penna-marina*, and mosses and lichens.

Around 1,500 metres, there are blue- and slim-leaved tussock with plants such as *Celmisia viscosa*, *Carex wakatipu*, *Agrostis muelleriana*, *Pimelea prostrata*, and *Lycopodium fastigiatum*.

The Declining *Coprosma intertexta*, the Naturally Uncommon *Leptinella serrulata*, and strong red tussock, riparian, and wetland communities have been found in this proposed block recently.

It is Class 6, Class 7, and Class 8 land.

It is habitat for the Nationally Vulnerable banded dotterel, the Declining South Island Pied Oystercatcher, the Declining New Zealand pipit, and the karearea.

It is home to the gecko *Hoplodactylus* aff. *maculatus*.

Old Man Peak is highly attractive for tramping and skiing from Lindis Pass. There are much broader opportunities, also including mountain biking and horse riding, associated with linkage with: proposed CA2, proposed CA3, proposed GC1, adjacent land in proposed FH that we propose here for redesignation as public conservation land, and the adjacent Lindis Pass Scenic Reserve and public conservation land beyond. Conservation values are likewise amplified when contiguousness with adjacent proposed and existing public conservation land is considered.

Other significant inherent values are outlined in the preliminary proposal summary. Given the insufficiencies of supporting documentation relating to significant inherent values, it should be assumed that this block contains a range of additional, potentially highly significant, inherent values, such as those recently identified, and more.

Freehold disposal of this land parcel is not in accord with the statute, due to the significant inherent values it contains; of particular importance is its high landscape significance, which includes its national-level reputation and value. It is clear to FMC that proposed CC2 should be redesignated as public conservation land. FMC suggests that it be incorporated in the Lindis Pass Scenic Reserve.

A ten-year grazing concession, to align with proposed GC1 and proposed GC2, with conditions to be determined by the Department of Conservation, should be considered. The high natural values identified, and the likelihood that there will be unrecorded other high values present, should be taken into account in design of the concession.

A longer-term tourism concession for horse trekking, and possibly additional tourism ventures, would be appropriate.

If proposed CC2 should be enacted, it would be worth considering its amendment to prohibit pastoral grazing, oversowing, top-dressing, and vegetation clearance in order to preserve the nationally-significant landscape values. If any of these activities were to continue, however, appropriate fencing would need to be in place (in the case of grazing), and monitoring would necessarily include foot-based relevant multidisciplinary (relating at least to invertebrate and lizard values as well as botanical) monitoring, at a frequency to be determined by the Department of Conservation, to allow any damage to the values to be remedied in a timely way.

Recommendations:

- * that proposed CC2 not be adopted.
- * that the land be redesignated as public conservation land, possibly as an addition to the Lindis Pass Scenic Reserve.
- * that a ten-year grazing concession be considered as per above.
- * that, if desired, longer-term appropriate tourism concessions be granted.
- * that, if proposed CC2 is enacted, amendments relating to protection of the values, fencing, and monitoring should be considered.

Proposed FH unencumbered

Longslip Valley has been identified as an Outstanding Natural Landscape in the Canterbury Regional Landscape Study (Boffa Miskell and Lucas Associates). Mid-high altitude areas have high inherent landscape values. The rectilinear lower slopes north of McLays Creek are notable for their distinctive form; they also allow full views of the west side of the Dunstan Range.

In lower parts of this block, there are red tussockland patches. There is also short tussockland including hard and blue tussock, *Rytidosperma pumilum*, and silver tussock, and an associated large number of grasses, herbs, and small shrubs, for example: *Raoulia subsericea*, *Celmisia gracilentia*, *Blechnum penna marina* and patotara (*Leucopogon fraseri*). There are also mosses and lichens. There are wetland and bog communities.

Up to around 1,200 metres, there is mountain tussock with associated plants including, for example, *Celmisia gracilentia*, *Luzula rufa*, *Gaultheria novae-zelandiae*, *Celmisia lyallii*, and lichens and mosses.

There are shrublands, and patches of Halls totara.

It is largely Class 6 and Class 7 land.

To the north of State Highway 8, the block includes a small area adjoined by the Ahuriri River to the northeast and adjoined by a marginal strip to the northwest.

The land is habitat for the Nationally Critical black-billed gull, the Nationally Endangered black-fronted tern, the Nationally Vulnerable banded dotterel, the Naturally Uncommon black shag, the Declining South Island pied oystercatcher, the Declining New Zealand pipit, the paradise shelduck, the welcome swallow, and the karearea.

The Ahuriri riverside land north of State Highway 8 offers passive recreational - fishing, photography, bird-watching, and riparian restoration, for example - opportunities. The land south of McLays Creek offers tramping, skiing, and hunting opportunities, which, along with the conservation values, are amplified when contiguousness with other proposed public conservation land, and public conservation land beyond, is considered.

Other significant inherent values are outlined in the preliminary proposal summary. Given the insufficiencies of supporting documentation relating to significant inherent values, it should be assumed that this block contains a range of additional, potentially highly significant, inherent values.

Generally, land above about 900 meters in proposed FH has strong conservation values in that it has dominant native cover. It is largely unsuitable for pastoral use. The proposed designation's altitudinal reach should be reduced to approximately 900 metres, with higher land redesignated as part of proposed CA1.

Unencumbered freehold redesignation of the Ahuriri riverside land would be inappropriate due to its high conservation restoration and passive recreational potential, including riparian restoration. This part of the land parcel should be redesignated as public conservation land.

Proposed FH unencumbered land south of McLays Creek should be redesignated as public conservation land due to its high significant inherent values, particularly with respect to landscape. A ten-year grazing concession should be considered, with conditions to be determined by the Department of Conservation; the high natural values identified, and the likelihood that there will be unrecorded other high values present should be taken into account in the conditions' design.

FMC supports freehold redesignation of proposed FH land: below 900 metres altitude to the east; to McLays Creek to the south; and to State Highway 8 to the north. Its values should be protected with a Reserves Act 1977 covenant with conditions to be determined by relevant multidisciplinary Department of Conservation experts. Again, the high natural values identified and the likelihood that there will be unrecorded other high values present will need to be taken into account in the covenant's design.

Associated with this proposed redesignation are proposed easements "a-b" and "e-f". As articulated above, based on the statutory provisions and the particulars of Dunstan Downs' inherent values and this process, proposed FH from proposed "e-f" and McLays Creek southward will be clearly most appropriately redesignated as public conservation land. Therefore, the proposed easements should not be necessary. However, should the easements be enacted, Special Easement Term 11 should be removed to ensure members of the public may take dogs with them on "a-b", and Special Easement Term 14 concerning temporary closure should, for the avoidance of doubt, be clear about what public safety or emergency circumstances may trigger such closure.

As mentioned in relation to proposed CA1, to better enable public recreation, additional access via a spur between the Wether Range easement and McLays Creek should be considered.

Recommendations:

- * that proposed FH unencumbered be adopted with amendments.
- * that the boundary with proposed CA1 be around 900 metres as per above.
- * that the Ahuriri riverside land north of State Highway 8 be redesignated as public conservation land.
- * that the land south of McLays Creek be redesignated as public conservation land as per above.
- * that a ten-year grazing concession for the land south of McLays Creek be considered, with conditions to be determined by the Department of Conservation as above.
- * that values of remaining proposed freehold land be protected with a Reserves Act 1977 covenant with conditions to be determined by the Department of Conservation as above.
- * that should proposed easements “a-b” and “e-f” be enacted, Special Easement Terms 11 and 14 be amended as above.
- * that additional public access be considered as above.

Potential additional surveys and potential updates

As stated earlier in this submission, the absence of detailed avian, aquatic, herpetological, and invertebrate faunal specialists’ reports hangs over Dunstan Downs’ tenure review. Such information is necessary in order to develop well-justified - and justifiable - proposals for redesignations.

If neither whole-lease (homestead and curtilage excepted) restoration to full Crown ownership and control for conservation and recreation purposes, nor the designation-level recommendations above, are considered acceptable outcomes, FMC believes a positive way ahead would be to gain conservation status updates for existing specialists’ reports, and commission thorough reports in the absent disciplines, to enable informed reconsideration of the work done to date. These actions would need to be initiated with some urgency given that an end to tenure review as provided by the Crown Pastoral Land Act 1998 is likely.

Recommendation:

- * that if neither whole-lease restoration to full Crown ownership and control for conservation and recreation purposes nor FMC’s designation-level recommendations are acceptable, conservation status updates for existing reports and necessary further reports be commissioned with a view to reconsideration of the review, as above.

