

Crown Pastoral Land Tenure Review

Lease name: MT POTTS

Lease number: PC 143

Public Submissions - Part 1

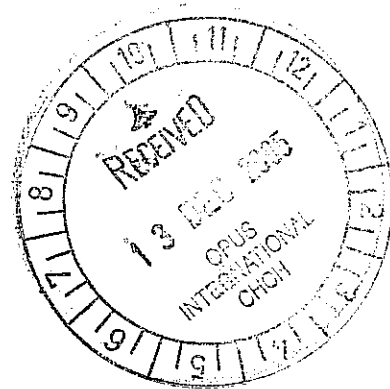
These submissions were received as a result of the public advertising of the Preliminary Proposal for Tenure Review.

July

06

Submission # One

10 Smacks Close
Papanui
Christchurch 5



Opus International
Re: Mt Potts Tenure Review

Dear Sir,

My only concern with this review is the lack of any access from CA4 into CA1 or CA2. It is stated that CA4 has river channels, springs etc., and the reason for the placement into a conservation area is for protection to ensure good water quality.

I would like to see any stream or waterway coming out of CA4 to be an access way into CA1/CA2 and say, 10 metres each side of the water way protected. A bridge would have to be built across it for a R.O.W. for stock.

Similarly any water way that is crossed along easement g-f to have a bridge across it as could be expected under the easement concession documents 9.1a.

Regards
Geoff Clark

Geoff Clark

Received 16/12/05 WS

Submission # Two

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

Date: 16 December 05

To: Tim Broad
 Property Consultant
 for Southern Regional Managers
 Opus International Consultants Ltd
 158 Hereford St
 Christchurch
 814157420

Dear Mr Broad
MT's 101th Pastoral Lease
 I agree with the preliminary proposal
 for MT 101th

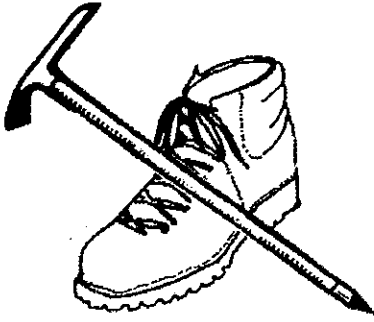
This is a successful outcome for
 the lessee, conservation and recreation.
 The fact that the former Lincoln lease comes
 up for review means the size of area
 of the lease will be greatly reduced from
 the total area and MT 101th and Lincoln
 could be amalgamated to make one man-
 ageable property

Thank you for the opportunity to
 comment and seasons greetings
 Yours sincerely

Richard Wesley

copy to
 Richard Wesley

Submission # Three

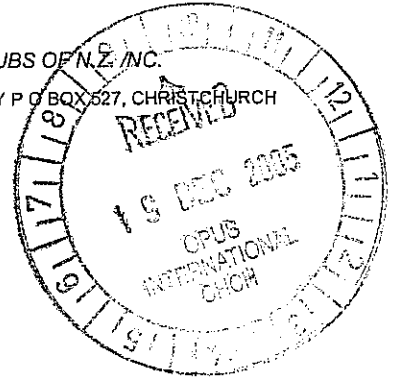


Christchurch Tramping Club Inc.

FORMED 1932

Affiliated to: FEDERATED MOUNTAIN CLUBS OF N.Z. INC.

PLEASE ADDRESS ALL CORRESPONDENCE TO THE HON. SECRETARY P O BOX 627, CHRISTCHURCH



Commissioner of Crown Lands
c/o Opus International Consultants Ltd
P O Box 1482
Christchurch

19 December 2005

Dear Sir

Tenure Review of Mount Potts Pastoral Lease

I enclose the submission of the Christchurch Tramping Club (Inc) with regard to the Mount Potts Pastoral Lease.

Yours sincerely

A handwritten signature in cursive script that reads "Jenny Harlow".

Jenny Harlow
Secretary
Christchurch Tramping Club

Enc.

CC: Mike Clare, Department of Conservation, Private Bag 4715, Christchurch.
Barbara Marshall, Hon. Secretary, FMC, PO Box 1604, Wellington

SUBMISSION BY THE CHRISTCHURCH TRAMPING CLUB ON THE PRELIMINARY PROPOSAL FOR TENURE REVIEW OF MT POTTS PASTORAL LEASE

ABOUT OUR CLUB

The Christchurch Tramping Club is one of the larger tramping clubs in the Canterbury area with approximately 300 members. It has been established for over 75 years. We run 3 to 4 tramps each weekend and organise ski, ski touring and mountain bike trips on a regular basis. We also organise several longer expedition style alpine tramps each year. Our program is comprehensive ranging from easy day walks to mountaineering trips such as Mt Rolleston. We own a club Lodge at Arthur's Pass which can be booked by any kindred group

OUR CLUB'S LINKS WITH THE AREA

Our clubs program covers most of the South Island but we concentrate mainly on Canterbury including the Central Canterbury area. Mt Potts is accessible from Christchurch for a day or a weekend and our Club visits this area for tramping, mountain biking and ski touring.

