

Crown Pastoral Land Tenure Review

Lease name : CLENT HILLS

Lease number : PC 076

Public Submissions

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

These submissions are released under the Official Information Act 1982.

Submission 1



WALKING ACCESS
ARA HĪKOI AOTEAROA

20 May 2011



Mike Todd
Opus International Consultants Limited
PO Box 1482
Christchurch Mail Centre
Christchurch 8140

Dear Mike

**Preliminary Proposal for Tenure Review of Clent Hills Pastoral Lease Pc 076
Submission from the New Zealand Walking Access Commission**

Thank you for providing an opportunity to comment on the preliminary proposal for the tenure review of Clent Hills pastoral lease. As you will appreciate, this is the first opportunity that the New Zealand Walking Access Commission (the Commission) has had to comment on this proposal.

In this submission, the Commission seeks to have provision made for public access to and along the Isolated Hill ridge – to enable significant public access and enjoyment opportunities to be realised for New Zealanders.

A. Introduction

Purpose and Objective of the NZ Walking Access Commission

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

Central to its role is the Commission's leadership in negotiating and provision of free, certain, enduring and practical walking access to the outdoors for the New Zealand Public and visitors.

Focus of Submission is Public Access

The Commission's submissions to the Clent Hills Preliminary Proposal is designed, as envisaged by the Walking Access Act 2008, to achieve appropriate and enduring access in this popular area of New Zealand.

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

B. Submission

Existing public access

We note that several legal roads currently dissect the pastoral lease, and that these legal roads have been clearly identified on the designations plan.

Desirable public access

You have advised that *"There has not been a QWB assessment done for this property. This is because there are no adjoining water bodies that would come close to qualifications. The biggest stream (Gentleman Smith Stream) has been significantly modified (i.e. essentially it is now a water race) and could be stepped over in most places."* We therefore understand that the disposal of Crown land through the implementation of this tenure review will not result in the creation of

'marginal strips' under s 24 of the Conservation Act 1987.

We note the existing public access to areas of interest adjoining the pastoral lease via public roads and/or Public Conservation Land.

While the Preliminary Proposal has not made any provision for public access in the designations for this review, the Commission believes there are two adjoining areas that do provide significant public access and enjoyment opportunities for the New Zealand public and visitors. The two areas warranting provision of public access are:

- the ridge extending northwards from Isolated Hill, and
- the proposed 7.5 hectare approximately conservation covenant over the scattered scrub on the south-western flank – shown CC1 on the Designation Plan.

Easements along the pastoral lease boundary, from west of Isolated Hill and easements linking the ridge with two unformed legal roads to the east, are recommended for the proposed public walking access to these two areas. The eastern access would enable completion of a loop, linking with the conservation area via unformed legal roads and the western access would provide convenient access from the formed road.

The flora values of the proposed covenant area are very likely to be of interest to public now, and especially in the future as they become even more significant.

The Isolated Hill ridge, northwards, provides an elevated platform from which the public may view the Lake Heron basin. There are very limited readily accessible opportunities for viewing the basin elsewhere.

The Commission seeks to have:

1. *Provision made for public walking access from the west by the creation of easements from the Hakatere Heron Road, east along the southern boundary of the pastoral lease to the proposed conservation covenant CC1, then along the boundary to the Isolated Hill ridge and northwards along the ridge to the knob at spot height of 761m,*
2. *Provision made for public walking access from the east by the creation of easements commencing at the end of the eastern-most unformed legal road where it joins the pastoral lease boundary westwards across the middle unformed legal road to the Isolated Hill ridge,*
3. *Provision made for public walking access from the northern knob (spot height 761m) of the Isolated Hill ridge east along a practical fence line to the middle unformed legal road*
4. *Appropriate provision for car parking off the Hakatere Heron Road to facilitate public walking access.*

Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of Clent Hills pastoral lease. We request advice in due course as to how the points we have raised have been analysed and what, if any, amendments are subsequently proposed to the Preliminary Proposal designations.

Yours sincerely



Mark Neeson
Chief Executive

Submission 2



23 May 2011

Opus International Consultant Limited
PO Box 1482
Christchurch Mail Centre
Christchurch

Attention: Mike Todd

Dear Mike,

**TENURE REVIEW –FISH AND GAME SUBMISSION ON CLENT HILLS STATION
PRELIMINARY PROPOSAL**

Fish and Game has reviewed the Summary of Preliminary Proposal for Clent Hills Station and provide the following submission on the values associated with property and the outcomes sought through the Tenure Review process.

Values associated with Clent Hills Station:

1. The Nature Heritage Fund (NHF) purchased approximately 10 000ha of land in June 2004 at Lake Heron. The land, to be managed by the Department of Conservation, was originally part of the Clent Hills lease.
2. The remaining part of Clent Hills covers approximately 2000ha and includes some upland gamebird habitat and an important spawning stream that requires protection through the tenure review process.
3. The values of Gentleman Smith Stream have been detailed in the resources report provided by Fish and Game in May 2006 (report attached). Gentleman Smith Stream is a significant spawning stream for the Maori Lakes. Long term annual trout spawning surveys, conducted over a period of 25 years, confirm the presence of high use spawning habitat.
4. After the Fish and Game Resource Report was lodged, Fish and Game carried out a site assessment and determined that the stretch of stream on the property had been mechanically straightened and is used for stock water drinking purposes, therefore the stretch contained limited habitat value.
5. The wetland at the southeast corner of the property most likely acts as a buffer that aids in maintaining good water quality which drains into Lake Emily. The wetland is described in the Conservation report as an "integral part of the whole wetland mosaic associated with Lake Emily".

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

Central South Island Region

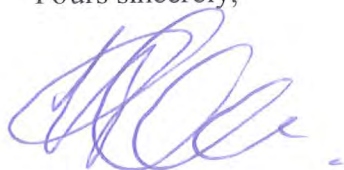
Fish and Game submit:

1. Fish and Game have had no previous issues with access on the property and request this continues into the future.
2. It is important that the water quality in Gentleman Smith Stream is maintained. The stream downstream of the property provides significant spawning grounds and the water contributes to the Maori Lakes. Currently sheep are farmed by the stream therefore there are no water quality issues, however this may change in the future.
3. The wetland in the southeast corner of the property is important for the maintenance of water quality that drains into Lake Emily, while it is not affected by the current farming regime, it may become threatened in the future. Fish and Game submit that this wetland area is worthy of protection.

