

## **Crown Pastoral Land Tenure Review**

**Lease name: MT POTTS**

**Lease number: PC 143**

### **Public Submissions - Part 2**

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

**July**

**06**

Submission

# Sever

Received 20/12/05

Royal Forest and Bird Protection Society  
PO Box 2516  
Christchurch Mail Centre  
Ph 03 3666 317  
Fax 03 365 0788  
e.sage@forestandbird.org.nz

19 December 2005

Tim Broad  
Opus Consultants  
PO Box 1482  
Christchurch  
tim.broad@opus.co.nz

Dear Tim Broad

## **SUBMISSION ON PRELIMINARY TENURE REVIEW PROPOSAL FOR MT POTTS PASTORAL LEASE**

### **1. INTRODUCTION**

The Royal Forest and Bird Protection Society (Forest and Bird) is New Zealand's oldest and most active voluntary conservation organisation. Formed in 1923 the Society has around 38,000 members in 56 branches around New Zealand. This submission is on behalf of the Society's Central Office and Canterbury/West Coast regional office.

The Society's constitution requires it to:

*"take all reasonable steps within the power of the Society for the preservation and protection of indigenous flora and fauna and natural features of New Zealand for the benefit of the public including future generations."*

*"Protection of natural heritage includes indigenous forests, mountains, lakes, tussocklands, wetlands, coastline, marine areas, offshore islands and the plants and wildlife found in those areas."*

The writer has visited Mt Potts several times in recent years.

### **2. PRELIMINARY PROPOSAL**

The quality of the Preliminary Proposal Map provided to submitters is very poor with topographical boundaries faint due possibly to repeated photo copying. This makes interpretation of proposed boundaries and fencelines difficult. Poor map quality has been a feature of maps supplied by Anderson and Associates. Forest and Bird requests that clear maps be provided in future as they have been in the past.

Forest and Bird understands the preliminary proposal (PP) to involve:

1. Restoration to or retention in full Crown ownership and control as conservation area .

2. Restoration to or retained in Crown control as conservation area approx.
  - CA1 - 212 ha Rangitata Riverbed south-east of Mt Sunday.
  - CA2 - 482 ha. Rangitata River floodplain north of Mt Sunday
  - CA3 - 8467 ha The Pyramid and hill country on Potts Range
  - CA4 -22 ha. Part of red tussock wetland adjacent to Hakatere-Potts Road.
3. Skifield concessions proposed for part of LA1 as part of CA3.
4. Freeholding to Mt Potts Station Ltd. of approx. 1005 ha. Mt Sunday and lower hill country north of Hakatere-Potts Road.
5. One conservation covenant CC1 on Mt Sunday and adjacent land.
6. New fences R-S, T-U, V-W and X-Y.
7. Public access easements and vehicles for management purposes easements "a-b" and "c-d".
8. Easement concessions – Right of Way "f-g" (Hakatere-Potts Rd to Mt Sunday) and "b-e" Skifield road.
9. Easement concession –Water supply "h-i", Potts River.

### 3. SUMMARY OF SUBMISSION

The establishment of CA1, CA2, CA3 and CA4 as conservation land is supported as these lands have high ecological, landscape and recreation values. Much of CA3 is steep and LUC Class VII and VIII so is unsuitable for farming.

Problems with the proposal include:

- Proposed freeholding of 135 ha. of Mt Sunday and associated wetlands despite their high significant inherent values (ecological, landscape and recreation) which deserves protection as conservation land.
- Weak covenant conditions for CC1 Mt Sunday which, by allowing oversowing and topdressing, matagouri clearance, and high stocking do not protect significant inherent values and will encourage their degradation.
- Stock access to Deep Creek and associated wetlands.
- Exclusions of tall tussock wetlands from CA4 and continued stock damage given lack of fencing.
- Lack of suitable roadside area for visitor facilities such as toilets and carparking.
- Lack of commitment or bond for weed control.
- Failure to implement concession requirements of Crown Pastoral Land Act (CPLA).
- Lack of specificity in the skifield concession, the lack of any impact assessment despite potential for significant impacts and the long 30 year term.

### SPECIFIC SUBMISSIONS

#### 4. CC1 MT SUNDAY AND ASSOCIATED WETLANDS DESERVE PROTECTION AS CONSERVATION LAND

The freeholding of Mt Sunday and significant wetlands to the west, south and south-east of Mt Sunday is strongly opposed as being contrary to s24 (b) CPLA because of the failure to protect an area with high significant inherent values (SIVs).

The Department of Conservation (DoC) recommended that all of Mt Sunday and associated wetlands including those between the moraine hummocks and between the hillock and Deep Creek<sup>1</sup> be protected<sup>2</sup> because of the area's landscape, recreation, and ecological values. Proposed CC1 should be a priority for restoration to full Crown ownership and protection as conservation land because these three types of SIVs all occur here. Two are rated high or outstanding and recreational potential is also high.

No substantive reasons are given why all of this area is not proposed for secure protection as conservation land as DoC sought. Without intensive development and OSTD the grazing values of a 135 ha are limited, suggesting that development and loss of indigenous character is likely to follow freeholding. Commercial tourist visits to Mt Sunday as a *Lord of the Rings* location could be accommodated through a concession.

