

Crown Pastoral Land Tenure Review

Lease name : ISLAND HILLS

Lease number : PC 034

Public Submissions

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

These submissions are released under the Official Information Act 1982.



17 March 2016.

Commissioner of Crown Lands
Land Information New Zealand
Christchurch.

Dear Mr Gullen,

Re: Tenure review of Island Hills Crown pastoral lease

Federated Mountain Clubs (FMC) was founded in 1931 and advocates for New Zealand's backcountry and outdoor recreation on behalf of 20,000 members. This core function gives FMC a strong interest in Crown pastoral tenure review because the process allows land to be redesignated for new purposes including conservation and recreation.

Particularly significant to FMC because of the organisation's interest in natural and historic values and recreation access, are the prioritised objects of the statute enabling tenure review, Part 2 of the Crown Pastoral Land Act 1998:

Section 24

(a) to-

(i) promote the management of reviewable land in a way that is ecologically sustainable

(b) to enable the protection of the significant inherent values of reviewable land-

(i) by the creation of protective mechanisms; or (preferably)

(ii) by the restoration of the land concerned to full Crown ownership and control.,

and the following object:

*(c) subject to paragraphs (a) and (b), to make easier-
(i) the securing of public access to and enjoyment of reviewable land.*

Additional objects, to *enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument, and the freehold disposal of reviewable land*, must also be considered, though their priority is not as high as those of *(a)(i), (b)(i), and (b)(ii)*.

Island Hills

On the eastern border of Lake Sumner Forest Park in North Canterbury, this property covers approximately 5,083ha, rising from 500m to 1,704m on the Organ Range's Mt Skedaddle. It is bounded by the Mandamus River, which drains to the Hurunui, and Gorge Stream, in the Waiau catchment.

Natural values are largely intact from beech forest in the property's lower parts to the plant communities of its upper, geologically-diverse mountainous areas. Only lightly developed as a farm, Island Hills has minimal access, though the leaseholder-operated Hurunui High Country Track (HHCT) - presently closed - runs 30km in a north-south direction on the eastern edge of the property.

This submission views the Island Hills preliminary proposal through the frame of the objects of Part 2 of the Crown Pastoral Land Act 1998 and their heirarchy.

Proposed CA

High landscape, botanical, invertebrate, and other faunal values, as well as adjacency to Lake Sumner Forest Park, make full Crown ownership and control appropriate for this proposed 1,642ha land parcel.

It has a high degree of natural landscape character and significant visual and scenic values. The tops are distinctive and very visible in inland North Canterbury. Continuous altitudinal habitat sequences include some old growth beech forest and At Risk plant species such as *Coprosma acerosa* and *Senecio dunedinensis*. The unbroken altitudinal sequences are of significance for invertebrate faunal values also.

The scree weta and the indicator species mountain stone weta are among the numerous weta species existing there; another invertebrate species of conservation interest inhabiting proposed CA is *Brachaspis nivalis*, closely related to the Nationally Endangered *Brachaspis robustus*.

The Nationally Vulnerable eastern falcon, the Naturally Uncommon kea, and the Declining New Zealand pipit are among bird species existing in proposed CA; it is feeding and breeding habitat for at least seven non-threatened bird species and at least two non-threatened lizard species. It is possible that the Nationally Critical long-tailed bat, known in the adjacent Lake Sumner Forest Park, is present also.

The forest park's adjacency and the presence of its Jollie Brook Circuit facilities make proposed CA accessible. A marginal strip allowing access up Gorge Stream from the Waiau River exists also. Spider Web and Mt Skedaddle, on the eastern margin of the proposed block, are examples of appealing recreational objectives.

Recommendation:

*** that proposed designation CA be adopted.**

Proposed freehold with continued QEII covenant

Approximately 600ha are contained in this proposed designation which contains many significant natural values and strong public recreation values.

There is a high degree of natural landscape character and high overall visual and scenic values, the remnant beech forest is highly representative of original vegetation, and Blue Lagoon is a significant landscape component. In conjunction with the rest of the property, this block represents an important intact example of a Canterbury high country landscape.

Significant plant species such as the At Risk *Rytidosperma merum* and *Stenostachys gracilis* exist in this proposed block, which includes Chronically Threatened and Critically Underprotected Land Environments of New Zealand. The beech forest, highly representative of original vegetation, has very high significance. Continuous altitudinal sequencing is botanically significant.

The area provides habitat for the Nationally Vulnerable eastern falcon, the Naturally Uncommon kea and black shag, and the Declining New Zealand pipit and South Island rifleman, and it is feeding and breeding habitat for at least seven non-threatened bird species and at least two non-threatened lizard species.

Recreation values are considerable. High natural significance coupled with adjacency with proposed CA - in turn, adjacent to Lake Sumner Forest Park - make the proposed block attractive to and accessible for recreationists from the Jollie Brook area. Additionally, a legal road gives access to the block's southern margin.

The HHCT, running through the lower part of the proposed block and including Bush Hut, has been a well-regarded facility, though its future is presently unclear. It has potential to continue functioning as a private concern or as a public asset.

The designation proposed is insufficient to provide the perpetual protection needed for the highly significant natural values of this block. Full Crown ownership and control is a more appropriate - as stated in the Act, 'preferred' - way of achieving that protection.

Recommendations:

- * ***that proposed freehold with continued QEII covenant and the significant inherent values it contains be given the protection of the Act's 'preferred' full Crown ownership and control because of the values' documented very high quality.***
- * ***that if proposed freehold with continued QEII covenant becomes public conservation land, a concession to operate the HHCT, including exclusive use of Bush Hut, be offered the present leaseholders.***
- * ***that if proposed freehold with continued QEII covenant becomes public conservation land, and the present leaseholders choose not to operate the HHCT as a concession, the Department of Conservation manage components of it falling within the proposed block as public recreation assets.***

Proposed freehold with CC2

Around 1,866ha fall under this proposal for freehold title with a Reserves Act 1977 covenant. It includes northern and eastern parts of the Organ Range and Organ Stream, and drains into Gorge Stream and the Mandamus River.

The Organ Range tops are visible from populated places to the east, and the proposed block, as a component of the entire Island Hills lease, has significant scenic and visual values and a high degree of natural character.

Chronically Threatened and Critically Underprotected Land Environments of New Zealand exist on the proposed block, which also has highly significant remnant beech forest, intact botanical altitudinal sequences, and under-threat species such as the At Risk *Traversia baccharoides* and the Nationally Vulnerable *Olearia fimbriata*.

The large ground beetle *Megadromus rectalis* is at or near the extent of its range on this proposed block. The block is also habitat for the Declining South Island robin, New Zealand pipit, and South Island rifleman, the Nationally Vulnerable eastern falcon, and the Naturally Uncommon black shag and kea. It provides feeding and breeding for at least seven non-threatened bird species and at least two non-threatened lizard species.

Recreational values are high. They include access to and climbing and tramping on the eastern slopes of the Organ Range, and on Nicholsons Knob. The HHCT and its Valley Camp Hut fall within this proposed block. A legal road gives access up the true left of the Mandamus River; a marginal strip, also on the true left, provides additional access along part of the Mandamus.

Natural significance is very high and will be best and most enduringly protected by the Act's 'preferred' full Crown ownership and control.

Recommendations:

- * that proposed freehold with CC2 and the significant inherent values it contains be given the protection of the Act's 'preferred' full Crown ownership and control because of the values' documented very high quality.***
- * that if proposed freehold with CC2 becomes public conservation land, a concession to operate the HHCT, including exclusive use of Valley Camp Hut, be offered the present leaseholders.***
- * that if proposed freehold with CC2 becomes public conservation land, and the present leaseholders choose not to operate the HHCT as a concession, the Department of Conservation manage those components of it falling within the proposed block as public recreation assets.***

Proposed freehold with CC1

This proposed block of around 774ha covers the northern lower slopes of the Organ Range and drains into Gorge Stream and the Mandamus River. It contains many natural features of significance. The proposed Reserves Act 1977 covenant would allow topdressing and oversowing, some spraying, and some cattle grazing.

The Mandamus River is habitat available to the Declining longfin eel and the koaro, known to exist in the area.

The landscape contains a high degree of natural character, and the block contributes to high overall visual and scenic values across the lease. The intactness and integrity of the entire property's landscape makes it significant; proposed freehold with CC1 is an important part of that.

