

Crown Pastoral Land Tenure Review

Lease name:

MT PEEL & WAIKARI HILLS

Lease number: PT 138 & PT 137

Public Submissions

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

January 06

Submission #1

A. & J. Evans
34 John Street, Temuka
Phone & Fax 03 6157 420

Date: 29/7/05

To: Mike Todd
Simon property consultant

OPUS
PO Box 1482
Christchurch

Dear Mike Todd

My Pool and Waiwai Hills pastoral leases.
 I agree with the preliminary proposal for the two leases, received on 24/4/05 with one major alteration which should be incorporated in the final outcome.
 would you please set aside moveable marginal strips on both sides of the Mangitapu river and Lynn creek.

There is no contiguous legal access on either side of these two waterways.
 I refer you to aerial photographs showing the legal status of riverbed lands held by Environment Canterbury held in the Timaru office and which I supplied copies to John Ireland.

The total final proposal will be an excellent gain for the two lessees and an important outcome for recreation and conservation regards and thank you for the opportunity to comment.

Allan Evans

Capt Richard Wesley
 George Hunter
 Itze Marshall
 Neil McDonald

Received, 1/8/05



FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)
P.O. Box 1604, Wellington.

29 July 2005

Mike Todd
Senior Property Consultant
OPUS
PO Box 1482
Christchurch

FMC Submission on Mt Peel and Waikari Hills Pastoral Leases

Dear Mr Todd

We agree with the preliminary proposal for the two leases carried on 24 June 2005 with one major alteration, which should be incorporated in the final outcome.

Would you please set aside moveable marginal strips on both sides of the Rangitata River and Lynn Creek as there is no continuous legal access on either side of these two waterways.

We refer you to aerial photographs showing the legal status of riverbed lands held by Environment Canterbury in their Timaru office, of which Allan Evans supplied copies to John Hyland.

The total final proposal will be an excellent gain for the two leases and an important outcome for recreation and conservation.

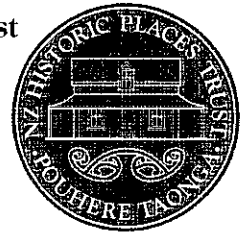
Thank you for the opportunity to comment.

Regards

Barbara Marshall
Secretary

Prepared by Allan Evans

New Zealand Historic Places Trust
Pouhere Taonga



Patron:
Her Excellency The Hon
Dame Silvia Cartwright, PCNZM, DBE
Governor General of New Zealand

Southern Region Office
PO Box 4403
Christchurch
Phone: 377 9241

25 August, 2005

Mr M Todd
Senior Property Consultant
Opus International
PO Box 1482
Christchurch

Dear Mr Todd

Thank you for referring the documents regarding the Mt Peel & Waikari Hills Tenure Review for our comments. The tenure review proposes to retain a large proportion of the land in Crown ownership, including much of the Range Country. The New Zealand Historic Places Trust supports this approach.

The area proposed for freehold tenure contains a number of historic places which have a high degree of significance in respect of the historical and cultural heritage of New Zealand. These include:

- Mount Peel Station Homestead (registered Category I under the Historic Places Act)
- The Church of the Holy Innocents (registered Category II under the Historic Places Act);
- Mt Peel cemetery; and
- A hut in the high country between the northern and southern branches of Lynn River.

All of these places are to be held as freehold land. Where provisions are not presently in place for the sustainable future management of these places, NZHPT would seek covenants that ensure that these places are managed in accordance with best practice heritage conservation procedures, consistent with the principles of the New Zealand ICOMOS Charter. NZHPT is able to assist the owner in entering into these covenanting arrangements.

Of particular note is the number of gorges that run through the range which is largely to be retained in Crown ownership. These gorges have a high potential to contain evidence of Rock Art due to the presence of similar known examples in the area. In addition, I note that the cultural assessment carried out by Te Rūnaka o Arowhenua, indicates intensive traditional land-use of this area as a food source, a culturally significant place and a land transport corridor to the inland. A full survey of the gorges to identify additional sites and to provide appropriate management mechanisms is recommended. I also note that one portion of land affecting a gorge is to be placed in private ownership. This is the land that contains the hut mentioned above and the retention may be due to a wish to maintain a connection between this and the balance of the property.

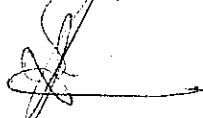
NZHPT considers that both the European historical heritage features enumerated above, and the potential Maori rock art and cultural sites in the affected area are historic heritage places with a high intrinsic value. They should therefore be appropriately identified, protected and managed.

NZHPT supports the retention of the designated lands in Crown Ownership in anticipation that they will be actively managed for both their intrinsic values as places that contain natural resources and historic places.

We recommend covenanting of those historic places of European historic interest enumerated above prior to their release to freehold.

NZHPT notes that the cultural report from Te Rūnaka o Arowhenua recommends joint management of the retained conservation land and this approach is supported by the Trust due to the high potential for Maori rock art sites in the gorges.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jo Bain', with a long horizontal flourish extending to the right.

