



HenleyHutchings

# Mackenzie Basin

Opportunities for agency alignment

Prepared for the Project Steering Group

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# In this report

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## Executive summary

Significant changes in Mackenzie Basin land use have occurred over the last fifteen plus years. Many New Zealanders have a view of the Mackenzie Basin as a landscape of brown tussock grasslands and post glacial features with sweeping unobstructed views. The emerging reality may be a little different to this view.

The challenge to be addressed is how to reconcile outstanding national landscape and biodiversity values with the need for land owners and communities to maintain and develop their livelihood.

Over the past nine years a collaborative process involving those with interests in the Basin have arrived at an agreement about how to reconcile this challenge. This agreement, the Mackenzie Agreement, acknowledges the importance of a Basin land use pattern containing: a mix of irrigated and dry-land agriculture; tourism-related development; land actively managed for biodiversity and landscape purposes and; a prosperous community.

The Mackenzie Agreement aims to be implemented primarily through a community-based Mackenzie Country Trust and joint management agreements (JMAs). These JMAs were to provide funding to farmers to forgo intensification and protect landscape and ecological values. Although it is still relatively early days, the Trust is yet to meet the expectations surrounding its establishment.

Representatives from the five agencies with statutory responsibility for land and water management (Environment Canterbury (ECan), LINZ, DOC and the Mackenzie and Waitaki District Councils) acknowledged that, in terms of the social, economic, cultural and environmental issues in the Basin, they had tended to operate in silos. They also noted opportunity to better contribute to a preferred future for the Basin by applying higher levels of alignment.

There are two important statutory instruments through which higher levels of alignment are achievable. One is Crown pastoral lease administration, including tenure review processes (primarily available to LINZ, and DOC) and the other is the plan-making and consenting provisions of the Resource Management Act (primarily available to ECan) and the two District Councils in the Basin).

Tenure reviews in the southern part of the Basin are now largely completed. However, fifteen lease-hold properties remain either in, or able to become part of, the tenure review process in other parts of the Basin.

The recent promulgation of the Mackenzie District Plan and the Upper Waitaki amendments to Environment Canterbury's Regional Plan provide a much clearer statement of community resource management expectations than was the case as little as recently as two years ago.

To improve agency alignment and better contribute to the achievement of a shared vision for the Basin, we recommend processes whereby the five agencies: share resources; convene joint meetings and hearings; develop and implement a clearer strategy for what the Crown is seeking to achieve throughout the Basin through tenure review; better integrate RMA Plan provisions, and; work harder to coordinate the use of a broader array of tools than in the past. We also recommend: shared access to spatial information; a phased approach toward better spatial planning; a reaffirmation of the Mackenzie Agreement, and; support for a rejuvenated and enhanced Mackenzie Country Trust.

One of the tasks of the rejuvenated Trust could be, in conjunction with statutory land management agencies, to refresh the Dry-lands Park concept initially proposed in the Mackenzie Vision. This refresh could include the option of re-positioning the Park concept as the '*Mackenzie Dry-lands Natural Heritage Area*.' Under this new concept the Heritage Area, rather than being a completely contiguous Park, could encompass: distributed ownership; application of a mixed suite of protection tools across a range of ecosystem and landscape types; better recognition of Maori cultural and heritage values; extended

provision of access; ecological connectivity; capitalising on tourism opportunities, and; undertaking all of this within the context of enhanced stewardship-based pastoralism.

This report is not intended to be an end statement. Rather our hope is it will be used as a base and stimulus for further discussion with affected parties. The purpose of these discussions would be to reach agreement about the changes required to secure a much higher level of alignment between all parties about the desired future for the Mackenzie Basin. The subsequent step would be the application of the necessary resources to achieve this desired future.

## Project purpose

### Mackenzie Basin

New Zealanders and tourists alike view the Mackenzie Basin as one of New Zealand's most distinctive areas. Many see it is a much-loved part of our national identity.

The Basin is an extensive inter-montane area (Figure 3). It is unique in New Zealand because of: its size and naturalness; its detailed expression of glacial landscapes and lakes; its special biodiversity; its contribution to hydro-electric generation; its appeal to visitors; its cultural significance and its long and distinctive heritage of pastoralism.

As recorded in the background report prepared as part of developing the Mackenzie Country Trust and Agreement: *'Visitors can experience a feeling of being in the heart of a continent: an expansive, dry-brown landscape, open and uncluttered, with long clear air views toward mountains; big skies; and extremes of seasonal climate'*.<sup>1</sup>

Many parts of the Mackenzie country still provide a connection with the extensive pastoralism that characterised large parts of New Zealand farming in the past and which identified New Zealand as a farming nation.

The challenge faced by today's Mackenzie Basin farmers, stakeholders and the agencies with responsibility for land and water management in this area is how to reconcile outstanding natural landscape and biodiversity values with the need for land owners and communities to maintain and develop their sources of livelihood, particularly from pastoral farming.

**It is easy to say that the Mackenzie's outstanding values should be protected, but much harder to work out exactly how this should be achieved and exactly where protection should be applied. A key purpose of this report is to consider what more could be done to align land and water management decision-making to better answer these questions.**

### Problem statement

The Mackenzie Basin has been subject to extensive land use change over the last fifteen years. Not everyone is happy with this. The land tenure review process is viewed by some as contributing to the problem. The slow pace and the variable success at which agencies have attempted alignment may also have contributed to the problem. Biosecurity challenges continue. Risks to water quality require 'front-foot' action. Consent processes are viewed by many as not being as stream-lined as they could be and

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<sup>1</sup> Page 7, 'The Mackenzie Country...' Background document prepared as part of the proposal for a Mackenzie Country Trust, 2013

above all else, some parties believe there is a lack of balance between pastoral intensification (and associated private property gains) and the protection of ecological and landscape values.

## Brief

With the above problem statement in mind, the five agencies<sup>2</sup> with statutory responsibility for land and water management in the Mackenzie Basin resolved to ask the authors of this report **to identify opportunities for greater agency alignment**. The envisaged purpose of this 'greater alignment' was: improved agency effectiveness; improved agency strategic focus; better environmental outcomes, and; improved agency capacity to meet the needs and interests of the Basin's communities, stakeholders and Ngāi Tahu Rūnunga with interests in the Basin.

In meeting this purpose, the terms of reference<sup>3</sup> for this Project may be summarised as requiring the consultants to:

1. Develop a clear statement about the on-going relevance of the Vision for land use in the Basin as articulated within the Mackenzie Agreement.
2. Undertake a stocktake of all the various legislative and regulatory functions (with associated policies) held by LINZ, DOC ECan, and Mackenzie District and Waitaki District Councils, and how these could contribute to the Mackenzie Agreement's Vision.
3. Express the opportunity that exists to align these legislative functions, and how such an alignment might be achieved within existing statutory constraints.
4. Identify appropriate areas with intensification potential.
5. Develop a shared understanding of what a "Dry-lands Park" could be, and how each agency's functions could contribute to its development.
6. Suggest a more effective interface between the Crown Pastoral Land Act 1998 and the Resource Management Act 1991, noting that solutions could exist in policy and operational contexts as well as through the alignment of current work programmes.
7. Describe a "better public services" approach to working in situations with jurisdictional overlap.

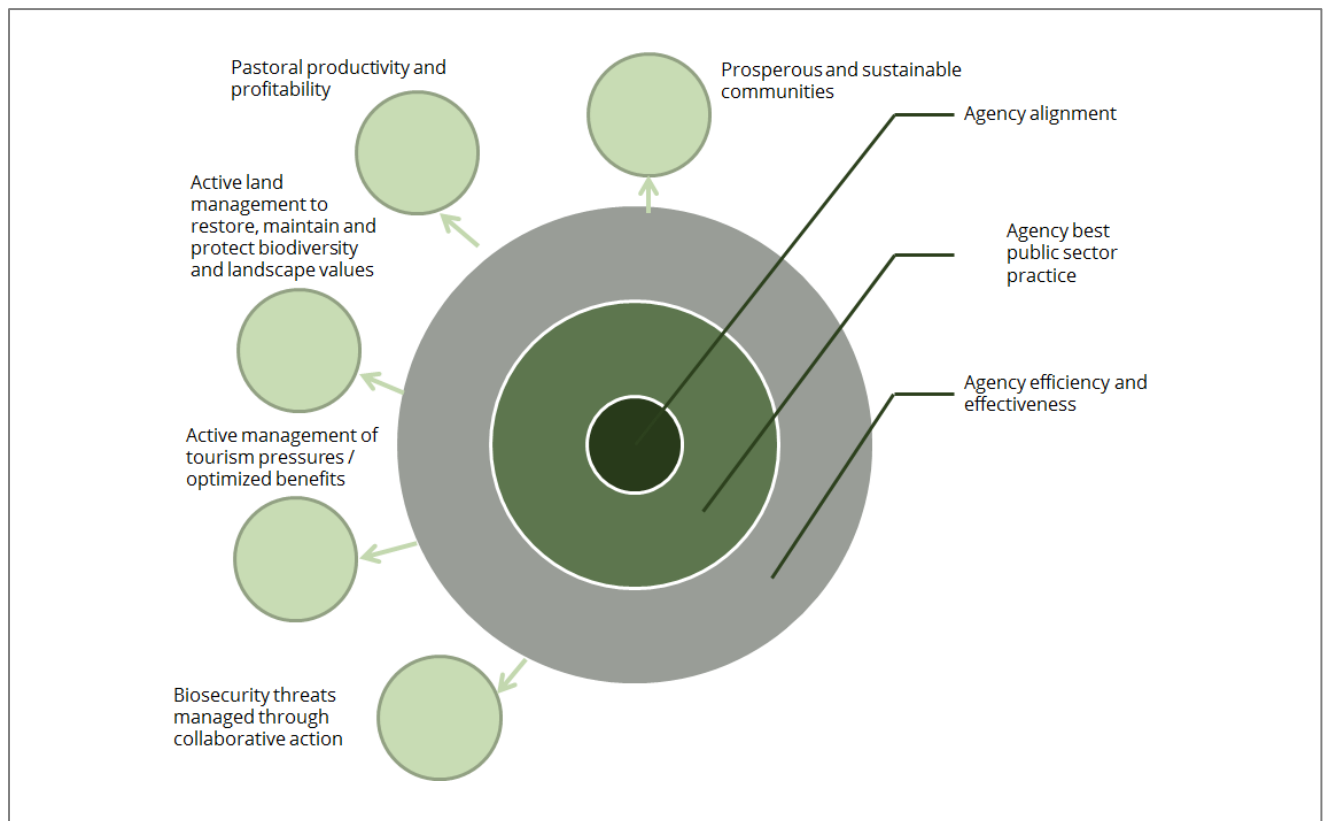
**In summary, at the core of the project is the desire to achieve higher levels of agency alignment and thereby apply best public-sector practice to better achieve the outcomes desired by the interested community (Figure 1).**

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<sup>2</sup> The Mackenzie Basin is under the regional jurisdiction of Environment Canterbury (ECan) and the district jurisdictions of the Mackenzie and Waitaki District Councils. The Crown has an interest as a landowner of conservation and pastoral land through the Department of Conservation, (DOC), and Land Information New Zealand, (LINZ), respectively.

