

Crown Pastoral Land Tenure Review

Lease name : HUKARERE

Lease number : PO 009

Public Submissions – Part 1

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

These submissions are released under the Official Information Act 1982.

May

18

Submission 1

Parasol Run,
C/- 279 Leithen Road,
R.D 5 Gore 9775.

26/9/2014

**Commissioner of Crown Lands,
Crown Property,
CBRE House 112 Tuam Street,
Private Bag 4721,
Christchurch 8140.**

Submission Hukarere Station:

Dear Minister,

The Parasol Run located at 520 Charteris Bush Rd, Valuation number 28608-22400 is a neighbour of Hukarere Station on the Southern boundary.

Hukarere Station has an access track (4WD) up our boundary and this is quite satisfactory, however to put a cycle/walking track right next to the Parasol Run boundary is not satisfactory as:

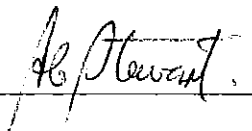
- 1) It invades our isolation and privacy.
- 2) It will disturb stock, which potentially could lead to all sorts of problems, like mismothering of lambs and calves, even smothering of livestock is very possible with the nature of the terrain.
- 3) Hunters accessing DOC land will be hunting on private property before they get to the permitted DOC land.
- 4) The Parasol Run in conjunction with Leithen Valley Trophy Hunts NZ runs a tourist hunting business, so with people walking/cycling up the boundary, this could become an issue of safety.
- 5) The Parasol Run allows the West Otago deer stalkers access to the designated DOC land. The so-called Hut Block is fully booked from February – September. This area becomes very unsafe with the uncontrolled numbers of hunters. The West Otago Deer Stalkers control this area very well, there is no trouble with poaching or trespassing, as we know who should be there and they understand the consequences.

On another note a fence through the Rabby and Falklands high country seems very unpracticable, due to heavy snow, you only need to look at the fence around the Leithen Bush, which has not been maintained at all, and a waste of taxpayer's funds.

The same will happen with the Hukarere / DOC boundary, and put pressure on the lower country such as the waterways.

Yours faithfully,

Alan Stewart: Director



Suzanne Stewart: Director



LA10999083

Submission 2



OTAGO CONSERVATION BOARD

Poari Papa Atawhai – ā-rohe ki Ōtāgo

Box 5244, Dunedin 9058 Tel: (03) 474 6944 Email: ahoopper@doc.govt.nz

30 September 2014

LINZ – Crown Property and Investment
Private Bag 4721
CHRISTCHURCH 8140

(via email to: pastoral&tenurereview@linz.govt.nz)



Ref: SBC-08-34
1485286

Dear Sirs

Review under Part 2 Crown Pastoral Land Act: Hukarere

The Otago Conservation Board (“the Board”) is appointed by the Minister of Conservation to represent the wider Otago community in advocating for the protection of biodiversity, recreational opportunities and the conservation of natural and historic resources throughout Otago. The Board takes a strong interest in tenure review and makes submissions on all proposals in Otago. It is acknowledged that the land components in the Hukarere preliminary proposal lie fully within the Southland Conservation Board’s area. However, as Hukarere Station also extends into the Otago Conservation area on the east side of the Pomahaka River (which is the conservation board boundary), the actual boundary-straddling location of Hukarere has encouraged the Otago Board to proceed with a submission in the usual way. The Southland Conservation Board is aware of the Otago Board’s decision to make comment.

The Otago Conservation Board generally supports the Hukarere proposal, because it should provide good environmental outcomes along with certainty of access, thus allowing the Department to increase public awareness of the recreational opportunities available.

The Board generally subscribes to the principles set out in the Crown Pastoral Land Act, including section 24 which favours Crown ownership and control over other protective mechanisms. It is noted that the Hukarere proposal aims to protect a total of 2094 hectares, with one parcel (1696 hectares) proposed for Crown ownership and seven smaller parcels (totalling 398 hectares) proposed for covenant protection. The covenanted land, therefore, constitutes 19% of the total proposed for protection. The Board accepts as reasonable that covenant is an appropriate mechanism for the seven smaller areas, given that the small size of each parcel means that protecting the values is a priority over providing for recreation. Furthermore, the covenant proposal allows for non-fencing and grazing on some parcels where this will not erode the values. The Board acknowledges that this could be difficult to achieve under Crown ownership.

Yours faithfully

Pat Garden
Chairperson

cc: Chair, Southland Conservation Board

Submission 3

Please find enclosed, Blue Mountain
Branch New Zealand Deerstalkers
Association's submission for Hukarere
Station Tenure Review 2014.



Any further correspondence please send to:

Kevin Baxter
46 Victoria Road
RD 5
GORE 9775

Email: kevandsarah@xtra.co.nz

The Blue Mountain Deerstalkers was established 52 years ago. Our present membership is about 90 hunters spread over Otago and Southland. Our members have been hunting on Hukarere since the establishment of the club. This was initially under the tenure of Park Terry, and the more recently the Hazlett family. A good relationship has existed with these owners over the last ½ century. At present the Blue Mountain Deerstalkers hunt an area in front of our hut, down the Ferny Faces to the Parasol Creek, along to and including the Rabby block, which on the map is the main Leithen Headwaters.

The block is known as the NZDA Blue Mountain Branch "Hut Block" concession on Hukarere Station. Hunting on this block is synchronised with the Leithen Scenic Reserve hunting period. This runs from the 3rd Monday in January through to the 3rd Monday in September.

Our hut is situated adjoining the South corner of Hukarere on a DOC concession in the Leithen Scenic Reserve. At present it is used by tramping clubs, Duke of Edinburgh students, scouts and hunters. One of our clubs' priorities is the fostering and encouraging of outdoor pursuits and safety, for young hunters. The hut availability is controlled by a booking system.

We have controlled the deer numbers over this area as well as in the Leithen Bush. We have also maintained the DOC estate boundary fence and done our bit in the control of gorse and broom on both our hunting area as well as around the edge of the DOC Estate.

Our greatest concerns are:

- A) Members engage in the hunting of deer on this property and on adjacent conservation land. Our club would like to continue the historic hunting concession on our "Hut Block".
- B) There may be recreational conflict between hunters and mountainbikers at the Leithen Hut, and the proposal does not fairly reflect the existing management regime established between the Department of Conservation and the NZDA for this hut.

Blue Mountain Deerstalkers wishes to see the following changes in the Substantive Proposal, in order to properly achieve the objects of Part 2 of the CPLA.

Ensure all land returned to the Crown is interconnected or access between freeholded land proposed to be returned to the Crown is provided.

We would like the opportunity to be consulted as the Tenure Review process continues.

Blue Mountain Branch NZDA Leithen Hut Block Contoller:

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46 Victoria Road
RD 5

GORE 9775

Ph (03) 2048 703

e-mail: kevandsarah@xtra.co.nz



Blue Mountain Branch NZDA President:

John Park

RD 2

TAPANUI



Blue Mountain Branch NZDA Secretary:

Chris Brough

32 Durham Street

TAPANUI



Blue Mountain Branch NZDA Treasurer:

Adrian McIntyre

Point Farm

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GORE

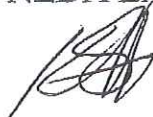


Blue Mountain Branch NZDA Executive Officer:

Ken Anderson

RD 1

GORE

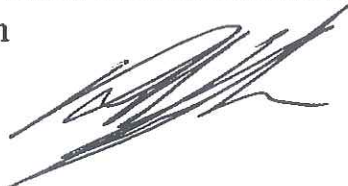


Blue Mountain Branch NZDA Executive Officer:

Ronald Finlayson

RD 2

TAPANUI



Submission 4



Dunedin Branch
PO Box 5793
Dunedin 9058

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



9.10.14

Dear Sir,

I enclose these submissions on the preliminary proposal for Hukarere Station on behalf of the Dunedin Branch of Forest and Bird.

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

Yours sincerely

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

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

Submission on the Preliminary Proposal for Hukarere Station

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

This submission is written on behalf of the Dunedin Branch of the Forest and Bird Protection Society which has approximately 1000 members, many with strong interests in the High Country values and recreational opportunities as well as in botany and natural history in general. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

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

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

This submission is made on the basis of an inspection trip with the lessee, Quintin Hazlett, representatives from Central Otago-Lakes Branch of Forest and Bird, Sir Alan Mark and FMC. We have also consulted the Conservation Resources Report (CRR).

Introduction

Hukarere Station has the crest of the Black Umbrella Range as the western boundary and the Pomahaka River as the eastern boundary. To the north the boundary is with Crown Rock Lease and to the southwest with Leithen Bush Scenic Reserve. The Protected Natural Areas (PNA) Programme identified two areas on the lease; RAP UMB4 Leithen Burn and RAP UMB 11 Devils Gorge. Subsequently, in 1991 an 18 ha Conservation Covenant was created over part of the Devils Gorge RAP.

We note that there is an existing marginal strip on the Pomahaka River and that Parasol Creek has been identified as a qualifying waterway; this will lead to the creation of a new marginal strip when the review is completed.

The proposal:

2.1 Land to be restored to Crown Control as conservation area CA 1

As stated in the proposal CA1 covers an area of unimproved tussock grassland, fellfields on the high exposed ridges and remnants of mixed beech forest from the crest of the Black Umbrella Range down to an altitude of approximately 800m and includes the headwaters of the Leithen Burn, Sandy Creek and Parasol Creek. The importance of the link with the Leithen Bush Scenic Reserve area is noted. We also note that CA1 will provide an important altitudinal sequence from the valley floor at approx. 300m up to 1156m on the Black Umbrella Range, the highest point on the lease.

All the significant inherent values (SIVs) are well described in the proposal and in the CRR.

CA1 includes the upper part of RAP UMB4 which covers the headwaters of the Leithen Burn but excludes the part of the RAP between the proposed new fence, C-D and the existing fence from Topo50 CE12, GR 914 277 (approx) to E. We believe that ideally the whole of the RAP should have been included in CA1.

We fully support the creation of CA1 as a Conservation Area for the protection of all the SIVs within it including an important altitudinal sequence and for the recreational opportunities that access to CA1 provides.

We acknowledge the importance of the Linkage with the existing Leithen Bush Scenic Reserve.

We have noted in the report of the Parliamentary Commissioner for the Environment's Report the lack of protection over DOC Stewardship Land. Consideration should be given to a Scenic Reserve designation for CA1 as this would provide more protection than it would have as a Conservation Area.

Qualified Designations

2.1.1 An easement concession for farm management and access pursuant to Section 36 (1)(a) CPL Act,1998

We note and endorse the conditions attached to this easement concession and have no objection to it.

2.1.2 A recreation concession pursuant to Section 36 (1)(a) CPL Act,1998

We note that this concession replaces an existing permit for tourist accommodation and other outdoor activities including unguided mountain biking, tramping, hunting and fishing, and guided fishing, hunting and horse treks over Hukarere Station.

We have noted the comprehensive Special Conditions covering the various proposed activities as set out in Schedules 2-5 and are in general impressed with the detail as presented.

Provided all the Special Conditions in Schedules 2-5 are met we have no objection to the recreation concession.

2. Freehold disposal, 5,841ha subject to protective mechanisms and a qualified designation

The balance of the lease on both sides of the Pomahaka River is proposed for freeholding subject to protective mechanisms in the form of 7 Conservation Covenants over areas which have SIVs worthy of protection.

We agree with the description of the land for freeholding as set out in the proposal which states that *'the land that is proposed for freehold disposal has been well farmed on a conservative basis for many years by the current lessee and his predecessors'* and we concede that the proposed covenants will largely protect any SIVs within it.

We do not object to the proposed area for freeholding apart from comments under the discussion of CC1 where we recommend a small extension to include all of RAP UMB4.

2.2.1 Conservation Covenant CC1 (84ha)

CC1, well described in the proposal and the CRR, is centred on Little Parasol Creek and runs from its headwaters to its confluence with the Pomahaka River. It includes both sunny and shady faces and bush clad gullies which are the most important values in the valley and include the less common and nationally vulnerable *Olearia fimbriata* and another tree daisy - *Olearia lineata*, classified 'at risk- declining'. This area is a significant example of the original vegetation at this site. The vegetation within this Covenant area, especially on the shady faces, is likely to change

through bracken fern and revert to its original cover if protected from grazing and we agree that it is important to fence it to exclude grazing stock. We did however note a significant patch of kowhai trees which seemed to be just outside the proposed covenant boundary (Figures 1&2) and submit that they should be included in the covenant. It should also be noted that discussions with Quintin Hazlett on site confirmed that the western boundary is wrongly shown on the proposal map and should include the stream immediately to the west of the "C" in the CC1 label.

We support the covenant designation for CC1 and support the intent to fence the area and the other conditions as stated in the attached schedules. We ask that the small kowhai grove be included in the covenant.

2.2.2 Conservation Covenant CC2 (37ha)

CC2, well described in the proposal and the CRR, is in the mid to upper reaches of Doakes Stream where *Olearia fimbriata* (*Nationally endangered*), the sedge grass *Uncinia strictissima*, and the tree daisy *Olearia lineata* and willow herb *Epilobium insulare*, both of which have been classified 'Declining' have been identified among the shrublands and forest remnants. We note that this Covenant area will be fenced to protect it from grazing damage, and also note that grazing will be discouraged in the period before fencing is complete.

We support the covenant designation for CC2 and support the intent to fence the area and the other conditions as stated in the attached schedules.