Jo Bain
Heritage Adviser

**A SUBMISSION ON THE PRELIMINARY PROPOSAL
 FOR TENURE REVIEW OF MOUNT PEEL AND WAIKAIRI HILLS
 PASTORAL LEASES BY THE CHRISTCHURCH TRAMPING CLUB (Inc)**

Our Club's History

The Christchurch Tramping Club has been established for 75 years and is one of the larger tramping clubs in the Christchurch area with approximately 300 members. We run 3 or 4 tramps each weekend with parties ranging between 3 to 20 members. We also run several expedition style alpine tramps (ranging from one to three weeks) annually. Our programme is comprehensive ranging from easy day walks on Christchurch's Port Hills to climbs of major peaks such as Mount Rolleston in Arthur's Pass National Park. We own a club lodge at Arthur's Pass village which can be booked by any kindred group.

Our Club's Links with the Mt Peel/Waikari Hills area

Our programme covers most of the South Island but in particular we range widely in Canterbury Province. Club records indicate regular visits to the Mt Peel district since our early days. These include base camps at Peel Forest with walks in the Forest Park. We also climb Little Mt Peel and sometimes traverse the ridge to Mt Peel itself. Occasionally we have ascended Mt Peel via the Long Spur. We have also tramped into the area via Lynn Stream.

Overall Recreational Use of this Area

We agree with the Department of Conservation's summary of recreational and access issues. Apart from our own use of the area, listed above, we note the following existing uses :

- Access to and from Little Mt Peel via Horse Spur. Part of this spur will become freehold.
- Use by trampers and mountain bikers of Coal Hill and the surrounding land.
- Rafting and kayaking on the Rangitata River adjacent to existing freehold.

Our Submission on the Preliminary Proposal.

1. The actual division between Conservation land and Freehold land is reasonable and rational. It is one of the better land splits we have seen during the tenure review process.

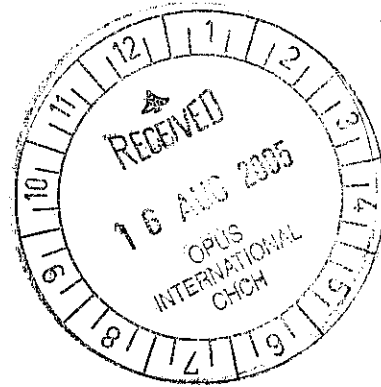
2. The proposed legal access to the north-western part of the land under review (i.e. route C – D in combination with marginal strips to be created on disposal) is welcome as it will secure access to the conservation land to be created south-east of Coal Hill.
3. Access via the bed of Lynn Stream through existing freehold from the Rangitata Gorge Road to the conservation land is important and needs to be made secure as part of the review process. We understand that the Department of Conservation has plans for creating marked access to the conservation land via a legal road to the south of the stream following completion of the review. However this does not diminish the need for access along the stream itself. This is because there is existing use of this route and some users prefer stream to track travel. It will also provide a round trip combined with proposed new access. Our reading of cadastral data is that a legal road line, combined with areas of Crown land on the north bank of Lynn Stream, means that there are no private AMF rights on the northern half of the stream bed. However AMF rights appear to exist along the south bank on this section. We submit that it would be reasonable to negotiate a marginal strip here to allow public use of the entire stream bed.
4. Similarly it would be beneficial to negotiate a marginal strip along the true right of the main Rangitata river as part of the overall tenure review process. This will ensure and improve access for in stream recreational use.
5. We note that DOC propose a management easement up the 4WD track on the lower half of Horse Spur (route a – b). We submit that this should be extended to provide non-motorised public access. This is because there is existing public use this ridge and it will provide a round trip combined with the Deer Spur track to Little Mount Peel.
6. We note that access to Long Spur will still require permission because it will run through existing and new freehold. This is important access which adds to the recreational diversity of the area and we hope this will remain available as before,

David Henson
Andrew Turton
5.8.05

Received 16/8/2005
W.



New Zealand Alpine Club Inc.
Founded 1891



To whom it may concern

Submission on Tenure Review of Mt Peel and Waikari Hills Pastoral Lease from The South Canterbury Branch of the New Zealand Alpine Club.

With regards to this Tenure Review we would like to congratulate Mt Peel Holdings Limited and Waikari Hills (1989) Limited for entering into this process. We are confident the public of New Zealand will benefit greatly from the result in the long term.

However, we are concerned about the lack of direct access to Big Mount Peel from the east.

Many of us have enjoyed climbing Big Mount Peel by first driving along the private track by Parson Stream to the Hut and then continuing by foot up Long Spur. We have appreciated the generosity of the Acland family for allowing this access to many people over the years. A phone call was all that was required.

With the proposed Tenure Review this access track will be within FH3. With the increasing agricultural development of this area we are concerned that using this route for recreational climbs will not be assured.

Is it possible for the public to have access through FH3 to Long Spur en route to Big Mount Peel?

Yours sincerely

Dr Nick Wall
Secretary of the South Canterbury Section of the New Zealand Alpine Club.

Received 16/8/2005
Aa.

10 Smacks Close
Papanui
Christchurch 5

Opus International
Dear Mike Todd

Re: Mt Peel Tenure Review

I feel the review has been pretty thorough and although perhaps over zealous in returning land into freehold, I see little need for any changes and am happy with this proposal.

Regards

Geoff Clark



Received 19/8/2005

58 Kilmore Street, PO Box 345, Christchurch

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Customer services: 03 353 9007

or: 0800 EC INFO (0600 324 636)

Website: www.ecan.govt.nz

18 August 2005

The Commissioner of Crown Lands
C/- Opus International Consultants Limited
P O Box 1482
CHRISTCHURCH

Attention: Mr Mike Todd

Dear Mike

**MT PEEL AND WAIKARI HILLS PASTORAL LEASES
SUBMISSION ON PRELIMINARY PROPOSAL FOR TENURE REVIEW**

Thank you for advising Environment Canterbury of the release of the Preliminary Proposal for tenure review of Mt Peel and Waikari Hills Pastoral Leases. We appreciate the opportunity to review the proposal and make a submission in relation to the future management of this land.

