

## Crown Pastoral Land Tenure Review

Lease name : HUKARERE

Lease number : PO 009

### Public Submissions – Part 2

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 9**



The Commissioner of Crown Lands,  
Land Information New Zealand,  
Crown Property and Investment,  
Private bag 4721,  
Christchurch 8140  
[pastoral&tenurereview@linz.govt.nz](mailto:pastoral&tenurereview@linz.govt.nz)



**Forest  
& Bird**  
GIVING NATURE  
A VOICE

17 October 2014

Dear Sir

### **Hukarere Tenure Review**

Submission from the Royal Forest and Bird Protection Society

#### **Introduction**

Forest and Bird is a national organisation comprising over 80,000 supporters and members in 56 branches throughout New Zealand. The main object of the Society is to take all reasonable steps within the power of the Society to preserve and protect New Zealand's remaining flora and fauna, and natural features of New Zealand, for the benefit of the public including future generations. This submission represents the views of the Society.

Forest and Bird wishes to thank Quintin Hazlett, for his generosity in showing us around Hukarere, and sharing his views. We were impressed with his management and goals for Hukarere. Our submission is based on the knowledge that this tenure review will change the status of land in perpetuity, and thus neither us or the decision makers can make decisions by only considering the current management regime, as we have to have a long term view.

This submission is based on the Objects of the CPLA and is informed by our inspection, the scientific literature and the expert ecological assessments as part of the CRR.

#### **Proposed Conservation Area CA1.**

##### Scenic Reserve Status

Section 35 (2) Crown Pastoral Land Act 1998, (CPLA) provides for land to be restored or retained in full Crown ownership and control as a conservation area or a reserve or for some specified purpose. The status of land returned to the Crown is a matter to be considered in tenure review. The Preliminary Proposal does not consider the alternative designation of Scenic Reserve despite mentioning the importance of the linkage with Leithen Bush Scenic Reserve. We therefore consider that the Commissioner must both allow and accept this submission.

The Reserves Act 1977 provides for Scenic Reserves for the purpose of protecting areas possessing such qualities of scenic interest, beauty or natural features or landscape that their protection and preservation is desirable in the public interest. The Conservation Resources Report details the natural features and landscape values that show that the proposed CA 1 clearly warrants Scenic Reserve Status.

Forest and Bird submits that the proposed conservation Area CA1 be restored to Crown ownership and control as Scenic Reserve pursuant to Section 35(2) CPLA 1998.

#### Proposed CA 1 Boundaries

The proposed boundary G-H results in the freeholdng, land above the current snow line fence, with no protective mechanism. This is a significant area of land high conservation values, including the highest altitude area of beech, and as outlined in the CRR and DOC Recommendations Report. This is contrary to the CPLA, which requires the protection of significant inherent values (siv's). Grazing by cattle in particular is likely to seriously affect the long terms sustainability of the beech forest, by eating and trampling young seedlings and saplings.

The proposed boundary excludes areas with important tall tussock cover which should be retired from grazing so it can recover to full canopy with improved water yields out of the upper catchments. The tall tussock cover is strong above about 850m altitude and would improve lower down if left undisturbed. This spur supports abundant diverse broadleaf/divaricating shrublands which are actively regenerating and include localised and locally uncommon species such as *Dracophyllum longifolium*, *Hebe rakaiaensis* and *Hoheria glabrata*. There is high potential for regeneration and recovery of woody ecosystems here in the absence of disturbance.

Free holding this land does not promote ecologically sustainable management pursuant to S24 (i). This area retains extensive areas of tussock grasslands, seepages and flushes and regenerating shrublands which contribute to water flows in the streams feeding the Pomahaka River. Continued conversion of catchment areas from tussock grasslands to pasture risk reducing the minimum flows in the catchment. It is possible to calculate the impact such conversion will have on flows from the catchments. Contribution to water flows and water quality is a sustainability matter which needs to be taken into consideration when assessing the degree to which the tenure review proposal meets a primary tenure review objective' ..."Promote the management of reviewable land in a way that is ecologically sustainable' (Section 24 (a) (i). The Preliminary Proposal does not address this aspect of the proposed designations in the discussion of the proposed designation in relation to the objects of part 2 of the CPLA.

The proposed boundary requires substantial new fencing which, is not only expensive but will have a significant detrimental effect on the landscape, which is described as having high significant inherent values.

Forest and Bird submits that in order to give effect to the Objects of the CPLA, the area between the snow line fence and the proposed new fence G-H, as shown on the attached recommendations map, be added to CA1 and returned to full crown ownership and control as Scenic Reserve.

### **Proposed Covenants**

The objective of the Covenant is described in 2.1 as “The Land must be managed so as to preserve the Values.”

The certainty of this protective mechanism and its ability to promote the ecological sustainable management and protection of the values would be improved by the addition of the words ; *and enhance*: The covenant protects a number of low altitude shrublands and forest which are good examples of the original vegetation cover. These values will be enhanced without grazing, as they will become more natural over time.

Forest and Bird submits that clause 2.1 Objective of the Covenant be amended to read: The Land must be managed so as to preserve **and enhance** the values.

### **Conservation Covenant CC1 (84ha)**

We observed on our inspection a small grove of mature kowhai trees that appear to be below the lower boundary. These trees have significant inherent values, as they represent a remnant of original vegetation, will provide important seed sources for new trees within the proposed covenant and are important sources of nectar for birds.

Forest and Bird submits that the boundary of CC1 be adjusted to include the kowhai trees as these have siv's which warrant protective status under the CPLA.

### Covenant Values

The description of values fails to reflect the full range of values that have been identified. These include landscape – good example of original cover; ecosystem service values – carbon sequestration, water yield, catchment stability and nutrient entrapment.

The above values contribute to the significant inherent values to be protected, under the CPLA and their protection will enhance the ecologically sustainable management outcomes for this tenure review.

We draw your attention to the inaccuracy of the western boundary line on the map in the advertised Preliminary Proposal. The boundary is supposed to be further west to include the creek to the next spur. Mr Hazlett confirmed this on our inspection.

Forest and Bird submits that the description of values for CC1 be amended to include: **Natural Environment, Wildlife Habitat (including Riparian) and Freshwater – Life Habitat, Original Landscape and Ecosystem Services**  
*an example of a landscape that characterised original New Zealand being regenerating and indigenous shrublands and forest .....*  
*Ecosystem services associated with carbon sequestration, water yield, catchment stability and nutrient entrapment.*

### **CC2 37ha**

#### Covenant Values

The description of values fails to reflect the full range of values that have been identified. These include landscape – good example of original cover; ecosystem service values – carbon sequestration, water yield, catchment stability and nutrient entrapment.

The above values contribute to the significant inherent values to be protected, under the CPLA and their protection will enhance the ecologically sustainable management outcomes for this tenure review.

As the covenant also includes Doakes stream riparian and freshwater values need to be added to the description of values.

Forest and Bird submits that the description of values for CC2 be amended to include: **Natural Environment and Wildlife Habitat (including Riparian) and Freshwater – Life Habitat, Original Landscape and Ecosystem Services**  
*an example of a landscape that characterised original New Zealand being indigenous shrublands and remnant silver beech forest .....*  
*Ecosystem services associated with carbon sequestration, water yield, catchment stability and nutrient entrapment.*

### **CC3 8.5ha**

#### Covenant Values

The description of values fails to reflect the full range of values that have been identified. These include landscape – good example of original cover; ecosystem service values – carbon sequestration, water yield, catchment stability and nutrient entrapment.