2.2.3 Conservation Covenant CC3 (8.5ha)

CC3, at the confluence of Doakes Stream and the Pomahaka River at Horseshoe Bend has high scenic values and is likely to be a popular spot for recreation. As well as its scenic values, it contains the tree daisy *Olearia lineata* among the steep shrublands and forest on the true right of the Pomahaka. The CC will not be fenced but the steep topography and forest cover are expected to minimise any serious damage to it from livestock moving through the valley.

We support the covenant designation for CC3 and endorse the other conditions as stated in the attached schedules.

2.2.4 Conservation Covenant CC4 (94ha)

CC4 occupies almost all of the Rough Creek catchment but with its proposed boundaries closely confined to the wooded margins of the main stem and its tributaries. Its shrubland and forest values are similar to those of other catchments with woody components, including those with a high risk classification. It is not fenced and allows grazing. We would prefer, that sheep grazing only should be allowed.

We support the covenant designation for CC4 but would prefer the grazing allowed to be by sheep only.

We also note that with a marginal strip in place on Parasol Creek it would then be possible for the public to access the covenant on foot only, something that would be appreciated by botanists for example.

2.2.5 Conservation Covenant CC5 (155ha)

This covenant is situated about half way up the true left of Parasol Creek, from the southern boundary of the property almost to the airstrip. CC5 includes both shady and sunny faces at relatively low altitude and contains significant populations of the tree daisies *Olearia lineata* and *O. fimbriata*- "At-risk nationally". Manuka shrublands are also present. We note that grazing is to

be prohibited under this Covenant and that a public easement is to be provided through the catchment to a viewpoint at "a3".

We support the covenant designation for CC5 and support the intent to fence the area and the other conditions as stated in the attached schedules.

2.2.6 Conservation Covenant CC6 (11ha)

This is a small Covenant area between the farm track and the Pomahaka River which is currently protected by a Conservation Covenant and is part of RAP UMB 11. We note that it is designed to protect the shrublands which include the nationally threatened tree daisy, *Olearia fimbriata*, but feel it should also be enlarged to protect the all of the values listed in the RAP description.

We support the covenant designation for CC6 and endorse the other conditions as stated in the attached schedules.

We submit that it should be enlarged to include all of RAP UMB 11 which is said to cover 35ha.

2.2.7 Conservation Covenant CC7 (8ha)

CC7 is lies between the farm track and the Pomahaka River to the north of its confluence with the Little Parasol Creek. It has natural and scenic values as well as important public recreational values close to the Pomahaka.

We support the covenant designation for CC7 and support the intent to fence the area and the other conditions as stated in the attached schedules.

We wish to stress that Covenants 1, 3, 6 and 7, all being close to the Pomahaka have a high importance for public recreation and enjoyment connected with the river.

Qualified Designation: An easement for public and conservation management access pursuant to Section 36(3)(b) CPL Act 1998 "a-a1-a2-r-u", "r-s", "a2-a3", "a-b", "c-d", "e-f", "g-g1-g2", "g1-g4", "g2-g5", "g2-g6", "g2-g3-h", "i-i1-j", "i1-i2", "k-l", "m-n", "o-p", on the designations plan.

As stated in the PP - The proposal provides for public access by foot and mountain bike in two directions through the property. The first runs north along a farm track following the river from the Pomahaka Bridge to the Crown Rock boundary and is marked as "a-p". The road includes the following individually identified parts of the access:- "a-b", "c-d", "e-f", "g-g1-g2", "g2-g3-h", "i-i1-j", "k-l", "m-n", "o-p". Short spur tracks lead off this road as follows:- "g1-g4" into Covenant area CC1, while "i1-i2", "g2-g5" and "g2-g6" lead down to the Pomahaka River. We appreciate that these short spur tracks provide important access for public use and enjoyment of the values in Covenant area CC1 and along the true right bank of the river.

We are concerned that public use of this road is unduly restricted by the terms of this Designation. The restriction for lambing, a 6 week period in October-November is acceptable but the limiting of public use to weekends and public holidays only in the period 1 December to 15 May seems very restrictive in the light of the large number of public opportunities for appreciation of the natural values and general recreation and enjoyment along the Pomahaka River corridor.

Another concern is the lack of vehicle access along the river track as far as the Crown Rock boundary - this will severely disadvantage many people who are less mobile or with young families who would wish to access the river and walk and botanise and walk along there and up the Devils Gorge access track. Although the lessee, Quintin Hazlett, told us on the day that it would be possible to seek permission for vehicle access, we think some wording to that effect and stating that

such permission should not unreasonably be withheld, should actually go in the substantive proposal. Perhaps a locked gate over the bridge could be used to regulate access without permission but such access should surely normally be available from December to May. This would then satisfy Section 24.c.i of the CPL Act - The securing of public access to and enjoyment of reviewable land.

We do endorse the non-vehicle access through to CA1 and CC5 from the southern edge of the lease and note that formal foot access into CC4 would be possible on a Parasol Creek marginal strip.

We wish to thank the Lessee, Quintin Hazlett, for coming with us on the inspection. We much appreciated the discussions we were able to have with him.

Janet Ledingham, for the Dunedin Branch of Forest and Bird.

9.10.14

Figures

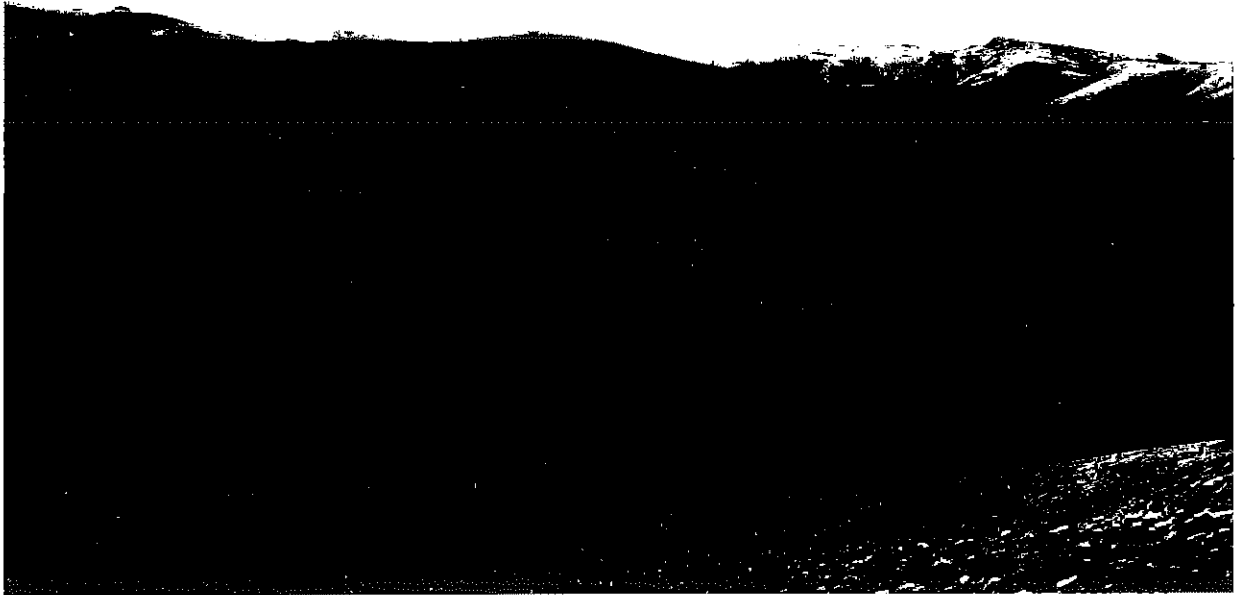


Figure 1. Part of CC1 showing a group of kowhai trees which should be included in the CC

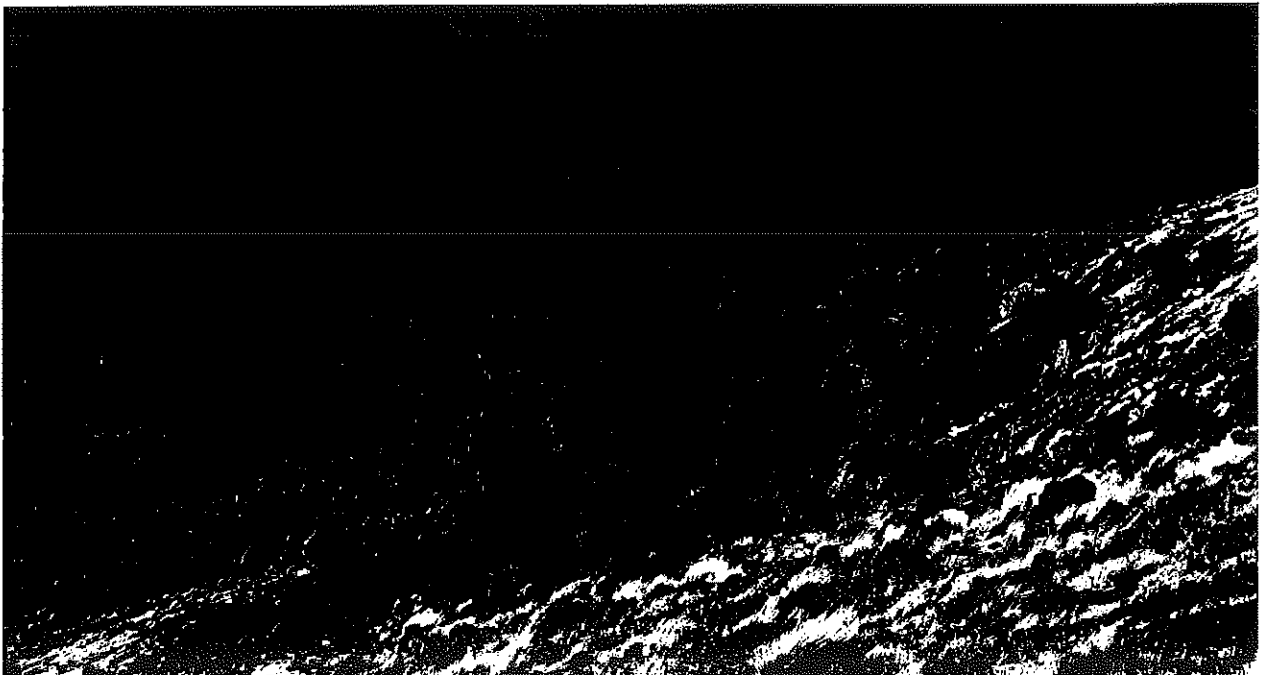


Figure 2. The same group of kowhai as shown in Figure 1

Figures



Figure 1. Part of CC1 showing a group of kowhai trees which should be included in the CC



Figure 2. The same group of kowhai as shown in Figure 1

Submission 5

14/10/2014

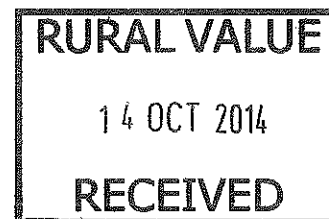
Land Information New Zealand

Crown Property CBRE House

112 Tuam Street

Private Bag 4721

CHRISTCHURCH 8140



To The Commissioner

We would like to make a submission around the public access that is proposed in the tenure review for Hukarere Station with particular regard to the access to the upper Leithen Bush Scenic reserve.

As noted in part 1, 2.8.3, page 33 and 3.4 page 35, recreational hunting is a valued and popular activity and is part of the CMS for the Reserve.

The only legal access at present is from the southern end of the Reserve and is approximately from 6km the southern Hukarere boundary.

The Fish and Game Report 4.5, sets out the case for practical public access to the Pomahaka River and we feel this applies equally to the upper part of the Reserve.

We note that proposed access at this time is for foot only. Given the topography and distance, this is largely unpractical. We accept that unrestricted vehicle access may not be practical or even desirable. However, we would like the opportunity to explore the options for some motorised access.

Yours Sincerely,

Rodney McCraw

South Otago Branch NZDA

Submission 6



Department of Botany

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Manager,
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CHRISTCHURCH 8140.



October 15, 2014.

SUBMISSION ON PROPOSED TENURE REVIEW: HUKARERE PASTORAL LEASE

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it based on my very good knowledge of the general area, having been associated with Dr Katharine Dickinson in the Protected Natural Area survey of the Umbrella Ecological District in 1987-8. However, my knowledge was enhanced and updated during a one-day visit with other interested individuals in the company of the current lessee, Mr Quinton Hazlett, in late September.

I have read the report on the Preliminary Proposal, prepared for this important exercise, for this 7177 ha property, for which the proposal is to restore some 1696 ha (23.6%) to full Crown ownership and control, comprising an extensive conservation area (CA1) along its upper boundary on the upper slopes and crest of the Black Umbrella Range, up to 1156 m, and a relatively narrow altitudinal corridor down to ~300m on the southern boundary of the property. The upper part of this boundary borders the northern boundary of the extensive (~2500 ha), mostly forested and silver beech-dominated Leithen Bush Scenic Reserve to the south. It is **strongly recommended** that the proposed **CA1 area be extended in its northern section**, downslope of the proposed new fenceline "G-H", to an existing fence which is aligned along a ridge about 1.2 km lower than the "G-H" line. This would provide a much more natural (catchment) and readily maintained boundary than the "G-H" alignment and also reduce the length of new fencing required.

