

Crown Pastoral Land Tenure Review

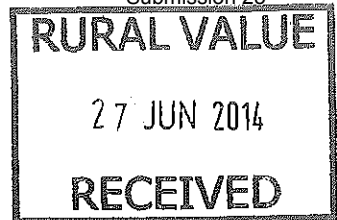
Lease name : IRISHMAN CREEK

Lease number : PT 014

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.



-----Original Message-----

From: Warren Jowett [<mailto:naturenz@me.com>]
Sent: Friday, 27 June 2014 10:28 p.m.
To: pastoral & tenure review
Subject: Irishman Creek

I wish to record my opposition to the proposed division of Irishman Creek Station whereby a majority of the land will go into private ownership. I live near the Ashburton Lakes basin and have seen the benefits of extensive areas of high country land in tenure review being moved into the conservation estate. Much of Irishman Creek has been grazed over many years in a manner that was not sustainable with the result that former tussock grasslands have been reduced to a very degraded state. In the Hakatere Conservation Park we are already seeing the value of such degraded land now that it is part of the conservation estate improving in its ecological values and condition.

As well we do not want to see the iconic landscape values that we associate with and enjoy in the Mackenzie basin being compromised.

Please take close attention to the recommendations of the Department of Conservation. They know what they are talking about and are not driven by short term commercial gain but rather the long-term future of the land.

How often do I have to keep saying this?

Yours.

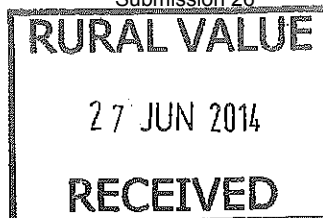
Warren Jowett

Staveley

RD 1

Ashburton 7771

Sent from my iPad



From: roger woods [mailto:woodsrog@googlemail.com]
Sent: Friday, 27 June 2014 4:59 p.m.
To: pastoral & tenure review
Subject: Fwd: Irishman Creek Tenure Review Preliminary proposal

To LINZ

I wish to submit against this proposal.

I have had a long association with this area, travelling through it, tramping and climbing in the area, and showing it to overseas visitors on many occasions.

1. I support the Department of Conservation's advice on the significant inherent values as discussed in the 'Addendum to Conservation Resources Report' November 2009' and the significant inherent values and recommendations for protection identified in the map included in the report.
2. The preliminary proposal does not meet the Objectives of Part 2 of the Crown Pastoral Land Act (CPLA) for the following reasons:
 - The proposal fails to promote future management of the land in a way that is ecologically sustainable.
 - The proposal fails to protect significant inherent values including the highly legible landforms that contribute to the experience of being in the Mackenzie and are highly visible as you drive along SH8 and SH80 along the opposite shore of Lake Pukaki.
 - The proposal has not taken into account the fact that the ecosystem values in the outwash fan rank as 'critically endangered', the highest threat ranking (under 2012 research) - this means they should be a national priority to protect.
 - The proposal is in conflict with the recommendations for large scale biodiversity protection as agreed to by the Upper Waitaki Shared Vision Forum - a process supported by the Government
 - The conservation covenant (CC1) provides no permanent protection of the significant geological values and in fact will contribute to the loss of the legibility of these values by providing for the ability to over sow and top dress and build structures.

I request that:

The proposal gives proper effect to the Objectives of Part 2 of the CPLA by protecting the 'significant

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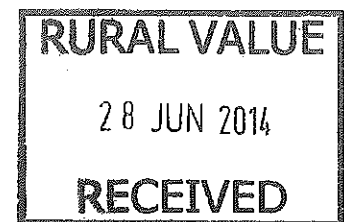
inherent values' by **returning the land to full Crown ownership**, and for it to be managed in perpetuity for conservation.

yours sincerely

Roger Woods
126 Holliss Ave
Christchurch
0220450486

RELEASED UNDER THE OFFICIAL INFORMATION ACT

From: Elisabeth Stent [<mailto:elivic@xtra.co.nz>]
Sent: Saturday, 28 June 2014 12:49 p.m.
To: pastoral & tenure review
Subject: Irishman Creek tenure review



The Commissioner of Crown Lands
 LINZ Crown Property
 Private Bag
 Christchurch 8140

Submission from:

Victor and Elisabeth Stent
 15b Englefield Rd.
 Belfast
 Christchurch 8051
 03 3238123
 027 3246549

We wish to put forward our reasons for asking that the proposal to freehold the above (5.8000 ha) be rejected.

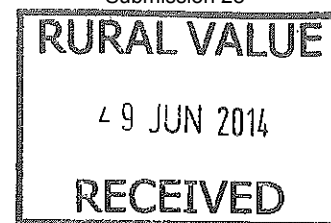
In our 60 years of visiting and passing through the area we have always considered this area to be an iconic landscape with a special beauty. In our earlier days we used the station as accommodation when skiing at the Round Hill, Tekapo, field. When accompanying overseas visitors on trips to the McKenzie basin a stop in this area was a "must do", as it is so beautiful.

The loss of rare ecosystems would be a disaster for New Zealand as already degradation has occurred in other parts of the basin. Development of other areas (e.g. Dairy Farming) has resulted in a blight on the landscape.

In order to avoid any alteration of the Irishman Creek landscape we request the following actions take place and are approved:

- 1) That the entire 5.8000 ha of this area be retained in an ecologically managed way to preserve current values
- 2) That the entire property be retained as pastoral lease with no development concessions
- 3) Place the property under a covenant for its protection , to be managed in perpetuity for conservation.

Victor and Elisabeth Stent



From: Vanessa Horwell [<mailto:ness.horwell@gmail.com>]

Sent: Sunday, 29 June 2014 11:47 p.m.

To: pastoral & tenure review

Subject: Tenure review submission Irishman Creek

46 Taupata Street
Redcliffs
Christchurch 8081
ness.horwell@gmail.com
021 0255 6918

29 June 2014

Dear Sir / Madam,

I am writing to make a submission on the current Tenure Review proposal for Irishman Creek.

I am from Christchurch and have spend a large part of my life visiting and driving through the Mackenzie Country. When I visit this area I feel a sense of peace. I adore the wide open spaces, incredible amber hues of the dramatic landscape and the beautiful landforms and scenery. I am very attached to this landscape, and I identify it with something truly kiwi, and unlike anywhere else in the world.

The Mackenzie High Country is a landscape that is so familiar and comforting to many of us. I have many very fond memories of holidays at Twizel and Lake Pukaki, tramping and biking around this area with its amazing scenery. It is very important to me, and to many other New Zealanders. I am appalled at the recent degradation of this landscape, with the creep of irrigation into this area and the greening of the Mackenzie Country, of inappropriate development and of the spread of weeds and indeed the planting of invasive lupin crops by farmers.

I think it is extremely important that we retain these iconic landscapes that so define the high country. Irishman Creek station forms an important part of the landscape in this part of the Mackenzie Basin. It is iconic, dramatic, and essential to the feel of the Makenzie basin. It contains some very important geological and natural features, and is highly visible from the State Highway. The proposed freehold of this land would open it up to inappropriate development and subdivision, irrigation and intensification of the land use, and could destroy the incredible landscapes and natural heritage of this site that many New Zealanders hold dear. It would also threaten the tourism industry based on this area. The area has great recreational values, and these would also be threatened by this proposal and opportunities for public access irretrievably lost.

Along with it's value as an outstanding natural landscape, Irishman Creek has very high conservation and biodiversity values. I have read and support the Department of Conservation's advice contained within the "Addendum to Conservation Resources Report" dated November 2009. The report highlights the significant values of the land at Irishman Creek station, and recommends a number of areas for protection by returning the land to Crown ownership or protection by covenant. I note that there report

highlights many threatened species of flora and fauna, and ecological assemblages that are represented on the Irishman Creek station, as well as landscape and recreational values, and the proposal for the tenure review does not adequately recognise or protect these areas. I am very concerned that LINZ has not adopted the recommendations from the Department of Conservation.

Land Information New Zealand has a legal duty to enact the Crown Pastoral Land Act (CPLA). I consider that this proposal does not meet the objects of Part 2 of the CPLA, which I have copied below for your reference:

Objects of Part 2

- The objects of this Part are—
 - (a) to—
 - (i) promote the management of reviewable land in a way that is ecologically sustainable;
 - (ii) subject to subparagraph (i), enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and
 - (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
 - (c) subject to paragraphs (a) and (b), to make easier—
 - (i) the securing of public access to and enjoyment of reviewable land; and
 - (ii) the freehold disposal of reviewable land.

In particular, the proposal does not meet the Objects for the following reasons:

1. The proposal fails to meet section 24(a)(i) of the Act, as it does not "*promote the management of reviewable land in a way that is **ecologically sustainable***". The proposal does not take into account the fact that the ecosystem values in the outwash fan have the highest threat ranking, and are listed as 'critically endangered'. It must be a national priority to protect this. As I mentioned above, the land has significant ecological values, and a number of rare and threatened species that are acutely threatened, as pointed out in DOC's "Addendum to Conservation Resources Report" dated November 2009. The highest significance should be accorded to these species. I note that there is a priority in the Act, and the management of reviewable land in a way that is ecologically sustainable takes precedent over Section 24(a)(ii) which enables land capable of economic use to be free from the management constraints of its tenure. This should be adhered to and reflected in this proposal, (as indeed it should be in every tenure review).
2. Further, the proposal fails to protect the *significant inherent values* of this land, as required by Section 24 (b) of the CPLA. As mentioned above, the land has outstanding landscape values, and rare natural landforms including significant geological features. These features are incredibly important and contribute to the feel of the Mackenzie Country. They are also home to rare and threatened flora and fauna. The proposal to freehold 5800 ha of this station does not provide for and protect these values. As spelt out in Section 24(b)(i) & (ii) of the Act, these significant inherent values should be protected, and preferably be restored to **full Crown Ownership and Control**. I would urge LINZ to adhere to this part of the Act.

3. Further, the proposal does not meet Section 24(c)(i) of the Act, as it is not securing this hugely important and widely enjoyed landscape for public access and enjoyment.

In terms of the proposed conservation covenant (CC1), it does not provide permanent protection of the significant geological values of this area, but conversely will allow the degradation of the legibility of these values by allowing farming, fertiliser use and the construction of structures. This area should also be returned, in full, to the Crown.

This proposal is in direct conflict with the recommendations that came out of the *Upper Waitaki Shared Vision Forum*, which proposed large scale biodiversity protection and a dry land reserve over 100,000 ha, including this very land that is the subject of this proposal. The whole process was supported by the Government and the Agreement was launched publicly in Twizel on Sunday 12 May, 2013 by Hon Dr Nick Smith, Minister of Conservation. (see <http://mackenziecountry.org.nz>).

I would also like to draw your attention to the publication in June 2007 of the Cabinet Business Committee, Titled South Island High Country: Landscape, Biodiversity and Access Issues, where the Minister of Conservation, and the Minister for Land Information recommended that the Cabinet Business Committee:

Agree that high country pastoral lease properties with highly significant lakeside, landscape, biodiversity or other values that are unlikely to be protected to the satisfaction of the Crown by the tenure review process be excluded from the process.

This land is on the Eastern side of lake Pukaki, and has highly significant lakeside, landscape and biodiversity values, as well as significant recreational values. Therefore, at the recommendation of the Minister of Conservation, and the Minister for Land Information, this land should have been excluded from Tenure Review process in order to adequately protect its highly significant values. Why then has it come up for tenure review?

This is publicly owned land. There is a defined process set out in the CPLA that must be adhered to. The Crown Pastoral Land Act 1998 states that land with “significant inherent values” – including historic, ecological, scientific and cultural characteristics – should be protected by being restored to full Crown ownership and control.

Given the significant inherent values that have been clearly identified on this land, the only available outcome as a result of this tenure review **MUST BE**, in adherence with the Objects of Part 2 of the CPLA, **to return the land, in its entirety, to full Crown Ownership**, and for this land to be managed in perpetuity for conservation, amenity and recreation.

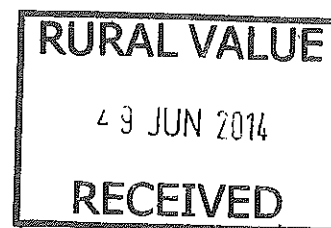
My request is that this land, all 9802 ha, and all other land with significant inherent values, is returned in full to Crown ownership.

