

Tenure Review of the Godley Peaks Pastoral Lease – Summary of Substantive Proposal



May 2021

Background

The Godley Peaks pastoral lease is a 14,493-hectare property located in the Mackenzie District on the western shore of Lake Tekapo, north of the Cass River. A large proportion of the property is 900 metres above sea level and consists of steep and rugged terrain. A location map can be found in **Appendix One**.

The Godley Peaks pastoral lease is held by Verity Farms NZ Limited (the Holder) and run in conjunction with 83 hectares of existing freehold land between the homestead and Lake Tekapo. The pastoral lease land is used for extensive sheep and beef farming.

Approximately 66 hectares of adjacent Crown land was included in the review due to parts of this land having been historically fenced into and used as part of the farming operation.

Advice on the inherent values of the lease was provided by the Department of Conservation (DOC) in the form of a Conservation Resources Report (CRR) dated April 2003. The CRR was supplemented by information gathered during field visits by DOC and LINZ throughout the consultation phases.

Following public notification of the preliminary proposal, a substantive proposal has been put to and accepted by the Holder. The Proposal provides for the protection of 11,883 hectares as conservation area, including 8 hectares as recreation reserve. The remaining 2,676 hectares are designated to be freehold, with 376 hectares subject to a conservation covenant.

A plan showing the substantive proposal designations for Godley Peaks (the **Plan**) together with a copy of the substantive proposal can be found [here](#) (the **Proposal**).

Consultation & public submissions

The Godley Peaks preliminary proposal was advertised for public submissions in October 2015 and 15 submissions were received: five from national or regional organisations, and 10 from private individuals (eight of which expressed recreational hunting interests). A report analysing the submissions together with full copies of individual submissions can be found [here](#).

The submissions expressed concerns about the proposed public access provisions, citing the need for additional walking/tramping and hunting access. Many submitters considered that motorised access should be provided along a farm track into the Godley River area, and others sought specific access provisions to the Mistake River valley area. Submitters also sought greater protection over a proposed covenant area in the Godley Valley.

Consultation was undertaken with the Director-General of Conservation (DGC) and Holder to seek their views on accepted points from the public submissions and changes to the preliminary proposal.

In response to submissions, the covenant area in the Godley Valley has reduced by 70% with the land removed from the covenant now designated as conservation land. More restrictive terms have been imposed on the remaining covenant land and public motorised access has been secured from the Cass River bridge to the Godley Valley and into the Mistake Valley.

The main points arising from the public submissions and how they have been addressed in the Proposal are summarised in **Appendix Two**.

Summary of the Substantive Proposal Designations

The Godley Peaks substantive proposal designations are summarised below.

CA1 – 11,760 hectares to be restored to or retained in Crown control as conservation area



Figure 1 – CA1 looking up Mistake River from boundary of CA1 at point P (left) : CA1 (right)

CA1 includes most of the land within the lease above 1,100 metres above sea level, covering the eastern slopes of the Hall Range from Mistake Peak to the northern boundary of the lease and the Mistake Valley.

The area contains significant landscape, ecological, and recreational values. It supports a wide range of plant communities, including montane, alpine, tall and short tussockland, wetland and shrublands. Forest tree species include Hall's totara, kowhai, mountain toatoa, broadleaf and mountain ribbonwood. Threatened plant species have been identified within the area, including the Nationally Endangered Cypress hebe (*Veronica cupressoides*).

It is an intact high-altitude habitat for native bird species, including the black-fronted tern/tarapiroe, black shag/kawau pū, and eastern NZ falcon/kārearea, as well as multiple invertebrate and lizard species.

CA1 has increased in area by approximately 359 hectares to encompass parts of an area identified in the preliminary proposal as freehold land subject to a conservation covenant. The enlarged CA1 area creates protection for an uninterrupted ecological sequence, from the river valley floor to mountain tops.

