

Crown Pastoral Land Tenure Review

Lease name : MT DASHER

Lease number : PO 030

Public Submissions – Part 2

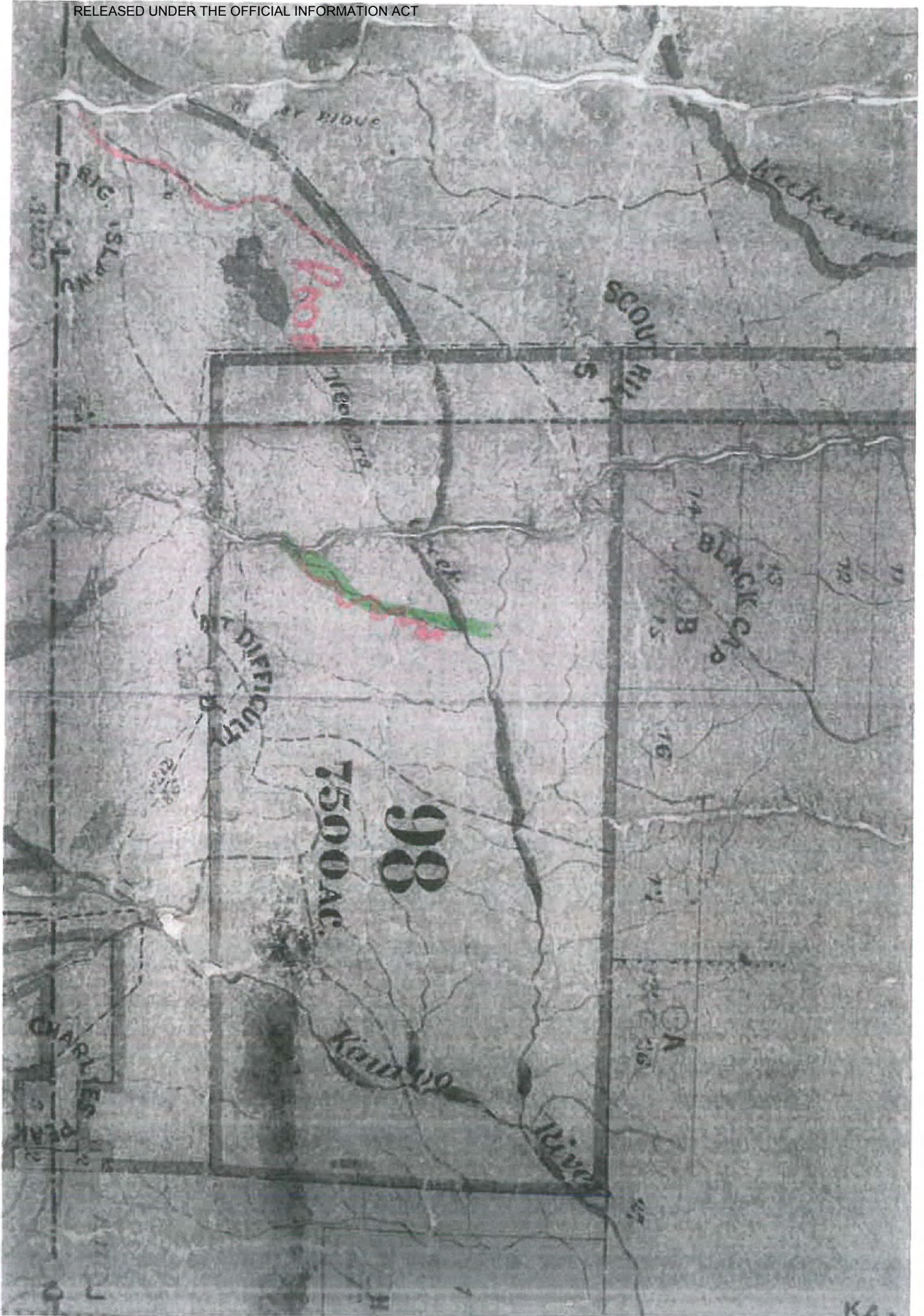
These submissions were received as a result of the public advertising of the Preliminary Proposal for Tenure Review.

These submissions are released under the Official Information Act 1982.

May

16

Submission 3 - continued



10

NEW ZEALAND

Former Ref. Vol. 386 fol 55
L. & S. Ref. No. RLF 1404

entered in the register-book, the
26th day of April
1985 at 10.28 o'clock

9B/1357

Renewable Lease under the Land Act 1948



This Deed, made the 8th day of March 1982, between HER MAJESTY THE QUEEN (hereinafter referred to as "the Lessor"), of the one part, and JOHN JEFFREY PARSONS of Kauru Hill Farmer

(hereinafter referred to as "the Lessee"), of the other part WITNESSETH that, in consideration of the rent hereinafter reserved, and of the covenants, conditions, and agreements herein contained and implied, and on the part of the Lessee to be paid, observed, and performed, the Lessor doth hereby demise and lease unto the lessee, all that parcel of land containing by admeasurement 1898 hectares more or less, situated in the Land District of Otago, and being Section 1 Block VII Kauru Survey District

For Diagram See
Separate Sheet

as the same is more particularly delineated with bold black lines on the plan hereon, together with the rights, easements, and appurtenances thereto belonging. TO HOLD the said premises intended to be hereby demised unto the Lessee for the term of 33 years, commencing on the 1st day of July 1957 together with the period between the date of the lease and the aforesaid 1st day of July 1957, YIELDING and paying therefor for the first 11 years of the said term unto the Department of Lands and Survey at Dunedin the annual rent of \$ 1375.00 calculated on a Rental Value of \$25,000.00 payable without demand by equal half-yearly payments in advance on the 1st day of January and the 1st day of July in each and every year during the said period of 11 years, and for the next two successive periods of 11 years of the said term a rent determined in respect of each of those periods in the manner provided in section 132A of the Land Act 1948. AND also paying in respect of the improvements specified in the Schedule hereto the sum of \$ by a deposit of \$ (which has already been paid), together with interest thereon at the rate of per centum per annum and thereafter by half yearly instalments of on the 30th day of June and the 31st day of December in each and every year subject to variation of the rate of interest and the amount of the half-yearly instalments in the manner hereinafter provided. The first such instalment shall be payable on the day of 19 Interest on the balance of the purchase-money from the day of 19 to the day of 19 shall be payable on the said day of 19

AND it is hereby declared and agreed (1) That these presents are intended to take effect as a renewable lease of Farm land under sections 63 & 126A of the Land Act 1948 and of any enactments passed in amendment or substitution thereof and the provisions of the said Act and of the regulations made thereunder applicable to such leases shall be binding in all respects upon the parties hereto in the same manner as if such provisions had been fully set out herein.