Freeholding is opposed and the Mt Sunday area deserves protection because:

1. As a prominent roche moutonee, Mt Sunday is a distinctive landscape feature and makes an "an important contribution to the upper Rangitata". In the Conservation Resources Report it is assessed as having "high" landscape values. It is assessed as having "extremely high visual resource values" and being "sensitive to change" including from farming activities such as construction of tracks and fences.<sup>3</sup>
2. Past recreational use may not have been high because of the need to seek permission for access. Mt Sunday's proximity to the road, gentle terrain, association with the *Lord of the Rings* and the sweeping views of the valley and surrounding mountains from the top mean it is likely to be increasingly popular for walkers, scenic sight seeing, nature and landscape photography and similar recreational activities.
3. The Proposed Designations Report<sup>4</sup> details the outstanding SIVs of the 438 ha. Area 2 Rangitata Floodplain and Mt Sunday. (See Appendix 1 attached). It says grazing should not be permitted. Mt Sunday's tarns and open water wetlands differ from the tussock wetlands protected in CA1 and the riverbed floodplain communities of CA2.
4. Significant and natural wetlands, such as those on and around Mt Sunday, are not well represented on conservation land. The CRR contains a detailed description of the wetland plant communities (see Appendix 2 attached). The wetland areas are

<sup>1</sup> Deep Creek is the large stream channel between Mt Sunday and the Hakatere-Potts Rd. It is not named on NZMS 260 Mt Harper topographical map.

<sup>2</sup> DoC Values Map 26 March 2003 and DoC Recommendations Map 27 March 2003

<sup>3</sup> DoC, (June 2003) "Mt Potts Conservation Resources Report" at pp5-6.

<sup>4</sup> Anon (31 March 2003) Proposed Designations report – Tenure Review on Mt Potts pastoral lease at p 4-6.

part of Hakatere RAP 21 Rangitata River recommended for protection as a priority natural area in the Protected Natural Areas survey programme report in 1986 for the Heron Ecological Region.<sup>5</sup> Given that PNA survey reports only recommend the areas of highest botanical value for protection, the PP's failure to implement its conclusions is a major concern.

5. The area is part of the Upper Rangitata Special Site of Wildlife Interest which is classed as being of "outstanding value to wildlife".<sup>6</sup>

The Mt Sunday tarns, wetlands and associated riverbed, and Deep Creek support at least 21 indigenous bird species including seven species threatened with extinction<sup>7</sup>. These include the "nationally endangered" bittern, "nationally vulnerable" wrybill and Caspian tern, three species in "serious decline" - grey duck, black-billed gull and black fronted tern, two species listed as "sparse" - black shag and marsh crane.

Other species recorded in the Mt Sunday wetlands include NZ shoveller, NZ scaup, paradise shelduck; and on Mt Sunday itself New Zealand pipit, Australasian harrier,, grey warbler. Mt Sunday also provides good lizard habitat.

Three of New Zealand's 27 native species of freshwater fish were recorded in the Mt Sunday wetlands - upland bully, alpine galaxias and Canterbury galaxias.

6. Freshwater wetlands are one of the most productive of all natural ecosystems, yet also one of the most depleted and threatened with 90% of New Zealand's wetlands having been destroyed. Wetland communities are not well represented on conservation land. Freeholding them and their associated catchment area is inconsistent with Government's High Country objectives (g)<sup>8</sup> and the NZ Biodiversity Strategy. Goal 3 of the Strategy seeks to halt the decline in indigenous biodiversity and "*Maintain and restore a full range of remaining natural habitats and ecosystems to a healthy functioning state, enhance critically scarce habitats...*"(my emphasis).
7. The Preliminary Proposal (para 3.3, p 6) is incorrect in claiming that "*all of the area* (proposed for freeholding) *has been heavily modified by pastoral use over many years.*" The CRR says the Mt Sunday wetlands have high or moderate to high naturalness<sup>9</sup>. With the removal of stock, there is a high potential for regeneration as has occurred at Lakes Emma and Roundabout after grazing ended.

<sup>5</sup> Harrington W.M.A. et al (1986) "Heron Ecological Region, Arrowsmith, Hakatere and Two Thumb Ecological Districts. Protected Natural Areas Programme Survey Report 4". Department of Lands and Survey at p 124.

<sup>6</sup> O'Donnell C.F.J. and Moore S.M (1983) "The wildlife and conservation of braided river systems in Canterbury". Fauna Survey Unit Report No. 33 Department of Internal Affairs, Wellington

<sup>7</sup> Listings are from Hitchmough R (compiler) (2002) "New Zealand Threat Classification System Lists", Threatened Species Occasional Publication 23, Department of Conservation, Wellington.

<sup>8</sup> As set out in Cabinet Policy Committee "South Island High Country Objectives" POL Min (05) 2/9.

<sup>9</sup> DoC (June 2003) "Mt Potts Conservation Resources report at p 11.

8. The area supports two threatened plant species – *Aciphylla subflabellata* and *Olearia bullata* – listed as “sparse. Continued grazing risks their survival.
9. The proposed freehold extends right up to the spring fed Deep Creek. The boundary is unfenced which exposes Deep Creek and associated streams and wetlands to the continued impacts of grazing stock. The Deep Creek wetland complex is one of the largest spring fed wetlands in Canterbury<sup>10</sup>. Stock trampling, bank erosion and “considerable silting”<sup>11</sup> are already obvious on stream margins. Cattle browsing and trampling has damaged wetland margins and nutrient enrichment is likely to be occurring.<sup>12</sup>

Continued cattle and potentially deer grazing and potentially deer will cause desiccation, pugging of margins, trampling and destruction of wetland plants, and nutrient enrichment and eutrophication.

10. Freeholding Mt Sunday and continued farming and grazing will not promote ecologically sustainable management or protect SIVs. More intensive stocking of cattle and deer will damage the margins, habitat values, integrity and healthy functioning of Mt Sunday, its and the Deep Creek wetlands and associated streams. The proposal fails to consider the impacts of continued grazing or OSTD on SIVs.