CA1 is subject to:

- A grazing concession of 930 hectares for 15 years, allowing grazing of up to 4,000 ewes between 1 October to 10 May. This is shown on the Plan as 'GC';
- An easement concession for farm management access, labelled 'e-f' on the Plan; and
- A telecommunications easement for a repeater owned and operated by the Holder for health and safety purposes on top of Mistake Peak. This is shown as 'TA' on the Plan.

CA2 and CA5 – 64 hectares to be restored to or retained in Crown ownership and control as conservation areas



Figure 2 – CA2: Start of public access route from Godley Peaks Road. CA2, looking east onto Cass riverbed (left) View east across CA5 (right of fence) and the intended public access track to the lakeshore (right)

CA2 (shown in Figure 2) includes several small streams that drain into the Cass River, as well as old river terraces and wetlands. The old outwash terraces carry indigenous stonefield and herbfield vegetation and are classified as chronically threatened within the Land Environments of New Zealand classification. The area provides habitat for several Threatened and At-Risk plant species, including Nationally Vulnerable *Convolvulus verecundus*, *Muehlenbeckia ephedroides* and *Raoulia monroi*.

The lower Cass River area provides feeding and breeding habitat for six threatened bird species (black stilt/kakī, black-fronted tern/tarapirore, wrybill/ngutu pare, banded dotterel/tūturiwhatu, black-billed gull/tarāpuka, and caspian tern/taranui), two threatened grasshoppers, and populations of the threatened fish species upland longjaw galaxias. It has been the subject of black stilt/kakī monitoring and is considered an internationally significant habitat for indigenous birds.

The restoration of these areas to Crown ownership and control as conservation areas secures important public access links into the Cass Valley.

CA3 – 27 hectares to be restored to or retained in Crown ownership and control as conservation area



Figure 3 - Red tussock wetland protected in CA3

CA3 comprises a red tussock wetland on the floor of the Godley Valley, as shown in Figure 3. It is a large intact wetland and visually prominent, located alongside the main access track on the western side of the valley. The area is a breeding and feeding site for protected wildlife including black stilt/kakī, black-fronted tern/tarapiroe, wrybill/ngutu pare, and banded dotterel/tūturiwhatu. It is also a native fish habitat.

This area was designated as freehold land subject to a conservation covenant in the preliminary proposal however, following public submissions and consultation, it is now a conservation area. Topography and proposed fencing will prevent stock access.

CA4 – 24 hectares to be restored to or retained in Crown ownership and control as conservation area



Figure 4 – The foreground and steep slopes beyond form part of CA4

CA4 (shown in Figure 4) consists of a series of river slopes upstream of the Cass River bridge. These areas contain vegetation characteristic of the original vegetation in the ecological district, including short tussock species, dry shrubland species, matagouri, mingimingi, and bush lawyer.

Importantly, CA4 secures a public access route up the Cass Valley to CA1. Where there is no land between the existing fence and the lease boundary, public access is afforded by a 40-metre-wide legal road which is adjacent to the lease boundary.

RR – Recreation Reserve of 8 hectares



Figure 5: northern section of RR looking south-east (left) and middle section of RR looking north (right). The fence is the approximate lease boundary and will be moved back to the new boundary of RR.

RR is designated as recreation reserve and is shown in Figure 5 above. It will provide public access (including 4WD access) and enjoyment of the land beside Lake Tekapo, including a scenic access route and multiple picnic spots. It varies from 20-50m wide and provides a buffer between the legal road adjoining Lake Tekapo and the Godley Peaks farming operation. DOC and the Holder have agreed to a separate easement outside of the tenure review process to ensure continuous access from the Recreation Reserve to easement 'a-b'.

RR will be fenced to ensure the reserve boundaries are clear and to separate people from stock as they access the land around the lakeshore.