I would also like to respectfully request that LINZ undertakes its duties with respect to tenure review with due care, diligence, and enacts and adheres to the objects of Part 2 of the CPLA 1988 carefully and in full, on behalf of, and for the benefit of the people New Zealand.

Thank you for taking the time to read my submission.

Yours sincerely,
Vanessa Horwell

From: Darrell Bathurst [<mailto:darrell@puramundo.co.nz>]
Sent: Sunday, 29 June 2014 9:46 p.m.
To: pastoral & tenure review
Subject: Irishman Creek Tenure Review



Good Evening,

I would like to please make a submission on the proposed Irishman Creek Tenure Review. I have concerns that the proposal will see an irreversible change that will affect this area both visually and ecologically. Whenever traveling through the Mackenzie country I am always moved by the uniqueness of this stunning landscape and how it contrasts so starkly from the greener rolling pastures of mid and south Canterbury heading south from Fairlie. I believe we need to conserve while we still can, the unique vista and ecology of the Mackenzie as the contrast of the landscape is one aspect that gives this country a significant point of difference that this nation proudly portrays as 100% pure. Tens of thousands of tourists also get to experience the Mackenzie country's magnificence and it would seem a shame to short change them with such a short sighted view that would change the land use of this area instead of conserving it for perpetuity. That the tourism industry contributes around 8.6% of our GDP (compared to dairy's 2.8% of GDP) suggests that the value of this area is greatest if it remains in the protection of full crown ownership.

I support the Department of Conservation's advice on the significant inherent values as discussed in the 'Addendum to Conservation Resources Report' November 2009' and the significant inherent values and recommendations for protection identified in the map included in the report.

The preliminary proposal does not meet the Objectives of Part 2 of the Crown Pastoral Land Act (CPLA) for the following reasons:

- The proposal fails to promote future management of the land in a way that is ecologically sustainable.
- The proposal fails to protect significant inherent values including the highly legible landforms that contribute to the experience of being in the Mackenzie and are highly visible as you drive along SH8 and SH80 along the opposite shore of Lake Pukaki.
- The proposal has not taken into account the fact that the ecosystem values in the outwash fan rank as 'critically endangered', the highest threat ranking (under 2012 research) - this means they should be a national priority to protect.
- The proposal is in conflict with the recommendations for large scale biodiversity protection as agreed to by the Upper Waitaki Shared Vision Forum - a process supported by the Government
- The conservation covenant (CC1) provides no permanent protection of the significant geological values and in fact will contribute to the loss of the legibility of these values by providing for the ability to over sow and top dress and build structures.

I request that the proposal gives proper effect to the Objectives of Part 2 of the CPLA by protecting the 'significant inherent values' by **returning the land to full Crown ownership**, and for it to be managed in perpetuity for conservation.

Sincerely

Darrell Bathurst

PO Box 7329
Sydenham
Christchurch
03 377 5557
027 787 3007

Thursday, June 12, 2014
Commissioner of Crown Lands
Crown Property & Investment
CBRE House, 112 Tuam Street
Private Bag 4721 CHRISTCHURCH 8140
To Whom it may concern

Chris Pearson
18 Rewa St
Dunedin

I would like to make the following submission for Preliminary Proposal for the Tenure review of the Irishman Creek (PT 014) which is undergoing tenure review under the Crown Pastoral Land Act 1998. I have concerns about several aspects of this tenure review.

My first concern is with the proposed Irishman Creek lakeside conservation covenant. The covenant area is presumably designed to preserve the natural character of the lakeside and landscape values that are an important part of the visitor experience for drivers on the Mt Cook Road which includes all visitors to Mt Cook National Park. Indeed it would be hard to find a more important tourist route in the South Island. So preserving the natural values of this area is critically important. My concern is that the duration of the covenant is only 15 years. This seems unacceptable. At the conclusion of this period the crown will have the same interest in maintaining the natural values of are as it does today. So it seems to me that the covenant should be permanent. My second concern is with the grazing concession, particularly the part allowing for lambing closure. I have generally been sympathetic to concessions allowing for grazing on conservation land as part of the tenure review process but including provisions allowing for public access to be restricted is totally unacceptable. Indeed given the very small size of the area in question compared to the size of the farm, I find it hard to believe that the landowner can't avoid using this using this parcel during lambing, if indeed the very light public use that is likely would actually cause problems. I feel that there is an important point of principle here. The only advantage to the recreational community in supporting a tenure review is the unrestricted public access that comes with land reverting to DOC. If access is to be restricted due to farming requirements, might just as well keep the status quo.

So I do not, on balance, support this tenure review going forward without making the covenant permanent and removing the provision for lambing closure.

Sincerely yours,

Christopher Pearson

RURAL VALUE

30 JUN 2014

RECEIVED

Submission on preliminary proposal for the tenure review of Irishman Creek

From:

Annette and Michael Hamblett

Our submissionGeneral

We, along with thousands of other New Zealanders and international visitors to New Zealand, highly value the outstanding landscape and natural values of the Mackenzie Basin and appreciate them whenever we visit. One of us visited the area regularly over a twenty-year work period, never failing to enjoy the pleasure of hitting the stunning vistas provided by the broad and largely 'natural' aspects of the basin. We regard aspects of Irishman Creek that have been proposed for freehold as integral to this nationally significant landscape that is part of New Zealand's tourist branding and as such one of the drawcards for international visitors. To allow this proposal to go ahead will lead to irreversible landscape and visual effects and the loss of important biodiversity. We regard this as unacceptable.

Irishman Creek is an essential component of a dryland park that has been proposed for the Mackenzie. We, along with the Parliamentary Commissioner for the Environment and a number of organisations and many individuals, support the establishment of such a park as a way of preserving in perpetuity the Mackenzie's outstanding values. The Minister of Conservation, Dr Nick Smith, has also expressed interest and support for such a park ([Insight programme, RNZ, June 2014](#)). It makes no sense to freehold Crown pastoral leases that would be an important part of a Mackenzie dryland park.

We abhor recent developments that have allowed the greening of areas of the Mackenzie basin. We do not want to see this added to.

1. We support some aspects of the proposal.

We support the proposed CA2 and CA3 being retained by the Crown as conservation areas as they are part of the Lake Pukaki lateral moraine area and have significant ecological and landscape values. They will also provide access for recreation.

2. This proposal does not fit with the requirements under the Crown Pastoral Land Act 1998 for tenure review namely:

Section 24

Objects of Part 2

The objects of this Part are—

(a) to—

promote the management of reviewable land in a way that is ecologically sustainable;

(ii) subject to subparagraph (i), enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and

(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

(c) subject to paragraphs (a) and (b), to make easier—

(i) the securing of public access to and enjoyment of reviewable land; and

(ii) the freehold disposal of reviewable land.

3. The hierarchy of these objects has been made clear to us in a paper by Barry Barton,¹ Professor of Law at the University of Waikato. To quote Professor Barton:

"8. Objects of Tenure Review

Primacy of ecologically sustainable management

Promotion of the management of reviewable land in a way that is ecologically sustainable is more important than freeing land from management constraints.

Parliament has made the latter 'subject to' the former.

This drafting term is familiar and quite clear in ensuring that where objects conflict, one of them is to prevail.

Promotion of the management of reviewable land in a way that is ecologically sustainable is more important than either securing public access and enjoyment or the freehold disposal of reviewable land. Again, the drafting term 'subject to' is used. Only the protection of significant inherent values of reviewable land has the same status or primacy as promotion of the management of reviewable land in a way that is ecologically sustainable.

Significant inherent values

The protection of the significant inherent values of reviewable land is more important than either securing public access or the freehold disposal of reviewable land. It has the same status or primacy as an object of tenure review as promotion of ecologically sustainable management of land. Its relationship with freeing land from management constraints is less clear.

The protection of significant inherent values should be by restoration to full Crown ownership and control, in preference to protective mechanisms (i.e. easements and covenants)".

4. We note the Department of Conservation's stance on the significant inherent values as contained in the 'Addendum to Conservation Resources Report', November 2009 and support this. We also support the significant inherent values and recommendations for protection as identified in the map in the report.

5. The outwash fan links with the Old Man Range in an ecological sequence that is largely intact. It includes distinctive dryland habitat with several rare and threatened plants² and invertebrate species, and is habitat for rare and threatened native birds, such as banded dotterel, black-fronted terns and black-billed gulls.

6. Walker et al, 2007 note this outwash fan occurs on a 'chronically threatened' land environment³.

7. We note that in terms of national priorities for rare and threatened native biodiversity the Ministry for the Environment⁴ ranks protection of ecosystems such as this one as one of the highest conservation requirements for New Zealand. As an illustration, the conservation values contained in this area are consistent with three of the four national priorities for the protection of indigenous biodiversity on private land namely:

¹ Legal Aspects of High Country Pastoral Leases and the Tenure Review Process: A Background Paper, Barry Barton, July 2006

² Conservation status of NZ's indigenous vascular plants, 2012, de Lange et al

³ Guide for Users of the Threatened Environment Classification. (Version 1.1, August 2007). Landcare Research Limited, Walker et al.

⁴ Ministry for the Environment, Wellington, New Zealand. 2007. Protecting our Places. Introducing the national priorities for protecting rare and threatened native biodiversity on private land.

- the protection of ecosystems on threatened land environments (National Priority One);
- the protection of naturally rare ecosystems (National Priority Three);
- the protection of habitats for threatened species (National Priority Four).

8. Relevant research on New Zealand's naturally rare ecosystems has been published since the Department of Conservation's 'Addendum to Conservation Resources Report', November 2009, namely Holdaway et al 2012⁵. It classifies this ecosystem type (inland outwash surface ecosystem) as critically endangered, which is the highest threat ranking. Therefore, the outwash fan on Irishman Creek Station requires urgent protection as it is one of New Zealand's rarest, least protected and most vulnerable ecosystems.

9. The property contains landscape values of high significance that were noted in the Canterbury Regional Landscape Study (ECan 2010), including highly legible moraines and outwash plain and a high degree of distinctiveness, naturalness and visibility.

The landforms seen when driving along State Highway 8 and State Highway 80, along the opposite shore of Lake Pukaki, fit the landscape assessment of 'highly legible landforms'

10. There is no permanent protection of the significant geological values in CC1. This will contribute to the loss of the legibility of these landforms, as under this proposal over-sowing, topdressing and built structures are able to occur.

11. The national significance of the proposed conservation covenant CC1, both for its landscape and ecosystem values, is clear. Proposing to freehold CC1 fails to protect its significant inherent values as is required.

12. The proposal has not taken heed of agreement recommended in the Upper Waitaki Shared Vision Forum 2011-2013. The Government-funded Forum agreed on the need for large scale biodiversity protection, which this proposal does not provide.

13. While we are aware that the Agreement requires legislation and associated funding that has yet to be established, much work went into it and ignoring its intended directions makes no sense. The vision in the agreement notes: "New Zealand's recognition of the Mackenzie Country as an iconic area, accompanied by an enhanced and tangible sense of shared responsibility for restoring and maintaining its natural assets". It also refers to "land actively managed for biodiversity and landscape purposes".

14. CC1 is an essential piece of one of the most outstanding and easily accessible Mackenzie landscapes and views in the basin, being adjoined to the highway, and one of New Zealand's outstanding landscapes. For these reasons CC1 would surely be a priority for protection under implementation of the Agreement and therefore this proposal should have protected it.

15. Regional and district plans cannot be relied on to protect the important landscape and ecological values of this property. These outstanding values require permanent protection.

⁵ Status Assessment of New Zealand's Naturally Uncommon Ecosystems. *Conservation Biology* 26: 619–629, 2007, Holdaway et al.

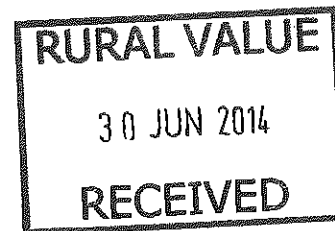
16. Given the points above, under the CPLA it must be a priority to protect these values. Retention in full Crown ownership is the only way to ensure this.

Action sought:

We want the proposal to give proper effect to the objectives of Part 2 of the Crown Pastoral Land Act by promoting the management of reviewable land in a way that is ecologically sustainable and by protecting the significant inherent values the property clearly has, as has been demonstrated above.