RECREATIONAL USE OF THIS AREA

The Crown's proposal does not make mention of the recreational use of this area and while it might not be used by large numbers of people, it is still regularly used by our Club and other recreational users for both tramping and ski touring.

Tramping trips undertaken by the CTC in this area mainly focus on Mt Potts above the ski area which provides a good day trip from Christchurch, but easy trips to Mt Sunday and mountain bike trips on the old ski area road and ski touring trips to the old ski area have also been undertaken.

OUR SUBMISSION ON THE PROPOSAL

This proposal provides a reasonable land split but there is one access problem, covered below. The land split between conservation and farmed areas is sensible and it provides a good balance to the proposed land use. However we believe the access proposals through the freehold area to the conservation land beyond are not adequate.

Access

The main access to the conservation land (a-b) is sensible but a second access is requested for foot and mountain bike use from h-t along the existing vehicle track shown into Powerhouse Stream to allow for longer round trips into the new conservation land.

We also wish to support the access (c-d) to Mt Sunday and the right of Public access to the Mt Sunday area CC1.

Ski area

Our understanding of the ski area concession license is that public access is allowed at all times to the LA1 Area for foot traffic and we wish to support that.

Andrew Turton

Dave Henson

13.12.05

Submission # Four



19 December 2005

58 Kilmore Street, PO Box 345, Christchurch

General enquiries: 03 365 3828

Customer services: 03 353 9007

Fax: 03 365 3194

or: 0800 EC INFO (0800 324 636)

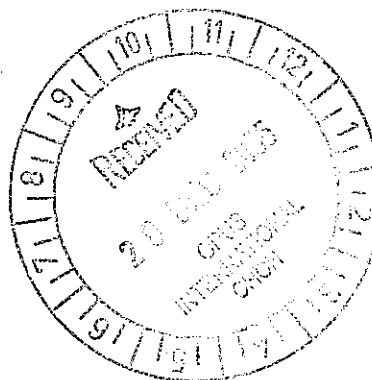
Email: ecinfo@ecan.govt.nz

Website: www.ecan.govt.nz

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

Attention: Tim Broad
 Tenure Review Consultant

Dear Tim

**MT POTTS PASTORAL LEASE****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 Potts Pastoral Lease. 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. Large landscapes are a feature of the Canterbury high country and the CRPS recognises the importance of protecting both the interconnectedness of landscape components and the vast, open nature of these landscapes.

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 recognises the close relationship between land and water ecosystems by promoting the integrated 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.

Our Ref: PL5C-103; AG5T-554

Your Ref:

Contact: Cathie Brumley

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.

The Canterbury Regional Pest Management Strategy (2005) [which is a revised combination of the former CRPMS (1998) and the Canterbury Regional Pest Management Strategy Biodiversity Pests (2002)] identifies 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 Potts Pastoral Lease to assess the impacts, if any, of this proposal on the sustainable management of the land, including pest management, indigenous biodiversity protection, recognition and protection of significant landscapes, public access opportunities, soil conservation and the integrity of the water bodies. Our comments and recommendations are listed below.

General comments

The Mt Potts Pastoral Lease is bounded by the Rangitata River in the south and the Potts River along the eastern side, the lease narrowing towards the northern extent as it becomes squeezed between the Potts River and the Potts Range. Much of the lease land lies above 900 metres having limited potential for pastoral production but high conservation and recreational values.

The Rangitata River is the subject of an application for a Water Conservation Order to recognise and protect the outstanding cultural, scenic and amenity values associated with the river and its surroundings, and to manage the river to maintain the outstanding salmon fishery, including the spawning and rearing habitat in the upper catchment. Deep Creek, which passes through the southern section of the Mt Potts lease, is a major spawning tributary of the Rangitata and is significant in maintaining the fishery downstream.

The management of land adjacent to Deep Creek will be an important factor influencing the water quality and instream values of Deep Creek and of the Rangitata River downstream from the Deep Creek confluence.

On 9 February 2005, the Cabinet Policy Committee noted that of the ten high country objectives for the management of Crown-owned land in the South Island high country, the objectives for promoting ecologically sustainable management and protecting significant inherent values of reviewable land "**are of primary importance**". Objectives to enable freeholding of land capable of economic use and to secure public access can occur if they are consistent with the primary objectives. Tenure review was noted as a key tool for achieving these objectives.

On this basis it is difficult to see why part of the Mt Sunday area, in view of its intrinsic values, is reverting to freehold. The area is relatively small - approx. 135 hectares. The use of a conservation covenant over the land recognises that there are significant values within the freehold area that need to be protected. The proposed conditions in the conservation covenant offer little reassurance, however, that the values in the block will be safeguarded, and appear to be in conflict with the statutory aim of a conservation covenant to "preserve *the natural environment, or landscape amenity, or wildlife or freshwater life or marine life habitat ...*" (s 77(1) Reserves Act 1977). They also appear to conflict with CPLA objectives for tenure review which are to enable reviewable land that is capable of economic use to be freed of current management constraints, where this is consistent with the protection of the significant inherent values of the land.

