



23 December 2015.

Commissioner of Crown Lands
Land Information New Zealand
Christchurch.

Dear Mr Gullen,

Re: Tenure review of Godley Peaks Crown pastoral lease

Federated Mountain Clubs (FMC) was founded in 1931 and advocates for New Zealand's backcountry and outdoor recreation on behalf of 20,000 members. This core function gives FMC a strong interest in Crown pastoral tenure review as the process allows leasehold land to be redesignated for new purposes including conservation and recreation.

The prioritised objects of the statute enabling tenure review, Part 2 of the Crown Pastoral Land Act 1998, are of particular significance to FMC due to our organisation's interest in natural and historic values and recreation access. The objects are:

Section 24

(a) to-

(i) promote the management of reviewable land in a way that is ecologically sustainable

(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 the following object:

*(c) subject to paragraphs (a) and (b), to make easier-
(i) the securing of public access to and enjoyment of reviewable land.*

Additional objects, *to 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 the freehold disposal of reviewable land*, must also be considered, though their priority is not as high as those of *(a)(i)*, *(b)(i)*, and *(b)(ii)*.

Godley Peaks

At the northwestern tip of Lake Tekapo between the Cass and Godley valleys, this 14,493ha, approximately 33km-long property ranges from around 720m elevation at the lake's shore to 2,430m elevation at Mt Radove. Its northern end is just 10km from the main divide.

It is primarily steep and mountainous country, and the glacial Godley Valley, forming most of the eastern boundary, is a notable feature. The property's natural values are relatively intact and the farming operation is productive, with low plant and animal pest numbers.

The objects of Part 2 of the Crown Pastoral Land Act 1998 and their hierarchy form the foundation for observations and recommendations in this submission on the Godley Peaks preliminary proposal.

Proposed CA1

Significance

This extensive proposed area - more than 10,000ha - contains a large range of significant natural values. For example, totara and threatened *carmichaelia* species, diverse aquatic macro-invertebrates, avian invertebrates of outstanding significance, and areas of high natural value to lizards and avian wildlife for breeding, exist in a landscape of mostly high coherence, legibility, intactness, and naturalness.

Protection by restoration to full Crown control is consonant with the Act's requirements due to the natural values' strength of significance. High quality natural values extend beyond the proposed CA1 boundary, however, and this proposed public conservation land will need expansion eastward to the property's boundary on the Godley River and southward to the Mistake River in order to meet the statute's protective requirement. This will be discussed further throughout the submission.

Concessions

FMC understands that commercial recreation concessions proposed will ease the property's transition between the former large leasehold and new smaller freehold farm management regimes after review completion. However, they are unduly demanding in terms of their 10-year duration and, in the case of the proposed guided activities concession, in terms of client numbers. Five-year durations and more modest client numbers are reasonable given that the land in question is proposed to be reserved for public conservation purposes.

The proposed 30-year concession for facilitation of telecommunications should be adopted.

Public recreation access and enjoyment

Proposed public recreation access is impracticable due to its length and non-motorisation; it is access in name only, not actuality, and will not satisfy the Act's requirement of 'to make easier- the securing of public access to and enjoyment of reviewable land'. To genuinely address this requirement, provision for public access will need to be the same as provision for conservation management and concessionary access. As this matter relates to several proposed designations, it will be discussed in other parts of this submission also.

Recommendations:

- * that proposed designation CA1 be adopted.**
- * that proposed CA1 be extended eastward to the property's Godley River boundary and southward to the Mistake River to protect significant inherent values.** Note: this will be discussed further throughout the submission.
- * that proposed commercial recreation concessions' duration be reduced to five years and that client numbers be reduced.**
- * that the proposed telecommunications facilities concession be adopted.**
- * that provision for public recreation access be the same as provision for conservation management and concessionary access.** Note: proposed public recreation access to CA1 and other parts of the property is discussed elsewhere in this submission.

Proposed CA2

Significance

There is significant natural landscape value in this proposed 172ha block which is situated at the bottom of the lease. Lizard habitat, fish habitat, and habitat diversity generally are noted here also, but significance is overstated in the preliminary proposal, and, while FMC does not oppose adoption of CA2, the block could be disposed of as freehold with a conservation covenant over the full area and meet the Act's requirements.

