

Crown Pastoral Land Tenure Review

Lease name: RICHMOND

Lease number: PT 087

Public Submissions - Part 15

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

January

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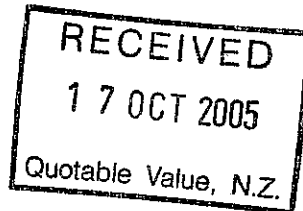
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17 October 2005

The Commissioner of Crown Lands
C/- Quotable Value Limited
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CHRISTCHURCH

Attention: Barry Dench
Tenure Review Team Leader



Dear Barry

RICHMOND 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 Richmond 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-119
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 (1998) and Canterbury Regional Pest Management Strategy Biodiversity Pests (2002) identify a number of species of plants and animals for control or management as pest species.

In line with these statutory responsibilities and documents, and Section 24 of the Crown Pastoral Lands Act (1998), Environment Canterbury technical and planning staff have reviewed the Preliminary Proposal for Richmond 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, soil conservation and the integrity of the water bodies. Our comments and recommendations are listed below.

General comments

The Richmond Pastoral Lease, lying between the eastern shore of Lake Tekapo and the summit of the Richmond and Two Thumbs Ranges, encompasses the extensive and majestic high country landscapes typical of the Mackenzie Basin. The overall impression of this country is of predominantly high naturalness and a range of land uses that neither intrude into, nor create visual barriers to the appreciation of this nationally significant landscape.

Under the Crown Pastoral Lands Act (CPLA) 1998 the objectives to promote the ecologically sustainable management of the high country land, and to protect significant inherent values of the land are of primary importance. Land contained within the Richmond lease retains highly significant inherent natural values as well as contributing to the natural, cultural and landscape values of the wider Mackenzie Basin landscape.

Lake Tekapo has a statutory acknowledgement under the Ngai Tahu Claims Settlement Act 1998, recognising the importance of this lake as a source of mahinga kai and historical values and the spiritual relationship of Ngai Tahu Whanui with the lake. The lake has an inherent low nutrient status, as do the major streams feeding into the lake from the surrounding catchments. Several of these streams flow through the Richmond lease into Lake Tekapo, the major ones being Coal River and Washdyke Stream.

One of the issues for tenure review is the likelihood of changing, or intensifying land uses that may result from the freeholding of land, and the effects of these changes on the quality of water in water bodies that flow from this land. Land use over the Richmond lease has recently included a change from extensive sheep grazing to more intensive deer farming. This has the potential to affect not only the high water quality of the lake and inflowing streams, but also the level of naturalness of the surrounding landscape.

Regional councils and land owners have a responsibility under the RMA to maintain the quality and quantity of water in water bodies and to protect important natural, cultural, landscape and amenity values associated with these water bodies. These responsibilities are also fundamentally important to the primary objectives of the CPLA for the long-term "ecologically sustainable management" of the land held within the lease, and need to underpin the process of tenure review and the establishing of designations for Crown and freehold land.

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 Richmond lease and to protect the range of significant inherent values identified for the land.

Soil Conservation

The following discussion of issues relating to the management of soil conservation values has been based on soil and vegetation information sourced from satellite imagery, Land Use Capability (LUC) mapping and the former Waitaki Catchment Commission property maps prepared for the Soil and Water Conservation Plan programmes undertaken as part of a Land Improvement Agreement (LIA)

over the lease. LIA 597732/1 was registered on the lease title and runs for a 33-year term, expiring in 2019. The LIA involved a number of soil conservation works including the fencing out the eroded sunny faces along Coal River, windbreak planting to protect arable soils adjacent to Lake Tekapo and channel stabilisation below the Round Hill ski field. The plan also identified soil conservation problems associated with sheet and wind erosion on hill and steepland soils, particularly on lower altitude, north facing, shallow Tekapo and Tasman soils, but these were never dealt with.

The proposed conservation areas have included the most severe erosion risk soils and this is a good outcome as far as the Soil and Water Conservation Plan is concerned. The steep eroded faces along Coal River will be included in Conservation Area CA4 and the erosion control fence used as the boundary between Crown and freehold land. Apart from a scattering of incised sunny eroded faces across the moraine downs, most of the shallow steepland soils have been included within conservation area CA2. Additional windbreak planting will be advisable on the lower flats if these soils are to be used more intensively for cropping or pasture production.