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 primary objectives, both within the land to be freeholded and on the wider landscape or catchment. The protection of extensive landscapes, for example, can be affected by small-scale changes in land use or land cover. Any intensification of land use, which is likely to be accompanied by the use of fertilizer and/or irrigation, has the potential to affect the water quality and the instream habitat of the streams flowing across the property, and consequently the water quality of the downstream catchment.

The tenure review process has a clear role to identify and enable the protection of those significant inherent values that provide the distinctiveness of the high country natural landscape, "(preferably) by the restoration of the land to full Crown ownership and control" (s24(b)). While it is outside the tenure review brief to dictate how land should be used, it is well within the objectives to ensure that the designations given to land are appropriate to the long-term sustainable management of the land and the long-term protection of significant inherent values identified for the land.

Regional councils and land owners also have a responsibility under the RMA to maintain the quality and quantity of water in water bodies and to protect important natural, cultural, landscape and amenity values identified for the land. These responsibilities are also fundamentally important to the primary objectives of the CPLA for the long-term "ecologically sustainable management" of the land, which must include both the management of land and water within the lease, and the management of any downstream effects of land use on land or water beyond the lease.

While there is a range of statutory options for managing and protecting important natural values of the land, the tenure review process is clearly recognized by the Cabinet Policy Committee as a key tool to enabling this protection.

The authors of the CRR are to be commended for producing a very clear, thorough, well-researched and readable summary of Mt Potts's inherent values. This has provided a comprehensive basis for identifying the requirements for the protection of these values and the threats to their protection. The focus for the following discussion will be the ability of the Preliminary Proposal to provide for the integrated and long-term, ecologically sustainable management of land and water resources of the Mt Potts lease and to protect the range of significant inherent values identified for the land.

Soil Conservation

On the basis of land use capability, the Preliminary Proposal has included the majority of land with the most limited potential for production, or with highest erosion risk, within the land to be retained by the Crown. This is seen as a good outcome for soil conservation and the proposal is to be commended. Much of the land proposed to be freeholded has naturally low fertility and some areas are prone to drought. These areas will generally respond to the addition of nutrients but caution is required that they are not overstocked as this could lead to an opening up of the vegetation cover and exposing the soils to an increased risk of erosion or soil deterioration.

Currently the proposal shows only partial fencing of the freeholded land along its upper boundary. It is not clear whether the remainder of the boundary is already fenced. A requirement of freeholding should be to stock proof the entire boundary to prevent any stock moving into the steeper, more erosion-prone land.

Recommendations

- *That the upper boundary of the land proposed for freeholding should be fenced completely to prevent the movement of stock onto the steeper, erosion-prone faces of Mt Potts.*

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) 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. 2005), 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 six Level IV land environments are present on Mt Potts pastoral lease (Leathwick et al. 2003).

P1.2c, P1.2d – mountains east of the Southern Alps from Marlborough to Otago

E1.4c – Dry steep inland foothills, from Marlborough to mid-Canterbury

E4.2a, E4.2b – Dry inland foothills, easy rolling

N2.1c – Inland plains, well-drained soils

K1.1b – Well-drained recent soils on upper headwater floodplains of major rivers draining eastern Southern Alps

These Land Environments are listed, in altitudinal sequence (highest to lowest) as they occur on Mt Potts pastoral lease, in the table below. The table shows the threat category for each land environment, based on 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 (from Walker et al. 2005). Presence/absence of examples of each land environment in conservation areas, conservation covenants, freehold described in the Mt Potts Preliminary Proposal are indicated.

Level IV land environment	% indigenous vegetation remaining	% protected	Threat category	Present in proposed CAs	Present in proposed CC	Present on proposed freehold
P1.2c	99.9	59	Not threatened	Yes	No	No
P1.2d	94	48	Not	Yes	No	No
E1.4c	60	29	Not	Yes	Yes	Yes
E4.2a	65	28	Not	Yes	Yes	Yes
E4.2b	27	7.6	At Risk	Yes	Yes	Yes
N2.1c	1.9	0.6	Acutely threatened	Yes	Yes	No
K1.1b	27.8	9.6	At Risk	Yes	No	Yes

The four highest altitude land environments present on Mt Potts lease (P1.2c, P1.2d, E1.4c, E4.2a) have, at a national and regional level, retained most of their indigenous cover, are already fairly well represented in the existing network of protected areas, and are therefore not considered to be threatened. The dry foothill and recent soils environments E4.2b and K1.1b have, throughout their overall range, lost most of their indigenous cover and are poorly represented in protected areas. They are assessed to be 'At Risk'. The inland plains environment N2.1c has the highest threat category 'Acutely Threatened'.

The proposed conservation areas contain examples of all the seven land environments present on Mt Potts pastoral lease, including nearly all of 'Acutely Threatened' environment N2.1c. The proposed conservation covenant has examples of four land environments, including the remainder of acutely threatened environment N2.1c.