Among many botanical features of very high significance are this proposed block's remnant beech forest, valley floor to sub-alpine area intact sequencing, and healthy examples of species under threat, such as the Nationally Vulnerable *Olearia fimbriata*. Part of the proposed block has a Critically Threatened Land Environments of New Zealand classification.

The proposed block is habitat for the Nationally Vulnerable eastern falcon, the Naturally Uncommon black shag and kea, and the Declining South Island robin, South Island rifleman, and

New Zealand pipit. It provides feeding and breeding habitat for at least seven non-threatened bird species and at least two non-threatened lizard species.

It has public recreation interest and value, including remnants of a pack track built partly by Sir Charles Upham. A legal road and a marginal strip, both on the Mandamus River's true left, give access. In conjunction with proposed freehold with CC2, the proposed block would usefully extend the wider area's recreational opportunities if it were designated public conservation land due to its high natural significance.

A need for the protection provided by the Act's 'preferred' full Crown ownership and control is triggered by the high levels of significance present in proposed freehold with CC1.

Recommendations:

- * that proposed freehold with CC1 and the significant inherent values it contains be given the protection of the Act's 'preferred' full Crown ownership and control because of the values' documented very high quality.***
- * that if proposed freehold with CC1 is redesignated as per the preliminary proposal, the covenant's monitoring regime closely follow the effects of allowed agricultural inputs, and, if necessary, prompt reduction of allowed inputs.***
- * that if proposed freehold with CC1 becomes public conservation land, the Department of Conservation consider managing the remnant pack track as an historic asset.***

Proposed freehold unencumbered

The natural values contained in this proposed south-facing block of approximately 210ha are considerably lower than those of the majority of the property, with broom covering much of it. Present recreational value is accordingly low.

Recommendation:

- * that the block proposed for unencumbered freehold title be adopted.***

Marginal strips

Island Hills has few tracks or other means of easily moving through the property legally and would benefit from a range of recreational access ways. These could be provided in the form of marginal strips, created over Organ Stream, Bush Creek, and Silver Brook (parts of which are inside the property boundary); existing marginal strips along the Mandamus River and Gorge Stream could be made more enabling by extending their length and by the establishment of additional marginal strips on opposite banks.

Recommendation:

**** that marginal strips be created through and alongside the property to improve public recreational access and enjoyment as discussed above.***

Land classification

This tenure review should, as a first priority, 'enable the protection of the significant inherent values'. Therefore, as part of the review, all property to become public conservation land should be given final classification based on the expert data that have informed the review.

Stewardship classification does not ensure protection through appropriate management and does not provide protection from exchange (Section 16A(1) of the Conservation Act 1987 says: *Subject to subsections (2) and (3), the Minister may, by notice in the Gazette, authorise the exchange of any stewardship area for any other land*); precise classifications for all parts of the property becoming public conservation land will address the Act's requirement that the review should 'enable the protection'.

Recommendation:

**** that public conservation land created by this tenure review be given specific classification as part of the process, to meet the Act's requirement of 'protection'.***

Conclusion

This submission recommends greater protection than that put forward in the Island Hills preliminary proposal for tenure review because the significant inherent values identified are of very high quality and coherence and plainly trigger the Act's 'preference' for full Crown ownership and control.

The creation of public conservation land additional to that suggested in the preliminary proposal, as recommended in this submission, will improve public recreation access and enjoyment opportunities, as will the addition of several marginal strips. The ongoing operation of the Hurunui High Country Track will further augment Island Hills' recreation profile.

Significant natural values' protection on public conservation land is uncertain unless the land has specific classification. Technical data produced to support the tenure review should be used to help the review meet the Act's requirement of protection for significant inherent values by informing specific classifications for parts of the property to be redesignated for public conservation purposes.

Yours sincerely,

Jan Finlayson,
FMC executive.

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Canterbury Aoraki Conservation Board

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17th March 2016

Commissioner of Crown Lands
Land Information New Zealand Crown Property
CBRE House, 112 Tuam Street
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CHRISTCHURCH 8140

Review Under Part 2 Crown Pastoral Land Act: PC 034 Island Hills Pastoral Lease

The Canterbury Aoraki Conservation Board has received the preliminary proposal for tenure review of the Island Hills pastoral lease and wishes to submit on the following point,

1. That the area marked as CA is documented in the Substantive Proposal to be included in the Lake Sumner Conservation Park.

In general terms we regard the proposal as fair, unfortunately, the proposed Conservation covenants will not be readily available to recreationists due to the position of existing Freehold land which is not involved in this tenure review. However, the continuity of the existing commercial tourism operation and the facility for walkers on the Hurunui High Country Track and maintenance of existing huts provides public access to a degree.

A handwritten signature in black ink, appearing to read "Helen Ivey". The signature is fluid and cursive, written over a light blue circular stamp that is partially obscured.

Helen Ivey

Chairperson Tenure Review Committee

Canterbury Aoraki Conservation Board

Submission to Island Hills Preliminary Proposal for Tenure Review

Lease name: ISLAND HILLS Lease number: PC 034

From NZ Horse Network



Contact:

Vivien Dostine, President

Phone 027 4419 022

Email viv@nzhorseriders.info

Mailing Address: 55a Gallony Ave, Massey. Auckland 0614

We wish to oppose the entire current proposal for Tenure Review on Island Hills. This tenure review, like most, seems entirely one sided, with no benefit to the public in general, and no benefit for recreation in particular. There is no provision within any of the documents, except the summary, explicitly stating that the public retains use any of the tracks or huts located in CC1 or CC2. Instead it explicitly gives access to the new owner (instead of explicitly giving public access, and putting maintenance on to the owner).

The conservation area created is entirely land locked, unable to be accessed from any public road, or track. There are now numerous examples where Tenure Reviews have resulted in public access being denied to newly created conservation areas through this same process.

No public easements are created, and the landholder retains the right to use tracks within the QEII covenanted land.

The Conservation Resources Report –Part 2, page 29, acknowledges 2 huts, and a pack track (possibly created by Charles Upham) which should remain accessible to the public. In particular, historic pack tracks, and driving routes should remain accessible by foot, and on horseback as part of the heritage of New Zealand. All of these are in the areas CC1 and CC2 with no public easement or recreational access to them, or over the pack track.

The current proposal, according to the Plain English summary, will freehold CC1 and CC2 with conservation covenants that are intended to allow public access to the huts, and along the Hurunui high country track. Although the wording is extremely ambiguous by joining “use” and

“maintenance”. The “use of” and “maintenance of” these tracks and huts needs to be explicitly identified.

The conservation covenant aims to achieve this by introducing the following provisions over CC1;

- ▲ Allowing grazing by beef cattle only at a stocking rate not to exceed 250 cows with calves or 350 dry cows. The stock may graze for any continuous 120 day period during the period from 1 November to the 30 April in each calendar year.
- ▲ Introducing controls on over sowing, top dressing and spraying.
- ▲ Require the owner to control certain pest plants and animals.
- ▲ Provides for continued use and maintenance of the existing vehicle track to the Valley Camp Hut.
- ▲ Allows for use, maintenance and enhancement of the Hurunui High Country Track. **by whom? The covenant only says by the owner, not the public - this will be freehold land**
- ▲ Allows for continued use of the pack track route from Valley Camp Hut to Gorge Stream. **by whom? The covenant only says by the owner, not the public - this will be freehold land**

The covenant also prohibits the following activities without the Minister of

Figure 1 Wording from summary

However, the covenants (that appear in the full document only) access is for “the owner”. The “owner” according to the definition is the registered proprietor of the land. CC1 and CC2 will be sold, freehold, and so the owner will be the freehold owner surely? Yet the covenants only provide access ‘for the owner’, not for the public. This seems to be a template wording for covenanted Crown land, yet this covenant will be applied to privately owned freehold land.

may include reasonable costs of the Minister. where the liabilities are significant, the Owner will submit to the Minister an agreed eradication plan for the control of wild animals including rabbits, deer, goats and pigs.