To achieve this, we seek return of the land to full Crown ownership to be managed in perpetuity for conservation.

30 June 2014



Land Information New Zealand
Crown Property and Investment
CBRE House
Private bag 4721
Christchurch 8140

Attn: Karen Lee

Re: REVIEW UNDER PART 2 CROWN PASTORAL LAND ACT - IRISHMAN CREEK

Dear Karen

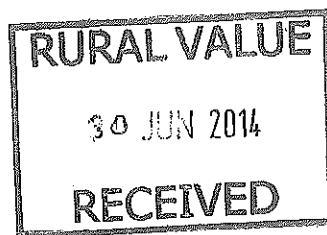
Fish and Game has assessed the preliminary proposal (Pt014 May 2014) associated with this property and makes the following submissions;

1. Fish and Game supplied a detailed resources report relating the Fish and Game values found on the property and the outcomes it sought. As noted in this report the Maryburn Stream and Irishman Creek both support popular trout fisheries and associated tarns provide hunting and habitat opportunity for gamebirds.
2. In this proposal, land that encompasses parts of the the Maryburn and Irishman Creek are to become freeholded. The Maryburn in particular is a valued trout fishery. The National Angler Survey has recorded a steady rise in angler use of the Maryburn over the last 15 yrs. Much appreciated arrangements with farmers and recent tenure review outcomes on other properties that encompass the Maryburn have ensured continued access to this important resource. Fish and Game seek the same for this section of the stream.
3. Irishman Creek is also a valuable fishery worthy of protection. The creek supports self sustaining populations of brown and rainbow trout that are independent of Maryburn and Tekapo River populations. Whilst angler use is not high, it is valued for its wilderness experience.
4. It is not clear whether moveable marginal strips or any public access provisions apply to the sections of Maryburn and Irishman Creeks that fall within the land areas proposed to become freehold. **Fish and Game seek that marginal strips and public access for the purposes of recreation apply to these waterways.**
5. Fish and Game are concerned about potential threats to water quality in the Maryburn especially. **Fish and Game seek heavy stock (cattle etc) exclusion from both waterways in the freehold areas.**
6. Fish and Game has recently undertaken a considerable amount of work relating to alder control on the property for the purposes of fishery improvement and to better support angling use. **Fish and Game seek to retain access for the purposes of continuing this work into the future if necessary.**

7. It seems that the Maryburn Pond (tarn) is not part of this proposal as it falls within the black lines that separate the canal corridor. If this is not the case, **Fish and Game seek continued legal public access to the pond for recreational purposes.**
8. **Fish and Game seek the retention of all legal roads.**

Yours Sincerely

B Z Pringle
Resource Officer
Central South Island Fish and Game



Mary Ralston
Back Track
RD 12 Rakaia 7782

28 June 2014

**Submission on Tenure Review Proposal of Irishman Creek Station,
Mackenzie Basin**

I would like to submit that I am against the proposed tenure review of Irishman Creek Station for the following reasons:

1. Irishman Creek Station contains some of the most iconic landscapes of the Mackenzie Basin and the preliminary proposal seeks to allow some of these to be freeholded, in particular the outwash fan visible from the Tekapo canal road.
2. This could lead to insensitive development of the landscapes which draws thousands of people to New Zealand, and to the Mackenzie Basin in particular, every year.
3. Much of the Mackenzie is already extremely altered due to hydro-electricity generation and the more-recent irrigation developments. It is therefore even more imperative that remaining unaltered high quality examples of glacial landscapes, such as the outwash fan, should be in public ownership.
4. The outwash fan discussed above contains rare ecosystems of national priority which are classified as "critically endangered". To lose these to freehold development would be a national disgrace.
5. The preliminary proposal does not meet the objectives of Part Two of the Crown Pastoral Land Act because future management of the land may not be ecologically sustainable; it fails to protect significant inherent values; and it is in conflict with recommendations for large scale biodiversity protection agreed to by the Upper Waitaki Shared Vision Forum.
6. The proposed conservation covenant does not offer long-term protection to landscapes or native species because it allows for oversowing and topdressing.
7. On a more personal note, I would be very disturbed to see any further development of the empty grandeur of the Mackenzie. I have lived at Mount Cook and in Wanaka and have travelled through and worked in the area for many years. There are very few large areas of natural beauty in New Zealand

unaffected by agricultural or urban development. We need empty, natural areas as a buffer to modern technology and population pressure. The government has used this aspect of New Zealand in its "100% Pure" campaign for many years and so knows that people respond to, and highly value, these landscapes.

8. Development of the freeholded area may be in conflict with the Tekapo Dark-sky Reserve which is a unique place of world-wide renown and draws thousands of people to the area from all over the world every year.

Conclusion

I would like to submit that the area be returned to full Crown ownership and managed in perpetuity for its considerable landscape and conservation values.

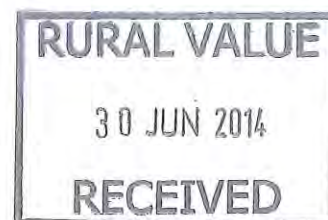
Any Tenure Review proposal must give proper effect to the Objectives of Part 2 of the CPLA which would protect the significant inherent values of Irishman Creek Station.

Yours faithfully

Mary Ralston

Submission on Irishman Creek tenure review under the CPLA

A.G.Talbot
84 Mays Road
Christchurch 8052
Talbotjones@clear.net.nz
03 355 4409



I oppose the preliminary proposal for tenure review of this Crown leasehold for the following general reasons.

It appears this proposal contravenes significant aspects of the Crown Pastoral Land Act (1998).

It fails to 'promote the management of reviewable land in a way that is ecologically sustainable'. It fails to protect the 'significant inherent values' of this land as required under Section 24. It fails to adequately 'secure this landscape for public access and enjoyment'. What is going on?

Other reasons for my opposition to this proposal:

1. Much of the land that is proposed for freehold development is of significant landscape values and will be irrevocably changed by this development. It is identified as a classic example of what the McKenzie Country means for me and for thousands of New Zealanders, as well as for visitors to this country as this Crown lease is on a major tourist route to Queenstown.
2. This Crown leasehold land is highly visible from state highways 8 and 80 and is made up of outstanding outwash plains and lateral moraine geomorphological features. Allowing this land to be freeholded and the landscape radically changed by oversowing and widespread irrigation would further degrade the unique McKenzie experience for thousands of visitors and recreationists.
3. Development of Irishman Creek station also threatens significant ecosystem values in the outwash fan which have been identified as 'critically endangered' in recent research (2012).
4. The proposal appears to be in conflict with the recommendations regarding biodiversity protection signed off the in the recent collaborative McKenzie Agreement, supported by the government and the Minister of Conservation, after significant negotiation by stakeholders. This may be an integral part of a 'dryland park' proposed in that agreement which has yet to be brought to fruition. This tenure review proposal undermines that agreement.
5. It appears that the proposed conservation covenant (CC1) provides little or no permanent protection for geomorphological and other natural values.
6. I am concerned about the impact of irrigation and land development on water quality and aquatic life in the Mary Burn creek and other waterways which run across the area proposed for freehold. I understand that these creeks are

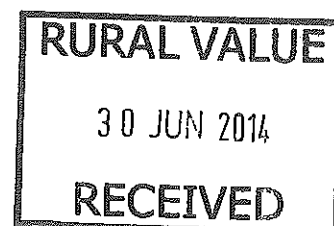
important fisheries and spawning areas and it is well known that irrigation/dairying has significant negative impacts on sensitive low flow waterways.

7. I support DOC's advice on the significant inherent values in the 'Addendum to Conservation Resources Report' (November 2009), and the significant inherent value recommendations for protection identified in the map included in the report. This TR proposal undermines the significant ecological and landscape values identified in that report and does not recognise and provide for protection of those values. I am most concerned that it appears that these values are not being adequately addressed and glossed over in order to reach a settlement.

This is publicly owned land. It is perpetually renewable leasehold, not a lease in perpetuity. It is not freehold, and the CPLA states that land with 'significant inherent values', that is historic, ecological, scientific and cultural characteristics, should be protected by being restored to full Crown ownership and control.

I therefore recommend that Irishman Creek be retained as Crown leasehold with no concessions to development, and that it be placed under covenant to protect its values and managed in perpetuity for conservation and the public of New Zealand.

Irishman Creek is a vital Crown property for maintaining and enhancing natural landscapes, ecosystems and the well-being of the McKenzie. To permit it to be developed into yet another irrigated dairy farm, or similar, will only make a mockery of the law.



From: Sally and Paul [<mailto:paulcorwinandsallyw@gmail.com>]

Sent: Monday, 30 June 2014 4:09 p.m.

To: pastoral & tenure review

Subject: Irishmans Creek tenure review

Dear LINZ tenure review committee

Re; Irishmans Creek Tenure Review

I would like to submit against the freeholding of Irishmans Creek and in favour of its being returned to Crown Ownership and managed for its conservation values in perpetuity.

Irishmans Creek is in a beautiful settling, an iconic part of the much threatened Mackenzie Country. It includes an outwash fan area whose ecosystem is classified as under high threat.

DOC has already advised (addendum to Conservation Resources Report 2009) that it needs protection and surely the government should support its own expert advice? The proposed Conservation Covenant offers no substantial protection - it does not prevent such destructive activities as top dressing, oversowing or building construction.

Once landscapes and ecosystems are destroyed they cannot be recovered, and this one is irreplaceable.

Yours sincerely,

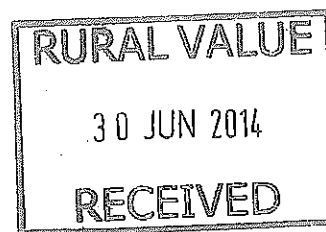
Sally Widdowson

Works End

Private Bag 55010

Christchurch 8154

From: Ashley Conland [mailto:ashleyc@ch.steiner.school.nz]
Sent: Monday, 30 June 2014 4:09 p.m.
To: pastoral & tenure review
Subject: Irishman Creek Tenure Review



Dear Sirs / Madams,

I wish to say that I love the landscapes and value the ecosystems and unique flora and fauna of the Mackenzie Basin.

I totally support the Department of Conservation's advice on the significant inherent values as discussed in the 'Addendum to Conservation to Conservation Resources Report' November 2009, and the significant inherent values and recommendations for protection identified in the map included in the report.

I believe the preliminary proposal does not meet the Objectives of the Crown Pastoral Land Act (Part 2) (CPLA) for the following reasons:

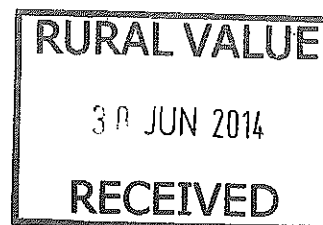
- The proposal fails to promote future management of the land in a way that is ecologically sustainable.
- The proposal fails to protect significant inherent values including the highly legible landforms that contribute to the experience of being in the Mackenzie and are highly visible as you drive along SH8 and SH80 along the opposite shore of Lake Pukaki.
- The proposal has not taken into account the fact that the ecosystem values in the out-wash fan rank as 'critically endangered', the highest threat ranking (under 2012 research) - this means they must be a national priority to protect.
- The proposal is in conflict with the recommendations for large scale biodiversity protection as agreed to by the Upper Waitaki Shared Vision Forum - a process supported by the Government
- The conservation covenant (CC1) provides no permanent protection of the significant geological values and in fact will contribute to the loss of the legibility of these values by providing for the ability to over sow and top dress and build structures.

I request that the proposal gives proper effect to the Objectives of Part 2 of the CPLA by protecting the 'significant inherent values' by returning the land to full Crown ownership, and for it to be managed in perpetuity for conservation.

I Remain,

Ashley Conland
106 Penruddock Rise
Westmorland,
Christchurch. 8025.

From: Valerie Campbell [<mailto:bellbird@herodotus.net.nz>]
Sent: Monday, 30 June 2014 4:13 p.m.
To: pastoral & tenure review
Subject: Opposing the preliminary review of Irishman's Creek Station



I submit the following in opposing the preliminary review of Irishman's Creek Station.

1. I support the Department of Conservation advice on the inherent values of this area of the Mackenzie Basin contained in the Addendum to Conservation Resources Report Nov, 2009. In particular I am concerned that the unique flora and fauna, but most especially, the endangered birds that utilise the outwash fan of this area will lose or have compromised one of the few remaining habitats free of major modification. These endemic species are dropping in numbers at an alarming rate and protection of remaining habitat should be a national bio-diversity priority.