(2) That the Land Settlement Board, pursuant to its powers under section 130 of the Land Act 1948, reserves the right to review the rate of interest payable by the Lessee in the respect of the improvements specified in the Schedule hereto for the second and each ensuing period of 5 years of the term hereof, and the provisions of that section shall apply to any such review, and any necessary adjustments to the instalments payable.

and these presents have also been signed by the said Lessee

Assistant
Signed by the said Commissioner, on behalf of the Lessor,
in the presence of-

Witness: *[Signature]*

Occupation: *Department of Lands*

Address: *Wellington*

[Signature]
Assistant Commissioner of Crown Lands.

Signed by the above-named Lessee in the presence of-

Witness: *[Signature]*

Occupation: *Owner*

Address: *[Signature]*

[Signature]
Lessee

Interests at date of issue:

X17019 Electricity Agreement under (now) Section 50 Electricity Act 1968.

670480 Variation of Mortgage 485550/2 - 5.1.1987 at 9.10am.

481061 Statutory Land Charge pursuant to the Statutory Land Charges Act 1928 (Rural Housing) - 11.7.1977 at 11.40 am

[Signature]
A.L.R.

485550/2 Mortgage to Hjorring Tait & Farrell Nominees Limited - 29.9.1977 at 10.56 am (as varied once subsequently)

708246/3 Mortgage to The Rural Banking and Finance Corporation of New Zealand - 8.1988 at 9.16 am

CHARGED
17/1/1989
ALR

579362/3 Mortgage to The Rural Banking and Finance Corporation of New Zealand - 16.7.1982 at 10.59am

[Signature]
A.L.R.

799309 Application pursuant to Section 25(1)(a) State Owned Enterprises Act 1986 whereby Landcorp Investments Limited is registered as Lessor under the within lease - 28.2.1992 at 9.29am

[Signature]
A.L.R.

597437 Land Improvement Agreement under the Soil Conservation and Rivers Control Act 1941 - 4.7.1983 at 11 am

[Signature]
A.L.R.

Every mineral existing in its natural condition in the within land is owned by the Crown pursuant to Section 11 Crown Minerals Act 1991. Entered pursuant to Section 86 Crown Minerals Act 1991

617777/1 Evidence that the correct name of John Jeffrey Parsons is John Jeffery Parsons entered 6.7.1984 at 10.50 am

[Signature]
A.L.R.

The within land is subject to Part IVA of the Conservation Act 1987

617777/2 Mortgage to The Rural Banking and Finance Corporation of New Zealand - 6.7.1984 at 10.50 am

[Signature]
A.L.R.

799319 Order for New Certificate of Title pursuant to Section 25(3) State Owned Enterprises Act 1986 CT 14B/231 issued for the fee simple

629597 Transfer of a 1/2 share to Nola Margaret Parsons of Kauru Hill, Married Woman - 8.2.1985 at 10.47 am

[Signature]
A.L.R.

635160 Variation of Mortgage 617777/2 - 29.4.1986 at 1.39pm

[Signature]
A.L.R.
[Signature]
A.L.R.

APR 26 10 29 AM '83

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9
7
6
2
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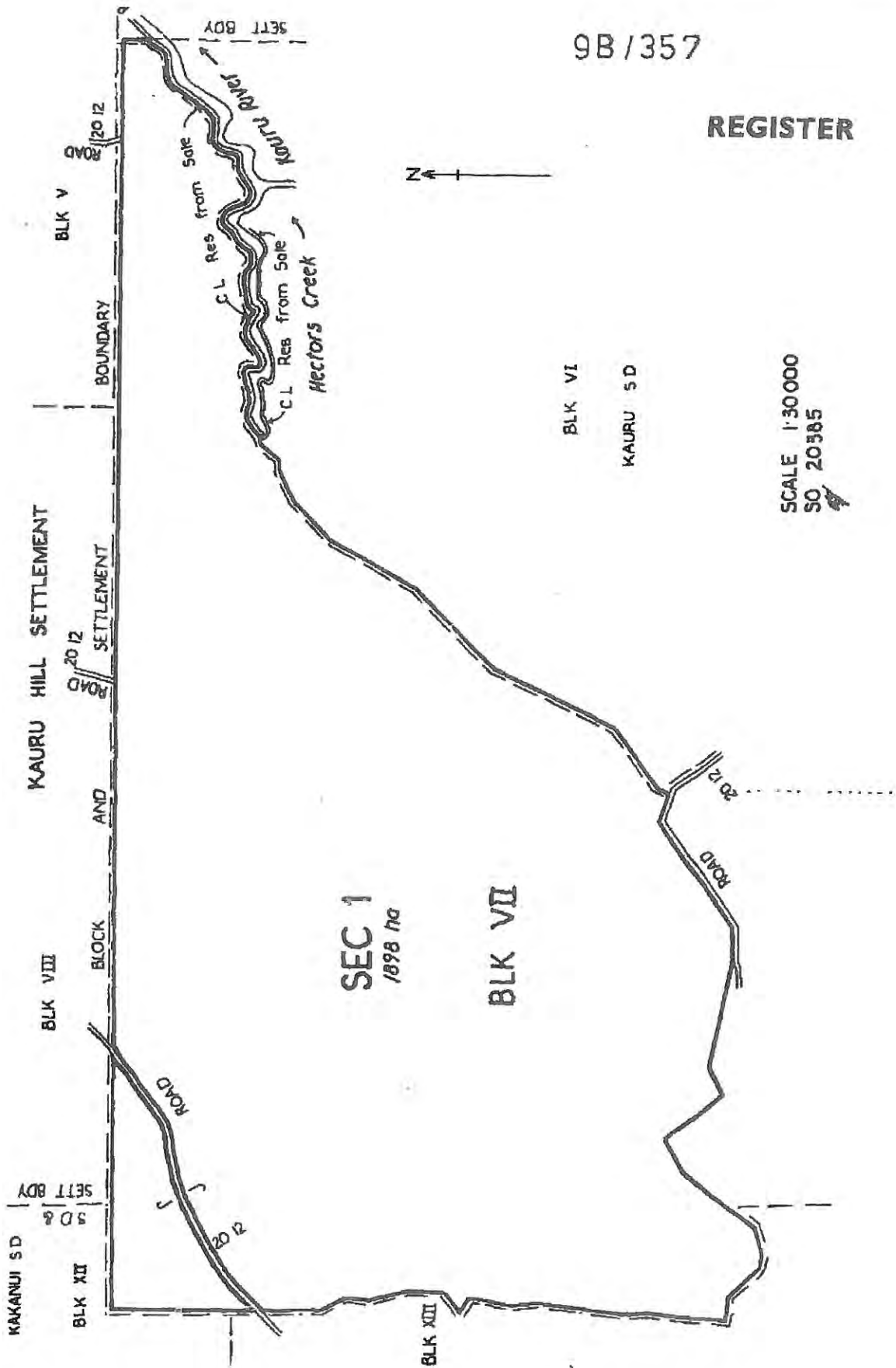
No. 9B/357

9B/357

REGISTER



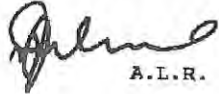
SCALE 1:30000
SO 20385



J. G. Carrows.
w.c.

CT 9B/357

820341 Memorandum renewing the term of the within lease for a further period of 33 years commencing on 1.7.1990 and fixing (for the first 11 years) the annual rent at \$5.625 calculated on a rental value of \$125,000.00 - 24.5.1993 at 9.01am


A.L.R.