Environment Canterbury has statutory responsibilities under the Resource Management Act 1991 (RMA) for the sustainable management of natural and physical resources of the region, including soil conservation, water quality and quantity and ecosystems, and for maintenance of biodiversity. In addition, Environment Canterbury also has statutory responsibilities under the Biosecurity Act 1993 for the management or eradication of animal and plant pests in accordance with regional pest management strategies. These responsibilities are entirely compatible with achievement of the objectives of Tenure Review, specifically to "promote the ecologically sustainable management of High Country land" and protecting land with "significant inherent values" by retaining it in Crown ownership.

The Canterbury Regional Policy Statement 1998 (CRPS) provides an overview of the resource management issues of the region, and sets out how natural and physical resources are to be managed in an integrated way to promote sustainable management. Key to the management of soils is the maintenance or restoration of a vegetative cover over non-arable land that is sufficient to prevent land degradation or the onset of erosion (Ch7 Objective 1). Sustainable management of water resources requires safeguarding the life-supporting capacity of water, including associated aquatic ecosystems and significant habitats of indigenous fauna and vegetation (Ch9 Objective 3). Policy 11 in Chapter 9 promotes land use practices which maintain or enhance water quality

Environment Canterbury has recently notified its Proposed Natural Resources Regional Plan (NRRP) to address the resource management issues identified in the CRPS and to provide more specific standards and methods, including rules, to achieve the objectives. The NRRP promotes the integrated and sustainable management of soil and water resources across the region, in particular the provisions of the plan emphasise the links between land use practices and the management of water quality.

The Soil Conservation chapter (Ch8), Objective SCN1 seeks to: "...maintain soil quality and an intact and resilient vegetation cover sufficient to minimise the risk of induced erosion, safeguard the life-supporting capacity of the soil, and prevent, as far as practicable, the movement of soil into water bodies." The objective contains specific guidelines for intact and resilient vegetation cover. Policy SCN1 provides options to restore such a cover where it has become depleted.

Policy WQL5 of the Water Quality chapter includes a range of regulatory and non-regulatory methods to manage the riparian margins of rivers to maintain or improve water quality.

Our Ref: PL5C-103; AG5T-92
Your Ref:
Contact: Cathie Brumley

The Canterbury Regional Pest Management Strategy (1998) and Canterbury Regional Pest Management Strategy Biodiversity Pests (2002) identify a number of species of plants and animals for control or management as pest species.

In line with these statutory responsibilities and documents, and Section 24 of the Crown Pastoral Lands Act (1998), Environment Canterbury technical and planning staff have reviewed the Preliminary Proposal for Mt Peel and Waikari Hills Pastoral Leases to assess the impacts, if any, of this proposal on the sustainable management of the land, including pest management, indigenous biodiversity protection, soil conservation and the integrity of the water bodies. Our comments and recommendations are listed below.

General comments

The Mt Peel and Waikari Hills pastoral leases contain land of high landscape and natural values which form a significant part of the visible corridor viewed from the Rangitata Gorge Road. This includes a number of steeply incised streams that flow down the slopes below Mt Peel and Coal Hill and traverse the terraced valley floor to the Rangitata River. While there has been development of the lower hill country and river flats, much of the geological nature of this area, including large terraces, glacial features and incised stream gullies remains highly visible. Above the lower slopes, the natural values have largely been retained, including some very significant scrub and shrubland habitats that are listed as "critically underprotected", and some lower foothill and valley floor forest, scrub, shrubland and tussock grassland habitats that are nationally "chronically threatened" or "acutely threatened". That such significant areas remain can be attributed in large part to the careful management practices initiated by the lessees and to protective measures set out through a Land Improvement Agreement drawn up with the former catchment board.

The proposed areas to be retained in Crown ownership include much of the higher altitude areas and some altitudinal sequences in the southern section of the Mt Peel lease, but relatively little protection has been secured for remaining natural or semi-natural lower altitude habitats of the foothills, fans and terraces, or for streams draining the northern Mt Peel and Waikari Hills areas. The Proposed Natural Resources Regional Plan (NRRP) recognises that the Rangitata River has high natural qualities and needs to be managed to protect this status. The river is also highly valued as a recreational salmon fishery. The tributaries feeding into the river will contribute to the quality of the water and the quality of the instream habitat, including provision of spawning habitat for recruitment of native and recreational fish species.

As with most of the Preliminary Proposals released to date, the emphasis for this proposal has been primarily on management of the land area in the pastoral lease. There has been little focus on the effects of land use and land management on water bodies both within the lease and downstream of the lease. One of the issues for tenure review is the likelihood of changing, or intensifying land uses that may result from the freeholding of land, and the effects of these changes on the quality of water in water bodies that flow from this land. Regional councils and land owners have a responsibility under the RMA to maintain the quality and quantity of water in water bodies and to protect important natural, cultural and amenity values associated with these water bodies. Protection of the tributary streams is critical to maintaining the downstream values of the major water bodies.