The conservation areas and covenant detailed in the preliminary proposal together include most areas of ecological value identified and described in the Conservation Resources Report (CRR), and appear

to contain nearly all the property's significant inherent values, with respect to indigenous terrestrial vegetation and wetland habitats. It is particularly encouraging to see recognition of, and protection proposed for, significant low-altitude/valley floor native forest, shrubland and wetland habitats that also include examples of the most highly threatened land environments present on the pastoral lease.

Environment Canterbury has serious concerns, however, at the lack of effective conditions to achieve any real protection of these values where they exist on land proposed for freeholding. This is particularly so for the conservation covenant proposed for the area around Mt Sunday which includes highly significant areas of shrubland and wetlands that provide habitat for a number of threatened bird species such as bittern, marsh crake and grey duck as well as good lizard habitat. The wetlands are described in the Conservation Resources Report (CRR) as having rich habitat complexity and a high diversity of foraging and breeding micro-habitats. They are classed as being "of outstanding value to wildlife". Bittern and marsh crake are not recorded elsewhere on the pastoral lease so these distinctive wetlands are important habitats that warrant the highest level of protection through the tenure review process.

Specific conditions of concern:

- Schedule 2 Condition 2, of the conservation covenant allows for the grazing of sheep, cattle and goats, even though it is abundantly clear in the CRR that there is already damage to the wetlands from stock trampling and nutrient runoff (CRR p11). Goats, in particular, are voracious feeders and difficult to confine within fenced areas. Once established beyond the farm paddock they will be extremely difficult to control. Their potential and actual impact on conservation values is well documented.
- Schedule 2 Condition 3 allowing the owner to topdress and sow seed without any restriction will further accelerate the modification of the land and must risk compromising the habitat values of this area. The 20 metre margin around tarns and Deep Creek needs to be monitored to determine its effectiveness in maintaining important values for water quality and riparian habitat.
- Section 3.1.2 (The Owner's Obligations) of the covenant allowing the chemical spraying of matagouri is also of concern as this species would have dominated the native shrublands characteristic of the floodplains, including the "important habitat for common gecko 'Southern Alps'" as described in the Conservation Covenant Schedule 1 Values. While it is acknowledged that matagouri responds to the use of fertiliser, there is no discrimination in the conditions between areas of modified and unmodified matagouri shrubland habitat in terms of the ability to spray vegetation.

While there is a monitoring programme required to determine any adverse effects of grazing on the adjacent CA2 conservation land and on the "Tarns area of CC1" (not defined), there is no requirement to monitor the overall effects of grazing and land use on the values within the Conservation Covenant area. Monitoring programmes should address all the significant values and be reviewed at least at 3 yearly intervals to assess the degree of impact of the Covenant conditions on the conservation values identified for the area.

As written, the Conditions in Schedule 2 will not provide for the protection of the values listed in Schedule 1.

Without a robust and rigorously monitored set of conditions in place, Environment Canterbury recommends that the land around Mt Sunday remains in Crown control and any grazing use is subject to the maintenance and protection of those values. This approach is recommended as being more consistent with the objectives of the CPL Act.

It is not clear from the report why the conservation area CA4 is retained as a separate block and isolated from the larger Deep Creek conservation area CA2 by a small strip of freehold land. The integrity of small isolated areas of conservation land is difficult to maintain as they are vulnerable to the influence of surrounding land uses. Both of these areas form part of the WERI (Wetlands of Ecological Representativeness and Importance) for the upper Rangitata River which includes the Rangitata Riverbed, Deep Creek and the lower Potts River. To provide for the sustainable protection of these areas and their values, the boundaries should be adjusted so that the two conservation areas form a single contiguous unit.

Recommendations

- *That CC1 be retained in Crown Control as a Conservation Area with the option of a concession to graze sheep only if this can be undertaken in a way that is compatible with the protection of the*

significant ecological, wetland and landscape values identified for the Mt Sunday area. The concession would be subject to the following conditions:

- *No grazing by goats, cattle or deer*
 - *No stock access to wetlands or beds of rivers or streams*
 - *Oversowing and topdressing only allowed over areas where the vegetation is predominantly exotic pasture species*
 - *That the control of matagouri is only permitted in areas where the predominant ground cover is pasture grasses*
 - *That a comprehensive monitoring programme is established and reviewed at 3-yearly intervals to ensure the effective protection of the values listed in Schedule 1 section 2.*
- *That CA4 be extended as shown on the attached map to link directly with CA2.*

Surface water and ground water resources

1. Water quality and aquatic ecosystems

The Upper Rangitata River has high landscape and ecological values. The water ways in the catchment are the subject of an application for a Water Conservation Order. The water quality of the river and its tributaries and tarns is likely to be similar to other inland areas of Canterbury; generally of very high quality supporting healthy aquatic ecosystems.

The adverse impacts of agricultural land use activities on water quality and aquatic ecosystems are well documented, most recently in the report "Growing for Good" by the Parliamentary Commissioner for the Environment.