The above values contribute to the significant inherent values to be protected, under the CPLA and their protection will enhance the ecologically sustainable management outcomes for this tenure review.

As the covenant also includes the riparian margin of the Pomakhaka River, riparian and freshwater values need to be added to the description of values.

Forest and Bird submits that the description of values for CC3 be amended to include:  
**Natural Environment and Wildlife Habitat (including Riparian) and Freshwater – Life Habitat, Original Landscape and Ecosystem Services**

*An example of a landscape that characterised original New Zealand being indigenous regenerating shrublands and forest on the margins of the Pomahaka River.....*

*Ecosystem services associated with carbon sequestration, water yield, catchment stability and nutrient entrapment.*

#### **CC4 94ha**

The purpose of the covenant under the CPLA, as a protective mechanism is to enable the protection of the significant inherent values (sivs) of the reviewable land. The sivs have been identified as beech forest remnants and associated shrublands, in the Preliminary Proposal, but it also includes seepages and flushes, landscape values as an example of original vegetation cover and ecosystem services. The covenant is to remain unfenced and so provides for sheep and cattle grazing.

This whole catchment has high scenic value seen from the Parasol Creek track, and to a somewhat lesser extent from above. It also has considerable ecological inherent value.

At the head of the catchment above the bush there is a band of intact tall tussock grassland, interspersed with seepages, rock outcrops and regenerating shrublands. This stand contributes to the significant landscape values, ecosystem services, and is part of the vegetation sequence from the valley floor to the ridge crest.

Grazing and especially cattle grazing will not enable the protection of the siv's, as cattle eat and trample shrub and beech seedlings modifying the forest environment and prevent or significantly reducing natural regeneration. Grazing also changes the natural functioning of seepages and flushes and reduces the density and vigour of vegetation, which reduces the ecosystem service values. Grazing should be permitted only in order to protect the significant inherent values. Grazing in this case especially by cattle is highly likely to cause damage to the values and is inconsistent with the objects of the CPLA and the Objective of the Covenant.

The catchment of CC4 is entirely fenced, thus it is practical to provide for limited grazing by sheep but exclude cattle.



Figure 1 Intact tall tussock at the head of CC4

Forest and Bird submit that the covenant be extended to include the fenced block so including the tussock grasslands at the head of CC4 to enable adequate protection of the significant inherent values, including their landscape and ecosystem service values.

Forest and Bird submit that grazing by cattle be excluded from the Covenant. Grazing by cattle does not enable the protection of regenerating shrublands and beech forest and renders the protective mechanism ineffective in achieving the objects of the CPLA.

#### Covenant Values

The description of values fails to reflect the full range of values that have been identified. These include landscape – good example of original cover; ecosystem service values – carbon sequestration, water yield, catchment stability and nutrient entrapment. The DOC Recommendations report also refers to seepages and flushes.

The above values contribute to the significant inherent values to be protected, under the CPLA and their protection will enhance the ecologically sustainable management outcomes for this tenure review.

As the covenant also includes the riparian margin of a stream, riparian and freshwater values need to be added to the description of values.



Forest and Bird submits that the description of values for CC4 be amended to include: **Natural Environment and Wildlife Habitat (including Riparian) and Freshwater – Life Habitat, Original Landscape and Ecosystem Services**

An example of a landscape that characterised original New Zealand being valley floor and side branch beech forest and dense regenerating and indigenous shrublands *habitat for diverse fauna, and relatively intact tall tussock grasslands and rock outcrop ecosystems.....* *Ecosystem services associated with seepages and flushes, carbon sequestration, water yield, catchment stability and nutrient entrapment.*

### **CC5 155ha**

This Covenant was recommended initially by DOC as a Conservation Area – which Forest and Bird endorses. This was recommended for return to full crown ownership and control in order to secure public access and protect the greatest concentration of low altitude shrublands and *Olearia woodlands*. The DOC recommendations Report on page 11 notes that Woody regeneration is expected to continue at a rapid rate further enhancing the significance of these low altitude remnants.

The CPLA expresses a preference for the return to full Crown ownership and Control of land with sivs. We accept that the Covenant is fenced and that there will be no grazing, however there is no provision for wander at will for the public. While under the stewardship of the current lessee this may not be an issue as we are aware that they are generous, however this tenure review is in perpetuity and the CPLA Objects include that of making easier the securing of public access to and enjoyment of reviewable land. Whilst an access easement is provided the easement does not enable the enjoyment of the whole covenant area.

Forest and Bird submits that in order to meet the Objects of the CPLA CC5 either be restored to full Crown ownership and control as a scenic reserve, or that the Covenant provide for complete and free public access.

### Covenant Values

The description of values fails to reflect the full range of values that have been identified. These include landscape – good example of original cover; ecosystem service values – carbon sequestration, water yield, catchment stability and nutrient entrapment.

Koura and *Galaxias sp. D* (both ranked gradual decline) are abundant in Parasol Creek – presumably they are also found within the creek at CC5.

This covenant also has extensive recreation values as mentioned in the DOC recommendation Report but not mentioned as a value to be protected in the Covenant.

The above values contribute to the significant inherent values to be protected, under the CPLA and their protection will enhance the ecologically sustainable management outcomes for this tenure review.

As the covenant also includes the riparian margin of a stream, riparian and freshwater values need to be added to the description of values.

Forest and Bird submits that the description of values for CC5 be amended to include:  
**Natural Environment and Wildlife Habitat (including Riparian) and Freshwater – Life Habitat, Original Landscape and Ecosystem Services**  
The vegetation cover is an example of a landscape that characterised original New Zealand. Riparian values and habitat for native fish and Koura.  
Ecosystem services associated with carbon sequestration, water yield, catchment stability and nutrient entrapment.  
Recreational values

#### **CC6 11ha and CC7 8 ha**

##### Covenant Values

The description of values fails to reflect the full range of values that have been identified. These include landscape – natural character of the Pomahaka River being the least modified part of the Pomahaka River, ecosystem service values – carbon sequestration, water yield, catchment stability and nutrient entrapment.

The proposed Covenant also includes small areas of threatened land environments with indigenous vegetation.

Forest and Bird submits that the description of values for CC6 and CC7 be amended to include:  
**Natural Environment and Wildlife Habitat (including Riparian) and Freshwater – Life Habitat, Natural Character and Ecosystem Services**  
  
Add  
Indigenous vegetation contributes to the natural character of the Pomahaka River margin. Indigenous vegetation remnants on threatened land environments..  
  
Ecosystem services associated with carbon sequestration, water yield, catchment stability and nutrient entrapment.  
Recreational and amenity values

#### **Additional Significant Inherent Values requiring protection under the CPLA Objects.**

There is a significant stand of Beech forest with high sivs around the hut which is proposed for free holding with no protective mechanism. While we are happy that the current lessee will look after this patch there is no certainty for the long term. Free holding the remainder of the reviewable land is based on the protection of sivs. This forest represents original New Zealand, and will contribute significantly to the presence of falcon, and other wildlife on Hukarere Station. It is preferable that this area be fenced to ensure adequate regeneration

and the long term survival of this stand, however we appreciate the topography may make this difficult, and any fencing involving clearance could have unsightly landscape impacts.

Protection of woody vegetation in gully systems is important for protecting stream habitat from stock trampling and fouling, and for reducing runoff effects in streams for water quality. Their protection will assist in the overall promotion of ecologically sustainable management of Hukarere.