<sup>3</sup> The detailed terms of reference for this report can be made available on request to ECan.

Figure 1: Summary of matters to be taken into account



## Out of scope

The five agencies made it clear they were not seeking a retrospective investigation into any of their past statutory decisions. Nor were we invited to consider solutions involving amendment to legislation.

## Structure of this report

We commence the report by describing our approach to gathering background information. We then define what 'success' may look like and describe the existing regulatory environment.

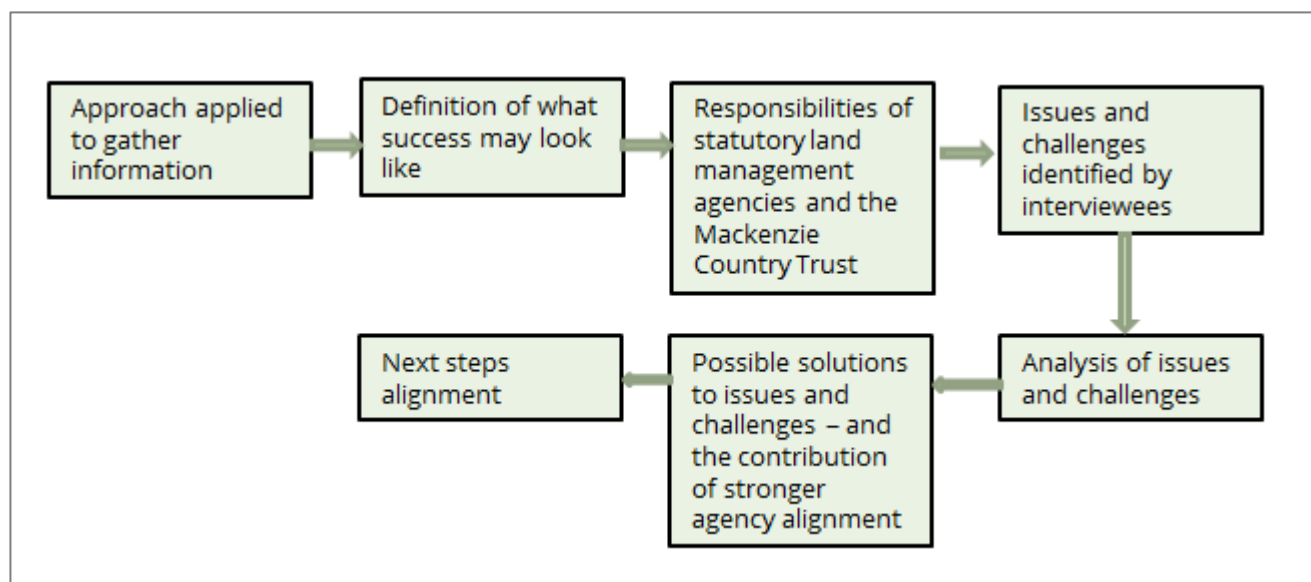
Early in the report we provide contextual information based on our assessment of the extensive economic, cultural and environmental information we were able to access about the Basin.

We then summarise the views expressed to us about the Basin's land management challenges, as conveyed to us in interviews.

The next two parts to the report further analyse these challenges and suggest possible solutions to overcome them.

The final part of the report lists our recommendations about the next steps that may be taken to achieve a more aligned perspective on the future direction of land management in the Basin (Figure 2).

Figure 2: Structure of this report



## Approach

### Steering Group

This work was commissioned by the CEOs of all five agencies with statutory land and water management responsibilities in the Basin. Our work was guided by a three-person Steering Group made up of senior representatives from ECan, DOC and LINZ. Mackenzie and Waitaki District Council CEOs were kept informed of progress at each step. A Technical Support Group provided a testing ground for the content of early drafts of the report and has provided advice to the Steering Group.

### Information search

A wide array of background information and maps about past, present and proposed land and water management practice in the Mackenzie Basin was shared with us by both statutory land management agencies and the persons we interviewed.



We also reviewed the policy, regulatory and other instruments currently applied in the Mackenzie Basin to achieve sustainable land and water use. This included process diagrams, Environment Court decisions, information about the Canterbury Land and Water Plan, information about the Mackenzie District Plan and other related information.

## Case studies

The land management effects of tenure review are an important focus of the review. LINZ assisted our analysis of trends in land use change by providing case studies demonstrating various land tenure review process experiences to reflect how they have evolved in the Mackenzie Basin over the last fifteen years.

## Interviews

One of our important methods for acquiring information about current and preferred management of the Mackenzie Basin was interviewing 43 expert-informants.

All informants had clear views about the current state of the Basin and what they desired for the future of the Basin. All informants also had views about how their 'preferred future' for the Basin should be achieved. As will become apparent in the later part of this report, these views were not all aligned.

Our interviewees included representatives from: farming interests; environmental interests; iwi with manawhenua over the Mackenzie Basin; a wide range of officials drawn from both central and local government, and; QE2 officials and officials from the Walking Access Commission<sup>4</sup>.

Our interview prompts varied depending on who we were talking to, but the essential areas of enquiry covered such subjects as:

- **Problem statement** – What is the current state of play particularly in respect of agency alignment on achieving ecological/landscape protection and land use intensification?
- **Mackenzie Agreement** – How effective is/are the influence, effectiveness, Vision, Trust arrangement and instruments applied to achieve desired Basin outcomes, e.g. JMA's and the Dry-land Park?
- **Land management / tenure review statutory responsibility** – What resources, practices and procedures have been applied and what has been the net effect of these practices?
- **Agency alignment and effectiveness** – What are the issues, practices, overlaps, efficiency opportunities, and common objectives of agencies with land management responsibility in the Basin and what is the suitability of these existing arrangements for achieving the outcomes sought for the Mackenzie Basin by the community and different interest groups?
- **Value of instruments** - What tools are in the toolbox e.g. Resource Management Act (RMA) District and Regional Plans and how well have these been applied?
- **New instruments** – Is there merit in preparing a spatial plan or other potential new instruments?
- **Biosecurity** – What progress has been made?
- **Emergent issues** – What are the current issues - tourism pressure, transport, iwi partnership?
- **Success for the Mackenzie** – What would success look like?

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<sup>4</sup> More particularly, our interviewees included senior officials from ECan, LINZ, DOC, the Mayor and senior officers from Mackenzie District Council, officers from Waitaki District Council, consultant Rob Young, the Mackenzie Country Trust, EDS, Forest and Bird, Ecologic, the Upper Waitaki Zone Implementation Committee, iwi, landscape architects, QE2, the Walking Access Commission and others.

## What would success look like?

Addressing the last of the above prompt questions first, our interviewees suggested 'success' for the current Project would include some or all of the following elements.

### **Vision recorded in the Mackenzie Agreement**

Almost without exception, officers and officials, farmers and persons with an interest in the future of the Mackenzie Basin were aligned in support of the Vision described in the Mackenzie Agreement. In their view, success would be reaching agreement about how that Vision may be implemented.

### **Best public-sector practice**

Almost all the persons we interviewed suggested success would be establishing the grounds for further development of a respectful, collaborative, efficient and constructive relationship between the five agencies with statutory responsibility for land management in the Mackenzie Basin and other interested parties.

More particularly, officials viewed success as the application of seamless public-sector service practice. This would mean that all agencies would understand the breadth and depth of their respective statutory responsibilities. There would be no gaps and no overlaps between agencies. Collaborative approaches and available information would be applied and shared to achieve efficiency and effectiveness gains for each agency and for the residents and visitors to the Basin. The 'right' issues would receive the 'right' attention at the 'right' time.

### **Farmers as partners and solution-seekers**

For many of the lease holders and land owners we talked to, success would be stakeholders viewing farmers as partners in seeking solutions. Farmers said they wanted to be part of the process of seeking out and resolving the challenge of finding the right balance between biodiversity and landscape protection and pastoral farming.

### **Capacity and capability constraints overcome**

For small local authorities like Mackenzie and Waitaki District Council, the challenge of implementing the RMA in a way that satisfies the needs of all parties, can be daunting. Success for them would be securing resources or entering into arrangements through which capacity and capability constraints would be overcome.

Regulation would be supported and 'owned' by interested parties as a necessary reflection of the RMA requirements. It would also reflect a consensus view of the values of the Basin's residents.

### **Consent applicants as clients and customers**

On a similar theme, RMA consent applicants suggested success would be certainty and 'ease of understanding' of policies and rules, efficient and integrated consent processes and the treatment of them as 'consent applicants', as respected clients and customers.

### **Mackenzie Trust works effectively**

The Mackenzie Trust viewed success as having the resources, the skills and the tools to make real progress in achieving their kaupapa.

## Shared commitment to a common future for the Mackenzie Basin

All of the above elements of success could be summarised in one statement: *'the current concerns about how land in the Basin is being managed are significantly reduced'*. This implies litigation and public statements of disappointment about the balance between land use intensification and ecological / landscape protection become the subject of positive and collaborative, rather than divisive, debate.

## Good tools and good processes

Strong and appropriate tools would be secured, streamlined processes would be defined, adequate resources would be negotiated, and a united commitment would be made to the path to be followed to achieve a desired future for the Mackenzie Basin.

