

## **Crown Pastoral Land Tenure Review**

**Lease name: REDCLIFFE**

**Lease number: PC 141**

### **Public Submissions - Part 3**

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

**October**

**05**

Submission # Two

Received 20/1/06 BS.



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19 January 2006

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

Attention: Tim Broad  
 Tenure Review Consultant

Dear Tim

**REDCLIFFE 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 Redcliffe 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-129  
**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 Redcliffe 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 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.

Redcliffe pastoral lease includes large tracts of steep, dissected, high altitude land that form part of the dramatic mountainous backdrop to the Canterbury Plains. Significant parts of the lease were recommended for retirement from grazing by the South Canterbury Catchment Board through their Soil and Water Conservation Plan. The land has very limited potential for production and is highly vulnerable to erosion where the vegetation cover is disturbed. The lease has retained a predominantly natural character across the upper slopes while the lower flats along the Rakaia River have been modified by more intensive farming activities.

The Preliminary Proposal provides for most of the dissected mid and high altitude country to be retained in Crown control as conservation land. This proposal is supported for soil conservation management and for the protection of the dramatic landscape values of the area and the most unmodified areas of native habitat. Little protection has been given to the lower altitude areas along the Rakaia River and Redcliffe Stream proposed which, although generally more modified by past land use, are likely to contain the more threatened and often the least well protected habitats. To ensure that tenure review outcomes are consistent with the New Zealand Biodiversity Strategy the protected status of these lowland habitats need to be assessed and provision made for their inclusion within the Conservation estate where they are underprotected.

Regional councils and land owners have a responsibility under the RMA to maintain the quality and quantity of soils and of water in water bodies as well as to protect important natural, cultural, and amenity values identified for the land, including provision for public access. These responsibilities are consistent with the primary objectives of the CPLA for the achievement of the long-term "ecologically sustainable management" of the land. Preparation of tenure review proposals should 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.

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 the land and for public access to areas of land proposed to be retained by the Crown as public land.

## Soil Conservation

The South Canterbury Catchment Board prepared a Soil and Water Conservation Plan (S&WCP) for the Redcliffe lease to provide for more sustainable management of the property. The main objectives of the S&WCP were:

- (i) to retire and surrender from the lease 4950ha (approx.) of Class VIII and severely eroded Class VII land unsuited to pastoral use, especially those areas in the catchment of the North Ashburton River.
- (ii) To fence, oversow and topdress 93ha of lower altitude Class VI land to provide alternative grazing.
- (iii) To separate less productive Class VII and VIII land outside the surrender area from the more productive Class VI, and set grazing limits to match the capability of the land.

A Land Improvement Agreement was set up to achieve the objectives of the S&WCP. This was signed by both parties on 20 January 1987 for a period of 99 years, but it was never registered on the lease title. The soil conservation works were completed by 1992 and a substantial subsidy provided.

It is gratifying to see that the LIA has been acknowledged in the last paragraph of sub-section 3.1 in the Preliminary Proposal summary and that the retirement and surrender agreements have been negotiated separately from tenure review.

The preliminary proposal builds significantly on the objectives from the S&WCP to improve the long-term sustainability of these vulnerable lands. The CA1 area proposed to be retained in Crown ownership and control includes both the retirement and surrender areas and the three restricted grazing areas from the LIA. The retirement fence lines have been used to define the boundary between Crown and freehold land, while proposed new fence lines follow, as far as practical, the Class VI/VII interface. Environment Canterbury supports these proposals as providing a good outcome for soil conservation.

The proposed new fenceline between Crown and freehold land around the Rakaia faces includes a significant length of new fencing, often not far removed from existing fence lines. It would appear more sensible to use the existing fenceline, particularly between Hutt Stream and Little Stream, including fencing out the marginal strip along the lower reaches of the Hutt Stream contained within the land designated for freeholding.

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 upslope 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 the Mt Hutt Range.*

## 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 10 Level IV land environments are present on Redcliffe pastoral lease (Leathwick et al. 2003).

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

E1.4c, E1.4d – Inland dry steep foothills from Marlborough to mid-Canterbury

E4.2a, E4.2b – Inland dry easy rolling foothills, Central South Island

K1.1b – Recent, well-drained soils of high fertility; upper headwaters of major SI east-flowing rivers

J2.2b, J2.2c – Recent, well-drained soils of high fertility, floodplains and low terraces inland mid-Canterbury rivers

B3.2b – Dry lowland rolling hills; well-drained and moderately fertile soils.