These aspects need to be seen as fundamentally important to the long-term "ecologically sustainable management" of the land held within the lease, regardless of the final designations confirmed through the tenure review process.

The following discussion covers aspects of the sustainable management of the land relating to soil conservation, biodiversity protection, water quality and public access. Some discussion of the management of community and national network facilities associated with this land is also included.

Soil Conservation

Environment Canterbury has a legal interest in the Mt Peel and Waikari Hills leases through Land Improvement Agreement (LIA) 881567 registered on both lease titles. The agreement was registered by the former South Canterbury Catchment Board on 20 September 1973. No term is specified in the agreement, therefore it carries on in perpetuity.

The primary objective as specified in the agreement conditions was to retire the eroded mid-altitude tall tussock grasslands below Mt Peel and Coal Hill from sheep grazing only. This has been achieved with strategic erosion control fencing (9km), establishment of green belts and improvement of lower altitude Class VI country by oversowing and topdressing to provide alternative grazing.

The two leases are also included within Mt Peel Station's Soil & Water Conservation Plan where significant soil conservation works were completed between 1967 and 1982.

Apart from two significant areas which are mainly good class VI and VII land, most of the country above the erosion control fencing lies within CA1, i.e. land to be retained in full Crown ownership and control as a Conservation Area.

The extension of CA1 below the erosion control fence in the southern part of Mt Peel lease is based on practical fence lines, and fits well with the Land Use Capability classes, picking up some key areas of native scrub and bush covered steep Class VII and VIII land along lower Lynn Stream and the lower slopes of Little Mt Peel.

At the northern end of Waikari Hills lease, an area of highly erodable slopes, retired from sheep grazing as part of the LIA, has been included in the land to be disposed of as freehold. A band of Class VI land included above the fence line for practical fencing reasons was over sown and top-dressed as a greenbelt to discourage any cattle moving onto the higher erosion-prone slopes. As the LIA must be brought down onto land to be disposed of as freehold, the conditions of the agreement in relation to grazing management in this area will continue to be required to be observed for the duration of the agreement.

The most recent monitoring visit by Environment Canterbury staff occurred on 22 April 2002. It is noteworthy that grazing conditions were being complied with and all works were very well maintained. Although cattle can be grazed, by agreement, within the blocks retired from sheep grazing, in fact this has only occurred on three occasions since the inception of the LIA in 1972.

Overall the Preliminary Proposal, as it stands, will enhance the soil and water conservation objectives in the LIA and the Soil and Water Conservation Plan.

Indigenous vegetation, habitat and wetlands values

Tenure review provides a valuable opportunity to help achieve two key objectives of the Reserves Act 1977 and the New Zealand Biodiversity Strategy (2001). These are, respectively, "preservation of representative samples of all classes of natural ecosystems and landscapes" and to "maintain and restore a full range of remaining natural habitats and ecosystems to a healthy functioning state." A complimentary objective of the tenure review process is to ensure that conservation outcomes are consistent with the New Zealand Biodiversity Strategy.

The Land Environments of New Zealand landscape classification system (Leathwick et al. 2003)¹ provides a framework for securing protection and/or restoration of examples of the full range of terrestrial vegetation and habitats. Land environments, and potential natural vegetation cover (in the absence of human modification) are classified at four different national scales: Level I (20 land environments nationally), Level II (100 land environments nationally), Level III (200 nationally) and Level IV (500 nationally). Each is nested within higher levels. The 500 Level IV environments provide the most detailed information on the diversity of New Zealand's terrestrial environments and is the best nationally comprehensive estimate of the 'full range' of ecosystems, habitats and biodiversity.

Analysis of Land Environments in conjunction with spatial data depicting indigenous vegetation cover (from Land Cover Data Base) and current legal protection has recently been carried out by Landcare Research (Walker et al. in prep.), for the Department of Conservation. This analysis offers a useful method of identifying the most threatened environments, and therefore determining what should be priorities for protection of indigenous biodiversity, as part of tenure review. In reporting this work, the authors recommended that threat classification analysis be carried out using Level IV Land Environments, as these provide a more accurate, efficient and plausible assessment at regional and local scales.

Examples of 10 Level IV Land Environments are present on the Mt Peel and Waikari Hills pastoral leases (Leathwick et al. 2003):

¹ Leathwick J, et al 2002. Land Environments of New Zealand: a Technical Guide. Ministry for the Environment 2002.

- R1.1a, R1.1c – Southern Alps and crests of outlying ranges
- Q1.1a, Q1.1c, Q2.1b – Southeastern Hill country and Mountains
- P1.2d – Central mountains east of the Southern Alps
- E1.4c, E3.1a – Central Dry Foothills (inland South Island foothills east of the Southern Alps)
- N2.1d – Inland plains, eastern South Island.

These Land Environments are listed, in altitudinal sequence (highest to lowest) in the table below. Each land environment is assigned a threat category on the basis of the percentage of indigenous vegetation remaining in each land environment nationally, and the proportion of each environment that is already protected in existing reserves or conservation covenants (Walker et al. 2005)². The presence or absence of examples of each land environment on the proposed conservation area, proposed freehold areas, adjoining existing freehold farmland is indicated and in nearby existing reserves is indicated.