Public recreation access and enjoyment

Public recreational access should be provided, to meet the statutory requirement; this could be either through Crown retention and control of the land as CA2 or by establishment of an easement to link with proposed RR should the land be disposed of as freehold with a protective mechanism.

Recommendations:

- * that protection for proposed CA2 be put in place, either by adoption of the proposed designation, or by disposal as freehold with a conservation covenant over the full area.***
- * that public recreational access be provided either by adoption of CA2 as proposed or by creation of an easement to link with proposed RR if the land is disposed of as freehold with a conservation covenant.***

Proposed RR

The intention of this proposed 27ha, 50-metre-wide strip running alongside Lake Tekapo between the proposed freehold block and the lake foreshore is provision of public access and enjoyment. It will also ensure protection of lizard habitat and of the lake shore's natural appearance.

Elsewhere in this submission, FMC proposes CA1's southward extension, which will reduce the necessary extents of proposed RR and its fencing. FMC has also discussed the potential for proposed CA2 to be redesignated as freehold with a conservation covenant and access easement, which would affect the dimensions of proposed RR.

Provision should be made for compensatory land contributions from the adjacent property to be made should proposed RR be physically compromised by natural or other processes.

Recommendations:

- * that proposed RR be adopted, length and fencing extent to be dependent on other designations' final boundaries.***
- * that compensatory land contributions be provided for in the event of RR's physical compromise.***

Proposed freehold

This parcel of 3,665ha largely comprises Godley Peaks land most intensively developed as pasture and is in general an appropriate proposal.

Significance

As briefly noted in the above discussion about proposed CA1, however, high - some 'outstanding' - natural values in the area proposed for freehold will need the protection of Crown ownership and control, as 'preferred' by the Act, which is appropriate for such significance.

The Godley Wetland Site of Special Wildlife Interest is of 'outstanding' value to wildlife and has recorded several significant species including the black stilt and the wrybill.

All the Godley River's slow descent streams, springs, and associated catchments within the property contain habitat diversity and significant macro-invertebrate diversity and support rare species.

The Big Rough, between the Godley River lease boundary and the 1,100m contour, contains invertebrates of high significance.

Tall matagouri, representative of the original, exists on Pollock and Sutherland Streams' debris fans.

The lower Mistake River has 'declining' coral broom and diverse invertebrate fauna, and the Mistake River Swamp is a Wetland of Ecological and Representative Importance, with a range of habitats. Highly significant shrubland invertebrate habitat exists from 800m up the Mistake.

Due to high levels of natural significance, parts of the property proposed as freehold area - to the eastern boundary on the Godley River, south to the lower reaches of the Mistake River and from there, in a line to the western boundary - should be redesignated for public conservation purposes, not freehold, in order to meet the statute's protective requirement. The proposed freehold area should, excepting proposed RR, run from the described east-west Mistake River mouth-Cass River line, to either the top or the bottom of proposed CA2, depending on that block's final status.

Protective mechanisms

Proposed covenanted area CC1, a 13km-long strip in the property's middle reaches along the eastern boundary, is insufficient for the genuine protection of identified natural values and should be removed from the proposal.

Proposed CC1 should be designated as public conservation land; a five-year grazing concession over the same proposed area could be offered to the holder.

An outwash above the homestead should be protected by covenant, to be designed by those with expertise in landscape significance.

Public recreation access and enjoyment

Proposed public recreation access will need alteration to 'make easier- the securing of public access to and enjoyment of reviewable land'.

A proposed easement for non-motorised public access and conservation management adjacent to the Cass River is reasonable (note that a reduced length will be needed in the likely event of southward expansion of proposed public conservation land into the proposed freehold for Crown

protection of natural significance). But the only other provision of public access to proposed CA1 - via proposed CA2 and proposed RR, discussed earlier - is also non-motorised and also on the property's margin.