Small tributary streams and tarns on pastoral leases, 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.

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 Environment Court has recommended that the Rangitata River be protected by a Water Conservation Order granted over the catchment. In view of the outstanding values associated with the Rangitata River and its tributaries, land uses adjacent to the water ways will need to be managed to ensure that conditions established by the order are not compromised.

Once parts of the Mt Potts lease become alienated into private ownership, they can be used for a wide range of land uses, subject only to the Resource Management Act 1991 and the various statutory plans. It is therefore reasonable to expect that the property will be developed further to improve its economic viability.

Although the future use of the property is a matter that is beyond the scope of the tenure review process, the change in title from public leasehold land to freehold land offers a "one off" opportunity to ensure that the interests of the wider community are safeguarded. Once the property becomes alienated from Crown ownership, it becomes very difficult to manage land uses to minimise adverse effects on water waterways.

During the tenure review process, the protection of rivers and their tributaries, tarns and wetlands, and their existing high quality aquatic ecosystems need to be taken into account when deciding which areas should revert to Crown ownership, the alignment of new property boundaries, and the need for measures, such as fencing, to exclude livestock from water ways.

Small streams draining the Mt Potts Range

The Conservation Resources Report (CRR) comments that livestock have unrestricted access to the streams draining Mt Potts. The impact of intensive land uses, such as high stock numbers on the

water quality of tributary streams, especially where these streams drain into the Deep Creek, can be avoided by ensuring that the bed and margins of permanently flowing streams on the slopes of the Mt Potts are excluded from the proposed freehold area and fenced to exclude livestock from the waterway. Particular consideration should be given to fencing out stock from the lower reaches of the streams draining the ski field and Powerhouse Stream.

An easement could be arranged to ensure that the landowner has access to the streams for stock drinking water supply.

Mt Sunday

The CRR and the draft Conservation Covenant both note that the area of land comprising Mt Sunday has significant aquatic values – spring fed streams, small tarns, wetlands, surrounded by plant communities representative of the original vegetation. The margins of the wetlands in the area have already been damaged by extensive grazing by livestock (pg 11).

The terms and conditions of the conservation covenant, however, offer little reassurance that these aquatic values will be safeguarded. There are a number of matters of concern:

- Clause 3.1.1 would appear contradict Clauses 3.1.9 and 3.1.10. Cattle have a propensity to enter water ways, tarns and wetlands, trample the stream beds and break down the banks of waterways. The discharge of urine and faecal matter, plus any topdressing of fertiliser, may lead to nutrient enrichment of the adjacent wetlands and spring fed streams down gradient of the area.
- Clause 3.1.2 permitting the chemical spraying of matagouri (an indigenous plant species) does not specify what method must be used. If chemical sprays are to be permitted in this area, their application should be limited to manual hand operated sprayers to minimise spray drift onto water or other plant communities.
- The lack of fencing between the boundary of CC1 and the adjacent conservation area will mean that stock will enter and impact on the vegetation and water of Deep Creek and its associated wetlands and tarns. The proposed “monitor and remediate” approach set out in Condition 1.3 Schedule 2, is likely to be ineffectual, and will allow livestock damage to occur rather than prevent it.
- Condition 2 Schedule 2 allowing the owner to graze 1080 stock units is poorly defined – what is a stock unit in terms of numbers of “sheep”, “cattle”, and “goats”?
- The “catch all” wording of Clauses 3.1.9 and 3.1.10 would encompass any activity undertaken the landowner and therefore since they are unlikely to be enforced, it is difficult to see how they will be applied in practice.

It is the view of Environment Canterbury that the area designated as CC1 should be restored to Crown control as a conservation area, or if this does not occur that the conditions of the conservation covenant be amended to ensure that the values are properly safeguarded.

Deep Creek

Spring fed waterways are partially vulnerable to degradation from land uses. 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.

The easement labelled f-g, allows the movement of large mobs of livestock (1080 stock units) and/or machinery to and from CC1 across Deep Creek. If CC1 is retained as freehold by Mt Potts the conditions of the easement f-g will need to include more effective conditions to avoid or prevent any adverse effects on the quality of Deep Creek, its tributaries and wetlands along the easement route. Condition 9.1(g) on page 4, as currently written, cannot possibly be complied with as it is incompatible with the activity of moving stock across the Deep Creek riverbed. To this end the easement route should be required to provide for the construction and maintenance of fenced tracks and properly engineered crossings and/or bridges to minimise effects of stock or machinery passage on Deep Creek and its values.

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

Environment Canterbury supports the restoration or retention of the area comprising Deep Creek and the bed of the Rangitata River into Crown ownership (Areas CA1 and CA2).

It is not clear from the report why the area CA4, which includes part of the lower floodplain of Deep Creek, is isolated from the larger Deep Creek conservation area CA2 by a small strip of freehold land. The integrity of such a small isolated area will be difficult to maintain as it contains a fragment of the Deep Creek stream system which will be far more vulnerable to the impacts of surrounding land uses. Adjusting the boundaries of CA2 and CA4 so that they form a single contiguous unit will improve the integrity of both areas of stream and wetland systems.