Land classification

This review of Crown pastoral lease tenure should ‘enable the protection of the significant inherent values’. As part of the review, all property to become stewardship land should have its final classification - based on expert data that have informed the review - prepared so as to become active as soon as possible.

The stewardship classification that much or all of the proposed public conservation land created will receive does not ensure protection through appropriate management and does not provide protection from exchange. Section 16A(1) of the Conservation Act 1987 says: *Subject to subsections (2) and (3), the Minister may, by notice in the Gazette, authorise the exchange of any stewardship area or any part of any stewardship area for any other land*); the expedition of precise classification will help address the Act’s requirement that the review ‘enable the protection’.

Recommendation:

- * **that final classification of land to be redesignated as stewardship land be prepared so as to become effective as soon as possible after disposal.**

Conclusion

Dunstan Downs' preliminary proposal, as it currently stands, is at risk of legal challenge because it is discordant with the Crown Pastoral Land Act 1998's demands of promoting ecologically sustainable management and enabling the protection of significant inherent values.

Reasons are that: supporting information on those values is far from complete, missing several relevant disciplines entirely; what information exists has, it appears, been supplied in aggregate form only for the proposal's development; and conservation status updates have not been accounted for in the proposal's generation. Producing a lawful tenure review preliminary proposal for Dunstan Downs was always going to be very difficult given these background circumstances. Existing data strongly suggest that greater protection is needed for parts of the property.

FMC believes the following are appropriate possible paths to completion of the tenure review:

- * whole-lease restoration to full Crown ownership and control as public conservation land, excepting the homestead and curtilage; or
- * the above proposed designation-level scenario which can be characterised as increasing redesignation as public conservation land along with increased use of medium- and long-term concessions and covenanting; or
- * that further necessary reports and updates be commissioned with a view to urgent reconsideration of the review.

As stated at the outset, the objects of the Act must be given effect to. In Dunstan Downs' case, a significant but not insurmountable shift in approach to the lease's tenure review is needed. If the Act's objects are unable to be met, the tenure review should be discontinued (s33 of the Crown Pastoral Land Act says: *The Commissioner may discontinue a review at any time; and must discontinue a review if asked in writing by the holder, or one of the holders, concerned.*).

Yours sincerely,

Jan Finlayson,
Federated Mountain Clubs president and tenure review convenor.

FMC – FEDERATED MOUNTAIN CLUBS

www.fmc.org.nz | President: Jan Finlayson 021 502 297 | Vice-President: Neil Silverwood 021 078 7023
Executive Officer: Danilo Hegg eo@fmc.org.nz Ph 027 339 2688
Federated Mountain Clubs | PO Box 1604 | Wellington 6104 | New Zealand/Aotearoa



Royal Forest and Bird Protection Society of New Zealand Inc.
P O Box 2516
Christchurch
New Zealand

P: 03 940 5522
M: 021 165 9658
www.forestandbird.org.nz

24 November 2020

Senior Portfolio Manager
Crown Property
Land Information New Zealand, Christchurch Office
Private Bag 4721
Christchurch 8140

Email: tenurereview@linz.govt.nz

Submission to Proposed Tenure Review Dunstan Downs

1. The Royal Forest & Bird Protection Society (Forest & Bird) is New Zealand's largest and longest-serving independent conservation organisation. Our mission is to be a voice for nature – on land, in the sea, and in our fresh waters. Forest & Bird's constitutional purpose is to *"take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand."*
2. We were impressed that this wonderful landscape is largely unscarred by tracking, that there are extensive tussock grasslands remaining and that there are few evident wilding trees and other weeds. Clearly Dunstan Downs pastoral lease has been carefully managed.
3. Dunstan Downs pastoral lease is located at the southern entrance to the Waitaki District and is a prominent gateway to the Mackenzie Basin. The properties' intact naturalness is significant as part of the increasingly fragmented Mackenzie outstanding natural landscape (ONL), a landscape of regional and national significance therefore careful consideration for its protection and future management is extremely important.
4. We thank the Innes family, Land Information New Zealand (LINZ) and Ken Taylor for facilitating our 19 October inspection. We appreciate that it was a difficult time of the year to do the inspection coinciding with the beginning of lambing. This meant that our inspection was constrained, and we were unable to visit key parts of the

lease either on foot or by landing nearby with the helicopter. We were unable to land at the northern upper boundary of the proposed freehold/conservation area. Although we were able to fly over most of the lease, aerial views only allow a cursory inspection at speed. This is not sufficient to enable submitters to provide new information or identify additional significant inherent values (SIVs), nor is it possible to assess how adequately the resource reports identify the SIVs or assess how adequately the proposals meet the objects and matters to be taken into account in the Crown Pastoral Land Act 1998 (CPLA).

5. Forest and Bird considers the way the inspection was able to be carried out was insufficient and did not provide for a fully informed public process.
6. Despite that and based on the information we have, Forest & Bird proposes three potential options for Dunstan Downs in order of preference, which are:
 - a. Full property purchase excluding the homestead and curtilage, for public conservation land to become conservation park
 - b. Support the proposed Freehold (FH) after further ecological and landscape assessment, with boundary adjustments and with a conservation covenant to protect landscape values¹ and including a public access easement
 - c. Retain in Crown ownership as a pastoral lease (the status quo)
7. A summary of our recommendations is set out below and expanded on, in the remainder of the submission.
8. In summary, where full property purchase is not the favoured option, Forest & Bird, seeks the following decisions:
 - Reassess reptile, ecological, freshwater fish and landscape values for all areas proposed for FH and realign FH boundary as needed to protect SIVs
 - A conservation covenant on the proposed FH to protect significant inherent landscape values
 - Retention of CA1 in full crown ownership amended as amended in this submission
 - Retention of CA2 in full crown ownership
 - Retention of CA3 in full crown ownership
 - Retention of GC1 in full crown ownership with a grazing concession limited to 10-year non-renewable concession for very light sheep only grazing, no burning, topdressing or over sowing
 - Retention of GC2 in full crown ownership with a grazing concession limited to 10-year non-renewable concession for very light sheep only grazing, no burning, topdressing or over sowing

¹ To specifically avoid subdivision, and the planting of plantation forest, activities which are currently provided for in the Waitaki District Plan and the National Environmental Standard for Plantation Forestry

- Retention of proposed covenants CC1 and CC2 as full Crown ownership as conservation areas
- CC2 possibly subject to a non-renewable 10-year concession for very light sheep only grazing, no burning, topdressing or over sowing
- Public access along the Pylon track and FH Zig Zag track – close to boundary with CC2

Legal Context for the Dunstan Downs Tenure Review

9. The CPLA sets out the objects which the commissioner must take into account in developing a preliminary proposal.

Objects of Part 2 of the CPLA

The objects of this Part 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.*

10. This section creates a hierarchy as follows:

Co-primacy is accorded to promotion of the management of reviewable land in a way that is ecologically sustainable and the protection of SIVs of reviewable land. These objects are more important than securing public access and enjoyment or the freehold disposal of reviewable land. The object of managing land in a way that is ecologically sustainable is more important than freeing land from management constraints.

11. The protection of SIVs of reviewable land should be by restoration to full Crown ownership and control in preference to protective mechanisms.

12. The primary objects of tenure review as set out above are to promote the management of reviewable land in a way that is ecologically sustainable, and to enable the protection of SIVs by the creation of protective mechanisms; or

preferably by restoration of the land to full crown ownership and control. Where the statutory preference is not followed and covenants are used, the purpose of the covenant is to enable the protection of the SIVs. The provisions of the covenants must enable the protection of the SIVs.

Adequacy of Information on which to base the proposal

13. The proposal is based on an outdated Conservation Resources Report (CRR), dated 2005. It seems to rely on earlier specialists' reports, and in the case of ecological values, reports are dated from 2002. Since this time the conservation status of numerous native species have been reviewed, notably freshwater invertebrates, (2018), freshwater fish (2017), vascular plants (2017), butterflies and moths (2015), birds (2016) and reptiles (2015). The landscape assessment for Dunstan Downs is also appears to be outdated.
14. This ecological district is known to be rich in reptile diversity, yet no specific reptile survey has been carried out. Forest & Bird sought the advice of Carey Knox a Senior Herpetologist at Wildland Consultants Ltd, see Appendix One. His advice based on his knowledge and desk top assessment is attached. He identified that one of the four lizard species reported in the CRR is now known as Lake skink (*Oligosoma aff. chloronoton* "West Otago" and is recognised as being 'Threatened- Nationally Vulnerable. It was previously mistakenly identified as spotted skink, *Oligosoma lineocellatum*). His letter also identifies that there are three more threatened species found nearby that are likely to occur on Dunstan Downs, as well as two newly discovered and threatened skink species, found in Oteake Conservation Park that could potentially occur on Dunstan Downs pastoral lease. This suggests that prior to finalising this tenure review a full fauna survey, particularly for indigenous lizards, particularly of the land proposed for freeholding is necessary.
15. The proposal has also not properly considered the SIVs associated with native fish. The CRR notes that a more extensive investigation may yield further species than those known from earlier times. Knowledge of freshwater fish species has increased since the CRR was compiled with their range and their conservation status now more closely defined. A full survey of habitats within the area proposed for freeholding is warranted.
16. Forest & Bird have read the submission of Mackenzie Guardians, and support the Guardians evidence and recommendations for landscape SIVs that relate to Dunstan Downs.
17. To fulfil the objects of the CPLA the full range of inherent values need first to be identified and then assessed for their significance. This has not been done for Dunstan Downs.