979324.3 Mortgage to The National Bank of New Zealand Limited
2.12.1999 at 9.17


for RGL





**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy

R.W. Muir
Registrar-General
of Land

Identifier OT14B/231
Land Registration District Otago
Date Issued 28 February 1992

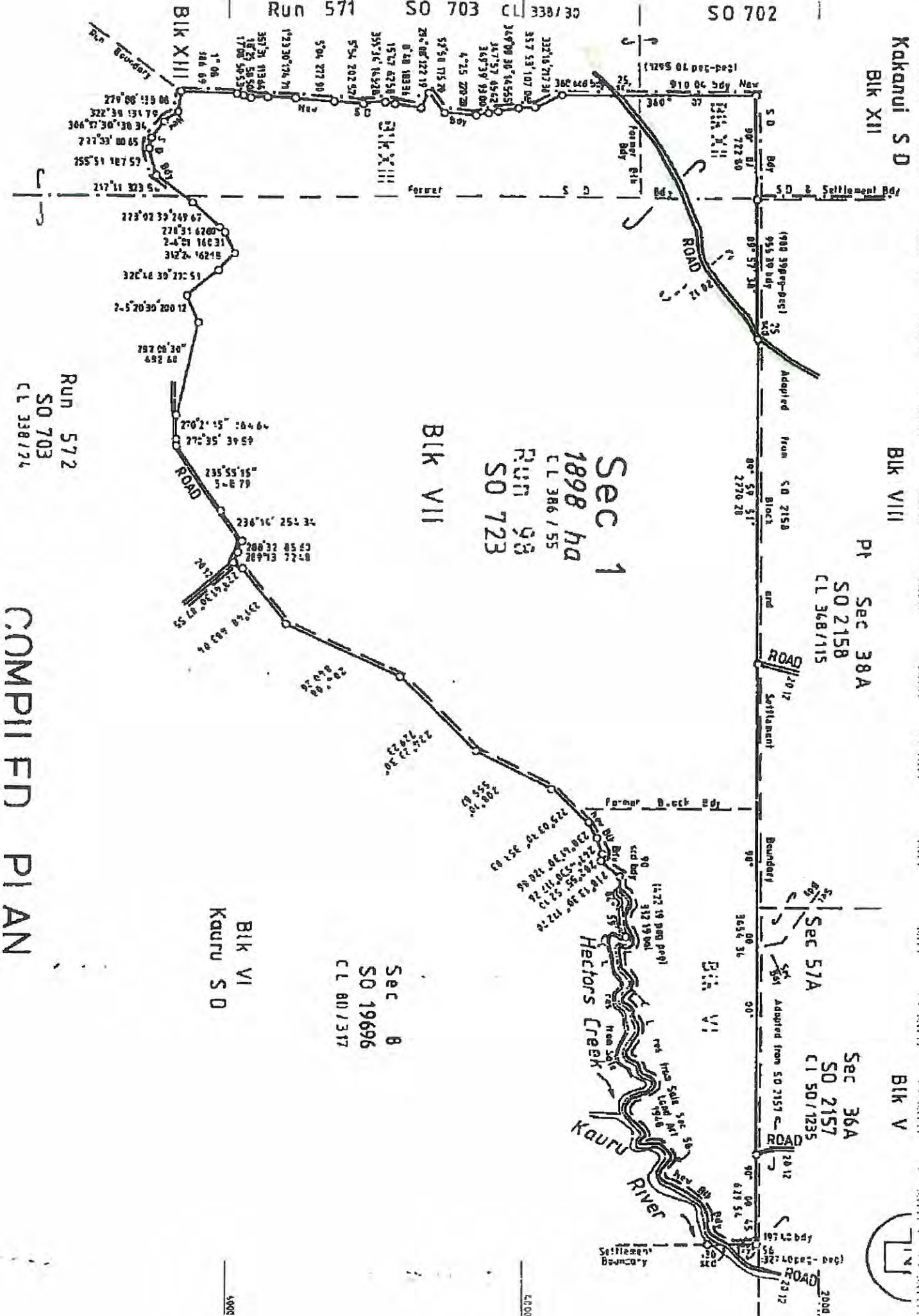
Prior References
OT9B/357

Estate Fee Simple
Area 1898.0000 hectares more or less
Legal Description Section 1 Block VII Kauru Survey District

Proprietors
AJ Wood Trustees Limited

Interests

Subject to Section 11 Crown Minerals Act 1991
Subject to Part IV A Conservation Act 1987
9296088.5 Mortgage to ANZ Bank New Zealand Limited - 31.1.2013 at 4:19 pm



COMPILED PLAN



**COMPUTER INTEREST REGISTER
UNDER LAND TRANSFER ACT 1952**



Historical Search Copy

Identifier OT9B/357
Land Registration District Otago
Date Registered 26 April 1983 10:28 am

Cancelled

Prior References
 OT386/55

Type	Lease under s82 Land Act 1948	Area	1898.0000 hectares more or less	Term	33 years commencing on the 1st day of July 1957 and renewed for a further period of 33 years commencing on 1.7.1990
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Legal Description Section 1 Block VII Kauru Survey District

Original Proprietors

John Jeffery Parsons as to a 1/2 share
 Nola Margaret Parsons as to a 1/2 share

Interests

X17019 Electricity Agreement pursuant to Section 50 Electricity Act 1968
 Pursuant to Section 25(3) State Owned Enterprises Act 1986 CT OT14B/231 is issued for the fee simple
 Subject to Part IV A Conservation Act 1987
 Subject to Section 11 Crown Minerals Act 1991
 481061 Statutory Land Charge pursuant to Section 6 Rural Housing Act 1939 - 11.7.1977 at 11.40 am
 830341 Renewal of Crown Lease fixing (for first 11 years) the annual rent at \$5.625 calculated on a rental value of \$125,000.00 - 24.5.1993 at 9.01 am
 979324.3 Mortgage to The National Bank of New Zealand Limited - 2.12.1999 at 9.17 am
 5028194.1 Discharge of Statutory Land Charge 481061 - 8.3.2001 at 9:08 am
 5028194.2 Expiry of Electricity Agreement X17019 - 8.3.2001 at 9:08 am
 5028194.3 Merger of within lease - 8.3.2001 at 9:08 am.
CANCELLED AND DUPLICATE DESTROYED



14 August 2015

Mr M J Parsons
242 The Hectors Road
Fuschia Creek
RD 15D
OAMARU 9492

PO Box 5056
185 Stuart Street
DUNEDIN 9058
Phone: 03 471 9496
Fax: 03 471 9455
Email: office@abercrombie.co.nz

Dear Marty

LAND STATUS; BLACK CAP ROAD

Your recent request refers.

I understand your concern relates to a strip of land through the north west corner of your property which purports to be legal road. Your land adjoining the strip of land is comprised in computer freehold register identifier OT14B/231.

