

QUEEN ELIZABETH II NATIONAL TRUST

Board Meeting March 2000

Chair
Board of Directors
Queen Elizabeth II National Trust

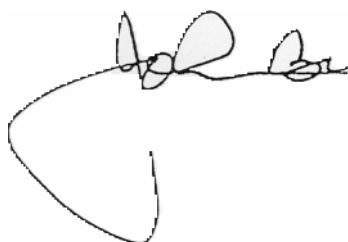
SOUTH ISLAND HIGH COUNTRY

1.0 BACKGROUND

- 1.1 In March 1998 the Trust Board approved a revised policy statement relating to the Trust involvement in the High Country with associated procedures for processing covenant proposals.
- 1.2 At the November 1999 meeting the Board agreed in the light of the tenure review process provided for in the Crown Pastoral Lease Act 1998 the Trust would:-
 - (a) Not process any covenant proposals on Crown pastoral leasehold land involved in tenure review, and
 - (b) Process new proposals as usual if the land was not subject to tenure review:
- 1.3 Advice of the Trust approach has been given to all Crown pastoral lessees with approved covenant projects under action. That advice has also been given to the Commissioner of Crown Lands (as Lessor of the pastoral leases).
- 1.4 The Trust high country policy has been reviewed to reflect the agreed Trust approach. The revised policy is attached.

2.0. RECOMMENDATION

That the Trust Board note this report and approve the revised high country policy statement.



John Bishop
Estate Manager



Queen Elizabeth II

National Trust

For open space in New Zealand
Nga Kairauhi Papa

POLICY STATEMENT

THE SOUTH ISLAND HIGH COUNTRY

1.0 INTRODUCTION

- 1.1 The Queen Elizabeth the Second National Trust has a statutory mandate to encourage and promote the provision, protection, and enhancement of open space for the benefit and enjoyment of the people of New Zealand. More specifically, Section 2 of the Queen Elizabeth the Second National Trust Act 1997 defines open space as any area of land or body of water that serves to preserve or to facilitate the preservation of any landscape of aesthetic, cultural, recreational, scenic, scientific, or social interest or value.
- 1.2 The high country contains a diversity of open space values ranging from those that are essentially natural and unmodified to those that are the result of the interactions of natural and cultural processes since the settlement of New Zealand. The high country contains special features and values that merit protection in perpetuity for the benefit of future generations.
- 1.3 Section 22 of the Trust Act enables the Trust Board to enter into open space covenants with the owners of private land or Crown leasehold land. Where a covenant proposal involves Crown pastoral leasehold land the consent of the Crown (as Lessor) is required before a covenant can be finalised.

2.0 OPEN SPACE COVENANTS

- 2.1 An open space covenant is a legally binding agreement between the landholder and the National Trust. Covenants are in perpetuity but they may be for a specified time, such as the lifetime of a stand of trees.
- 2.2 An open space covenant is registered against the land title and is binding not only on the present landholder, but all subsequent landholders.
- 2.3 The extent of land protected by an open space covenant can vary from case to case depending on the values to be protected and the voluntarily negotiated special conditions to apply to a given covenant.
- 2.4 Day to day management of covenanted land remains the responsibility of the landholder in accordance with the terms negotiated for each covenant under the general oversight of the National Trust.
- 2.5 A covenant may be agreed to by the National Trust subject to detailed management prescriptions set out in a management statement. Where a

management statement is required, the provisions of it are agreed to between the landholder and the National Trust.

3.0 ENTRY AND PUBLIC ACCESS

- 3.1 The open space covenant document reflects the provisions in the Trust Act and indicates that subject to any conditions mutually agreed between the Trust and the landholder, members of the public shall have freedom of entry and access to the covenanted land with the prior permission of the landholder.
- 3.2 While landholders are usually happy for the public to have walking access to covenanted land, intending visitors must be aware that there may be potential hazards within farmed properties and dangers inherent in venturing into remote areas in changeable weather conditions.
- 3.3 Public access to some areas of special value may have to be limited as the features protected may be susceptible to damage as a result of public use. Any constraints on public access would require prior consultation with the Trust.

4.0 COVENANT ASSESSMENT PROCESS

- 4.1 The procedures for processing proposals for open space covenants involving land in the high country are attached as Appendix I.