Recommendation

That further survey work for lizards and native fish be carried out in the areas proposed for freeholding, and for landscape values, especially for the proposed FH, to ensure that the proposal meets the objects of the CPLA and enables the protection of the SIVs associated with native fish and lizards, and the significance of the landscape value of Dunstan Downs in the broader contexts of the Waitaki District, the Canterbury region and nationally.

Extent of Significant Inherent Values (SIVs) warrant fuller protection

18. This lease has extensive SIVs and recreational opportunities. This process provides opportunities to extend Oteake Conservation Park and protect the head waters of Dunstan Creek, an outstanding largely intact scroll plain. As noted in the CRR it is a property with considerable strategic and locational values being adjacent to existing public conservation areas, including the Lindis Pass Scenic Reserve and the Lindis Pass Conservation Area, providing a critical link to public conservation areas extending towards the main divide. Adding to the significance is the linkage between the Waitaki and Central Otago ecological regions and an opportunity to create contiguous habitat for the suite of native species present across the ecological regions and districts. Much of Dunstan Downs pastoral lease dominates the view beyond the Lindis Pass, one of New Zealand's premier scenic corridors. Seeing all the values collectively, this lease is a prime candidate for consideration for full crown purchase.

19. Forest & Bird submits that should it not be possible to consider a full crown purchase with subdivision of the homestead and curtilage, then consideration should be given to the improved outcomes suggested below. Should neither of the above be possible, Forest & Bird recommends that the objects of the CPLA would be better met by returning all of the proposed conservation areas, plus the proposed covenant areas to full crown ownership but providing for longer term grazing concessions over CC2, GC1 and GC2, to enable a longer phase out if this was needed in order to secure greater areas for full protection. As noted in the concession documents this is already a marginal property.

Proposed CA1 – approximately 800ha - Support in Part

20. The return of CA1 to full Crown ownership as a conservation area will enable the protection of the extensive SIVs as described in the Summary Preliminary Proposal (SPP) and the CRR and is consistent with the CPLA.

21. CA1 however fails to adequately protect the identified landscape and ecological values beyond the proposed boundary between FH and CA1 as shown on the Values map. As observed on site visit and in the CA report above 1000m tall tussockland of vulnerable *Chionochloa macra* is the dominant community. There are remnant

montane shrublands, and occasional patches of Halls totara on the boulder fields, especially in the large and relatively intact tussock grassland/shrubland catchment opposite Dalrachney. The mid to upper slopes of the west side of the Dunstan range are considered to have significant natural landscape and high inherent values.

22. The proposed FH includes the steep upper slopes of the major catchment of the Creek opposite Dalrachney and the northern end of the Wether Range to an altitude of 1464m.
23. It is possible that *C. macra* occurs on these upper slopes and especially on the summit here, as we found it further along the range— where we landed. *C. macra* is more sensitive to grazing pressure than *C. rigida*, and grazing can significantly affect the regeneration of *C. macra*. Rose and Platt² in a study of the regeneration of *C. macra* in 10 montane-subalpine sites in the Harper Avoca catchment, subjected to different sheep grazing and hare browsing found that on areas subject to about 80 years of sheep grazing most snow tussocks had been destroyed and remaining tussocks were predominantly senescent and seedlings were infrequent. In contrast the stands retired from sheep grazing for 34 or 21 years were characterized by low proportions of senescent tussocks and high proportions of seedlings and juveniles.
24. The proposed free hold includes a band of tall tussock grassland, scree, rock outcrops, boulder fields and patches of mountain toatoa, and probably the regionally significant Halls totara among other shrublands. Occasional kowhai are present.
25. The CRR identifies this area as having SIVs and our cursory inspection supports that. Due to the SIVs of the *C. macra* grasslands, and montane shrublands ongoing grazing is not likely to sustain these values or provide for their protection which includes their “restoration, enhancement or expansion.”²
26. The boundary has clearly been chosen to utilize the existing fence line, rather than to enable the protection of the s and promote ecologically sustainable management. The SIVs are significant here as they are part of the much larger area that is contiguous with the proposed CA1, GC1, GC2 and CA3 to the south. We understand the fence is in poor condition and is likely to require replacing in the near to mid-term. This provides a good opportunity to find a more secure and landscape and ecologically sensitive alignment.
27. A better outcome would also be achieved by lowering the new boundary to include SIVs in the large catchment opposite Dalrachney Station and aligning the top boundary with conservation land to the east. This would better facilitate secure

² Conservation Act 1987. protection, in relation to a resource, means its maintenance, so far as is practicable, in its current state; but includes—

(a) its restoration to some former state; and
(b) its augmentation, enhancement, or expansion

public access and ecologically sustainable management of public conservation land. The public may inadvertently stray onto freehold land as the two boundaries do not match.

Recommendations

28. Full Crown ownership as part of CA1 is the preferred mechanism to protect the extent of the SIVs, promote ecologically sustainable management, and facilitate more secure public access.
29. Undertake a landscape assessment in conjunction with fencing expertise to determine a practical lower fence line to include the full range of SIVs in this catchment.

Proposed CA2 and CA3– Fully Support

30. Forest and Bird fully supports the return of proposed CA2 and CA3 to full Crown ownership as a conservation area. These areas have outstanding SIVs and full Crown ownership will enable their protection.

Proposed GC1 – Support in Part – reduce grazing concession to a 10 non-renewable year term and require removable fencing

31. This area contains extensive SIVs including we think – from our aerial inspection red tussock grasslands and wetlands in the valley floor as well as unidentified shrublands. It is predominantly steep, with extensive screes and mostly above 1000m. Forest & Bird supports its designation as a conservation area with a short-term light sheep only grazing concession. As noted in the CRR, the SIVs would be better protected without grazing and that the grazing is only to facilitate a period of phase out.
32. Given the extent of SIVs, the altitude and sensitivity of this area a shorter 10-year term grazing concession is warranted. The low stocking rate of sheep only appropriate in the circumstances. Stock should be restricted to half breed ewes as merinos are likely to cause more damage especially to *C. macra* as they are known to preferentially graze *C. macra* over *C. rigida*.
33. Forest & Bird questions the requirement for new fencing of watercourses as required by the special conditions. There is no definition of water courses. While appreciating the necessity to ensure stock effluent does not enter water ways this concession is for light sheep only grazing and it would be impracticable to fence out every water course. If permanent fencing were established this could create significant landscape scars especially should bulldozers be used. The concession also requires the Minister of Conservation to become the owner of the fences which means DOC will eventually be responsible for their removal. If any fencing is

required, this should be restricted to electric/movable fencing only to be removed upon completion as any permanent fencing is likely to impact on the s.

34. What happens to the grazing concession in the event of an accidental fire? In the event of a fire, to protect the SIVs grazing would need to be excluded from the burnt area, to allow recovery.

Recommendations

35. The conditions of the grazing concession be amended to better enable protection of the SIVs and ensure ecologically sustainable management by:
- a. Prescribing the type of stock to be half breed ewes only
 - b. Reduce the term to 10 years – non-renewable.
 - c. Add a definition of water courses to include wetlands but exclude small <3m wide side streams.
 - d. Any fencing required should be temporary and erected without bulldozers or damaging mechanical means and be required to be removed from the land at the cessation of the concession. No vegetation clearance will be permitted to occur for the erection or removal of fences.
 - e. Add clauses as necessary to deal with the need to immediately destock any areas that get burnt.

Proposed GC2 Support in part

36. Forest and Bird fully supports the return of GC2 to full Crown ownership as a conservation area. This area has outstanding SIVs and full Crown ownership will enable their protection.
37. Forest and Bird appreciates that while it is desirable that grazing be excluded from this area, a short-term light sheep only grazing concession is needed to facilitate a phase out.