Level IV Land Environment	Threat category	Present in proposed C.A.	Present in proposed freehold	Present in existing freehold	Present in existing Orari E.D. reserves
R1.1a	Not threatened	Yes	No	No	No
R1.1c	Not threatened	Yes	No	No	No
Q1.1a	Not threatened	Yes	No	No	Yes
Q1.1d	Not threatened	Yes	Yes	Yes	Yes
Q1.2a	Not threatened	Yes	No	No	Yes
Q2.1a	Critically underprotected	Yes	Yes	Yes	Yes
P1.2d	Not threatened	Yes	Yes	Yes	No
E1.4c	Not threatened	Yes	Yes	Yes	Yes
E3.1a	Chronically threatened	No	Yes	Yes	Yes
N2.1d	Acutely threatened	No	Yes	Yes	Yes

The highest altitude land environments present on the Mt Peel-Waikari Hills pastoral lease and adjoining freehold land have, at a national and regional level retained most of their indigenous cover, are already well represented in the existing network of protected areas, and are therefore not threatened. Two mid-slope to steep foothill environments present on the lease, P1.2d and E1.4c, are also not threatened. However, the mid-slope podocarp forest environment Q2.1a has, throughout its overall range, lost more indigenous cover and is less well represented in protected areas. Its threat category is assessed as 'critically underprotected'. Mt Peel represents the most northern example of this land environment in the South Island.

The most highly threatened environments present on the pastoral lease are the examples of gently sloping dry foothill and valley floor environments, E3.1a and N2.1d, assessed as 'chronically threatened' and 'acutely threatened' respectively.

Several existing Department of Conservation reserves within the same ecological district (Orari E.D.) also contain examples of the land environments present on Mt Peel-Waikari Hills. For instance, Raules Gully Scenic Reserve, Peel Forest Park and Orari Gorge Scenic Reserve contain examples of 'chronically threatened' land environment E3.1a, while Peel Forest Park and Waihi Gorge Scenic Reserve both contain only very small examples of 'acutely threatened' land environment N2.1d.

Almost all remaining areas of indigenous vegetation cover in acutely and chronically threatened environments represent habitats and ecosystems that are much reduced and poorly protected, and

² Walker S., Price R. and Rutledge D. 2005. New Zealand's remaining indigenous cover: recent changes and biodiversity protection needs. Landcare Research Contract Report: LC0405/038.

should be considered significant (i.e. deserving protection) for maintaining biodiversity. The small areas of native forest and scrub vegetation present on dry foothill and valley floor Land Environments E3.1a and N2.1d in Peel Forest Park, Orari Gorge and Raules Gully scenic reserves are therefore of greater importance for conservation of indigenous biodiversity than native vegetation/habitats on other, generally higher-altitude, less threatened environments. Similarly, any remaining areas of native vegetation on these most highly threatened land environments within the pastoral lease are highly significant, and securing their protection should be a priority under the tenure review process.

The proposed conservation area CA1 does contain substantial examples of the critically underprotected Land Environment Q2.1a. It also offers protection to altitudinal sequences of indigenous vegetation and habitats (including rare/threatened species) along Lynn Stream and an unnamed gully to the south. However, the proposed CA1 fails to include several remnant areas of native scrub, shrubland and tussock grassland vegetation (Land Environments E3.1a and N2.1d), described in the Conservation Resources Report, that occur on the most highly-threatened foothill and valley floor environments.

Several small extensions to the conservation area CA1 would provide great conservation benefits in affording protection to remnant examples of these most highly threatened land environments, while retaining ecological linkages to larger, higher-altitude protected areas. These montane and lowland communities, although they may be modified by a history of burning and grazing and the presence of exotic plant species, have high representative significance and remain important habitats for indigenous fauna. Priority must be given to securing opportunities for the protection and restoration of these most threatened environments, if the tenure review process is to deliver conservation outcomes consistent with the New Zealand Biodiversity Strategy.

Recommendations

- *Include all examples of native or semi-native scrub vegetation on acutely threatened valley floor Environment N2.1d at southeast corner of lease adjoining Peel Forest Park in the conservation area. (Need to be more specific and identify the area)*
- *Include the Raules Gully shrublands upstream of the Rangitata Gorge Road highway in CA1, as recommended in the Conservation Resources Report (Land Environment E3.1a). Use the existing fence line along the upper face of the terrace to fence off from adjoining developed farmland.*
- *Include the regenerating mixed shrubland along the Boundary Stream marginal strip in CA1 (Land Environment E3.1a and E1.4c). Fence off from adjoining developed farmland.*
- *Extend CA1 at northern end (Coal Range foothills) to include examples of low-altitude tussock grassland and shrubland vegetation, as described and recommended in the Conservation Resources Report (Land Environment P1.2d, Q2.1a and N2.1d).*

Surface water and ground water resources

As mentioned in the General Comments, the Preliminary Proposal contains little information on the relationships between land management and the long-term ecological sustainability of the aquatic ecosystems. Management of the land surrounding rivers and wetlands will play a key role in the long-term protection of water quality and instream values, as well as influencing the quality of rivers downstream from the pastoral lease.

The headwaters of the streams or small waterways draining the catchments within the pastoral leases are situated in extensively grazed hill country. Surveys of similar catchments by Environment Canterbury show that water quality is of generally moderate to high quality and the stream ecosystems are in a healthy condition.

In the lower parts of the pastoral leases, the waterways e.g. Lynn Stream, Chapmans Creek and Boundary Stream coalesce into a series of single thread waterways that cross the more intensively farmed parts of the properties before discharging into the Rangitata River.