CC1 – freehold land of 376 hectares subject to a conservation covenant

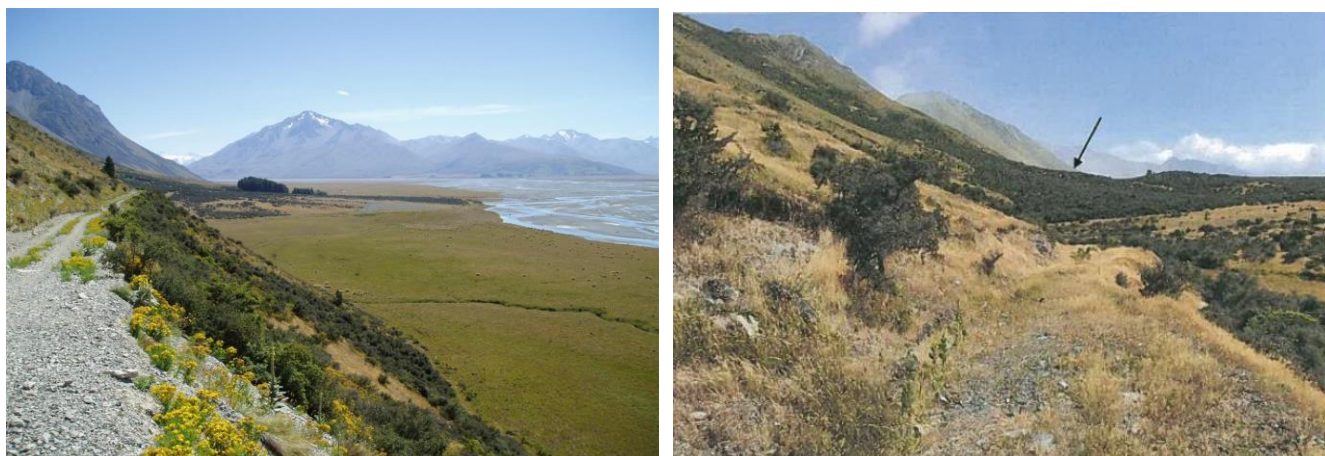


Figure 6- Looking up the Godley Valley over CC1a (left) Covenant area CC1b (right)

CC1 (shown in Figure 6) protects significant vegetation and landscape values and wildlife habitats. The area, which is an integral part of the Godley River floodplain, supports the plant species *Olearia bullata* and *Coprosma intertexta* (At Risk – Declining) as well as threatened bird species such as the black stilt/kakī, black-fronted tern/tarapiroa, and banded dotterel/tūturiwhatu.

The freehold covenant area has been significantly reduced from that provided for in the preliminary proposal - 1,269 hectares to 376 hectares. The covenant conditions have also been changed to provide increased protection of the values identified in this area.

Nearly a third of the covenant (CC1b) will be permanently destocked and other farming-related activities will not be permitted – however, the landowner will be able to drive sheep through to the adjoining grazing concession ('GC') between 1 October and 10 May while a grazing concession remains in place. The covenanting of CC1b will also secure access to Ribbonwood Hut, which is owned by the Holder and located at the northern end of CC1b.

The balance of the covenant area (CC1a) provides for stock grazing – this area has been modified as a result of a programme of over-sowing and topdressing. The Holder has advised that retaining use of this area for summer grazing is critical for their farming operation. On balance, it is considered that this area is suitable for ongoing economic uses and the proposed covenant will ensure such uses are managed in an ecologically sustainable way and do not put the values present at risk. In addition, John Scott Lodge which is owned by Timaru Boys High School is located within this area.

CC1a is subject to the following conditions:

- Clearance of matagouri is only allowed to keep existing tracks open, or if under one metre in height;
- Grazing is limited to nine months of the year and stocking limits are specified; and
- Only organic fertilisers and specified seed species can be used.

The Minister of Conservation may undertake monitoring of values in the covenant area and take any necessary further steps to protect them if they are determined to be deteriorating, including fencing and adjusting stocking rates. A copy of the covenant document can be found in Appendix 6 of the Proposal.

CC1 is subject to an easement in gross for public access and conservation management purposes (marked 'f-i' on the Plan). The easement provides for access on foot, non-motorised vehicles, and horse. Access for motorised vehicles is available between 1 December and 31 May. It contains conditions to manage public safety and the landowner can temporarily close 'f-i' for stock management purposes. From point 'i' access is available along the valley floor over an existing track to the new conservation area.