Outcome sought:

- a) Access is provided for fisheries management on the property.
- b) Fish and Game are particularly concerned about the potential threat to water quality in the Mary Burn. The quality of water should be maintained by fencing the stream from stock and providing a riparian zone. Alternatively, if the land owner intends to continue farming sheep, the marginal strips should be turned into covenants with conditions governing stock type and access.
- c) The Lake Emily Wetland should be protected either via restricted stock access or via conditions governing stock type and access.

Yours sincerely,



Devon Christensen
Resource Officer

25 May 2006

Opus International Consultants Limited
Christchurch Office
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158 Hereford St
P O Box 1482
Christchurch

Attn: Tim Broad

CLENT HILLS TENURE REVIEW
FISH AND GAME RESOURCES REPORT: 25 MAY 2006
Prepared by Central South Island Fish and Game under the provisions of the
Crown Pastoral Land Act (1998)

Introduction:

The Nature Heritage Fund (NHF) purchased approximately 10 000ha of land in June 2004 at Lake Heron. The land, to be managed by the Department of Conservation, was originally part of the Clent Hills lease.

The remaining part of Clent Hills covers approximately 2000ha and includes some upland gamebird habitat and an important spawning stream that requires protection through the tenure review process.

Fish and Game values:

Gentleman Smith Stream and its tributaries are the only spawning streams available to resident trout in the Maori Lakes and as the headwaters of the stream are located in the Clent Hills property it is important that the stream gains formal protection from the effects of landuse and stock access, to protect current values and prevent impacts any further down the stream. The stream has been severely impacted by illegal diversion works and then reinstatement around 2001, and some stock damage has occurred to the stream. (photos attached). Fish and Game see the tenure review process as an opportunity to protect the stream from any future adverse impacts, considering the importance of the stream to the Maori Lakes fishery.

Gentleman Smith Stream is a significant spawning stream for the Maori Lakes. Long term annual trout spawning surveys, conducted over a period of 25 years, confirm the presence of high use spawning habitat. The reach used in the surveys is representative of the stream capacity for spawning and was selected for accessibility for conducting the survey. Annual spawning counts are an indication of the intensity of spawner use of only the lower 4km of Gentleman Smith Stream and are used as an index of variation in catchment wide spawning between years. The reach selected does not cover all spawning provided and spawning habitat throughout the stream is evident.

From 1978 to 2001 the number of trout redds in the selected reach (downstream from the Hakatere Heron Road) has ranged from 40-110 and has averaged 72 redds per year. Juvenile trout production is estimated to average approximately 90 000 fry per year in this 4km reach alone. Trout spawning streams characteristically have high quality water of stable flows and a silt free bed. These conditions appropriately describe Gentleman Smith Stream.

Any future cattle/deer access to this stream has the potential to reduce water quality and break down banks leading to increased levels of silt deposition. The productivity of the spawning habitat is a risk from any silt inputs, and although they may be minimal each year, would be significant over a longer time scale. In time, reduction in hatching success from silt inundation and the effects of stock trampling and water quality decline would manifest itself in reduced spawning runs and a decline in the Maori lakes trout fishery.

Setting off marginal strips and fencing of the stream will maintain the natural qualities of the stream bank and bed to ensure that degradation is avoided and effects on the fishery are minimised. Wetlands and seeps contributing flow to the Gentleman Smith Stream and Clent Hills Stream (where continuously flowing) must be included in protection work.

Upland gamebird habitat exists on Ricki Spur however current utilisation of the area for upland gamebird hunting is not known.

This report is intended to provide agents with an idea of what Fish and Game need to see in order to best represent our licence holders. It is recognised that issues surrounding practicality need to be worked through and we would like to be involved in further consultation.

If you require any further information please do not hesitate to contact me.

Yours Sincerely

B Z Pringle
Resource Officer

Submission 3



Patron:
*His Excellency The Honourable
Sir Anand Satyanand, GNZM, QSO
Governor-General of New Zealand*

Southern Regional Office
PO Box 4403
Christchurch

Our Ref: 22015-001

23 May 2011

Mike Todd
Opus International Consultants Limited
PO Box 1482
CHRISTCHURCH 8140



Dear Mr Todd

Clent Hills Pastoral Lease – Preliminary Proposal for Tenure Review

Thank you for the opportunity for NZ Historic Places Trust (NZHPT) to comment on the Preliminary Proposal for the Clent Hills Tenure Review. NZHPT is an autonomous Crown Entity with responsibilities under the Historic Places Act 1993 to promote the identification, protection, preservation and conservation of the historical and cultural resources of New Zealand.

As you are aware, the 2003 Amendments to the Resource Management Act added a definition of historic heritage, where previously there was no definition, and elevated historic heritage to a matter of national importance, to where now there is a requirement to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development (Section 6 (f)).

Desk-top study by the NZ Historic Places Trust identified there are no registered historic places, historic areas, wāhi tapu or wāhi tapu areas in the Clent Hills Pastoral Lease. Clent Hills is located in the Rural Zone of the Ashburton District Plan and there are no heritage items at this location identified in the District Plan.

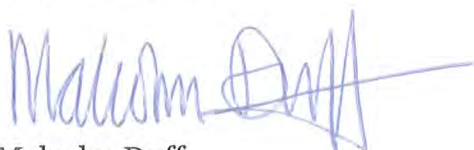
The absence of recorded archaeological sites in the NZAA Site Recording Scheme on the property should not be taken as evidence that no sites are present, as a systematic survey has not been undertaken. Current and future owners should be made aware that work affecting archaeological sites is subject to the archaeological authority process under the Historic Places Act 1993. If any activity, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from NZHPT must be obtained for the work prior to commencement. It is an offence to modify, damage

or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage.