The land designated to be disposed of as freehold adjacent to the Rangitata riverbed at the southern end of the Mt Peel lease includes part of the active riverbed below the river terraces. It is recommended that the boundary of the property is surveyed and a marginal strip created under the Conservation Act to protect the natural functions of the river.

The impact of intensive agricultural land use activities on water quality and ecosystems is well documented, most recently in the report "Growing for Good" by the Parliamentary Commissioner for the Environment. Tributary streams because of their size and limited assimilative capacity are particularly susceptible to degradation. Grazing of riparian margins, for example, reduces vegetation stature and trampling of soils and banks results in an increase in sedimentation. One of the most effective ways of maintaining water quality is to restrict stock access to water ways, avoid disturbance of the soil adjacent to water ways, and to maintain well vegetated riparian margins to trap pollutants in runoff from adjacent land.

The Rangitata River, in its entirety, is recognised as a Statutory Acknowledgement Area in the Deed of Recognition, Ngai Tahu Claims Settlement Act 1998. For Ngai Tahu, Tarahoa (Mt Peel) and Little Mt Peel are important as the source of many waterways. The protection of Tarahoa and its natural resources, including water sourced from the mountain, is an important issue for Te Runanga o Arowhenua³.

Chapter 4 of the Proposed Canterbury Natural Resources Regional Plan seeks to maintain water quality in a natural state, where rivers and their tributaries are largely unaffected by human activities (Objective WQL 1). The plan also promotes the retention, maintenance and planting of riparian vegetation to minimise bank erosion and to reduce runoff of sediment, nutrients and animal faecal matter (Policy WQL 5).

The change in title from public leasehold land to freehold land offers a "one off" opportunity to put in place measures to safeguard in the long-term the health of aquatic ecosystems and to protect water quality

Lynn Stream catchment

The Lynn Stream catchment is typical of many bush covered catchments in New Zealand; individually these catchments do not attract a great deal of attention as aquatic habitats of national or regional significance, but collectively these catchments represent an important class of habitat for New Zealand's biodiversity as they contain a diverse range of native fish species. Human settlement and clearance of the forest cover has reduced the area of cool temperature shaded aquatic ecosystems, and replaced them with a modified aquatic ecosystem that is more tolerant of greater temperature fluctuations and higher light intensities.

The Conservation Resources Report notes the Lynn Stream catchment has important indigenous biodiversity values, including recordings of the endangered blue duck and the likely presence of a variety of native fish species. (pg 9). The presence of a forest or scrub cover would ensure that cool stream temperatures are maintained downstream beyond the forest boundary.

Under the proposed plan, the Parson Creek subcatchment would revert to freehold ownership. This subcatchment comprises a significant part of the Lynn River catchment and rises to nearly 800 metres. As the freehold area is situated above the conservation land covering the lower reaches of the Lynn River there is a possibility that under a freehold title, land use activities, such as forestry, tracking, more intensive development of the land, could jeopardise the water quality or health of aquatic ecosystems in the lower reaches of the Lynn Stream.

To ensure that the Lynn Stream catchment is managed in a consistent manner and to protect the values in the lower reaches of the proposed conservation area, the boundary between the proposed conservation and freehold blocks should be moved to follow the spur on the true left of Parson Stream.

Raules Gully and Boundary Stream

As noted above the impacts of agricultural activities on water ways has been well established in New Zealand. Effective, practical protection of water quality and aquatic ecosystems can only be achieved by ensuring that stock do not have uncontrolled access to water ways.

Environment Canterbury is devoting considerable resources through its "Living Streams" programme to restoring water ways, mostly groundwater fed streams, which have already been degraded as a

³ Tipa, G; Te Runanga o Arowhenua (2001) Rangitata River: Tangata Whenua values Environment Canterbury report R01/9, May 2001 71pp.

result of land use activities. It is generally more cost effective to protect a waterway by preventing a decline in water quality and habitat values, rather than trying to restore a degraded water body.

The lower reaches of these streams are generally incised between the hill country and the Rangitata Gorge road. These reaches should be excluded from disposal and retained in the conservation area. The boundaries could follow the terrace or existing fence lines to create a corridor and with a riparian buffer down to the road.

The exclusion of these reaches would safeguard spawning habitats for salmonids, and they could form foot access ways from the road to the conservation land and an access route to the Rangitata River. If drinking water is required for livestock, provision could be made to reticulate drinking water from the waterways to drinking troughs

Recommendations:

1) *That the bed and margins of Raules Gully and Boundary Stream between the conservation estate and the Rangitata Gorge Road not be disposed of, but retained as conservation land.*

2) *That the boundary of the area FH2 proposed to be disposed of as freehold be surveyed and a marginal strip under the Conservation Act be created along the true right bank of the Rangitata river to protect the water quality and river functions.*

Public access

The tenure review offers an opportunity to resolve public access difficulties to the conservation estate and the Rangitata River, and to put in place access ways that meet the needs of the public while minimising interference with farming operations.

The Canterbury Regional Policy Statement recognises the need to promote and enhance public access to and along the region's water ways, while recognising that restrictions are necessary in particular circumstances. (Chapter 10, Policy 7). The provision of public access would ensure that interference with the rights and activities of adjacent land owners are kept to a minimum.

We support the proposals to provide public access to the conservation estate from the Rangitata Gorge Road via Boundary stream (points (c) and (d) on the map) and Raules gully via marginal strip. However it is recognised that much of the conservation area is very difficult country to access and some vehicle access for recreation purposes should be considered.