One of the leasees has said “*he is no longer intending to run sheep (merinos)*” and his intention is to “*focus on farming deer, cattle and tourism aspects*”<sup>13</sup>. Considerable development of the flats, including cultivation and irrigation, and of the paddocks east of the Hakatere-Potts Road has occurred recently.

Currently the whole of Mt Potts property only runs 110 cows, 20 replacement heifers and three bulls in addition to sheep.<sup>14</sup> More intensive stocking and up to 1080 stock units of deer, goats and cattle solely on the 135 ha. Mt Sunday area after freeholding risks progressively destruction and degradation of wetland and riparian values, tussock and shrublands.

The monitoring programme provides scant safeguard for SIVs because much damage can occur during the three years before the need for a fence along the Deep Creek boundary is reviewed. Even if a fence is erected this would still leave the wetlands around Mt Sunday exposed to stock grazing.

11. The covenant does not provide secure protection and will not protect the significant values listed in clause 2 of Schedule 1 of the covenant.

The fencing strategy for the area has not been well thought through. Nothing in the covenant terms require the Mt Sunday wetlands and tarns to be fenced or prohibit stock access.

<sup>10</sup> Anon (31 March 2003) Proposed Designations report – Tenure Review on Mt Potts pastoral lease at p 6.

<sup>11</sup> DoC (June 2003) “Mt Potts Conservation Resources report at p 20.

<sup>12</sup> DoC (June 2003) “Mt Potts Conservation Resources report at p11.

<sup>13</sup> Churcher, R. “Mt Potts Minutes of Leaseholder Meeting 18 December 2003”.

<sup>14</sup> Dench, B ( Undated) Scoping report CPL Pre Tenure Review Assessment Standard 6 at p 4.

The lessee has “*reserved the right to renegotiate the terms of the covenant in future*”<sup>15</sup> and neither LINZ nor DoC or their agents challenged this. This provides no certainty to the public. Such renegotiation potentially allows further weakening of already weak conditions.

Clause 3.1.2. of the covenant allows chemical spraying of matagouri and clause 3 of Schedule 2 allows oversowing and topdressing. This and continued grazing will promote the progressive degradation of the SIVs and the destruction of “*the plant communities representative of the original vegetation of the area, wetland and shrubland*” which Schedule 1 or the covenant purports to protect.

Large areas of matagouri to the west of the Hakatere-Potts Rd have been killed by spraying. Spraying the matagouri dominated shrublands on the south western slopes of Mt Sunday will destroy habitat for invertebrates, birds, plants, and lizards. Oversowing and topdressing will progressively compromise the tall tussock and fescue tussock grasslands, reduce the diversity of indigenous plant communities, increase the presence of exotic grasses, and turn Mt Sunday into a bright green hillock reducing its landscape character and naturalness. These are all values which Schedule 1 seeks to protect.

12. With increased tourism profile as a result of *Lord of the Rings* tourism operators may seek to land helicopters on or close to Mt Sunday. This risks disturbing birdlife and peaceful enjoyment. No conditions prevent this.

#### Decision sought

##### Option A – favoured

Protect all of CC1 Mt Sunday as conservation land which would recognise its high SIVs and be consistent with CPLA. A transitional grazing lease is not appropriate given the area’s high wetland and freshwater ecology values.

If sought by the lessee, a concession for tourist visits to Mt Sunday may be appropriate, with controls on vehicle access to prevent damage to Deep Creek, streams and wetlands.

##### Option B if Forest and Bird’s submission for protection is ignored

If freeholded as a minimum:

- a. Remove from CC1 all tarns and wetland areas and an appropriate buffer area eg the hummocky moraines at the southern end of Mt Sunday. Add these to CA2, so that only the actual hillock of Mt Sunday is freeholded.
- b. Fence the base of the hillock to prevent stock access to Deep Creek and the Mt Sunday wetlands.
- c. Amend clause 3.1.2 of conservation covenant to prohibit clearance of matagouri.
- d. Delete clause 3 of Schedule 2 of the covenant to prohibit oversowing and topdressing, except for oversowing of indigenous tussock or other locally appropriate indigenous species.

<sup>15</sup> Churcher, R (14 March 2005) Minutes of Consultation Meeting on 11/3/2005.

- e. Take ecological advice and substantially reduce the proposed 1080 limit on stock numbers with the objective of maintaining or improving current tussock and shrubland cover.
- f. Fence "x to y"
- g. Ensure any new fencing or structures require DoC's consent.
- h. Prohibit helicopter landings for scenic air tourism.

## **5. CA4 TOO SMALL AND LACK OF FENCING WILL NOT PROTECT SIVS**

Making CA4 a small and isolated reserve unconnected to other protected land makes it more difficult to sustain the area and its tall tussock wetlands in the long term. No reasons are given for the narrow strip of freehold land which severs CA4 from CA1, particularly as the Hakatere-Potts Rd provides access for moving stock.. The boundary is illogical and impractical from a conservation perspective.

Leaving CA4 unfenced exposes it to cattle damage and grazing and progressive dessication of the wetlands and incursion of exotic grasses from stock on adjacent freehold land. Again this is contrary to recommendations in the Designation report to end grazing and protect the SIVs.

Valley floor tall tussock wetlands have been extensively depleted and are now uncommon. There is considerable potential for regeneration if grazing is removed. Their proximity to the Hakatere-Potts Road makes them a significant and accessible landscape and natural feature.

### Decision sought

Extend CA4 to include all tall tussock and connect it with CA1 for all of the length of CA4.

Fence the extended CA4 at its northern and southern boundary to protect from stock.