As it stands, this proposal for public recreational access represents access in words only and is inadequate to meet the Act's requirement. It is so lengthy and indirect that many recreationists with typically limited time and resources will be unable to reach their objectives; it needs to be more enabling and it needs to better address the diverse interests and abilities of public recreational users.

There are means of addressing these matters and of providing an access network to suit a recreational range. Firstly, high natural significance in the proposed freehold area means proposed public conservation land boundaries will have to shift eastward and southward, allowing public roaming to begin earlier. Secondly, poled foot access from 'c' along existing legal roads up the Mistake River and also northeast across the proposed freehold to Lake Tekapo should be established; this will necessitate small additions to present roads. The Mistake's public recreational access requirements will be addressed alternatively or additionally by re-forming the existing old bulldozed track up the valley. Fourthly, public recreation access should share conservation management and concessionary access, a solution that appropriate fencing and gate provision make practicable.

FMC is confident in its view that natural significance identified in parts of the proposed freehold and discussed in this submission mean Crown ownership and control is the only possible designation for these areas; this will significantly enhance public recreation access opportunities. If the freehold area were formed as proposed, however, full public non-motorised access along easements proposed for conservation management purposes should be formalised for weekends and public holidays, and the track through proposed CC1 should be re-formed on stable ground to increase its distance from existing huts.

FMC supports easement creation where existing vehicle tracks do not align with legal road or lakeshore land outside the lease boundary.

Recommendations:

- * that the proposed freehold be adopted with the following area: all land bounded by an east-west line along the lower Mistake River continuing to the property's western boundary, down to either the top or the bottom of proposed CA2 depending on that proposed area's final designation, and from the property's western boundary across to the western edge of proposed RR.***
- * that proposed CC1 not be adopted.***
- * that a five-year grazing concession offer be considered for the area proposed as CC1.***
- * that an outwash above the homestead be protected by covenant as discussed above.***
- * that diverse provision for public recreation access be created: sharing conservation management and concessionary access; poled foot access along completed legal roads***

as discussed: and by re-forming the existing old bulldozed track up the Mistake valley as access additional to or alternative to the Cass River track proposal.

**** that, should the proposed freehold area be formed according to the preliminary proposal, full public non-motorised access along easements proposed for conservation management purposes be formalised for weekends and holidays, and that the track through CC1 be re-formed on stable ground to increase distance from existing huts.***

**** that, where needed, easements be created if existing vehicle tracks do not align with legal road or lakeshore land outside the lease boundary.***

Land classification

This review of Crown pastoral leasehold tenure should 'enable the protection of the significant inherent values'. As part of the review, all property to become public conservation land should be given final classification based on the expert data that have informed the review.

FMC supports the proposal of recreation reserve classification for RR because it means that access and enjoyment, and natural values' management and protection, are prioritised, in that order.

Other parts of the property proposed for protection due to natural significance will receive stewardship classification regardless of the currency of the data on their values. Such classification does not ensure protection through appropriate management and does not provide protection from exchange (Section 16A(1) of the Conservation Act 1987 says: *Subject to subsections (2) and (3), the Minister may, by notice in the Gazette, authorise the exchange of any stewardship area or any part of any stewardship area for any other land*); precise classifications will address the Act's requirement that the review 'enable the protection'.

Recommendation:

**** that all public conservation land created by this tenure review be specifically classified as part of the process.***

Conclusion

For Godley Peaks' tenure review preliminary proposal to meet the statute's demands of promoting sustainable management and enabling protection of significant inherent values, improved protection for identified natural values is necessary.

Proposed public recreational access and enjoyment provisions will need to be more direct, diverse, and expeditious to be consonant with the Act's requirement.

Significant inherent values' protection on public conservation land is uncertain unless the land has specific classification. Technical data produced to support the tenure review should be used to help the review meet the Act's requirement of protection for significant natural values by informing specific classifications for parts of the property to be redesignated for public conservation purposes.

If the Act's objects are unable to be met, the tenure review may be discontinued (Section 33 of the Crown Pastoral Land Act 1998 says: *The Commissioner may discontinue a review at any time; and must discontinue a review if asked in writing by the holder, or one of the holders, concerned.*).

Yours sincerely,

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