Additional public access routes should be provided in the following areas:

- by creating a corridor of conservation land along Chapmans Creek to the Rangitata River This would provide foot access to both the Rangitata River and to the conservation estate, thereby avoiding the need to cross private land (see above).
- retaining the legal road that forms the western boundary of Waikari Hills to provide foot and vehicle access from the Rangitata Gorge Road to point R on the map. This should be marked with sign posts by the Department of Conservation.
- By providing additional vehicle access to the conservation area where it will not adversely affect management or conservation values

The AMF doctrine creates purported rights over parts of a water body where that water body has been used as a property boundary. In this case this uncertainty can be removed by surveying the property boundary along the true right of the Rangitata River from Raules Gully to point Y on the map and creating a marginal strip under the Conservation Act 1987 to provide legal access along the river boundary.

Recommendations:

1) *That the legal road that runs from the Rangitata Gorge Road to point R on the map and forms the western boundary of Waikari Hills be retained, and marked as a public access way. (walking only).*

2) That a marginal strip under the Conservation Act 1987 be created along the true right of the Rangitata River from Raules Gully to point Y on the map.

Geological features

There appear to be no geological sites of scientific or education value in the Mt Peel and Waikari Hills pastoral lease area that would require special protection.

Management of Pest species

There are currently no significant pest issues associated with the management of the Mt Peel and Waikari Hills pastoral lease.

The area is in the early stage of wilding conifer establishment. This property, along with all others above the Rangitata Gorge on both sides of the river, has been part of Environment Canterbury's wilding conifer programme this year. This is a partnership that involves Environment Canterbury, Department of Conservation and the eight landholders.

Recommendations

Environment Canterbury acknowledges and supports the areas proposed to be restored to full Crown ownership and control as contributing to soil conservation management and the protection of examples of some of the key indigenous habitats of the area. However these areas, on their own, fall short of achieving the objectives of the CPLA as they fail to include remnants of some of the most under-represented and most threatened habitats that are found on these leases. Lack of protection for the northern tributaries flowing into the Rangitata fails to provide for the integrated management of soil and water resources for water bodies identified as "high naturalness water bodies" in the NRRP, particularly with regard to the management of river margins, and the prevention of any adverse effects of future land intensification on water quality and instream habitat.

The following recommendations for alterations and additions to the areas for protection have been identified to provide for the ecologically sustainable management of the Mt Peel and Waikari Hills land into the future.

1) That the following additions are made to the proposed area CA1 to be retained in full Crown ownership and control:

Addition A: Extend CA1 at northern end (Coal Range foothills) of Waikari Hills lease to include examples of low-altitude tussock grassland and shrubland vegetation, as described and recommended in the Conservation Resources Report (Land Environment P1.2d, Q2.1a and N2.1d).

Addition B: Include the beds and margins of Boundary Stream with areas of regenerating mixed shrubland (Land Environment E3.1a and E1.4c) in CA1. Exclude stock access.

Addition C: Continue CA1 along Raules Gully to include the shrublands upstream of the Rangitata Gorge Road highway, as recommended in the Conservation Resources Report (Land Environment E3.1a). Use the existing fence line along the upper face of the terrace and fence the true left margin to exclude stock from the waterway.

Addition D: Extend CA1 into the area FH2, to be disposed of as freehold, to include all examples of native or semi-native scrub vegetation on acutely threatened valley floor Environment N2.1d at southeast corner of lease adjoining Peel Forest Park in the conservation area.

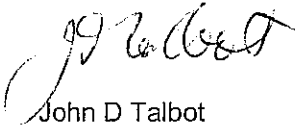
2) That the legal road that runs from the Rangitata Gorge Road to point R on the map and forms the western boundary of Waikari Hills be retained, and marked as a public access way. (walking only)

3) That the property boundary along the true right of the Rangitata River from Raules Gully to point Y on the Preliminary Proposal designations map is surveyed and a marginal strip under the Conservation Act 1987 is created along this length.

If the management recommendations listed above are not achieved through the disposal of the above areas of land to full Crown ownership, then some other, equally secure form of protection should be provided for as a condition of freeholding.