Forest and Bird submits that the beech forest with a buffer zone to include the regenerating shrublands be covenanted to provide for no removal, development, or burning.



Figure 2 Good stand of Beech around the hut

#### **Beech Trees – Parasol Creek between CC5 and CC4**

There is a ribbon of beech trees along Parasol Creek between CC5 and CC4 which have important siv's worthy of a protective status under the CPLA. Some but not all of the beech trees maybe on a marginal strip. The trees provide a corridor for wildlife between the forest and shrublands in the two covenants, provide important riparian protection for Parasol Creek which is habitat to Koura and *Galaxias sp. D.* (both ranked gradual decline).

Protection of woody vegetation in gully systems is important for protecting stream habitat from stock trampling and fouling, and for reducing runoff effects in streams for water quality. Their protection will assist in the overall promotion of ecologically sustainable management of Hukarere.



Figure 3 Riparian beech almost links CC4 and CC5 along Parasol Creek

## Public Access

**Pomahaka Bridge to the Crown Rock boundary “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”. The short spur tracks “g1-g4” into Covenant area CC1, “i1-i2”, “g2-g5” and “g2-g6” to the Pomahaka River.

Clause 12 restricts public use to weekends and public holidays between December and May 15 inclusive.

Our understanding is that there is a marginal strip up both sides of the Pomahaka which itself is a separate strip of esplanade reserve. This triple band does not actually follow the real river. In places the “private” road is within the marginal strip. In many places the lease boundary is some distance back from the river. There are also two or three sections of public paper road shortcutting between sections of marginal strip. These provide for public access at all times up and down the river, and should not be closed to public access.

These severe restrictions to public access are not consistent with the CPLA Objective to make easier the securing of public access to and enjoyment of reviewable land.

Forest and Bird submit that public access is provided year round on any existing legal road, and marginal strip, and that any restrictions on non-public land as part of a new easement be only for the lambing period. We understand Fish and Game has had further discussions with the Leasee and we endorse any proposal that will provide for unrestricted public access upon the sale or transfer of the lease, provided that can be legally secure.

## **Freehold**

There are many areas with siv's on the proposed freehold land, which are not protected. We would like to see a Sustainable Management Covenant to protect any remaining more robust grey shrublands and forest remnants in gullies especially those between the private road and the Pomahaka River. There are some patches of Olearia and grey shrublands that are not within the proposed covenant areas. Protection of these will assist in maintaining water quality, and they contribute to the natural character of the Pomahaka River, and provide increased range for Olearia fimbriata.

Yours sincerely

Sue Maturin  
Regional Conservation and Volunteer Manager  
Otago Southland

## **Submission 10**



17 October 2014

File ref: 22015-001

The Manager  
LINZ  
Crown Property & Investment  
CBRE House, 112 Tuam St  
Private Bag 4721  
CHRISTCHURCH 8140



Dear Sir/Madam

**RE: HUKARERE PASTORAL LEASE TENURE REVIEW**

Thank you for your letter of 22 August 2014 concerning the above.

Heritage New Zealand Pouhere Taonga is a Crown Entity and is New Zealand's lead agency in historic heritage management. Its purpose is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand, as provided for in the Heritage New Zealand Pouhere Taonga Act 2014.

Heritage New Zealand has contributed staff resources to tenure review site inspections and assessments previously and understands the significant inherent values approach for tenure review. These reviews offer a 'one off' opportunity to ensure the Crown's commitment to the identification of heritage values located on pastoral lease land and warranting recognition and protection is met.

Heritage New Zealand has undertaken a desktop check for the area covered by the Hukarere PL which included checking the New Zealand Heritage List/Rārangi Kōrero, the NZ Archaeological Association database, and a review of information available to Heritage New Zealand's Regional Archaeologist for Otago/Southland. We advise the following from our investigations:

**1. Hamel's 1989 survey**

The Hukarere Pastoral Lease review is based on Hamel's 1989 survey. This assessment was not a comprehensive survey of an individual pastoral lease in the same way that a modern Tenure Review survey assesses values for a Historic Resources report. Also, the 1989 survey did not cover all areas of historic interest on the lease. Hamel surveyed the eastern edge of Hukarere but on a 1919 pastoral lease map there are many other heritage features, including old trig stations, pack/pastoral tracks, yards and the swing bridge for sheep. These were not visited. Further, Hamel herself noted at the time that 'Hukarere Station farmstead is worthy of further investigation, since if it is lathe and daub it is one of very few known in New Zealand. There may be some remains of musterers' huts in the tributaries of the Pomahaka coming down ofdf the Umbrella Range but these were not investigated. The sod walls on Aitcheson's Run Road should also be investigated'. (Hamel 1989:17) Certainly the homestead may be worthy of a heritage covenant.

**2. Change to site over time**

As the survey was done 25 years ago, some sites may no longer be present. Conversely, some sites may have more significance, as many Otago mining systems have been destroyed in the last 25 years. Well preserved sites are often on pastoral leases as they are in isolated locations.

**3. Online sources**

At the time Hamel undertook pre-survey research, there was limited historic data available. Since that time there are a number of online sources which have become available, including *Papers Past* and *AJHRs*. These sources would no doubt provide a significant amount of additional information.

**4. Preliminary proposal**

The Summary of the Preliminary Proposal does not mention heritage or Hamel's sites. The homestead is a particularly noticeable omission. The historic section of the Conservation Report does mention Hamel's 1989 survey but does not clarify that her survey was limited.

**5. Recommendation**

Given the age and limitations of the survey, the lack of considered protection for a significant homestead, and the large areas not included in Hamel's survey (particularly the high tops and tributaries), Heritage New Zealand recommends that the Department of Conservation's archaeologist visit the lease to make a more comprehensive assessment of the existing heritage values of Hukarere.

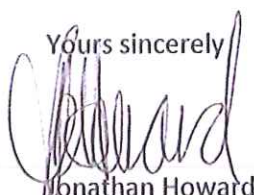
**6. The protection of archaeological sites under the Historic Places Act (1993) and the management of archaeological/heritage sites**

It is important to note that although an archaeological site is protected under the Heritage New Zealand Pouhere Taonga Act (2014), this protection is not a management tool to ensure long term survival of an archaeological site. As significant faunal and floral values on a pastoral lease require direct management through Landscape Covenants etc., historic resources also require direct management. In addition, any person may apply to Heritage New Zealand to damage, modify or destroy an archaeological site, hence, protection is not absolute.

As historic features are located on the land proposed for disposal to the lessee, it is important to advise that any activity by the owner of the land that may modify, damage or destroy an archaeological site(s), would require an authority (consent) from Heritage New Zealand prior to any works being undertaken. Work affecting archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014.

Please let me know if you have any queries with respect to the above.

Yours sincerely



Jonathan Howard  
Area Manager (Otago/Southland)



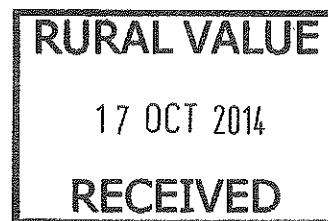
## **Submission 11**

C/O Recreational Users Forum  
C/. 30 Earnsclough rd.  
Alexandra 9320  
16/10/14

TO:  
The Commissioner of Crown Lands,  
Land Information New Zealand,

RE: Hukarere  
Tenure Review

Central Otago Recreational Users Forum  
Submission



### **CORUF**

Central Otago Recreational users forum is a committee representing some 60 groups and individuals with outdoor recreational interests. We can describe our members as general public of varying fitness levels wanting to enjoy their chosen outdoor pursuits. Most have a number of interests but all require reasonable access to give them a realistic opportunity to enjoy their chosen recreation which is often family orientated..