In order to determine the land status it is first prudent to look at it's background. We can then look to the relevant authority, including lack of, giving rise to the land status.

The land was purchased by the Crown from Ngai Tahu by virtue of the Kemp deed of 1848.

①

In the first subdivision of the (now) Kauru and Kakanui Districts, by the Crown, the land was defined as Run 98 as shown on SO 723. The survey plan was approved as to survey by the Chief Surveyor on 3 July 1914.

There was no road defined through the north western corner of Run 98. While there was a topographical representation of yards, streams and a track from an adjoining legal road to the yards there was no representation of a track [or otherwise] through the north-western corner. That was notwithstanding a legal road being shown leading down to the northern boundary of Run 98.

②③④

As an observation, the survey plans defining land adjoining Run 98 show legal road leading to Run 98 but not continuing. The survey plans are SO's 702 and 703 [both to the west] and SO 2158 [to the north]. All three survey plans have been approved as to survey by the Chief Surveyor.

5 Crown lease 695 (lease of small grazing-run), pursuant to the Land Act 1908 was granted on 7 August 1914 with effect from 1 March 1915. The land involved was all of Run 98. It was comprised in computer freehold register identifier OT174/58. The plan for the leased land showed no road through the northwest corner.

6 Crown lease 1138 (lease of small grazing-run), pursuant to the Land Act 1924 was subsequently granted on 1 March 1936. The land involved was all of Run 98. It was comprised in computer freehold register identifier OT259/105. Once again, the plan for the leased land showed no road through the northwest corner.

7 Crown lease P166 (pastoral lease), pursuant to the Land Act 1948 was granted on 1 March 1957. The land involved was all of Run 98. It was comprised in computer freehold register identifier OT386/55. As before, the plan for the leased land showed no road through the northwest corner.

8 The land was redefined by SO 20385 as a compiled plan. Most of Run 98 was shown as Section 1, Block VII, Kauru Survey District. A strip of land through the north-western corner was shown as legal road.

Because of a potential anomaly, the survey plan reports were obtained. The plan report makes comment, amongst others, "the plan was compiled from SO 723." However, SO 723 shows no road through the north-western corner of Run 98.

9 "The road through the N western boundary of the section is shown on NE Run Roll 1880." However, such document is merely a Run Map of the northeastern districts. It is not approved as to survey by a chief surveyor and at best could be described as a location map of the various runs in that area.

There is topographical representation of a track through the north-western corner of Run 98. However, there is no representation for a proposed road as indicated by the map legend [ie no solid line].

Incidentally, the boundary of Run 98 shown on NE Run Roll 1880 does not resemble the boundary definition shown on SO 723. This reinforces the lack of relevance of that Run Map.

NE Run Roll 1880 was notated as being compiled from recent surveys. However, Run 98 as shown on SO 723 was not surveyed until 1914, some 34 years later.

The computing plan report mentions the lack of a road on SO 723 and the crown lease document. It does say that "a track is in use from its junction with Section 38A cutting

through the middle of Run 98". That is not true as evidenced by topographic map and also aerial photography. However, the then chief surveyor accepted the representation of a road shown on NE Run Roll 1880. This is considered to be an anomaly as the official record [SO 723] had effectively been ignored.

10 By new appellation 586961/1, Run 98 became Section 1, Block VII, Kauru Survey District. However, not all of Run 98 was included. This is considered to be the next observed anomaly. Part of Run 98, being the strip of land through the north-western corner, was excluded. In effect the strip of land had been compulsorily excluded from the lease agreement [Pastoral lease P166 - CFR OT386/55].

Renewable Crown lease RLF1404, pursuant to the Land Act 1948 was granted on 1 July 1957. The land involved was Section 1, above described. It was comprised in computer freehold register identifier OT9B/357.

11 Computer freehold register identifier OT14B/231 was subsequently issued for the fee simple estate in the land. That title is still current.

The definition of a road, by Section 121, Public Works Act 1981, was Crown Land over which a road is laid out and marked on the record maps. That definition had been carried forward from and including the Public Works Act 1876. During the existence of those prior Public Works Acts there was no road shown on either the survey plan defining Run 98 or the crown lease maps [record maps].

The important issue, based on court cases, is that any strip of land purporting to be road needed to be at least laid out either on the ground or a surveyors plan or record maps. The definition of record maps is believed to be the plan prepared for a crown grant [and perhaps also for crown leases].

The most critical aspect was the road needed to be shown on plans of crown subdivision [ie laid out by a surveyors plan]. The strip of land through the former Run 98 has not been laid out on the ground. This is evidenced by the lack of any pegging on SO 724. In addition, the strip has not been laid out on a surveyors plan [see again SO 724]. There is not even a traverse line for offsets to an ambulatory road. The strip of land has not been right lined.

The nearest document to a record map is NE Run Roll 1880. However, that document is a run map [ie more of a locality map] and not really representing an actual surveyor's map. Accordingly, the strip of land through Run 98 [now Section 1] has not been laid out as a legal road.

The former Department Lands and Survey [now Land Information New Zealand] used to have what were known as "Record Maps". They were derived from survey plans and the prime function was to show location and extent of survey plans. The record maps no longer exist being replaced by the spatial view in landonline. Having been involved with correcting various title records the representation of land status in landonline is not considered to be accurate.

The strip of land through Section 1 is considered to be described as Part Run 98 and have a land status of Crown Land. Following on, the north western portion of Section 1 is land locked having no legal road frontage.

To rectify the above situation I recommend the following steps be followed:

- An approach be made to the Crown Property Group of Land Information New Zealand and obtain acceptance of the above mentioned land status.
- Application be made to have SO 20385 corrected in respect of the strip of land through the north western corner of Section 1.
- Application be made for preferential allocation of the strip of land through Section 1 and where such land is amalgamated with the land held in computer freehold register OT14B/231.

Before doing so it may be prudent for the solicitor for your company to review the above and also, especially, the relevant court cases. If you wish I can approach your solicitor and provide the supporting evidence.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a long, sweeping horizontal line that tapers to the right.

David J Abercrombie

Reference: Benjamin Coleman/Michelle MacDonald

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

2 December 2015

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

20 Wear St, Oamaru
PO Box 242, Oamaru
New Zealand 9444
DX: WA32523
office@deanlaw.co.nz
Tel: (03) 434-5128
Fax: (03) 434-7695
www.deanlaw.co.nz

Trust Account:
03 0937 0024124 02

Dear Colleagues

Re: Mt Dasher Tenure Review - Notice of Preliminary Proposal

1. We act for Martin and Janene Parsons and refer to our submission made on their behalf on 19th November 2015.
2. Could you please make an addition to that submission as our clients have contacted us and requested the following details be included:
 - 2.1 It is our clients' understanding there is going to be a conservation covenant on the bush and the Hectors Creek area which belongs to the property of the Conrads. Our clients' boundary is alongside this area. We understand there is to be no burning, spraying or fertiliser as part of this covenant. In order to control tussock our clients burn it off. This is the most practical and cost effective way that does not require pushing the stock so hard that they are forced to chew the tussock out in order to extinguish it.
 - 2.2 It is not practical to install a dozer fire break so our clients have major reservations around the effect of this covenant. We are advised that the block has been burnt before and various reports have showed that the bush is as good as pre-human standards; therefore, showing the effect of burning as not causing permanent damage.
3. We thank you for taking time to consider this position.