2. Marginal strips

Environment Canterbury supports the establishment of a marginal strip along the margin of Potts Stream and Deep Creek. The landward boundary of the marginal strip should be fenced where it lies adjacent to freehold land, if this has not already been done so, to prevent livestock from entering the bed of Potts River or Deep Creek.

A marginal strip and associated riparian vegetation will contribute to the protection of the water quality and aquatic ecosystems as well as acting as a buffer for land use activities. This is consistent with s.24C of the Conservation Act 1987 which states that the purpose of marginal strips (among other things) is to protect water courses, maintain water quality and aquatic life, and to enable public access.

Recommendations:

Environment Canterbury recommends that:

- 1) *The lower reaches of permanently flowing streams draining Mt Potts be fenced to prevent stock access to the bed and margins of the streams.*
- 2) *The area designated as CC1 covering Mt Sunday be restored to Crown ownership and managed for conservation purposes. If the area is not restored to Crown ownership, then Environment Canterbury recommends that Department of Conservation amend the terms of the Conservation Covenant:

 - a) *to exclude cattle and goats from the area,*
 - b) *to limit any spraying of chemicals to manual hand operated sprayers,*
 - c) *to add a new definition "stock units", and to define it in relation to the number of grazing animals*
 - d) *to reword Clauses 3.1.9 and 3.1.10 to state what adverse effects or activities should not occur.**
- 3) *The boundary of the area marked as CC1 with the bed of the Rangitata River and area CA2 is fenced to prevent livestock from leaving CC1 and entering the bed of the Rangitata River or the Conservation Area CA2.*
- 4) *The terms and conditions of the Easement Concession for Easement Area 2 (labelled f-g) should be reworded to specify the measures to be required to avoid or prevent any adverse effects from the movement of large mobs of livestock (1080 stock units) or machinery to and from CC1 on the quality of Deep Creek, its tributaries and wetlands along the easement route. To this end the Easement Concession should include conditions:

 - a) *to require maintained, fenced tracks and maintenance of crossings and/or bridges to minimise effects of stock or machinery passage on Deep Creek and its values.*
 - b) *to state what adverse effects or activities should not occur.**
- 4) *The boundaries of the areas CA2 and CA4 be altered to remove the area of freehold land and to create a single area of Crown land to be managed for conservation purposes.*
- 5) *The landward boundary of the proposed marginal strips on the true right of the Potts River and Deep Creek should be fenced where they lie adjacent to land proposed for freeholding.*

Public access

The tenure review process also offers an opportunity to resolve public access difficulties to the conservation estate to meet the needs of the public while minimising interference with farming operations.

Very limited provision has been made for public access to the Conservation area CA3. Access from the Hakatere Mt Potts Road is limited by the proposed strip of freehold land that runs along the lower flanks of Mt Potts. The only legal access is described in the CRR as via the adjoining Hakatere Conservation area. It would be useful for the maps to show the status of the surrounding land so these issues can be readily seen and understood. We note that the public access to the area via the ski field road may be the most practical route, but not legal access – this would seem to be an important issue to rectify in the interests of the objectives of tenure review.

The Preliminary Proposal does not provide for practical access to the eastern part of the lease from the road. The Potts River does provide a route to the Conservation Area (CA3) but physical access is hampered by cliffs and steep slopes along the true right of the river, and at times public along the river bed will be impeded when river levels are high – this is neither safe nor practical.

An unformed road already provides legal access to the eastern part of the lease, and does not comprise part of the proposed freehold area. This route from the Hakatere Road (in the vicinity of point "h") to the boundary of the CA3 should be clearly marked to provide foot access for trampers to the CA3 area.

Recommendations:

Environment Canterbury recommends that:

- *legal public access is provided for along the ski field road*
- *provision be made for a marked access route for people walking from the Hakatere Rd (near point h) along the unformed legal road to the point where the unformed crosses the CA3 boundary.*

Landscape Values

The entire property is identified as part of a more extensive Regionally Significant and Regionally Outstanding Natural Feature and Landscape in the *Canterbury Regional Landscape Study 1993* (Volume 1). Mt Sunday is a very distinctive component of this landscape. The proposal to retain most of the remote parts of the lease in Crown ownership will protect the inherent values of the area. The Conservation Resources Report identifies the Mt Sunday area as "an interesting focal point within the unit " and having "extremely high visual resource values.....visible over long distances...". The report identified as a threat to the landscape values "damage to wetlands and streambeds by stock trampling and grazing." These threats need to be addressed through the Conservation Covenant and conditions included that will be effective in protecting the landscape values.