## Early wins and commitment to longer term improvement programmes

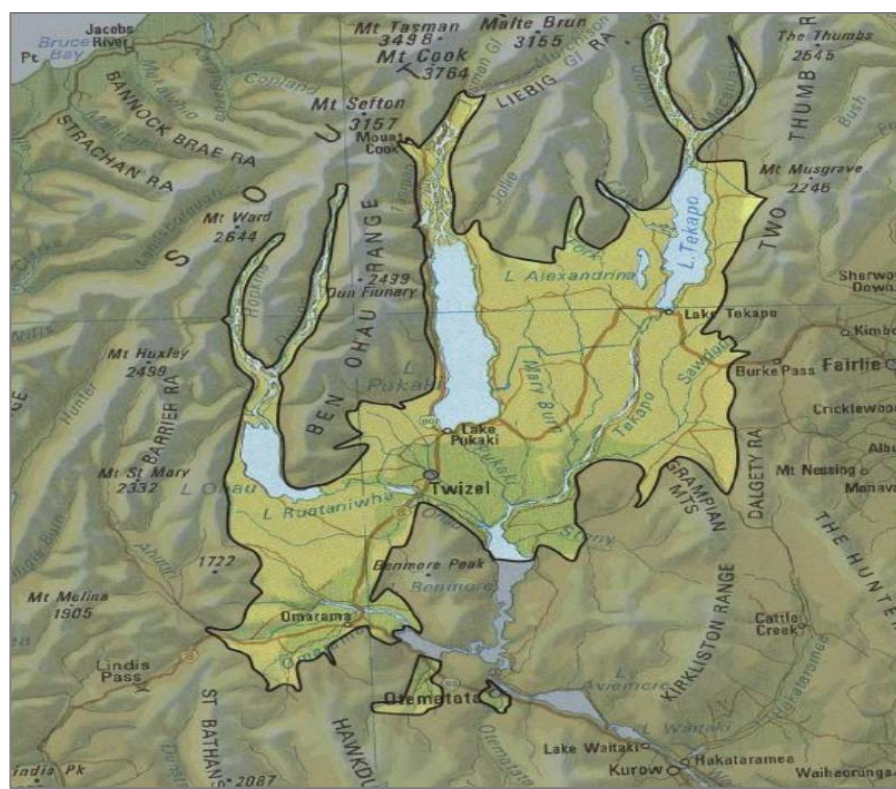
Lastly, our informants told us success would be agreement and immediate commencement of work on a small number of early-win tasks. At the same time, work would commence on the design and commissioning of larger scale / more complex tasks to achieve each and all the 'success' expectations listed above.

## Study area

## Definition – the Basin

Defining the Mackenzie Basin can be confusing. Different parties have used different definitions. The definition of the Basin adopted for this Project matches that applied by the Mackenzie Country Trust. This is the shaded area located below 800m, as shown in Figure 3.

Figure 3: Map of Mackenzie Basin Project and Mackenzie Agreement focus area<sup>5</sup>



<sup>5</sup> Map supplied by Mackenzie Country Trust

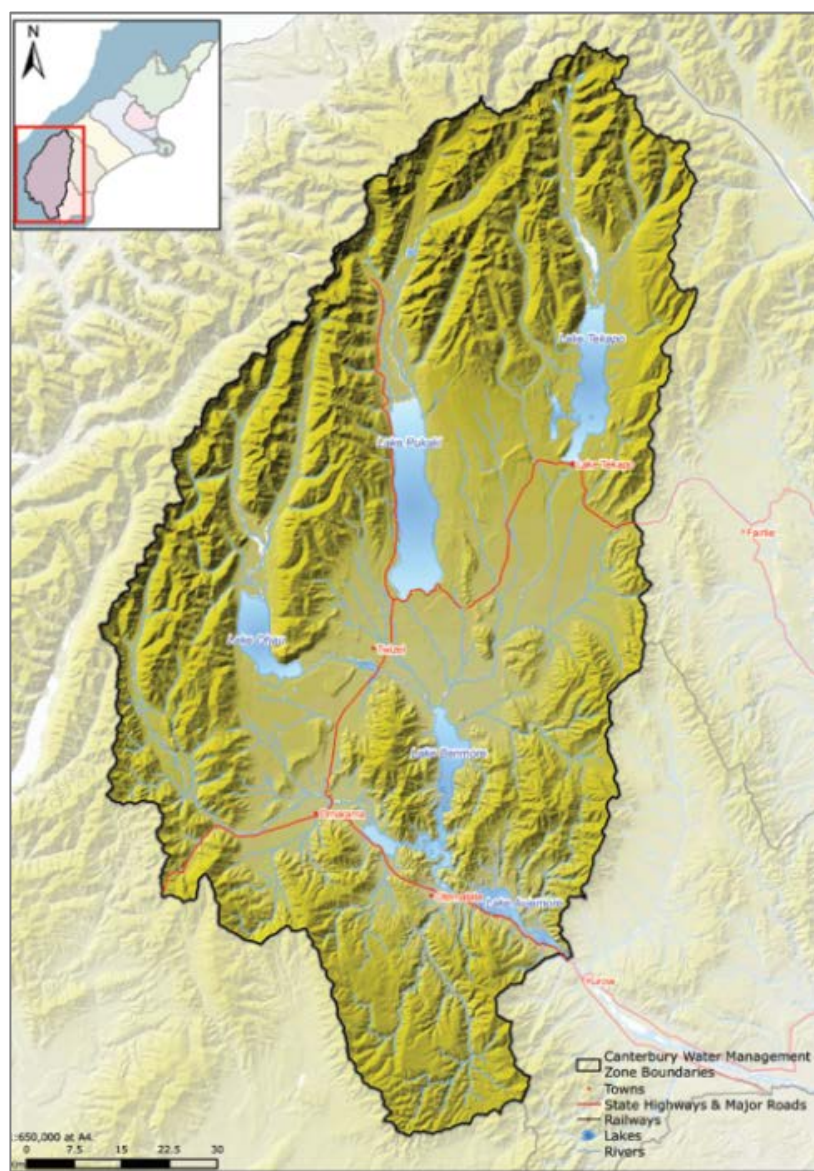
Under this definition, the 269,000-hectare Project area includes land in both Waitaki and Mackenzie Districts but does not extend down the Waitaki River, east of Burkes Pass or west of the Lindis Pass. Nor does it extend to the highpoints of the catchments which drain into the Mackenzie Lakes.

The Tekapo, Pukaki and Omarama ecological districts, as defined by DOC are close to, but do not perfectly match this Project area. The total area of these ecological districts is 258,374 hectares. The missing 10,600 hectares not included in the three ecological districts (but included in the Project area) cover the braided river basins located inland from Lakes Ohau, Pukaki and Tekapo.

We also note the 'Mackenzie Basin', as defined for this Project, does not include all the area of land and water under consideration by the Upper Waitaki Zone Committee constituted by ECan (Figure 4) although approximately two thirds of the 'zone' is included.

We have chosen to align with the Trust's definition of the Basin because it is in this area that the varying and sometimes divergent aspirations of different parties are most vividly expressed. It is therefore this part of the Basin where higher levels of agency alignment are likely to bear the most fruit.

Figure 4: The wider Mackenzie Catchment and Basin and the area covered by ECan's Upper Waitaki Zone Committee"<sup>6</sup>



<sup>6</sup> Map supplied by ECan



## Regulatory framework - overview

The regulatory framework within which Mackenzie Basin land management decisions must be made presents a complex environment. The main legislation with an effect on land use in the Basin includes the: Land Act 1948; Crown Pastoral Land Act 1998; Conservation Act 1987; Biosecurity Act 1993; Reserves Act 1977, and; the Resource Management Act 1991. The work of the Overseas Investment Office, under the Overseas Investment Act, may also affect land management in the Basin.

### Crown pastoral leases and tenure review

#### Land Act 1948

Until the early 1990s, much of the land in the Basin was managed under the Land Act by the Commissioner of Crown Lands for 'pastoral purposes only'. Leases run for 33 years with perpetual right of renewal. Under the terms of the lease of this land to farmers, the Commissioner of Crown Lands has consenting authority for any changes to land use beyond 'extensive pastoralism'. Without such consent, the lease holder is subject to 'management constraint' with no right to burn vegetation and no right to affect or disturb the soil by practices such as clearing, cropping, or sowing. Consent was, and is, also required to erect fences and buildings.

#### Crown Pastoral Land Act 1998 (CPLA)

The purpose of the CPLA is to allow pastoral leases to be reviewed with the aim of transferring ownership of parts of the lease to private ownership and protecting other parts of the lease. This process is known as tenure review. The CPLA establishes objectives in the following descending order of priority to:

- Promote the management of land subject to tenure review in a way that is ecological sustainable.
- Subject to the above, enable land subject to tenure review capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure.
- Enable the protection of the significant inherent values of land subject to tenure review by the:
  - Creation of protective mechanisms, or preferably by the
  - Restoration of the land concerned to full Crown ownership and control.
- Make easier the securing of public access to and enjoyment of land subject to tenure review land and the freehold disposal of some of that land.

Tenure Review is a statutory process administered by the Commissioner of Crown Lands. In implementing the requirements of the Crown Pastoral Land Act, the Commissioner of Crown Lands is required to take into account the principles of the Treaty of Waitangi and before taking any action<sup>7</sup>, the Commissioner must consult the Director General of Conservation, and, at any time, may also consult with any other person or body the Commissioner thinks fit.

Many of the Commissioner of Crown Land's functions are delegated to officials at Land Information New Zealand (LINZ). Contractors may be engaged to assist the formulation of recommendations by LINZ officials to the Commissioner of Crown lands for statutory decisions.