Yours faithfully
Dean & Associates



Michelle Macdonald
Solicitor

Email: Michellem@deanlaw.co.nz
Web: www.deanlaw.co.nz

Partners:

William Dean LLB

Benjamin Coleman BA, LLB



MM-060178-3-10-V1

Submission 4

Submission to:

Crown Pastoral Tenure Review

Lease name : Mt Dasher P0 030

Date : 3rd August, 2015

From: Brenda Reading

Contact: Brenda Reading, 4 Railway Street, RD4C, Oamaru 9491

reading72@gmail.com ph 03 432 6005

Mt Dasher Proposal

Under the agreement, I would like to ensure public access is retained to access to places of interest (whether for historic interest, recreational access, place of beauty for photography, interest of plant, bird or wild life or other public interest)

Temporary Closure of Easement Area

6.1 The Grantee may, at any time in exercise of her/his powers, temporarily close all or part of the Easement Area to the public for such period as she/he considers necessary. 6.2 For the avoidance of doubt, it is stated that any such temporary closure by the Grantee of all or part of the Easement Area to the public in accordance with clause 6.1 does not affect the rights of the Grantor to continue to access and use the Easement Area.

These clauses get used all the time to permanently close easements and access, any access needs to be fully notified to the public, and the right for public access needs to be more fully considered. No long term closures should be permitted, and should never be permitted to be implemented by the grantee only.

Under what situation(s) would it be acceptable for the access to be temporarily closed? How often is this permitted in a set time period, and what maximum time is acceptable? How is this temporary closure made aware to the public?

Gates and fencing

Gates 9. Where the Grantor wishes to erect fences across the Easement Area, the Grantor shall install a gate not less than 3 metres wide, and either: 9.1 Keep the gate unlocked at all times, or 9.2 Ensure the Grantee is provided with a key to the gate; AND 9.3 Install a stile or appropriate facility to allow for public access by foot, horse or non-motorised vehicle.

I object to 9.2 -- No locked gates. This is for public access, getting keys creates a barrier to access, and can be hard to call/find the right person, and then to meet them etc. It is not a viable solution.

If you allow a locked gate to stop vehicles, then they should have to provide a suitable non-locked pedestrian\horse gate to the side of it. Many suitable gate solutions have been developed to keep this access open to the non-motorised public.

It should also require a notice attached to it - like a paper road - so that people know who to contact for a key, and that it is an easement open to public access.

Summary

Access to these places needs to be in place to allow simple access for walkers, hikers, horse riders and cyclist, and any future recreational pursuit which may develop.

I support an access easement, over suitable terrain to allow access for all recreational users. So would be a access for multi-users.

If public and recreational access is not included in the review, through mechanisms of the tenure review, then we see there is no benefit for the public in proceeding with the process for this crown pastoral land.

Regards,



Brenda Reading

Submission 5



Department of Botany

Division of Sciences
PO Box 56, Dunedin
NEW ZEALAND

University of Otago
Te Whare Wananga o Otago

Tel: National 03 479 7573 International 64 3 479 7573
Fax: National 03 479 7583 International 64 3 479 7583
Email: amark@otago.ac.nz

January 11, 2016.

Manager,
Land Information NZ,
Crown Property and Investment,
Private Bag 4721,
CHRISTCHURCH. 8140.

SUBMISSION ON PROPOSED TENURE REVIEW: MT DASHER PASTORAL LEASE

Dear Sir,

Thank you for sending me web access details of this proposal and I appreciate the opportunity to comment on it based on my initial visit and response in February, 2011.

The **proposal** for this 7134 ha property has changed considerably since this time and is **much improved**, particularly with the **substitution of Crown management and control** of the substantial areas that previously were proposed as Conservation Covenants. I raised considerable concern for this aspect of the initial proposal, and these are proposed to be formally terminated on completion of the tenure review.

I revisited the property in mid October, 2015 with several other interested parties but managed to reach only Mitchell's Hut near the boundary between the lower elevation area proposed freehold in and the lower limit of the area of 2927 ha proposed for retention in Crown control and management as public conservation land (CC1) but this lower part of ~1915 ha (GC1) is proposed to have a grazing concession for sheep only at a stocking rate not to exceed 2su/ha/yr for a term of ten years. I note that the new CA/freehold boundary is already fenced to a stock-proof standard which is predicted to have another 20-yrs of life. During the earlier visit we reached Siberia Hill and obtained an excellent appreciation of the exceptionally valuable landscape, recreational, ecological and indigenous biodiversity values of the total area of 2927 ha proposed for retention in Crown control and management. As in my previous report, I refer to the many significant intrinsic values described by Comrie (1992) for the Dasher RAP: "The combination of relatively unmodified vegetation and volcanic landforms makes the Dasher RAP one of the most valuable in Dansey Ecological District", and also recognised in the Conservation Management Strategy for Otago (Special Place 14: Kakanui), and in DOC's Conservation Resources Report, and also as a recognised Geopreservation Site (No 296: Dasher), would all be adequately protected (see Figs 1 & 2). **I therefore confirm the Significant Inherent Values (SIV) of this total area, and strongly endorse the proposed for its retention in Crown control, for management in the public interest.** I note there is to be monitoring of the GC1 area by the concessionaire to ensure its sustainable management and retention of the significant inherent values. **I recommend this monitoring to be with the use of permanent photographic points, to be situated at appropriate sites and of adequate coverage, in consultation with the Department of Conservation.**

However, there are also important landscape and ecological values (basalt boulderfields, healthy stands of tall narrow-leaved snow tussock (*Chionochloa rigida*) grassland, and localised copper tussock (*C. rubra* subsp. *cuprea*) dominated wetlands) in an area contiguous with and

downslope from the GCC area (see Figs. 3 & 4), in the upper reaches of the South Kakanui, Quinns and Hector catchments, mostly Class VII Land Capability (i.e., vulnerable to erosion and with very limited productive potential). These areas have been identified as “significant areas” of Landscape Units 2 and 3 in the Resources Report (see Map: Fig. 5). Both of these **contiguous ‘Significant Landscape Units’** justify recognition and it is **strongly recommended that they be given appropriate protection under the Crown Pastoral Land Act. I recommend they be designated as a single Conservation Covenant with a no-burning condition**, not only to retain their landscape, ecological, biodiversity, soil conservation and Carbon storage values, but, as important, their value for maximising water production, as is now generally recognised and accepted as an aspect of ecosystem services, on the basis of considerable research on the Otago uplands (Holdsworth & Mark, 1990; Mark & Dickinson, 2008, Mark, et al., 2012), including as-yet, unpublished research nearby, in the Dansey Pass area.