I understand that in addition to this obvious problem it is also in conflict with the Upper Waitaki Shared Vision Forum; why consult if the results of expensive public consultation is then flouted?

2. The landscape values of the Mackenzie, for me, epitomises what it is to be a New Zealander. This is my adopted country and the rolling tussock of golden and brown backed by the mountain ranges and slashed by the reflective waters of Lake Pukaki is an abiding image of this country. One of my most valued memories is the view from the highway as we swept past Lake Pukaki. It caught the last rays of the autumn sun. The mountains stretched forever, each distant peak turned rose by the setting sun. Such memories lie at the heart of national pride and feed our spiritual needs.

BUT ALSO: This is a landscape of one unmeasurable value to tourism; the sense of limitless open space a treasure for those from crowded lands. These are the landscapes of great "cinematography".

3. One of the things my husband and I love about New Zealand is that you can read its landscape like a geography text. (His father taught geography WELL and I studied geology at University). So often development of the land removes this ability; profiles are softened or obscured, raw cliffs and sections disguised by vegetation and the rippling effect of glaciation draped with an exotic dress.

I think the in planning speak this means that the preliminary proposal fails to meet the Objectives of part 2 of the Crown Pastoral Land Act. Therefore it follows it should be dropped.

4. In a more general comment I am opposed to the present process of Land tenure Review. Much valuable conservation land has been turned over to private use. This represents a loss to biodiversity, but to the recreational possibilities of New Zealanders and tourists both. It represents the privatisation of the public good to a few, and with very little capital gain to the Crown. In the case of the preliminary review of Irishman's Creek it is bad business as well as bad management.

I would like to be informed of any other way I can be involved in this review.

Valerie Campbell,

Former Regional Councillor (ECan), and former Chair of the North Canterbury branch of the Royal Forest and Bird Protection Society.

7 Clarendon Terrace, Christchurch. (03) 0805087 or 022 3646 199



**SUBMISSION ON THE PRELIMINARY PROPOSAL FOR THE IRISHMAN CREEK
(PASTORAL LEASE NUMBER PT 014) TENURE REVIEW**

To: Land Information New Zealand
Crown Property
CBRE House, 112 Tuam Street
Private Bag 4721
Christchurch 8140

Phone: 0800 665 463 (option 7)
Email: pastoral&tenurereview@linz.govt.nz

Name: Genesis Energy Limited
PO Box 17188
Greenlane
Auckland 1546

Attention: Fiona Towers
Phone: 09 951 9289
Fax:
Mobile: 021841225
Email: fiona.towers@genesisenergy.co.nz

Genesis Energy Limited ("Genesis Energy") makes the following submissions on the Preliminary Proposal for the Irishman Creek Tenure Review which affects Pastoral Lease PT014. The land affected by this proposal is legally described as Part Run 343 and Section 1, SO 15864 being all the land contained in Instrument of Title CB 529/19 (Canterbury Land Registry). The property consists of approximately 9802.3049 hectares of land ("Property").

Genesis Energy would like the following matters to be taken into account and be given effect to prior to or as part of the substantive proposal to be made to the run holder under the provisions of section 46 of Crown Pastoral Land Act 1998.

Genesis Energy is prepared to provide any additional information and discuss the issues raised in this submission further if required with representatives of the Commissioner of Crown Lands.


Andrew Steele

For and behalf of Genesis Energy Limited

Dated this 30th day of June 2014

OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

- Part A: Overview of Genesis Energy;
- Part B: Primary Submission Points

PART A: OVERVIEW OF Genesis Energy

1. Genesis Energy is a mixed model ownership company pursuant to section 45P of the Public Finance Act 1989. Genesis Energy is owned 51% by the Crown and 49% by various other shareholders. It is one of three companies formed from the split of the Electricity Corporation of New Zealand (ECNZ) on 1 April 1999.
2. Genesis Energy's core business is the generation, marketing, trading and retailing of electricity and the management of associated assets and ancillary structures in New Zealand.
3. Genesis Energy is a diversified energy company. It sells electricity, natural gas and LPG through its Customer Experience business. It generates electricity, and trades electricity and natural gas through its Energy Management business. The Company has a 31% interest in the Kupe Joint Venture which owns the Kupe oil and gas field.
4. Genesis Energy is New Zealand's largest electricity and gas retailer. It sells electricity, natural gas and LPG to more than 650,000 Customer Connections through its two retail brands, Genesis Energy and Energy Online. Genesis Energy owns and operates a portfolio of thermal generation and renewable generation assets in different parts of New Zealand. Its portfolio of assets comprises:
 - Thermal Generation: At 1,203.8 MW Huntly Power station
 - Renewable Generation: Genesis Energy has three hydro schemes – Tongariro (361.8 MW), Waikaremoana (138.0MW) and Tekapo (179.0 MW). These schemes comprise eight power stations. Six are located in the North Island and two within the Waitaki Hydro Power Scheme at Tekapo in the South Island.
 - Genesis Energy has a 31% interest in the Kupe Joint venture which owns the Kupe oil and gas field that lies offshore in the Taranki Basin.
5. It is in its operations and assets in the Waitaki Basin that Genesis Energy has a direct interest in the preliminary proposal for tenure review for the Irishman Creek Pastoral Lease.

6. Genesis Energy owns and operates two hydro stations in the Waitaki Hydro Power Scheme ("WHPS") which form and operate as a linked chain of generation stations. Genesis Energy's Tekapo A and B power stations are at the head of the chain and are followed by Meridian's Ohau A, B and C, Benmore, Aviemore and Waitaki power stations.
7. The WPHS has two primary storage lakes – Lake Tekapo and Lake Pukaki. Genesis Energy manages Lake Tekapo and the water released from this lake for hydro generation flows through Tekapo A and B power stations via the Tekapo Canal into Lake Pukaki, providing approximately 45% of the inflows into Lake Pukaki.
8. Genesis Energy is not opposed to the disposal by free holding to the current lessee. Genesis Energy as a Crown-controlled company and as a key stakeholder in the electricity generation sector however needs to ensure that the WHPS as a strategic national asset is not compromised by the outcome of the Irishman Creek Tenure Review, that access to the Property is provided and protected to enable the operation, maintenance and repair of the WHPS and associated infrastructure, and to enable Genesis Energy to meet its other obligations. It is submitted that this protection can only be achieved through the registration of appropriate interests on the title as canvassed below.
9. Section 25 of the Crown Pastoral Land Act 1998 provides an opportunity for the Commissioner to achieve such outcomes. This section states: "In acting under this Part, the Commissioner must to the extent those matters are applicable) take into account - ... (c) if acting in relation to land used or intended to be used by the Crown for any particular purpose, that purpose." As Genesis Energy is controlled by the Crown section 25 is applicable. The issues Genesis Energy submit need to be taken into account are set out below.

PART B: PRIMARY SUBMISSION POINTS

33kV Power Network

10. [Genesis Energy owns and operates an overhead 33kV line running across the Irishman Creek Pastoral Lease on the western section of the Property.
11. The 33 kV line is a critical strategic asset for Genesis Energy. The line, constructed during the formation of the WHPS, provides the primary power supply from Transpower's 220kV switchyard in Twizel through to the Pukaki Dam switchyard and on to Tekapo B Power Station. It is crucial to the operation of the WHPS that the ability to operate, maintain and repair this line is protected. The portion of the Property over which the 33kV line runs will be restored and retained under Crown control under the proposed tenure review.]

Statutory rights in relation to the 33kV line

12. Under the Electricity Act 1992 Genesis Energy has the right to retain and operate the 33kV line and Monitoring Equipment on the land and access the land to operate, maintain and repair the line and equipment.
13. However the Electricity Act provisions are a default generic protection mechanism for all electricity infrastructure and do not address the issues specific

to the 33kV line or the Monitoring Equipment. As a result the provisions usually contained in an easement setting out the rights and obligations of the land owner and the operator of the asset to provide clarity certainty do not exist. In addition the rights under the Electricity Act are not recorded on the title to the Property so purchasers or other persons with an interest in the land are usually not aware of the terms under which the asset may be accessed, operated and maintained and, in the case of the Monitoring Equipment, that the equipment is even present on the Property. The lack of a recorded interest can cause confusion for land owners or prospective purchasers.

It is important for the integrity and security of the WHPS that the right to access, operate and maintain the 33kV line and the Monitoring Equipment, is protected by an easement in favour of Genesis Energy. Genesis Energy requests the Commissioner provide within the substantive proposal for an easement which would canvas the right to site equipment on the Property and access.

Maps

14. A map showing the location of the 33kV line is attached to this submission as Appendix A

Stock water supply and irrigation off takes

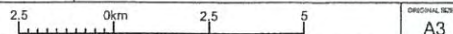
15. Genesis Energy provides stock water to other land from four pipelines and associated water supply infrastructure located on the property. Genesis Energy seeks to protect its ability to operate, maintain and repair the pipelines and associated water supply infrastructure for the benefit of those using this supply by a memorandum of easement in favour of Genesis Energy.

A map showing the location of the pipelines is attached to this submission as Appendix B.

Conclusion

16. Genesis Energy trusts the above submissions will be given effect to and as previously indicated is happy to meet to discuss the type of instruments that might be used to achieve the outcomes discussed above. Genesis Energy also requests that we are provided with any updates on progress with the Tenure review process for Irishman Creek station. Please provide a timetable for the rest of the process.

[illegible]



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



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

30 June 2014

Dear Sir,

Irishman Creek Tenure Review

Submission from the Royal Forest and Bird Protection Society of NZ Inc (Forest and Bird)

Introduction

1. Forest and Bird is a national organisation comprising over 80,000 supporters and members in 56 branches throughout New Zealand. The main object of the Society is to take all reasonable steps within the power of the Society to preserve and protect New Zealand's remaining flora and fauna, and natural features of New Zealand, for the benefit of the public including future generations. This submission represents the views of the Society.
2. Forest and Bird wishes to thank the Station Manager for providing unfettered access to the property as part of an NGO inspection and the assistance of Ken Taylor and Karyn Lee who accompanied us during the site visit.
3. This submission addresses those matters that are relevant for the Commissioner to consider under Part 2 of the CPLA, and is informed by our site inspection and the expert ecological and landscape assessments underlying the Conservation Resources Report (CRR), in particular the 'Addendum Report' 2009.

Key submission points

4. Forest and Bird supports the revised recommendations of the Department of Conservation identified on the map attached to the Irishman Creek Recommendation Report Addendum 2009 'the Addendum Report'.
5. Forest and Bird does not accept that the Preliminary Proposal gives proper effect to the objects of Part 2 of the CPLA. The Preliminary Proposal provides for the unencumbered freeholding of land with significant inherent values (SIVs), and as a consequence the potential loss of these values. The failure to protect those values is inconsistent with the objects of Part 2.
6. Of greatest concern are:
 - a. the failure to properly protect the lateral moraine north of the Tekapo Canal;
 - b. the unencumbered freeholding of the outwash surface and moraine to the north of the homestead and the alluvial plain viewed from SH8;
 - c. a short term conservation covenant on land alongside Lake Pukaki; and
 - d. the unavailability of public access to important areas for enjoyment of the SIVs and for recreational opportunities for both now and in the future.
7. No explanation is given as to why some areas have been freeholded unencumbered despite containing identified SIVs. The importance of protecting SIVs over freeholding productive land in tenure reviews is implicit in the Act. There is a clear hierarchy in the objects of section 24. Co-primacy is accorded to promotion of the management of reviewable land in a way that is ecologically sustainable and the protection of significant inherent values of reviewable land. These objects are more important than the freehold disposal of reviewable land, which is the last object. The object of managing land in a way that is ecologically sustainable is more important than freeing land from management constraints. The decision to put this Preliminary Proposal to the leaseholder does not accord with the hierarchy of those objects. The Commissioner is not required to achieve all of those objects in every instance, but his decision must be consistent with them, and their hierarchy.
8. The CPLA does not define "protection", and relies on the definition in the Conservation Act. In the Conservation Act, protection includes not only maintenance in its current state but also includes restoration and enhancement or expansion.¹

¹ **S 2 Conservation Act 1987**

"protection, in relation to a resource, means its maintenance, so far as is practicable, in its current state; but includes—