This CA1 area contains most of the RAP UMB 04: 'Leithen Burn Headwaters' identified in the Umbrella PNA survey, the northern boundary of which follows a ridge-line (and catchment boundary), which is a more natural (and acceptable) boundary than the straight line proposed for this section of the proposed new boundary fence. This **minor boundary realignment** to the proposed CA1 area is **strongly recommended**. As stated in the proposal (and also in the description of RAP UMB 04 in Dickinson's (1988) report) the CA1 area contains extensive areas of good quality, unimproved, subalpine narrow-leaved snow tussock (*Chionochloa rigida*) grassland, with remnants of silver beech forest in gullies plus patches of mixed subalpine shrublands, particularly along stream margins. The exotic browntop grass is common, as in most such areas of tussockland but other exotic weeds are generally scarce, and there is a wealth of indigenous biodiversity, including the conspicuous herbs *Aciphylla lecomtei* (at risk: Naturally Uncommon), *Celmisia semicordata* var. *aurigans* (at or near its southwestern limit). There are also localised rock outcrops (with their distinctive flora: *Gingidia montana*, *Helichrysum selago*, *Parahebe lyallii*, *Luzula banksii*) and scattered cushion bogs with characteristic *Oreobolus pectinata* and *Coprosma perpusilla*. These are symptomatic of the abundant moisture in this area which allows prediction of the **very high water yielding properties as an important ecosystem service** of these upper slope tall grasslands (based on my own research elsewhere on the Otago uplands), supplemented by the not infrequent fogs in this area (see Dickinson, 1988, p. 8; Mark & Dickinson, 2008). The avifauna and aquatic fauna in this

area is also both notable and important, as indicated in Dickinson (1988) and the Proposal. I am reassured to read that this CA1 area is to be fenced to a good standard (Appendix 3) along the full length (~ 7 km) (new fences along sections A-B; C-D, E-F and G-H, as shown on the Map) of its lower boundary.

It is noted that a '**Qualified Designation**', 2.1.1 easement concession in two parts, is proposed for the CA1 area: one is an existing farm stock route designated as **easement "s-t"** on the map, which is to be continued to provide stock access to the southern part of the property, and a second one, designated "**u-u1**", which is to be used for access only, to facilitate mustering the remaining higher altitude lands on the property. This track runs past Leithen Hut on the present northern boundary of the Scenic Reserve. Both these easement tracks would also provide important public walking access through the southern part of the proposed conservation lands, and I have **no objection** for their continued use by the occupier, as proposed.

Qualified Designation 2.1.2, is for a **recreation concession** pursuant to S 36 (1) (a) of the CPL Act 1998, which is to replace an existing permit for accommodation and outdoor activities, including a range of unguided activities plus guided fishing, hunting and horse trekking. It is accepted that such activities should be allowed to continue on land proposed for freeholding but this should definitely not be extended to any areas which are to become public conservation land. Any **guided recreation** on the proposed **CA1 land**, when finalised, should only be permitted under a **normal recreation concession**, administered by the Department of Conservation.

The **proposal for the Conservation Area CA1**, is **strongly supported** (but with a **minor extension to the boundary** (and proposed new fence) shown as "C-D on the Map, to be realigned on the ridge-line and catchment boundary, consistent with that proposed by Dickinson (1988) for RAP UMB 04. In addition, **any proposed guided recreation** within this area **must be subject to issuance of a recreation concession** from the Department of Conservation. Also **strongly recommended**, is the **amalgamation** of this proposed Conservation Area CA1 with the **adjoining Leithen Bush Scenic Reserve**, and renaming the enlarged area either the Leithen Burn Scenic Reserve, as recommended by Dickinson (1988), based on her UMB 04 RAP or, given its now proposed extension along the upper slopes and crest of the Black Umbrella Range, designation as the **Black Umbrella Scenic Reserve**. **Importantly**, the CA1 area, when formalised, should be given a **higher status than 'stewardship land'** because of the now acknowledged inferior status (and potential vulnerability) of such a designation as emphasised in a recent report by the Parliamentary Commissioner for the Environment.

The remainder of the property, **5841 ha**, is proposed for **freehold disposal**, subject to **protective mechanisms** and a **qualified designation**. There are seven proposed conservation covenants, under S.77 of the Reserves Act, with a prohibition of burning, tree planting and vegetation clearance limited to that required for weed control, together with appropriate monitoring (photo-points and/or RECCE methodology) to be established and maintained by the Minister (Schedule 2 of Covenant Agreement), as follows:

Conservation Covenant CC1 (84 ha) is centred in Little Parasol Creek, with patches of silver beech forest in the bed of the gully and patches of mixed shrubland on both sunny and shady faces, containing two species of tree daisy, the Nationally Vulnerable *Olearia fimbriata* and the "At Risk: Declining" *O. lineata*, with a proposed public access track along its true right bank for ~2 km. This is an important example of what is considered to be the original (natural) vegetation of this area and is valued to the extent that a condition of the covenant is that it is to be fenced by the owner so as to exclude domestic stock. This proposed covenant is **endorsed**, but the inclusion of a few impressive trees of kowhai (*Sophora microphylla*), apparently just outside the lower boundary is **recommended**.

Conservation Covenant CC2 (37 ha) in the mid to upper reaches of Doakes Stream, which contains the same two *Olearia* species plus silver beech forest remnants, and also notably, the Nationally Endangered sedge *Uncinia strictissima* and the “Declining” willowherb *Epilobium insulare*. It is encouraging that a condition is the exclusion of domestic stock with fencing, plus the provisions for on-going appropriate monitoring, but deer as well as gorse and broom are noted as possible threats to be kept in check. There appear to be no provisions for public access to this covenant but presumably will be available at the discretion of the owner. This proposed covenant is also **endorsed**.

Conservation Covenant CC3 (8.5 ha) is at the confluence of Doakes Stream and Horseshoe Bend on the Pomahaka River, below the private road to the boundary of Crown Rock Station, and on a steep slope with *Olearia lineata* and remnants of silver beech forest. This is a particularly scenic area. Public access presumably would be available but probably dependant on access along this private road rather than up the Pomahaka River from the public road-end. This covenant is also **endorsed** but the public access issue will be further addressed later in this submission.

Conservation Covenant CC4 (94 ha) occupies much of the Rough Creek catchment, with proposed highly irregular boundaries, being essentially confined to the wooded areas, silver beech forest and associated woodland-shrublands, of this catchment. The size and convoluted boundary of this proposed covenant are the reasons given for the proposal not to fence it; hence grazing by both sheep and cattle are to be permitted. **Cattle grazing should be discouraged if not prohibited** since they will undoubtedly permeate the covenant area and inevitably cause significant disturbance. Moreover, there is an **extensive area of snow tussock grassland** near the head of the catchment which **would complement the covenant** as proposed and **should be considered as an addition**: we were persuaded by Mr Hazlett during our inspection that, despite the catchment appearing relatively natural when viewed from the south (on to the shady southern slopes), it had a quite different perspective when later viewed from its head (on to mostly northern sunny slopes). This proposed covenant is **endorsed** with the **proviso** that **cattle grazing** should be **prohibited or at least discouraged**, and an **extension to its head** (which is already fenced and readily accessible from the farm track), to include an extensive area of snow tussockland, **is considered**. An **extension down Parasol Creek** as far as CC5, to embrace the remnant silver beech trees here, or at least a provision for no burning or removal of beech trees in this area should also be **considered**.

Conservation Covenant CC5 (155 ha) is a low-elevation area which occupies two adjoining small branch tributaries on the property’s southern boundary, located about halfway up Parasol Creek. It extends from the access track up Parasol Creek to the airstrip and developed pasture at its upper limit. It has a proposed public easement (access track) up the central interfluvial ridge. Being on a shady southern aspect, it contains remnants of silver beech forest plus extensive mixed woodland/shrubland with many fine specimens of the two threatened tree daisy *Olearia* species, mentioned previously, as well as conspicuous stands of manuka (*Leptospermum scoparium*) and bracken fern (*Pteridium esculentum*), plus a small stand of gorse, which Mr Hazlett apparently plans to remove. This proposed covenant is also **endorsed**.

Conservation Covenant CC6 (11 ha) lies between the farm road and the Pomahaka River, just south of its confluence with Little Parasol Creek. It is that part of a 35 ha area on the true right bank of the river that was recommended for protection in the Umbrella PNA report as UMB 11: Devil’s Gorge (Dickinson, 1988) and the 11 ha area is currently protected with a Conservation Covenant. Besides silver beech this RAP is reputed to contain red beech (*N. fusca*) and a red x mountain beech (*N. solandri*) hybrid, but these were not seen during the recent inspection. The two threatened *Olearia* species are also present, together with the rare shrub *Teucrium parviflorum*. A

varied fauna was also reported here by Dickinson (1988). This covenant provides high amenity and recreational, as well as ecological values; it already exists but is **endorsed** nevertheless.

Conservation Covenant CC7 (8 ha) is located between the farm road and the Pomahaka River, for some distance on the north side of the confluence with Little Parasol Creek with the River. It has similar values to those recognised for CC6, but particularly recreational and aesthetic values. It is also **endorsed**.

An **additional Conservation Covenant** embracing the beech forest remnants and associated shrublands around the historic Parasol Hut (which we visited), with the exclusion (or at least discouragement) of cattle, is also recommended in view of its aesthetic and ecological values, and also to enhance water quality and forest regeneration, is **strongly recommended**, as well as the planned removal of the several mature (and coning) exotic conifer (*Pinus* spp.) among the beech trees here.

Qualified Designation: The several easements for public two-way access by foot and mountain bike, and also for conservation management, have been noted and are **endorsed**. However, I share the **concern** of others that the several easements recognised for the **farm road alongside the Pomahaka River to the Crown Rock Station boundary** (“a” to “p” on the attached Map), with associated short track to nearby CC1 and also some to the Pomahaka River, are **highly restrictive** in terms of the times when this access road will be available for public use. This **farm road to the Crown Rock Station boundary** is a very important aspect of the ability of the **public to gain access** and therefore enjoyment of all the proposed covenants alongside the Pomahaka River (CCs 1, 3, 6 and 7). **Restriction for the period of lambing** (October – November for say 6 weeks) are **accepted**, but the proposed limitation of **public use** to weekends and public holidays only, during the period 1 December to 15 May, seems **unnecessarily restrictive**, given the present condition of this road and the many areas and natural features that are present, and about to be formally recognised with the completion of this tenure review. Perhaps it would be acceptable to allow private vehicle use, outside the nominated period of lambing, to be available at the discretion of (i.e., with the permission of) the owner of Hukarere Station, with a publicly stated proviso that “Private vehicle use of the private farm road in Hukarere Station along the Pomahaka River to the Crown Rock Station boundary will not be unreasonably withheld and should be sought from the owner of Hukarere Station (‘phone number and postal address included)” I **strongly recommend** this suggestion be given serious consideration, hopefully as a forerunner to its transfer to a public road to provide general public access along this important well-formed road.

Provision for a **public car park** adjacent to the ?designated **picnic area** on the eastern, true left side of the Pomahaka River, as noted in the proposal (Figure and text on p. 9), would be seen as an important gesture by the owners and should be encouraged even though this area has been found not to be part of the reviewable land.

In conclusion, I wish to commend Mr Hazlett for his conservative management and long-term vision of continued sustainable management and appropriate conservation on this Hukarere property.

I trust that this response and its recommendations will all be given serious consideration. I also thank you again for the opportunity to assess and comment on this important proposal for tenure review.

Yours sincerely,

Alan F. Mark. FRSNZ KNZM. Emeritus Professor.

References cited:

Dickinson, K.J.M. 1988. Umbrella Ecological District: Survey Report for the New Zealand Protected Natural Areas Programme. Wellington, Department of Conservation.

Mark, A.F., Dickinson, K.J.M. 2008. Maximizing water yield with indigenous non-forest vegetation: A New Zealand perspective. *Frontiers in Ecology and the Environment* 6: 25-34.

Submission 7



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)
P.O. Box 1604, Wellington.

15 October 2014
Commissioner of Crown Lands,
CBRE House, 112 Tuam Street,
Private Bag 4721,
CHRISTCHURCH 8140



Dear Sir,

Re: Preliminary Proposal for Tenure Review Hukarere Pastoral Lease (Po 009)

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents over 17,000 club members and supporters of tramping, mountaineering, climbing and other outdoor activities throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country. On their behalf, FMC aims to enhance recreation opportunities, to protect natural values, especially landscape and vegetation, as well as historic values and to improve public access to the back country through the tenure review process.

FMC fully supports the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and government's stated objectives for the South Island high country especially the following:-

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

[EDC Min (03) 5/3; CAB Min (03) 11/5 refer]

* Note that regardless of the changes of government and of governments' policies, these objectives are still the law of the land as enshrined in the Crown Pastoral Land Act, 1998.

We believe that the additional objectives (introduced by the last Labour-led government), are fundamental to the future well-being of the South Island high country and should be given appropriate weight in the tenure review process.

FMC has previously written (in 1997) a brief 'Early Warning Report on Hukarere Pastoral Lease' which consisted of one page of text plus 16 Figures which illustrated our views, based on the inspection of the property. This report was contained within an omnibus report on 4 properties under review at that time, and that combined report was entitled "Preliminary Report on Recreational and Public Interest Values – Southland Properties". That report gave only brief indications of our views and recommendations but a

copy (text only) is attached for your information. (See Appendix 1.) We believe that many of our comments, observations and recommendations are still relevant today.

We are pleased to note that some of those recommendations are now included in the Preliminary Proposal (PP) for the tenure review of Hukarere. We comment in detail on these proposals in this submission.