PROCEDURE FOR PROCESSING HIGH COUNTRY COVENANTS

1. Initiative
 - 1.1 The initiative for a possible covenant must come from the landholder and be directed to the National Trust either via the Trust Regional Representative for the South Island High Country or to the Trust Office in Wellington.
 - 1.2 Advice of the Trust policy and procedure to be followed in advancing the enquiry are given to the landholder.
 - 1.3 If the landholder does not wish to proceed in the knowledge of the policy and procedure, that will be the end of the Trust involvement with the proposal.
2. Determination of Scale
 - 2.1 The Trust Regional Representative will determine the scale of the covenant proposal. This will usually be possible from preliminary information made available, or by phone.
 - 2.2 The preliminary assessment by the Trust may also highlight factors which could impact on the covenant proposal such as any proposals or current negotiations on existing or possible land use or tenure change.
 - 2.3 If tenure review is contemplated in terms of the Crown Pastoral Land Act 1998, then the Trust will not advance the enquiry for an open space covenant ahead of tenure review. The Trust may consider a proposal again if a Trust covenant is a protection option agreed to between the Lessee and Lessor in terms of the tenure review assessment or after the tenure review process has been concluded.
3. Advice to Lessor
 - 3.1 If the proposal involves leasehold land (including Crown pastoral leasehold land) the Trust will advise the Lessor accordingly.
4. Inspection
 - 4.1 An inspection of the proposed covenant area would then be undertaken. The inspection to generally be on a one to one basis involving the Lessee and the Trust Regional Representative. Other parties may be involved in the inspection if the Trust believes this is necessary, and the Lessee has agreed to third party involvement.
5. Additional Research
 - 5.1 Following the inspection and on site discussion with the Lessee, the Trust may need to undertake research to clarify issues identified during the inspection/discussion.

6. Completion of Covenant Proposal Report and Consideration by National Trust Board
 - 6.1 A report on the covenant proposal is completed by the Trust Regional Representative in collaboration with the landholder and forwarded to the Trust Wellington Office, together with all supporting documentation for perusal.
 - 6.2 The covenant proposal report submitted to the Trust Board for consideration. Each proposal is considered by the Board on its merits.
7. Offer of Covenant
 - 7.1 If covenant proposal is supported, advice of the offer of a covenant together with covenant documents for signature are forwarded to the landholder by the Trust Wellington Office. Copy of the advice also forwarded to Lessor.
 - 7.2 The covenant documents are signed as an indication of commitment by the landholder to the covenant and returned to the Trust Wellington Office.
8. Management Statement
 - 8.1 Where the offer of a covenant is approved subject to the preparation of a management statement a draft will be prepared jointly by the Trust and the landholder. In general, the process for completion of a management statement will be:
 - a) The Trust Wellington Office obtains all relevant available resource information from the appropriate source;
 - b) Draft management statement is prepared and discussed by the Trust Regional Representative with landholder.
 - 8.2 A revised version of the management statement is considered and agreed.
9. Consent of Lessor
 - 9.1 The signed covenant document together with the management statement are submitted to the Lessor for formal consent.
 - 9.2 Once the consent of the Lessor (with or without conditions) has been obtained, advice of this given to the landholder.
10. Fencing, Survey and Registration
 - 10.1 Any fencing required on the boundaries of the land to be subject to the covenant is undertaken.
 - 10.2 When fencing is completed, the Trust arranges for a survey plan to be prepared defining the boundaries of the covenant area.
 - 10.3 When the covenant plan is available the covenant documents can be registered against the land title.

ACTION FLOW CHART: SOUTH ISLAND HIGH COUNTRY COVENANTS

<u>STEP</u>	<u>ACTION</u>
1.	INITIATIVE
2.	DETERMINATION OF SCALE
3.	CONSULTATION WITH LANDHOLDER! ADVICE TO LESSOR
4.	INSPECTION
5.	ADDITIONAL RESEARCH
6.	COMPLETION COVENANT PROPOSAL REPORT
7.	CONSIDERATION BY NATIONAL TRUST BOARD
8.	OFFER OF COVENANT / SIGNING OF COVENANT DOCUMENTS
9.	PREPARATION OF MANAGEMENT STATEMENT
10.	LESSOR CONSENT TO COVENANT
11.	FENCING, SURVEY AND REGISTRATION