We have been approached by a number of our membership so our submission is a generalisation of the feed back received.

We of CORUF thank you for giving us the chance of viewing and commenting on this Proposal

CORUF agrees with the idea of adding new land to the original Leithen Bush Scenic reserve.

Enlargening the reserve will attract more recreational activity.

Because we represent groups of all ages our comments can be taken as a representation from an average general public.

One of the most important issues towards helping the recreating public on conservation lands is to have good or reasonable access to those areas. Having excessive walks to the boundary is not what the Crown Pastoral Land Act re; the requirement to look after public recreation needs, was intending

Certainly it was not the Land acts intention to restrict access to the elite few.

### 3.1

#### Section 24 (a) (I)

The restoration of CA1 to Crown control promotes the management of this land in a manner that is ecologically sustainable. We fully appreciate what is being set up here.

#### Section 3.4

The securing of public access to, and the enjoyment of reviewable land

We find this statement questionable!!

There is no question about possible access to south western corner of the Hukarere CA1 from the adjoining Leithen bush reserve – however it will take at least a 9 kl hike through the bush to get to the boundary from Old Switzers road because there appears to be no other way of travel.

In the same vain access from Hukarere car park to the CA1 South East point is also going to be a long walk although it will be a lot easier than traveling from Old Switzer road direction, but still leaves a traveler with another possible 30 Kl return distance to access the Northeast region.

These distances are obviously putting a well intentioned conservation effort out of reach of even the most determined athletes.

We could not find if there is a right to carry guns over the Parasol creek access easement. There appears to be an alternative route during lambing and we figure there will not need to be contact with the farmer for permission to use this route or to carry guns. If our assumption is wrong then hunters will feel they can be restricted out of the CA1 especially as guided hunting occurs on Hukarere.

Access from **a** to **u** or **s** must be for the right to carry guns.

Legal roads (paper) dont appear to be labled in the draft copy . We would expect they will remain . However would like to see a realignment in places to a practical position.

At least one of these running from either **a**; **g**; or **e** to point **F** should be re-aligned to a practical position for the future, during this Tenure review.

“It is not expected there be significant use of the access negotiated” is an interesting statement, it appears you realise this is not an acceptable easement.

The above statement refers to hunters being among those few. We understand hunters are adapting a moral ethic which we support and ask government Departments do the same. It appears to be very important to most hunters especially those that have joined clubs, that animals shot be used. We feel this would be an expectation of the general public today. The support hunters need in the Hukarere situation is to be able to have a hunt and return with the gathered meat having covered a reasonable distance.

You have reported deer numbers are quite high and that hunters are the most likely users of the Parasol creek easement. We dont consider a 20kl return walk to the nearest hunting point is of much use and will only encourage indiscriminate shooting of animals with no harvesting of meat. We are concerned rotting carcass left whole on the hills may leach to waterways.

A realistic walking access should start no farther back than **r** or **a2**.

Such an access will not only benefit hunters. Walkers, Photographers, and Fossickers would also benefit from a reasonable return distance to the conservation land.

Access for recreation activities which would more than often include family groups (along the Pomahaka traveling up stream) is far to restrictive for such a renown river. Vehicle access along this road must be sort with less restrictions, to come any where near what the public should expect under the Crown Pastoral Land Act re the requirement to look after public recreation needs.

#### Recomendations

4WD access to Crown Rock Station boundary with a lot less restrictions

4WD access to be extended up Parasol creek to near point **r** or **a2**

Access from **a** to the **CI** to be have the right to carry guns with it.

Re-align the paper legal road mentioned above

#### Conclusion

This proposal is way short of a fair negotiation for Conservation land with necessary access for the public enjoyment of that land.

An overview of the access leaves us feeling there is going to be a lot of land out of reach of a very big proportion of the public, which will only get worse when neighboring reviews come on line.

Thank You

Alan Mackie

Chairman

## **Submission 12**



17 October 2014

Commissioner of Crown Lands  
Land Information New Zealand  
Crown Property and Investment  
Private Bag 4721  
**CHRISTCHURCH 8140**

## **Preliminary Proposal for Tenure Review of Hukarere Pastoral Lease, Po009. Submission from the New Zealand Walking Access Commission**

Thank you for the opportunity to comment on the Preliminary Proposal.

The New Zealand Walking Access Commission (Commission) is the statutory body established in 2008 to lead and support public access negotiations. This is the first opportunity the Commission has had to comment on the Preliminary Proposal, notwithstanding Land Information New Zealand's consultations undertaken to-date.

Our statutory role is described below, in section A - Introduction, and our submission and recommendations on this preliminary proposal are presented in section B - Submission.

### **A. Introduction**

#### **Purpose, objective and functions of the NZ Walking Access Commission**

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

Central to its role is the Commission's leadership functions in negotiation and provision of free, certain, enduring and practical access to the outdoors for New Zealanders and visitors.

#### **Statutory requirements**

The Commission's submission on the Preliminary Proposal for Hukarere is designed, as envisaged by the WA Act, to support the negotiation of free, certain, enduring and future-focused public access in this area of New Zealand.

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

Further, this submission assists in achieving the statement in the Land Information New Zealand (LINZ) Statement of Intent 2014-2018 in respect of Crown Property which refers (p.17) to an objective of "...ensuring that the best economic, environmental and recreational uses are being made of Crown-owned and Crown used land."

## Commission’s submission is new information

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

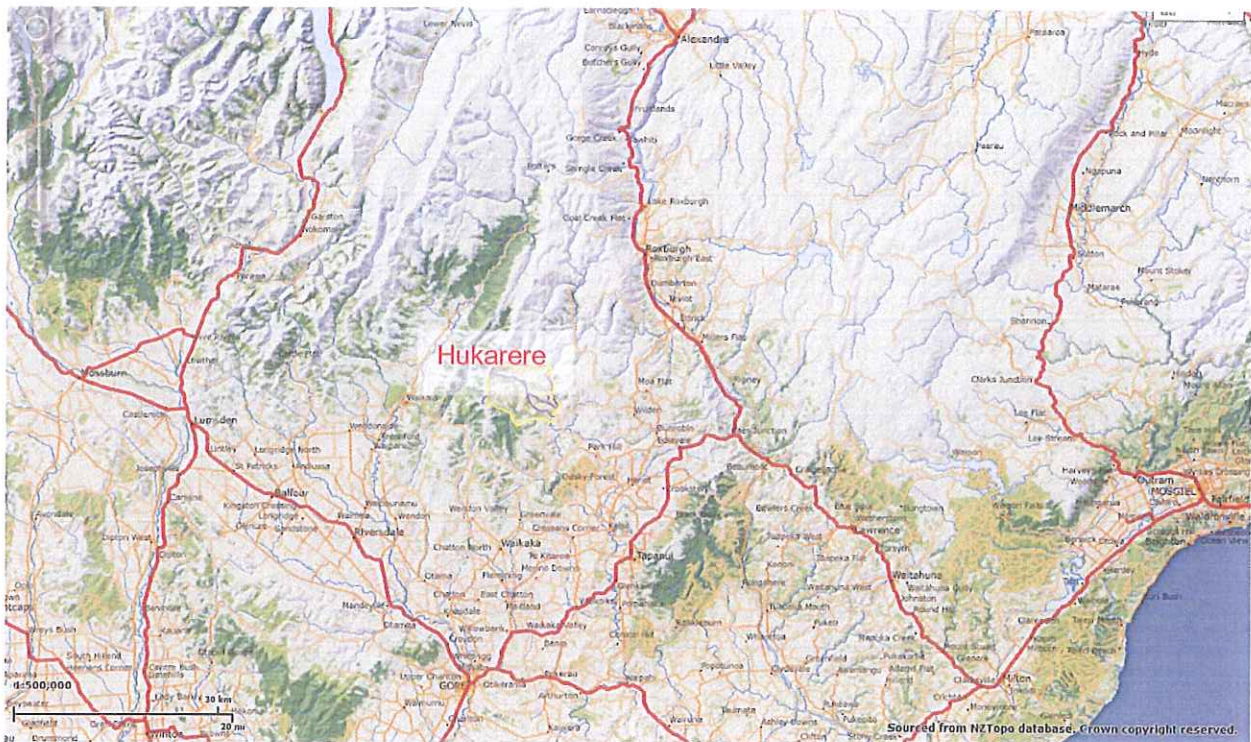
This submission should, therefore, be considered as new information provided by the Crown agency with statutory responsibility<sup>1</sup> for leading and supporting the negotiation, establishment, maintenance, and improvement of:

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

## B. Submission

### B 1. Background

Hukarere pastoral lease is located within the popular recreational area of West Otago between Roxburgh, Gore, and Lumsden. By road, it is approximately 20km northwest of Heriot.



Map 1 – Hukarere pastoral lease, approximate boundary location in yellow [source: wams.org.nz]

The ridge of the Black Umbrella Range forms the western boundary and the marginal strip along the Pomahaka River, a very popular fishing area, forms the eastern boundary.

Leithen Bush Scenic Reserve, a popular hunting and recreational area, forms part of the south-western boundary. The northern boundary is generally approximated by Sandy Creek as shown on Map 2 below.

There are, potentially, outstanding recreational routes within this pastoral lease as detailed in the 2011 Conservation Reports as part of the information gathering process.

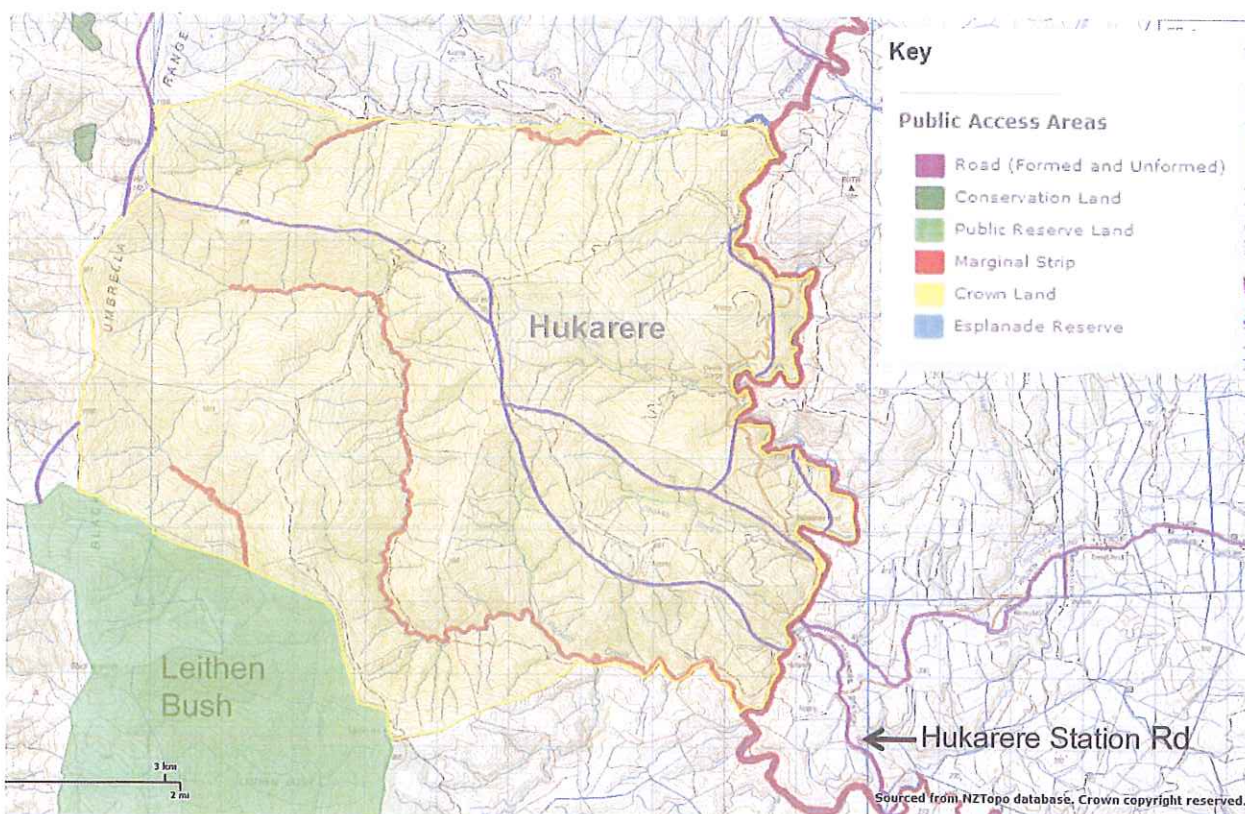
<sup>1</sup> Section 3(b) Walking Access Act 2008

The following extracts are of note;

*Section 2.8.4 Significance of Recreation*

- The location of this Pastoral Lease 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...
- 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 important...

See Appendix 1 for the map extracted from these Conservation Reports highlighting these recreation routes.

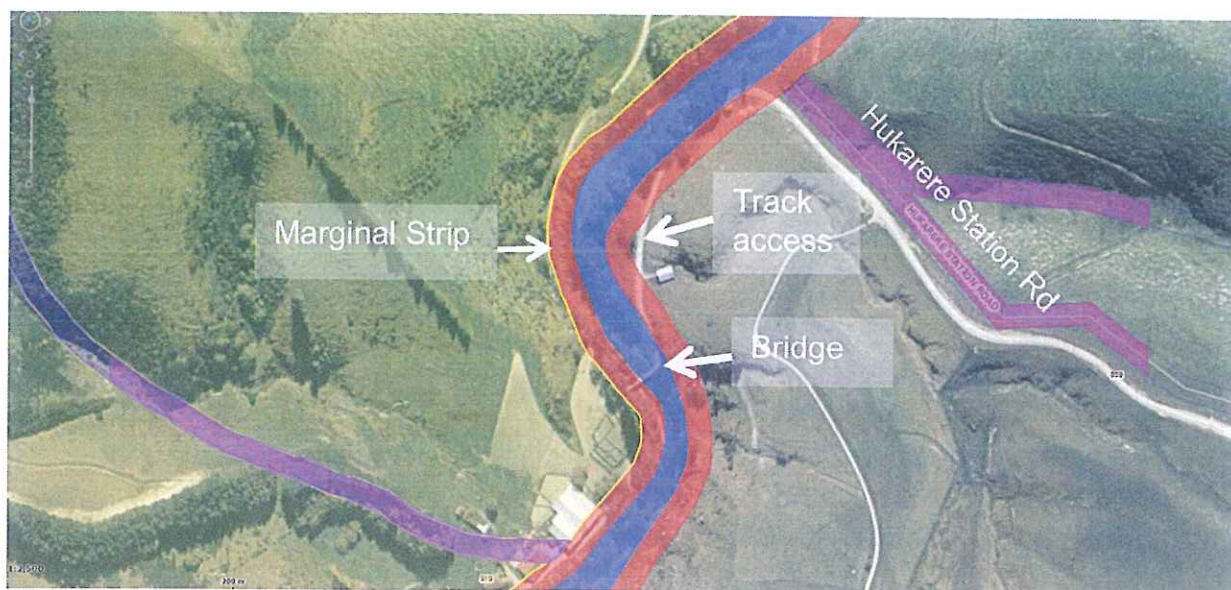


Map 2 – Extent of Hukarere Pastoral Lease

[source: wams.org.nz]