6. Notwithstanding clause 3.1.6, the owner may continue to use and maintain the existing vehicle track from the boundary of the covenant into the hut known as “Valley Camp Hut”. This track is shown on the map as route “a-b”.
7. Notwithstanding clause 3.1.6, the owner may continue to use, maintain and enhance the walking route which is part of the “Hurunui High Country Track”. For clarification, enhancement of the track may include benching or creation of steps. It may also include creating additional small tracks off the main track to key vantage points; but such tracks will require the pre-approval of the minister.
8. Notwithstanding clause 3.1.6, the owner may continue to use the pack track route from Valley Camp Hut to Gorge Stream. Such use may include with motor vehicle or on horse. Any vegetation that impedes access along this track may be cleared; however, no other earth works are permitted without the permission of the Minister of Conservation. Any request for consent to earth works pursuant to this clause will be considered by the Minister of Conservation with regard to the values of the land to be protected and specifically to the pack track formation. The Minister of Conservation shall also consider the reasonable and justifiable need for the earth works for farm management purposes or benefit to the “Hurunui High Country Track.

Figure 2 How nice that the new freehold landowner retains access to the tracks and huts, how about the public?

While we acknowledge that the proposed land to be returned to the Crown adjoins other DOC land, however this is acknowledged as difficult, and should not be considered the primary access to the conservation land.

Finally, we would like to comment on the general presentation of documents on the LINZ website. These are extremely hard to follow, and piece together now that they are not available in printed form. The proposals should be available online, in a single document so that anyone attempting to make a submission can clearly find all the relevant information together.



WALKING ACCESS
ARA HĪKOI AOTEAROA

17 March 2016

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

Preliminary Proposal for Tenure Review of Island Hills Pastoral Lease Submission from the Walking Access Commission

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of the Island Hills pastoral lease.

The Commission's public access statutory role is described below, under section **A. Introduction**, and the detailed submission is presented in section **B. Submission**.

In summary, the Commission;

***Seeks** to have an easement under Part 3 Walking Access Act 2008 created to provide for a public access loop including the historic pack track formed by Sir Charles Upham (that links the Mandamus River and Gorge Stream), with connections to legal roads and marginal strips as required.*

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.

The Commission is the Crown agency with statutory responsibility¹ 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.

Central to its role is the negotiation and provision of free, certain, enduring and practical access to the outdoors for New Zealanders and visitors.

Focus of Submission is Public Access

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

¹ Section 3(b) Walking Access Act 2008

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 specified in subsection (2) (c) and (d) of section 40 of the Crown Pastoral Land Act 1998 Act (Protective mechanisms).

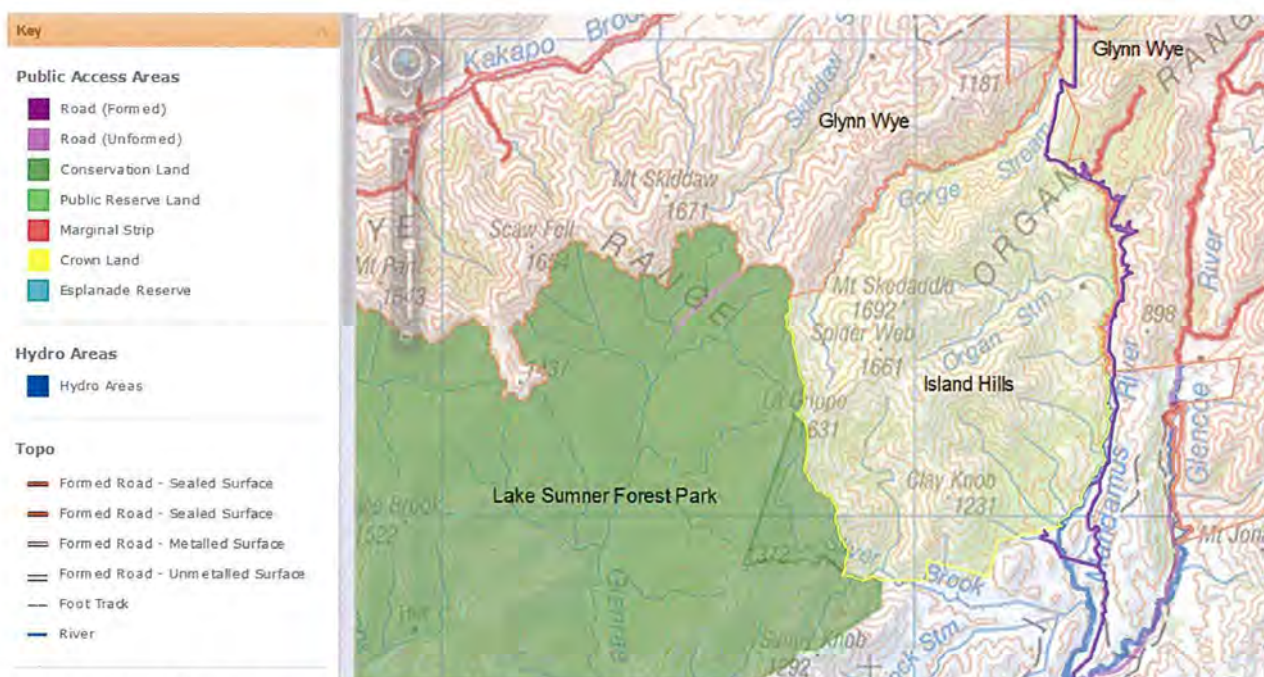
This submission is aligned with Land Information New Zealand’s (LINZ) Statement of Intent 2015-2019 and will help achieve the outcomes relating to:

- location information – unlocking the potential of ‘where’ (pages A5 and B3), and
- Crown Property – ensuring that the best economic, environmental and recreational uses are being made of Crown-owned and Crown-used land (pages A5 and B15).

B. Submission

Context

The Island Hills pastoral lease, situated approximately 25km north west of Hurunui, is an isolated property located on the southern end of the Organ Range. The Glynn Wye pastoral lease lies to the north, Lake Sumner Forest Park to the west, and the eastern boundary is generally in the Mandamus River valley (see Map 1). These high country areas are becoming increasingly important cultural, heritage and recreation areas for New Zealanders and tourists for walking, tramping, horse-riding, mountain biking and nature study.



Map 1 Island Hills pastoral lease (yellow) & legal road (purple)

(source www.wams.org.nz)