FH1 – freehold land of 2,283 hectares



Figure 7 – Land for freehold disposal on front country

FH1 is shown in Figure 7 and consists of developed pasture and over-sown/top-dressed areas on the front of the property. This land is assessed as capable of ongoing ecologically sustainable pastoral farming and significant inherent values (SIVs) have not been identified within it. It comprises of developed and irrigated paddocks and tussock grasslands that have been modified through previous vegetation clearances, over-sowing and topdressing.

The Mistake River runs through this area. Under Section 24F of the Conservation Act 1987, the Mistake River (together with the relevant marginal strips) will transfer to the Crown upon the issue of a title for the surrounding freehold land.

The freehold land is subject to a series of access easements as outlined below and shown in Figure 8:

- 'c-v' provides year-round public access up the Mistake River, from the Lake Tekapo lakeshore via an existing well-formed farm track on foot, non-motorised or motorised vehicle, or horse. Public access on a-b, d-e, f-i, and j-k is by foot, non-motorised vehicle,

and horse. Motorised access is also provided for on 'a-b' (all year) and on 'd-e' between 1 December and 31 May. Vehicle parking is provided at point 'e'. The easement has conditions to manage public safety and the landowner can temporarily close 'd-e' for stock management purposes. The costs of maintaining the tracks will be shared between the landowner and DOC.

- An easement in gross for conservation management purposes (marked 'a-b', 'c-v', 'd-e', 'q-r' and 'o-p' on the Plan).



Figure 8 – public access track along the Godley River.

FH2 – freehold land of 17 hectares

FH2 is inside the developed and fenced farm boundary and is similar in character to the land within FH1 and discussed above.

Objects of Part 2 of the Crown Pastoral Land Act 1998

Section 25 of the CPLA requires the Commissioner of Crown Lands (Commissioner) to take into account the objects of tenure review as set out in section 24 of the Crown Pastoral Land Act 1998 when developing a tenure review proposal:

- (a) to –
 - (i) promote the management of reviewable land in a way that is ecologically sustainable;
 - (ii) subject to subparagraph (i), enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and
- (b) to enable the protection of the significant inherent values of reviewable land –
 - (i) by the creation of protective mechanisms; or (preferably)
 - (ii) by the restoration of the land concerned to full Crown ownership and control; and
- (c) subject to paragraphs (a) and (b), to make easier –
 - (i) the securing of public access to and enjoyment of reviewable land; and
 - (ii) the freehold disposal of reviewable land.

The Proposal is considered to meet these objects as it:

- Promotes the management of the land in a way that is ecologically sustainable (section 24(a)(i)) by removing land with high conservation values from grazing and further development for farming purposes. Ongoing pastoral use of the land designated for freehold disposal is considered to be ecologically sustainable if appropriate inputs continue to be maintained;
- Recognises that parts of the land can support economic uses by providing for those areas to be freed from the management constraints of pastoral lease tenure (section 24(a)(ii)). The land designated for freehold disposal has been subject to substantial farm development, and the freehold land in the Godley Valley has been regularly over-sown and top-dressed and plays an important role in the farming of the property. There is some subdivision potential within the farm base area located in FH1¹. It also has potential for other economic uses such as tourism due its location and high amenity values;
- Enables the protection of significant inherent values (SIVs) of the lease by the designation as conservation area (section 24(b)(i)) of iconic landscape values visible from Lake Tekapo and across the Mackenzie Basin, widespread indigenous vegetation and wildlife values, a significant red tussock wetland in the Godley Valley;
- Enables the protection by conservation covenant (section 24(b)(ii)) of significant vegetation and wildlife habitat values in the Godley Valley;
- Provides for public access easements (section 24(c)(i)) or direct access from legal and physical roads to all areas of likely public interest on the reviewable land. Public and recreational access provided by the Proposal is significantly greater than what was provided for in the preliminary proposal and will enable access up the Cass River, down to Lake Tekapo, and north into the Godley Valley; and
- Provides for 2,676 hectares of freehold land (section 24(c)(ii)), of which 376 hectares will be subject to a conservation covenant.