One outstanding concern is the use of the existing "snow fence" as the boundary between freehold and conservation areas CA3 and CA4. Moving the fence lower down the slope would exclude from freeholding the remainder of the upland erosion-prone soils and relocate the fence at an altitude less susceptible to snow damage.

The Round Hill ski field area is now administered by the Department of Conservation, and it would be in the best interests of DoC and the ski field operator to ensure that this work is well maintained. Failure to do so could initiate a new erosion cycle.

Recommendations

- *Extend the lower boundaries of CA3 and CA4 to include the remainder of the Class VII high erosion risk soils above the 1000m contour.*

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 Complementary 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 seven Level IV Land Environments are present on the Richmond pastoral lease (Leathwick et al. 2003):

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

E4.1a, E4.1b, E4.2a, E4.2b – Central South Island dry foothills east of the Alps

J2.2a – Well drained recent soils, inland Canterbury

These seven Land Environments are listed, in altitudinal sequence (highest to lowest) as they occur on Richmond pastoral lease, in the table below. The table also shows 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. Threat categories are assigned on the basis of these figures (from Walker et al. 2005)

Lvl IV Land Environment	% Indigenous Cover Remaining	% Protected	Threat category
P1.2c	99.95	61.57	Not threatened
P1.2d	94.09	48.76	Not threatened
E4.2a	64.53	26.17	Not threatened
E4.2b	26.78	5	At Risk
E4.1b	27	3.82	At Risk
J2.2a	18.75	4.92	At Risk
E4.1a	24.73	1.67	Chronically Threatened

The three highest altitude land environments present on Richmond pastoral lease (P1.2c, P1.2d and 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 next three environments (E4.2b, E4.1b and J2.2a) retain only about 20-30% indigenous vegetation cover throughout their overall range and are not well represented in existing protected areas. They have been assigned a threat category of 'At Risk'. The lowest-altitude land environment, E4.1a, has lost more than 75% of its indigenous cover nationally and is extremely poorly represented in the existing reserve network. It has the highest threat category of the seven land environments on Richmond pastoral lease – 'Chronically threatened'.

The smallest discrete areas proposed for protection, CA1 and the small lake/pond conservation covenant, are both within the 'chronically threatened' dry foothill land environment E4.1a. CA2 includes nearly all of 'At Risk' recent soil land environment J2.2a present on Richmond pastoral lease, as well as an example of another 'At Risk' dry foothill land environment, E4.1a, where it extends along lower reaches of the Coal River. CA3 includes examples of non-threatened dry foothill and mountain environments E4.2a, P1.2d and P1.2c. CA4 also includes examples of the same non-threatened land environments, as well as a small area of 'At Risk' dry foothill environment E4.2b.

The vegetation section of the Conservation Resources Report (CRR) provides a useful summary of the range of vegetation and habitats present on Richmond pastoral lease but is let down by imprecise location descriptions. It is not always clear from the CRR where exactly all the sites of ecological interest described (e.g. native shrublands-Section 2.4.4, paragraph 3 on p.9) are to be found. Grid references and/or a more precise vegetation map would definitely help. It is therefore sometimes difficult to ascertain whether or not sites of ecological value described in the CRR have made it into the Conservation Areas listed in the Preliminary Proposal (PP).

Notwithstanding this degree of uncertainty, it is clear from a comparison of the CRR and PP maps that some large areas of ecological significance on the low-to mid-altitude parts of the pastoral lease have *not* been included in proposed conservation areas. For example, most of "the best area of fescue tussock [that] lies between Lake Tekapo, Coal River and the ski field road" (CRR page 9 and attached map) is proposed for freeholding ('At Risk' land environment E4.1b). The environs of the Washdyke Stream where it flows through 'acutely threatened' and 'at risk' dry foothill environments, identified as ecologically significant on the CRR attached map, have also been proposed for freeholding.