## **6. AREA FOR CARPARKING AND ROADSIDE FACILITIES NEEDED**

There is already significant scenic viewing trips up the Hakatere-Potts Road, particularly since *The Lord of the Rings*. The PP does not consider future recreational use 20 to 30 years hence and likely increased popularity of the area.

A small area of conservation land adjacent to the Hakatere-Potts Road is needed for road end style visitor facilities (e.g. car parking, information boards, toilets, camping and picnicking. This would enhance the ability of the general public, and those with lower fitness or outdoor skill levels (unlikely to do multi-day tramping or hunting trips) to access and enjoy reviewable land.

Such an area would also reduce the intrusion on the landholder and prevent problems with inappropriate toileting and carparking on future freehold land close to the road.

The riverbed areas of CA2 and CA3 are unsuitable for increased vehicle access because of their outstanding ecological and wildlife values. CA4 is unsuitable because this would require clearance of red tussock or matagouri shrublands.

Decision sought

Extend CA4 or CA2 so that it meets the Hakatere-Potts Road to provide an area for carparking and associated facilities e.g. toilets and camping.

**7. STRONGER COMMITMENTS NEEDED FOR WEED CONTROL**

The CRR (p14) describes problem plants with a potentially significant effect on indigenous plant communities which can be controlled or contained. Current infestations of crack and grey willow are small in scale but without control may spread. Both are a significant threat to conservation values.

Inadequate control and subsequent spread of broom from the lease onto the Potts riverbed has been a major ongoing problem.

Decision sought

The Proposal should to include a bond for weed control and/or covenant conditions to require control of crack willow and broom on the proposed freeholded land.

LINZ and DoC should make a commitment to control other weeds described in the CRR on land proposed as conservation land.

**8. PROPOSED SKI FIELD CONCESSION OVER LA1 AS PART OF CA3**

**General comments**

Forest and Bird does not object in principle to a skiing concession over the current Mt Erewhon skifield area particularly if it is maintained at similar levels to the current operation. The proposal, however, does not comply with the CPLA or the Conservation Act.

The Minister of Conservation or his delegate should refuse consent under s51 (3) CPLA to the substantive proposal containing any concession designation similar to that in the Preliminary Proposal (PP) for the following reasons:

1. The concession does not satisfy the requirements of s51 of the CPLA or the concessions provisions of the Conservation Act 1987. Section 51(2) CPLA requires the Minister of Conservation the Minister "to have regard to" "the effects of the activity or facility" and to "any relevant environmental impact assessment" before consenting to a substantive proposal containing a concession. Section 17S (1) (c) Conservation Act requires the applicant to provide an environmental impact assessment. Effects of the skifield and heli-skiing activities are not described anywhere in the PP and no environmental assessment has been prepared.

2. Section 17U (2) Conservation Act enables the Minister to decline an application if inadequate information is provided. That should occur here. Lack of an effects

assessment or any place specific conditions means effects cannot be avoided, remedied or mitigated.

3. The concession provisions are very broad. There are with no limits on client numbers for the ski-field or heliskiing or heliboarding operations and associated aircraft activity. While the skifield is clearly confined to LA1, the concession document does not confine aircraft landing sites or heliskiing areas to LA1. If helicopter landings are allowed outside of LA1 this reduces other recreational users' opportunities for peaceful enjoyment of the rest of CA3.

There are no conditions controlling aircraft landing sites, the number of landings, their frequency, or number of aircraft able to be used.

There is no condition limiting aircraft use to positioning skiers and snow boarders. The looseness here would enable commercialisation of conservation land for overseas tourists on champagne picnics.

4. Clause 2(i) of Schedule 1 of the concession document defines the concession activity as: "*The exercise of full management and control of all activities relevant to the operation and maintenance of an alpine downhill skifield.*" This suggests that the Grantor's role is limited and potentially compromises her/his ability to decline consent or impose condition on activities requiring approval.

5. The concession activities have potential significant adverse effects which have not been assessed. These include:

- Disturbance of wildlife The Rangitata is an outstanding habitat for braided river birds such as wrybill, banded dotterel, and black fronted tern. The Environment Court recognised the upper river's outstanding values in recommending a water conservation order for the river. Increased aircraft activity over the riverbed may disturb breeding birds and affect breeding success. The concession does not restrict aircraft activity to any particular areas.
- There is increasing public and user concern about degradation and loss of natural quiet and other impacts of aircraft noise. Granting the concession potentially allows a major increase in aircraft use with the potential for significant noise pollution and commercial use impacts on new and existing conservation lands e.g. Hakatere Conservation Area if overflights occur over there.
- Recreational use of the Potts Range is likely to increase once it becomes conservation land. Peaceful enjoyment of nature, physical effort and sometimes the navigational skills required to reach areas on foot, the sense of achievement and self reliance involved are part of the recreational experience. Allowing an unlimited number of heliskiing parties and landings potentially affects that experience.
- There is the potential for cumulative effects (particularly loss of natural quiet) when considered with other existing or proposed (e.g. Mesopotamia) aircraft activities.

- Clause 2(d) of schedule 1 allows “*The maintenance and operation of a building necessary to provide shelter and facilities on the snow ski field*” with no limits on the size of the building. There are no provisions controlling extensions. While current lessees may have no major expansion plans there is nothing to limit any extensions or complete rebuilding of existing current structures. Clause 11 of the Concession document requires the Grantor’s permission for new facilities, but does not give the Grantor the discretion to decline this.
- Snow grooming may damage tussock and other skifield vegetation.
- Scattered infestations of gorse occur along the Erewhon Skifield Road. Vehicle use on the road provides a potential vector for weed spread. The concession conditions lack specifics to control this.