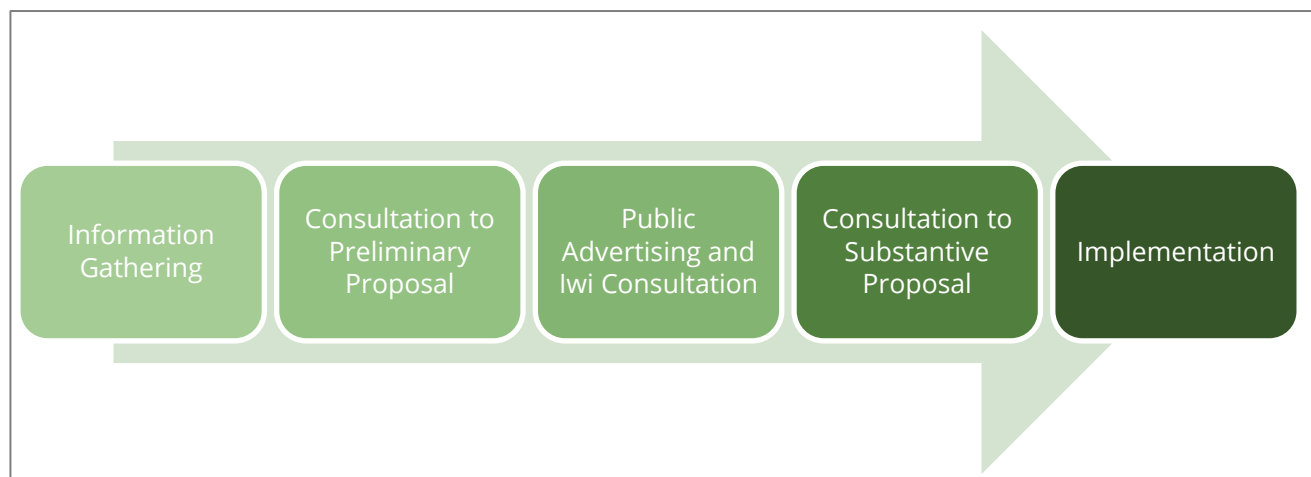
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<sup>7</sup> 'Action' includes undertaking a review, putting a 'preliminary proposal' to a person and putting a 'substantial proposal' to a person.

As pastoral leases are perpetual property rights, a tenure review can only begin if the Commissioner of Crown Lands is invited by the pastoral lessee to undertake a review. The process is therefore voluntary for both parties. The Crown or the lessee may withdraw at any stage (and they have done so in the past).

The Commissioner of Crown Lands and LINZ have operationalised the statutory process of tenure review into five stages (see Figure 5).

Figure 5: Statutory process of tenure review



Much of DOC's work on ecosystem and other 'significant inherent values' (SIVs) is undertaken in the 'Information Gathering' stage of the process. DOC produces a 'Conservation Resource Report' to assist the decision-making process.

In summary, the tenure review process can result in the retention of some land by the Crown as Public Conservation Land, the freehold disposal of some land to the lease-holder, and / or the imposition of protective mechanisms such as public access easements and conservation covenants on land made freehold.

### Cabinet Policy Minute 2009

The Commissioner of Crown Lands is primarily bound in his or her decision making by the provisions of the Crown Pastoral Land Act and the Lands Act. He or she can also have regard to government policy and strategic direction. This includes the Government's Strategic direction for Crown pastoral land of the National-led government, as expressed in a 2009 Cabinet Minute. This Minute amended the previous guidance of the Labour-led government in quite considerable terms. That earlier guidance came into effect in 2005. The current 2009 Cabinet directive now requires that:

- The **strategic direction** for Crown pastoral land be put to the 'best use of New Zealand' – with best use defined in cultural, economic and environmental terms.
- The **objectives** for Crown pastoral lands be:
  - **Stewardship** – encompassing the promotion of ecological sustainable management and pastoral and inherent values including the maintenance and protection of the natural character of lakesides and landscapes.
  - **Economic use** – encompassing the promotion of contributions to the New Zealand economy.
  - **Relationships** – encompassing the 'value' of the iconic nature of high country farming to New Zealand culture and the viability of the 'value' of high country communities.

- The decision of the previous Labour-led Government to exclude lakeside properties (comprising 43 of the total of 115 properties throughout New Zealand for potential inclusion in the tenure review process) **be rescinded** noting that concerns could be mitigated by the obligation to consult the Director General of Conservation and the robust checks provided by the Tenure Review Quality Assurance Board.<sup>8</sup>

## Biosecurity Act 1993

Under the Biosecurity Act, the Director General of the Ministry of Primary Industries provides biosecurity leadership at a **national** level. A regional council provides leadership in activities that prevent, reduce, or eliminate adverse effects from harmful organisms that are present in New Zealand (pest management) in its region. The ways in which the regional council provides this leadership in the **region** include:

- Promoting the alignment of pest management in the region.
- Facilitating the development and alignment of regional pest management plans and regional pathway management plans in the region.
- Promoting public support for pest management.
- Facilitating communication and co-operation among those involved in pest management to enhance effectiveness, efficiency, and equity of programmes.

## Resource Management Act 1991

### Regional functions and instruments

Under the Resource Management Act (RMA) Environment Canterbury is responsible for the following functions in the Mackenzie Basin:

- Establishment, implementation, and review of objectives, policies, and methods to achieve **integrated management** of the natural and physical resources of the region.
- Preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of **regional significance**.
- Establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient **development capacity** in relation to housing and business land to meet the expected demands of the region.
- **Control of the use of land** for the purposes of: soil conservation; maintenance and enhancement of the quality and quantity of water in water bodies and coastal water; maintenance and enhancement of ecosystems in water bodies and coastal water and; avoidance or mitigation of natural hazards.
- Control of the **taking, use, damming, and diversion of water**, and the control of the quantity, level, and flow of water in any water body.
- Control of **discharges of contaminants** into or onto land, air, or water and discharges of water into water.

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<sup>8</sup> We note the 2009 Cabinet paper required some additional work to be done by officials in relation to the use of covenants. We have not found evidence to confirm this work has been undertaken.

ECan have developed the following instruments to assist them to carry out the above functions:

**Canterbury Water Management Strategy:** ECan published the Canterbury Water Management Strategy in 2009 (CWMS) to provide a coherent overview of sustainable water management objectives for the region. The focus of the CWMS is on both the protection of water quality and the efficient and sustainable allocation of water.

**Canterbury Regional Policy Statement:** The RMA requires ECan to prepare a Regional Policy Statement (RPS). The operative RPS was adopted in September 2013. It includes quite express statements about the Mackenzie Basin's outstanding landscapes and biodiversity and requires these to be managed by Mackenzie and Waitaki District Councils by means of inclusion of appropriate policy and rules in their District Plans.

**Canterbury Land and Water Plan:** The primary mechanism for implementing the CWMS is the Canterbury Land and Water Plan. Amendments have been made to this Plan to accommodate the challenges faced in specific zones across the region.

**Plan Change Five to the Canterbury Land and Water Plan:** Plan Change 5 is a document of high relevance to the Mackenzie Basin. It sets strict limits to the quantity of nitrogen which may be lost because of farming and other activities in the Mackenzie Basin and in all other parts of the region<sup>9</sup>.

Plan Change 5 was prepared with the assistance of the Upper Waitaki Zone Committee. This Committee includes local representatives reflecting the diversity of the local community and Iwi and key stakeholders such as industry and environmental groups<sup>10</sup>.

The Committee has developed, with Council support, a Zone Implementation Programme to assist on-the-ground operational activities. This has included: the definition of good land management practice; the preparation of a Good Management Practice Loss Rate for various land uses at various locations and a Portal through which information may be shared between the council and land owners.

**Water allocation:** Water allocation in the Mackenzie Basin is strongly influenced by decisions made under the policies and rules contained in the Waitaki Catchment Water Allocation Plan (2006).

This Plan envisaged managing the effects of irrigation on 'amenity values' through use of the 'outstanding landscape' policies listed in the Canterbury Regional Policy Statement. These in turn were primarily designed to give guidance to the detailed rules to be developed and implemented by Mackenzie and Waitaki District Councils<sup>11</sup>.

Of the 24,600 hectares reportedly consented for irrigation, 7,500 hectares is currently irrigated.<sup>12</sup>

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<sup>9</sup> Plan Change Five has been adopted but an appeal to the High Court requires resolution before it becomes operative. This appeal is expected to be resolved within the next six months.

<sup>10</sup> We have been informed the Upper Waitaki Zone Committee supported the Vision of the Mackenzie Agreement. ECan consider their Plan Change Five also to be consistent with the Agreement.

<sup>11</sup> We note that Waitaki District Council is yet to develop detailed landscape and ecological protection rules.

<sup>12</sup> The amount of land consented for irrigation in the basin is difficult to determine and has led to debate. For example, Judge Jackson in his April 2017 decision in Mackenzie District vs Federated Farmers went to some length to identify the area consented, and the area where consents had been used. Similarly, the authors of this report found it challenging to get precise details of how much area had been consented for irrigation in the basin. This is not a trivial matter when it comes to forming a view about the possible extent of irrigated intensification of agriculture in the Basin.



## Territorial local authority functions and instruments

Under the RMA, Mackenzie and Waitaki District Councils are responsible for the following functions in the Mackenzie Basin:

- Establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.
- Establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district.
- Control of any actual or potential effects of the use, development, or protection of land, including for the purposes of: avoidance or mitigation of natural hazards; prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land; maintenance of indigenous biological diversity; control of the emission of noise and the mitigation of the effects of noise; and the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.

**The Mackenzie District Plan** is the primary instrument through which the above functions are carried out in the Northern part of the Basin. The first Mackenzie District Plan was made operative in 2004. It contained landscape policies and rules to manage: earthworks in high altitude geo-preservation sites; the built environment and; tall vegetation in scenic viewing areas.

Significant biodiversity was managed by identification and protection of sites of natural significance (SONS) and by means of a generic vegetation clearance rule.

Exceptions listed in the first District Plan enabled land owners to undertake significant development work with only moderate constraint.

With these issues in the Plan in mind and after nine long years of process, the Environment Court issued a 2017 decision on a change to the Mackenzie District Plan (Plan Change 13). The process to develop Plan Change 13 commenced in 2007.

In comparison to the previous Plan, the new District Plan provides greater protection of the landscape values of the Mackenzie Basin from inappropriate subdivision, development and use. In particular, Plan Change 13 provides more effective regulatory controls over future pastoral intensification and agricultural conversion by limiting development in areas of high visual vulnerability and/or within special landscape overlay areas. Plan Change 13 also enables, to some extent, development in areas of medium and low visual vulnerability areas.