NZHPT notes that the proposed freehold land is adjacent to Lake Heron which is part of the Ō Tū Wharekai (Ashburton Lakes) Statutory Acknowledgement area under the Ngāi Tahu Claims Settlement Act 1998. Schedule 46 of the Act provides a statement of Ngai Tahu's cultural, spiritual, historic, and traditional association to the Ashburton Lakes, particularly as a mahinga kai (food resource). Within the Preliminary Proposal, there is no mention of consultation with Te Runanga o Ngai Tahu. We assume that you will be undertaking consultation with TRONT and NZHPT recommends that this is undertaken to identify any areas of Maori Heritage value within the area of proposed freehold land.

Thank you for the opportunity for us to provide our input at this stage.

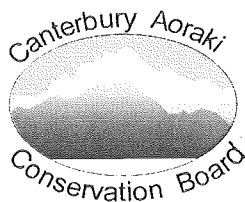
Yours sincerely

A handwritten signature in blue ink, appearing to read 'Malcolm Duff', with a long horizontal flourish extending to the right.

Malcolm Duff

General Manager Southern

Submission 4



Opus International Consultants Limited
P. O. Box 1482
Christchurch 8051.

23 May 2011.

Dear Mr Todd,

Re: Clent Hills tenure review

The Canterbury-Aoraki Conservation Board welcomes the chance to comment on the preliminary proposal for Clent Hills' tenure review. The property is in the O Tu Wharekai intermontane basin and diverse wetland area, adjoining freehold and other leasehold land, the Hakatere Conservation Park, and Lake Heron.

In recent years, much has changed in the vicinity of Clent Hills, with the 2007 establishment and subsequent growth of the adjacent Hakatere Conservation Park and the inception, at its centre, of the O Tu Wharekai Wetland Restoration Project, also in 2007, as part of the national Arawai Kakariki wetlands restoration programme, alongside the ongoing development of high country farming practice.

We would like to emphasise that our position is that of the 'clean slate'; that Clent Hills is a property in its own right and that it should not be seen as the residue of the former, larger pastoral lease. The 'big picture' that existed at the time of its fragmentation in 2004 is not the 'big picture' that we see now. O Tu Wharekai as a coherent environment with the expert oversight and management of the Department of Conservation, the consequent growth of recreation in the area and its strong links with landscape and ecological values, and the potential for development that freehold title gives put the purpose and potential of this review in a different light.

Designations of freehold disposal to Clent Hills Holdings Limited, and for use as public conservation land

The board is supportive of much of the proposed freehold designation; there are reasonable productivity values inherent and careful management has supported and developed these well to date, particularly on the flats, while largely demonstrating respect for the conservation values of the property. We recognise the cultural, social and economic benefits that the Clent Hills farming operation brings locally and on a grander scale.

High ecological, recreational and landscape values exist within the property also. In the wider O Tu Wharekai context, unbroken sequences and tapestries of landscape, ecosystems and habitat can be observed. The Department of Conservation has a recreation plan for the area that respects and orients visitors around these things. Clent Hills contains some features which are so much more germane to the public conservation values of O Tu Wharekai than to agriculture that we feel that conservation is the best option for their future management.

Lake Emily catchment

O Tu Wharekai is nationally important for wildlife. The intermontane basin has been described as 'probably the most important lake/wetland complex remaining in the South Island high country' (Harrington et al, 1986). Lake Emily, a significant part of O Tu Wharekai, is outstanding as a habitat (Stokes and Grant, 1992) and is an integral part of the larger wetlands mosaic (Sedgeley, 2004).

A large part of Lake Emily's catchment exists within Clent Hills and this, we believe, should be protected within the consistent management regimes of the Department of Conservation for the safety of the lake and its biological systems, the integrity of the broader O Tu Wharekai principle of whole wetland system protection and restoration, and the recreational opportunities that will come with the presence of a fully functioning lake ecosystem.

This should be achieved by having all of the Lake Emily catchment that lies within the Clent Hills boundary designated as public conservation land.

Lower Swin River

The northernmost block that in the north runs over Lake Hill and along the southern Swin River terrace, and along a legal road in the south, possesses a range of conservation values. In terms of flora and habitat, there are moraines, ephemeral tarns, cushion communities, tussockland and gravelfields. Presently, the dryland values of this block are high.

These values translate into landscape and recreation values, with increasing numbers of people attracted and taking part in a variety of activities including tramping, climbing, picnicking and mountain biking. The river's dryland ecological margins are broad and intact, with obviously strong landscape connectivity between the sides. It is currently the route most often taken by visitors to Double Hut and the Taylor Range. Lake Hill is a gentle landmark close to Lake Heron, receiving many visiting groups.

There are additional aspects to the matter of recreation in the northern block that pertain to the legal road at its base, which should remain open. It will provide alternative, rapid access to Double Hut and beyond for many people, including mountain bikers of a range of abilities. Importantly, it will be a management tool in providing a clearly direct, alternative route for up-river-bound visitors who might otherwise take a thoroughfare around Lake Heron's Harrison's Bight, a particular haven for birds.

There is significance in this: Lake Heron has been described as 'the most important lake in the area' for its support of bird species (Sedgeley, 2004) and Department of Conservation studies have shown that human presence within 200 metres of the lake is disruptive to birdlife.

Designating this northern block as public conservation land will ensure its security in a number of ways. It will protect the Swin River and the existing 7.133 hectare fenced covenant from run-off issues that could arise were it developed as a freehold block, and support its ecological and landscape connectivity. Lake Hill, presently divided between public conservation and leasehold designations, will retain its ecological and landscape coherence. Recreational use will likely remain healthy if the values that have initially drawn visitors remain intact. The ability to move up the Swin River more efficiently than presently will be attractive to some users. The opportunity to prevent disturbance to birds on Lake Heron by visitors with up-river destinations should be taken.

Ricki Spur

At 1,014 metres above sea level, Ricki Spur is dominant in the O Tu Wharekai landscape from many

positions in the basin, contains part of the Lake Emily catchment and has tussockland, rockland, scrub, shrubland and herb communities that are representative of original vegetation.

The board is interested in the protection of all these values but particularly, and excepting Lake Emily's catchment, referred to earlier, the value of landscape congruency within the O Tu Wharekai context. O Tu Wharekai is successful and attracts significant visitor numbers in large part because of the legibility of the environments and landscapes within it and ongoing integrated planning and management directed by the Department of Conservation.