Under the Department’s Temporary Aircraft Landing Permit (TALP) system, an application is considered on a site specific basis and appropriate conditions can be imposed. Given that this happens with temporary permits it should be mandatory for a longer term concession such as this.

#### **Other issues**

Clause 35.2 only gives the department the power to vary the concession conditions for effects which are not foreseeable at the time of granting or in response to inaccurate information. The effects of significant skiing and heliskiing activity are foreseeable but have not been addressed in the conditions.

No information on safety plans is provided.

No conditions require removal of redundant skifield equipment eg old tow equipment.

#### Accommodation

Clause 6 Schedule 1 refers to a concession activity fee for “*field... accommodation*”. Forest and Bird understands that accommodation is not currently provided in LA1. This suggests that it would be permitted under the concession. This is opposed given the potential for significant impacts in an alpine area (e.g. sewage, greywater disposal). Accommodation is more appropriately provided at the current lodge site near the homestead.

#### Monitoring

The activity’s effects cannot be effectively monitored given the widespread nature of the activity and the lack of a baseline to monitor against. With no limits on landing sites or frequency of landings the department can not address any issues raised by monitoring, e.g. by reducing landings.

There is no mechanism in the document for DoC to decline consent, or require activities to be changed to reduce the impacts of concessionaire’s activities, even if monitoring shows impacts.

**Concession term**

The proposed 30 year term is excessive, particularly given the liberal regime proposed and lack of controls on aircraft activity or other commercial use.

Over the 30 year term, the scale, intensity and extent of tourism activities are likely to increase. Large client numbers and the aircraft and snow cat use to service them may increase the impacts on landforms and vegetation and on the recreational experience of other users.

Decision sought

Decline the proposed concession. Require the prospective concessionaire or an independent person to prepare an environmental assessment which describes and assesses potential effects, identify the sites at which the ski touring, heliskiing, aircraft landings are to be undertaken. Renotify the proposal for public comment. This is Forest and Bird's favoured option and is appropriate given the breach of s51 CPLA.

If a substantially amended proposal is not renotified, reduce the proposed term to 10 years given the lack of an effects assessment or First Determination Report, and the way in which public consultation has been obstructed by the lack of information.

In Clause 2 (i) of Schedule 1 amend the description of the concession activity to read: *"The operation and maintenance of an alpine downhill snow ski field."*

In section 11 Concessionaire's Structures, Facilities, and Land Alternations, add "The grantor may decline such approval" to Clauses 11.1 and 11.5.

In section 14 Advertising, add "The Grantor may decline such approval" to clause 14.1.

In Clause 6 Concession fee of Schedule 1 of the concession, replace "on field... accommodation" with "on field .....day shelter " or delete entirely.

Include new conditions which limit aircraft landing sites to the LA 1 area and for the purpose of heliskiing, snow boarding or other snow sports. Set a limit on the number of landings per season. This could be done by averaging the number of clients Mt Potts skifield has had on each activity over the last three years, allowing for expansion and using this as the limit for the activity. If a major expansion of skifield facilities and activities is proposed the concessionaire could apply to amend the conditions and DoC could notify this.

Require regular steam cleaning of vehicles used on the Erewhon Skifield Road to avoid introduction of further weeds. Amend condition 13.2 to require removal of current gorse infestations on the road.

Yours faithfully

Eugenie Sage

Regional field officer

**Attachments**

- Appendix 1 Extract from Mt Potts Proposed Designations Report, March 2003 pp 4-6
- Appendix 2 Extract from Mt Potts Conservation Resources Report, June 2003 p 11

Appendix 1 Extract from Proposed Designations Report, March 2003

Fences: Upper boundaries of the area do not require fences. New fences will be required along most sections of the proposed lower boundary.

Public Access: Public foot access to the area is readily available from the Potts River.

Pest Control: Monitoring and control of any woody weed infestations (broom, gorse or wilding trees) will be required to protect the natural values of this area. The main infestations of broom are in the Potts River adjacent to the area, and in lower Powerhouse Stream. Removal or control of tahr and other wild animals may also be required.

Management: Grazing of the area should not be permitted. The provision of gates or stiles may be required to facilitate public access to parts of the area. No other recreation facilities are likely to be necessary to meet existing demand for public use of the area.

**2.1.2 Area 2 Rangitata Floodplain and Mt Sunday**

*Existing Status*: Pastoral Lease

*Authority*: s.35(2)(a)(i) CPLA

*Proposal*: That an area of approximately 438 hectares be designated as a Conservation Area for the purpose of protecting natural and historic resources, especially wildlife and wildlife habitat, and that this area be managed by the Department of Conservation.

*Description*: The low-altitude floodplain of the Rangitata River, including the Mt Sunday roche moutonnée and moraine: bordered to the northeast by the Hakatere-Potts Road; to the east by developed pastures.

*Justification*: The land is characterised by areas that have the following significant inherent values:

1. Areas which sustain the special natural quality and integrity of the High Country landscape, especially the indigenous component:
  - This area makes a special contribution to the upper Rangitata landscape, as it forms part of the extensive river floodplain that dominates and gives scale to the mountain landscape beyond.
  - Within this area, Mt Sunday provides visual contrast and relief in the open floodplain, and itself contributes to the integrity of the Canterbury high country landscape.
2. Areas which sustain the most culturally valued attributes (scenic, aesthetic, recreational, historic) and their context within a natural high country landscape:
  - The visually-prominent Mt Sunday has high scenic and aesthetic values; values that have achieved international prominence as a location for filming of "Lord of the Rings".
3. Areas which would currently meet the Protected Natural Areas Programme criteria for selection as priority natural areas, sites of special wildlife significance ranked as 'outstanding' to 'moderate-high', or wetlands of national or regional significance:
  - Parts of the area contain plant communities representative of the original vegetation of the area: wetland and shrubland.
  - The area contains part of an area recommended for protection by the PNA Programme: Hakatere PNA 21, Rangitata River.