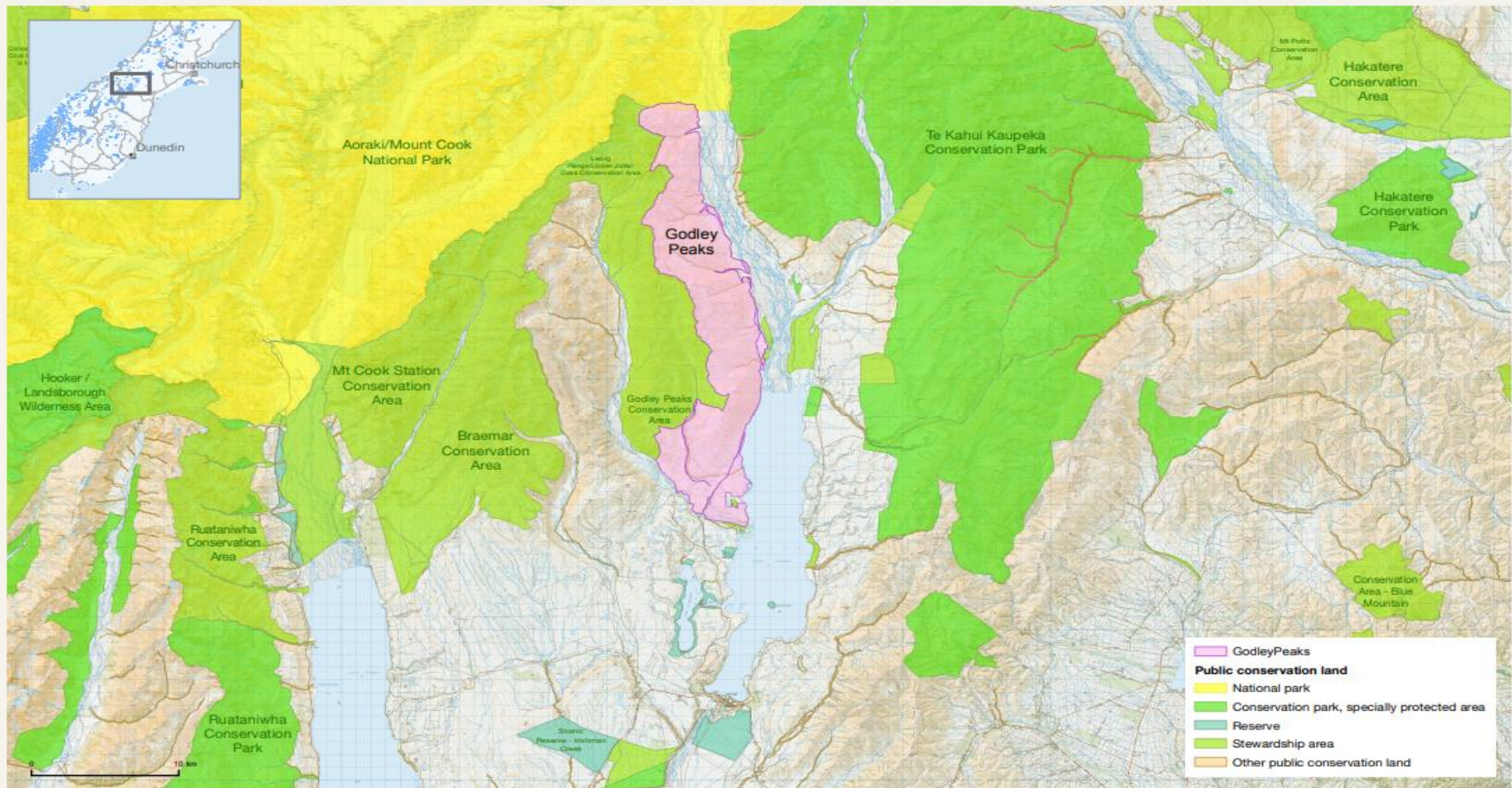
¹ The Farm Base Area is located adjacent to the Holder's existing freehold and is not adjacent to Lake Tekapo.