Property Inspections, 1996 and September 2014

An early inspection of the property was carried out by the FMC representative in 1996 and this report is mentioned above. More recently, an inspection by a group of NGO representatives was carried out in September 2014 thanks to the very helpful collaboration of Quintin Hazlett, who escorted us and drove some of us around the property in his 4x4 vehicle, others rode in our own vehicle. This gave us a very good appreciation of the property and provided a useful opportunity for meaningful discussion about the Preliminary Proposals.

We are grateful to the lessee for his cooperation, granting permission for access by vehicle on two occasions and for much informative discussion during a memorable day on Hukarere in September 2014. These inspections, and particularly the visit in 2014, gave us an opportunity to see at first hand the condition of the land, its natural resources and conservation and recreation values including – landscape, vegetation and recreational opportunities.

INTRODUCTION

The main issues in this review are as follows:- (i) Public access up and down the Pomahaka valley to the Crown Rock boundary, (ii) the extent to which some of the higher, undeveloped land can be managed in a way that promotes ecologically sustainable land use, and hence how much is suitable for freeholding as opposed to return to Crown ownership and control, (iii) Public access to areas containing significant inherent natural and historic values and landscapes, and availability of those areas for recreational purposes.

FMC is concerned that recreation concessions granted through the tenure review process include no opportunity (other than tenure review submissions) for public input into the decision making with respect to Concession applications. This is unsatisfactory for two reasons: (a) Most members of the public will not know that a tenure review proposal may include the granting of a recreation Concession over the proposed new public conservation land and (b) Few details of the proposed concession activity will be available prior to the closure of submissions on the tenure review proposal. This appears to be the case with qualified designation 2.1.2. See our submission below.

In view of the lack of protection over **DOC Stewardship Land** recently noted in the Parliamentary Commissioner for the Environment's Report, we believe that it will be necessary to provide stronger protection for Conservation Areas created as outcomes of tenure review. It may be more appropriate to protect significant inherent values in areas such as CA 1 by designating them as **Scientific Reserve** or **Scenic Reserve**. The historic reason for classification as Stewardship Land was because there was inadequate data to recommend a more appropriate classification. There is now usually ample justification for such designation as indicated in the CRR reports and in the Preliminary Proposal. In this case we have good reason to recommend that CA 1 be formally incorporated into the Leithen Bush Reserve.

THE PRELIMINARY PROPOSAL

FMC commentary and detailed submissions on **Proposals 1 and 2**, and the proposals for **Easements, Protective Mechanisms, Qualified Designations and Public Access** in the PP for the tenure review of Hukarere Pastoral Lease are presented below.

FMC SUBMISSIONS

In this submission we present our views and recommendations in the same format as the PP quoted above

Proposal 1. 1,696ha (approximately) to be designated as land to be restored or retained in Crown control as Conservation Area under section 35(2)(b)(i) CPL Act 1998, Subject to :

- **The granting of an easement concession**
- **The granting of a recreation concession.**

FMC notes that the proposed area of CA 1 includes most of the higher altitude tussock country running up to the western boundary along the Black Umbrella Range. We are pleased to note that the proposal also includes the previously recognised RAP4, in the Umbrella Ecological District.

It does not however, extend to the full extent of the undeveloped blocks which were recommended for transfer to DOC for conservation and recreation reasons in our 1997 report. That recommendation extended the suggested Conservation Area as far east as Parasol Hill and Trig J. This is disappointing but we understand that the lower altitude parts of this area contain important production values and may be capable of supporting ecologically sustainable land use. In order to ensure sustainability, it will be essential to regularly replenish nutrients removed in animal products. We are however, surprised that the productive value of the proposed area justifies the construction costs of over 7km of new fencing. We appreciate the significance of including land close to the existing Leithen Bush Reserve in this proposal as it will enhance the value of the reserve and provide benefits to the management of the Leithen Bush Reserve as well as providing alternative access to the Hukarere CA 1 area.

FMC Submission: *FMC fully supports this proposal and recommends that at the appropriate time, CA 1 should be formally incorporated into the existing Leithen Bush Reserve, because of it adjoins, and is consistent with the snow tussockland at the upper end of the Bush Reserve.*

Qualified Designation 2.1.1 An easement concession for farm management and access pursuant to Section 36 (1)(a) CPL Act,1998

FMC understands that this easement (track "s-t" on the designations map) is an important stock route enabling stock movement from the southern part of the property.

The second part of this proposed easement runs from "u" to "u1" along the southern and south-western boundaries of the property, and is important for mustering the higher altitude land. We appreciate that this part of the easement is for access only and will not include stock movement per se. Use of this easement will therefore have less impact than if it was used as a stock route.

FMC Submission: *FMC has no objection to this proposal.*

Qualified Designation 2.1.2 A recreation concession pursuant to Section 36 (1)(a) CPL Act,1998

FMC understands that this concession replaces an existing permit for tourist accommodation and other outdoor activities including unguided mountain biking, tramping, hunting and fishing, and guided fishing, hunting and horse treks over Hukarere Station.

We do however have a problem if the concession also includes guided recreation over the area proposed as CA 1. Surely access should be freely available to the general public for recreational use of the proposed new Public Conservation Land. Any guided recreation within the Conservation Area CA 1 should only be permitted under a Recreational Concession administered by DOC.

We appreciate that most of our concerns are resolved by the terms and conditions set out in Schedules 1 and 2 of the Concession Document which provides only a few details of the proposed concession activity.

FMC Submission: *FMC has no objection to this Concession subject to appropriate conditions being formally recognised. We understand that Schedule 2 provides for unrestricted public access rights to the land (Conservation Area CA 1) and that commercial guiding being conducted within Conservation Area CA 1 will be subject to a Recreation Concession administered by DOC. We are however concerned that most members of the public will be unaware that the granting of this Concession, and its terms and conditions are an integral part of this tenure review and not subject to any other opportunity for public submissions. We are also aware that this problem is not unique to Hukarere and submit that it is a more general policy issue that needs to be resolved.*

Proposal 2. 5,841ha (approximately) to be designated as land to be disposed of by freehold disposal to Quintin Jon Hazlett, Rebecca Mary Hazlett and Central Lodge Trustees 2006 Limited under section 35(3) of the CPL Act 1998, subject protective mechanisms and a qualified designation, and also subject to:

- Part IVA Conservation Act1987
- Section 11of the Crown Minerals Act1991
- The granting of easements
- The granting of a conservation covenant
- The continuation of an existing easement

FMC notes that this freehold proposal comprises the balance of the land on both sides of the Pomahaka River and includes the home block and the run block.

The home block has been substantially developed and it is reported that no significant inherent values have been identified.

The run block is low to mid altitude country in good farming order, running from the Pomahaka River to the boundary of the proposed Conservation Area CA 1. The proposal states that the land that is proposed for freehold disposal has been well farmed on a conservative basis for many years by the current lessee and his predecessors. We have no reason to disagree with this statement and believe that it is reasonable to expect that it will continue to be farmed in a way that is ecologically sustainable thus complying with one of the requirements of the CPL Act 1998.

The proposal also states that there are areas within the run portion that have significant inherent values. Our inspections of the property revealed that indeed there are multiple examples of areas of shrubland, native bush and tussock grasslands which do have significant inherent values.

FMC Submission: *FMC is not opposed to the freehold disposal of developed farmland on Hukarere, so long as there is adequate protection of the best examples of significant inherent values including the nationally vulnerable and at-risk woody species such as Olearia spp which are quite common on some parts of Hukarere, but much less common elsewhere. (See below with respect to our submissions on the 7 proposed Conservation Covenant Areas CC1 to CC7)*

The FMC Report (1997) indicated that such values in the upper Parasol catchment would ideally be protected by including the upper part of this catchment within the area to be returned to full Crown ownership and control, as is the preferred protection stated in the Act.

It was also indicated in the FMC Report that "if agreement could not be reached to transfer to DOC the land which includes the best bush remnants, then other reserve status, or Covenant arrangements, to protect the natural values of the bush remnants should be negotiated".

The proposal document indicates that areas within the run portion with significant inherent values would to be discussed in the section headed "Protective Mechanisms". Conservation Covenants are proposed over an area of approximately 397.5ha pursuant to Sections 40 (1)(b), 40(2)(a), and 40(2)(d) of the CPL Act over the areas labelled CC1(84ha), CC2(37ha), CC3(8.5ha), CC4(94ha), CC5(155ha), CC6(11ha), and CC7(8ha) on the plan.

Each of the proposed Covenant areas (CC1 to CC7) are described in the Proposal document. On our inspection trip it was unfortunately not possible to visit all of these areas, but we were able to gain some general impressions from a distance, as well as a few places where the values were close to hand. These impressions complement the information provided in the Proposal.

FMC will comment briefly on each of these 7 proposed Covenant areas as follows:-

2.2.1 Conservation Covenant CC1 (84ha), is located in Little Parasol Creek and runs from its headwaters to its confluence with the Pomahaka River. It includes both sunny and shady faces and bush clad gullies with an intention to protect the most important values in the valley. We note that one of those values is the less common (and nationally vulnerable) *Olearia fimbriata* while another tree daisy - *Olearia lineata* (classified 'at risk- declining') is also present. It is important to understand that this area is significant as an example of the original vegetation at this site. It is probable that the vegetation within this Covenant area, especially on the shady faces will change through bracken fern and revert to its original cover if protected from grazing. It is therefore important to note that it is proposed that CC1 is to be fenced to exclude grazing stock.

FMC Submission: *FMC supports the establishment, fencing and monitoring of this proposed Covenant area.*

2.2.2 Conservation Covenant CC2 (37ha), is located in the mid to upper reaches of Doakes Stream where the following species have been identified among the shrublands and forest remnants: *Olearia fimbriata* (Nationally endangered), the sedge grass *Uncinia strictissima*, and the tree daisy *Olearia lineata* and willow herb *Epilobium insulare*, both of which have been classified 'Declining'. It is worth noting that Doakes Stream was one of the locations identified as a good example of surviving native shrublands and bush worthy of protection in the FMC Report (1997). We note that this important Covenant area will be fenced to protect the vegetation from grazing damage, and further to note that grazing will be discouraged in the period before fencing is complete.

FMC Submission: *FMC supports the establishment, fencing and monitoring of this proposed Covenant area, and notes that the owner is to be encouraged to keep deer numbers under control, as well as being aware of the potential threat posed by gorse and broom.*

2.2.3 Conservation Covenant CC3 (8.5ha), This small Covenant at the confluence of Doakes Stream and the Pomahaka River at Horseshoe Bend has high scenic values and could become a popular spot for passive family enjoyment. As well as its scenic values, the area contains the tree daisy *Olearia lineata* among the steep shrublands and forest on the true right of the Pomahaka. Although fencing is not planned, the steep topography and forest cover are expected to minimise any serious damage which might otherwise be done by livestock moving through the valley. FMC is pleased to note that other threats to the values which might be caused by burning, vegetation clearance, tree planting, modification of, and discharge to the river, and earthworks are prohibited under the conditions of the Covenant.

FMC Submission: *FMC supports the proposals for this Covenant.*

2.2.4 Conservation Covenant CC4 (94ha), This proposed Covenant occupies almost all of the Rough Creek catchment although its proposed boundaries are closely confined to the wooded margins of the main stem and its tributaries. Its shrubland and forest values are similar to those of other catchments with woody components, including those with a high risk classification. At first inspection it appears that the whole catchment is an entity worthy of protection as a unique self-contained natural ecosystem covering an altitudinal range of several hundred meters. However, further inspection, especially from the top of the catchment, reveals significant modified areas. We now understand why the proposal states that the main concern is protection of the natural values associated with the forested areas. This is the reason why the Covenant precludes burning, vegetation clearance, tree planting, modification of drainage, discharge into the waterways or earth disturbance, but is not fenced and allows grazing. We believe and recommend however, that grazing should only be permitted by sheep, and that cattle and deer should be excluded as much as possible.

FMC Submission: *FMC supports this Covenant but believes that grazing should be restricted to sheep only, because of the potential damage cattle could inflict on the values it is intended to protect.*

2.2.5 Conservation Covenant CC5 (155ha), This proposed catchment is situated about half way up the true left of Parasol Creek, stretching up from the southern boundary of the property to the paddock areas adjoining the airstrip. It is the largest of the proposed Conservation Covenant areas and is mainly south facing but includes both shady and sunny faces at relatively low altitude and contains significant populations of the tree daisies *Olearia lineata* and *O. fimbriata*, the latter having been classified as "At-risk nationally", remnant silver beech forest and isolated trees. Manuka shrublands are also present in this Covenant area. We understand that grazing is to be prohibited under this Covenant and that a public easement is to be provided through the catchment to a viewpoint at "a3".

FMC Submission: *FMC supports the proposals for this Covenant and particularly appreciates the proposed easement which provides for public access to and enjoyment of the included natural values and the viewpoint near the top of the catchment.*

2.2.6 Conservation Covenant CC6 (11ha), This is another small Covenant area between the farm track and the Pomahaka River which is currently protected by a Conservation Covenant designed to protect the shrublands which include the nationally threatened tree daisy *Olearia fimbriata*.

FMC Submission: *FMC fully supports the proposals for this Covenant.*

2.2.7 Conservation Covenant CC7 (8ha), This proposed Covenant area is also located between the farm track and the Pomahaka River to the north of its confluence with the Little Parasol Creek. These proposed Covenant areas (including CC 3 and CC 6) are particularly appreciated because of their intent to protect natural and scenic values as well as important public, passive recreational values adjacent to the main river valley.