We would like to see all parts of Ricki Spur above the flats that are within the pastoral lease and not part of the Lake Emily catchment, retained in public ownership as public conservation land for their contribution to conservation values and particularly those associated with the landscape of O Tu Wharekai.

Northeastern block

This smaller block at the northeastern corner of Clent Hills lease is situated at the point where the Swin River broadens into its fan. In terms of ecology and landscape, it is connected with the northern block and Ricki Spur, which we propose should be retained in public ownership. As a privately-owned block subject to development, it could present as anomalous relative to the adjacent ecology and landscape, and in tension with O Tu Wharekai principles.

With respect to recreation, the public retention of this block will enhance the conservation values that attract visitors generally, contribute to easier access up the Swin River and enable public access behind Ricki Spur by the legal road which should remain open.

Gentleman Smith Stream

Gentleman Smith Stream, which flows into Maori Lakes, has a varied history with regard to its water quality and quantity, but the board understands that it is currently in improving condition. Present and future challenges to the stream's health, and consequently, the health of Maori Lakes and their complex ecosystems, stem mainly from potential for above-normal sediment input and for degradation to be caused by nutrient run-off.

The board would like to see a protective mechanism established to ensure the ongoing vigour of species and ecosystems dependent on Gentleman Smith Stream. It should, at the least, include the complete fencing of the stream within the property's boundaries and appropriate riparian planting that covers the margins sufficiently to eliminate nutrient and sediment run-off as far as possible.

Isolated Hill covenant

The ability of the covenant proposed for an area on Isolated Hill's southwestern slope to be protective is questionable. The lack of fencing would mean that stock incursions would occur and the slow growth rates of many of the species within the area would likely mean that proper regeneration would be unlikely.

The small size of the suggested area (7.5 hectares) raises concern about the area's ability to perform its full range of ecological functions and remain viable in the long term. Plant species such as *Raoulia monroi* and prostrate kowhai are of note in the ecological district and the board is supportive of a mechanism to protect them in their natural ecological context, but any such protection must be meaningful.

Additional to the above points, the board believes that these plants' significance makes them and their rockland and shrubland contexts of interest to the public, that their place in O Tu Wharekai is significant, and that public access is not undesirable or inappropriate.

The proposed Isolated Hill covenant will need substantial redesign to enable it to contribute significantly to ecological values and the values of O Tu Wharekai, and for it to have reasonable and long-term flexibility on the matter of public access. We would like to see this happen and expect that the potential for positive conservation outcomes will be high.

Recommendations

The board is of the strong view that this tenure review should be 'from scratch', that is to say, unencumbered by its history. The pre-2004 Clent Hills pastoral lease is not relevant to the process; of significance are the existing neighbouring Hakatere Conservation Park and its O Tu Wharekai project, and the local farming infrastructure.

We recognise the worth of both agricultural and conservation values to the Clent Hills locale and recommend:

- *that the majority of the property's flats areas be designated for freehold disposal to Clent Hills Holdings Limited, with exceptions contained in the following points taken into account.*
- *that all of the Lake Emily catchment that lies within the Clent Hills boundary be designated public conservation land to protect its wetland values and in support of the broader aims of the O Tu Wharekai project.*
- *that the northern block, adjacent to the Swin River, be retained as public conservation land to protect the ecological, landscape and recreational values of the river and its margins, including Lake Hill. In recreation planning terms, giving clear access to the legal road on the south edge will encourage visitors in greater numbers and may, in providing an alternative to the often-used lake-side route, relieve pressure on Lake Heron's birdlife.*
- *that all of Ricki Spur within the pastoral lease and above the flats and not part of the Lake Emily catchment be designated public conservation land for its general conservation values, and particularly those landscape and recreation values associated with O Tu Wharekai.*
- *that the northeastern block adjacent to both Ricki Spur and the northern block become public conservation land in support of landscape and ecological values, to enhance access up the Swin River and to make access behind Ricki Spur by legal road available to the public.*
- *the establishment of a protective mechanism, based on robust integrated conservation principles, to protect and enhance the values of Gentleman Smith Stream and Maori Lakes, which it flows into but is outside the property's boundary.*
- *the proposed small covenant on Isolated Hill be redesigned to exclude stock, be of a self-sustaining size and shape and have built-in flexibility with regard to public access.*

Conclusion

The board believes that the Hakatere-Heron and wider communities and conservation values will benefit from a careful review that will dispose of the Clent Hills land through appropriate designations. These should be guided by thorough consideration of the strengths of all the property's features and the wider context. We believe that our recommendations will achieve this. The high quality and principles of the O Tu Wharekai project will be upheld and extended and the traditional and new

farming practices and culture of the area will be supported.

Prepared by: J. R. Finlayson
Canterbury-Aoraki Conservation Board

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Submission 5

Royal Forest and Bird Protection Society
P O Box 2516
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24 May 2011

Mike Todd
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Attn: Mike Todd
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SUBMISSION ON PRELIMINARY TENURE REVIEW PROPOSAL FOR CLENT HILLS PASTORAL LEASE

A. INTRODUCTION

The Royal Forest and Bird Protection Society (Forest and Bird) is New Zealand's oldest and most active conservation organisation. It has 56 branches around New Zealand. This submission is on behalf of the Society's Ashburton Branch and the Canterbury/West Coast Regional Office.

The high country landscapes of the Ashburton Lakes including the Hakatere Conservation Park are significant to and highly valued by the Ashburton Branch and Forest and Bird members.

The Ashburton Branch has a longstanding and close association with the Hakatere/Ashburton Lakes area, including Lake Heron, and it is a focus for Branch activities. Committee members know the Clent Hills area well. The Branch has numerous field trips to the area, organises regular wilding control work parties, actively participates in the annual winter bird count at the lakes, assists with replanting and weed control work around the lakes, promoted the protection of crested grebe particularly on Lake Clearwater, proposed the upper Rangitata River and Ashburton Lakes (including Lake Heron) for World Heritage status with the area now included on the Department of Conservation's candidate list and continues to advocate to protect the Cameron River, Stour Valley, and the lakes from poorly conceived irrigation storage and take proposals. In addition, the Branch helped achieve better control of four wheel drive access around the lake edge.