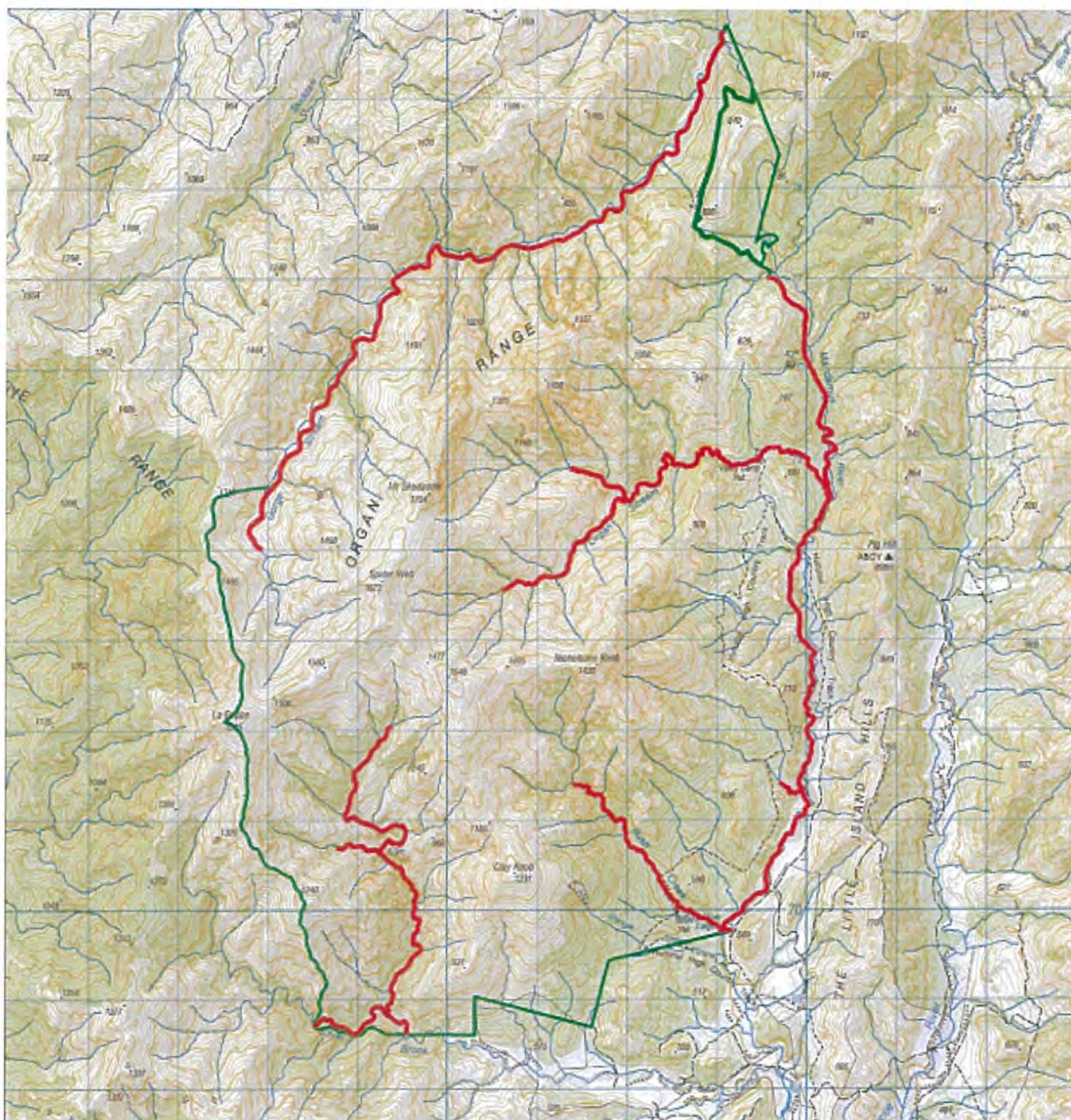
Existing public access

Unformed legal roads (coloured purple) extend to the property in two places in the south east, and intersect the property in the north east (see Map 1). While there are tracks in the vicinity of some of the legal roads, the existing public access to this property is limited and generally restricted to walking or horse riding access over the unformed legal road or over the nearby tracks with the permission of the landholder.

Marginal Strips

The 'Waterways on Island Hills Station – Inspection Report (5 January 2016)' notes that; *“...SO 13287 states that “Runs 236 & 261 are subject to Sec.58 of the Land Act 1948 along rivers and streams over 3m wide.” Advice from LINZ indicated that the fixed nature of these strips can only be applied if the banks of the waterways had been accurately surveyed. I have been unable to find any plans that survey the waterways on this property and therefore I believe that Section 24(1) strips will be applied to the waterway upon disposition.”*

Part 4A Conservation Act 1987 will, on the disposition of land in the lease, therefore provide new public access along all the qualifying waterways (see Map 2).

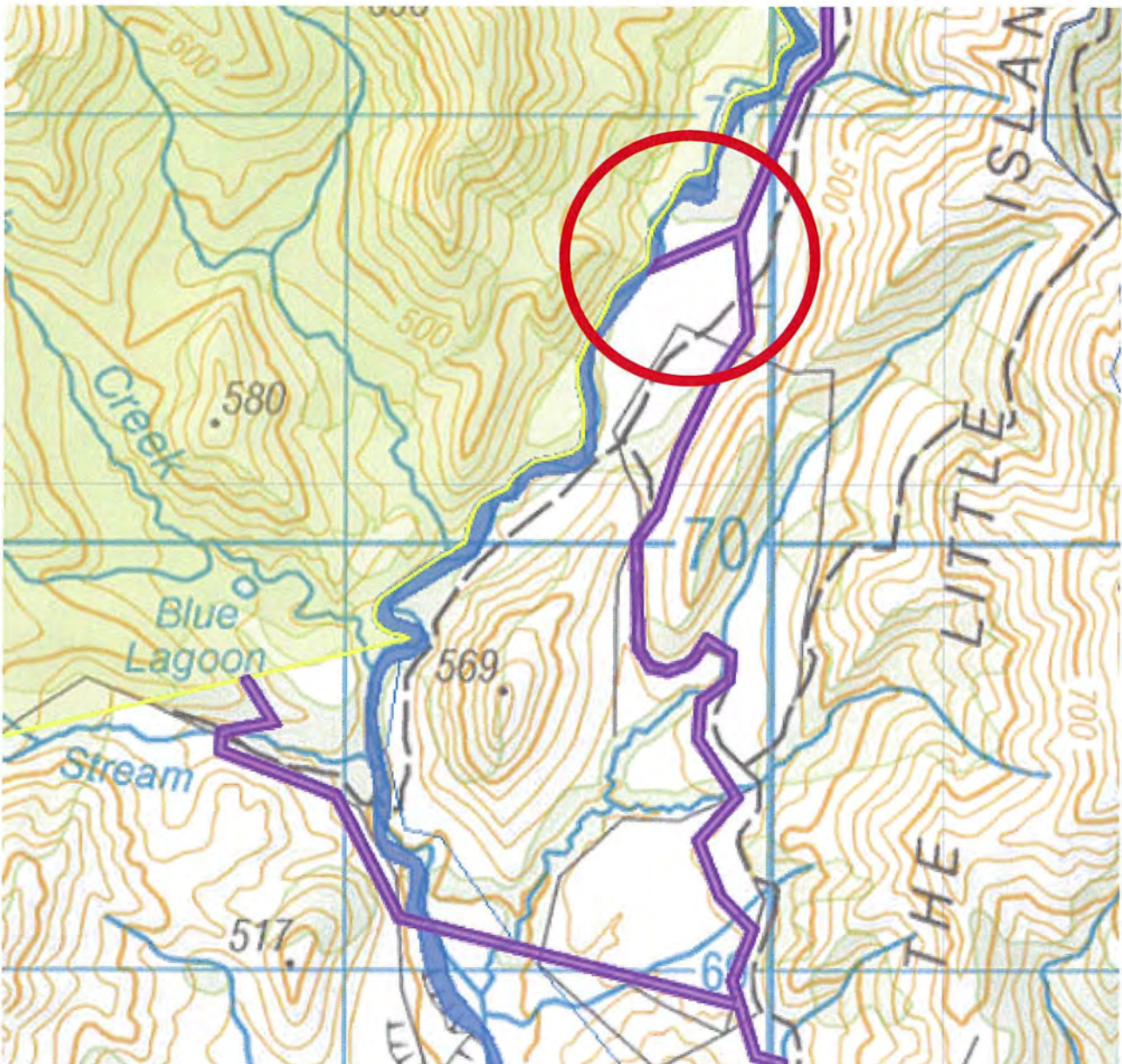


Map 2 Island Hills pastoral lease: waterways qualifying for marginal strips on disposition (coloured red) (source: Waterways on Island Hills Station – Inspection Report (5 January 2016))