FMC Submission: *FMC fully supports the proposals for this Covenant.*

Qualified Designation: An easement for public and conservation management access pursuant to Section 36(3)(b) CPL Act 1998 "a-a1-a2-r-u", "r-s", "a2-a3", "a-b", "c-d", "e-f", "g-g1-g2", "g1-g4", "g2-g5", "g2-g6", "g2-g3-h", "i-i1-j", "i1-i2", "k-l", "m-n", "o-p", on the designations plan.

FMC notes that the proposal provides for public access by foot and mountain bike in two directions through the property.

The first runs north along a farm track (road) generally following the river from the Pomahaka Bridge to the Crown Rock boundary which appears on the designations plan as "a...p". This road includes the following individually identified parts of the access:- "a-b", "c-d", "e-f", "g-g1-g2", "g2-g3-h", "i-i1-j", "k-l", "m-n", "o-p". Short spur tracks lead off this road as follows:- "g1-g4" into Covenant area CC1, while "i1-i2", "g2-g5" and "g2-g6" lead down to the Pomahaka River. We appreciate that these short spur tracks provide important access for public use and enjoyment of the values in Covenant area CC1 and along the true right bank of the river. There is also provision for access to the airstrip ("g3-g7-g8").

We note with considerable concern that public use of this road is severely restricted by the terms of this Designation. The restriction for lambing is understandable and consists of a 6 week period in October-November. The limiting of public use to weekends and public holidays only in the period 1 December to 15 May (ie only about 25 weeks) seems excessively restricted in view of the large number of public opportunities for recreation and enjoyment which exist on the property, and especially associated with the Pomahaka River corridor.

Much of the public interest focuses on the Pomahaka River but we note that provision has been made through this review for access to covenant areas CC1 and CC5, as well as a viewpoint at "a3": Access to the natural values in the river corridor is particularly important for many members of the general public as well as FMC affiliated Clubs. Many members of the public (eg families and more senior people who may be less mobile) need easier access to the host of significant natural values which are enabled by these access easements.

FMC submits that a longer period of public availability should be reconsidered. We consider that it would not be unreasonable to expect access to be available for a period of at least 6 months to include both Spring and Autumn (but excluding the lambing period). Opportunities for family enjoyment and passive use and enjoyment of natural values could be enhanced by allowing private vehicle use of the farm road to the Crown Rock boundary with permission from the Hukarere owner. We propose that a condition should be that permission for private vehicle use of the farm road should not be unreasonably withheld.

FMC Submission: FMC accepts the need for closing access during lambing. FMC submits that the period available for public use of the farm road to the Crown Rock boundary ("a....p") is too short and should be renegotiated to allow public access for a minimum of 6 months including Spring and Autumn, but excluding the lambing closure period. This would help to ensure that the public can make better use of the access provisions to, and enjoyment of, the many natural and scenic values in the Pomahaka Valley, including those which are proposed for protection under Covenant in this review. FMC recommends that to improve accessibility for families and more senior people, use of private vehicles on the farm road ("a....p") should be available with the owner's permission, and that such permission should not unreasonably be withheld.

The second provision for public access by foot, mountain bike or horse is from the Pomahaka Bridge to the lower Parasol catchment at "r" and thence to Conservation Area CA1. This route follows the marginal strip by the Pomahaka River past the old homestead to the confluence with Parasol Creek. Use is then made of an old farm track to point "a1" in the southeast corner of CC5. There is an opportunity to see the natural values in CC5 from the easement "a2- a3" and vantage point "a3" provides a view towards CA 1. From "a2" the easement continues to point "r" at the western corner of CC5. From here there is a choice of a climb to the boundary of CA 1 at point "u" (approximately 600m asl) or continuing west into the Parasol Creek catchment and a lower boundary of CA1 at point "s" at about 400m asl. It is noted that vehicle access will not be possible over the public access easement.

FMC Submission: FMC is satisfied that the lower Parasol route provides adequate access by foot, mountain bike and horse to Covenant area CC5, viewpoint "a3", and Conservation Area CA1 via a lower route on a farm track in the Parasol Creek valley "r-s", or by a higher (non-vehicle) route to the southern boundary of CA 1 via "r-u".

Finally, FMC is grateful to the commissioner of Lands and runholder Quintin Hazlett for permission to inspect Hukarere as part of the Tenure Review process, and to Quintin for his most helpful attitude to our requests and for both accompanying a small team of NGO people, and providing transport for some of us to enable an inspection the property in September 2014.

Yours faithfully



pb Robin McNeill, President,

Federated Mountain Clubs of NZ Inc.

Appendix.1.

FMC Report (1997) "Preliminary Report on Recreational and Public Interest Values: Hukarere Station"

List of Figures

Figure 1. Hukarere homestead lies in the Pomahaka River valley, surrounded by well developed farmland which could become freehold.

Figure 2. The old Hukarere homestead and yards lie in an attractive setting, over the Pomahaka bridge from the new homestead, and are sheltered by the surrounding hills and plantings of deciduous and forest trees.

Figure 3. The Pomahaka Gorge has high scenic and recreational values with opportunities for fishing, canoeing, picnicking and tramping. It also provided access to the Umbrella Range and walking and mountain bike access easements should be negotiated, and public vehicle use allowed with the occupier's permission.

Figure 4. The Pomahaka Gorge also contains interesting bush remnants with high natural values which should be protected. The surrounding farmland could become freehold.

Figure 5. Horseshoe Bend in the Pomahaka is only one of many scenic spots which would lend themselves to family use for picnics and passive enjoyment of natural values as well as activities such as fishing, photography and painting. Vehicle access with the owner's permission is required.

Figure 6. Beyond Hukarere Station boundary the Pomahaka valley provides access to the Black Umbrella Range. Access is required for extended trips into this area which includes Crown Rock, Stronach Hill and Gem Lake.

Figure 7. The Black Umbrella Range, seen here from Trig J has high natural and recreational values, and the whole area should be transferred to DOC for public use.

Figure 8. Bush remnants occur in many gullies and tributary valleys. The best examples containing high natural values, such as these in Parasol Creek should be transferred to DOC or given secure protection under binding covenants.

Figure 9. Trig J is of historic value in its own right and commands a view across the Parasol Creek valley to Leithen Bush. The creation of new conservation land will be a valuable adjunct to the Leithen Bush Reserve.

Figure 10. Much of the land in Parasol Creek catchment would revert to native scrub and bush if grazing ceased. New conservation land in this area would be a valuable adjunct to the Leithen Bush Reserve, the northern end of which can be seen on the skyline.

Figure 15. The north facing slopes of the Sandy Creek catchment appear to contain few natural or recreation values and could become freehold farmland.

Figure 16. The ideal for the whole upper Parasol Creek catchment would be to become conservation land, and be allowed to revert to native bush. A compromise might involve leasing back the grazing on the sunny face.

Appendix.1

FMC Report (1997)

Hukarere Station: Po 09

Hukarere Station is a large property with its homestead in the Pomahaka valley (Figs 1 and 2). It contains considerable interest for recreational users and also has high natural values on the higher, undeveloped land. Recreational interests include fishing and possibly canoeing on the Pomohaka River, hunting and tramping, including through trips to the Umbrella Range (Figs 3 and 4). The Pomohaka Valley has high scenic value and would be attractive to family day visitors (Fig 5).

There are also high natural values in both the upper and lower gorges in the Pomahaka Valley (Figs 3 and 4). The lower gorge (Fig 4) is the better example, both from conservation and scenic perspectives. Reserve status should be considered for these, or at very least a Covenant Agreement should be registered to protect the remaining natural values.

Public access should be negotiated over the road to the Crown Rock boundary (Fig 6) and this should provide for foot and mountain bike use, and for vehicle use with the owner's permission. The justification for this is that to reach other areas of high recreation value such as the Umbrella Range, Crown Rock, Stronach Hill and Gem Lake, the distance is great and it would be highly desirable to be able to leave vehicles at the Crown Rock boundary.

Natural values are especially high on the area indicated on the map as "Likely area of DOC interest" (see Fig 7) but are also high in other blocks which have not been OSTD, and in bush remnants in gullies such as Doakes Stream and Parasol Creek (Fig 8).

It is recommended that the area to be transferred to DOC include not only the area indicated as "Likely area of DOC interest" (Fig 7), but also the three higher undeveloped blocks adjoining Parasol Hill-Trig J ridge. Trig J is of historic interest in its own right (Fig 9) and would be a worthy addition to the public conservation estate. There is a considerable amount of scrub on the shady faces of these blocks and the indications are that they would revert to native bush if grazing was terminated (Fig 10). Land allowed to revert in this way would be a valuable adjunct to Leithen Bush Reserve.

If it is not possible to reach agreement to transfer to DOC the land which includes the best bush remnants, then other reserve status, or Covenant arrangements, to protect the natural values of the bush remnants (such as those in Doakes Stream and Parasol Creek), should be negotiated.

It will be necessary to provide for public access to the new public conservation land. Easement for public foot and mountain bike use up the track to Trig J and Parasol Hill should be negotiated (Figs 11 and 12) and for the same reasons of distance to the Umbrella Range as indicated above, vehicle use with the owner's permission would also be very desirable.

Access via Parasol Creek to the north end of Leithen Bush Reserve should also be considered as this would enable round trips to be made through the Leithen Bush Reserve. For trampets heading to the Umbrella Range and beyond, the Parasol Hut would provide valuable accommodation (Figs 13 and 14). The area around Parasol Hut is of interest because it illustrates the bush which once covered (and could again cover) the area.

The land in the upper Sandy Creek catchment, on the boundary with Crown Rock Station, appears to contain few natural or recreation values and could become freehold.

It is recommended that the entire upper catchment of Parasol Creek be transferred to DOC as conservation land and be allowed to revert to native vegetation (Figs 10, 13 and 14). If this cannot be achieved then a compromise might involve leasing back the grazing on the sunny faces (Fig 16).

It could be argued by the runholder that the public is looking for a large share of the Hukarere property. The answer to this would be that the runholder is getting the opportunity to freehold a very large area of good farmland. A fair deal would include a large share being transferred to DOC.

Submission 8



The Commissioner of Crown Lands
Land Information New Zealand,
Crown Property and Investment,
Private bag 4721,
Christchurch 8140

By email: pastoral&tenurereview@linz.govt.nz

17/10/2014

Dear Sir/Madam

Hukarere Station Tenure Review

Submission from the Otago Fish and Game Council (Fish and Game)

Introduction

1. The Otago Fish and Game Council (Fish and Game) is the statutory manager of sports fish and gamebird resources in the Otago region. The Upper Pomahaka River, which is bordered by the Hukarere pastoral lease, supports a regionally significant brown trout fishery with backcountry characteristics. Practical access to this fishery is primarily through a formed road on the lease.
2. Fish and Game has had a long history of involvement with the lease and the tenure review process. See Appendix 1.
3. Fish and Game wishes to thank the lessee, Mr Quintin Hazlett for providing access to the property as part of an inspection and also for his time in discussing the major issue of concern to Fish and Game, that of access. We also note that Mr Hazlett and his family have always been generous with providing access to the property for recreational use, including fishing and hunting.
4. This submission addresses those matters that are relevant for the Commissioner to consider under Part 2 of the Crown Pastoral Lands Act 1998.

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

Otago Region

Cnr Hanover & Harrow Sts, PO Box 76, Dunedin 9054, New Zealand. Telephone (03) 477 9076 Facsimile (03) 477 0146
www.fishandgame.org.nz

Key submission points

5. Fish and Game does not accept that the Preliminary Proposal gives proper effect to the objects of Part 2 of the Crown Pastoral Land Act 1998. The Preliminary Proposal provides for the freeholding of land which provides access to significant inherent values (SIVs) and Crown riverbed adjacent to the lease without suitable public access to those values. Fish and Game submits that the failure to provide suitable access to those values is inconsistent with Part 2.
6. The issues of greatest concern to Fish and Game in this Preliminary Proposal are:
 - a. The failure to provide sufficient public access along the existing formed road (extending north from the homestead to the boundary with the Crown Rock pastoral lease), and defined as a-b-c-d-e-f-g-h-i-j-k-l-m-n-o-p on the preliminary proposal designation plan. The preliminary proposal only provides for foot, mountain-bike, and horse-riding access on weekends and public holidays along this formed road.
 - b. The lack of provision for any form of access during the months of October and November.
 - c. The lack of any provision for vehicle access over this section of formed road.
 - d. The lack of any provision for any public access of any form on side tracks leading off this formed road to the river, which effectively makes the limited public access available along the formed road redundant as a form of access to the river itself to a large extent.
 - e. The above three issues constitute the potential for the exclusive capture of the fishery during the months of October and November, and also during weekdays. "Exclusive capture" is the term used when a public sports fish or gamebird resource is cut off from public use by changes in land tenure or restrictions on access.
 - f. The lack of legalisation of the existing formed road from the end of the legal road to the bridge over the Pomahaka River near the homestead. This small section of road (indicated in Figure 1 and Appendix 2) is currently maintained by the Clutha District Council as far as the bridge over the river. The bridge is also owned and maintained by the Clutha District Council (see also

correspondence in Appendix 2). This section of road is thus likely to be legal road by implied dedication and legalising this through the tenure review proposal makes sense, otherwise, there will be no formal access from the end of the existing legal road through the freehold to the river along the existing maintained and used formation.

These issues are explained in more detail below.