Forest and Bird was an applicant to the Nature Heritage Fund (NHF) for the successful joint purchase of the larger Clent Hills pastoral lease by NHF and Clent Hills Holdings. The lease was subsequently subdivided into conservation land (Clent Hills Conservation Area) and the remaining pastoral lease. Despite being an applicant to NHF, Forest and Bird was not consulted about the boundaries for the proposed split between conservation land and pastoral lease land. The Branch understands these were drawn up in haste in order to finalise the sale and purchase agreement and were not based on any recommendations from ecological and landscape specialists and surveys.

The current joint boundary between conservation land and the pastoral lease is problematic in not providing an adequate lakeside corridor for public use nor an adequate buffer for Lake

Heron, restricting public access to the top of Lake Hill and not protecting the catchment of Lake Emily and other areas of ecological significance.

Tenure review is an opportunity to remedy past mistakes by adjusting the boundaries of land proposed for freeholding. This submission details the changes sought.

While current holders of the Clent Hills lease are sympathetic to conservation values, future holders may not be. Given intensive development of high country land for dairying and cattle grazing elsewhere, protection of SIVs is only assured if these areas are protected as conservation land.

B. PRELIMINARY PROPOSAL

Forest and Bird understands the preliminary proposal to be:

- a) Freehold disposal of the entire pastoral lease of 2,182.85 ha. to Clent Hills Holdings Ltd subject to a conservation covenant over 7.5 ha. on the western slopes of Isolated Hill.

C. SUBMISSION

General comments

Forest and Bird submits that the preliminary proposal (PP) for Clent Hills is contrary to the requirements of the Crown Pastoral Land Act (CPLA) because it fails to protect areas with significant inherent values that warrant restoration to full Crown ownership and protection as public conservation land under Part 2 of the Act.

Forest and Bird seeks changes to the boundaries of the area proposed for freehold to exclude the areas described below and marked on Map 1 attached. These areas have SIVs which merit protection as conservation land.

The Conservation Resources Report (CRR) makes an unsubstantiated claim that values here may be represented on conservation land without providing any information about how and where those values are protected. The recreational and wetland values in particular are not.

Clent Hills pastoral lease is part of the core management area of DoC's O Tu Wharekai wetland restoration project. The Department's vision for the project "*is that the intrinsic values of one of the best remaining high country freshwater wetland and braided river ecosystems are protected, enhanced and appreciated.*"¹ O Tu Wharekai is one of only three wetland sites within the department's high profile national wetland enhancement programme, Arawai Kakariki.

The purpose of the Arawai Kakariki programme includes to: "maintain and enhance hydrology and water quality," "protect intact wetland habitat and rehabilitate degraded wetland habitat," and "protect and enhance species diversity and threatened flora and fauna".² Wetland habitat includes those associated with rivers, streams and lakes, tarns, swamps and ephemeral turfs and protection includes maintaining the extent and quality of wetlands. The

¹ DoC (2011) "O Tu Wharekai wetland, Ashburton lakes and upper Rangitata River, Canterbury" pamphlet.

² DoC (2011)

programme operates with community involvement and facilitates and supports wetland research. (See: www.doc.govt.nz/otuwharekai) The programme has operated since 2007 and the CRR and technical reports should have been updated to take account of its purpose and work.

The Preliminary Proposal is inconsistent with the O Tu Wharekai programme because it fails to protect and fence Gentleman Smith Stream and protect Lake Emily and its catchment. Amending the boundaries as Forest and Bird proposes would help implement the programme objectives.

The specialist botanical report (Harding, 2004) states that “undeveloped low altitude sites on the property are a high priority for protection” (p11) and summarises the significant inherent values (SIVs) of the areas recommended for protection. The preliminary proposal (PP) ignores this.

The lease is bisected by one formed and three unformed legal roads. User groups asserting their access rights to unformed legal roads through future freehold may cause management issues for the landowner. Alternatively, a future freehold owner may seek to have the unformed legal roads closed and included within the new freehold. Such applications can be controversial and strongly opposed.

The preliminary proposal is disappointing in not avoiding such conflicts by sorting out the current muddled land tenure and incorporating some of the unformed roads within conservation land or using them as a boundary between land proposed for freeholding and new conservation land.

Area A Northern corner of the property including southern slopes of Lake Hill

Lake Hill and Trig G (762m) is a scenic view point for walkers providing impressive views of Lake Heron and the surrounding mountains. The proposed boundary restricts public access to the hill's highest point and the 360 degree views available from here. This is very frustrating to walkers and other recreational users.

The southern face of Lake Hill is highly visible from the approach to Lake Heron along the Hakatere-Heron Road and part of the approach to the lake. The uniformity and simplicity of the landform and the tussock cover contribute to the landscape and amenity values of the hill and the lake margins. Subdividing one landform (the hill) with one land type into two different tenures as the Preliminary Proposal does, compromises its landscape values. The existing fence along the ridgeline is intrusive (and also vulnerable to snow damage).

Landscape values would be further impacted if OSTD and intensification occurs on the land proposed for freeholding with bright green exotic grass next to tawny tussock. Shifting the boundary and the existing fence to the south west along the unformed road so that all of Lake Hill becomes conservation land would avoid this.

Lake Hill is the most elevated and accessible viewpoint close to the lake to which the public could have open access. Mt Sugarloaf requires landholder permission. The Department has developed additional recreational facilities including toilets and roading to encourage access to the Lake Heron shoreline and promote it as a front country recreational area. Lake Hill and Harrison's Bight are popular destinations for walkers, mountain bikers, birders, fishers and

picnickers. It would be logical to protect the remainder of Lake Hill and the wetland at its base to ensure consistent management of this highly visible landform which is a key part of the recreational experience.

The proposed freehold boundary continues to restrict all recreational users to a narrow lakeshore corridor by creating a pinch point at the former lakeshore wetland immediately east of the Department of Conservation (DoC) road end car park. Intensive use and roading development at this pinch point has destroyed the wetland values and pushes walkers and vehicles together compromising the walking experience.