Proposed public access

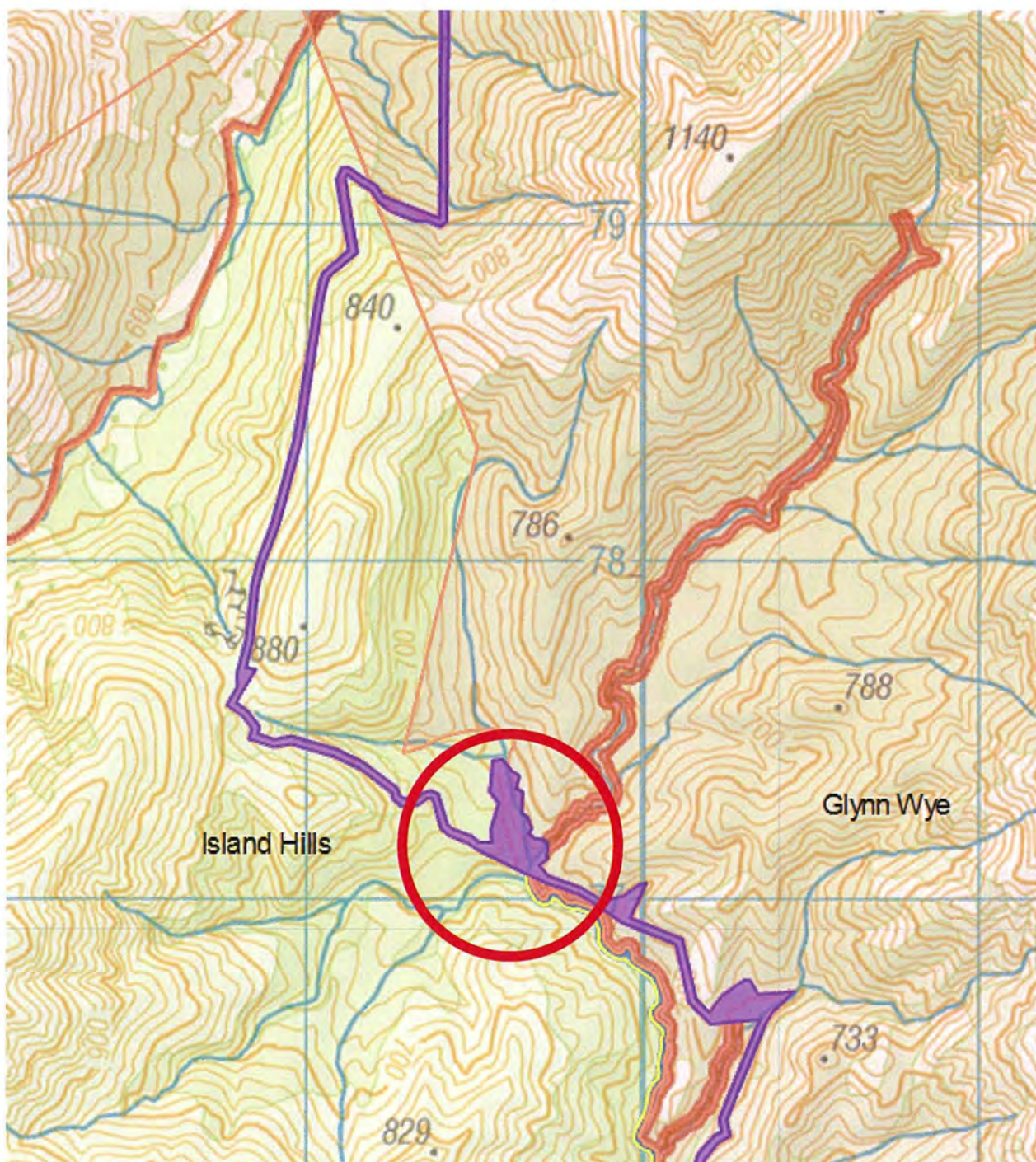
Both the Mandamus River and Gorge Stream qualify for marginal strips on disposition, where they adjoin or intersect the pastoral lease. Public access will therefore be available alongside these

waterways. Legal roads already provide for public access to the Mandamus River where it adjoins the Island Hills pastoral lease (see Maps 3 and 4).



Map 3 Legal road access to Mandamus River (south)

(source www.wams.org.nz)



Map 4 Legal road access to Mandamus River (north)

(source www.wams.org.nz)

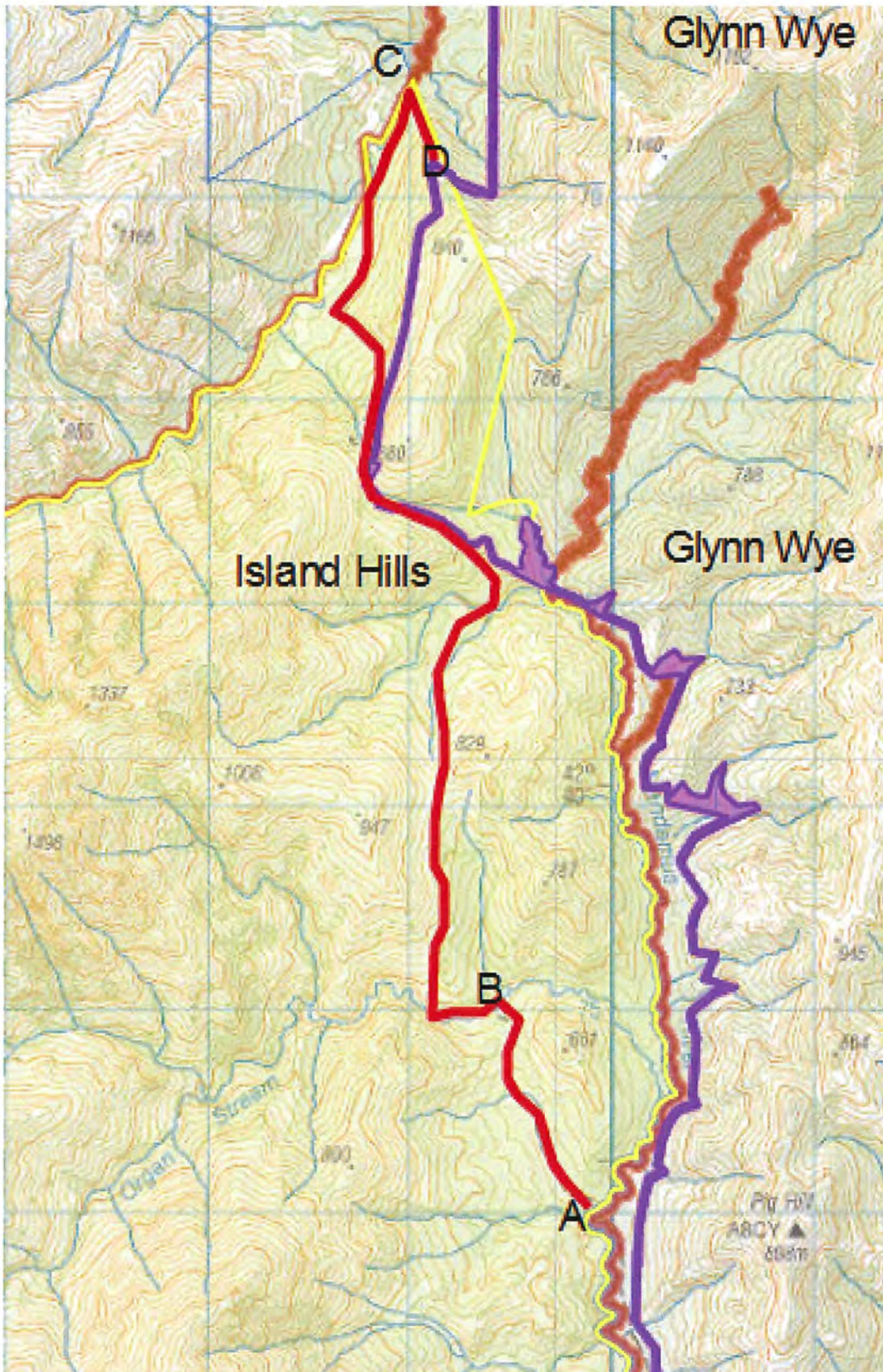
Old pack track associated with Sir Charles Upham

The proposed Island Hills Conservation Covenant (CC1) notes;

“The land contains a formed though degraded pack track of historic significance, linking Mandamus River and Gorge Stream. This track is of special cultural significance due to its association with the late Sir Charles Upham; additionally the track is one of the few remaining examples of tracks put in using a single furrow plough.”

Given the high cultural and historic significance of the track it is important that enduring public access is secured, as part of this tenure review, for the enjoyment of future generations of New Zealanders. The resurgence of interest in things ANZAC will only continue with World War 2 centenary in just over two decades time and it will be important that enduring access is established to protect such areas of cultural and historic interest for locals and visitors alike.

In addition to providing access to a historic and culturally significant site, providing public access along the pack track will provide alternative entry and exit routes and a loop route for those visiting the area. See Map 5 below.