These Land Environments are listed, in altitudinal sequence (highest to lowest) as they occur on Redcliffe 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 the conservation areas, scenic reserves and freehold described in the Redcliffe Preliminary Proposal are indicated.

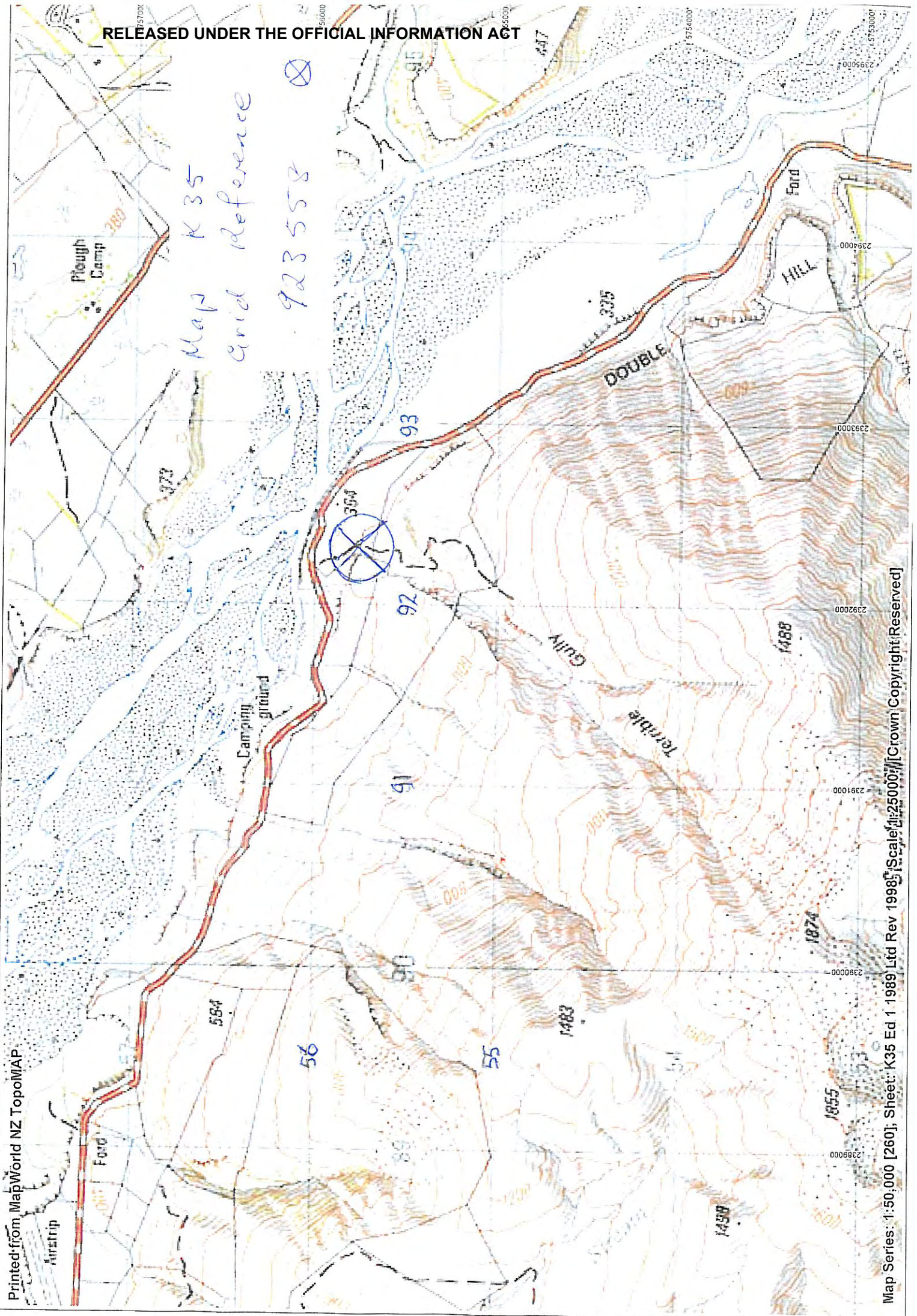
Level IV land environment	% indigenous vegetation remaining	% protected	Threat category	Present in proposed CA, SRs	Present on proposed freehold
P1.2c	99.9	59.0	Not threatened	CA1	No
P1.2d	94	47.6	Not threatened	CA1	Yes
E1.4c	59.9	28.6	Not threatened	CA1, SR1	Yes
E1.4d	30.2	6.9	Critically Underprotected	SR1	Yes
E4.2a	64.5	27.8	Not threatened	CA1	Yes
E4.2b	26.8	7.6	At Risk	SR1	Yes
K1.1b	27.8	9.6	At Risk	No	Yes
J2.2b	4.45	1.47	Acutely Threatened	No	Yes
J2.2c	11.0	1.9	Chronically Threatened	SR2	Yes
B3.2b	9.48	0.7	Acutely Threatened	No	Yes

The three highest altitude land environments present on Redcliffe lease (P1.2c, P1.2d, E1.4c) 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. Dry foothill environment E4.2a is also not considered threatened for the same reasons.