The Mackenzie District Council has sought clarification about when and over what activities of Plan Change 13 applied. The Environment Court has ruled that the plan provisions have effect from the date of the Court's determinations in November 2015 and April 2017 relating to the plan and its rules.

**The Waitaki District Plan** is the primary instrument through which territorial local authority RMA functions are carried out in the Southern part of the Basin. The current plan became operative in 2010. This Plan includes a 'vegetation clearance' rule. The Waitaki District Council has only recently commenced the process of reviewing its District Plan.

The process of reviewing the Waitaki District Plan is currently focused on the identification of significant natural areas and the prioritisation of key land use issues. One of the issues identified by the Council as deserving of attention is the incompatibility of land uses such as dust, noise and smell from normal farming operations impacting on neighbouring property owners.

The Council's summary of issues<sup>13</sup> makes no explicit reference to the protection of landscape and ecological values as an issue requiring prioritisation.

## Mackenzie Agreement and Trust

### Agreement

Signatories to the Mackenzie Agreement established a Vision for the future of the Mackenzie Country encompassing three elements:

1. A land use pattern which includes a mix of irrigated and dry-land agriculture, tourism-related development, and land actively managed for biodiversity and landscape purposes, with integration of these wherever practical.
2. A prosperous and sustainable local community.
3. New Zealand's recognition of the Mackenzie Country as an iconic area, accompanied by an enhanced and tangible sense of shared responsibility for restoring and maintaining its natural assets.

The Mackenzie Agreement applies to the area defined in Figure 1. The Agreement has a focus on the 269,222ha of flat country i.e. the Basin floor below 800 metres.

The Mackenzie Agreement was signed by 22 parties in 2013.

The Agreement envisages establishment of a large contiguous, mixed tenure Dry-land Park of 100,000ha (37% of the Basin floor area) to protect the area's natural and heritage values within a broad pastoral landscape. In addition, further pastoral intensification was contemplated in discrete and suitable locations totalling approximately 26,000ha (10%).

### Mackenzie Country Trust

The Agreement proposed and gave rise to the establishment of the Mackenzie Country Trust.

The Mackenzie Country Trust had its beginnings in November 2010 with the Mackenzie Country Symposium in Twizel. A sixteen-month collaborative process with 26 interested parties was established following this symposium. The Trust was formally established in February 2016. It has an operating budget of \$400,000 for 2016/17 courtesy of a Crown contribution of \$200k and a one-off philanthropic contribution from Blue Lake Investments of \$200k.

It is the Trust's role to implement the outcomes of the collaborative process through which it was established. The Trust is made up of seven members, two of whom are Mackenzie Basin farmers.

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<sup>13</sup> See: <http://www.waitaki.govt.nz/our-services/planning-and-resource-consents/districtplan/districtplanreview/Pages/default.aspx>

## Trust's Strategic Framework

In January 2017, the Trustees published a Strategic Framework. Among other things, this Framework indicates the Trust intends to:

- **Generate revenue and in-kind support** to enable the maintenance and enhancement of the intrinsic conservation and landscape values that are being protected on private land.
- **Develop novel and innovative solutions** for safeguarding the iconic and world class values of the Mackenzie Country.
- **Identify the gaps** in the current protection of the intermontane ecosystems and landscapes.
- **Determine a communication strategy** that supports the collaborative approach to the protection and use of the Mackenzie Country.
- **Identify the key relationships** which need to be developed to ensure the success of the work of the Trust.
- **Lead and manage** the Project through a team of appropriately qualified staff under the direction of the Trustees.

## Joint Management Agreements

The Mackenzie Country Agreement envisages use of 'Joint Management Agreements' (JMAs) as a primary tool for achieving the protection of ecological and landscape values. A template has been prepared to guide the use of these JMAs. This is designed to provide terms and conditions about the basis for payments to farmers to compensate them for forgoing land use intensification opportunities. No JMA has been yet secured.

## Challenges and issues

### Introduction

Our interviews surfaced many land management, water management and agency alignment challenges and issues of concern to different groups with an interest in the Mackenzie Basin.

In the summary which follows we have not applied any judgement or analysis. We simply list the things our interviewees drew to our attention. **To reiterate, these are NOT statements of facts.** Some of the identified issues do not appear to be substantiated based on the information made available to us from other sources. Nevertheless, they represent views that should be acknowledged. Furthermore, if not responded to or if not addressed, they may further perpetuate divisions of opinion and hinder progress toward achieving aligned management and a preferred vision for the Mackenzie Basin<sup>14</sup>.

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<sup>14</sup> We analyse these challenges and issues in the section of the report which follows.

## Summary of challenges and issues expressed to us by interviewees

### Mackenzie Country Trust:

**Trust:** *Even though the Trust has only been in place for a short time, it is struggling to lead the achievement of the Mackenzie Agreement's Vision. Agencies should seek out, reset and collaborate with each other to establish new ways of assisting the Trust to achieve what it was set out to achieve.*

**Vision:** *Despite not all agencies being involved in the development of the Agreement, most now can see value in it – particularly the 'Vision' statement.*

**Community organisation:** *There may be opportunity to weave the work of the Mackenzie Country Trust, the Wilding Pines Trust and the Upper Waitaki Zone Implementation Plan Committee more closely together to create a critical mass of representation and resources.*

**Pastoralism:** *Not enough recognition has been given to the Mackenzie Agreement statement about the desire to achieve a prosperous and sustainable local community through responsible pastoralism. The opportunity exists to formalise the relationship between farmers, the Trust and the Basin's land management agencies.*

**Strategy to action:** *One of the near-term tasks of the Trust should be to build on their recently released Strategy to define a very clear programme for implementing their vision.*

**Land owners on Trust:** *Mackenzie Basin land owners should be more strongly reflected in the Trust's make-up to 'bring the community' along with the Trust's decisions in a more powerful way.*

**Visitor contributions:** *A modicum of cash contribution for use in securing Joint Management Agreements has been gathered from the contributions of visitors to the Basin. A \$10 contribution from every one of the one million annual visitors to the Basin would go a long way toward further protecting the essential values which make the Mackenzie Basin a worthy place to visit.*

**Funding:** *Agencies and the Government have failed to provide enough funding to enable the Vision of the Mackenzie Agreement to be achieved and to enable the proposed 100,000 hectare Dry-land Park to be secured. The Trust needs to have a substantial budget to make the Mackenzie Agreement work, preferably in the order of \$1m plus per annum.*

**Leadership:** *The Trust needs more "grunt" and stronger leadership. Trustees need to seek more funds, more actively, and spend more time talking to farmers. They also need a chair with strong governance skills and strong connection to senior level officials, Ministers, Councillors and philanthropists.*

### Joint Management Agreements:

**Value of instrument:** *Some parties found the idea of paying farmers a fee to compensate them for a decision not to engage in land use intensification as inappropriate. They saw other tools as being more effective. These may include greater use of an 'off-set' tool. Joint Management Agreements may now not be as necessary as they were in the past because Plan Change 13 and Plan Change 5 are now in place.*

**Funding:** *Additional funding from central government is the only way Joint Management Agreements could be made to work.*

### Dry-land Park:

**Progress:** *The Mackenzie Agreement envisaged establishment of a 100,000 hectare Dry-land Park. Not enough progress has been achieved toward this objective.*

**Concept's value:** *Some felt the Dry-land Park concept could be tuned and made easier to achieve by being redefined as a 'distributed heritage protection area' with: distributed ownership; the application of a mix of protection tools; mixed land use; clear protection of a range of ecosystem and landscape types; clear 'connecting' access paths and; excellent way-finding / information systems.*

## Agency alignment:

**Joined-up agencies:** Agencies should execute their statutory responsibilities in a more joined-up manner. This should occur at all levels within the various agencies, i.e. from operational officers on-the-ground through to strategy and policy officials and at the CEO level. This would enable community expectations about environmental and land use outcomes to be better understood and challenges to be addressed in a more stream-lined way.

**Agency instruments:** There is a disconnection between the Crown land tenure review, the Mackenzie Agreement and RMA land / water planning regimes. Agencies have not adopted a joined-up approach to address the underlying issues facing the Mackenzie Basin. This is a failure of public policy. Current practice does not reflect 'better public services'.

**Responsibility for ecological and landscape significance:** Tenure review processes are relying too heavily on the provisions of District Plans to protect ecological significance values rather than the covenant provisions provided within tenure review. More clarity is required about the comparative responsibility of each agency for protecting areas with ecological and landscape significance.

## Overlap and gaps in consenting functions:

**Joined-up consent processing:** Until recently, i.e. the last two years, there has been little connection between LINZ, DOC, Mackenzie District Council / Waitaki District Council and ECan over the issue of consents for Mackenzie land management related applications. In addition, there is a need for more clarity about the relationship between:

- The consent functions carried out by the Commissioner of Crown Land for lease holders for such things as over-sowing, fertiliser application, ploughing, burning etc., and;
- The consent functions of the Mackenzie and Waitaki District Councils and ECan as regulators for matters giving rise to land use change / intensification.

**Use of specialists:** Specialist technical skills may be required to assess consent applications. The opportunity to share resources between Councils and Crown agencies to achieve efficiency of process and to reduce costs for applicants has not been sufficiently progressed.

**Waiver of some consent requirements:** A more refined consent processing relationship could include consideration of an agreement to waive Commissioner of Crown Lands consents if the same activity is adequately covered by RMA requirements.

**Land Act consents:** Consents are being sought from the Commissioner of Crown Lands under the Land Act for changes of land use during the tenure review process e.g. burning and over- sowing, despite the possibility of the land tenure process reaching different conclusions about how the land should be used – with a net reduction in environmental values / undermining of Mackenzie Agreement vision.

**Landscape and ecological values:** Water take consents are being issued by ECan with insufficient attention to landscape and ecological effects. Regional and district consent processes are occurring in silos. If a water consent is already granted by ECan then the task for a district council of assessing the land use impacts of that consent (ecological and landscape) becomes more difficult. This lack of alignment should be overcome.

**Regional Policy Statement landscape policies:** The absence of robust ecological and landscape provisions in the Waitaki District Plan means reliance is placed on the provisions of the Regional Policy Statement. ECan does not pay sufficient attention to how these provisions are implemented in the Waitaki District.