The opportunity to protect substantial remaining areas of montane (below 1000m) native shrublands appears to have been foregone in this tenure review proposal. The CRR (page 9) notes that the "most extensive area of shrubland on Richmond Station occurs from about 800m to 1100m on the true right of the Coal river." The map of ecological values attached to the CRR shows this area as a broad band extending above the 800m contour from the Coal River north to the Mt Gerald boundary (At Risk land environments E4.1b and E4.2b). However the lower altitudinal boundary of CA4 follows the 1000m contour thus excluding several hundred hectares of highly significant indigenous vegetation that should have been a priority for protection under tenure review. Another native shrubland area of matagouri, olearia and coprosma "along the kame terrace below the Richmond Range and above where Washdyke Stream turns and cuts down through the moraines...[that] provides the tallest native

vegetation cover on the property" (CRR page 9) also appears to have been excluded from CA3. As mentioned earlier, the imprecise location description does not help but native shrublands are certainly *not* mentioned in the description of conservation area CA3 in the Preliminary Proposal summary document.

For these reasons we do not accept the assertion of the Preliminary Proposal (page 7) that "all of the significant inherent values will be protected" by the designated Conservation Areas and Conservation Covenant. This assertion is also contradicted on page 4 of the PP itself, where it is admitted that, "Over half of the proposed freehold area consists of middle terraces *close to native* [our italics], offering scope for enhanced production..." These middle terraces down to the fenceline in fact contain significant examples of the "at risk" dry foothills tussock grassland habitats retaining a relatively intact native vegetation cover and numerous small wetlands and tarns. ECan suggests instead that much of the proposed freehold area would offer far greater scope for protection and conservation of significant indigenous biodiversity in threatened dry foothill land environments.

With the notable exception of CA2, and to a lesser extent (because of its small size) CA1, this tenure review preliminary proposal does not seem to recognise that the most significant inherent values, for conservation of indigenous biodiversity, are the ones that are most threatened at a regional and national level. In this case on Richmond pastoral lease, all remaining areas of native vegetation and habitats on threatened dry foothill land environments (mostly shrublands and short tussock grasslands) should have been recognised as priorities for protection of significant inherent biodiversity values, over the higher-altitude, less threatened mountain environments.

Recommendations

- *Extend CA2 to the south to include short tussock grasslands between the Coal River and the ski field road.*
- *Extend CA4 to include native shrublands between Coal River and the Mt Gerald boundary, as identified in the CRR.*
- *Extend CA3 to include Washdyke Stream riparian zone and the dry foothills tussock grasslands on the upper lateral moraines, as identified in the CRR*
- *Extend CA1 north to link with Washdyke Stream and south to the boundary of the pastoral lease to include a larger representative example of chronically threatened land environment E4.1a (and provide public access to this area of lakeshore).*

Surface water and ground water resources

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

Intensification of landuse around the margin of Lake Tekapo may not have a significant direct effect on the waters of Lake Tekapo as these waters have limited potential for production due to the high glacial flour loadings reducing light input to the water. However increased nutrient loading of Lake Tekapo is likely to lead to adverse downstream effects on water quality and the nationally significant aquatic values of the lower parts of the Waitaki catchment.

The Coal River is clearly identified in the CRR as containing important conservation values and appears to be wholly enclosed by, or contained in designations CA2 and CA4. As such the values of this significant stream/river system seem to be adequately identified and Environment Canterbury supports the level of protection offered by the preliminary proposal.

Washdyke Stream, the other significant waterway within the lease, has indicative marginal strips marked on the designations map. What is unknown is the extent to which these will be protected where the stream flows through land designated for freehold, or afford protection to the stream, particularly if the adjacent land is used for deer farming.

The land to be freeholded also contains a number of waterways that are of a width insufficient to qualify for marginal strips. These waterways are, nevertheless, important in their own right and as tributary streams to Lake Tekapo. Deer have a propensity to wallow in and trample the beds and margins of waterways, so it is appropriate that some consideration be given to creating riparian margin

buffer strips along all waterways flowing into Lake Tekapo to manage/avoid the future degradation of water quality within the lake and downstream water bodies.