9. This submission refers in several places to:
 - a. The protection of SIVs on Irishman Creek in the broader context of patterns/trends of protection and loss on SIVs across reviewable land beyond Irishman Creek; and
 - b. Opportunities for protection of SIVs and the promotion of ecological sustainability on Irishman Creek to contribute to a wider outcome of protection of SIVs and promotion of ecological sustainability on reviewable land beyond Irishman Creek.
10. Forest & Bird submits that those submission points are relevant to the Irishman Creek tenure review, and should not be disallowed because they refer to the broader context. The objects of the CPLA include promoting the management of reviewable land in a way that is ecologically sustainable, and enabling the protection of the SIVs of reviewable land.
11. Although the Commissioner is acting in relation to the particular preliminary or substantive proposal that is presently being reviewed (in this case the Irishman Creek proposal), nothing in the Act prevents him considering the promotion of ecological sustainability or protection of SIVs in the broader context of reviewable land when acting under Part 2 (for example, the potential for enhanced recreational opportunities in the future on any adjoining reviewable land).
12. The Commissioner is not required by the CPLA to ignore the broader context where it is relevant. We submit that the broader context is particularly relevant here, firstly because the Objects of Part 2 relate to “reviewable land” generally and secondly because effective protection of SIVs and promotion of ecological sustainability requires consideration of the broader context.
13. Considering a review in context optimises promotion of ecological sustainability due to the landscape scale, inclusion of full sequences, continuity and linkage, buffering ability to core areas and more compact areas. Those objects cannot properly be achieved if consideration of them is compartmentalised by ignoring past losses and future opportunities on reviewable land beyond the proposal under consideration. This is particularly so in the case of Irishman Creek, which is adjacent to two other parcels of reviewable land currently progressing through tenure review and where real opportunities for meaningful landscape-scale protection of SIVs exist.

(a) its restoration to some former state; and (b) its augmentation, enhancement, or expansion”

(b) its augmentation, enhancement, or expansion”

Grazing Concessions

14. Forest and Bird is comfortable with the light grazing regime proposed for CA2 and SR 1.

Public Access

15. There appears to be little effort to provide any form of meaningful access over land proposed to be freeholded. Any recreational opportunities are disjointed, with no provision for connection between the proposed conservation areas.
16. There has been no thought given to any opportunities to provide for access to, and allowing for the possibility of, enhanced recreational opportunities over adjoining reviewable land in the future; for example, possible connections between Balmoral and Irishman Creek along the north-west boundary. Also, since the tenure review assessments on Irishman Creek were prepared the Alpine to Ocean (A20) trail has been developed. This has greatly enhanced recreational opportunities in the Basin with a myriad of opportunities to provide other trails on reviewable land to enhance the A20 experience².
17. The Preliminary Proposal forgoes the significant opportunity this review offers to provide for educational and interpretational opportunities to celebrate the unique glacial landscape.
18. Public access as proposed appears to have been substantially disregarded, and its treatment does not give proper effect to s 24 CPLA.

Relief sought

19. Forest & Bird wishes to see the following changes in the Substantive Proposal, in order to properly achieve the objects of Part 2 of the CPLA:
- a. Return land to full crown ownership in accordance with the Conservation Resources Addendum report.
 - b. Provide for public access from Haymans Road to Mt MacDonald.
 - c. Ensure all land returned to the Crown is interconnected or access between freeholded land and land proposed to be returned to the Crown is provided.

Recommendations from Upper Waitaki Shared Vision Forum and Tenure Review

20. The Upper Waitaki Shared Vision Forum³ was established by the Government in an effort to find a common understanding as to how the outstanding landscapes and

² <http://www.alps2ocean.com/>

³ <http://mackenziecountry.org.nz>

biodiversity values within the northern Basin could be protected whilst providing for farming into the future.

21. The Forum was created and supported by the Government, and included representatives from over 22 parties including local farmers, irrigators, tourism operators and conservationists. Those parties worked hard to create a collaborative agreement containing a series of recommendations as to how this vision might be achieved.
22. The product of the Forum was “The Mackenzie Agreement”, which recommended that in order to ensure that large and interconnected areas representing the altitudinal sequence and the biodiversity values at that scale were protected within the Mackenzie, 100,000 ha should be protected through a range of processes, including through the tenure review processes.
23. The Irishman Creek tenure review proposal appears to be counter to what has been recommended by the Forum. The proposal forgoes any opportunity for connectivity at a large-landscape scale in the future and in fact provides for the future loss of outstanding landscapes and significant biodiversity values.
24. The recommendations set out in The Mackenzie Agreement are consistent with the objects of Part 2 of the CPLA and the CPLA’s purpose, and are able to be taken into account in decisions under the CPLA. These recommendations are one way in which the Commissioner’s decisions in relation to the Irishman Creek tenure review can be taken in the proper context, rather than in the artificially narrow context that occurs review-by-review.

Relief sought

25. Forest & Bird wishes to see the following changes in the Substantive Proposal, in order to properly achieve the objects of Part 2 of the CPLA:
 - a. Give proper effect to The Mackenzie Agreement by ensuring there is the potential for connected large landscape protection in the future. This would be achieved by implementing the recommended areas for protection as set out in the DOC Addendum Report.

CC1 – Covenant agreement –Lake Pukaki Lakeside face-Landscape Amenity

26. Forest and Bird supports the appropriateness of a covenant over this freeholded land but has significant concerns about the ability of proposed Covenant CC1 to protect

SIVs because of the short term nature of the covenant and the permissiveness of the special conditions associated with it.

27. According to the 'Summary of Preliminary Proposal', Covenant CC1 is considered to be in recognition *of the significance of the landscape.....[which] is perceived as being a highly natural landscape and New Zealand's most spectacular illustration of glacial morphology on a grand scale*. The summary describes the area as being highly visible from SH80, and although it has been oversown and top-dressed in the past, it is said to still retain its 'natural hues'.

28. The Summary author considers that risks to these landscape values are limited to subdivision, construction and tree planting. Forest and Bird considers that there are other risks that need managing. Risks include uncontrolled over-sowing and top-dressing, herbicide spraying, cultivation and the planting of crops resulting in the potential for the considerable loss of natural character, the loss of the visual coherence that currently exists, the greening of a highly visible and geologically important landscape, earthworks scars and the erection of buildings, and impact by stock on the wetlands and kettleholes contained within the proposed covenant.

Term of Covenant CC1

29. The covenant will be in existence for a maximum of 15 years.

30. The primary objects of tenure review, as set out in the Crown Pastoral Land Act 1998 (CPLA) are to promote the management of reviewable land in a way that is ecologically sustainable, and to enable the protection of the significant inherent values of reviewable land by the creation of protective mechanisms; or (preferably) by restoration of the land to full Crown ownership and control. Additional objects are subject to those ecological requirements.

31. Where the statutory preference for restoration to full Crown ownership and control is not followed, and instead protective mechanisms are proposed as here, the purpose of the protective mechanism is to enable the protection of the significant inherent values of reviewable land (as set out in section 24), or for one of the additional purposes set out in section 40(2)⁴. In this case, the protective mechanism is said to be for two purposes: the protection of a significant inherent value of the land

⁴ 40(2)The matters are—

- (a)the protection of a significant inherent value of the land concerned:
- (b)the management of the land concerned in a way that is ecologically sustainable:
- (c)public access across or to the land concerned:
- (d)public enjoyment of the land concerned.

concerned; and the management of the land concerned in a way that is ecologically sustainable.

32. These nationally important landscape and geological SIVs will, if protected, exist forever. Yet the protection of the values is proposed to be for a maximum of 15 years. There is no explanation given for the lack of any protection beyond 15 years. A time bound covenant without any assurance of protection beyond a limited term will not “protect” the SIV’s. In providing for covenants to be used to “protect” SIVs, the CPLA must envisage that the protection will be in place in perpetuity (or at least for as long as the SIV exists). The covenant does not protect the SIVs or ensure the land’s ecological sustainability in the future, and therefore does not fulfil any valid purpose for which covenants may be used under the CPLA.⁵
33. Protection under the covenant may be for an even shorter time if the Minister considers that District Plan provisions are sufficient to protect the values. If that occurs, the covenant can be removed in as little as 10 years, with no option to regain control over the terms of management of these SIVs.
34. The time-limited covenant appears to be premised on the assumption that long-term protection will be achieved under the Mackenzie District Plan. Forest & Bird considers that the Commissioner is not entitled to rely on plan provisions to achieve protection of SIVs, and must instead be satisfied that protection achieved through tenure review itself is sufficient.
35. A district plan is reviewed every 10 years (and can be changed at any time). There can be no guarantee whatsoever that any provisions in the Mackenzie District Plan will secure the protection of the ecological and landscape values in the future. Nor can there be any assurance that the provisions as currently set out in Part 2 of the Resource Management Act (which guide plan preparation) will remain, given the current government’s stated aim of reforming Part 2.
36. In previous submissions on tenure review preliminary proposals, Forest and Bird raised concerns about the level of protection a district plan would be likely to provide in the protection of SIVs on land that has been proposed to be freeholded. These submission points have been disallowed as an irrelevant matter.⁶ Despite that view being taken in the past, it would now seem that the Commissioner intends to rely on the RMA to protect SIVs.

Special conditions

⁵ As set out in sections 24 and 40.

⁶ See for example LINZ Analysis of Submissions for The Wolds and Maryburn Preliminary Proposals.

37. The proposed Special Conditions attached to Covenant CC1 are highly permissive and unlikely to protect the values, even in the short-term. The activities allowed have a real potential to undermine the very values the covenant purports to protect. The landscape amenity values are described in 'Schedule 1 3 Values of Land to be protected' as a landscape that is highly visible, perceived as being highly natural, has overall unity, simplicity and coherence of the landscape and high apparent naturalness. It also acknowledges that one of the most notable aspects of the landscape is its uniform brownness which reflects the predominance of extensive grazing on structurally dominant native tussocklands. Covenant CC1 should not permit activities that are likely to result in loss or damage of those values: that is not "protection".
38. The covenant fails to protect the numerous wetlands and kettleholes that are within the area. Brown (2002)⁷ described the wetlands as being of high quality and providing habitat for a variety of wetland birds such as marsh crake and probably bittern. Black stilts (kaki) have used the wetlands historically and probably will again. Kaki have a threat status of critically endangered and are only found in the braided rivers and wetlands in the Mackenzie Basin.⁸ One of the major threats to Kaki is the ongoing loss and modification of habitat through agricultural intensification.
39. The wetlands are dominated by carex species and are considered to be hydrologically linked.
40. The landscape survey also identified the wetlands and kettleholes as significant natural landscape features to be protected.
41. The wetlands and kettleholes were considered by DOC in its Addendum Report to be a major reason why the Lake Pukaki face should be a covenanted area and recommended the fencing of the wetlands and light sheep grazing within the kettleholes.
42. The Special Conditions attached to Schedule 1 are of concern to Forest and Bird, in particular:
- a. Condition 1.1: Grazing - there are carex wetlands and kettleholes within the area, identified in various tenure review reports prepared by the Department of Conservation technical advisors, Steven (2002), Brown (2002), Head (2008). Cattle grazing within the wetland area and kettleholes can cause fouling, pugging and the trampling of plants resulting in a reduction of biomass

⁷ Unpublished tenure review report, 2002.

⁸ <http://www.doc.govt.nz/conservation/native-animals/birds/birds-a-z/black-stilt-kaki/facts/>

that has an impact on bird habitat. There is no requirement in the covenant for these areas to be fenced, for cattle to be specifically excluded, or any recognition of the wetlands as highly significant habitat for extremely vulnerable bird species including black stilt/kaki.