Recommendations:

- *That Clause 3.1.10 of the Conservation Covenant be reworded to state what adverse effects or activities should not occur with respect to the protection of the landscape values of the Mt Sunday area.*

Pest Plants and Animals

Pest Animals

Environment Canterbury strongly recommends that the farming of goats should not be permitted under this concession. They are difficult to contain behind fencing - standard sheep fencing would be totally inadequate. Even deer fencing is not a guarantee of containment. Their potential and actual impact on conservation values is well documented. They are extremely difficult to control once established beyond the farm paddock.

Feral goats are not currently present in the upper catchment of the Rangitata River. Environment Canterbury would be very concerned if the Conservation Covenant introduced the risk of this occurring.

Pest Plants

A wilding conifer control programme has just been completed in the upper Rangitata catchment partnership with the Rangitata Gorge Landcare Group (RGLG) and DOC. This extended from and included Mt Peel Station upstream on both sides of the river. It also included Mt Potts Station. Environment Canterbury considers that the wilding problem is sorted for now.

Environment Canterbury is also currently facilitating a joint broom/gorse control programme between DOC, LINZ, RGLG and Mt Potts Station to eradicate block infestations in and around Powerhouse Creek. The Canterbury Regional Pest Management Strategy does not require the removal of infestations greater than 50 sq metres so this is a voluntary effort. The current lessee of Mt Potts is also required to remove all scattered infestations from the property in compliance with a control plan for the property.

DOC is commencing weed control on that part of Mt Potts that will go back to their estate, this year.

Recommendations

Environment Canterbury acknowledges and supports the areas proposed to be retained in Crown control as contributing to soil conservation management and the protection of the significant inherent natural values of the area.

The following recommendations are for changes to the areas designated for Crown ownership or freeholding to provide for the ecologically sustainable management and protection of the Mt Potts land into the future:

- (1) That the upper boundary of the land proposed for freeholding should be fenced completely to prevent the movement of stock onto the steeper, erosion-prone faces of Mt Potts
- (2) That the area designated as CC1 be retained in Crown Control as a Conservation Area with the option of a concession to graze sheep only if this can be undertaken in a way that is compatible with the protection of the significant ecological, wetland and landscape values identified for the Mt Sunday area. The concession would be subject to the same set of conditions as for the Conservation Covenant with the following changes:
 - (a) No grazing by goats, cattle or deer
 - (b) No stock access to wetlands or beds of rivers or streams
 - (c) Oversowing and topdressing only allowed over areas where the vegetation is predominantly exotic pasture species
 - (d) That the control of matagouri is only permitted in areas where the predominant ground cover is pasture grasses
 - (e) To limit any spraying of chemicals to manual hand operated sprayers only
 - (f) To add a new definition "stock units", and to define it in relation to the number of grazing animals
 - (g) To reword Clauses 3.1.9 and 3.1.10 to state what adverse effects or activities should not occur.
 - (h) That a comprehensive monitoring programme is established and reviewed at 3-yearly intervals to ensure the effective protection of the values listed in Schedule 1 section 2.

If the area is not restored to Crown ownership, then Environment Canterbury recommends that the Department of Conservation amend the terms of the Conservation Covenant to include the changes as listed above.

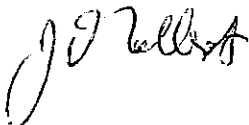
- (3) That the boundary of the area marked as CC1 with the bed of the Rangitata River and area CA2 is fenced to prevent livestock from leaving CC1 and entering the bed of the Rangitata River or the Conservation Area CA2.
- (4) That the terms and conditions of the Easement Concession for Easement Area 2 (labelled f-g) should be reworded to specify the measures to be required to avoid or prevent any adverse effects from the movement of large mobs of livestock (1080 stock units) or machinery to and from CC1 on the quality of Deep Creek, its tributaries and wetlands along the easement route. To this end the Easement Concession should include the conditions:
 - (a) To require maintained, fenced tracks and maintenance of crossings and/or bridges to minimise effects of stock or machinery passage on Deep Creek and its values.
 - (b) To state what adverse effects or activities should not occur.

- (5) That the proposed Conservation Area CA4 be extended as shown on the attached map to link directly with CA2 to provide for the long-term sustainable management and protection of the values identified for the area.
- (6) That the landward boundary of the proposed marginal strips on the true right of the Potts River and Deep Creek should be fenced where they lie adjacent to land proposed for freeholding to prevent stock access to the riverbeds.
- (7) That a more comprehensive assessment of public access needs and public recreational values for land within the Mt Potts lease is undertaken with the objective to provide practical and secure access to Crown Land as well as to and along waterways. This should include:
 - (a) Provision of legal public access along the ski field road; and
 - (b) provision for a marked access route for people walking from the Hakatere Rd (near point h) along the unformed legal road to the point where the unformed crosses the CA3 boundary

Any amendments proposed to the boundaries for freehold and Crown land designations have been shown on the accompanying maps.

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 recommended changes to proposed Designations Plan.

Submission # Five

Received 20/12/05

FAX TO

The Commissioner of Crown Lands
c/- Opus International Consultants

FROM

Federated Mountain Clubs of New Zealand [Inc.]