Figure 1. View east from near Siberia Hill (1272 m), across to the impressive volcanic plug of Kattothyrst, 1293 m, showing a variable cover of heavily-flowering snow tussock in the low-alpine grassland, and a localised basalt boulderfield below the summit. The impact of a herd of ~200 cattle within the Covenant and cropping the snow tussock flower heads, when visited in February, 2011, would be excluded under the current proposal for a Crown-protected area.



Figure 2. An impressive rock outcrop near Siberia Hill with a highly diverse mixture of alpine plants including *Celmisia densiflora*, *C. lyallii*, *Aciphylla gracilis*, *A. aurea*, *Hebe buchananii*, *Gaultheria crassa*, *Leucogenes grandiceps* (S.I. Edelweiss), *Brachycome haastii*, *Brahyglottis bellidifolia*, *Raoulia subsericea*, *Prasophyllum colensoi* and *Chionochloa rigida*. February, 2011.



Figure 3. A localised basalt boulderfield associated with an extensive area of tall snow tussock grassland near Mitchell's Hut but within the area proposed for freeholding. Such areas, are not uncommon below the boundary of the proposed GC1 and justify recognition as Conservation Covenants with a no-burning condition. Here the boulderfield is associated with a fringe of shrubs, including snow totara (*Podocarpus nivalis*), *Coprosma ciliata*, *Dracophyllum longifolium* and *Hebe rakaiensis*, plus golden spaniard (*Aciphylla aurea*). February, 2011.



Figure 4. View of the Mt Dasher skyline from below Mitchell's Hut (upper centre of photo) showing two large boulderfields surrounded by healthy tall snow tussock grassland, in the upper Quinns Creek catchment, below the proposed GC1/freehold boundary. This area should have a Conservation Covenant designation with a no-burning condition to protect the obvious manifold Significant Inherent Values. October 10, 2015.

The **proposed Conservation Covenant of 55 ha in Hector's Creek (CC1)**, containing mixed forest remnant stands and associated shrublands, is described as RAP4 in Comrie's PNA Report (Comrie, 1992). This area could not be visited in the time available but was viewed from near the main access track less than a kilometre distant, with binoculars, in the deeply incised Hector's catchment (Fig 6). These stands are clearly of **Significant Inherent Value (SIV)**, being of considerable ecological significance as remnants of the pre-human-settlement forest in this Ecological District. The remnants still retain a representative biodiversity, as described in Comrie's PNA report. Being too steep for a practicable fenced boundary, **a formal covenant is justified and is strongly recommended, extending down Hectors Creek to the property boundary and both upslope and upstream to contain all of the woody remnants plus an adequate buffer. Also strongly recommended, there should be a no-burning or spraying covenant is justified and is strongly recommended, extending down Hectors Creek to the property boundary and both upslope and upstream to contain all of the woody remnants plus an adequate buffer. I endorse the conditions recommended for this proposed Covenant: no-burning or chemical spraying or intentional top-dressing.** I also note that, under 'covenant conditions: implementation', the Minister 'may' require both a 'management plan' and a 'monitoring plan' for this covenanted area. I strongly support the development of both such plans, given the ecological importance of this area.

The designation by the Department of Conservation of a **marginal strip up to 100 m width** in the **South Branch of the Kakanui River** is also **strongly recommended** as an adjunct of this tenure review, to enable some protection to the important riparian vegetation and biodiversity (including some threatened species: *Carmichaelia kirkii*, *Teucrium parvifolium* *Celmisia hookerii*) here, as described in the Resources Report.

As I stated in my previous submission (25/2/11), **public access is a very important aspect to consider** in any tenure review proposal. This is particularly the case with Mt Dasher, given the extended shape of the property, and the remoteness of the area recommended for protection; also, beyond this, is the main axis of the Kakanui Mountains at its most remote eastern end. The Mole Hill Road, which we used as access, crosses some freehold land and apparently the actual road does not always coincide with the legal 'paper' road, despite it being maintained by the District Council before it becomes a private road which apparently, is maintained by the lessee, Mr Simm. I understand that Mr Sim, is agreeable, in principle, to discretionary walking, mountain bike and perhaps horse access and even 4WD vehicles across the freehold portion of his property. It would be most desirable if such

access could be formalised as an aspect of tenure review (perhaps using an agreement to not unreasonably deny such access, with a fee-paying basis to be agreed to for maintenance purposes), at least as far as the boundary of the land proposed for freeholding, i.e., Mitchell's Hut. Here it would border public conservation land with unrestricted public access as of right. This 4WD track extends north-westward across the Hector Plateau to pass Trig B, "Obi", on the boundary of the property, from where there is a continuation of the track, providing very steep access to the highway in the Shag Valley (NOTE: this access is much more challenging than that through the Mt Dasher property).



Figure 6. View down into Hector's Creek catchment from near the access track, showing patches of forest and associated shrubland remnants which, together with an adequate buffer, justifies recognition as a Conservation Covenant, with a no-burning or spraying condition. The area is part of RAP 4 of Comrie (1992). February, 2011.

One final recommendation is that all land transferred to full Crown control be classified appropriate to its values: e.g., Scenic reserve, and not as non-descript stewardship land which we know from the Parliamentary Commissioner for the Environment's recent report, carries negligible legal conservation status.

I trust that this response and its recommendations will be given serious consideration. I also thank the current lessee Mr W. Simm for permission to revisit his property and to LINZ for the opportunity to assess and comment on this important proposal for tenure review.

Yours sincerely,

Alan F. Mark. FRSNZ KNZM. Emeritus Professor.

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Submission 6



North Otago Tramping and Mountaineering
Club

PO Box 191

Oamaru

northotagotmc@gmail.com

8 December 2015

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

Dear Commissioner

TENURE REVIEW: MOUNT DASHER

The North Otago Tramping and Mountaineering Club exists to promote understanding and enjoyment of the natural environment through tramping and mountain climbing. Our approach to tenure review preliminary proposals therefore focuses on the practicality of the access provisions and the quality of the tramping experience.

The Club has frequently expressed its concern about the lack of constructive attention given to access issues in tenure reviews. In the case of the Mt Dasher tenure review, the proposed access provisions are so inadequate that the Club feels it has no option but to object to the terms of the preliminary proposal as a whole.

The Proposal

Of the total lease area of 7133ha, it is proposed that some 2927ha be retained in Crown control as a Conservation Area. A grazing concession will apply to 1915ha of this. This proposed conservation area is well known to many NOTM Club members and Wednesday Walkers (an informal associated group of mid-week trampers): essentially it is the whole area south-east of the fence line just above Mitchells Hut (the snow-line fence), including Mt Dasher, Kattothyrst, Obi and Siberia Hill. The grazing concession will limit grazing to ewes not exceeding 0.2 SU (stock units)/ha /annum for ten years. Notably, cattle are excluded. Some 1000ha of the proposed Conservation Area (the north-

eastern corner, including Siberia) is subject to a QE II covenant which will cease to exist. Existing fences will be retained.