The impact of intensive agricultural land use activities on water quality and ecosystems is well documented, most recently in the report "Growing for Good" by the Parliamentary Commissioner for the Environment. Documents such as "*Managing Waterways on Farms: A guide to sustainable water and riparian management in rural New Zealand*" (MfE, 2001), "*Reducing the Impacts of Agricultural Runoff on Water Quality*" (MfE, 1997), and numerous Regional Council and industry guides, codes of practice, policies and plans provide a range of policy and practical advice. Tributary streams because of their size and limited assimilative capacity are particularly susceptible to degradation. Grazing of riparian margins, for example, reduces vegetation stature and trampling of soils and banks results in an increase in sedimentation. One of the most effective ways of maintaining water quality is to restrict stock access to water bodies, avoid disturbance of the soil adjacent to water bodies, and to maintain well vegetated riparian margins to trap pollutants in runoff from adjacent land.

The lower lateral moraine contains several kettle tarns, some of which contain permanent water. Only one is proposed to be protected by conservation covenant CC1 close to the central farm buildings. These tarns have persisted under the existing extensive farming regime and may contain unique flora and fauna as well as providing contrasting features from the road and air (particularly from tourist flights). Therefore, any further extension of areas grazed by deer that includes these permanent tarns could lead to permanent degradation of their water quality and ecosystem health. Such tarns should be required to be fenced off with sufficient riparian buffering to ensure their long-term protection.

The lakeshore of Lake Tekapo is also of importance to protect the inherent values of the lake water body. Much of the lakeshore is designated "Lakeside Protection Area" (LPA) under the Mackenzie District Plan that provides some control of subdivision and development within this zone. However, the LPA zone is not continuous around the lake and provides incomplete coverage of the lake margin along the boundary of the Richmond lease. **Any intensive pastoral development close to the lake edge should be controlled by mechanisms that discourage livestock 'camping' and prevent their accessing the shallow margins or embayments of lake waters.**

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).

This is consistent with, the "*Environment 2010 Strategy - A Statement of the Government's Strategy on the Environment*" (1995), and the companion Stocktake document (1997), which includes as a goal (pg 25):

2. *To manage the quality and quantity of surface water, groundwater, coastal and geothermal water so that it can meet the current and future needs of ecological systems, communities (including Maori), primary production and industry, by:*

- *... maintaining sufficient water in water bodies to meet these current and future needs;*
- *ensuring New Zealand's surface freshwaters and coastal waters are of a quality suitable to meet community needs such as swimming, fishing and shellfish gathering, and that aquatic life is not significantly affected by discharges;*
- *restoring, and preventing further degradation of, groundwater quality and quantity;*
- *preventing degradation of quality and flow of water resources that are identified as having national significance to New Zealanders for recreational, scenic, scientific or cultural reasons.*

Overall, the preliminary proposal identifies and provides protective mechanisms for the major streams running through the lease. In particular Coal River is well protected by the proposal. However other aquatic resources, such as wetlands, tarns and smaller streams, are not so well characterised or catered for, particularly if the extension of areas for deer farming continues.

Given that section 24 of the CPLA seeks to both promote the management of reviewable land in a way that is ecologically sustainable (s.24(a)), and to enable the protection of the significant inherent values of reviewable land (s.24(b)), Environment Canterbury recommends that some protective mechanism is put in place to protect the inherent values of these smaller water bodies on all land proposed for freeholding. Similarly protective measures should be applied to those waterways to which marginal strips have been applied.

Recommendations:

- To enable the ecologically sustainable management of all tarns across the lease by
 - either incorporating all tarns into land to be retained in full Crown ownership; or
 - ensuring that all tarns are protected by conservation covenants sufficient in size to provide long-term protection of their inherent natural values and ecological integrity
- That the marginal strip along Washdyke Stream be fenced as a condition of freeholding to protect the water quality of this stream and maintain downstream aquatic values for Lake Tekapo and the Waitaki catchment.
- That land along the lake margin either be retained in Crown ownership and control, or if disposed of as freehold land, to be subject to the creation of 1 or more protective mechanisms relating to protection of the aquatic values of Lake Tekapo. These protective mechanisms need to apply to the entire length of lakeshore margin and provide for protection in perpetuity.