Changing the boundary and shifting the existing fence would help separate walkers from four wheel drives and enable walkers to better enjoy a peaceful lakeshore experience.

A more logical boundary would be to follow the existing unformed legal road which runs west to east from the Hakatere-Heron Road. This would also promote connectivity in providing better buffering of the Swin River and its margins.

Very few basin floor areas are protected as conservation land in the Heron and Clearwater Basins. The Hakatere Conservation Park includes large areas of range and mountainlands but few representative examples of valley and basin floor communities.

The area while small is viable because it adjoins conservation land.

Decision sought

Protect as conservation land all of the shaded area A on Map 1 Move the boundary and the existing fenceline south to run along the unformed legal road which runs from the Hakatere-Heron Road across conservation land and then west to east across the lease.

Area B Lake Heron moraines and headwaters of Gentleman Smith stream.

Lake Heron has the highest protected status of nature reserve. The lakeshore moraines (c20 ha) east of the Hakatere- Heron Road and on the northern boundary of the lease support short tussock grassland with scattered snow tussock and matagouri. The moraines contain several kettleholes with significant wetland turf communities. The proposed boundary fails to protect the lakeshore moraine vegetation and landscape sequence or buffer the land from agricultural intensification on the proposed freehold.

The extensive cultivation close to Gentleman Smith Stream and the destruction of wetland and riparian habitats has been a tragedy for the area. Protecting the outstanding landscape, recreational and habitat values of the Maori Lakes requires protecting the healthy functioning of inflowing streams. Tenure review outcome must provide for fencing of Gentleman Smith Stream to prevent stock access and provide a generous riparian buffer.

The area deserves protection for the following reasons:

- The moraines that have not been cultivated support a short tussock grassland community which is representative of the original vegetation.

- Plant communities in gentle outwash surfaces in the Heron Basin are “seriously depleted relative to their former extent” and “Undeveloped outwash surfaces are a high priority for protection”.³
- The area is part of a complete and undeveloped glacial landform (Lake Heron moraine) which is one of the special features of the Lake Heron basin. Freeholding risks its landscape, geological and botanical values being fragmented under two different land uses and management.
- Protection of the moraines is needed to provide better buffering for the moraines and kettleholes and prevent future OSTD on newly freeholded land (20-30m from two of the kettleholes) from destroying the turf communities through exotic invasion and nutrient enrichment.
- Gentleman Smith Stream flows into Maori Lakes, a key freshwater habitat in the Ashburton Lakes and a key part of the O Tu Wharekai wetland restoration programme discussed above.
- Cultivation and stock access to Gentleman Smith Stream will be increasing sediment and nutrient levels in the stream, polluting and degrading water quality in the Maori Lakes, enriching it and potentially affecting its healthy functioning.

Decision sought

Protect and restore to full Crown ownership all of the currently unprotected of the Lake Heron moraine (c 15 ha).

Fence and restore to full Crown ownership as conservation land a 20 metre setback on each side of Gentleman Smith Stream to protect stream health, with an alternative stock water supply being arranged if necessary. The fenced area should either become a DoC managed reserve (preferably) or have a covenant to ensure the stream and its margins are managed to protect aquatic habitat values. The covenant should prohibit grazing, cultivation, burning, afforestation and OSTD.

Boundaries of the protected and fenced area should be identified after a field inspection.

Area C Ricki Spur and Isolated Hill valley (170 ha)

The western slopes of Ricki Spur support snow tussock shrublands including patches of matagouri and rock outcrop communities. The valley floor surface supports short tussock, and in shallow hollows, cushionfields and herbfields. The area comprises important headwaters for the streams and wetlands to the south. Its vegetation communities and ecological valleys are well described in Harding, 2004.

The northern tip of Ricki Spur and the north eastern corner of the pastoral lease is proposed for protection to provide continuity and given that it is dissected by unformed roads.

The area deserves protection for the following reasons:

- It includes the only large area of undeveloped valley floor surface on the property and one of the few remnants of original valley floor vegetation in the Ashburton Lakes area so is a good example of original plant communities.

³ Harding (2004) at p 8

- It supports “substantial” populations of several threatened species including *Coprosma intertexta* and *Raoulia monroi* and several prostrate kowhai (rare in the area) (Harding, (2004).
- The vegetation has “high naturalness values”.
- If the western slopes of Ricki Spur are freeholded there is a strong likelihood that OSTD and spray drift will compromise kettlehole and other wetland turf communities on the valley floor and moraines on conservation land to the east of the Spur. Shifting the boundary west to the base of the slope would help buffer the SIVs on adjacent conservation land.
- As with Lake Hill it is inappropriate for such a visible landform to be in two different management regimes. Future development including OSTD and more intensive grazing on the western slopes of the Spur would bisect the landform and degrade its landscape values.

Decision sought

Shift the boundary of the proposed freehold west to protect all of the shaded area on the attached map including the western slopes of Ricki Spur and cushionfield and valley floor vegetation.

Area D Wetlands, seepages and catchment for Lake Emily (c 175 ha).

The extensive wetland area in the south eastern corner of the property comprises extensive and dense red tussock on poorly drained ground with fescue tussock on the valley floor and mixed tussock on adjoining slopes. This area has numerous wetlands which support bog rush, red tussock, other sedges and wetland plants. They are connected via streams and all flow to the south contributing to wetlands and water supply on the north side of Lake Emily. These wetlands are crucial for ecological functioning and buffering of Lake Emily as well as their inherent values. They are a priority for protection as conservation land.