**B 2. Existing public access**

- Public road access to Hukarere Pastoral Lease is via Hukarere Station Road which ends at the marginal strip adjoining the Pomahaka River. A farm track traverses approximately 350m southwards across marginal strip and freehold land to the bridge which provides vehicle access across the Pomahaka River (see Map 3).
- Sections of unformed legal road (ULR) provide enduring public access to the Black Umbrella Range (see Map 2) and to some of the proposed Conservation Covenants.
- Crown Land reserved from sale (20m marginal strip) exists along the Pomahaka River (see Map 3 below) and adjoining other internal waterways (see Map 2 above).



Map 3 - Bridge provides access over Pomahaka River

[source: wams.org.nz]

### B 3. Public access proposed in the Preliminary Proposal

The Preliminary Proposal facilitates public access in the following areas:

- Land to be restored to the Crown includes 'CA1', retained as conservation area subject to tourism concession.
- Area CC1, CC2, CC3, CC4, CC5, CC6 and CC7 are to be disposed of as freehold subject to conservation covenants including the provision of public access easements provided to points within CC1, CC5 and adjoining the boundary of CC7.
- The two main easement routes, along with branch easements, which will provide recreational and scenic experiences.
  - The proposed easement labelled on the Preliminary Plan in its entirety as generalised by the alignment 'a-p' follows the existing vehicle track running roughly parallel with the Pomahaka River from the Hukarere Station Bridge to the boundary with Crown Rock Pastoral Lease. This easement allows access by foot or non-motorised vehicle, while access on horseback is by permission only.
  - The proposed easement labelled on the Preliminary Plan in its entirety as 'a-s/u' provides access to the proposed conservation area CA1 and, therefore, also provides a link to the neighbouring Leithen Bush Scenic Reserve. This easement allows access by foot or non-motorised vehicle, and on horseback.

### B 4. Comments on public access proposed in the Preliminary Proposal

There are four significant points of ambiguity in the Preliminary Proposal in respect of public access which need to be clarified before the tenure process is advanced.

- Easement a-s/u: Reference to "Parking Area". The Preliminary Proposal notes (page 9) that the car park, referenced in the legal documents, has been removed from the plan as it is not within the reviewable land (the area is on existing Crown land in the form of marginal strip). However, the Preliminary Proposal does not clarify how car parking, which must be catered for, will be addressed within the reviewable land.

*There is, therefore, a need to make arrangements for car parking, within the reviewable land, for those visitors who wish to use any of the public access routes within the reviewable land (not just restricted to those using easement a-s/u).*



- Hukarere Station Bridge. Although the Tenure Review Due Diligence report states that the bridge over the Pomahaka River is 'private', this bridge was erected largely using public funds (25% county council, 50% Government Back Blocks Access grant), is maintained by Clutha District Council and is on the council's asset register.

*There is, therefore, a strong case that the bridge is a public asset and is open to the public. Any reference or inference that the bridge is 'private' is misleading without further research and clarification of its legal status and ownership.*

- Easement a-p: The Preliminary Proposal (page 9) refers to a 6 week period "around October and November" when public use of the easement would be closed.

*On the other hand*, the draft Grant of Easement in the Preliminary Proposal states (clause 12) that the easement in its entirety will be open to the public only in the weekends and public holidays between 1 December and 15 May.

This ambiguity is unsatisfactory for five reasons.

1. The ambiguity is not explained or justified and hence the information on which the public is being consulted is highly misleading.
2. The reasons for the considerably more restrictive public access conditions in the draft Grant of Easement are not explained or justified and, consequently, their validity is disputed. We would like to discuss them with you prior to the tenure review process being completed. We note that the Preliminary Proposal includes statements (section 3.4, page 14) that, public access would create concerns such as safety and public nuisance, "particularly for the owners of Crown Rock". The Preliminary Proposal provides no supporting evidence. It does not describe these concerns in any detail or assess their validity or show how the concerns, if valid might be addressed and public access maximised.
3. The tight restrictions on use are inconsistent with likely patterns of public use. For example, anglers are likely to seek access to the Pomahaka River for fishing at any time during the fishing season and not just during weekends and public holidays. Similarly, people using the access for walking and mountain biking, especially over the peak holiday periods, expect flexibility of use.
4. It is inappropriate to provide for public access along this easement and then restrict it for the 6 months in a year when it is likely to receive the most use. Recreation is a year-round activity.
5. To date, the Commissioner of Crown Lands has rejected submissions which address matters outside of the reviewable land. Yet in this instance, public access is proposed to be restricted to address unquantified impacts, including 'public nuisance', to the adjoining lease holder of the Crown Rock pastoral lease. This consideration appears to be contrary to advice previously given by LINZ to the Commission on matters that can be taken into account in respect of reviewable land.

This restriction fails to make the best recreational use of Crown-owned and Crown-used land.

The Commission requests that the restrictions in the Grant of Easement revert to those in the Preliminary Proposal.

- *Easement a-p*: This track is located, in places, on both ULR and marginal strip. These locations must be clearly identified by survey so that the easement does not apply to such pieces of Crown-owned land. Any restriction of use of easement, therefore, won't apply to where the track is within the marginal strip.

The Commission requests that the above points be explained and clarified before the tenure review process is advanced further. The ambiguities and proposed restrictions on access and use of the vehicle track along the Pomahaka River valley are of concern as recreation is an important economic driver in West Otago.

### **B 5. NZ Walking Access Commission's additional proposals**

It is evident that the early land administrators and surveyors sought to provide, protect and ensure good public access in this area for future economic and community benefit. Any change in title estate should include reinforce and enhance and not reduce that foresight.

There is clear evidence that current and potential public use of natural resources in this area remains significant and important.

This tenure review offers a highly valuable opportunity to secure public access and the enjoyment of this reviewable land by providing for:

- unrestricted access along the proposed easement 'a-p' and 'a-s/u' with any restrictions for farm management being the minimum necessary;
- vehicle access, by permit from the Department of Conservation, over both easement alignments 'a-p' and 'a-s/u', and
- practical walking access along the marginal strip/pastoral lease boundary for the full length along the Pomahaka River.

### **B 6. Accurate location of roads and marginal strips required**

The ULRs and the marginal strip along the Pomahaka River (which defines most of the eastern boundary) were depicted on the topographic survey plan SO 2017, dated February 1919. The roads on this survey plan are depicted as traversing ridgelines, except where they generally follow the Pomahaka River. Neither the ULRs nor the marginal strip along the Pomahaka River were accurately located or ground-marked in the 1919 survey.