The remaining 4207ha is to become freehold. An area of 55ha is to be subject to a conservation covenant. This covers a forest remnant and adjoining shrub land in the upper Hectors Creek catchment. The area will not be fenced but is not to be subject to intentional grazing.

It is proposed that the freehold area will be subject to public and management-purposes access easements. The public access easement (including DoC management) will be along part of the existing track from Mole Hill Road to Mitchells Hut that we know well. It is proposed to link this with a stretch of unformed but legal road from the Black Cap airstrip where Black Cap Road currently ends. Public access will be restricted to foot, horses, and non-motorised vehicles (bikes?).

An additional easement will provide DoC with vehicle access along the existing Mole Hill Road, which apparently has no legal status as it is only partially on a legal alignment. There is also public access to the southern boundary of the conservation area from SH85 via easements and adjoining conservation land from the Shingly Creek tenure review (but see comments below).

Comment

As noted above, the overriding issue for this club is the trade-off of practical access for legally assured access. At present, with permission, recreational users can access the proposed conservation area by 4wd vehicle along a farm road/track from Mole Hill Road at least as far as Mitchells Hut. This enables such users to walk around substantial parts of the area in a day trip (e.g. it is possible to climb all three of Mt Dasher, Kattothyrst and Siberia Hill in a day). The proposed access arrangement will mean something of the order of an 8.5km walk from the Black Cap Road end to the conservation area boundary. The southern access from SH85 is no better. It too is confined to foot, horse or non-motorised modes and will require a convoluted 4km walk from SH85 just to get to the southern boundary of the conservation area, to be confronted by a steep 2.5km climb to Obi.

This poses four problems:

1. It would make day trips essentially nugatory – at least 4 hours walking just to and from the northern boundary (or the long drive plus walk to the southern boundary) would leave little time for exploration.
2. It would create an unnecessary risk in the event of injury or weather deterioration. The inability to drive to and leave vehicles at the conservation area boundary would leave trampers stranded and dependent on either being able to call in vehicular assistance, taking some hours, or expensive helicopter evacuation.

3. Of the potential recreational uses identified in the draft proposal – landscape enjoyment, horse trekking, hunting, mountain biking, tramping, photography and cross country skiing – only horse trekking and mountain biking are being offered practical access equivalent to the status quo. To all intents and purposes, recreational activity would be shut down for most users.
4. The objective of “the securing of public access to and enjoyment of reviewable land” (S.24 of the Crown Pastoral Land Act 1998) would not be met.

We propose, therefore, that you withdraw the present preliminary proposal and make a determined effort to achieve a proposal which secures the objective of “securing public access to and enjoyment of” the proposed Conservation Area and which can be incorporated in a revised preliminary proposal. One option might be an arrangement providing for continued vehicle access from Mole Hill Road with appropriate compensation to the lessee for the additional costs and inconvenience that would be incurred.

Yours sincerely,

John Chetwin
Vice-President

Submission 7



11 December 2015.

Commissioner of Crown Lands
Land Information New Zealand
Christchurch.

Dear Mr Gullen,

Re: Tenure review of Mt Dasher 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.

Of especial significance to FMC because of the organisation's interest in natural and historic values and recreation access, are the prioritised objects of the statute which enables 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)*.

Mt Dasher

On the eastern side of Otago's Kakanui Mountains a half-hour drive from Oamaru, this 7,134ha property spans around 1,100m in altitudinal range, from about 300m at the Kakanui River's south branch to approximately 1,400m at Obi. It is characterised by extensive areas of volcanic landforms, broad ridges and a plateau, and deep valleys.

Human activity has altered many of the values within the property, yet a great deal remain sound; plant and animal pest control have supported that.

Observations and recommendations in the following submission are based on a view of Mt Dasher's preliminary proposal that is framed by the objects of Part 2 of the Crown Pastoral Land Act 1998 and their hierarchy.

Proposed CA1 (including GC1)

This 2,927ha southwestern part of the property contains many natural features of significance, making its protection appropriate.

High landscape values and its extensive volcanic complex give the proposed area regional significance.

Botanically, much of this block is virtually intact and it contains communities that have become rare in the Dansey Ecological District. 'At risk' terrestrial fauna species are present, and there is a range of healthy aquatic fauna habitat types, by virtue of their good condition supportive of species such as the threatened longfin eel, known to exist lower in the catchment. The presence of these species and habitats qualifies proposed CA1 for protection due to their significance.

FMC supports establishment of the proposed farm management transition mechanism, grazing concession GC1. However, to allow for protection of natural and recreation values as required, we propose its length be reduced to five years.

This volcanic area has significant recreational interest. Mt Dasher, Siberia Hill, Kattothrust, and Obi are desirable objects for recreationists on single-day or weekend trips. Access-related matters will need to be addressed to allow the preliminary proposal to meet the Act's obligations to recreational access and enjoyment, however. These are discussed on pages 5 and 6.

Recommendation:

**** that proposed designation CA1 be adopted.***

**** that the term of proposed GC1, the proposed grazing concession over part of proposed CA1, be five years.***

**** Note: proposed public access to CA1 and other parts of the property is discussed further on pages 5 and 6.***

Proposed freehold - Deep Creek

Running down from proposed CA1, this major tributary to the Kakanui River contains a variety of aquatic habitats supporting fish and invertebrate communities whose composition is likely close to original. The land environment is 'critically underprotected' and its vegetation has high naturalness and includes 'at risk' species.

Deep Creek's significant natural values should be protected, either by full Crown control - the Act's 'preference' - or by covenant, along the creek's length on the property. Dimensions should be determined by those with expertise in natural significance.

Recommendation:

**** that significant natural values along Deep Creek in the proposed freehold area be given appropriate protection.***

Proposed freehold - Quinns Creek

Quinns Creek is a diverse catchment above the Kakanui River's south branch. It contains the threatened longfin eel, which depends on good health in the various habitats it moves through.

Moderately high visual resource values exist in the creek's upper reaches, and land environments in the catchment's lower parts are 'at risk' and 'critically underprotected'. An extensive area of mixed broadleaf forest, shrubland, and tall tussockland exists at Quinns Creek's confluence with the Kakanui River's south branch.

The Quinns Creek watershed should be protected, either by full Crown control - as the Act 'prefers' - or by another appropriate instrument, because of its natural values' significance. Protection should be designed by those with expertise in natural significance.

If full Crown protection is given to this part of the property, an easement should be created to allow farm management access where necessary.

Recommendation:

**** that significant natural values in Quinns Creek and its catchment within the proposed freehold area be given appropriate protection.***

**** that if the area receives full Crown protection, there be provision for creation of a farm management easement.***

Proposed freehold - South Branch Kakanui River

The importance of this waterway to the threatened longfin eel's migration and persistence is high. Scattered indigenous plant communities exist on the lower slopes.

Protection for these significant values should be either by full Crown control - 'preferred' by the Act - or by covenant over an area to be determined by those with expertise in natural significance.