Recommendations

38. The conditions of the grazing concession be amended to better enable protection of the SIVs and ensure ecologically sustainable management by:
- f. Prescribing the type of stock to be half breed ewes only
 - g. Add a definition of water courses to include wetlands but exclude small <3m wide side streams.
 - h. Any fencing required should be temporary and erected without bulldozers or damaging mechanical means and be required to be removed from the land at the cessation of the concession. No vegetation clearance will be permitted to occur for the erection or removal of fences.

- i. Add clauses as necessary to deal with the need to immediately destock any areas that get burnt.

Proposed CC1 - Return to Full Crown Ownership and control to enable protection of extensive SIVs and enable public access

39. CC1 covers the area with arguably the most significant biodiversity, including the Nationally Vulnerable *Olearia frimbriata* and at-Risk Declining *Coprosma intertexta*.
40. CC1 should be returned to full Crown ownership and control to better protect the significance of this remnant as part of ecological and altitudinal succession from valley floor to ridge line. Although largely inaccessible by sheep, it is unlikely to be inaccessible to goats. There will be no controls over the type of stock grazed in future on the adjacent freehold. Fencing the northern boundary would provide increased protection of these SIVs by allowing for their natural expansion. The current proposal fails to adequately protect these potential values.
41. Full return to Crown ownership would make easier the securing of public access to and enjoyment of the remnant forest.

Recommendation

42. Return CC1 to full crown ownership; fence the northern boundary to allow for the expansion of the native shrub-lands.

CC2 – Return to full Crown ownership and control to enable protection of extensive SIVs and to enable public access

43. This area includes extensive red tussock grasslands, threatened remnant shrub-lands, relatively intact short and tall tussock grasslands, rock outcrops and sag ponds. Much of proposed CC2 is highly visible from one of NZ's premier scenic corridors across the Lindis Pass. It is recognised as having outstanding SIVs in the CRR and includes the Fault Trace and the sag ponds which are assessed as significant natural features in the proposed Waitaki District Plan.³
44. There are areas of intact, wed free tall tussock grasslands that are highly visible from the road and form part of the scenic corridor.
45. The values have not been fully assessed as there has not been a lizard or a fish survey and the CRR is out of date and so threatened species may have been overlooked. Please see attached Wildlands Report.
46. There is a high likelihood of finding threatened skink species here, as well as other threatened shrub-land species. On our inspection an intriguing *Melicytus* species

³ Not yet ratified by due process

was found in association with the common *Melicytus alpinus* (aka bootscraper or porcupine scrub). Growing in close association like this supports the opinion that it is a distinct species. This specimen is distinctive and unlike any so far reported in this taxonomically diverse group. Experts on the *Melicytus* family have been unable to ascribe a species name. This needs further investigation, and it may be present in other areas.



47. At this site within CC2 (1336109e 5057375n above the saddle on the powerline track) in a stable rock field, this species has a reasonably secure refuge from fire and grazing, however its range, abundance and status is yet to be discovered.
48. The land above the Pylon Road is steep, with intact tall tussock grasslands including *C. macra* at higher altitudes and remnant grey shrub-lands and is also considered to contain SIV.
49. The proposed covenant conditions are inadequate to protect the full range of SIVs. Ongoing grazing as provided for under the proposed covenant is not a suitable

mechanism for long term protection of this significant area. Continued grazing, and especially any grazing by cattle or mob stocking and continued over sowing and top dressing will contribute to the ongoing slow decline of the tussock grasslands and risk introducing weeds and expanding existing weed populations. There is no stocking limit proposed so that there is a significant risk that damage will occur before it is recognised that the rates, timing, or nature of the stocking is not compatible with the preservation of the values.

50. Continued grazing of CC2 would require fencing the wetlands and Longslip Creek which even if removable, is likely overtime to create a landscape impact as stock inevitably graze up to fence lines, and more intensely along fence lines.

51. Continued grazing of the area that has been previously burnt will prevent any restoration.

Recommendations

52. The first preference is return CC2 to full crown ownership and control unencumbered, with a grazing concession, to enable the secure protection of the full range of outstanding SIVs including providing for their restoration, enhancement, or expansion.

53. The second preference is return to full crown ownership and control with provision for ongoing phase out light grazing of sheep only.

Public Access

54. This tenure review could result in an outstanding round tramping/biking (including e mountain bike) trip with opportunity for longer trips into Dunstan Creek, if public access was provided for along the Pylon Track, up the zig zag track in the proposed FH area, along to Old Man peak and back down to the highway on the track through the adjacent public conservation land as shown below. This would be facilitated if CC2 was retained as a conservation area with an easement through the adjacent proposed FH, as shown on the red line below.

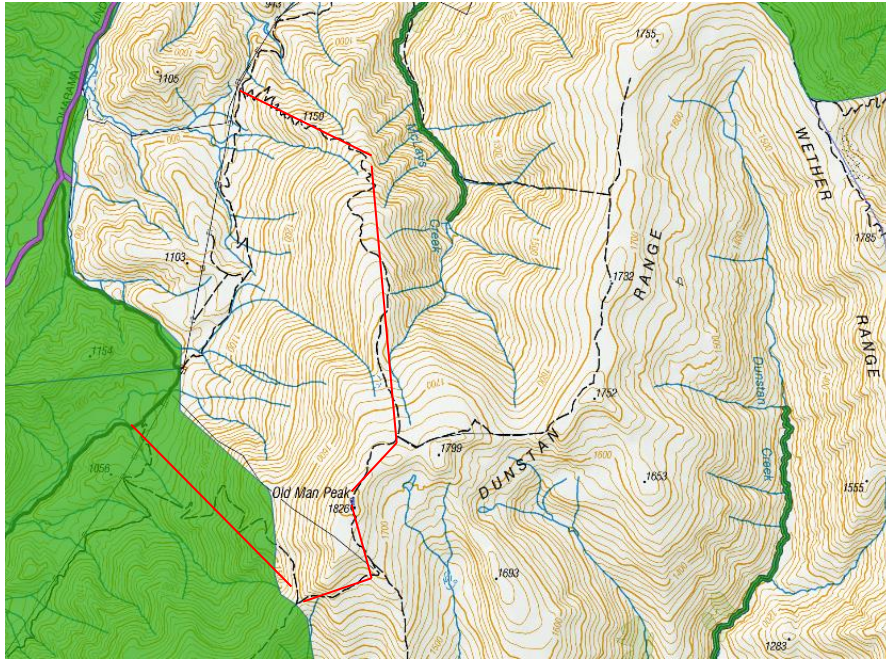


Figure 1 Map showing possible round trip for public access

Conclusion

Forest & Bird is grateful for the opportunity to comment on the Dunstan Downs preliminary proposal. We would be pleased to have an opportunity to further discuss our recommendations.

We wish you all the best with your deliberations.

Yours sincerely,

Nicky Snoyink
Forest & Bird Regional Conservation Manager
Canterbury/West Coast (on behalf of)

Sue Maturin, former Forest & Bird Regional Manager
Otago Southland

Our Ref: 5602

27 October 2020

Royal Forest and Bird Protection Society
P.O. Box 6230
DUNEDIN

Dear Sue

LIZARD TAXA POTENTIALLY PRESENT ON DUNSTAN DOWNS PASTORAL LEASE

Thank you for your enquiry.

Please find below an assessment of lizard species (and undescribed lizard taxa) present or potentially present on Dunstan Downs Pastoral Lease, near Lindis Pass. This assessment involved my expert knowledge of lizard distributions in the northern ranges of Otago, evaluation of records in the Department of Conservation Bioweb herpetofauna database, an assessment of aerial imagery, and a consideration of the habitat present in the area and its suitability for relevant lizard species. A field guide (van Winkel *et al.* 2018) also aided in this assessment. The threat status given for each of the taxa listed in Table 1 below is from Hitchmough *et al.* 2016.

No specific reptile surveys have been carried out on the pastoral lease, but four species are known from the property, including one 'Threatened-Nationally Vulnerable' species, Lakes skink (*Oligosoma* aff. *chloronoton* "West Otago" – previously mistakenly identified as spotted skink, *Oligosoma lineocellatum*). The other three species are the Southern Alps gecko (*Woodworthia* "Southern Alps"; Not Threatened), the southern grass skink (*Oligosoma* aff. *polychroma*; Clade 5; At Risk-Declining), and McCann's skink (*Oligosoma maccanni*; Not Threatened).

In addition to these four lizard species there are a number of other lizard species that could be present and warrant consideration. These include jewelled gecko (*Naultinus gemmeus*; At Risk-Declining), the Otago form of the scree skink (*Oligosoma waimatense*; Threatened-Nationally Vulnerable – known from the Saint Bathans Range), and Nevis skink (*Oligosoma toka*; Threatened-Nationally Vulnerable – known from near Lindis Pass, so deemed likely to occur on Dunstan Downs).