- The area contains a moderately diverse range of plant communities, and high diversity within plant community types, especially wetland communities.
  - The area has moderate naturalness values, with local areas of high naturalness.
  - The area is part of the Upper Rangitata SSWI: ranked “outstanding” for wildlife.
  - Wetlands in the area attained the highest ranking in an assessment of wetlands of regional significance.
4. Habitats of threatened species:
- The area supports populations of a bird species listed as “nationally endangered” by Hitchmough (2002): Australasian bittern.
  - The area supports populations of bird species listed as “nationally vulnerable” by Hitchmough (2002): wrybill and Caspian tern.
  - The area supports populations of bird species listed as “serious decline” by Hitchmough (2002): grey duck; black-billed gull and black-fronted tern.
  - The area supports populations of bird species listed as “sparse” by Hitchmough (2002): black shag and marsh crake.
  - The area supports populations of plant species listed as “sparse” by Hitchmough (2002): *Aciphylla subflabellata* and *Olearia bullata*.
  - The area has habitat that is likely to support populations of upland longjaw galaxias, a species listed as “sparse” by Hitchmough (2002).
5. Type localities and habitats of species and communities which are at their distributional limits and/or endemic, or species, communities, habitats or ecosystems which are uncommon and/or endemic in the ecological district:
- Areas of floodplain immediately adjacent to the area support good populations of *Luzula celata*: a plant listed as “serious decline” by Hitchmough (2002).
6. Key breeding or feeding sites of fully protected wildlife:
- The area is characterised by a high diversity of foraging and breeding habitats, including all those representative of wetland systems.
  - The area provides habitat for at least 21 different indigenous bird species, including all bird species representative of high country floodplain habitats.
  - Rock outcrops in the area provide important habitat for common gecko “Southern Alps”.
7. Areas which make a special contribution to the overall quality, natural functioning and ecological integrity of significant values (e.g. linkages, buffers etc.) whether in their present or potential state:
- The area is reasonably well buffered by the extensive Rangitata River floodplain, though the effectiveness of this buffer will depend on whether the floodplain area is grazed by domestic stock.

- The wetland complex, of which this area is part, is one of the largest spring-fed wetlands in Canterbury. It has high habitat values, which are enhanced by the proximity of different habitat types to one another and the extent to which these habitats are linked.
8. Significant inherent values associated with historic places and cultural resources:
    - The area includes the well-known hillock of Mt Sunday, an area that has been given much greater prominence by recent use of the area as a location for filming "Lord of the Rings".
  9. Settings of high natural or historic value for outdoor recreation opportunities:
    - The area is a prominent and accessible location with considerable potential for walking, picnicking, scenery viewing, photography, fishing and nature study.
    - The area is likely to become increasingly popular as a recreation and tourism destination, due to the exposure the area has received in the film "Lord of the Rings".
  10. Other significant recreation settings which provide for regional outdoor recreational opportunities:
    - The area forms an important part of the distinctive upper Rangitata Valley landscape: a scenic resource of increasing importance for recreation and tourism.
    - The area is a popular destination for fishing.

*Management and boundary issues:*

Boundaries: The boundaries of this area follow property boundaries on the Rangitata River floodplain, and the Hakatere-Potts Road to the northeast. The area is mostly surrounded by UCL on the riverbed.

Fences: Existing fences are present along the developed paddocks at the eastern end of the area. Fences will be required on all other boundaries if riverbed lands continue to be grazed by domestic stock (though ideally grazing of riverbed lands should cease, so that the high natural values of these lands are not compromised).

Public Access: Public foot access to this area is readily available from the Rangitata riverbed and via existing formed tracks from the Hakatere-Potts Road. Vehicle access could be provided to Deep Creek via existing vehicle tracks; vehicle access across Deep Creek should not be permitted.

Pest Control: Control of plant pests (broom, gorse, crack willow and wilding pines) and animals (especially rabbits) may be required to maintain the natural values of this area.

Management: No grazing of this area should be permitted. Ideally, grazing of the adjoining riverbed lands should also cease. A footbridge across Deep Creek and a marked route to the summit of Mt Sunday are likely to be required to meet the expected demand for recreational use of this area.

Appendix 2

## Extract from Mt Potts Conservation Resources Report, June 2003

RELEASED UNDER THE OFFICIAL INFORMATION ACT

commonly, mountain totara. Beech mistletoe (*Peraxilla tetrapetala*) was observed in the Erewhon Ski Field valley remnant.

Mountain totara forest or treeland is uncommon and sparse on the property. The largest and most dense examples are in the Potts River gorge, and the Erewhon Ski Field valley gorge. Small patches are scattered in gullies and bluffs in the Rangitata Valley.

Wetland communities

The main wetlands on the property are on the Rangitata River floodplain, around Mt Sunday and on the lateral moraine terrace. Smaller wetlands (flushes) occur on lower mountain slopes above the Rangitata River and on the Potts River floodplain.

Wetlands on the Rangitata River floodplain form a complex mosaic determined by substrate, water source (active channels, subsurface or springs) and the successional age of the surface. The main wetland types are characterised by bog-rush, red tussock or sedges (*Carex* spp.), and are associated with stable spring-fed channels and backwaters. The largest wetlands are found southeast of Mt Sunday adjacent to Deep Creek<sup>2</sup>. Prominent plants in these wetlands include red tussock, bog-rush, sphagnum, *Carex sinclairii*, *Carex coriacea*, matagouri, mingimingi, tussock sedge, *Carex virgata*, native violet, *Celmisia gracilentia*, clovers, lotus, sweet vernal, browntop, Yorkshire fog, ferns, and occasionally mouse-ear hawkweed. There is some stock damage in these wetlands, especially from cattle. The wetlands visited varied in naturalness from low-moderate to high.