Map 5 Approximate line of proposed easement

(source www.wams.org.nz)

Recommendation

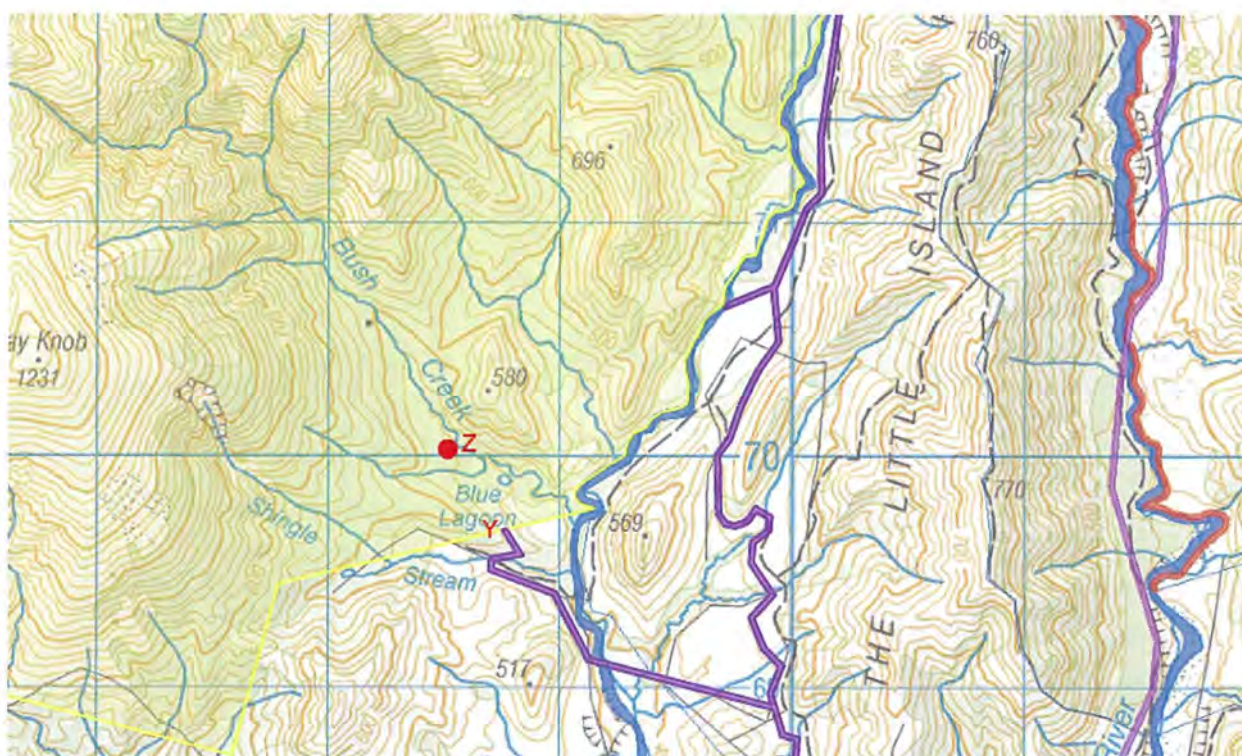
The Commission *recommends* that an easement under Part 3 of the Walking Access Act 2008 be created along the general alignment of the old pack track, indicated as 'A-B-C-D' on Map 5 above, to provide for a public access loop that includes the historic pack track that links the Mandamus River and Gorge Stream, with connections to legal roads, and marginal strips as required.

Bush Hut

The Conservation Resources Report – Part 2 notes that Bush Hut is an historic site. Enduring public access should be provided in this Tenure Review to enable for New Zealanders to view this unique site.

Bush Hut (Site No.229):

Bush Hut was constructed at lower Bush Creek in 1932 by a Norwegian, Chris Johnson, employed on a Government-sponsored Depression work scheme. He was assisted by a carpenter, Jack Allen. Arthur Shand felled red beech trees and pulled them to the site by draught horse. The logs were carefully marked and then hand-trimmed by axe, to ensure a close fit. Gaps between the trimmed logs were filled with moss and the hut roofed with corrugated iron. The hut is still used today as part of the Hurunui High Country Track. It is in relatively good condition. Important historic values are its uncommon Scandinavian design and that it is an example of a Depression work project.



Map 6 Proposed public access 'Y-Z' to view the historic Bush Hut

(source www.wams.org.nz)

Recommendation

The Commission *recommends* that an easement under Part 3 of the Walking Access Act 2008, or an access strip under the Resource Management Act 1991 be established along the general alignment 'Y-Z' as shown on Map 6 above to provide enduring access from the end of the unformed legal road to enable the public to view the historic Bush Hut.

Conclusion

The Commission:

1. **Seeks** to have an easement under Part 3 Walking Access Act 2008 created to provide for a public access loop track including the historic pack track formed by Sir Charles Upham (that links the Mandamus River and Gorge Stream), with connections to legal roads and marginal strips as required – as generalise by the red line shown 'A-B-C-D' on Map 5 above, and
2. **Seeks** to have an easement under Part 3 Walking Access Act 2008, or section 237B Resource Management Act 1991 (access strip) created to enable public access from the legal road at the lease boundary to the historic Bush Hut, to enable the public to view the hut.

While this submission relates to establishing public access, the New Zealand Walking Access Commission would welcome the opportunity to assist funding interpretation signage for the historic pack track and Bush Hut.

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

Yours sincerely



Eric Pyle
Chief executive



Tuesday, March 8, 2016
Commissioner of Crown Lands
Crown Property & Investment
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To Whom it may concern

Chris Pearson
18 Rewa St
Dunedin

I would like to make the following submission for Preliminary Proposal for the Tenure review of Island Hills pastoral lease which is undergoing tenure review under the Crown Pastoral Land Act 1998. I believe that this tenure review would led to a valuable addition to the conservation estate and provide a valuable addition to the Lake Sumner Forest Park.

I have some serious reservations with this tenure review however. First both the conservation covenants allow significant amounts of stocking, indeed I suspect that the covenants would allow the current farming activities to continue as they do at present. As the Summary of preliminary proposal notes, CC1 and CC2 are characterized by high botanical values. Indeed photo 4 in the summary of preliminary proposal gives the impression that CC1 is predominantly native bush is mostly high altitude tussock. I do not feel that there is any justification to allow any grazing at all. The other place that this proposal comes up short is in the provision for public walking access. There are no access easements of any sort and I have never seen a tenure review which fails to provide at least some. This is particularly concerning because the land in CA1 has no practical access at all. While as noted above it borders Lake Sumner Forest Park, there are no tracks into this area. Unfortunately the only possible access would come follow the eastern boundary of the the QE2 covenant up the ridge to Clay Knob then following the ridge along the east side of the CA1 block to Spiders Web then NE SW trending ridge to La Grippe. As a result I request that some provision for public access along this route be incorporated before the tenure review is finalized. Indeed I also suggest that consideration be given to allowing wander at will access to the QE2 covenant. If this is not possible however, then an accessway up Clay Knob as described above would at least provide some public benefit to maintaining the QE2 covenant.

Sincerely yours

Christopher Pearson



HERITAGE NEW ZEALAND
POUHERE TAONGA

Submission on the Preliminary Proposal for Pastoral Lease Tenure Review, Crown Land Disposal Advice

Pastoral lease name: Island Hills
Lease Number: PC 034

16 March 2016

Legal description: Part Run 261 Canterbury Land District

Our Reference: File No. 22015-001, CLDA2016-001

Submission of Heritage New Zealand Pouhere Taonga on the preliminary proposal for Island Hills pastoral lease tenure review

1. Heritage New Zealand Pouhere Taonga (the submitter), formerly the New Zealand Historic Places Trust, is an autonomous Crown Entity with responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014 and the Crown Land Disposal process¹ to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand.
2. The submitter **supports in principle** the Island Hills preliminary proposal (the proposal) publically notified on 18 January 2016.
3. This submission relates to historic resources within the land under proposal.
4. The proposal relates to part of the New Zealand pastoral lease landscape encompassed by the Island Hills pastoral lease in the Hurunui District. Island Hills was extracted from the Glens of Tekoa station. Island Hills pastoral lease was purchased by the Shand family in 1928.
5. The New Zealand Historic Places Trust (NZHPT) was invited by the Department of Conservation (DOC) to comment on the Island Hills Tenure Review prior to preliminary proposal in February 2012 and communicated the following:

Desk-top study by the NZ Historic Places Trust identified there are no registered historic places, historic areas, wāhi tapu or wāhi tapu areas in the areas of [the Pastoral Lease]. No archaeological sites are recorded in the NZ Archaeological Association Site Recording Scheme in the immediate area of the subject land and there are no heritage items identified in the respective District Plans at these locations.

¹ see Cabinet requirements: CAB min (07) 31/1a, DOM (11) 28, CAB Min (09) 35/4

The absence of recorded archaeological sites in the NZAA Site Recording Scheme on the propert[y] should not be taken as evidence that no sites are present, as a systematic survey has not been undertaken... historic fences may be present on [the area of the pastoral lease].