In addition, two newly discovered and potentially threatened skink species in Oteake Conservation Park may also occur on Dunstan Downs: alpine rock skink (*Oligosoma* sp.) and Oteake skink (*Oligosoma* aff. *inconspicuum* "North Otago"). These taxa are currently in the process of being scientifically described, but known to be unique entities based on genetics and morphology.

Any combination of the nine lizard species described above could potentially be present on Dunstan Downs Pastoral Lease (Table 1), although it is unlikely that all nine occur. A thorough lizard survey undertaken by an experienced herpetologist would be required to better understand the lizard assemblage and distribution and abundance of threatened lizard species on the property.

Table 1: Lizards potentially occurring on Dunstan Downs Pastoral Lease. Threat status from Hitchmough *et al.* (2016).

Common Name	Species/Taxon Name	Threat Status	Likelihood of occurrence	Habitat/Altitudinal Range
Southern Alps gecko	<i>Woodworthia</i> "Southern Alps"	Not Threatened	Very high	Rock habitats from lowlands to 1,800 metres a.s.l.
McCann's skink	<i>Oligosoma maccanni</i>	Not Threatened	Very high	All habitats and any altitude up to 1,600 metres a.s.l.
Southern grass skink	<i>Oligosoma polychroma</i> ; Clade 5a	At Risk-Declining	Very high	Damp areas. Widespread at all altitudes up to 1,700 metres a.s.l.
Lakes skink	<i>Oligosoma</i> aff. <i>chloronoton</i> "West Otago"	Threatened-Nationally Vulnerable	High	Damp areas with rock cover from lowlands up to at least 1,500 metres.
Nevis skink	<i>Oligosoma toka</i>	Threatened-Nationally Vulnerable	High	Rocky habitats 600 -1,300 metres, particularly scree, dense shrubland, or boulder piles.
Scree skink	<i>Oligosoma waimatense</i>	Threatened-Nationally Vulnerable	Moderate	Scree, talus, riverbeds, bluffs, and boulderfields at any altitude up to at least 1,400 metres.
Alpine rock skink	<i>Oligosoma</i> sp.	Not assessed	Low	Scree, talus, and boulderfields above 1,100 metres a.s.l.
Jewelled gecko	<i>Naultinus gemmeus</i>	At Risk-Declining	Low	Native forest, grey shrubland, and tussockland up to 1,300 metres a.s.l.
Oteake skink	<i>Oligosoma</i> aff. <i>inconspicuum</i> "North Otago"	Data Deficient	Low	Boulderfield with dense shrubland, such as snow totara above 900 metres a.s.l.



Alpine rock skink (*Oligosoma* sp.), Hawkdun Range.

Yours sincerely

Carey Knox
Senior Ecologist/Herpetologist

REFERENCES

Hitchmough R., Barr B., Lettink M., Monks J., Reardon J., Tocher M., van Winkel D., and Rolfe J. 2016: Conservation status of New Zealand reptiles, 2015. Department of Conservation, Wellington.

van Winkel D., Baling M., and Hitchmough R. 2018: Reptiles and amphibians of New Zealand: a field guide. Auckland University Press. 366 pp.

Title of Submission: Crown Pastoral Land Tenure Review – Dunstan Downs – Lease number: PO 019

Submitter: Geoffrey Rogers

Contact details: PO Box 659, Wanaka 9343; bogpine@xtra.co.nz

Submitters Credentials

Presently retired, I was previously employed by the Department of Conservation as a Principal Science Adviser with their Science and Policy Division, based in Dunedin. As a research ecologist specialising in landscape history and threatened ecosystems and flora, I provided periodic technical advice to the Tenure Review Manager, especially relating to the Significant Inherent Values (SIVs) of reviewable high country lands. I had occasion to research and produce a substantial summary and critique of public good outcomes of the tenure review process, incorporating approximately 135 leases. The results were influential in a high country policy reviews.

Overview

Section 3.3, Para 2 of the “Summary of Preliminary Proposal” states “There is limited site specific information and a number of very generalised statements” in the Conservation Resources Report. The lease was inspected by the Department of Conservation in 2002, in an era before the emergence of the scientifically-sound, SIV framework that led to more comprehensive, subsequent surveys for biodiversity and historic values. In particular, it is evident from the CRR that no specialist invertebrate, lizard or fish surveys were undertaken. This is concerning in that adjacent tenure reviewed leases have had native fish- and lizard-focussed Crown Conservation reserves created from tenure reviews, namely Shirlmar for fish and Morven Hills and Cluden for lizards.

Nevertheless, the Preliminary Proposal (PP) offers a generous allocation of the lease to Crown Conservation land. Few tenure reviews have ensured protection of whole-catchment-scale, ecological patterns and processes as this proposal does, particularly for the upper and true-right extent of Dunstan Creek. Thus, my concern with the lack of invertebrate, fish and lizard surveys is somewhat offset by the comprehensive coverage of the proposed Crown Conservation land.

Specific issues

CC1: I recommend upgrading this proposal to crown conservation land. My rationale is:

CC1 possesses nationally SIVs. There are several other pockets of relict, dryland conifer forest outside the Dunstan Downs lease elsewhere within the two relevant Ecological Districts that cover the lease but they contain Halls totara, only. The presence of mountain toatoa boosts considerably its SIV as a genuine, although fire-modified, example of the once extensive, upper montane-subalpine, forests of these Ecological Districts in prehuman times.

However, the Conservation Resources Report mentions the presence of the rare tree *Olearia fimbriata* and the rare shrub *Coprosma intertexta* amongst scrub and shrubland “on a steep, rocky toeslope” and “along the stream edge below” in lower McLays Creek, yet CC1 apparently does not incorporate that ecosystem. It does not incorporate any of the McLays Creek proper riverine environment. The hatched polygon of Ecological Values of the Dunstan Downs Values map shown in the CRR Part 2 extends as a narrow strip below the lower extent of the blocky scree of a McLays Creek tributary occupied by the Halls totara and mountain toatoa to the junction of McLays Creek with SH8. That narrow extension down the catchment was likely provided to incorporate the *Olearia*

fimbriata-Coprosma intertexta element of this diverse native scrub, with “many large trees”. The CRR states, “This diverse shrubland spreads right across to the Halls totara forest on the nearby fan”, thus reinforcing my suspicion that CC1 excludes the lower McLays Creek diverse scrub/shrubland. To reiterate, at present, CC1 appears restricted to the scree of a tributary of McLays Creek, thus apparently excluding the lowermost McLays Creek scrub/shrubland containing the *Olearia fimbriata* and *Coprosma intertexta*.

Overall, the proposed protection designation of an unfenced Conservation Covenant is, I believe, inadequate. I do not agree that “This is a discrete area that is largely inaccessible to stock and therefore does not require fencing”. Alternatively, I believe:

- (1) The SIVs are such that the scree should be restored to full Crown ownership and control and incorporated into CA1-GC3. That designation would ensure it meets the statutory tests of the Objects for tenure review as stated in Section 24 of the Crown Pastoral Land Act 1998.
- (2) The northern and western boundaries require fencing to deflect any possible future stock entry: (a) to foster recruitment opportunities and increased integrity of the expanding conifer community, and, (b) to deflect understorey access to stock as the stature of the scrub and forest increases.
- (3) The western boundary needs extending and fencing to incorporate the *Olearia fimbriata-Coprosma intertexta* scrub/shrubland site and the wider riverine environment of lowermost McLays Creek. An extension west, down the catchment to the farm access track that crosses McLays Creek seems appropriate. That would provide a genuine valley floor to range crest contiguous ecosystem sequence for the west face of the Dunstan Range. The e-f conservation management easement would require gated access through a northern boundary fence.

Public access

I support restricting public access to the a-b easement for public foot and mountain biking. The rationale to prohibit access to public 4WD vehicles is sensible. However, provision for horse trekking/riding should be accommodated, although that might necessitate a larger carpark off SH8.

Qualified Designations

I support the Qualified Designations for GC1 and GC2 to allow phased out sheep grazing. Clearly, past and present grazing regimes have fostered the sustainable cover of native plants and, thus, vegetation.

Geoff Rogers

From: [Pete Hurst](#)
To: [pastoral & tenure review](#)
Subject: Dunstan Downs Tenure Review
Date: Wednesday, 18 November 2020 11:31:44 a.m.