The Kettleholes have been described as having excellent turf communities including the nationally vulnerable native forget-me-not, Head 2008 (ibid) they are also a Naturally Uncommon Ecosystems and a National Priority 2 3 and 4 to protect. Grazing will cause loss or damage of these highly significant ecological values

- b. Condition 1.2: New fencing and associated earthworks - There appears to be no consideration on the potential of these activities to impact on the highly visible and natural looking landscape as viewed from across the Lake or other public viewing areas.
- c. Condition 1.3: Uncontrolled Clearance of native shrubland species and short tussock using mechanical and chemical means is permitted. This presumably is to clear the land for the planting of exotic grass and crop species. Spraying is not permitted within 20 m of watercourses. This would negatively impact on the natural landscape values and could include loss of kettleholes and wetlands (which are water bodies not water courses), or could indirectly impact on them through changes in hydrological regimes and vegetation cover. The covenant conditions should ensure that permitted activities do not significantly impact (directly or indirectly) on landscape values and wetlands.
- d. Condition 1.5: Planting of crops for farming purposes except within a 20 m margin of watercourses. It is acknowledged that there are areas within CC1 that could accommodate paddock development providing this is a carefully managed process, for example restricted to lower flatter areas with no wetlands or tarns and in areas and not likely to impinge on the natural character of the lake landscape as seen from public places such as SH80. The covenant conditions do not provide for a process of more detailed assessment and identification of suitable areas or any consideration as to what the impact on the landscape values might be. As it stands there is a real possibility of significant greening of the landscape and an undermining of the overall coherence and naturalness the covenant sets out to protect albeit temporarily.

- e. There is also no provision for any public access between Hayman Road and areas with SIVs on top around Mt MacDonald. We note however that there is a legal road approximately along the line of an existing 4WD track which would provide ready access. This road does not appear to have been acknowledged in the preliminary proposal.

Relief sought

- 43. A covenant that sets out to only protect SIVs for the short term and that provides for highly permissive conditions as part of the covenant amounts to little in the way of any meaningful protection of the identified SIVs, and there is no evidence that the proposed covenant will promote management of the land in a way that is ecologically sustainable. Covenant CC1 does not achieve the purpose of a protective mechanism.
- 44. The area subject to the covenant includes high quality carex wetlands and kettleholes which are one of New Zealand's naturally uncommon ecosystems and provide habitat for a variety of native birds including the critically endangered Kaki. The covenant fails to provide any protection for these SIVs.
- 45. Forest & Bird seeks that Covenant CC1 apply in perpetuity.
- 46. Forest & Bird seeks the following changes to the Special conditions of Covenant CC1:
 - a. Delete all provisions in clause 4 of Schedule 2 Special Conditions.
 - b. Devise a management plan to ensure the SIVs are protected that would include:
 - i. Proper identification and mapping of wetlands and kettleholes. Nearer the stilling pond there is a complex of the characteristic south to west drainage channels and an obvious ephemeral tarn. When survey work was being carried out on the lakeside areas in 2002 the extent of survey possible was time-limited and there was not the advantage of Google Maps to examine the landscape. However these features can now be seen clearly on Google Maps.
 - ii. Wetlands and kettleholes as identified in DOC technical reports and the Addendum Report are fenced and their condition monitored; or light sheep grazing only in blocks with wetlands and kettleholes.
 - iii. Suitable areas for mechanical cultivation, spraying and planting of crops that will not adversely impact on the significance of the

landscape including its visibility from public roads and tracks, high naturalness and its 'spectacular illustration of glacial morphology' to be identified with the assistance of a qualified landscape architect and approved by the Minister.

- iv. Identification of a building platform for any future dwelling by agreement between the landholder and the Minister with the assistance of a qualified landscape architect to ensure it will not adversely impact on the significance of the landscape including its visibility from public roads and tracks, high naturalness and its 'spectacular illustration of glacial morphology'.
- v. Identify a suitable public access route between Haymans Road and Mt MacDonald.

CA 2 and CA3

- 47. Forest and Bird supports CA 2 and CA3 being returned to full crown ownership and control, but is puzzled as to why the area north of CA3 is not included as part of the landscape unit. See discussion below.

Proposed Freehold Area west of and north of Mt MacDonald including west face of Mt MacDonald

- 48. There appears to be no valid reason for the freeholding of the lateral moraines north of the Tekapo canal. The moraines are part of a whole SIV. There is simply no geological, ecological or landscape rationale that justifies separating this area out.
- 49. The land shown as Mt John moraine on Ms Steven's 2002 landform map should be included as part of a conservation area – it is as valued as the area south of the canal. This was proposed in the DOC 2009 Addendum. In fact this area is even more valuable, as it does not have the extensive areas disturbed by canal development that CA2 has, nor does it have the same wilding tree problem.
- 50. If the proposed CA2/CA3 landscape areas are worthy of protection (and Forest & Bird considers that they are), then so is this area if not more so. It has the same intricate patterns of moraine landforms, the same vegetation cover, and the same landscape values. There are particularly intricate braided patterns in the flat hollows between moraine ridges.
- 51. There are kettleholes and ephemeral wet areas that contain threatened species in this area. Dry moraine ecosystems and kettleholes are classified as naturally

uncommon ecosystems (Williams et al 2007⁹) and are ecosystems identified as being a national priority to protect¹⁰. Furthermore dry moraines are now classified as endangered (Holdaway et al 2012¹¹) further emphasising the importance of adequately protecting this area. Although the Williams paper is referred to in Mr Head's Supplementary Report, 2008 it does not refer to William's consideration of the important status of dry moraines, and the Holdaway et al paper was published in 2012 after the DOC reports were compiled.

52. The view north over the Canal is impressive with a natural looking short tussock moraine land as the foreground to the alpine peaks in the background including Aoraki. This is one of the most memorable views in the basin.

53. Mt MacDonald offers an important opportunity to provide views over the area and for the interpretation of the outstanding geological features that are highly legible from this viewpoint. The DOC Addendum Report recommends that the area is protected and returned to full Crown ownership.



Figure 1 The photo above shows the lateral moraine north of the canal and illustrates its high degree of naturalness and outstanding geomorphological legibility.

54. The proposal to freehold land that is part of the Mt John moraine fails to properly protect the significant inherent values as identified in various expert reports prepared by the Department of Conservation, the Addendum Report (2009), Nick Head (2008), and Anne Steven (2002).

⁹ Williams PA, Wiser S, Clarkson B and Stanley MC 2007. New Zealand's historically rare terrestrial ecosystems set in a physical and physiognomic framework. *New Zealand Journal of Ecology* 31(2): 119-128

¹⁰ Ministry for the Environment 2007. Protecting our Places. Introducing the national priorities for protecting rare and threatened native biodiversity on private land. Ministry for the Environment, Wellington.

¹¹ Holdaway, R. J.; Wiser, S. K.; Williams P, A.: 2012. Status assessment of New Zealand's naturally uncommon ecosystems. *Conservation Biology* 26 (4), 619-629.

55. Then proposal fails to provide any reasons as to why it is proposed to freehold land unencumbered with SIVs that are as significant if not more so than areas CA2 and CA3. Nor does there appear to be any consideration of how this increasingly rare ecosystem will be impacted on as a result of the proposed freeholding.

56. This aspect of the Preliminary Proposal is contrary to the objects of Part 2 of the CPLA.

Relief sought

57. Designate the land north of the canal (and identified in the DOC Addendum Report Map as part of 'Area 1') to be returned to full crown ownership and added to the proposed CA3 in the Substantive Proposal.

Proposed CA1/SR1

58. The proposed CA1 and SR1 is supported however the area covered by SR 1 needs to be extended and returned to full crown ownership as recommended in Steven (2002), Head (2008) and the DOC Addendum Report Map as CA2. The extended area should include:

- a. the lacustrine basin and moraines and knob and kettle topography of the northwest corner with its dramatic erratics some of which are large and typically associated with native shrubs
- b. the smooth sloping outwash and gully to the north of the homestead and west of Irishman Creek.
- c. the full extent of the alluvial plain on the true left of Irishman Creek

59. The lacustrine basin and moraine features are continuous and of the same landscape character with the proposed SR1 area and with proposed protected areas on Balmoral adjacent. There is no landscape/visual, ecological or geological basis for separating them out. They are of similar value as SIVs as the area proposed for SR1. The erratics are most numerous and best developed in this area, they have impressive displays of lichen and provide refuges for native shrubs. The lacustrine basin is unique in this area so adds an additional dimension to the natural history of the area. The features in this area are important to the overall cohesiveness and integrity of the glacially derived geomorphology which is regarded as very significant and nationally outstanding.

60. The outwash plain is impressive for its homogeneity of form (sloping planar surface) and vegetation cover (continuous short tussock grassland); and its perceptual

qualities especially the sense of unlimited space. It is unusual in that it does not display the typical braided hump and hollow pattern. It is also unusual in that most surfaces like this elsewhere have been more heavily developed for pastoral use. The loss of these SIVs elsewhere makes protection of these SIVs even more imperative.

61. Both areas support at risk and threatened species such as coral broom, Beauverd's raoulia and dwarf heath and possibly spring annuals which are threatened species. It is an ecosystem that is considered a national priority to protect. It is also a Naturally Uncommon or Rare Ecosystem (Inland Outwash Gravels).¹²
62. This surface contains a diversity of native vegetation typical of this ecosystems including at least two At Risk species – *Leucopogon nanum* (At Risk – Naturally Uncommon) and Coral Broom *Carmichaelia crassicaulis* (At Risk – Declining) as well as *Raoulia parkii* noted as of significance in the DOC Addendum Report. The typical range of non threatened species was observed – fescue tussock, *Coprosma petriei*, *Luzula* spp., *Colobanthus* (possibly *brevispalus* which is At Risk - Naturally Uncommon), small *Pimelea* shrubs, mosses and lichen, *Leucopogon* species (*fraseri* as well *nanum*), *Raoulia* spp. *Leucopogon nanum* is widespread giving the characteristic russet hue to open areas of ground hugging vegetation. The entire area is within Chronically and At Risk Land Environments (where only between 10-30% of these environments have indigenous vegetation left). The extent of past loss is relevant to the importance of these SIVs and the need under the CPLA to prioritise their protection.
63. The alluvial surface is the important foreground to the classic view through Irishman Creek and displays the characteristic braided pattern. Not only is it a rare ecosystem considered to be a national priority to protect it is also integral to one of the most 'iconic' and recognised views of the Mackenzie Basin. It is highly visible from SW8 when travelling though the Basin.
64. It is difficult to understand how the freeholding of this land without any protective mechanism to ensure its contribution to the outstanding landscape and high level of naturalness are not undermined can be considered by the Commissioner to be reasonably in accordance with the CPLA. It is of very limited pastoral value in its current state and is highly vulnerable to development to support pastoral use if freeholded. This would be completely inappropriate given its natural character, visual prominence and very high ecological value. It is also acknowledged as a Chronically

¹² <http://www.landcareresearch.co.nz/publications/factsheets/rare-ecosystems/inland-and-alpine/inland-outwash-gravels>.

Threatened Environment (10-20% of this environment is left with indigenous vegetation).

65. Within Irishman Creek, as a whole this area has an intact array of glacially derived landforms. Landforms are both clear in individual forms as well as in their relationships with each other, due to absence of fragmenting cultural elements and the homogenous fine textured low grassland cover. Added to potentially protected areas on the adjacent Balmoral Lease (Old Man Range) the natural science values (geomorphology, ecology) are very high and also support very high visual values.
66. This area has very high landscape values, due to the homogenous cover of low fine texture grassland. This greatly enhances the sense of scale and vast open space – a particular experience of the Mackenzie Basin. Homogenous cover over the variety of glacial and fluvio-glacial landforms also greatly enhances legibility both of individual landforms and suites of inter related landforms. Visual coherence and unity – key visual quality indicators - are also very high due to this type of cover and the absence of intrusive or fragmenting elements.
67. There are a lot of small glacial moraine landform elements together forming intricate patterns in the northwest corner, these are apparent when viewed on Google maps.
68. This area is an integral part of the much more natural suite of tussock grassland covered landforms visible from SH8; it is also a distinctive form due to its planar nature facing the highway – it also has a smooth vegetation cover rather than the braided hump and hollow which emphasizes its clean form.



Photo 2 The foreground proposed to be freeholded and highly visible from SW8 fails to recognise the significant landscape amenity and natural science values of the alluvial fan.

Such expansive areas covering a variety of landforms with an intact indigenous dominated vegetation cover are rare at low altitudes over easy topography because generally they are developed to some degree or obviously affected by sheep grazing.

70. This area provides an excellent resource for public recreation being of easy terrain suitable for walking and mountain biking. The experience of the glacially derived landscape is unique here, a combination of long sweeping old weathered moraine forms merging into planar outwash, as well as humps and hummocks of older moraine, small suites of washboard moraines, erratics and more recent alluvial channels. Hill 851¹³ provides an excellent viewpoint to enjoy this expansive natural landscape.