NZHPT recommends that:

- 1. Prior to the release of the preliminary proposal additional research should be undertaken on the land to be freeholded.*
 - 2. A comprehensive heritage survey should be undertaken to ensure any sites are appropriately recorded. NZHPT should be supplied with the results of the survey at that time.*
 - 3. If significant historic heritage places are identified in the survey, further consideration should be given to appropriate protection measures.*
6. The Preliminary Proposal makes no indication that a historic resources survey has been completed, although DOC's Conservation Resources Report (CRR) makes reference to consultation with NZHPT and details the advice given. However, we note that the CRR includes an assessment of European Heritage Values.
 7. The assessment of European Heritage Values within the CRR describes 'several recorded historic sites on the Island Hills property', although only three of these were found to be within the area of the pastoral lease, These are:
 - a. **Bush Hut:** a 1930s hut constructed under a Depression work scheme by a Norwegian, Chris Johnson. The hut is described as significant for its unusual Scandinavian design and as an example of a Depression work project.
 - b. **Gills Yards:** sheep yards believed to have been in use around 1896 by sheep stealer, Gill, who held stolen stock here en route to the West Coast where the sheep were sold. The site is believed to be significant for this association.
 - c. **Old Pack Track:** the remnants of an old pack track was located within the lease, believed to have been built by Charles Upham, presumably in the 1930s. The track is of 'special cultural significance' for its association with Sir Charles Upham.
 8. Heritage New Zealand notes that the above sites are not currently recorded in the New Zealand Archaeological Association (NZAA) Site Recording Scheme. To ensure the continued identification of these places we recommend that Site Record Forms be prepared by a suitably qualified person and submitted to the NZAA Site Recording Scheme.
 9. We also note that the site described as the remnants of the old pack track is located within an area proposed for protection by a Conservation Covenant (CC1) and is included in the schedule of values to be protected. Heritage New Zealand endorses the proposed protection measure for this feature.

10. Bush Hut is included within the area of an existing Queen Elizabeth II National Trust Open Space Covenant. The schedule specifies an 'existing hut', which may be Bush Hut, and allows the owner to 'maintain and upgrade' this building. Heritage New Zealand suggests that the terms and schedule of this covenant are reviewed to provide protection for Bush Hut which has been assessed by DOC as historically significant.
11. We are unsure of the location and condition of Gills Yards so we cannot comment on protection of this feature.
12. To ensure appropriate protection of recorded and unrecorded archaeological sites within the land under proposal, we recommend that **a condition be added to the Final Plan to ensure that current and future owners are made aware of recorded and potential archaeological sites** on this land and their responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand is available to discuss the appropriate placement of such as condition and can provide advice on the wording of conditions relating to historic resources.²
13. Heritage New Zealand supports the tenure review process and welcomes the opportunity to provide expert heritage advice prior to the preliminary proposal stage so as not to delay land disposal, especially where significant heritage values are identified and protection measures recommended.
14. Heritage New Zealand strongly supports your ongoing practice to undertake consultation with Te Runanga o Ngai Tahu to identify Maori cultural and heritage values within pastoral leases subject to tenure review.
15. Thank you for the opportunity to comment on the Island Hills pastoral lease preliminary proposal for tenure review.



Sheila Watson
General Manager Southern
Heritage New Zealand Pouhere Taonga, PO Box 4403, Christchurch 8140

² Please refer to the advisory note regarding archaeological sites which forms part of this submission, p 4

Advisory Note:

Archaeological Sites and the *Heritage New Zealand Pouhere Taonga Act 2014*

The *Heritage New Zealand Pouhere Taonga Act 2014* makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. If you wish to do any work that may affect an archaeological site you must obtain an authority from Heritage New Zealand before you begin.

This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District or Regional Plan or a resource or building consent has been granted. The Act provides for substantial penalties for unauthorised destruction or modification.

An archaeological site is defined in the *Heritage New Zealand Pouhere Taonga Act 2014* as any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.

As mentioned above, before undertaking any work that may affect an archaeological you must obtain an authority from Heritage New Zealand.

If an owner or potential owner requires further information about their obligations under the *Heritage New Zealand Pouhere Taonga Act* contact: Frank van der Heijden, phone 03 357 9615 or email archaeologistcw@heritage.org.nz

10 March 2016

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

To Whom It May Concern:

Island Hills Tenure Review Submission

Thank you for the opportunity to lodge a submission on Island Hills Preliminary Proposal for tenure review. I support most of the Preliminary Proposal (PP) in its current form; however I have a few proposed amendments that will be discussed in this submission.

<p>24 Objects of Part 2 The objects of this Part are—</p> <p>(a) to—</p> <p>(i) promote the management of reviewable land in a way that is ecologically sustainable;</p> <p>(ii) subject to subparagraph (i), enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and</p> <p>(b) to enable the protection of the significant inherent values of reviewable land—</p> <p>(i) by the creation of protective mechanisms; or (preferably)</p> <p>(ii) by the restoration of the land concerned to full Crown ownership and control; and</p> <p>(c) subject to paragraphs (a) and (b), to make easier—</p> <p>(i) the securing of public access to and enjoyment of reviewable land; and</p> <p>(ii) the freehold disposal of reviewable land.</p>

Section 24 CPLA 1998

Point 1:

Land to be retained in Crown Control shown as CA

I support the proposed area of retention of “CA” by the Crown. This land is primarily Class 8 land with a small amount of Class 7 land on the lower north-western slopes of Mt Skedaddle. This area of land will be a valuable addition to the popular adjoining Lake Sumner Forest Park to the west. The land is heavily broken and dissected, so it is correct to retain this area as Crown conservation land, as this meets the requirements of Section 24(a)(i).

<i>LUC Class code</i>	<i>Description</i>
1	Land with virtually no limitations for arable use and suitable for cultivated crops, pasture or forestry
2	Land with slight limitations for arable use and suitable for cultivated crops, pasture or forestry
3	Land with moderate limitations for arable use, but suitable for cultivated crops, pasture or forestry
4	Land with moderate limitations for arable use, but suitable for occasional cropping, pasture or forestry
5	High producing land unsuitable for arable use, but only slight limitations for pastoral or forestry use
6	Non-arable land with moderate limitations for use under perennial vegetation such as pasture or forest
7	Non-arable land with severe limitations to use under perennial vegetation such as pasture or forest
8	Land with very severe to extreme limitations or hazards that make it unsuitable for cropping, pasture or forestry

Table 1: Land Use Class code table

Source:

Landcare Research New Zealand Limited. 2008. *Land Resource Information System Spatial Data Layers: Data Dictionary (p.7)*. Retrieved from: www.lris.scinfo.org.nz/file/162-lrislayers_v3/download/

Point 2:

Land to be freeholded shown as FHD, QEII & CC1

I fully support the freehold disposal of these two areas. As mentioned in the proposal, the QEII covenant has been in force since 1992. While disposal of Crown Land subject to protective mechanisms is a secondary preference to full Crown ownership under Section 24(b), it appears that SIV's on land can be suitably protected even under private ownership. Freehold disposal of CC1 is supported as this is mixture of lower altitude Class 6 and 7 lands. The covenant conditions contained within Schedule 2 are appropriate to meet the requirements of Section 24(b).

Point 3:

Land to be freeholded shown as CC2

I partially support the disposal of this land, despite the fact that the proposed covenant conditions over the land are weaker than those over CC1. The northern area of CC2 is extremely steep and heavily dissected Class 8 land, and is clearly unusable for any type of agricultural use. This refers to the area from Gorge Stream rising south to the Organ Range ridge (points 1325m, 1498m & 1337m) and down to the main north-western tributary of Organ Stream. It seems unusual that this proposal seeks to freehold this portion of the lease, since many other implemented tenure reviews generally do not result in freehold of such high altitude and steep

land on the basis of ecological sustainability. Currently, it is proposed to freehold up to an altitude of 1704m on the eastern faces of Mt Skedaddle.