Landscape values

The dominant physical feature of the Richmond lease is the Richmond Range. The Preliminary Proposal identifies the Richmond Range as "having attributes that sustain the special natural quality and integrity of the High Country landscape" and "a fundamental component of the broader Mackenzie Basin and an integral part of the Lake Tekapo vista". In a similar vein, the Conservation Resources Report refers to the western-facing slopes of the Richmond Range as "a fundamental part of a larger high country landscape", having no "built elements", with "natural forces being highly conspicuous", and having vegetation "in a natural condition showing little intervention from pastoral farming, the result being a cohesive landscape expressed ... in both natural processes ... and vegetation patterns." (underlining added).

The CRR goes on to emphasise the "high visual resource value" of the range owing to the fact that it "can be viewed from numerous look-outs ... along State Highway 8", and forms "a prominent backdrop" to the township of Tekapo. The importance of the landscape relates to the long uninterrupted views across the lake and up to the top of the range, these traits being "a feature of an intermontane basin". When referring to the lake itself, the CRR notes that "the horizontal line that separates water from land and the contrasting colours of the turquoise lake with the tawny land are a vivid and memorable feature."

The assessment of landscape values emphasises the importance of the Richmond Range and Lake Tekapo as part of the wider high country landscape, and the need to propose designations through tenure review that reflect and protect these values. This is backed up by a body of other evidence to support the regional, national, and arguably international significance of the Mackenzie Basin landscape of which this lease forms an important component:

- The Richmond lease lies within a larger area that is identified as a Regionally Outstanding Natural Feature and Landscape in the "Canterbury Regional Landscape Study" (1993)¹. Land within this landscape is recognised as having very high natural science, legibility, transient, aesthetic, and shared values. There is a body of Environment Court case law that makes reference to the Canterbury Regional Landscape Study, and endorses the methodology and conclusions of the study.
- The Canterbury Regional Policy Statement (CRPS) 1998 includes as a criteria for matters of regional significance in Chapter 20.4(1) those landscapes "identified as being a regionally outstanding landscape or natural feature in the Canterbury Landscape Study."
- The DoC Conservation Management Strategy has, as an objective for the Waitaki Unit, "to identify, maintain and seek to enhance the natural landscapes and natural landscape values of the Waitaki unit" and "to implement this objective ... through appropriate methods such as tenure review....." [page 103, 14.10.1 (1)]

These are "significant inherent values" that should be recognised and protected through the tenure review process.

¹ Boffa Miskell Limited and Lucas Associates 1993. Canterbury Regional Landscape Study, Volumes 1 and 2. Prepared for Canterbury Regional Council.

It is therefore considered, that in relation to the objectives of the CPLA, the Preliminary Proposal fails to respond to the CRR recommendations to secure the "cohesiveness" of this landscape, or to protect the highly significant visual and natural values that remain across the full altitudinal sweep of the Richmond Range. Even the CRR recommendations fall well short of capturing the values of the landscape that are documented in the main report.

Without careful and focused management, the visual values of this land could easily be lost by incremental intensification of landuse, including loss of the naturalness and expressiveness of the vegetation cover, and breaking up the cohesiveness of the landscape by the intrusion of structures such as fencing or buildings. For this reason, the potential effects of development should be a key factor in consideration of impacts on the wider landscape of the Lake Tekapo environs. The domestication of this area may significantly detract from the current expansive landscape and should be approached with caution in assessing what land is to be freeholded.

Tenure review offers the opportunity to ensure that changing landuse occurs in a way that is sympathetic with the significant inherent values of the land. While the objectives state that the preferred mechanism for protecting inherent values is "by restoration of the land concerned to full Crown ownership and control" (Cabinet Policy Committee Minute of Decision 9 February 2005), there are a number of protective mechanisms that will allow for some continued use of the land in a way that still retains the important inherent values (e.g. conservation covenants pursuant to Section 40(2)(a) of the CPLA 1998 or sustainable management covenants under Section 97 CPLA).

Environment Canterbury recommends that greater recognition be given in the tenure review process to the very high and very visible landscape values that exist for this lease land, in particular the protection of the broad cohesive landscape from the lake to the top of the mountain range. Any freeholding of land has significant potential to affect and degrade these landscape values and should be applied with considerable caution.