71. The proposal to freehold the alluvial outwash and the north-west corner fails to protect significant inherent values including rare and threatened ecosystems and the outstanding landscape as viewed from SW8.

72. The proposed freeholding of the land fails to give proper consideration of recreational opportunities and meaningful public access. The proposal is contrary to s24 (a)(i) 24 (b)(i)(ii) and 24(c)(i) CPLA.

Relief sought

73. Return the land to full crown ownership and add to SR1 managed to protect its SIVs including its landscape amenity and as a rare ecosystem that is of high priority to protect.

74. Ensure the lupin and wilding trees are eradicated prior to relinquishment by the leasee and a long-term management plan is in place to ensure this remains the case.

Address for Service

Jennifer Miller

P O Box 2516

Christchurch

Phone 021 561 778

Email: j.miller@forstandbird.org.nz

¹³ Refer topographical map



From: jr.lbt@ihug.co.nz [<mailto:jr.lbt@ihug.co.nz>]

Sent: Monday, 30 June 2014 4:54 p.m.

To: pastoral & tenure review

Subject: Irishman Creek Tenure Review

Dear Sir

I am writing to you regarding the proposed Tenure Review of Irishman Creek Station, Tekapo.

There are a number of reasons that I do not support this Tenure review.

1. The pastoral lease of 9802 hectares lies within the Mackenzie Ecological region, a region recognised by the Ministry of Environment as a unique environment. When looking at this area on a topographical map, it is plain to see that there are no other similar areas anywhere – a basin of moraine and outwash plain surrounded by mountains and lakes, which is precisely why it looks so beautiful, and should be preserved.

2. The concessions proposed in all three points of the Tenure review mean that there would be virtually no protection for this area

- grazing concessions in both points 1 and 2
- further easement concessions which will mean that more of the area will be opened up.
- the only protections will be along the marginal strips as identified in the Conservation Act (1987), an insignificant area.

3. The requirements of a conservation covenant are not enforceable. Being entirely voluntary, what incentive does the land owner have to abide by this? The fact that a Tenure Review is being proposed suggests that the lessee is keen to use the land for purposes different from the current uses. Once these changes have been made, the land as it is can never be restored. One would hope that the current lessees recognise and place some value on the unique qualities of this area (and did so when they originally took this land on), but without any accountability to an outside agent there is a great risk that the land management will not be sensitively carried out.

4. There are a number of Endemic species on the Irishman Creek leasehold property which are nationally endangered

- Black billed Gull
- Black stilt (critical)
- Southern falcon
- black fronted tern
- wrybill
- banded doterell

This is not to mention the delicate ecological habitats that exist in this area. Further exploitation of their habitat will further endanger these New Zealand birds, potentially pushing some of them even further on to the endangered list.

I hope you consider this submission favourably.

Kind regards

Louise Thompson

**SUBMISSION ON THE PRELIMINARY PROPOSAL FOR THE IRISHMAN CREEK
(PASTORAL LEASE NUMBER PT 014) TENURE REVIEW**

To: Land Information New Zealand
Crown Property
CBRE House, 112 Tuam Street
Private Bag 4721
Christchurch 8140

Phone: 0800 665 463 (option 7)
Email: pastoral&tenurereview@linz.govt.nz

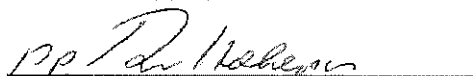
Name: Meridian Energy Limited
PO Box 2454
CHRISTCHURCH

Attention: Andrew Feierabend (Statutory Compliance and Strategy Manager)
Phone: (03) 03 357-9731
Fax: (03) 357 9821
Mobile: 021 898 143
Email: Andrew.Feierabend@meridianenergy.co.nz

Meridian Energy Limited ("Meridian") makes the following submissions on the Preliminary Proposal for the Irishman Creek Tenure Review which affects Pastoral Lease PT014. The land affected by this proposal is legally described as Part Run 343 and Section 1, SO 15864 being all the land contained in Instrument of Title CB 529/19 (Canterbury Land Registry). The property consists of approximately 9802.3049 hectares of land ("Property").

Meridian would like the following matters to be taken into account and be given effect to prior to or as part of the substantive proposal to be made to the run holder under the provisions of section 46 of Crown Pastoral Land Act 1998.

Meridian is prepared to provide any additional information and discuss the issues raised in this submission further if required with representatives of the Commissioner of Crown Lands.



Andrew Feierabend

For and behalf of Meridian Energy Limited
Dated this 30th day of June 2014

OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

- Part A: Overview of Meridian;
- Part B: Primary Submission Points

PART A: OVERVIEW OF MERIDIAN

1. Meridian is a mixed model ownership company pursuant to section 45P of the Public Finance Act 1989. Meridian is owned 51% by the Crown and 49% by various other shareholders. It is one of three companies formed from the split of the Electricity Corporation of New Zealand (ECNZ) on 1 April 1999.
2. Meridian's core business is the generation, marketing, trading and retailing of electricity and the management of associated assets and ancillary structures in New Zealand.
3. Meridian is the single largest generator of electricity in New Zealand. Meridian's hydro generation accounts for approximately 30% of New Zealand's electricity generating capacity. Meridian is the largest wind farm developer in New Zealand. The company's asset base includes the:
 - Te Uku Wind Farm near Raglan;
 - Waitaki Hydro Scheme in the Waitaki Catchment;
 - Manapouri Power Scheme in Fiordland;
 - Te Apiti Wind Farm in the Manawatu;
 - Brooklyn Wind Turbine in Wellington;
 - White Hill Wind Farm in Southland;
 - West Wind Wind Farm near Wellington; and
 - Mill Creek Wind Farm near Wellington (currently under construction).
4. It is in its operations and assets in the Waitaki Basin that Meridian has a direct interest in the preliminary proposal for tenure review for the Irishman Creek Pastoral Lease.
5. Meridian owns and operates six hydro stations in the Waitaki Hydro Power Scheme ("WHPS") which form and operate as a linked chain of generation stations. Genesis Energy's Tekapo A and B power stations are at the head of the chain and are followed by Meridian's Ohau A, B and C, Benmore, Aviemore and Waitaki power stations. In the five year period ended 30 June 2013, Meridian's stations within the WHPS accounted for approximately 53% of Meridian's total energy generation.
6. The WHPS has two primary storage lakes – Lake Tekapo and Lake Pukaki. Genesis Energy manages Lake Tekapo and the water released from this lake for hydro generation flows through Tekapo A and B power stations via the Tekapo Canal into Lake Pukaki, providing approximately 45% of the inflows into Lake Pukaki. Meridian manages Lake Pukaki, New Zealand's largest

hydro storage lake, which provides approximately 37% of New Zealand's total hydro electricity storage. Meridian's operation of Lake Pukaki as the largest single hydro storage reservoir in the country is critical to how Meridian, and the overall electricity sector, manages the risk of adverse hydrological conditions resulting from dry periods or drought conditions.

7. Meridian is not opposed to the disposal by free holding to the current lessee. Meridian as a Crown-controlled company and as a key stakeholder in the electricity generation sector however needs to ensure that the WHPS as a strategic national asset is not compromised by the outcome of the Irishman Creek Tenure Review, that access to the Property is provided and protected to enable the operation, maintenance and repair of the WHPS and associated infrastructure, and to enable Meridian to meet its other obligations. It is submitted that this protection can only be achieved through the registration of appropriate interests on the title as canvassed below.
8. Section 25 of the Crown Pastoral Land Act 1998 provides an opportunity for the Commissioner to achieve such outcomes. This section states: "In acting under this Part, the Commissioner must to the extent those matters are applicable) take into account - ... (c) if acting in relation to land used or intended to be used by the Crown for any particular purpose, that purpose." As Meridian is controlled by the Crown section 25 is applicable. The issues Meridian submit need to be taken into account are set out below.

PART B: PRIMARY SUBMISSION POINTS

33kV Power Network

9. Genesis Energy purchased the Telcapo A and B power stations in 2011 from Meridian. Genesis Energy now owns and operates an overhead 33kV line running across the Irishman Creek Pastoral Lease on the western section of the Property.
10. The 33 kV line is a critical strategic asset for Meridian. The line, constructed during the formation of the WHPS, provides the primary power supply from Transpower's 220kV switchyard in Twizel through to the Pukaki Dam switchyard and on to Tekapo B Power Station. It is crucial to the operation of the WHPS that the ability to operate, maintain and repair this line is protected. The portion of the Property over which the 33kV line runs will be restored and retained under Crown control under the proposed tenure review. A map showing the location of the 33kV is attached to this submission as Appendix 1.

Stock Water Supplies

11. There are stock water supply lines running through the Property, which are owned by Genesis Energy. These stock water supply lines were formerly owned by Meridian. There will need to be ongoing access to these stock water supply lines by Genesis Energy. A map showing the location of the stock water supply lines is attached to this submission as Appendix 1.

Monitoring equipment

12. Genesis Energy also has a range of monitoring equipment located on the Property which it will require ongoing access to in order to operate and maintain that equipment.

Lake Pukaki Shore Erosion

13. Part of the Irishman Creek Pastoral Lease Property proposed to be freeholded is adjacent to Lake Pukaki.
14. The level of Lake Pukaki was raised as part of the construction of the WHPS to provide greater storage. As a result of the level of Lake Pukaki being raised there is inevitably erosion that will occur to the land adjoining the Lake. In particular, Meridian is concerned about erosion on the inland side of Haymans road beyond land adjoining Lake Pukaki (owned by The Crown). The erosion cannot be prevented entirely.
15. Meridian seeks that a memorandum of encumbrance be registered to provide, in summary, that:
- the landowner accepts that erosion will occur;
 - Meridian will use reasonable endeavours to minimise erosion by available practical and economic means as determined by Meridian in its reasonable opinion;
 - Meridian may access the land to take actions to minimise erosion and to install and operate monitoring and measuring equipment; and
 - Meridian may acquire areas by erosion and will pay compensation for areas lost to the landowner by erosion.
16. Such a memorandum of encumbrance provides for the inevitable effects of erosion in a fair and reasonable way.
17. The Crown has previously recognised that such a memorandum of encumbrance is needed and should be provided for as part of tenure review. For example, in the tenure review for Pukaki Downs the memorandum a copy of which is attached as Appendix 2 was required and registered.

Meridian seeks that a memorandum of encumbrance to similar effect as the memorandum of encumbrance attached as Appendix 2 be required to be entered into and registered.

Conclusion

18. Meridian trusts the above submissions will be given effect to and as previously indicated is happy to meet to discuss the type of instruments that might be used to achieve the outcomes discussed above

Appendix 1

Location of Stock Supply Water Lines and 33kV Line

Appendix 2

Example Encumbrance

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Memorandum of Encumbrance

Parties

2 JMB Lester John Baikie and Robin Ann Baikie *608 3/13* (together with their successors in title referred to the Grantor);

3/13 *Meridian* Hydro Energy Limited (the Grantee).

ENC A417271.10 Encumbr

Cpy - 01/01, Pgs - 008, 15/01/03, 16:27



DocID 218776691

Recitals

- 2 JMB*
- A. The Grantor is the registered proprietor of the estates in fee simple in all those parcels of land described in the Fourth Schedule (the Land).
 - B. The Grantee is the owner/operator of the Pukaki Power Scheme.
 - C. By an agreement dated 28 November 1997 (the Agreement), the Grantor and the Crown agreed to the terms of a Land Tenure Agreement.
 - D. Under clause 12 of the Agreement, the Grantee and the Crown acknowledged that Land contained in part of the land subject to the Land Tenure Agreement (the Land Tenure Agreement Land) around the shores of Lake Pukaki may be subject to erosion from fluctuations in lake levels caused by the operation of the Lake Pukaki Power Generation Scheme (the Power Generation Scheme) and that further Land may be required to be taken by the operator/owner of the Power Generation Scheme.

2 JMB Under the Agreement the ^{Grantor} Grantee agreed the following:

- (i) that it would permit the owners or operators of the Power Generation Scheme or the Crown (on behalf of such operators or owners) to take such Land from the Land Tenure Agreement Land as may from time to time be required to accommodate erosion;
- (ii) that compensation in respect of the erosion would be determined as if the area of the Land eroded was an acquisition for a public work under the Public Works Act 1981; and
- (iii) that the terms of clause 12 of the Agreement should;
 - (a) be binding on it and its successors in title; and
 - (b) be protected by covenant or such other legal device the Crown or the owner or operator of the Power Generation Scheme may require and be in the name of the Crown or the owner or operator of the Power Generation Scheme.