Attn, Commissioner of Crown Lands

From **Horse Trails South Trust**
Land Information New Zealand
Country Putting the Horse in the heart of NZ South Island High

Dear Sir

We wish to make a submission regarding Tenure Review for Dunstan Downs Station

Horse Trails South Trust is a registered Charitable Trust involved with restoring horse access to the High Country,

Horse riding is part of our Heritage and should be encouraged and especially on Public Conservation Lands

Some of our completed projects include restoration of the historic Amuri Pass Track from Canterbury to the West Coast.

Rerouting and rebuilding Tui Track at the Lewis Pass.

Restoring horse access to the historic St James Pack Track

Repairing the pack tracks at the Jolliebrook Circuit at Lake Sumner

We have also repaired or fixed approximately fifteen horse paddocks at various DOC Huts throughout Canterbury and North Otago.

Installing many horse gates at Glenrock Stream and Lake Sumner Forest Park has also been of major assistance for horse access to the High Country.

The Canterbury and Otago Conservation Management Strategy, signed off in 2016 now cater for horse access to the majority of our High Country including horse access to Marginal Strips.

Dunstan Downs Tenure Review We would like to see horse gates of a suitable width to cater to our laden pack animals i.e. 1200 mm wide installed to allow horse access at any fence which is an impediment to horse travel,

These horse gates have proven to be very appropriate to let horses pass but not vehicles.

Suitable and sufficient car and float packing at the start of Public Access Easement a to b would be of assistance. Hitching rails would also be of great use as well.

Horse access as well as foot and mountain bike access along Easement a to b is good, but it does not go nearly far enough.

We would prefer this access to extend along the Pylon Track joining the newly created Public Conservation Area at Morven Hills

Public Access including horses should also be made available to and from Old Man Peak. Giving a suitable days ride from Morven Hills Pylon Road at Lindus Pass up the recently established Horse Easement on Morven Hills freehold to Old Man Peak.

Returning via a to b Easement on FH at CC1

Another route could see horses following the Pylon Track from Carpark or following track directly to Old Man Peak.

Options should also be available to travel along the Dunstan Range and down the farm track to join up with the Dalrachney Public Access Easement which caters for horses as well.

Of note is that the Dunstan Downs Carpark could become the major carpark for both Dunstan Downs and Morven Hills as it is an easy ride to cross the road from the end of the Pylon Track on Morven Hills PCL and ride down the Marginal Strip on Longslip Creek, crossing the road again to access the carpark at Dunstan Downs a to b easement.

Thank you for considering this submission.

Peter Hurst

Trustee for Horse Trails South Trust
18th November 2020

Submission on the Preliminary Proposal for the Dunstan Downs Pastoral Lease

Janet Ledingham,

Forest and Bird member, Dunedin Branch, with a strong interest in the ecology of the High Country

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:-

24.2.

- *(a) (i) to promote the management of the Crown's high country 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 measures; or (preferably)*
 - *(ii) 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.*

CPL 24 Objects of Part 2

- The objects of this Part 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.

Introduction

Dunstan Downs is an iconic lease, mountain ranges, amazing landscape and ideal tramping country on ridge-tops and in the valleys.

This submission is based on knowledge of the lease from a recent inspection trip organised by LINZ and from others familiar with the lease which has many conservation values including many altitudinal sequences, very high landscape values and would be a mecca for trampers, botanists and fishermen among others.

The lease has been conservatively managed and is in good condition.

I have in the past submitted on the Reviews for Killermont, Dunstan Peaks, Twin Peaks, and Morven Hills, all of which share boundaries with Dunstan Downs so am familiar with the general adjoining area.

I, along with other submitters found that the surveys used to compile the Conservation Resources Report were carried out some time ago and we feel that they should have been updated and that surveys of herpetological, and invertebrate fauna should have been included to allow for more informed consideration of the values.

The Proposal

Proposed Conservation Area CA1 to be restored to full Crown ownership and control.

It covers approximately 800 hectares (ha) and includes the upper slopes of the Wether Range. It rises from 1000m at McLays Creek to 1747m on the Wether Range

It is designated as Class 7 and Class 8 land.

As described in the Proposal and in the Conservation Resources Report (CRR) it has a high number of particularly significant inherent vegetation values which need to be protected.

Natural Landscape values are high; it is highly visible from SH8 and is part of Longslip Valley which has been identified as an Outstanding Natural Landscape in the Canterbury Regional Landscape Study Review of 2010.

It provides habitat for karearea, the Nationally Vulnerable banded dotterel, the Declining South Island pied oystercatcher, and the Declining New Zealand pipit.

The proposed area has high potential for tramping, skiing, and hunting, particularly in its connection with the Killermont Conservation Area, and the newly promulgated Twin Peaks public conservation land, and consequently

I strongly support the proposal for CA1 to protect the many significant inherent values within it.

Proposed Conservation Area CA2 , 200ha, to be restored to full Crown ownership and control

There is little detail in the Proposal on the significant inherent values. The Conservation Resources Report (CRR) is more informative. From that and our own observations on the inspection trip and from discussions with other botanists we believe CA2 does contain many significant inherent values.

The western fenced boundary marches with that of a Conservation area that has recently come out of the Morven Downs review.

The Proposal states that "it has tussock grasslands at altitudes between 1140m in the southern corner to 1780 adjacent to Old Man Peak .

We observed areas of wetlands and tarns in association with tussock and shrubs which provide habitat for a number of native birds such as the Naturally Uncommon black shag, Nationally Vulnerable banded dotterel, Nationally Critical black-billed gull and the Nationally Endangered black-fronted tern as well as other native birds.

Recreational opportunities would undoubtedly include tramping given the access to Oteake Conservation Park and the Conservation Land from the Killermont and now Twin Peaks reviews.

I strongly support the proposal for CA2 to be restored to full Crown ownership and control.

Proposed Conservation Area CA3 , of 5,356ha, to be restored to full Crown ownership and control .

Significant inherent values are well described in the preliminary proposal and in the CRR.

It is Class 6 and Class 7 land.

There are intact botanical sequences from the valley floor of Dunstan Creek up to the range summits and given the length of time since the botanical survey was done there are likely to be more species present that are listed in the CRR. Native tussock species are a feature of the area.

Landscape values are high

As is the case for CA2, CA3 provides habitat for a number of native birds such as the Naturally Uncommon black shag, Nationally Vulnerable banded dotterel, Nationally Critical black-billed gull, the Nationally Endangered black-fronted tern and the Declining pipit as well as other native birds. I accept the need for the easement concession 'm-n' for the term of the grazing concession

I strongly support the proposal for CA3 to be restored to full Crown ownership and control.

Proposed GC1 land to be restored to Crown Control as a Conservation Area subject to a grazing concession for 15 years.

Accepted, but suggest that the grazing term be reduced to 10 years to allow better protection for the significant inherent values as outlined in the Proposal summary.

Proposed GC2 land to be restored to Crown Control as a Conservation Area subject to a grazing concession for 10 years.

Accepted - with the proviso that the concession conditions clarify that the concessionaire have the same rights and responsibilities as the public with respect to use of the huts and woolshed.

CC1 Conservation Covenant of 30ha with Proposed freehold

The values within this proposed covenant are well described in the proposal and full proposal (Schedule 1 - 3) see below and include a remnant Podocarp forest with Hall's totara and mountain toatoa which is visible from SH8 and will be of considerable interest to botanists. I have been told in the past that CC designation does not necessarily allow public access.

This would not be satisfactory in this case.

3. Values of Land to be Preserved (Section 77, Reserves Act 1977) – Natural Environment and Landscape Amenity

This area comprises of a large scrub/houibierfield which supports a significant Halls totara forest. Significant values include:

- This is a remnant podocarp forest with Halls totara and mountain totara.
- Remnant lowland shrublands are particularly important as the last remnants of a community that was once far more widespread.
- *Chorisia flaberrata* (declining) and *Coprosma heterosata* (uncommon) are both present.
- These are diverse shrublands that are recognised as having high faunal values and diverse invertebrate communities due partly to the presence of *Deania* species.
- This is a significant feature visible from the Lindis Pass Highway.

Under 'The Owners Obligations 3.1.1' it is stated that there should be no grazing of the land by livestock. I am convinced the CC would need to be fenced to protect the totara and other values outlined in the Proposal document. Rather it should be designated a CA.

I do not accept this CC1 designation and strongly suggest that it in order to protect the significant values it should either be a fenced CA or be part of CA1 and excluded from GC1.

CC2 Conservation Covenant of 30ha with Proposed freehold

Note the values to be preserved - below.