The area deserves protection for the following reasons:

- It has high SIVs which are well described in Harding (2004) at p 13 but poorly summarised in the Department’s Conservation Resources Report.
- The area is mapped as having SIVs for fauna and aquatic habitat in the specialist technical reports and recommended for protection.
- The area has long been recommended for protection. The southern part of this area is part of Recommended Area for Protection Hakatere 5. Tenure review is the only practical way to correct the oversight in the NHF purchase.
- Freeholding wetlands which are hydrologically connected with Lake Emily would be inconsistent with the objectives of O Tu Wharekai, discussed above.
- Harding (2004) assesses the red tussockland and herbfield communities in this area as “highly natural” and “highly representative of the original vegetation.”
- Wetlands, including red tussockland wetlands, have been much depleted in New Zealand. Only 45,600 hectares of wetland remain in New Zealand, just 9.4 % of the original extent. All remaining wetlands deserve protection as a matter of public policy.
- The protection of indigenous vegetation associated with wetlands is “National Priority 2” of three priorities in the “National Priorities for Protecting Rare and Threatened Biodiversity.” This statement of Government policy was published after the CRR was

prepared. It notes that “This statement will be used to inform the government’s own Crown land management programmes ...” (p6). The Preliminary Proposal fails to take account of and implement the priority statement. Crown agencies such as LINZ and DoC must implement the National Priority statement if they expect private landholders and local government to do so.

- The area sustains a relatively diverse range of plant communities with no significant weed infestations.
- It supports populations of two threatened plant species (*Raoulia monroi* and *Olearia bullata*).
- The area is part of a wider valley landscape containing glacial sequences. The SIVs include the potential to protect complete vegetation sequences which include these wetlands.
- The area is viable and adjoins protected conservation land to the north and south.

Freeholding this area risks the degradation and destruction of its wetland values through grazing and dessication or OSTD and cultivation. This would fragment the landscape.

Decision sought

Amend the Preliminary Proposal to protect as conservation land the around 175 ha. area of wetland communities which are connected with and help sustain Lake Emily. The area is shaded in green on Map 1 and merges with Area C.

Area E Isolated Hill covenant CC1 (c 20 ha)

Isolated Hill is glacially smoothed bedrock. The proposed covenant on its south west flank would “protect” a small area of scattered scrub and associated rockland and tussockland communities on the steep slope. Harding (2004) described these as “highly representative of the original vegetation” and supporting good populations of the threatened *Coprosma intertexta* and prostrate kowhai (rare in the area) with “relatively high naturalness values”.

The botanical report (Harding (2004) also noted that the short tussockland on Isolated Hill is “the healthiest and densest observed on the property”.

The covenant is isolated from nearby conservation land. The lack of connectivity and lack of fencing will not protect its shrublands. Harding recommended a new fence along the eastern boundary. It is not clear from the website information whether this is to occur.

The land to the west is heavily developed and this part of Isolated Hill and the valley floor to the east are likely to receive nutrients via grazing animals and fertilizer. Edge effects on the covenant area are expected to be significant.

Decision sought

Fence the proposed covenant area as marked on preliminary proposal map to exclude grazing. Provide for removal of any woody weeds prior to freeholding.