Recommendations:

- *That the intactness of the inland basin landscape from Lake Tekapo shoreline to the top of the Richmond Range is protected, either by the extension of CA3 down through the middle and lower slopes to the lake shore, or through the placement of a protective mechanism under Sec 40(2) or Sec 97 of the CPLA to protect the significant inherent values of the landscape.*
- *That the key areas for protection against intensification or domestication of this outstanding landscape, beyond the current proposed CA3, include:*
 - *The upper lateral moraine area (labelled LU3 in the CRR map of landscape units) above 100m retaining a high degree of naturalness*
 - *Lake margin land to the west of Lilybank Road (with the exception of land in the immediate vicinity of the core homestead, farm buildings and yards area).*
- *That protective mechanisms or encumbrances be placed on the title of any land to be freeholded to preclude, in perpetuity, any subdivision or development that will detract from the landscape values of the land. This should provide for the protection of the range of natural, cultural, aesthetic, and expressive values that together define these landscapes.*

Public access

The tenure review offers an opportunity to resolve public access issues on areas freeholded through the tenure review process, and to put in place access ways that meet the needs of the public while minimising interference with farming operations.

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

Part 2.5.3 (page 5) of the Summary of Preliminary Proposal identifies where marginal strips are proposed to apply. The proposal is to rely on an unformed legal road along the frontage of Lake Tekapo in lieu of a marginal strip "...unless it is determined that the mean high water mark has encroached through the road reserve and into reviewable land." This approach is not appropriate. It fails to recognise on-going erosion of the lake shore (exacerbated through the artificial management of water levels for hydro power production), and fails to secure adequate public access to and along the shore of the lake into the future.

Section 24(c) of the CPLA mirrors the section 6(d) RMA priority to be afforded to public access to and enjoyment of this reviewable land (i.e. the lake frontage). The preliminary proposal for Richmond does not ensure that public access will be secured along the lake margin in a way that allows practical access to or along this area or, for that matter, recreational use. Where the unformed road is partly eroded, only a narrow margin will be available for access; where on-going erosion occurs, this public access will eventually be lost altogether. In addition, land between the unformed legal road and the lake may be freeholded, unless explicitly restored to Crown ownership, creating further barriers to public access. In any event, reliance on the unformed road to delineate the line of public access is considered to be contrary to the CPLA and RMA where ongoing erosion or an existing reduction in unformed road width (without having "...encroached through the road reserve...") precludes or doesn't ensure the maintenance or enhancement of public access to and along the lake margin.

In response to this issue, it is recommended that a formal strip of land along the lake frontage should be restored to full Crown ownership, rather than relying on a relict unformed road to delineate this access. To provide on-going security of access, it is suggested that this strip should be a minimum of 40 metres in width landward of the lake margin (i.e. the landward edge of the lake shore - **not** from the water edge). It is possible that the Meridian Energy operating easement line is appropriate for this purpose, but this will depend on where this line lies on the ground. Alternatively, the line could be defined as 20 metres landward of the maximum operating level for the lake - provided that this affords security of physical access.

Provision for vehicular access to proposed CA4 extends only from point e to f. Points f to g is available only for foot access. While it is accepted that the ski field concession area managers would wish to retain control over vehicle access to its facilities (particularly during the "off season", when the area is not staffed), there is no obvious rationale provided in the proposal for excluding vehicular access to the boundary of CA4. It is recommended that vehicular access should be made available into CA4, and that the boundary of CA3 should be shifted to follow approximately the 1000 or 1100m amsl contour north of Washdyke Stream. This would rationalise the freehold boundary for the property and follow a more logical contour for management purposes.

ECan supports the provision of marginal strips along the Washdyke Stream. The banks of the stream can be very steep so the width of margin needs to be practical to allow for fencing and to provide sufficient width for access without jeopardising stream bank erosion as well as protecting the inherent riparian values.