There are several wetlands on the lower slopes of Mt Sunday. A small one on the southwest side is dominated by red tussock, bog-rush, *Carex sinclairii* and scattered soft rush. Water in the adjacent tarn appears very eutrophic, and cattle pugging is widespread. An adjacent degraded wetland of bog-rush and fescue tussock contained two plants of the threatened *Aciphylla subflabellata*. The main wetland immediately south of Mt Sunday is roughly one-third open water. It supports sedges, *Eleocharis acuta*, mingimingi, tussock sedge, bog-rush, *Potamogeton cheesemanii* and several patches of raupo. Stock damage is restricted to the margins, though nutrient enrichment is likely to be occurring through fertiliser run-off and stock waste. Naturalness here was close to high. No other wetlands of this type were seen on the property.

Southeast of Mt Sunday is another wetland covering approximately 300x200m. This wetland contains sedges, bog-rush, red tussock and a small area of open water. Other plants include fescue tussock, matagouri, mingimingi, native violet, *Celmisia gracilentia*, *Anisotome aromatica*, *Blechnum penna-marina*, *Ranunculus glabrifolius* and mosses. Sweet vernal, browntop and lotus are locally prominent. Cattle damage is largely confined to the margins. Naturalness is moderate-high.

In the main shrubby gully northwest of Powerhouse Stream, a substantial wetland occurs adjacent to shrubland at around 620m. It contains bog-rush, *Blechnum penna-marina*, *Blechnum* sp. "gracilis", *Olearia bullata*, sphagnum, tauhinu, matagouri, mingimingi, *Coprosma rugosa*, scrub pohuehue, mountain flax, *Astelia nervosa*, tutu, *Carex coriacea*, *Carex virgata*, narrow-leaved snow-tussock, native broom, native violet, Maori onion, soft rush, sweet vernal, white clover and several plants of broom. Naturalness varies from moderate to moderate-high.

Among tall tussockland on the lateral moraine, cushion bogs and flushes are numerous. They are dominated by comb sedge, sphagnum and bog-rush. The naturalness of these wetlands typically varies from moderate to high. Some have been damaged by sheep grazing and trampling and, in those situations, naturalness may be reduced to low-moderate. There are several small tarns, but none were visited.

<sup>2</sup> Deep Creek is the large stream channel that lies between Mt Sunday and the Hakatere-Potts Road.

Submission # Eight

Received 21/12/05



20 December 2005

Opus International Consultants  
Level 3, Te Waipounamu House  
158 Hereford St  
P O Box 1482  
Christchurch

Attn: Tim Broad

Dear Tim,

TENURE REVIEW - MOUNT POTTS PASTORAL LEASE

On inspection of the preliminary proposal for the property above, it is not clear where existing fence lines are to be retained and how these relate to existing fences. Fish and Game submit that the proposed new fence lines will not achieve the objectives of the review, namely to protect the values of the property.

Specifically, it seems that Deep Creek will not be protected by fencing to exclude stock. Schedule 2, 1:3 states that a monitoring programme will be undertaken,  
a. To ensure that the ecological integrity of Deep Creek streambed and banks and surrounding vegetation and the tarns wetland area is maintained.

but then contradicts this Special Condition by going on to say that if after three years and the condition and extent of ecological condition has deteriorated, the boundary may be fenced.

This provides no assurance to the Fish and Game Council, and our licence holders that the outstanding values of the creek will be protected. It is known that Deep Creek is the lifeblood of the Rangitata River and Fish and Game invested heavily

in obtaining a National Water Conservation Order to protect the outstanding salmon fishery values of the river.

These outstanding values were recognized by the Special Tribunal that recommended to the Minister for the Environment that a Water Conservation Order be granted.

The effects of stock grazing on water quality are well documented and the values described above (and recognised by a National Water Conservation Order) cannot be protected without ring fencing. The biggest threat to the habitat values associated with Deep Creek is from land use change, and particularly cattle and deer grazing within the catchment area. Fish and Game recognize that deer are not included in the special conditions, but cattle are.

The impacts resulting from the above will lead to a reduction of spawning area and habitat available and ultimately a decline in the Rangitata salmon fishery.

The significance of Deep Creek to the continued sustainability of the Rangitata River salmon fishery cannot be over emphasised. It is without doubt the major spawning stream for the Rangitata River. It is essential that the stream is kept in its existing natural state and look to the tenure review process to achieve the protection it deserves. This protection is not afforded by the current preliminary proposal and we request that the issues are addressed by way of fencing out of stock from Deep Creek.

Also, Fish and Game have not been involved in any consultation with regard to the proposed monitoring programme and were not aware such a programme was being developed.

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

Yours Sincerely

B Z Pringle

North Canterbury branch  
Royal Forest and Bird Society...Kiwi Conservation Club  
PO Box 2389  
Christchurch  
19/12/05

Submission # Nine

Received 21/12/05

**Tenure Review Mt Potts**

I am a local coordinator with the national organisation, the Kiwi Conservation Club (junior section of the Forest and Bird Society with over 400 membership in our area. North Canterbury) Over the past 17 years I have frequently visited the Mt Sunday area with groups of eager young naturalists. It is a magnificent place and a popular destination with the children and their parents for a high country wilderness experience.