**Off-sets:** There is opportunity to make greater use of an 'off-set' tool for example, by providing stream-lined consent processing if a QE2 Trust covenant is put in place.

## Monitoring:

**Use of monitoring:** *There is insufficient monitoring of the state of the ecological health and the scale of landscape change occurring in the Mackenzie Basin.*

**Capacity:** *Mackenzie and Waitaki District Councils do not have the capacity to do anything like the monitoring required to ensure their decisions are adhered to. The agencies undertaking the monitoring do not operate as part of a connected and efficient programme.*

**Land Act consents:** *More compliance checks should be put in place by the Commissioner of Crown Lands over the consents granted to lease holders.*

## Waitaki District Plan:

**New Plan:** *Waitaki District Council should make the preparation of a new District Plan a priority for the District because the absence of such a Plan has enabled land use intensification to occur in a way that has undermined important ecological and landscape values.*

**Mackenzie District Plan:** *The drafting of the Plan should be guided by the content of the Mackenzie District Plan. Certainty is immediately required about the process to be followed to prepare the Plan.*

**ECan:** *In the absence of a robust Plan in Waitaki, ECan should play a stronger role in advocating for the ecological and landscape values expressed in their Canterbury Regional Policy Statement.*

## Mackenzie District Plan Change 13:

**Ownership:** *Plan Change 13 is viewed by some in the Mackenzie Basin as the product of the Environment Court rather than the community.*

**Guidelines:** *Community buy-in will only occur with the help of the production of guidelines to give certainty about how it will be implemented. Proof that it is being meaningfully applied, in a way that protects the values of the Mackenzie Basin (via monitoring and good decision making), will also be important. Only then will behavioural change occur.*

**Complexity:** *Plan Change 13 has created resource consent complexity at a level never previously imagined. The Council need to establish a fast track process for simple and clear consent applications and then case manage more complex applications. Adopting a customer or client focused approach is important, i.e. a 'one door' approach.*

## Strategy:

**Whole of Basin approach:** *A whole-of-Mackenzie Basin 'strategic approach' hasn't really featured in land tenure review decision making until more recently. The absence of a clear strategic approach has worked against achievement of a coherent pattern and balance between pastoral intensification and landscape / ecological protection.*

**Outcome focus:** *Agencies need to be more 'outcome' rather than 'output' focused.*

**Contracted officers:** *While senior strategy and policy officers may have a sense of the 'strategy' to be applied to the achievement of preferred Mackenzie land management outcomes, contracted staff need to also be helped to have a better understanding of the desired outcomes for the Mackenzie Basin.*

## Spatial plan:

**Spatial Plan:** *One way to achieve the benefits from efficiency of decision-making, consistency of direction and clarity of priority setting (in defining land for pastoral development and ecological / landscape protection) is for all land management agencies to jointly prepare a Spatial Plan. Such a Spatial Plan could be progressed in a 'phased way' commencing with the consolidation of available information, including heritage values, into a digital set of maps containing multiple overlays of relevant information.*

**Statutory spatial plan or guidance plan:** While some interviewees felt there may be value in making this Plan a statutory instrument, others had very little appetite for going down this path. This later group felt a 'guidance document' may be a better way to proceed.

**Statutory Spatial Plan as NPS:** A 'statutory Spatial Plan' could be prepared using the opportunities provided by the recently-passed Resource Legislation Amendment Act (2017), via an accelerated process, as if the proposed Spatial Plan was a sub-regional National Policy Statement.

### Review of the Land Act:

**Review:** The Land Act should be reviewed. The Act was promulgated in 1948. Stakeholder expectations of high country farmers are now very different to what they once were. Pastoralism is now very much more complex than when the Act was brought into effect.

### Tourism pressures:

**Management of pressures:** Tourism pressures on the Mackenzie will continue to grow. There is no effective strategy (yet) to foresee or manage these pressures. There is a critical need to develop a Mackenzie / Waitaki Tourism Strategy. Many land owners expressed concern about the apparent unplanned expansion and potential negative effects of tourism growth. They also indicated a desire to be part of visitor sector management - for environment and landscape reasons and for the economic opportunities arising from being more involved with tourism opportunities.

### Protection of important areas:

**Protection of ecologically important areas:** Areas being retained in Public Conservation Land are not the areas which contain the most significant, rare or threatened ecosystems, i.e. the more threatened the ecosystem, the more likely it is to be made free-hold under tenure review. This particularly includes outwash gravels. Generally, there has been insufficient protection of the full range of land and ecosystem types.

**Values which make the Basin special:** In the past five years, the things that make the Mackenzie Basin unique and valued internationally have been lost. The Basin is changing from a matrix of native cushion and mat vegetation, shrub and grassland, to an environment with strong expression of artificial exotic species<sup>15</sup>.

**Valued landscapes:** There is an institutional blindness to the importance of landscape values in the Basin. Land management solutions must recognise the need for protection of landscapes 'at scale.' Things in the Mackenzie need to be substantial, and to have elements of continuity in their protection. Alluvial moraine fans are a unique part of the Mackenzie landscape, but their shape, altitude and contour mean they lend themselves to over-sowing and land use intensification. They need to be protected from these activities.

**Access covenants:** Access covenants have not been used as extensively as they should have been.

**Land use change:** Further land use change is acceptable, but it needs to be made subject to more conscious achievement of the Vision of the Mackenzie Agreement and with more demonstrable adherence to the desire to create a Dry-lands Park, with necessary connectivity.

### Assess the future direction of tenure review:

**Further tenure review processes:** There has been a failure in past tenure reviews to protect a full range of ecological and landscape values in the lowland parts of the Basin, compared with how much land has been made freehold, and before any more reviews occur there should be a moratorium until this situation is sorted out.

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<sup>15</sup> One interviewee drew attention to a recently published paper suggesting the area of indigenous ecosystems lost to land use change between 1990 and 2017 exceeds 68,000 hectares or 22.5% of the Basin floor (in this instance estimated to total 300,000 hectares).



## Use of the full range of protection tools:

**Approach:** A black and white approach is being taken with 'Public Conservation Land' and 'land held as fee simple' being the simplistic and bi-polar preferred options. Not enough use is made of the full range of instruments to achieve the Vision of the Mackenzie Agreement.

**Private property:** Too much opportunity is provided for private property rights to be exercised – with excessive private profit being generated as a consequence. Not enough protection is being provided to the public interest in ecological sustainability and landscape values. A more nuanced and innovative approach would include, for example, more extensive use of concessions and covenants – including QE2 covenants, for low density grazing or for landscape protection purposes.

## Definition of ecological significance:

**Date of information:** The information base used to determine the ecological impact of tenure review options tends to be old.

**Weight of evidence:** Ecological advice from DOC officials is sometimes not given the weight it deserves.

**Scale:** Sometimes the Commissioner of Crown Lands appears to have determined ecological significance at a property level rather than a whole-of-Basin level.

**Basis for definition:** The definition of 'ecological significance' applied by the Commissioner of Crown Lands is overly narrow because the 'life supporting capacity' term used does not define 'what life' is to be supported. A preferred definition would include reference to the avoidance of depletion of the attributes contributing to healthy ecological systems.

## Control of wilding pines:

**Mandated:** All land made freehold as part of the land tenure process should be made subject to a wilding pine removal covenant. This has not been the case and, therefore, wilding pines are undermining Significant Indigenous Values (SIVs).

## Interpretation of the Crown Pastoral Lands Act (CPLA):

**Interpretation:** The objects of the Crown Pastoral Lands Act may have been misinterpreted. This relates to the:

- Failure, particularly in the earlier decisions of the CPLA, to give primacy of consideration to ecological sustainability and the protection of SIVs over the free-holding of land from CPLA management constraints.
- Protection of SIVs by means other than their statutorily preferred return to Public Conservation Land.

## Link between the RMA, Land Act and the Crown Pastoral Land Act:

**Linkage between Acts:** The objectives of the Crown Pastoral Lands Act should be considered by the Commissioner of Crown Lands when considering a lease holder application for consent under the Land Act. Similar linkages should be established with the RMA. The failure to establish these links has meant that in some cases, land use intensification and ecological change is occurring in ways that undermine Mackenzie Basin ecological and land use values.

## QE2:

**Use of QE2 Trust:** The QE2 Trust is ready to assist farmers. The Trust has some funds to assist with the management and enhancement of the values protected in the covenants. A QE2 covenant provides a robust level of protection that should be used more widely in the Basin.



## Partnership:

**Farmers:** Some farmers believe they are viewed as part of the 'problem', not part of the solution. They want more commitment from agencies and environment groups to a partnership model. They view a 'trusting relationship' between these parties and lease-holder / freehold land farmers as being the key to achieving desired ecological and biodiversity outcomes.

## Certainty:

**More clarity required:** Farmers need to have more security about what they can and cannot do on their properties. There is a feeling expressed by some farmers, that if they have biodiversity values on their property, they get 'punished' for it. A mechanism is required to champion, support and leverage the good work done by farmers toward ecological and landscape protection.

## Iwi and tenure review:

**Participation:** The Rūnunga of Ngāi Tahu with connections to the Basin are not as closely informed about the tenure review processes as they would like to be.

## Use of the surface of the Mackenzie lakes:

**Clarity:** Clear policies are required about the nature and extend of permitted commercial activities on Lakes Ohau, Pukaki and Tekapo.

# Analysis

## Challenges – who said what, with what strength?

We have drawn on our interview notes to compile the table which follows (Table one). This has required us to pull salient threads from the long list of "Challenges and Issues" described above.

The frequency of expression of a concern or challenge varied from strong, to moderate to light to 'not at all'.

- **Strong:** If the challenge was referenced in strong terms by more than three quarters of the interviewees from any one group, then the challenge is rated as being of strong importance.
- **Moderate:** If the challenge was referenced by between one quarter and three quarters of respondents from any one group, then the challenge is defined as being of moderate importance.
- **Light:** If the challenge was raised by less than a quarter of the persons from the interview group, then we have defined it as of light importance.

In some instances, opposite views were expressed by different interview groups about a challenge. In these instances, information about the challenge-in-question is phrased in the positive and then again in the negative to reflect the different positions of these different groups. In other instances, the challenge was not raised by the interview group at all. In these instances, the box in the table is left blank.