Values of the Upper Pomahaka River fishery:

7. The Pomahaka River was protected in 1989 by a Local Water Conservation Notice (Appendix 3 to this submission) under the Water and Soil Conservation Act 1967. These protections have since been inserted into the Otago Regional Water Plan.
8. The values recognised in the Conservation Notice and now in the Otago Regional Water Plan are that the upper reaches of the river and its tributaries provide for:
 - a. A regionally significant trophy brown trout fishery, and
 - b. Regionally significant trout spawning and rearing habitat
9. The river supports populations of both sea-run and resident trout, with these fish often reaching trophy size. The size of the return fishery (the "run") was estimated at about 2000 fish per year (Scott, 1981).
10. The river is highly valued by anglers, receiving 4142 angler-days (a measure of angler use) in 2007/2008. A high percentage of these anglers would have visited the upper river.
11. To conclude, the Upper Pomahaka is recognised overall as a regionally important fishery (Otago Sports Fish and Gamebird Management Plan, 2003, Regional Plan Water for Otago). Within the context of the tenure review, the most important requirements to consider are the following:
 - a. The protection of the high quality aquatic habitat sustaining a regionally important trout fishery
 - b. The provision of practical public access for recreational anglers and angling guides.
12. Fish and Game has submitted for these values to be considered and access to be provided to the fishery in the Fish and Game Resources Report, submitted to Land Information New Zealand in October 1997.

Access issues on the formed track/road from the Hukarere Bridge to Crown Rock station boundary:

13. The existing formed track (defined as a-b-c-d-e-f-g-h-i-j-k-l-m-n-o-p in the preliminary proposal designation plan and marked in orange and green) provides the most practical access route through the station to the north. This has long been used (with permission) to access the fishery.
14. There are s58 Land Act 1958 marginal strips on both sides of the river, however these do not provide practical access to the fishery due to the steep and gorged nature of the river in many places. These are also fixed marginal strips, which do not move as the river moves.
15. The current proposal, as stated above, is for an easement in gross to provide for access during weekends and public holidays from December 1 to May 15 (inclusive). This excludes the first two months (October and November) of the fishing season for this river entirely as well as all weekdays. Fish and Game considers this to be the exclusive capture of a public fishery for private benefit.
16. Previous proposals (as outlined in Appendix 1) have provided for full public access (including vehicles) as well as access for conservation management (Department of Conservation and Fish and Game) along this road route. The previous proposals also had side routes providing access to the river from the main route, whilst the current proposal only appears to allow access through the lease (and proposed freehold), rather than to the river itself.
17. The current Preliminary Proposal access provisions have changed significantly from the previous Preliminary Proposal access provisions, and as such, Fish and Game's preliminary proposal submission on access can be considered as "new" information in terms of the scope of the CPLA.
18. Therefore, it can be reasonably stated that the current preliminary proposal for Hukarere does not provide adequate public access to the fishery, it exists only for through access through the station, and not to the river.
19. Section 2.8.4 of the Department of Conservation's Conservation Resources Report (the CRR) states the following:

“The location of this PL is strategically important in terms of securing access to and enjoyment of the Pomahaka River, the adjoining Leithen Bush Scenic Reserve and the wider Umbrella Mountains for hunting, tramping, angling, mountain biking.

Through completion of the pastoral lease tenure review on the Umbrella, Old Man and Carrick Ranges it is envisaged that there will be a continuous public access corridor from Hukarere on the southern end of the Umbrella Mountains to the Kawarau River.

The Huakarere[sic] – Crown Rock Road is particularly importance[sic] as it provides access to the Pomahaka River”

20. Section 3.1 of the CRR states the following (for consultation with NGOs):

“Major interest in securing public access along the Hukarere/Crown Rock farm access road along the Pomahaka River and across from it to the river for angling”

21. Appendix 2 contains correspondence from the Clutha District Council related to roading on and through the lease. This indicates that the formed road beyond the bridge was once maintained by the Clutha District Council, but is no longer maintained. Fish and Game submits that the formed road beyond the bridge may be a legal road by way of implied dedication, given its long term use by the public and history of maintenance by the Clutha District Council.

22. As such, the public access as proposed appears to have been substantially disregarded, and its treatment does not give proper effect to s24 of the CPLA.

Relief sought

23. Fish and Game wishes to see the following changes in the Substantive Proposal, in order to properly achieve the objects of Part 2 of the CPLA:

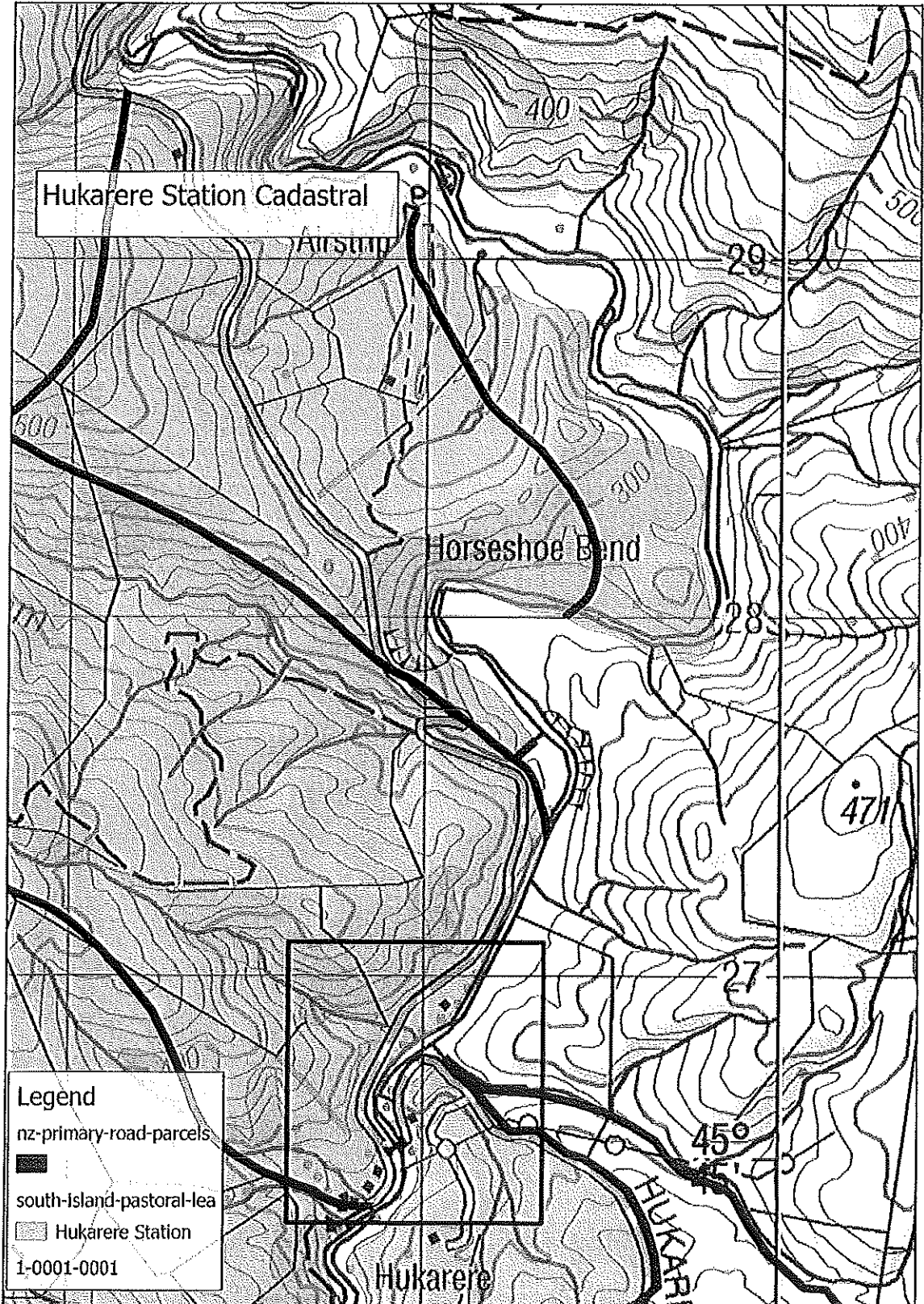
- a. Provide for public access (including vehicles) at all times along the formed road by way of an easement in gross.
- b. Return to the easement provisions provided in Appendix 1, section 1.2, which are from the original preliminary proposal (in 2002). This includes the spur easements with walking access only between the road and the river.
- c. Ensure all land returned to the Crown is interconnected or access between freeholded land and land proposed to be returned to the Crown is provided.

24. That the history of use, maintenance, and public money spent on the formed road beyond the bridge means the road formation may already be a public legal road as a result of implied dedication. Fish and Game wishes to see this possibility thoroughly investigated before any easements are created.

Legalisation and formalisation of the existing formed road to the bridge

25. It is not clear how far the existing legal road extends to the river. Geospatial information from Land Information New Zealand and also from the New Zealand

Walking Access Commission shows that the legal road finishes some distance from the river, whilst the formed road continues on to the bridge. The land in between appears to be a combination of marginal strip (section 58, Land Act 1948) and Crown riverbed. The following map shows the discrepancy:



26. The Clutha District Council maintain the formed road to the bridge, and own/maintain the bridge over the Pomahaka River.

27. The legal principle of implied dedication would confirm that the legal road extends to the other side of the Pomahaka River at least, and it may extend all the way to the boundary with Crown Rock station.

Relief sought

- a. That the existing road formation is legalised to the true right bank of the Pomahaka River on the other side of the existing bridge.
- b. That the possible existence of a legal road by implied dedication on the existing formation to the Crown Rock boundary is investigated further before any decisions are made about the easement.

Conclusion

28. Fish and Game considers that the future public access arrangements in this preliminary proposal to be unacceptable. The restriction on public access through the proposed freehold land to weekends and public holidays only between December and May is contrary to the current use patterns of the area, and would result in the exclusive capture of the trout fishery by private interests.
29. It is also noted again that the current access proposals do not provide for any public access to the river from the existing formed road.
30. Fish and Game submits that at the very least, the access arrangements contained in the first preliminary proposal, and reproduced here (in Appendix 1.2) should be revisited as the basis for appropriate access.
31. Fish and Game requests an urgent meeting with the manager of the tenure review team to discuss these concerns and resolutions before the proposal proceeds further.
32. We thank you for the opportunity to submit.

Yours faithfully,



Peter Wilson
Environmental Officer

Otago Fish and Game Council

Address for Service

Peter Wilson

PO Box 76

Dunedin

Phone 477 9076

Email: p.wilson@fish-game.org.nz

Appendix 1 – Fish and Game involvement in Hukarere Station

1.1 Letter to service provider, Darroch Limited (Mr David Paterson) – May 2013



15 May 2013

David Paterson
Darroch Valuations
PO Box 215
Dunedin

Dear David

Hukarere Station Tenure Review

To confirm my comments on public access in our meeting today on Hukarere station:

The Upper Pomahaka sustains a high quality brown trout fishery and one of the main outcomes sought through tenure review by Fish and Game has always been practical public access to and along the river by way of a public vehicle access easement over the existing road and access from the road to the river.

In 2002 the road easement seemed to be less controversial than the side tracks from the road to the river and Fish and Game was looking into the possibility of making the side tracks foot access only as a compromise.

I appreciate that there are farm management, maintenance and safety issues with the use of the road by the public but I still consider that road access is necessary because of the rugged and gorgy nature of the river in that reach. Those three concerns could be addressed to an extent through conditions on the easement.

One issue of major concern to us is the potential for the exclusive capture or partial capture of quality trout fisheries where private commercial guided angler use is favoured ahead of public recreational angler use. The current lessee has always been willing to allow anglers vehicle access across the property over many years but that is not guaranteed where the property changes hands. Fish and Game has to focus on securing practical public access for the long term through tenure review and to ensure a fishery capture situation is not created.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Niall Watson'.

Niall Watson
Chief Executive

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

Otago Region

Cnr Hanover & Harrow Sts, PO Box 76, Dunedin 9054, New Zealand. Telephone (03) 477 9076 Facsimile (03) 477 0146
www.fishandgame.org.nz

1.2 Preliminary Proposal (2002) letter and designation plans

6 NOV 2002



Ref: CON/50231/09/12431/A-ZNA-04

5 November 2002

The Manager
Otago Fish and Game Council
P O Box 76
DUNEDIN
Attn: Mr Watson

Dear Sir

Hukarere Pastoral Lease Tenure Review

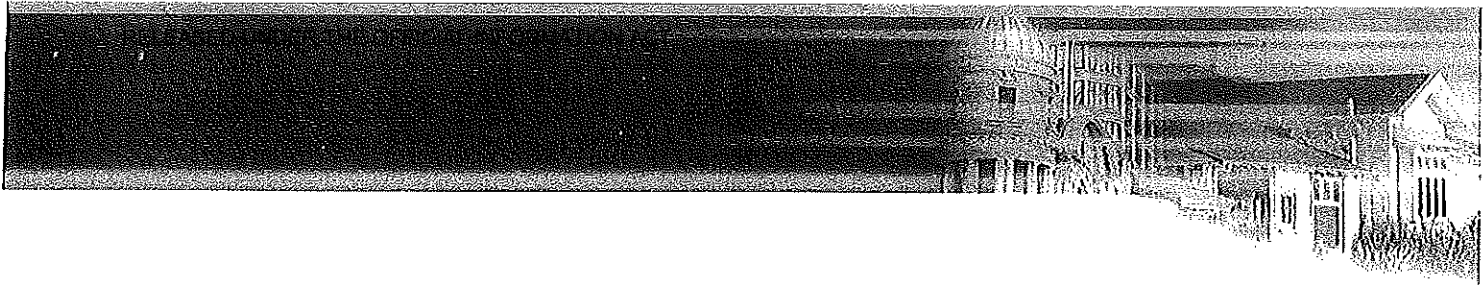
Tenure review for Hukarere Pastoral Lease has progressed to the point where the Draft Preliminary Proposal has been formally presented to the run holder and consultations are underway. At the last meeting with the lessee some questions were raised regarding the DoC management purposes and public access easement in gross and also the Otago Fish and Game Council easements in gross – particularly relating to three side routes that had been incorporated into the gross easement but do not form part of the appurtenant easement.