It is just great to watch salmon spawning in the feeding tributaries of the Rangitata, traverse the wetlands, enjoy the gentle climb up Sunday and visit robins in bush in that vicinity. on the right side of the road as you head for Erewhon. And all within a stones throw of the Clearwater and Camp settlement where we have overnighted.

The views from Sunday are stunning and what a place for a come alive geology lesson!... nevermind the enchantment of the Lord of the Rings connection.

It would be ideal if this area could be in the conservation estate. A fenced and easily obvious walkway could lead you to the top of Mt Sunday from the road.. looking similar to the path from the Summit road to Gibraltar rock on the Port Hills.

Please keep Mt Sunday, and its surrounds in the ownership of all present and future New Zealanders.

Yours Sincerely

Maria Stoker-Farrell  
Co-ordinator  
KCC  
Christchurch

Submission # ten

Received 21/12/05  
MtPotts-20Dec05.doc

## New Zealand Deerstalkers' Association Incorporated

Level 1 45 – 51 Rugby Street P O Box 6514 Wellington  
 Phone: 04 801 7367 Fax: 04 801 7368  
 Email: [deerstalkers.org.nz](mailto:deerstalkers.org.nz)  
 Website: <http://www.deerstalkers.org.nz>

20 December 2005

Commissioner of Crown Lands  
 C/o Tim Broad  
 Opus International Consultants Ltd  
 Box 1482  
 Christchurch  
[Tim.broad@opus.co.nz](mailto:Tim.broad@opus.co.nz)

### Submission: Mt Potts Pastoral Lease Tenure Review: Prelim Proposal

This submission is made on behalf of the New Zealand Deerstalkers' Association Incorporated (NZDA).

NZDA is the national body of recreational deerstalkers and other big game hunters. We have 57 branches and a number of hunting clubs throughout New Zealand. We have 7200 members, and have been actively advocating for deerstalking and recreational hunting, and running deerstalker training courses, trips, conferences etc since 1937. NZDA also maintains the ethical side of hunting by maintaining ethics for hunting, including fair chase, and encouraging harvesting of animals taken.

#### 1 Summary of NZDA Position - Mt Potts:

There are big game recreational hunting values to the high land surrendered. We strongly support this surrender. Recreational deerstalkers would appreciate vehicle access up the road to the skifield, for the management purposes of more readily transporting out any game harvested.

NZDA's Code of Ethics requires that, normally animals taken should "endeavour to make full use of the game taken." Ability to use a vehicle for taking carcasses out would significantly increase hunting pressure. We ask that this be allowed, as a management purpose with a hunting permit is issued to shoot on this surrendered land, and adjacent public land.

We also support the public access covenant (CC1). This will allow the public access to Mt Sunday, an important filming site in Lord of the Rings. A great move.

**Public Access:** See above for vehicular access. NZDA would also like to see public walking access across the freehold to Powerhouse stream, to allow more direct access to the Powerhouse stream public land, or if it is an acceptable line, for the legal road through the proposed freehold to be marked. Re the Licence to operate the skifield, we seek confirmation that the public has walking access across the land, though not to buildings or lifts etc.

**Hut:** A station hut in the Upper Potts Valley is mentioned in the CRR as being on the Mt Potts surrendered land. It would be valuable to keep as a hut for public use, and as an example of a musterer's hut.

**Outstanding mountain and braided river landscape:** The whole of the Rangitata Valley and its rivers and landscapes is an internationally outstanding landscape. Its spectacular use in Lord of the Rings confirms this. The proposed surrendered land (and the proposed freehold) contribute to

this. As well the proposed surrendered land will provide viewpoints from which this land and the rest of the valley. It is of high amenity value as a result.

## **2 Mt Potts Preliminary Proposal:**

Mt Potts, 9692 Ha, plus Erewhon Park special lease (32 Ha) plus unused Crown land (463 Ha). CA1 – 212 Ha and CA4 – 23 Ha; Land restored to full Crown ownership as conservation area. (S35 (2) (a) (i)): Low altitude flood plain. High landscape value (braided river etc).

CA2 (482 ha) riverbed, with ROW easement f-g – restored to the Crown. (S35 (2) (b) (i)) Riverbed similar to CA1, CA4.

CA3 (8,467 Ha), mountain scree slope etc - restored to the Crown. (S35 (2) (b) (i)) with easement b-e and licence LA1 (290 Ha) to operate Erewhon Park skifield.

**Covenants on the freeholded land** (1005 Ha): Access easement a-b foot, horse, non motorised vehicles, and vehicles for management purposes. Conservation covenant CC1, on Mt Sunday (Lord of the Rings) to protect landscape values and **allowing public access to the land**, with grazing for up to 1080 Stock units, and OS&TD.

## **3 NZDA Interests – Mt Potts Recreational Value:**

Deerstalking and hunting of deer, tahr, chamois etc takes place on the public land at the back of this property, and is a recreational attraction of the main block to be surrendered (CA3)

NZDA branches in this area that would/could hunt on the surrendered land include: Ashburton Branch, Malvern, North Canterbury, North Otago, Otago, Palmerston, Rakaia, South Canterbury, Southern Lakes (Queenstown/Wanaka/Cromwell), South Otago and Blue Mountains Branches. No doubt other branches further away, or from the North island could also visit the area.

Tahr and deer hunting in this area attracts hunters from throughout New Zealand. Returning the proposed areas to full Crown ownership and management will provide hunters with the ability to hunt these areas, because they will become public park land.

## **4 Conclusion - Mt Potts:**

With the proviso of the concerns for better public access set out in our summary, we strongly support this tenure review proposal, and compliment the lessees on their positive approach.

Thanking you

Yours truly

Dr Hugh Barr  
National Advocate