It is proposed that CC2 should be amended as follows: The CA boundary should be extended from just south of Mt Skedaddle to the east, down the northern tributary of Organ Stream, then north to meet the CC1/CC2 boundary and then follow this northward over the Organ Range and down to Gorge Stream. This would result in CC2 being reduced by approximately 450 Ha; from 1866 Ha to approximately 1400 Ha. This description is illustrated by both “CA2” & “CA3” on Diagram 1 below. The rationale for amending CC2 is as follows:

1. It is widely accepted that high altitude and steep rocky country is unsuitable to be freeholded as it is highly erosion prone. As shown below in Diagram 2, effectively all this land is Class 8. This land is not capable of, and is unlikely to be grazed by sheep or cattle due to terrain constraints. This is clear in photo 9 of the PP summary. Should grazing of CA2 & CA3 be desired, this would be better dealt with by the creation of a grazing concession.
2. By following the amended CA boundary, CC1 is not affected. The Hurunui High Country track is unaffected.
3. Existing apiculture is unaffected; bees still have the ability to visit CA2 & CA3 for pollen gathering.
4. Extension of CA allows for a potential future link-up with Glynn Wye land to the north, when this goes through tenure review. This could facilitate access to the Lewis Pass Road (SH7), meaning potential for a new tramping track. As it currently stands, only 20m wide marginal strips would give access down the true-right of the Gorge Stream. This may prove unusable on the ground due to terrain constraints, so a high level crossing along the Organ Range is preferred.
5. The small financial consideration that the Crown/taxpayer will receive from the disposal of proposed CA2 & CA3 does not justify the lost future recreational potential of this small area of land.

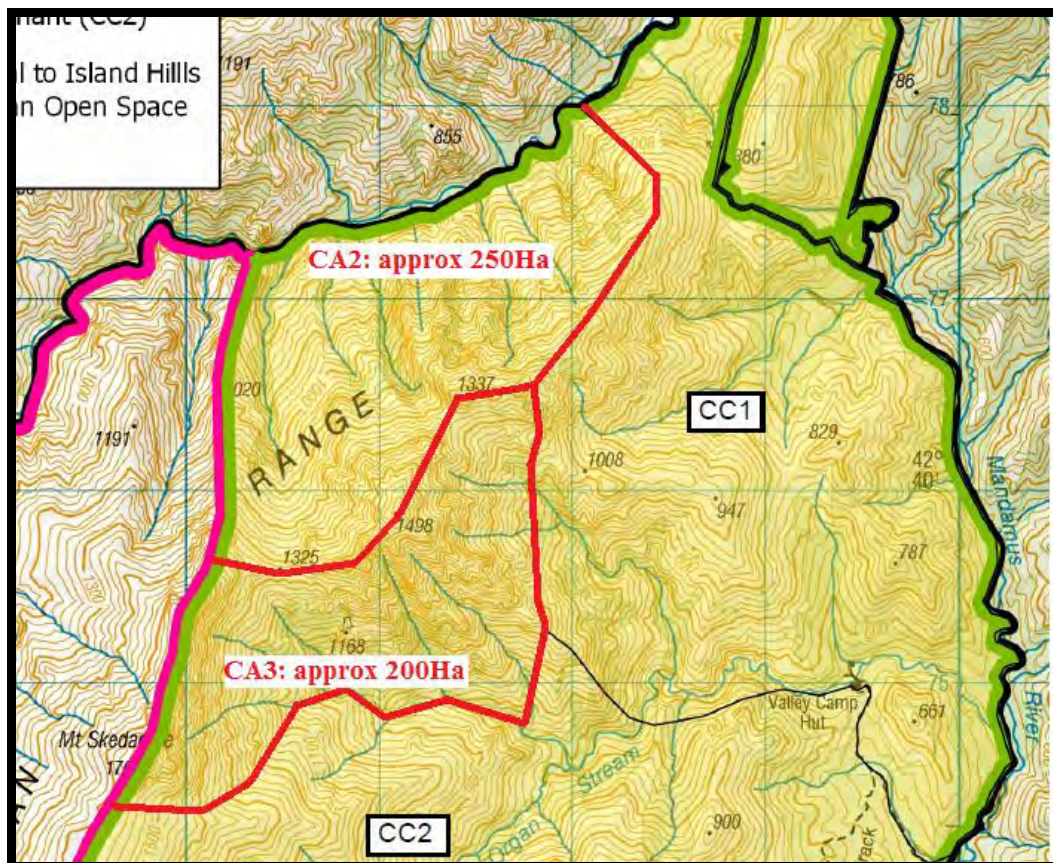


Diagram 1: Proposed CA2 & CA3

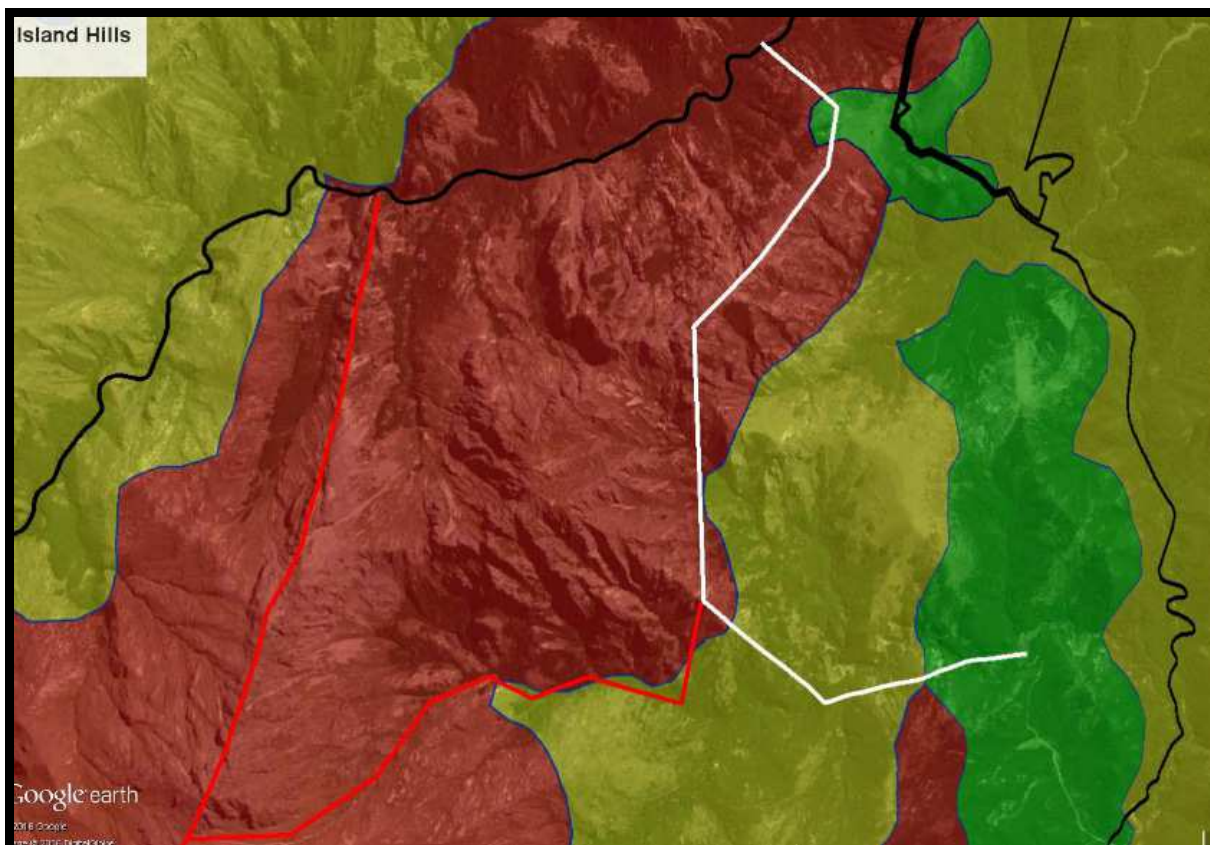


Diagram 2: Land Use Capability

Legend:

Red hatch	LUC Class 8
Yellow hatch	LUC Class 7
Green hatch	LUC Class 6
Red line	Proposed CA addition
White line	CC1/CC2 boundary
Black Line	Island Hills lease boundary

Source:

Landcare Research New Zealand Limited. 2012. *Land Resource Information Systems Portal: NZLRI Land Use Capability*. Retrieved from:
<http://iris.scinfo.org.nz/#/layer/76-nzlr-land-use-capability/>

Conclusion:

As it currently stands, the PP for Island Hills could be considered 95% acceptable. Addition of CA2 as an absolute minimum, based on the reasons given under Point 3 will result in a fair and practical tenure review being implemented, benefiting the lessee, Crown and the NZ public.

Thank you for considering this submission, and I trust it will be given serious consideration.

Yours sincerely

Jeremy
Christchurch

Date