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

Yours sincerely



John D Talbot
DIRECTOR OF POLICY AND PLANNING

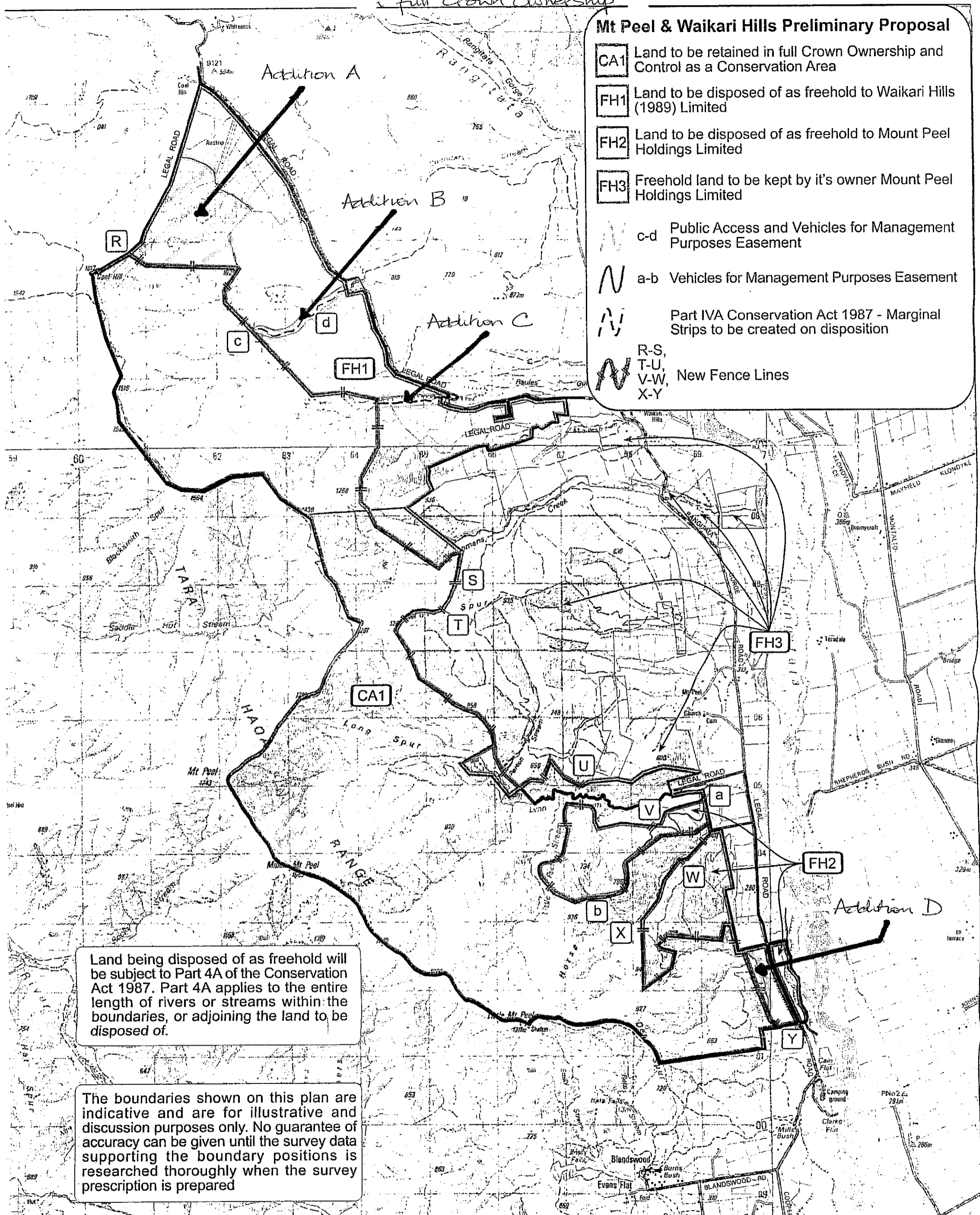
Attachments:

Map 1 – showing recommendations for further areas to be restored to full Crown ownership, or to be managed for the protection of important values.

*Records ended additions to land to be retained
full Crown ownership*

Mt Peel & Waikari Hills Preliminary Proposal

- CA1** Land to be retained in full Crown Ownership and Control as a Conservation Area
- FH1** Land to be disposed of as freehold to Waikari Hills (1989) Limited
- FH2** Land to be disposed of as freehold to Mount Peel Holdings Limited
- FH3** Freehold land to be kept by it's owner Mount Peel Holdings Limited
- c-d** Public Access and Vehicles for Management Purposes Easement
- N** a-b Vehicles for Management Purposes Easement
- Part IVA** Conservation Act 1987 - Marginal Strips to be created on disposition
- R-S, T-U, V-W, X-Y** New Fence Lines

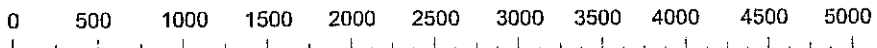


Land being disposed of as freehold will be subject to Part 4A of the Conservation Act 1987. Part 4A applies to the entire length of rivers or streams within the boundaries, or adjoining the land to be disposed of.

The boundaries shown on this plan are indicative and are for illustrative and discussion purposes only. No guarantee of accuracy can be given until the survey data supporting the boundary positions is researched thoroughly when the survey prescription is prepared

Mt Peel/Waikari Hills

Scale 1:50000



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Version	1	2	3	4	5
Canterbury Land District					Sheet 1 of 1
Topographic Map 260 - J36, J37, K37					Date 3/12/01

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21 October 2005

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CHRISTCHURCH

Tēnā Koe Mike,

MT PEEL & WAIKARI HILLS TENURE REVIEW – PRELIMINARY PROPOSAL

Te Rūnanga o Ngāi Tahu and Te Rūnanga o Arowhenua have considered the information set out in the Mount Peel & Waikari Hills Preliminary Proposal. As you are aware Mike, Tarahaoa is of the utmost cultural value to Kāti Huirapa and therefore Te Rūnanga o Ngāi Tahu and Te Rūnanga o Arowhenua wish to register our support for the proposed land allocations as detailed in the Preliminary Proposal.

Assuming these allocations are also acceptable to the lessee, we look forward to working with the Department of Conservation in the near future to ensure the land that is retained in Crown ownership is managed in a culturally appropriate manner consistent with the tikanga and kawa of Kāti Huirapa.

We thank you for the opportunity to comment on the proposal.

Heoi anō,



Nigel Scott
Environmental Advisor
Kaupapa Taiao

cc. Te Rūnanga o Arowhenua