- 3/13*
- F. The Grantee and the Grantor have agreed to the terms of a Memorandum of Encumbrance (the Memorandum) to give effect to clause 12 of the Agreement.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

NOW THIS MEMORANDUM WITNESSES that the Grantor ENCUMBERS the Land for the benefit of the Grantee as set out in the First Schedule and Third Schedule and that the Grantor and the Grantee covenant with each other as set out in the Second Schedule.

In witness of which this Memorandum has been executed this 3rd day of June 1999

SIGNED by) JJB Baikia
LESTER JOHN BAIKIE and)
ROBIN ANN BAIKIE)
In the presence of:) R. Baikia

Witness to signatures:

Name: Simon James Dorman

Address: SIMON JAMES DORMAN

Occupation: SOLICITOR
12 THE TERRACE
TIMARU

Signature: _____

SIGNED by) _____
HYDRO ENERGY LIMITED) (Director)
MEADIAN)
In the presence of:) Keith Turner
(Director/Authorised Person)
Chief Executive

Witness to signatures:

Name: James Malcolm Gordon NAY

Address: WELLINGTON

Occupation: SOLICITOR

Signature: [Signature]

RELEASED UNDER THE OFFICIAL INFORMATION ACT

First Schedule**TERMS AND CONDITIONS OF ENCUMBRANCE**

1. The term of this encumbrance is 50 years commencing from the date of this Memorandum, subject to earlier determination as provided in the Third Schedule.
2. The rent charge for this encumbrance is \$10.00 plus GST, to be paid to the Grantor on demand by the Grantee, by the 1st day of April in each year.
3. The Grantee shall be entitled to exercise all the rights and powers of an encumbrancee under the Land Transfer Act 1952 and Property Law Act 1952.

Second Schedule**THE COVENANTS****1. ACKNOWLEDGMENT THAT LAND SUBJECT TO EROSION**

The Grantor acknowledges that parts of the Land around the shores of Lake Pukaki may be subject to erosion from fluctuations in lake levels caused by the operation of the Power Generation Scheme and further land may be eroded by the operation of the Power Generation Scheme.

2. RIGHTS OF THE GRANTEE

- 2.1 The Grantee has the right, on and over the Land, at any time and at the sole discretion of the Grantee and its duly authorised employees to:
 - (a) erode the Land (in whatever quantities and at whatever times the Grantee thinks fit); and
 - (b) have access to the Land for the purpose of installing, operating and maintaining monitoring and measuring equipment and structures, safety devices and similar equipment on the Land and, at its sole option, to minimise erosion, land subsidence, land slippage and landslides on the Land.
- 2.2 The Grantee may if it sees fit from time to time install, operate and maintain monitoring and measuring equipment and structures, safety devices and similar equipment on the Land. Except in the case of emergency, the installation of such devices and equipment shall not be undertaken without the Grantee first having obtained the consent of the Grantor, such consent not to be unreasonably withheld.
- 2.3 Any monitoring and measuring equipment, structures, safety devices and similar equipment of whatever nature made or installed by the Grantee on the Land shall not be or become fixtures annexed to the Land but shall remain the property of the Grantee and may at any time be removed by the Grantee provided that any substantial damage caused by such removal shall immediately be remedied by the Grantee at its cost.

8/3 2013 

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- 2.4 Nothing in this Memorandum shall be taken to restrict or hinder the Grantee from raising or lowering the level of water on or near the Land during the course of carrying on the Grantee's electricity generation business.
- 2.5 The covenants recorded in this Memorandum are not in substitution for, and are without prejudice to, any statutory rights and authorities that the Grantee may have from time to time in respect of the Land.
3. OBLIGATIONS OF THE GRANTEE
- 3.1 Notwithstanding the provisions of clause 2 of this Schedule 2, the Grantee shall use reasonable endeavours to minimise erosion, land subsidence, land slippage and landslides on the Land by available practical and economic means as determined by the Grantee in its reasonable opinion.
4. RIGHTS OF THE GRANTOR
- 4.1 This Memorandum does not affect any right or claim by the Grantor for payment for any damage (excluding damage caused by erosion) to the Land owned by the Grantor due to or arising from negligence of the Grantee or by its employees or agents.
5. OBLIGATIONS OF THE GRANTOR
- 5.1 The Grantor shall not obstruct or interfere with and shall ensure its agents, contractors, employees and invitees shall not obstruct or interfere with the carrying on of the normal business operations of the Grantee to the intent that the Grantee shall have the absolute right to erode the Land for purposes relating to electricity generation.
6. COMPENSATION IN THE EVENT OF EROSION
- 6.1 The Grantee will pay reasonable compensation to the Grantor for the parts of the Land eroded during the operation of the Power Generation Scheme.
- 6.2 Such compensation may be paid for any loss of use of any part of the Land by the Grantor and/or the loss of value of the Land through the right of the Grantor to erode the Land and for all losses or damage caused as a natural consequence of the exercise of such rights.
- 6.3 The Grantor and the Grantee will in good faith negotiate the payment of compensation.
- 6.4 If no agreement as to the payment of compensation can be reached, then the compensation payable in respect of the parts of the Land eroded will be determined as if the area of the Land eroded was an acquisition for a public work under the Public Works Act 1981.
7. DISPUTE RESOLUTION PROCEDURE
- 7.1 The Grantor and the Grantee (the Parties) acknowledge that they wish to avoid or minimise any differences or disputes which might arise out of or from the terms of this Memorandum.

S/S. [Signature]

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- 7.2 The Parties therefore agree that if any difference or dispute arises between them as to the terms of this Memorandum over the interpretation or effect of this Memorandum, or in relation to any other matter arising under this Memorandum, that they will actively, openly and in good faith discuss their differences or dispute with a view to achieving a prompt resolution;
- 7.3 If the Parties cannot resolve the dispute or difference between them within 20 days of the written notification of the dispute or difference given by one party to the other at the last known address or the registered office of the other party, then the Parties will submit the dispute to mediation.
- 7.4 Should the dispute remain unresolved after mediation, it shall be submitted to arbitration in accordance with the Arbitration Act 1996 and the substantive laws of New Zealand. The Parties shall agree between themselves as to who to appoint as arbitrator and, in the event of disagreement, a single arbitrator shall be appointed by the President of the New Zealand Society (or any successor).
8. **BINDING ON EXECUTORS AND ASSIGNS**


This Memorandum shall be binding on the executors and assigns of the Grantor and the Grantee and will remain in full force and effect in all circumstances.

Third Schedule

DETERMINATION OF THIS MEMORANDUM OF ENCUMBRANCE

1. This encumbrance shall immediately determine and the owner for the time being of the Land or any part of the Land be entitled to a discharge of the encumbrance if the obligations secured under this Memorandum of Encumbrance are fully performed or become no longer enforceable.

Fourth Schedule

 3400
1749.08 hectares being Sections 1 & 7 SO 19913 Certificate of Title
(Canterbury Land Registry).

Ans

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Correct for the purposes of the
Land Transfer Act 1952

[Handwritten signature]

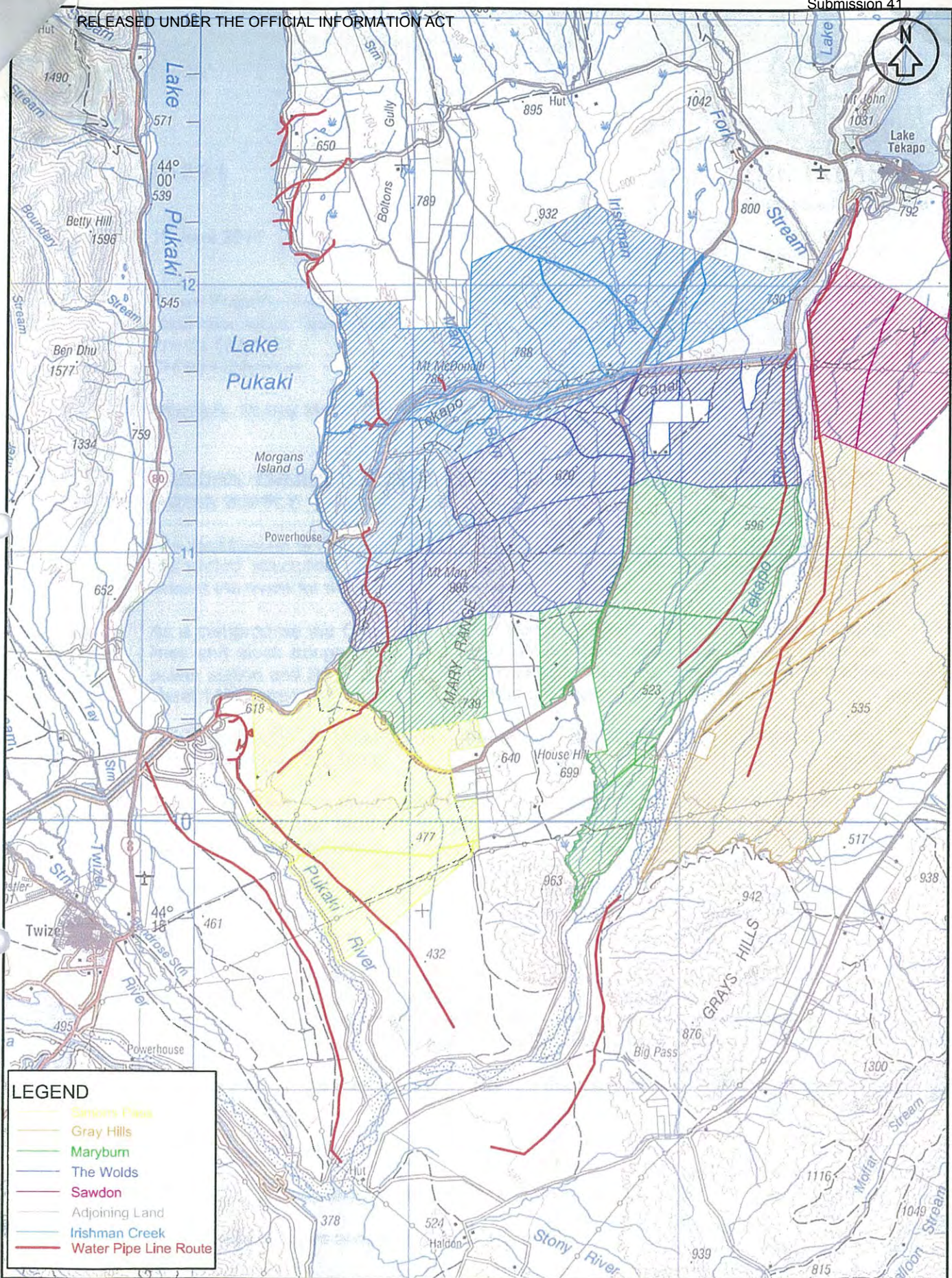
Solicitor for the Grantee



PARTICULARS ENTERED IN REGISTER
LAND REGISTRY - CANTERBURY
FOR REGISTRAR - GENERAL OF LAND

9.00 27.JUL.99 A 417271.10

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btw south
 surveys
 planning
 engineering
 land & p-i-a services
 Unit 7, Cromwell, 714 Hilly Road
 P.O. Box 352, CROMWELL 9400
 Ph (03) 445 1828 Fax (03) 445 0104
 Web www.btw.co.nz

GENERAL NOTES
 1. Coordinates in terms of:
 NZTM, Geodetic Datum 2000
 2. Sources: LINZ Topo 50 map Series
 LINZ Cadastral Data

Please note that the boundary locations are
 indicative only and are as sourced from LINZ
 Cadastral Data. The water pipeline data
 plotted from scanned images and are
 inductive only.

LINZ Lessee file Ref:
 Run Name:
 Lease Registration Reference:
 Land District: Canterbury

**Location of Water Scheme
 Over Pastoral Leases
 Lake Pukaki**

SHEET 1 of 1 SCALE: 1:125,000 2.5 0km 2.5 5

ORIGINAL SIZE
 A3

Appendix 1 - 33kV Power Network