Jennifer Miller
Canterbury/West Coast Field Officer

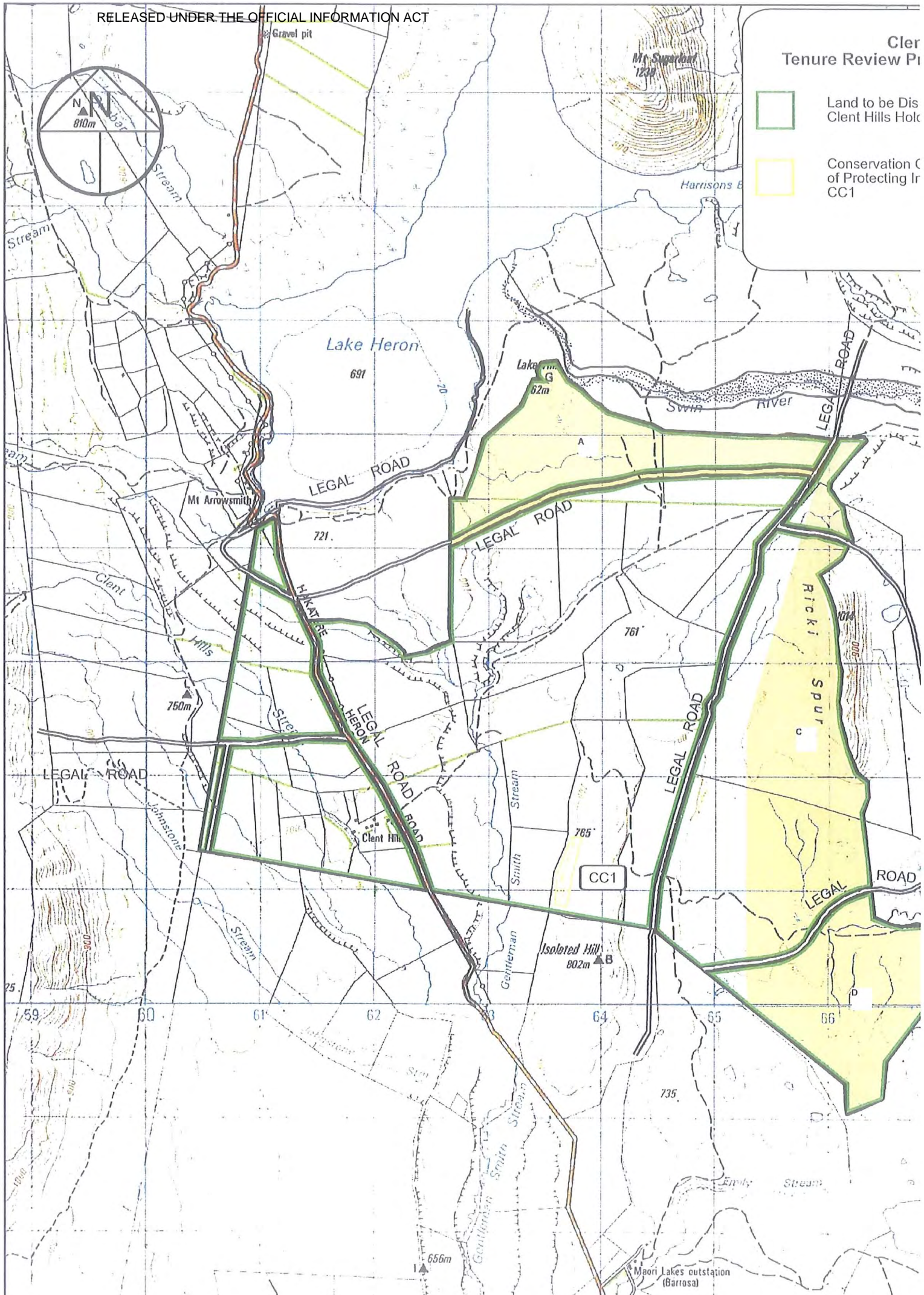
References

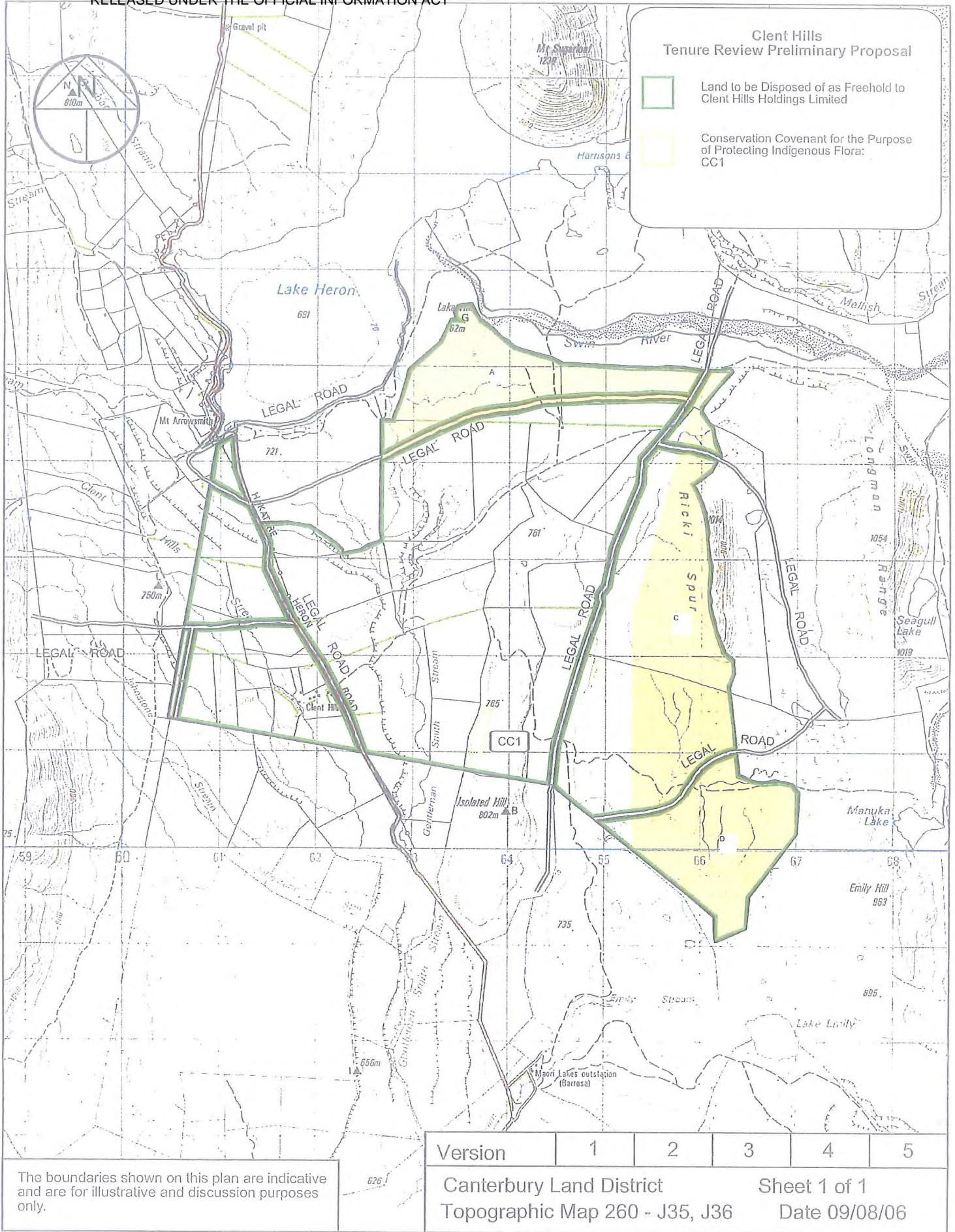
Harding M (May 2004) "Clent Hills Pastoral Lease – Plant Communities of parts of Clent Hills Pastoral Lease with Recommendations for Protection."

Cc Philip Todhunter and Anne Palmer, Clent Hills Holdings

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**Clent Hills
Tenure Review Preliminary Proposal**

Land to be Disposed of as Freehold to Clent Hills Holdings Limited

Conservation Covenant for the Purpose of Protecting Indigenous Flora: CC1

Version	1	2	3	4	5
Canterbury Land District	Sheet 1 of 1				
Topographic Map 260 - J35, J36	Date 09/08/06				

Clent Hills

Scale 1:50000



The boundaries shown on this plan are indicative and are for illustrative and discussion purposes only.

Submission 6



Federated Mountain Clubs of NZ (Inc)

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23 May 2011

Commissioner of Crown Lands
Mike Todd
Opus International Consultants Limited
P O Box 1482
Christchurch 8140

Email: mike.todd@opus.co.nz

Dear Sir

Clent Hills – Submission on Preliminary Proposal

Federated Mountain Clubs represents clubs involved back country recreation with a particular focus on mountainous areas.

We have looked the proposals for Clent Hills and at the related documents. We are familiar with the area.

The earlier rationalisation that saw areas of the being bought by the Nature Heritage Fund covered most of the areas we have an interest in.

We see the existing legal road lines as being important feature (and the gaps in these that are outside of the property currently under review.

There are two areas of some concern to us. One is the Gentleman Smith Stream. As noted by the Fish and Game report this stream is important as a trout spawning stream and its quality has significance for the lake downstream. We feel that the values of the stream should get recognised and some protection be given to the stream. The other area is the wetland in the Lake Emily catchment. This review covers the northern end of this wetland. Some protection should be given to the wetland.

Yours sincerely

Phil Glasson
Secretary