3. Values of Land to be Preserved (Section 77, Reserves Act 1977) – Natural Environment and Landscape Amenity

The land contains open space, landscape and indigenous vegetation values. Specific values include:

- The area retains a high degree of naturalness
- The area is a highly visible and visually significant part of the State Highway 8 corridor in the Lindis Pass
- The valley is classified as an outstanding natural landscape
- The face of Old Man Peak forms a visually impressive backdrop and enclosing range in the Lindis Pass area
- The hummocky foreground is a distinctive landform with reasonably intact tall tussock grassland

I also note that in Schedule 2 it is stated that 'the Owner may graze the Land with sheep and cattle....'

Surely it should be sheep only as cattle would be likely to adversely affect the values.

I note the Monitoring proposal set out in Schedule 3.

However I believe that the values to be preserved deserve a CA designation.

If the CC designation remains cattle should be excluded.

Acknowledgements

I wish to thank Mike Sherman and Ken Taylor for arranging the inspection and also the Lessees, Tim and Charles Innes for coming with us and informing us about various aspects of the lease.

Janet Ledingham
jledingham@xtra.co.nz

John Robinson
350 Manuherikia Rd
RD3
Alexandra 9393
j.robinson@xtra.co.nz

17th November 2020

Commissioner of Crown Lands
Land Information New Zealand Crown Property
CBRE House, 112 Tuam Street
Private Bag 4721
CHRISTCHURCH 8140
Email: pastoral&tenurereview@linz.govt.nz

DUNSTAN DOWNS TENURE REVIEW

Introduction

Thank you for the opportunity to submit on Dunstan Downs tenure review proposal. The proposal has potential to add key gains for conservation and recreation to the hub of existing public lands centred on the area.

I have had the pleasure to experience much of the area covered in the proposal, having traversed the Wether Range from the north, up the current easement at Dunstan Downs near SH8. I've also visited upper Dunstan Creek from the south (St Bathans) and from the west (Shilmar and Long Acre). I have traversed over the Northern Dunstan Range at Old Man Peak.

Recreational Opportunities

My travels in this area have been on foot or by mountain bike, although there is good potential for backcountry skiing in the higher basins of the Dunstan Creek catchment and the ridges over 1600m altitude. I strongly support any mechanisms in the proposal that enable and enhance non-motorised recreational opportunities within the new proposed CA, and those that enable similar linkages to adjoining public lands.

Mountain biking, especially using quiet off-road routes, is becoming increasingly popular. Often these trips are multi-day, joining areas of backcountry together using sealed roads as necessary, and staying or restocking in local small towns (e.g. Omarama, St Bathans and Tarras). The challenge is to have a semi-remote experience in wonderful landscape but avoid busy roads as much as possible.

Any trail suitable for keen mountain bikers is also suitable for walkers and trampers. These forms of recreation are low-carbon in nature – an important consideration for any modern tenure review proposal. Enabling this form of (often domestic) tourism is truly sustainable and helps support local communities. These points are especially important in a post-COVID world facing threats from climate change.

Easement required through CC2/FH

It is in this respect I wish to highlight the most glaring omission within the proposal: No public easement along the well-established ex NZED "pylon road" that traverses CC2 (and a small portion at the southern part of the FH). Such a linkage, from "a" to the boundary of CC2 and the Lindis CA, would use the existing track with a straight-line distance of less than 4 km and an overall length of approximately 6 km. It would be for non-motorised access only.

The “pylon” easement would immediately allow access to the Lindis CA and the track back to the Highway 8. This in itself would be a useful loop ride. But the real value lies in linking to the pylon track as it continues SW towards Dip Creek and eventually joins up with Goodger Road near Polson’s. There appears to be only 1 km of this later section that would currently require permission to traverse. The total route would make it practical to bypass a large portion of the busy state highway through the worse part of the road either side of Lindis Pass.

The easement should only be for non-motorised access. This is well in-tune with the intrinsic natural values of the area (and one of the reasons to avoid the state highway). In addition, gates can remain locked and there will be minimal impact on farming operations or degradation to the existing track formation. I am happy to see the high, steep, zigzag track up Old Man Peak excluded, but the low-level route that only reaches 1000m should be permitted.

CA1, CA2 and CA3

I strongly support the establishment of the proposed conservation areas. All three CAs support a wide range of biodiversity and recreational values. Much of the land has been maintained in good condition yet it contains numerous native species that are threatened, vulnerable or declining. These warrant permanent protection.

The area meshes nicely with existing conservation lands adjoining or nearby, or other land yet to be added. For both biodiversity and recreational reasons, having large contiguous areas of land is so important. These three CAs help achieve this.

GC1 and GC2

I strongly support the establishment of the GC1 and GC2. As per the adjoining CAs, these areas provide for valuable conservation and recreational gains. I support the concessions which allow for a smooth and gradual transition for current lessee. It will be important for the current lessee to retain use of Fat Man’s Lodge (the muster’s hut in the upper Dunstan Creek catchment), however it’s status during and after the concession expires is not clear. I would like to see this clarified to being available for public use during the period of the concession and being transferred to DOC afterwards.

FH and CC2

I would support the establishment of FH and CC2 on the condition that an easement is established, as described above, from “a” to the edge of the Lindis CA to the south. This would be for non-motorised public access.

CC1

I support the establishment of CC1. It appears that the forest remnants will be adequately protected.

Other easements

I support public easement "a-b" and the other easements described for farm or conservation management purposes. As discussed above, we request the additional easement from "a" to the edge of the Lindis CA to the south. This would be for non-motorised public access.

Let me know if you need clarification on any points I've raised. I'm keen to be notified on the TR as the process continues. Please use my email address as above.

Regards

A handwritten signature in black ink, appearing to read "John Robinson", followed by a small arrow pointing to the right.

John Robinson

Dunstan Downs Tenure Review – Public Advertising Submission

From: Ink <Ink@windowslive.com>

Sent: Tuesday, 3 November 2020 10:28 p.m.

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

Subject: Dunstan Downs

Good evening,

I would like to propose that any and all public access ways and easements on Dunstan Downs station should permit and pose no hindrance to horse riders. This would include the right of access, unlocked horse gates at minimum 1100mm wide, and sufficient and accessible parking for horse floats.

Regards,
Lauren Kelly
Timaru



186 Faulks Road,
R.D.2,
WANAKA 9382
(03) 443 4337

24 November 2020

Commissioner of Crown Lands,
Land Information New Zealand Crown Property,
Private Bag 4721,
CHRISTCHURCH 8140.

**SUBMISSIONS on the PRELIMINARY PROPOSAL for TENURE REVIEW:
DUNSTAN DOWNS PASTORAL LEASE PO 019**

Dear Sir,

Lindis Pass Conservation Group thanks you for this opportunity to comment on the proposed Tenure Review settlement of Dunstan Downs Pastoral lease.

We visited the property on October 20 with a group and appreciate the assistance Mr Innes gave us in explaining the proposal, and answering questions about it. We are grateful to him for giving us his time and interest.

Lindis Pass Conservation Group members are volunteers who started work in the Lindis Pass Scenic Reserve in 2004 under a Memorandum of Understanding with the Dept. of Conservation Twizel office, and now a management agreement with DOC Central Otago, Wanaka office.

We carry out a summer programme of weed control (sweet brier, Russell lupin, tree lupin and some broom), with rubbish collection to keep the Reserve clean. We carry out work on both sides of the Pass itself, which straddles the divide between Otago and Canterbury. In 2009-10 we began an experimental trial replanting of some 600 Snow Tussock *Chionochloa rigida* from seeds sourced in the Reserve, to see whether restoration of areas overwhelmed by Hieracium could succeed. Environment Canterbury has since commissioned the replanting of 2000 snow tussocks to selected areas.

As volunteers we have a deep-seated interest in conserving and caring for the biodiversity, ecology and outstanding landscapes of the Lindis Pass. We have a current membership of 70 plus, from Twizel, Ohau, Omarama, Lindis Highway, Tarras, Wanaka, Queenstown, Cromwell, Alexandra, Omakau and Dunedin. Over the years and currently we have members with skills relevant to assessing conservation and landform issues.

We are familiar with the landscape of the Longslip Valley and upper Dip Creek catchment under Old Man Peak, from our workdays over the last 16 years and our explorations within the Scenic Reserve including to the tops of all the high peaks and ridges.

Our submission relates to the places and landscapes that are associated with the Lindis Pass and that contribute to the outstanding landscape values and the indigenous ecological values of the Lindis Pass area.

SUBMISSIONS of the LINDIS PASS CONSERVATION GROUP Inc.

GC1 Grazing Concession 1 on Conservation Land

- **we support the retention of this land as public conservation land**
- **we submit that the grazing concession should be for a term of 10 years only**

The McLays Creek catchment known as Morrisons Block is proposed for a conservation area, but with a non-renewable 15 year grazing concession for 100sus of sheep only. There are no other permitted land use activities. We understand this to be a much reduced intensity of grazing. The grazing can be at any time for any length of period. There is provision for year-round rights of public access.