Recommendation:

**** that significant values in the South Branch Kakanui River within the proposed freehold area be given appropriate protection.***

Proposed freehold - other areas below proposed CA1

Ecological and landscape significance - for example, wetlands and basalt boulderfields - extend downslope of the fenceline at the bottom of proposed CA1 into parts of the property not already discussed. 'At risk' and 'critically underprotected' land environments exist there.

Areas containing these values should be protected either by the Act's 'preferred' full Crown control or by covenant, with the necessary delineation to be determined by those with expertise in natural significance.

Recommendation:

**** that significant values in proposed freehold areas below CA1 not already discussed be given appropriate protection.***

Proposed freehold - CC1

FMC supports the creation of this covenant which has been proposed to protect a pre-human-settlement forest and shrubland remnant in Hectors Creek. As a land environment, its classifications are 'at risk' and 'critically underprotected'.

To mitigate vulnerability associated with its small size, extensive boundary, and proposed absence of fencing, a no-spraying, no-burning buffer should be put in place around the covenant, with dimensions to be determined by those with expertise in conservation management.

Access for those interested in the covenant should be provided, from a convenient point along 'b'-c', to the edge of and within the covenant.

Recommendations:

**** that proposed CC1 be adopted.***

**** that recreation access to and within the covenant be created.***

Proposed freehold - remainder

FMC supports the remainder of the proposed freehold designation.

To allow the preliminary proposal to meet the Act's obligations to recreational access and enjoyment, however, two significant matters will need to be addressed.

Firstly, the approximately 8.5km-each-way proposed non-motorised access route through the proposed freehold area to proposed CA1 is so prolix that 'public access to and enjoyment of reviewable land' would likely be more academic than actual. Recreational access through the proposed freehold will need to be motorised for the proposal to meet the Act's purposes.

Secondly, motorised recreation access that would enable fulfilment of the Act's purposes would be possible only by allowing recreationists to share proposed conservation management access from 'd' to 'b' and thence to 'c', or by forming the legal road running from the airstrip to point 'a', and thence to 'b' and 'c'. Implementation of either of these measures will allow the proposal to meet recreation access and enjoyment requirements of the Act.

Due to the presence of significant inherent values on parts of the property proposed for unencumbered freehold, this submission has recommended altering the proposal to protect those values, to answer the statute's demands. The recommendations could result in extensions to the area proposed for full Crown control. If this occurs, recreation access to the additional areas should be motorised and by means of the same track to proposed CA1 as that proposed for

conservation management ('d' - 'b' - 'c'), or, to reach this track, on a formed legal road from the airstrip to 'a', then 'b'.

FMC supports the proposed creation of easements on track sections which are not legal road.

Recommendations:

**** that, with exceptions discussed earlier in this submission, the proposed freehold be adopted.***

**** that public recreational access through the proposed freehold be motorised.***

**** that public recreational and conservation management access be by shared track 'd' to 'b' and thence to 'c', or, to reach this track, by forming the legal road from the airstrip to 'a' and thence to 'b' (Note: if the leaseholder finds the former unacceptable, then to fulfil the Act's obligations to recreation access and enjoyment, the latter, to be effected in part outside the lease, will be necessary).***

**** that easements proposed for track sections which are not legal road be adopted.***

Land classification

This tenure review should '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 technical data that has 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 or any part of any stewardship area for any other land*); precise classifications will address the Act's requirement that the review should 'enable the protection'.

Recommendation:

**** that public conservation land created by this tenure review be specifically classified as part of the process.***

Conclusion

Improved protection for natural values is needed for Mt Dasher's preliminary proposal to meet the statute's primary demands of promoting ecologically sustainable management and enabling protection of significant inherent values.

Public access and recreational enjoyment requirements of the Act should be met frankly; the proposal will need alteration to make access necessarily welcoming and practical.

Significant inherent values' protection on public conservation land is uncertain unless the land has specific classification. Using the tenure review's supporting technical data to appropriately classify parts of the property becoming public conservation land will ensure that this statutory priority - enabling protection of significant inherent values - is achieved.

Yours sincerely,

J. R. Finlayson
for FMC executive.

Contact: Jamie Stewart
Administrator, Federated Mountain Clubs
PO Box 1604
Wellington 6104
04 9346089
secretary@fmc.org.nz

Submission 8

Mr GD & Mrs JD Kingan
"Longridge"
RD15D
OAMARU 9492

11 December 2015

Commissioner of Crown Lands
Land Information New Zealand
Crown Property
CBRE House
Private Bag 4721
CHRISTCHURCH 8140

Email: pastoral&tenurereview@linz.govt.nz

Dear Sir

Mt Dasher Tenure Review

We refer to the notice in the Otago Daily Times in respect of the Crown Pastoral Land Act 1998 Mt Dasher Tenure Review proposal ("the proposal").

We make this submission on that part of the Tenure review that relates to the access to point "a" as shown on the Mt Dasher Preliminary Proposal designation plan 09022015.

We run a farming operation on neighbouring freehold land and Graeme is the registered proprietor of the freehold land, which would be affected by the use of Blackcap Road as the main access-way to point 'a'.

The proposal refers to "...point 'a' being reached via a legal road which is formed as far as the airstrip shown on the designations plan ...". Notwithstanding the comments in the proposal that route 'b-d' is not being proposed as the public access due to problems associated with gaining access through adjoining freehold land, we believe that this would be a better alternate to what is currently being proposed for the reasons set out below.

Blackcap Road:

- is not formed within the legal alignment and there would potentially be significant cost with re-aligning the road to its legal alignment (if this was possible due to the topography of the surrounding land) or with re-surveying the road so that the formed road matches the legal alignment;
- is a single lane road with no exit, no room for members of the public to turnaround without leaving the road and traversing private freehold property and no ability to pull over or park without obstructing the road;
- is not in a good state of repair, is a dry weather road and would need to be upgraded and require regular maintenance which may not be feasible.

Blackcap Road as previously stated is not on the legal alignment and therefore any vehicle movements along the formed road trespasses through private property.

Other matters which are of concern to us is that the "formed road" which is proposed as being the access, traverses privately held freehold land which is unfenced for approximately 6 kilometres. It would be impractical to fence this land and we would be concerned for the safety of any members of the public who deviated from the formed road but also for our stock particularly during the sensitive times of year such as lambing and calving.

As we were alerted to the proposal by the notice in the Otago Daily Times, we would appreciate information on what limitations there will be on the access to the DOC land by members of the public. Given the remote location and isolation of this area, is there intended to be any supervision or monitoring of compliance with the terms of access? What signs are intended to be erected particularly with respect to access, as members of the public bringing other animals through our freehold property, carrying of firearms, lighting of fires or careless disposal of cigarette butts is of significant concern to us.

We submit that route 'b-d' referred to in the proposal is a road which is in a significantly better condition, would be easier to maintain and traverses land that but for the proposal would still be under a pastoral lease and this should therefore be the access route.

Please consider this submission and we look forward to receiving the requested information.

Yours faithfully


Graeme and Judy Kingan