To recap – the proposal has a series of easements created with the view of providing public access and Department of Conservation management purposes access along the Hukarere-Crown Rock farm road and secondly a public access and DoC management purposes access in gross along with Otago Fish and Game Council management purposes easement over the same route.

Questions now being asked by the run holder relate to the practicality of the side routes marked on the plan as being “d-e”, “f-g”, “j-k”. Mr Hazlett is concerned that the secondary access points to the river create some difficulties. These being that “f-g” goes through the farm deer unit and is not practical, “d-e” is over a grass paddock while “j-k” is via a very steep farm track.

In view of the run holders concerns could you please consider the Fish and Game Council management purposes easement particularly relating to the three side routes noted in the previous paragraph and advise whether in your view these are essential for your management purposes and for anglers access. In the alternative could you also advise on alternative routes to the Pomahaka River that you are aware of for the purposes of gaining both public and Fish and Game Council management purposes access.

To date the management of the Hukarere Tenure Review has been carried out by the writer however I am relinquishing the hands-on role with David Paterson at our Dunedin office taking over this review.

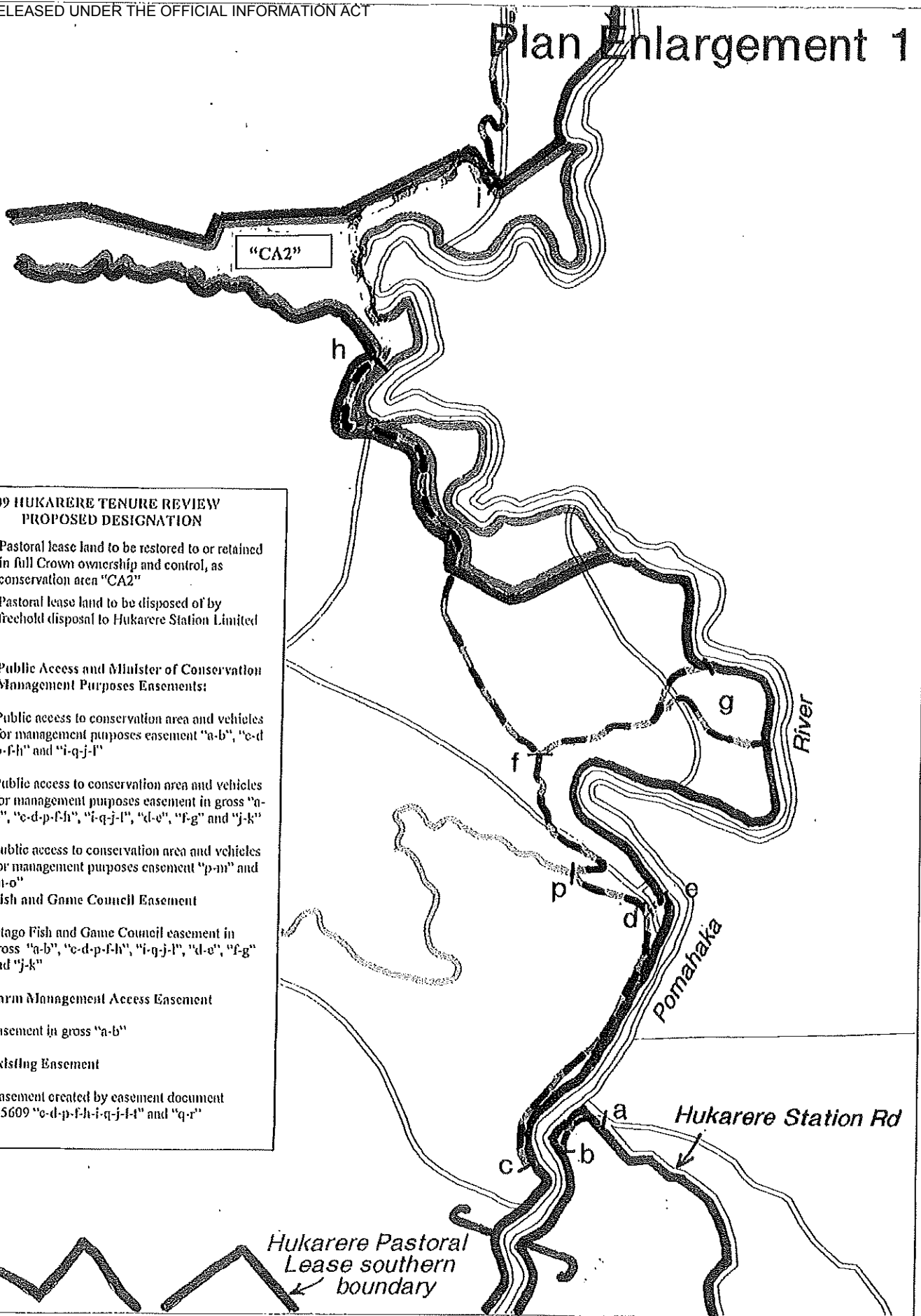


We would welcome your urgent reply, which should be sent to David Paterson, C/- QV Valuations, P O Box 215, Dunedin with a copy to Barry Dench, C/- QV Valuations, P O Box 13443, Christchurch.

Yours faithfully
QV Valuations

Barry Dench
Team Leader for Tenure Review

Plan Enlargement 1



PO 009 HUKARERE TENURE REVIEW PROPOSED DESIGNATION



Pastoral lease land to be restored to or retained in full Crown ownership and control, as conservation area "CA2"

Pastoral lease land to be disposed of by freehold disposal to Hukarere Station Limited

Public Access and Minister of Conservation Management Purposes Easements:

Public access to conservation area and vehicles for management purposes easement "a-b", "c-d p-f-h" and "i-q-j-l"

Public access to conservation area and vehicles for management purposes easement in gross "a-b", "c-d-p-f-h", "i-q-j-l", "d-e", "f-g" and "j-k"

Public access to conservation area and vehicles for management purposes easement "p-m" and "n-o"

Fish and Game Council Easement

Otago Fish and Game Council easement in gross "a-b", "c-d-p-f-h", "i-q-j-l", "d-e", "f-g" and "j-k"

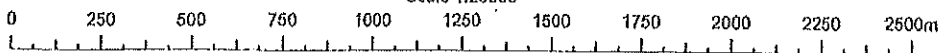
Farm Management Access Easement

Easement in gross "a-b"

Existing Easement

Easement created by easement document 345609 "c-d-p-f-h-i-q-j-l-l" and "q-r"

Scale 1:20000



HUKARERE STATION

Plan Enlargement 2

Crown Rock Station boundary

Pomahaka River

Po 009 HUKARERE TENURE REVIEW PROPOSED DESIGNATION



Pastoral lease land to be restored to or retained in full Crown ownership and control, as conservation area "CA2"



Pastoral lease land to be disposed of by freehold disposal to Hukarere Station Limited

Public Access and Minister of Conservation Management Purposes Easements:



Public access to conservation area and vehicles for management purposes easement "a-b", "c-d-p-f-h" and "i-q-j-l"



Public access to conservation area and vehicles for management purposes easement in gross "n-b", "c-d-p-f-h", "i-q-j-l", "d-e", "f-g" and "j-k"



Public access to conservation area and vehicles for management purposes easement "p-m" and "n-o"

Fish and Game Council Easement



Otago Fish and Game Council easement in gross "a-b", "c-d-p-f-h", "i-q-j-l", "d-e", "f-g" and "j-k"

Farm Management Access Easement



Easement in gross "a-b"

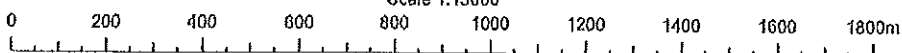
Existing Easement



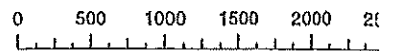
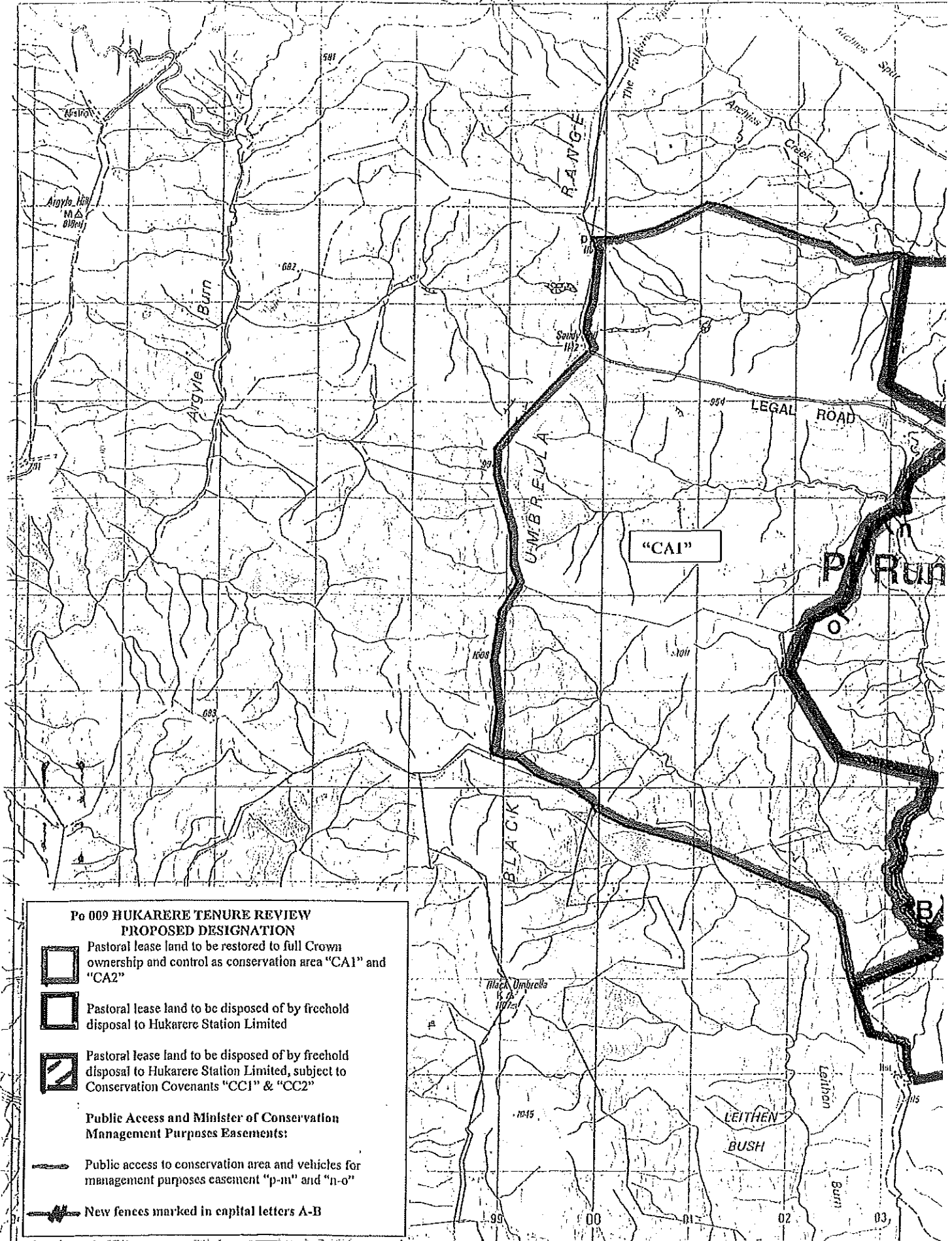
Easement created by easement document 345609 "c-d-p-f-h-i-q-j-l-l" and "q-r"

"CA2"

Scale 1:15000



HUKARERE STATION



1.3 Fish and Game Resources Report – October 2000



Crown Pastoral Land Tenure Review

Lease name: HUKARERE STATION

Lease number: PO 009

Fish & Game Report

As part of the process of Tenure Review Fish & Game councils may provide advice on significant inherent values within the pastoral lease, and the information may be incorporated in the Conservation Resources Report. The advice is part of the information gathered and assessed for the development of a preliminary consultation document.

The report attached is released under the Official Information Act 1982.

December

05



Fish and Game Resources Report for the Hukarere Pastoral Lease.

Prepared by the
Otago Fish and Game Council

Section One - Introduction

1.1 Purpose

The purpose of this report is to advise the Commissioner of Crown Lands on the sports fish and game values present on the land included in the Hukarere Crown pastoral lease. The lease is being considered for land tenure review and disposal under the provisions of the Crown Pastoral Land Act. As well as habitat values the report covers angling and hunting values and associated access issues.

Information for this report has been researched and prepared by Otago Fish and Game Council staff.

1.2 Location

The Hukarere Pastoral Lease is located on the west bank of the upper Pomahaka, between Parasol and Sandy Creeks and to the east of the Umbrella Range divide.