We think that a reasonable period for the concession as a transitional instrument is for 10 years, being the life span of a healthy ewe. Ewes should be restricted to half-breed ewes to minimize grazing pressure on *Chionochloa macra* at higher altitudes.

CC1 Conservation Covenant over Private Freehold 1

- **we submit that this area be retained in crown ownership as conservation land as part of CA1**

A conservation covenant is proposed over a small area of proposed freehold in McLays Creek being the southern end of a mid-altitude grazing block. This covenant is related to the remnant of totara forest on the large scree fan, with a margin of dense grey shrubland, as well as other patches of grey shrubland which include At Risk and Threatened species such as *Coprosma intertexta* and *Olearia fimbriata*. The forest remnant is recognised as a valuable landscape and ecological feature. It is one of the most distinctive and memorable natural features on the property and in the Longslip valley.

Nevertheless the proposal is that it not be included in nearby public conservation land with GC1. The reasons appear to be that the remnant is reportedly inaccessible to stock, and it is within an existing fenced block.

It has no grazing value and furthermore, the covenant does not include or allow for grazing within the CC1 area, as it is not listed as a special condition in Schedule 2. We note that there is no restriction on the type of stock that might be grazed on the adjacent freehold, which could include deer and goats. These stock types could adversely impact on native woody vegetation.

We submit that this area is unsuitable for freeholding. We question the logic of having it as a covenant area as it has no productive purpose, whilst at the same time it has very high landscape and ecological value. This underscores the logic of including it in CA1.

It is submitted that this valuable remnant should be within public conservation area CA1, not only so that it is freely accessible to be visited by the public, but so that in the long term the area is free of grazing and browsing. This would promote regeneration of grey shrubland and, hopefully, naturally occurring totara-broadleaf forest species.

The existing awkward right-angle fence imposing an unnatural visual pattern could also be removed, restoring visual coherence and landscape integrity. CA1 status also provides an additional public access corridor to the larger CA1 area and beyond via proposed public access easement a-b, or the marginal strip along McLays Creek from the highway.

The willows in McLays Creek should be removed as part of the agreement. Only a short section of new fence is required to include it within CA1. It will need to be fenced off in any case to prevent stock getting through the stock tracks above the remnant and into CC1 where grazing is not permitted.

CC2 Conservation Covenant over Private Freehold 2

We submit that:

- the land above the dividing fence (the historically burnt area and the high altitude area) is part of CA2
- the values within lower CC2 be more comprehensively and explicitly stated based on fresh faunal and botanical survey
- within CC2 grazing is restricted to sheep only at light stocking rates
- there is public access along the Pylon Track and on the true left of McLays Creek;
- there is public access to fault scarp and sag ponds
- wild Russell lupins are eliminated
- there is no pasture development, no non-endemic tree planting, and no tracking, bladed fence lines or any other land disturbance

This area includes the lower hills of the Longslip Creek headwaters which form part of the Lindis Pass landscape on the Canterbury side, and the high sheer range slope below Old Man Peak between McLays Creek and the saddle leading into Dip Creek.

The area can be split into two parts by the Lindis Pass fault marked by sag ponds and a scarp, roughly along which the Pylon Access Road runs. The Lindis Pass hills are west and below this line; the Old Man Peak face is east and above this line.

Lower Lindis Pass Hills

The lower hills have significant landscape and visual value as the immediate highway corridor, and are part of the outstanding natural landscape of the Lindis Pass. They contain extensive red tussock-carex-schoenus wetlands. The robust red tussock valley floor swamps are a particularly distinctive feature and also occur within the Lindis Pass Scenic Reserve. The hillsides above the swamps support many patches and ribbons of grey shrubland cover including patches of regenerating *Coprosma intertexta* (At Risk- Declining) which has not been recorded before. *Olearia odorata* and *O. bullata* were also observed. Another At Risk species, *Leptinella serrulata* was observed high up on an open dry part of the hillside, and numerous other native shrubs and herbs were seen amongst exotic pasture species and sweet brier. The area supports healthy short and tall tussock especially over south facing slopes, valuable for water capture, storage and slow release.

The southernmost gully has a markedly intact and dense “clean” tall tussock cover, the best seen on the property. This has particularly high visual value as part of the visual corridor for the access track between the highway and the Pylon Access Road, now a route open to the public for recreation and likely to become popular. This gully is also directly associated with the new eastern addition of Lindis Pass Scenic Reserve (which includes the larger true left side of this gully, out of Morven Hills tenure review) and adds significantly to the visual and landscape character values of this part of the landscape. It expresses the iconic tall tussock-clad “clean” landscape of the Lindis, more so than on the Morven Hills side which is degraded. The Lindis Pass fault trace and sag ponds, supporting wetland species and habitat, is a significant natural feature. It is listed in the Geopreservation Inventory for Otago.

These values need to be explicitly stated in the Schedule to the Conservation Covenant.

The covenant shall not allow cattle, goats or deer as they would damage the wetlands, shrublands and tall tussock. There should be no further development of the area and economic use should be restricted to low intensity seasonal sheep grazing at light stocking levels that will allow gradual regeneration of indigenous vegetation.

As a condition of freeholding, Russell Lupin and any tree Lupins should be eradicated along Longslip Creek. Lupin control is being carried out on all adjoining land (NZTA, LPCG, DOC) as far east /down-valley of the Scenic Reserve as Longslip Bridge No 1. If they remain on Dunstan

Downs, efforts to control lupins and willow on the Ahuriri River downstream are pointless. It is accepted that this work needs to be carried out on Dalrachney and Longslip Station and within the highway corridor as well. Russell Lupins are a Sustained Control Pest Species under the Canterbury Regional Pest Management Strategy which means they must be eliminated within 50m of any waterway.

Upper Hills and Old Man Peak Face

The upper part of the low hills, forming a scarp-edged table land immediately west of the pylon road, was badly burned in a fire some years ago. The vegetation cover is markedly open and of low stature, still contrasting strongly with the relatively dense tall tussock cover over the fence that runs through the area, separating the highway hills from this burnt area which is part of a large block including the steep western range slope. Recovery is evident in new growth on the tall tussocks, but it will be a very long time before there is canopy closure. In the meantime the area should not be grazed at all. In fact it has very little grazing value, confirmed by the lessee, which places doubt on the necessity of freeholding it to enable grazing.

The land above the pylon road is steep and is characterized by tall tussock, scree and boulder field, and subalpine shrubland. It also has a number of wet seepages. It is all Class 7 and 8 land above 1000m altitude and has very little grazing value. Also, fences at this altitude and on this sort of terrain need a lot of maintenance.

All similar land on neighbouring Morven Hills has been retained by the Crown as conservation land. A small triangular section just under Old Man Peak is in fact proposed as part of CA2. It is highly inconsistent to propose this area for freeholding.



The steep face of Old Man Peak, designation CC2, seen from and integral to the outstanding natural landscape of Lindis Pass Scenic Reserve. Photos, J Kelly for LPCG.

It is submitted that there is no meaningful grazing value in the steep face of Old Man Peak and the burnt area; that it is integral to the stunning Lindis scenic landscapes, and that it should be retained by the Crown as public conservation area, as part of CA2 or CA3.

Conservation is the best use of these lands. Cessation of grazing would ensure maximum recovery conditions for the burnt area, and promote healthy tall tussock growth, important for water yield. Removal of stock, even sheep, will also protect the numerous soft open wetlands. The area is already fenced off as a separate block.

Recreational Potential

It would be desirable to be able to complete a loop on foot, bike or horse from a start point on the Pylon Road at the Lindis Pass access road junction at the head of Longslip Creek (where the road meets the Dunstan Downs boundary), via the 4WD track from the Morven Hills area and via the 4WD track following the ridge on the true left (south) of McLays Creek and back to start via the pylon track.

This not only allows a loop which is more interesting but also enables the significant natural feature of the Lindis Pass Fault and sag ponds (within CC2) to be observed. CA status would enable year-round access to the fault trace and sag pond feature, which could be promoted as a short return walk or mountain bike from the highway. It would also enable the loop walk/ride to Old Man Peak, with one route along the McLays Creek true left ridge and then south along the pylon road to the junction with the highway access.



Lindis Pass Scenic Reserve and the Dunstan Range, an undivided landscape.

Thank you for the opportunity to comment.



Jan Kelly,
secretary,
for Lindis Pass Conservation Group Inc. (LPCG)

24 November 2020