All other land environments present on the pastoral lease are threatened to a greater or lesser extent. Dry foothill environment E1.4c has lost more of its original cover and is less well represented in existing protected areas, and is assessed as 'Critically Underprotected'. Land environments E4.2b and K1.1b are 'At Risk'; J2.2c is 'Chronically Threatened'; while J2.2b and B3.2b both have the highest threat category 'Acutely Threatened'.

The proposed conservation area and scenic reserves together contain examples of eight of the level IV land environments present on Redcliffe pastoral lease and include practically all areas of significant







inherent value identified in the Conservation Resource Report (CRR). **No examples of the two most highly-threatened land environments (J2.2b and B3.2b) are proposed for protection**, but these are of limited extent on the property and are already in developed pasture (hence their threat status!). However examples of threatened environments E1.4d, E4.2b and J2.2c that still support indigenous vegetation (forest remnants, shrublands and tussock grassland) are present in proposed SR1 and SR2. These designations are strongly supported.

The Land Cover Database (LCDB2) identifies an area of 'grey scrub' at the northern corner of the property (GR centre K35 923558). If correctly identified by LCDB2, this approximately 20 ha area example of a native vegetation/habitat on the 'Chronically Threatened' land environment J2.2c and has very high significant inherent value. Environment Canterbury recommends that this area be field checked, and if found to contain elements of the original native vegetation, then it should also be protected through the tenure review process.

In all other respects, the Redcliffe preliminary proposal probably represents the best possible outcome for conservation of indigenous biodiversity and is endorsed by Environment Canterbury.

**Recommendation:**

- *That the area of vegetation identified as 'grey scrub' in LCDB2 on threatened environment J2.2c is field checked to confirm its composition. If correctly described, it should be protected as conservation area or by covenant.*

### **Surface water and ground water resources**

The pastoral lease is situated at the northern end of the Mt Hutt Range. The streams draining the mountain range flow through the proposed area identified for freeholding, before discharging into the Rakaia and Upper Ashburton Rivers. The water quality of the streams and rivers draining the pastoral lease are likely to be very good. Surveys of similar catchments by Environment Canterbury show that water quality in similar catchments is generally of very high quality and the stream ecosystems are in a healthy condition.

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

Tributary streams 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 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).

Once the property becomes freeholded, the property 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 reasonable to expect that the property will be developed further to improve its economic viability.

Although the future use of the property 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 alignment of new property boundaries should take into account the need to protect existing water ways and their aquatic ecosystems, and the measures, such as fencing, used to exclude livestock from water ways.

### ***Small streams and rivers draining the Mt Hutt Range***

The impact of any future intensive land uses on the water quality of tributary streams can best be avoided by ensuring that the bed and margins of permanent flowing streams draining the Mt Hutt Range are excluded from the lease, and that these margins are fenced. Specifically, Hutt Stream, Little River, Jack Stream above SR2, Terrible Stream, and the unnamed tributary of the Swift River between 867542 and 873533, where these waterways cross the proposed freehold land.

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.

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

#### ***Recommendations:***

*Environment Canterbury recommends that where permanently flowing streams draining the Mt Hutt Range cross land proposed for freeholding, these reaches are excluded from the freeholded land and fenced along their freehold margin to protect the aquatic ecosystems, water quality, and the riparian habitat of these waterways. If required, an easement could be provided to allow the land owner to take water for stock.*

- *Specifically the beds and margins of Hutt Stream, Little River, Jack Stream above SR2, Terrible Stream, and the unnamed tributary of the Redcliffe Stream between 867542 and 873533, be retained in Crown ownership and control where these waterways cross the proposed freehold land.*

### **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.

The Canterbury Regional Policy Statement seeks to improve public access to and along rivers and lakes in the Canterbury Region<sup>1</sup> by developing new opportunities for public access especially where links can be established to isolated areas. Similarly, the Department of Conservation will, as part of the tenure review process, negotiate for enhance public access to the conservation estate.<sup>2</sup>

Opportunities for public access to the areas SR1 and CA1 across land proposed for freeholding in the Redcliffe Stream catchment appear to be limited. Easements or foot access should be provided along the marginal strip bordering Redcliffe Stream and the unnamed tributary to connect up with the legal road where it crosses the proposed area of freehold land. Alternatively, foot access could be negotiated along the track a-b and c-d identified as "Vehicles for management purposes easement".