Other matters taken into account

Section 25 of the CPLA also requires the Commissioner to take into account:

- The principles of the Treaty of Waitangi. A Cultural Values Report was obtained from Te Rūnanga o Ngāi Tahu, which has informed the development of the Proposal. Te Rūnanga o Ngāi Tahu was also consulted on the preliminary proposal as required under section 44 of the CPLA and provided further advice that informed the development of the Proposal.
- Whether the land or any part of it is used or intended to be used by the Crown for any particular purpose. No other Crown purposes have been identified for this land.

Appendix One – Godley Peaks Location Map



Appendix Two – Summary of main public submissions and how they have been considered in the Proposal

Submission Points	Response
Nine submissions recommended that CC1 should be designated as conservation area, citing concerns about public access, stock access to riverbanks and conservation land in the Godley Valley, and the presence of significant inherent values in the area.	<p>The Proposal provides for a new conservation area (CA3) over the main red tussock wetland area in the Godley valley, which will exclude stock grazing.</p> <p>The northern boundary of the proposed freehold has been retracted down the valley to near Pollock Stream, with a limited term grazing concession for the valley beyond this boundary.</p> <p>CC1 has reduced in size by 70% compared to the preliminary proposal, with more restrictive conditions on grazing and vegetation clearance.</p> <p>Provision is made for public access through the covenant area along an existing farm track.</p>
Five submissions related to public access along a farm track from the Cass River bridge. These submitters were concerned that the preliminary proposal would affect safe access by 4x4 vehicle, and a loss of public hunting areas.	The Proposal provides for public motorised access through the length of the lease from the Cass River bridge to the Godley valley, and into the Mistake valley. CA4 will facilitate public access through the area upstream of the Cass River bridge.
Nine submissions suggested there should be public access by easement from various streams within CA1 down to the Godley River valley, to enable access to public hunting areas.	As above, the Proposal provides for additional public access to the Godley Valley.
12 submissions sought better public access to the Mistake River valley to enable walking/tramping and hunting access.	As above, the Proposal provides for additional public access to the Mistake Valley.
Six submissions sought public motorised access from the Cass River bridge to the Godley River valley, noting the considerable distance between the car park at the Cass River to the upper reaches of the Godley River valley.	The Proposal provides for public motorised access through the length of the lease from the Cass River bridge up into the Godley Valley.
Nine submissions stated support for aspects of the preliminary proposal – in particular, the valuable addition to the conservation estate and significant improvements for public access in the Mackenzie Basin.	These statements of support were considered when formulating the substantive proposal designations.
Three submissions considered that the Godley Peaks tenure review should be stopped as the objects of the CPLA cannot be met – particularly with regard to public access.	As above, the Proposal provides for significantly greater public access.
Three submissions sought changes to the easement terms relating to public use of the section between 'a' and 'b'. These submitters wanted reasons for closures of the route clarified, with as little restriction as possible, and lambing closures not exceeding six weeks.	This point was not accepted for further consideration, as the easement terms and conditions already specify reasons for closure and allow for lambing closures only between 15 October – 1 December.

Submission Points	Response
<p>The New Zealand Deerstalkers Association noted their willingness to assist in the process of defining acceptable access provisions.</p>	<p>As above, the Proposal provides for significantly greater public access including access into the Mistake Valley and motorised access into the Godley Valley.</p>
<p>One submitter sought adjustments to the covenant CC1 – they were concerned about the potential removal of matagouri enabled by the covenant and suggested further fencing of grazing areas to keep stock out of riverbeds.</p>	<p>CC1 has reduced in size by 70% compared to the preliminary proposal – land identified as containing the most significant populations of matagouri is now included in CA1.</p> <p>The covenant area comprises of two parts:</p> <ul style="list-style-type: none"> • CC1a where provision is made for extensive grazing and vegetation clearance is restricted to matagouri that are under 1 metre in height and to the extent required to maintain existing tracks. • CC1b does not allow grazing but allows for the driving of sheep through to areas subject to a grazing concession.