RE

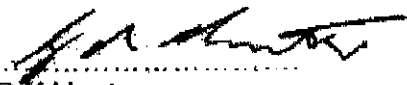
Tenure Review Mount Potts Pastoral Lease

PAGE 1 of 2

**SUBMISSION FOR FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND [INC.] ON
THE PRELIMINARY PROPOSAL FOR TENURE REVIEW OF MOUNT POTTS
PASTORAL LEASE**

We are in full agreement with the proposal dated 22 October 2005 for tenure review of
Mount Potts Pastoral Lease.

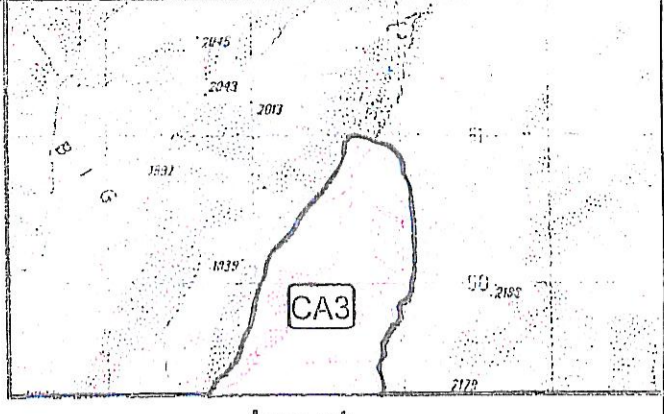
For Federated Mountain Clubs of New Zealand [Inc.]


.....
G R K Hunter

Kaiaugher Rd.
R D 21
Geraldine

20 December 2005

Recommended
Changes to
Preliminary Proposal
designations



Inset

Mt Potts - Preliminary Proposal

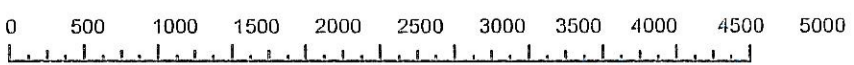
- Restore or Retain in Full Crown Ownership and Control as Conservation Area
- Restore or Retain in Crown Control as Conservation Area
- Freehold Disposal to Mt Potts Station Limited
- CC1 Freehold Disposal to Mt Potts Station Limited subject to a Conservation Covenant
- LA1 Concession Licence
- a-b, c-d Public Access and Vehicles for Management Purposes easements
- f-g, b-e Easement Concessions - Right of Way
- h-i Easement Concession - Water Supply
- R-S, T-U, V-W, X-Y New Boundary Fence Lines
- Part IVA Conservation Act 1987 - Marginal strips to be created on disposition

Extend CA4 to join Conservation Area CA2

Retain land in Crown ownership or Crown control
Option to create grazing concession

Marginal Strip Subject to Sec 24(9) Conservation Act 1987

Mt Potts
Scale 1:50000



Version	1	2	3	4	5
Canterbury Land District					Sheet 1 of 3
Topographic Map 260 - J35, J36					Date 18/01/02

Submission # Six

Received 20/12/05

The Commissioner of Crown Lands
C/- Opus International Consultants Office
PO Box 1482
Christchurch

20 December 2005

Dear Sir

SUBMISSION TO MOUNT POTTS PASTORAL LEASE TENURE REVIEW

The Canterbury-Aoraki Conservation Board wishes to make the following comments with regards to the preliminary proposal for Mount Potts Tenure Review.

Mt Sunday and its surroundings are an outstanding landscape feature of the Upper Rangitata area, furthermore ecological and recreational values of this area are also recognised as being important. Although the vegetation of Mt Sunday has been modified, there is still a sense of naturalness present, particularly along the southern aspects with its shrubland cover.

The Board is concerned that, as a result of any further intensification of farming, e.g changing from sheep to cattle grazing, the natural vegetation cover is likely to ultimately be reduced and destroyed, so degrading landscape and ecological values.

The Board requests that Mt Sunday be retained in full Crown ownership, and controlled as Conservation Area.

If a covenant for Mt Sunday should go ahead, the board asks that Schedule 1 be changed and the following conditions are included:

- No over sowing or top dressing
- No spraying of any native vegetation
- Reduction in stock numbers
- Exclusion of goat grazing

The Board considers there to be a risk that covenant conditions may be changed in future, thus further undermining current values.

The Board considers carrying of monitoring costs by the Minister of Conservation to be unreasonable.

The Board recommends that monitoring costs be covered by the lessees.

The wetlands on the river flats are an integral part of the local biodiversity and the landscape values of the area. They are currently grazed and the Board considers this approach not being sustainable. The wetlands and a buffer zone surrounding them, should be protected from stock and fenced.

The Board recommends the boundaries be changed and that all wetlands be included as conservation land together with Mt Sunday, which is part of the same land unit and landscape feature.

Considerable areas of matagouri and associated native vegetation have been sprayed either side along the road to Mt Sunday.

The Board recommends that native shrublands along the road corridor should be retained to protect the high country landscape values.

Yours sincerely

Ines Stäger
On behalf of the Land committee