Section Two - General Resources Information

2.1 Sports Fisheries Habitat Values

• Upper Pomahaka

The upper Pomahaka is recognised as supporting a trout fishery of regional significance and it is protected by a Water Conservation Notice (1989). This status is being translated into equivalent provisions in the Otago Regional Council Plan: Water. The Notice recognises that the upper reaches of the river and tributaries provide for a significant trophy trout fishery and a regionally significant trout spawning and rearing habitat.

The Pomahaka River supports an important brown trout fishery, which is based on separate stock of sea-run and resident fish. The Upper Pomahaka catchment (of which Hukarere is a part) provides an important spawning area for both of these stocks.

Sea-run trout spawn almost exclusively in the Upper Pomahaka, thus the welfare of the

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

Otago Region

Cnr Hanover & Harrow Sts, PO Box 76, Dunedin, New Zealand. Telephone (03) 477 9076 Facsimile (03) 477 0146

Pomahaka fishery is dependent on the high quality spawning habitat the area provides. River resident trout from throughout the Pomahaka and lower Clutha Rivers also spawn in the area and elsewhere in the catchment where conditions are suitable.

The Otago Acclimatisation Society trapped the spawning run of brown trout at Hukarere Station between 1979 to 1981. The results indicated the run was conservatively estimated to be in the order of 2000 fish per annum. This underestimation was due to the frequent washing out of the trap.

Spawning surveys in the late 1970's and early 1980's showed that Parasol, Little Parasol, Sandy Creek and Doakes Stream are also used for spawning.

Adult fish habitat values are high in this area with a valuable sequence of pools and riffles and runs in the main river. As a consequence of relatively low intensity land use and the presence of native vegetation adjacent to the river, there is a significant input of terrestrial insects during the summer, which increases the feeding opportunity. In addition land use impacts are minimised because of the well-developed riparian vegetation.

2.2 Sports Fisheries Recreation Values

The Upper Pomahaka is highly valued as a trophy brown trout fishery where it provides large sea run trout in near wilderness surroundings. The National Angler Survey places the Pomahaka River (not separated into upper and lower) as the 8th most fished water and the 4th most popular river fisheries in Otago. It was estimated that there were more than 6700 angler visits to the river in the 1995/96 season.

Creel survey results from a survey between 1970-1980 showed that the Upper Pomahaka River contained the largest average size fish in the district.

2.3 Gamebird Habitat Values

Paradise shelduck, grey and mallard duck are known to occur on the lease.

2.4 Gamebird Recreation Values

There is limited potential for hunting on the lease.

2.5 Other Recreational Values

No other recreational values identified.

2.6 Access Information

There is a good network of formed roads and tracks providing vehicle access to the river at a number of points. However these roads often do not follow designated road reserves, which means practical access for angling is currently at the discretion of the leaseholder.

Section Three - Consultation

3.1 Consultation Undertaken

Consultation with representatives of some angling clubs has been undertaken, namely Otago Anglers Association, Fly Flingers and Stream Bashers and the Clutha Angling Club.

3.2 Issues Identified Through Consultation

These clubs raised no additional issues.

Section Four - Fish and Game Perspective

4.1 Fisheries Habitat Views

Marginal Strips should be laid off on all qualifying waterways. Parasol, Little Parasol, Doakes Stream and Sandy Creek are all important for producing high quality water to the Pomahaka catchment. Where these streams are not wide enough to qualify for marginal strip protection, strips of conservation land should be laid off.

4.2 Fisheries Recreation Views

Marginal strips along the main stream Pomahaka should be enlarged to provide waterway protection and ease of public access.

4.3 Gamebird habitat Views

The further habitat protection is not required.

4.4 Gamebird Recreation Views

No issues identified.

4.5 Access Views

Fish and Game believe that access to the river both within the pastoral lease area and to the catchment upstream is very important. The road should be legalised or at the very least have an access covenant or easement that provides for public vehicle access over it.

Given the recreational and fisheries significance of this river, and the rugged topography it is imperative that assured and permanent public access to and along the Pomahaka be established as part of this tenure review.

Section Five - Bibliography

Tenure Review Document


Crown Pastoral lands Act. (1998)

Land Status Report for Hukarere.

Creel and Angling Census 1970-1980 (D. Scott & R.I. Watson)

Dated: Tuesday, 10 October 2000

Signed



Mark Nelson

Resource Officer
For: The Otago Fish and Game Council

Appendix 2 – Documentation related to roading and access

2.1 Correspondence from the Clutha District Council regarding roading (October 2014):



FW: NZ Walking Access Commission - Hukarere Station Rd

David Campbell <david.campbell@cluthadc.govt.nz>
To: Peter Wilson <petergwil@gmail.com>

Thu, Oct 2, 2014 at 10:38 AM

fyi

From: Geoff Young
Sent: Wednesday, 17 September 2014 4:11 p.m.
To: Noel Beggs
Cc: David Campbell; Murray Hyndman; Peter Ward; Chris Bopp; Murray Hyndman
Subject: RE: NZ Walking Access Commission - Hukarere Station Rd

Gents

Thanks to Murray for pointing out the Hammer and Tap book comment.

From my reading of pages 288-293 it seems that the original bridge was constructed in 1955 - 57 and cost £9,123. This was paid for by the County, £1,564, the landowner, £1,476, and the balance by a 2 for 1 grant from the government (Lands of Survey and Ministry of Works).

Page 289 describes a previous footbridge at the site that doubled as a stock bridge was constructed privately (although the book is a little confusing on this point, at least to me) with a later contribution from the Council and subsequent improvements by the Council.

Regards

Geoff

From: Noel Beggs [<mailto:Noel.Beggs@walkingaccess.govt.nz>]
Sent: Tuesday, 16 September 2014 12:09 p.m.
To: Geoff Young
Cc: David Campbell; Murray Hyndman; Peter Ward; Chris Bopp
Subject: RE: NZ Walking Access Commission - Hukarere Station Rd

Thanks Geoff

Much appreciated, this confirms what I considered to be the case. The reason for my clarification request was due to a (2005) LINZ Crown Pastoral Lease Due Diligence Report on the Station which refers to the bridge as being 'private'. I had my suspicions it would not be the case particularly due to the Marginal Strip present on either side. Interesting there may be history of more detail per Murray's information and that does also make sense (private build, council maintained).

DAVID: Happy to discuss further if required, I am not sure if council submits on Tenure Reviews or not. The physical road to the north, running roughly parallel with the Pomahaka towards Crown Rock Station, is proposed to have a public access easement but is limited both to open periods and mode of access. Not sure how that may tie in with District Plan re water resources or if of relevance?

Thanks again

Regards

Noel Beggs

Regional Field Advisor

NZ Walking Access Commission

027-223-4479

03-409-8498

www.walkingaccess.govt.nz

From: Geoff Young [<mailto:geoff.young@Cluthadc.govt.nz>]

Sent: Tuesday, 16 September 2014 11:45 a.m.

To: Noel Beggs

Cc: David Campbell; Murray Hyndman; Peter Ward; Chris Bopp

Subject: RE: NZ Walking Access Commission - Hukarere Station Rd

Hello Noel

This bridge appears on Clutha DC records as Bridge No. 327 and from the information immediately available, without searching the archives, it has been maintained by Council since at least 1984. That would suggest to us that it is owned by Council. Certainly we inspect it and carry out maintenance as required.

From speaking with those staff who are, or would be if necessary, involved in the legal aspects of the bridge we are not aware of any suggestion that it is privately owned.

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From our GIS info it appears the bridge is constructed within crown land riparian strips on either side of, and parallel to, the river. It does not appear to be on private property.

CDC maintains the road as far as the bridge, and used to maintain the road beyond but no longer does so. The physical road alignments and the legal road reserves do not necessarily coincide, on either side of the river, which is not uncommon.

This screen shot is from our GIS. The blue line represents our roading inventory alignment data, and the faint green lines are property boundaries, showing road reserve.



I hope that helps.

Regards

Geoff

From: Noel Beggs [<mailto:Noel.Beggs@walkingaccess.govt.nz>]

Sent: Tuesday, 16 September 2014 10:17 a.m.

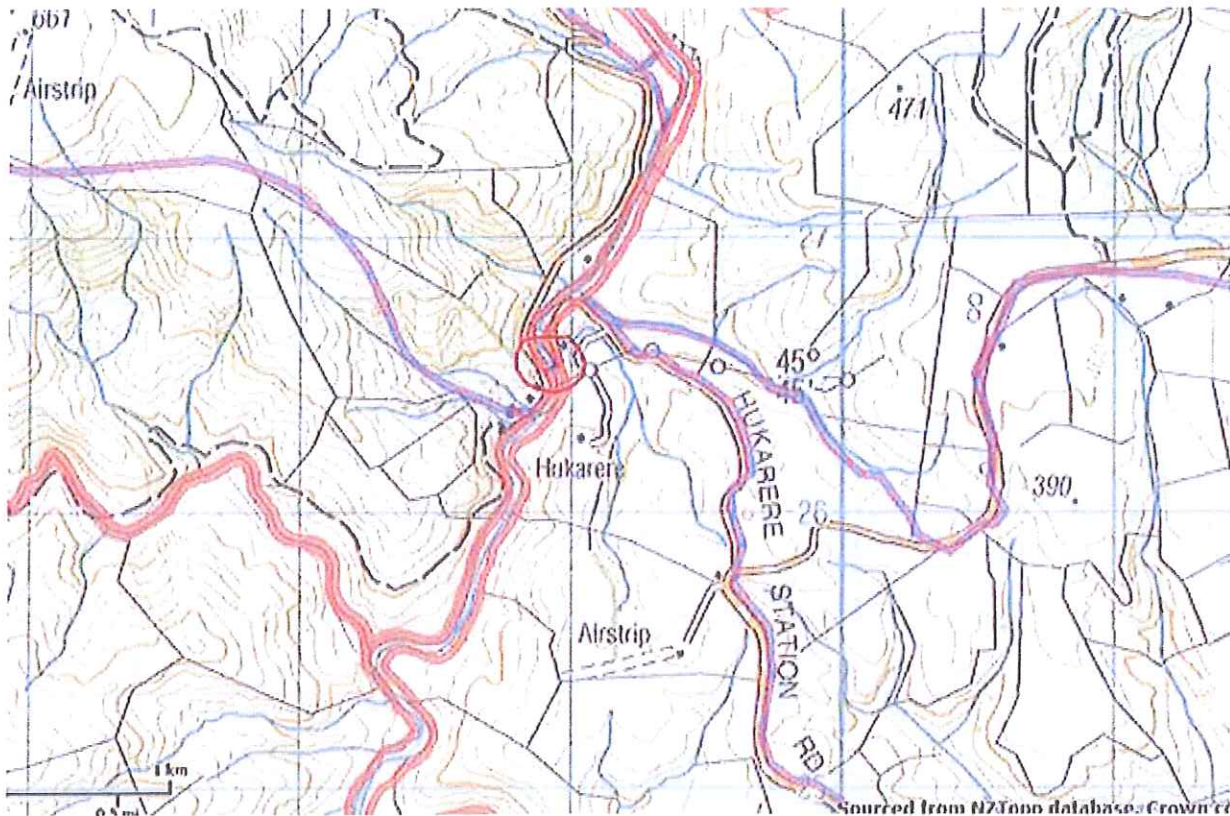
To: Geoff Young

Subject: RE: NZ Walking Access Commission

Hi Geoff

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Thanks for speedy reply, refer the WAMS screen shot below with the bridge location circled in red;



NZTM 2000 co-ordinates approximately X 1298929, Y 4926532

Any history (i.e. council involvement in construction and/or maintenance) would be much appreciated. Similarly any comment on the track on the west side of the Pomahaka leading north, my research indicates this to be private farm track but confirmation would be much appreciated. (Legal road title is disjointed and not complete on that side of river).

Thanks Geoff

Regards

Noel Beggs

Regional Field Advisor

NZ Walking Access Commission

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www.walkingaccess.govt.nz

From: Geoff Young [mailto:geoff.young@Cluthadc.govt.nz]

Sent: Tuesday, 16 September 2014 9:37 a.m.

To: Noel Beggs

10/17/2014

Gmail - FW: NZ Walking Access Commission - Hukarere Station Rd

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Cc: David Campbell

Subject: FW: NZ Walking Access Commission

Good morning Noel

To ensure we comment on the correct location would you please mark it on a map and email it to me.

With thanks and regards

Geoff Young

Senior Asset Engineer (Roading)

Clutha District Council

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W: 03 4190200

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www.cluthacountry.co.nz



From: David Campbell

Sent: Tuesday, 16 September 2014 9:25 a.m.

To: Geoff Young

Subject: FW: NZ Walking Access Commission

Hi Geoff,

Are you able to confirm to Noel the status of this bridge?

Cheers,

David

From: Noel Beggs [mailto:Noel.Beggs@walkingaccess.govt.nz]
Sent: Tuesday, 16 September 2014 9:24 a.m.
To: David Campbell
Subject: NZ Walking Access Commission

Hi David

I hope the winter has treated you well!

A very quick query, direct me to who may be best able to answer if you wish.

I am currently commenting on the Tenure Review Preliminary Proposal for Hukarere Station, which is within Clutha DC region. There is a bridge over the Pomahaka River, near the Hukarere Station infrastructure, near to the marked Hukarere Station Road (but not located within legal road title).

Would you be able to confirm that the bridge is privately owned and maintained please? I understand from research to date that this is the case.

Many thanks

Regards

Noel Beggs

Regional Field Advisor

NZ Walking Access Commission

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