Recommendations:

- *That easement e-f-g be amended to provide public access by motor vehicle from the Lilybank Road to proposed Conservation Area CA4*
- *That the boundary of CA3 is extended downslope to follow the 1000 or 1100m contour north of Washdyke Stream to rationalise the freehold boundary for the property and follow a more logical contour for management and access purposes*
- *That public access to and along the frontage of Lake Tekapo be secured by designating a strip of land of at least 40 metres in width landward of the lake edge as land to be retained in full Crown ownership. This land should extend landward from the highest operating level for Lake Tekapo*
- *That all land on the lakeside of Lilybank Road, proposed to be freeholded be subject to a protective mechanism to preclude further subdivision and development of the land to allow for the public appreciation of this area of Regionally Outstanding Natural Feature and Landscape.*

Recommendations

Environment Canterbury acknowledges and supports the areas proposed to be protected by restoring to full Crown ownership and control, as contributing to soil conservation management and the protection of the indigenous habitats and of the area. **As it stands, however, the proposal falls well short of identifying specifically, let alone protecting many of the significant inherent values of the land.** This is perhaps exemplified by the lack of appreciation of the threatened nature of many of the indigenous habitats found within the lease, and the casual approach taken to the protection of lakeside and wider Mackenzie Basin landscapes and to securing public access to this important area, particularly the lakefront.

Tenure review must address this land as part of the wider Mackenzie Basin landscape and apply designations and conditions for future land tenure that reflect and protect the full range of local and regional values identified.

The proposal also fails to provide adequately for the integrated management of land and water resources, particularly with regard to the management of river and lake margins, and the prevention of any adverse effects of future land use intensification on water quality and aquatic habitat.

This proposal cannot be supported as consistent with the objectives of the CPLA.

The following recommendations for amendments to the areas for protection and conditions for management have been identified as necessary to provide for the ecologically sustainable management of the Richmond land into the future. These amendments are shown on the accompanying designations map.

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

- Extend CA1 north to link with Washdyke Stream and south to the boundary of the pastoral lease to include a larger representative example of chronically threatened land environment E4.1a (and provide public access to this area of lakeshore).
- Extend the protection provided by CA1 to all permanent tarns on the lease by
 - either incorporating all tarns into land to be retained in full Crown ownership; or
 - ensuring that all tarns remaining on land designated as freehold are protected by conservation covenants sufficient in size to provide long-term protection of their inherent natural values and ecological integrity

2) That the proposed conservation area CA2 is extended to the south to include short tussock grasslands between the Coal River and the ski field road

3) That the following amendments are made to the proposed conservation area CA3:

- Extend the lower boundary of CA3 to the fenceline at the 800m contour to include the remainder of the Class VII high erosion risk soils and the relatively intact indigenous habitats of the upper lateral moraines as identified in the CRR.
- Extend CA3 to include the Washdyke Stream riparian zone, as identified in the CRR

4) That the following amendments are made to the proposed conservation area CA4:

- Extend the western boundary of CA4 to include the remainder of the Class VII high erosion risk soils above the 1000m contour.
- Extend CA4 to include native shrublands between Coal River and the Mt Gerald boundary, as identified in the CRR.

5) Regardless of whether the above recommendations are implemented, to require the fencing of the marginal strip along Washdyke Stream as a condition of the freeholding of this part of the lease to protect water quality and instream habitat.

6) That public access to and along the frontage of Lake Tekapo be secured by designating a strip of land of at least 40 metres in width landward of the lake edge as land to be retained in full Crown ownership. This land should extend landward from the highest operating level for Lake Tekapo

7) That all land on the lakeside of Lilybank Road, inland from the lakeshore strip of Crown land in (6) above, be retained in Crown control, or if disposed of as freehold land be subject to a protective mechanism, to protect the landscape values of the land and the lake setting, and to allow for the public appreciation of the wider setting of Regionally Outstanding Natural Feature and Landscape. Conditions for future landuse either under Crown control or freehold title should preclude any subdivision and development of the land that includes the building of any structures, other than stock fencing.

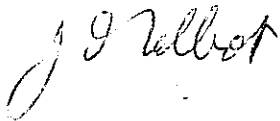
8) That protective mechanisms or encumbrances be placed on the title of any land designated to be disposed of as freehold land to preclude any subdivision or development that will detract from the

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landscape values of the land. This should provide for the protection of the range of natural, cultural, aesthetic, and expressive values identified for the land.

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

Yours sincerely

A handwritten signature in cursive script that reads "John D Talbot".

John D Talbot

DIRECTOR POLICY AND PLANNING

Attachments:

Map 1 – showing recommendations for changes to proposed Designations Plan.