Table one: Challenges and issues – who identified what, with what strength?

	Challenge or issue	Central govt. agency views	Local govt. views	Environment group views	Farmers
1	The <b>Mackenzie Trust</b> should be assisted to become more effective	Strong	Strong	Strong	Moderate
2	The <b>Vision</b> of the Mackenzie Country Agreement is supported	Strong	Strong	Strong	Moderate
3	Agencies should seek to be more <b>aligned</b>	Strong	Strong	Strong	Strong
4	A whole of Basin ' <b>strategic approach</b> ' is required	Moderate	Moderate	Strong	Light
5	A <b>spatial plan guidance</b> document should be produced to help achieve alignment between the decisions of agencies	Strong	Strong	Not referenced	Moderate
6	A <b>statutory spatial plan</b> should be prepared	Not referenced	Not referenced	Strong	Not referenced
7	The absence of a <b>joined up local government</b> approach to RMA consent processing has contributed to in efficiency and sub-optimal land use decisions	Light	Light	Strong	Moderate
8	There is uncertainty about the District Plan review process to be applied in the <b>Waitaki District</b>	Moderate	Light	Strong	Moderate
9	<b>Tenure review</b> remains a vital land management tool to achieve ecological and landscape values – particularly in the North of the Basin	Strong	Moderate	Strong	Moderate
10	The <b>Dry-land Park</b> concept is still valid, but it deserves to be re-interpreted	Strong	Strong	Light	Light
11	More effort should be directed toward the establishment of a contiguous <b>Dry-land Park</b> protecting the full range of Mackenzie ecosystems and landscapes	Not referenced	Not referenced	Strong	Not referenced
12	The <b>tenure review process</b> has not generated the outcomes sought. A 'pause' should be placed on the process until the policy guiding this process is reset	Not referenced	Not referenced	Strong	Not referenced
13	<b>Insufficient protection</b> has been granted to areas of significant ecological and landscape value. In part, this is because the wrong definition of ecological significance has been applied by LINZ	Not referenced	Not referenced	Strong	Not referenced

14	The <b>Land Act</b> should be reviewed to enable it to better reflect today's land management expectations	Not referenced	Not referenced	Strong	Not referenced
15	Not enough <b>monitoring</b> has been carried out to develop a full understanding of the scale of land use change occurring in the Basin and to act against non-compliance with RMA rules	Not referenced	Not referenced	Strong	Not referenced
16	Not enough use has been made of <b>QE2 Covenants and Access</b> agreements	Light	Moderate	Strong	Light
17	<b>Farmers</b> are not sufficiently engaged as partners in finding solutions to the Basin's land management challenges.	Light	Light	Not referenced	Strong
18	There is not enough national understanding of the importance of pastoralism to the identify and economic resilience of the Basin	Light	Light	Not referenced	Strong
19	The number of visitors to the Basin is creating pressure points. A comprehensive <b>tourism strategy</b> is required to manage pressures and optimise benefits	Strong	Strong	Strong	Strong
20	Clearer policy is required to assist to manage pressures emerging from demands to make increased commercial use of the <b>surface of the lakes</b>	Light	Light	Moderate	Light
21	Māori and iwi could be more involved in the process of achieving the vision of the Mackenzie Agreement	Light	Moderate	Moderate	Light
22	Crown-owned Basin <b>braided river beds</b> could be better managed	Light	Light	Strong	Light

## Key Points

The critical points to be taken from the above table are:

- The Vision of the Mackenzie Country Trust is strongly supported.
- The Trust itself will need higher levels of support and funding to be truly effective.
- A common understanding of the appropriate extent of pastoral intensification compared to landscape / ecological protection has not yet been achieved.
- A more strategic approach should be applied to the making of land use decisions in the Basin. The development of a Spatial Plan may assist to achieve this objective.
- Tenure Review remains a vital tool for achieving the Vision of the Mackenzie Agreement.
- Land management agencies with responsibility in the Basin would profit from higher levels of collaboration and alignment.
- Better use of existing tools and funding should be directed toward the achievement of the 'Dry-land Park' concept, or variations on this concept.
- A collaborative effort is required to better manage visitor sector pressures.

## Recent progress

The picture painted by table one may appear more negative than it should be. Progress has been made over the last five years. There are emerging initiatives which appear likely to sustain that progress. These are described below.

**Mackenzie Vision supported:** While agencies have variable levels of commitment to the Mackenzie Agreement, almost all other stakeholders support the vision.

**Mackenzie Country Trust:** The membership and Chairperson of the Trust has been refreshed. Members have indicated a desire to accelerate their progress and refocus their efforts.

**Crown now more integrated:** LINZ and DOC now have a more integrated approach to the tenure review process than that applied in the past. A 'One Crown' approach has been established<sup>16</sup>.

- The dynamic of this 'One Crown' process has been assisted by the 'exchange' of officials between the two agencies.
- LINZ and DOC work collaboratively to achieve the outcomes sought by the Land and Crown Pastoral Land Acts.
- In more particular terms, LINZ and DOC convene a "Crown Strategy" meeting early on both the tenure review and as part of the discretionary consent processes. This is to consider the "Crown position" and to ensure current priorities for protection, access needs and other government priorities are considered<sup>17</sup>.
- The Crown also collectively considers the on-going management of land, including where partnership mechanisms such as QE2 covenants can be established and how these can be effectively monitored in the future. The results of this process will be reflected in upcoming tenure review proposals.

**Better 'Conservation Resource Reports':** DOC has recently led a process to review how a Conservation Resources Report (CRR) for use in considering land tenure review proposals, is constructed. The new process is said by officials to ensure relevant, unfettered, technical information is conveyed by the CRR, within a structure and using language suited to both technical and layperson interpretation. By way of example of this development, DOC is currently preparing a CRR for the Mt White pastoral lease review. This will pilot a new report structure. We were told this new structure was developed in partnership with LINZ, Ngāi Tahu, Federated Mountain Clubs and Forest & Bird.

**Local government are endeavouring to work more closely together:** The three local authorities operating in the Mackenzie Basin are reaching out and sharing more information between each other than previously.

**Limits to nitrogen loss from farming operations have now been established:** ECan's Plan Change 5, subject to the resolution of one appeal, will soon be operative. It sets clear limits to the volume of nitrogen which may be lost to ground or surface water from farming activities in the Basin. It appears to have been reasonably well received by most parties. Approximately 75% of the persons we interviewed

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<sup>16</sup> The benefit of this transition toward a more integrated approach is apparent from examination of six case studies supplied by LINZ and DOC to demonstrate the change in approach applied by them over the last 10 years. These case studies are described in Appendix one.

<sup>17</sup> More particularly, we have been informed these meetings help identify the public, Iwi and Crown expectations to be delivered through tenure review including what needs to be protected and what access is required. The emphasis of the meetings is on the 'what' and 'why' of tenure review. It is the role of the Commissioner of Crown Lands to decide on the 'how'.

were confident these limits will maintain water quality and assist to actively manage 'inappropriate' land use intensification.

**Good interagency collaboration is occurring on biosecurity matters:** DOC, LINZ, ECan and land owners appear to be well aligned and strongly committed to common biosecurity / predator control objectives. This includes:

- Active management of wilding pines, with the Assistance of the Mackenzie Basin Wilding Pines Trust.
- A strong focus on biosecurity management in braided river beds by LINZ, DOC and ECan.
- The prospect of biosecurity agencies partnering with the NEXT Foundation to establish a landscape-scale predator control programme in an area extending inland from the eastern most boundaries of Lake Pukaki and Lake Tekapo to the peaks of the Southern Alps.

**New Regional Pest Management Plan.** The Regional Pest Management Plan (RPMP) is Environment Canterbury's key regulatory document for pest management. It is prepared under the Biosecurity Act 1993 and outlines the objectives and methods (including rules) for biosecurity across the region. It includes both production and biodiversity plant and animal pests. The Plan is currently under review and will replace the existing Regional Pest Management Strategy. Although the RPMP is the key regulatory document, Environment Canterbury undertakes additional biosecurity work beyond the RPMP where the regulatory backup is not required.

**Data sharing between agencies is underway.** A common map-set describing a wide array of Mackenzie Basin geographical variables and values is in advanced stage of preparation.

**The first step has been taken to manage visitor sector pressures:** A multi-agency approach has been commissioned to prepare a plan to manage tourism sector pressures.

**Mackenzie District Plan Change 13 is now in place.** After nine long years of sometimes fraught litigation, the Mackenzie District Plan 'Plan Change 13' has been enacted. The Plan now provides comprehensive rules about the protection of valued ecological and landscapes and the importance of pastoral stewardship to the economy of the District.

**Braided Rivers Action Group (BRAG).** The Braided Rivers Action Group (BRAG) was convened in 2017 in response to a report of the extent of land use change in braided rivers in Canterbury. BRAG comprises representatives from Environment Canterbury, territorial authorities, Te Rūnanga o Ngāi Tahu, Department of Conservation (DOC), Land Information New Zealand (LINZ), Forest & Bird, Fish & Game and Federated Farmers. The members of the BRAG have a range of roles, responsibilities and interests in braided rivers. BRAG will consider land use change in braided rivers and agree and implement best practice management in these environments. Working together to develop better practice and consistency across public land management is viewed as a priority. The immediate focus of the group is the seven large, alpine-fed Canterbury braided rivers (Clarence / Waiau Toa, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata and Waitaki rivers), and the Ashley / Rakahuri, Selwyn / Waikirikiri (part), and the Ashburton / Hakatere rivers.

# Working toward solutions

## Overview thoughts

Before considering possible solutions to the many challenges and issues raised by interviewees about land management and agency alignment in the Mackenzie Basin, we first re-state several important contextual matters.

**Finding an accommodation between land use intensification and protection of ecological and landscape values:** The challenge at the core of this report is to how to address the desire for intensification and changed land uses while at the same time maintaining and protecting ecological and landscape values.

At issue is the absence of a common definition of what this accommodation between intensification and the status quo might look like. In simplified terms, some lease-holders and some freehold property owners would like more opportunity to intensify their land use. On the other hand, some groups would like the Basin sustained as an extensive tussock dry-land landscape with light-footed and extensive pastoralism the 'norm.' The strong application of stewardship principles to all land management decisions is a principle held in common by most parties.