Additional easements should be established for foot access along the north and east side of the property, up the track or the Terrible Gully to point V and Hutt Stream to point X.

#### ***Recommendations:***

*Environment Canterbury recommends that better provision for public access across proposed freehold land to the conservation areas be made by:*

- *Creating an easement for foot access up the Redcliffe Stream to connect up with the legal road where it crosses the proposed area of freehold land.*
- *Negotiating foot access along the track a-b, c-d identified as "Vehicles for management purposes easement".*
- *Creating foot access up the track to Terrible Gully to point V and along the marginal strip up Hutt Stream to point X.*

<sup>1</sup> Objective 4, Policy 7 Canterbury Regional Policy Statement pg 159 -160

<sup>2</sup> Canterbury Conservation Management Strategy pg 193 Objectives and Implementation point 5



## Landscape Values

The area proposed to be retained in Crown ownership provides protection for the middle and upper slopes of the Mount Hutt Range as an intact natural landscape. Environment Canterbury fully supports the long-term protection this will provide for such a dramatic and prominent component of the mountain backdrop to the Canterbury Plains.

## Tourism Concession

A concession has been proposed for use of the conservation land by the lessees for guided hunting and tramping activities. Environment Canterbury supports the terms of the concession that retain the unrestricted rights of access for the public. Some assurance is sought, however, that the level of use permitted by the concession will not impinge on the public's recreational experience, or their rights and opportunities to use the facilities in the area, such as tracks, huts etc. It is recommended that the Grantor be responsible for monitoring the use of the area and level of experience satisfaction to identify any actual or potential conflicts in use.

More measurable terms and conditions are recommended in the concession document to enable effective monitoring of the effects of the concession activities on the values of the conservation land:

For example, section 10.1 (Protection of the Environment) should be reworded to clarify terms such as

- "interfere", "damage", and "endanger" in clause (a) to identify what level of interference is unacceptable
- "noxious" and "noisome" in clause (e)
- "disturb" in clause (g) in terms of its effect on water quality, the instream environment, riparian habitat or bank stability

### **Recommendations:**

- *that the terms and conditions of the concession document are reviewed to ensure that they are clearly defined and measurable.*
- *That monitoring the effects of the concession activity on the public's use of the land is undertaken by the Grantor.*

## Recommendations

Environment Canterbury supports the Preliminary Proposal for tenure review of the Redcliffe pastoral lease with the following changes:

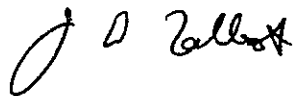
- (1) That the upper boundary of the land proposed for freeholding should be fenced completely to prevent the movement of stock onto the steeper, erosion-prone faces of the Mt Hutt Range.
- (2) That the area of vegetation identified in LCDB2 as 'grey scrub' on threatened environment J2.2c (shown on attached map) is field checked to confirm its composition. If correctly described, it should be protected as conservation area or by covenant.
- (3) That where permanently flowing streams draining the Mt Hutt Range cross land proposed for freeholding, these reaches are excluded from the freehold land and fenced along their freehold margin to protect the aquatic ecosystems, water quality, and the riparian habitat of these waterways. If required, an easement could be provided to allow the land owner to take water for stock
  - Specifically the beds and margins of Hutt Stream, Little River, Jack Stream above SR2, Terrible Stream, and the unnamed tributary of the Redcliffe Stream between 867542 and 873533, be retained in Crown ownership and control where these waterways cross the proposed freehold land.
- (4) That better provision for public access across proposed freehold land to the conservation areas be made by

- Creating an easement for foot access up the Redcliffe Stream to connect up with the legal road where it crosses the proposed area of freehold land
  - negotiating foot access along the track a-b, c-d identified as "Vehicles for management purposes easement"
  - Creating foot access up the track to Terrible Gully to point V and along the marginal strip up Hutt Stream to point X
- (5) That the terms and conditions of the concession document are reviewed to ensure that they are clearly defined and measurable
- (6) That monitoring of the effects of the concession on the public's use of the land is undertaken by the Grantor

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 (Redcliffe – Sheet 1)