- Any change, therefore, in title estate from Crown land to fee simple will require surveying of the pastoral land boundary with the roads, marginal strip and river boundaries to a standard that will enable accurate location of public access to meet current and future recreation uses – to unlock the power of “where” – as stated in the LINZ Statement of Intent 2014-2018 at page 5.

In many instances, existing vehicle tracks on the property generally follow the intended alignment of the ULRs as depicted by the surveyor in his topographic representation on SO 2017.

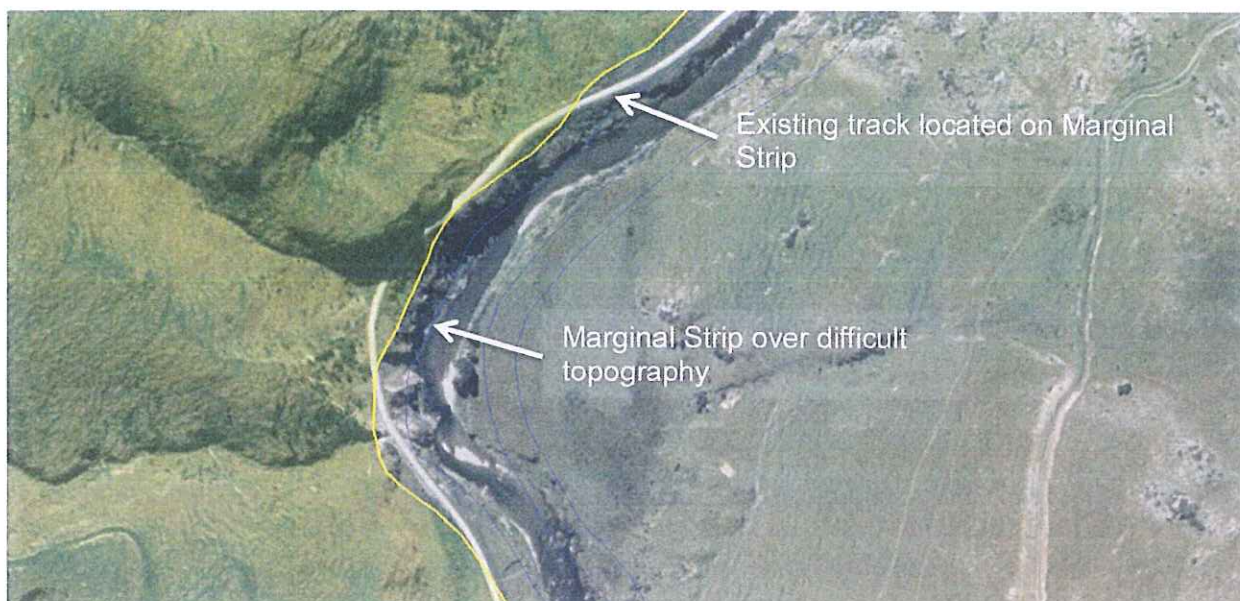
The existing vehicle tracks traverse the Pomahaka River marginal strip in many cases and will need to be identified as such and appropriate approvals for farming access sought - see example in Map 4 below.

### **B 7. Provision of practical walking access along marginal strip**

The accurate location of the pastoral lease and its marginal strip boundary along the Pomahaka River will confirm where practical access along the existing marginal strip is restricted by the topography. Map 4 below indicates examples of where practical access along the existing marginal strip will be obstructed.

As the intent of marginal strips is, *inter alia*, to provide public access it is critical to confirm and agree, prior to the tenure review survey, that the resulting survey will identify any additional width necessary to enable the intent of practical access along the Pomahaka River bank to be fully met, *before* any formal agreement under the tenure review process is completed. Only then will the pastoral lease tenure review survey be able to include definition of the areas where public access is required beyond the 20m wide existing marginal strip.

The solution needs to be a practical one for public access and also for recording and managing this public access asset. The Commission is willing to assist in this process.



Map 4 – Marginal strips – example of issues NZTM 2000 X 1298158, Y 4932603 [source: wams.org.nz]

## B 8. Conclusion

Providing and protecting good public access in this area for the community and for future economic benefit is significant and important. Any change in title estate should include, reinforce, and enhance the public access opportunities that the original land administrators had the foresight to identify.

There is clear evidence that current and potential public use of natural resources in this area is important and increasing.

The Commission:

### supports:

1. public access provided by easement within the conservation covenant CC1 and CC5;
2. the public access easements along the alignment 'a-p', 'a-s/u' (inclusive along with the associated side easements) subject to the additional points the Commission seeks to have included;

### seeks to have:

5. the boundaries between the pastoral lease and the unformed legal roads and marginal strips along the Pomahaka River accurately located and defined by survey before the tenure review process is completed and Grants of Easements agreed;
6. the survey definition of the pastoral lease and the unformed legal roads confirmed along the alignment of the existing vehicle track that traverse the ridges, as intended by the original surveyor;
7. legal ownership of the bridge across the Pomahaka River clarified before the tenure review process is completed;
8. practical, enduring public access provide for along the pastoral lease boundary adjoining the existing marginal strips where, at the time of the tenure review survey, it is found that topography restricts practical public access along the current marginal strip alignment.
9. the public access restrictions allowing public access only on weekends and public holidays between December 1 and May 15, proposed for the easement on the general alignment 'a-p' (inclusive) utilising Hukarere-Crown Rock vehicle track, removed and replaced by the 6 week restriction as proposed in the Preliminary Proposal.

10. vehicle access, for the public, by permission of the Department of Conservation over both main easements as generalised by the alignment 'a-p' and 'a-s/u', and
11. clarity and consistency between the statements in the Summary of Preliminary Proposal and the special conditions in the Grant of Easements in respect to public access resolved, publicly notified and explained before the tenure review process is completed and Grants of Easements agreed, and
12. provision made for public car parking within the existing pastoral lease boundary.

The Commission reiterates its concern that there are significant inconsistencies between the draft Grant of Easement in the Preliminary Proposal which considerably impact on public use and access to the natural resources of the area. The Commission agrees with the statement in the Preliminary Proposal that public access be restricted along easement a-p for a 6 week period to accommodate lambing. There are no apparent reasons for considerably tighter restrictions.

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

We request timely advice as to how all the points we have raised have been addressed and what amendments, if any, are subsequently proposed to the Preliminary Proposal designations and draft Grant of Easement.

The Commission would be pleased to discuss these points and concerns with LINZ.

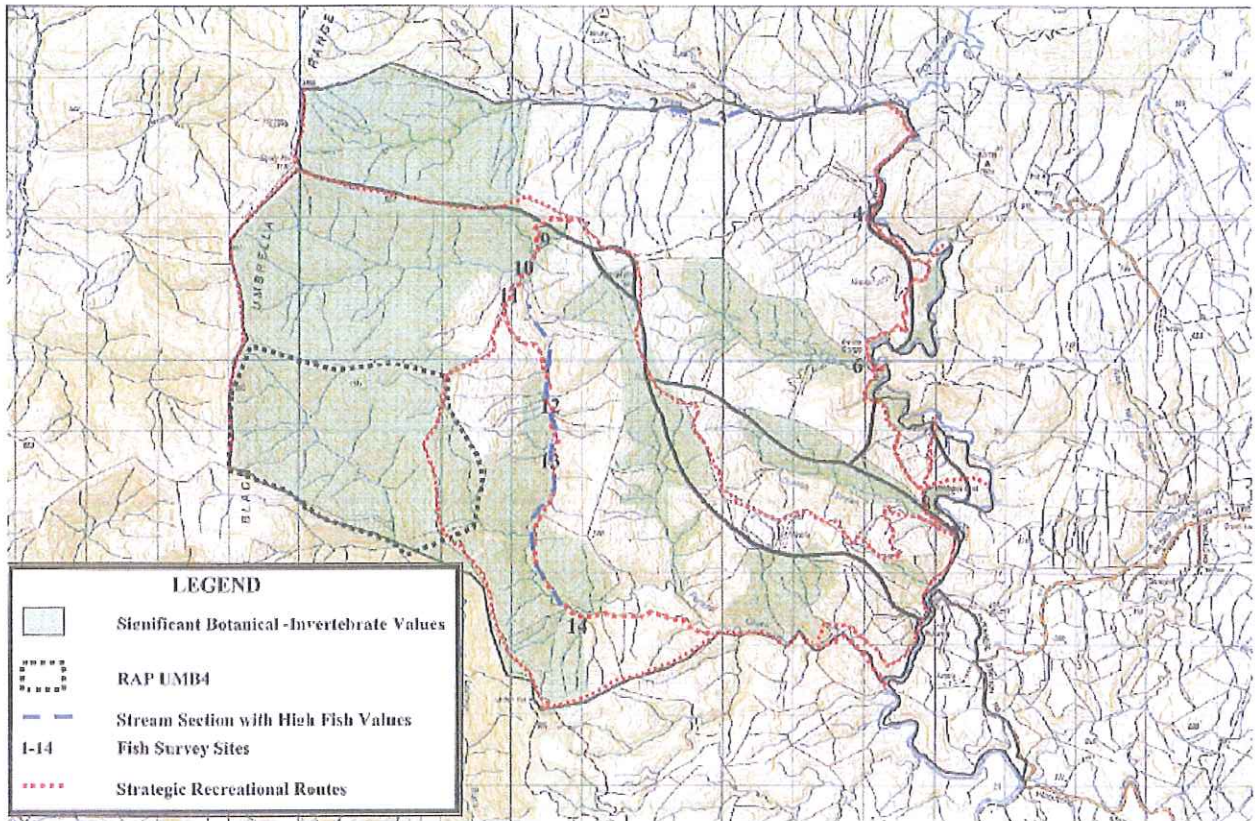
Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mark Neeson', with a stylized flourish extending to the right.

Mark Neeson  
Chief Executive

Appendix 1

Map 4.2.3 Hukarere Ecological-Recreation Values Plan



## **Submission 13**

**SOUTHLAND CONSERVATION BOARD**  
**TE ROOPU ATAWHAI O MURIHIKU**

File: SBC-09-04

23 October 2014



LINZ  
Crown Property  
Private Bag 4721  
Christchurch 8140

email: [pastoral&tenurereview@linz.govt.nz](mailto:pastoral&tenurereview@linz.govt.nz)

Attention Ash Parris

Dear Sir

**Review under Part 2 Crown Pastoral Land Act: Hukarere Station.**

The Southland Conservation Board (the Board) is appointed by the Minister of Conservation to represent the wider Southland community in advocating for the protection of biodiversity, recreational opportunities and the conservation of natural and historic resources throughout Southland.

The Board generally supports this proposal, retaining the high country for public enjoyment and biodiversity values and covenanting for the protection of special areas as provided for in section 24 (c) (i) (ii) of the Crown Pastoral Land Act. The easement agreements should ensure public access.

The seven parcels of covenanted land are small but important areas with high biodiversity values, covenanting should ensure they are protected. The Board accepts CC4 and CC6 can not easily be fenced off.

The Board considers there is an issue with feral animals in the covenanted areas. There is mention of "high deer numbers" being a concern. Other unwanted animals such as hares and goats could also be an increasing problem. There is the potential for pest weed species to severely impact on biodiversity values if allowed to exist unchecked. There is already broom and gorse in the wider area. Wilding conifers from beyond the area are likely to occur occasionally. Sweet Briar is in the wider area now. We ask for special conditions in the covenant to address these issues, under Section 24 (b) (I) and 40 (2) (a) of the Crown Pastoral Land Act..

The Board also considers that there needs to be regular inspection of the fences where they exist around the covenanted areas. Trees fall on fences, stock can damage them, floods can damage them, meaning they no longer are able to protect the inherent values of the covenanted areas using Section 40 (2) (a) of the Crown Pastoral Land Act.

**SERVICED BY THE DEPARTMENT OF CONSERVATION**  
PO Box 743, Invercargill 9840  
CUE on Don Building, 33 Don Street, Invercargill, New Zealand  
Telephone (03) 211-2400, Fax (03) 214-4486

2.

To this end the Board requests that a regular documented independent monitoring system be put in place for the covenanted areas by the Dept of Conservation. This would require field inspections every two years as well as a photo point record for the files.

The Southland Conservation Board considers that the above conditions would enhance both the intrinsic and recreational values of the land taken out of the lease and not be onerous to the future working of the freehold land.

Yours faithfully

A handwritten signature in cursive script that reads "Helen McPhail".

Helen McPhail  
**Chairman**

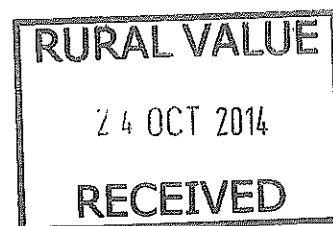


## **Submission 14**

Submission on the Notice of Preliminary Proposal for Hukarere Tenure Review

Submitter: Southern Trail Blazers Four Wheel Drive Club Inc.

Contact details: The Secretary, Doug Christie  
P.O. Box 336  
Gore. 9740



**Introduction:**

The Southern Trail Blazers was formed in 1980 to provide responsible four wheel driving in a family oriented club situation. We have about 90 members including several second and third generation members. We regularly have off road trips involving the back country in Otago, Southland and occasionally to Canterbury. We cater for a wide range of members of all ages, physical abilities and interests including trampers, fishermen, and other outdoor interests.

**General:**

We believe that four wheel driving is a legitimate recreation both within and outside of conservation lands, and very often our vehicles are a means to an end when exploring the areas. We have enjoyed a good relationship with many of the leaseholders of Crown Pastoral Land within the Otago, Southland area and in particular with some of the local Stations like Hukarere and Crown Rock where the club has enjoyed regular access for club trips. 4WD access through these properties are regarded by our club as a privilege, Many of our members enjoy the scenic values of an area as well as the vegetation and animal species and also the historic values in terms of the farming history of a property such as early mining history.

**Hukarere Tenure Review:**

We support the proposed designations in general where the objective is to preserve and improve the significant inherent values of the station.

In terms of access we would seek to be able to continue to have the use of the tracks which we have been able to access with the current lessee. This includes the track from the old Homestead to the Parasol Creek a-a1-a2-r-s,r-u.

The proposed designation area CA1 incudes a block referred to as the Ferny Block which is adjoining the Leithen Bush. This area includes the access tracks s-t,and u-u1 which have a proposed easement granted for farm management purposes. We would seek to continue to have access to these tracks for 4wd use.

If access was **not** to be granted we would prefer that the Ferny Block was not included in the proposed designation area CA1.

We also access Hukarere Station sometimes through an adjoining property below the Leithen Hut joining the track u-u1 then continuing to the upper Parasol via u1. This trip has very enjoyable scenic values and is also used for local fundraising by local community groups which our 4wd club supports.