The Mackenzie Agreement, in trying to resolve these views, recommended pastoral intensification on 26,000 hectares and the creation of a Dry-Land Park on 100,000 hectares, alongside careful stewardship at all locations. Current patterns of change in land use suggest the pastoral intensification objective will be achieved. Achievement of progress on the Dry-land Park concept looks more challenging.

**Will interagency alignment solve everything?** Not all the listed challenges can be directly tied-back or resolved via better agency alignment. There is no question however that stronger alignment between agencies may help achieve a more united expression of how the values sought for the Mackenzie Basin may be progressed. It is also clear that the better agency practice will streamline processes and provide clarity and certainty for land managers/owners.

**Community involvement:** Any final decisions about preferred actions will require the active involvement of the Mackenzie community. A re-energised Mackenzie Country Trust is one possible vehicle for assisting to achieve this community input.

**Biosecurity challenges:** The best desires in the world for the protection of valued Mackenzie landscapes and ecosystems will come to nothing if the effects of invasive species such as rabbits and wilding pines etc. are not adequately managed. Good progress is being made on biosecurity challenges largely because of the strong alignment between affected agencies and the community. This will need to be sustained. The foot cannot afford to be taken off the accelerator.

**Simon's Pass appears to be the 'exemplar' of concern:** Many of the persons we interviewed saw proposals for the development of large scale dairy farming (somewhere between 5,000 and 15,000 cows), landscape change, multiple buildings, and disposal of effluent at Simon's Pass Station<sup>18</sup> and Simon's Hill Station as an example of concerns about outcomes of individual tenure reviews and protecting the landscape and ecological values of the Basin.

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<sup>18</sup> Simon's Pass Station is at step four of the multi-step tenure review process, i.e. information has been gathered, the DOC Conservation Resource Report has been prepared and consultation has commenced. In addition, applications for consents associated with large scale dairy farming at Simon's Pass Station were also part of the catalyst for the 'declaratory action' proceedings about the time at which the rules listed in the Mackenzie District Plan come into effect.

**Context:** Context is everything. Government agencies and local authorities are sometimes harshly and perhaps unfairly judged for their historical practices. Tenure review began as a binary process of splitting land capable of sustaining more intensive farming from land that both couldn't sustain intensification, and which held significant ecological, cultural, or landscape values, that should be protected. The policy affecting this process has not been static. It could be described as one involving a degree of trial and error in which officials have endeavoured to fine-tune in response to the political signals of successive governments.

## Land tenure review

### Current position

There are 75 pastoral properties<sup>19</sup> with all or part of the land within the Project area (see Figure 7):

- 21 of these properties were freehold properties prior to the commencement of the Crown Pastoral Lease Act in 1998.
- 3 other properties were not eligible for consideration as part of the tenure review process.<sup>20</sup> Two of these were in the Mackenzie District and one of these was in the Waitaki District.

This leaves the total number of properties for possible consideration under the tenure review process to 51. The status of the remaining properties is summarised in Table two:

Table two: Status of tenure review properties

Status	Total	Mackenzie District	Waitaki District
Tenure review discontinued <sup>21</sup>	13	12	1
Under review	15	12	3
Tenure review complete	23	12	11
<b>Total</b>	<b>51</b>	<b>36</b>	<b>15</b>

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<sup>19</sup> The information and statistics provided in this section of the report have been compiled with the generous support of staff from LINZ and DOC. The Tekapo Defence property at Tekapo is not included in this data.

<sup>20</sup> These are endowment leases.

<sup>21</sup> Lease holders do not go through the land tenure review process 'by default'. It requires an active decision by these lease holders to participate in the review process.



## Outcome of tenure review process to date

The key points to note about the outcome of the tenure review processes completed between 1998 and 2017<sup>22</sup> are that:

- About 15% of the land in the ecological districts covered by the Project area<sup>23</sup> was already highly modified<sup>24</sup> by 2001 (Figures 7 and 8).
- Just over 15% was further modified in the period between 2001 and 2017 (Figure 8).
- A total of 3,000 hectares of privatised land has had a covenant attached to it for access or ecological protection purposes.
- A total of 88,336 hectares, i.e. roughly one third of the 269,000 hectares in the Project area, was made free-hold in the time since enactment of the Crown Pastoral Lands Act.
- Much of the freehold land is below 1,000 metres and located close to roads, lakes, and rivers<sup>25</sup>.
- A comparatively large number (12) of properties remain at various stages of progress within the tenure review process in the Mackenzie District. A much smaller number (three) of properties remain at various stages of progress within the tenure review process in the Waitaki District.
- A comparatively large number of lease holders have chosen to not be part of the tenure review process. Twelve of these are in the Mackenzie District.

## Land tenure review – some tentative conclusions

The areas currently protected within public conservation lands are not likely to be fully representative of all types of valued Basin ecological and landscape assemblages (Figure 9). It is also apparent that covenants for the protection of access or ecological values have been used sparingly.

A further conclusion to be drawn from the above analysis is that tenure review processes in the Waitaki District have now largely been completed, i.e. there is little future opportunity to use this tool in this District to achieve the protection of ecological and landscape values.

The dominant future tool in the southern part of the Mackenzie Basin may therefore be the revised Waitaki District Plan, together with the application of other tools such as QE2 covenants, the retro-fitting of access agreements, Joint Management Agreements, land purchase, the expanded influence of the Mackenzie Country Trust and the active application of the nutrient management limits specified in ECan's Plan Change 5.

It is apparent that some areas, particularly in the North of the Basin, have experienced limited significant modification i.e. ecological and landscape values appear to be largely intact (Figure 9). There appears to be opportunity to achieve protection of ecological and landscape values through tenure review and by working with the landowners / managers.

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<sup>22</sup> This information has been compiled with the assistance of officials from LINZ and DOC.

<sup>23</sup> NB as noted earlier in this report, the Tekapo, Pukaki and Omarama ecological districts are close to, but do not perfectly match the Project area as defined in the Mackenzie Agreement and as applied to this Project. The total area of these ecological districts is 258,374 hectares compared to the 269,000 hectares in the Project area. The missing 10,000 hectares covers the areas of braided river located inland from Lakes Ohau, Pukaki and Tekapo.

<sup>24</sup> The percent of 'highly modified land' was calculated with the assistance of DOC. It relates to the three Mackenzie Ecological areas rather than the Project Area. 'Highly modified' is defined by DOC to be land that has undergone agricultural intensification or has substantial weed infestation e.g. wilding conifer pines.

<sup>25</sup> This and the previous bullet point lie at the heart of the issue, in the view of some stakeholders. Land above 1,000 metres is being protected, but land below 1,000 metres is being made freehold and intensified.



An insight to what may be a possible base for consideration of a Mackenzie Dry-lands Park is provided by the following observations:

- The northern and eastern parts of the Basin retain highly significant natural landscape and biodiversity values, which are largely intact and interconnected.
- Parts of the Basin have been modified through the infestation of weed species, such as wilding conifers. Removal of these species and appropriate restoration activities could return significant landscape and biodiversity values to those areas.
- Other parts of the middle Basin have experienced some agricultural intensification, such as through over-sowing of exotic pasture species and topdressing, however some native species remain. In particular, the natural character of native tussock grasslands remains apparent in these areas, providing areas of high landscape significance.
- Land in the southern Basin has been noticeably intensified, through a combination of vegetation clearance, cultivation of exotic pasture, and irrigation. While some of these areas could potentially be restored to their natural state, the area has an overwhelmingly modified character.

Future options for land protection through the creation of a Dry-lands Park could be considered in relation to these observations. Such options [could](#) include establishing a core area of protected land through Crown ownership, to be buffered by a “halo” of private protective mechanisms.

The observations described above are illustrated in Figure 9: map of Highly Modified Land 2017. For the avoidance of doubt, and to provide clarity for the reader, the following context can be applied to this map.

- Areas shown in purple represent land that has been highly modified, either through agricultural intensification or the infestation of weed species, such as wilding conifers.
- Parts of the Basin, shown in some of the purple areas, have been modified through the infestation of weed species, such as wilding conifers. Removal of these species and appropriate restoration activities could return significant landscape and biodiversity values to those areas.
- Areas not shown as purple will generally depict unmodified land [likely to contain](#) significant inherent values.
- The term “Significant Inherent Value” (SIVs) can describe different classes [of inherent value](#) including areas of botanical, ecological, landscape, freshwater, historic, or recreational significance.
- Different classes of SIVs require different management practices. Some may be compatible with extensive agricultural activities, and others may not [be compatible](#).
- The presence of SIVs in an area does not necessarily infer a requirement for Crown ownership of the land, although there are cases where this would be appropriate. Private protective mechanisms may be appropriate in other cases.
- The identification of SIVs is based on scientific investigation and analysis. Any regulatory protection of sites of natural significance would need to comply with the requirements, including public consultation, under the RMA.

The following table (over page) describes the data depicted in Figures 8 and 9 (Table Three).

Table Three: Explanation of Figures 8 and 9

Ecosystem per Ecological District (ED)	Exotic Ha 2000	Exotic Ha 2016	Indig. Ha 2000	Indig. Ha 2016	Change of cover 2000 – 2016 Ha	% Cover change 2000-2016
<b>Moraines</b>	<b>11,400</b>	<b>18,400</b>	<b>52,200</b>	<b>45,100</b>	<b>7,000</b>	<b>13%</b>
Omarama ED	2,000	4,700	7,200	4,500	2,700	<b>37%</b>
Pukaki ED	2,000	2,900	4,200	3,300	894	<b>22%</b>
Tekapo ED	7,300	10,800	40,800	37,400	900	<b>8%</b>
<b>Alluvial outwash Gravels</b>	<b>16,500</b>	<b>38,300</b>	<b>87,000</b>	<b>65,300</b>	<b>21,800</b>	<b>25%</b>
Omarama ED	5,700	14,200	18,000	9,500	8,500	<b>47%</b>
Pukaki ED	7,600	19,000	53,800	42,500	11,300	<b>21%</b>
Tekapo ED	3,100	5,100	15,200	13,200	2,000	<b>13%</b>



Figure 6: Tenure review: current status of properties in the project area and surrounds

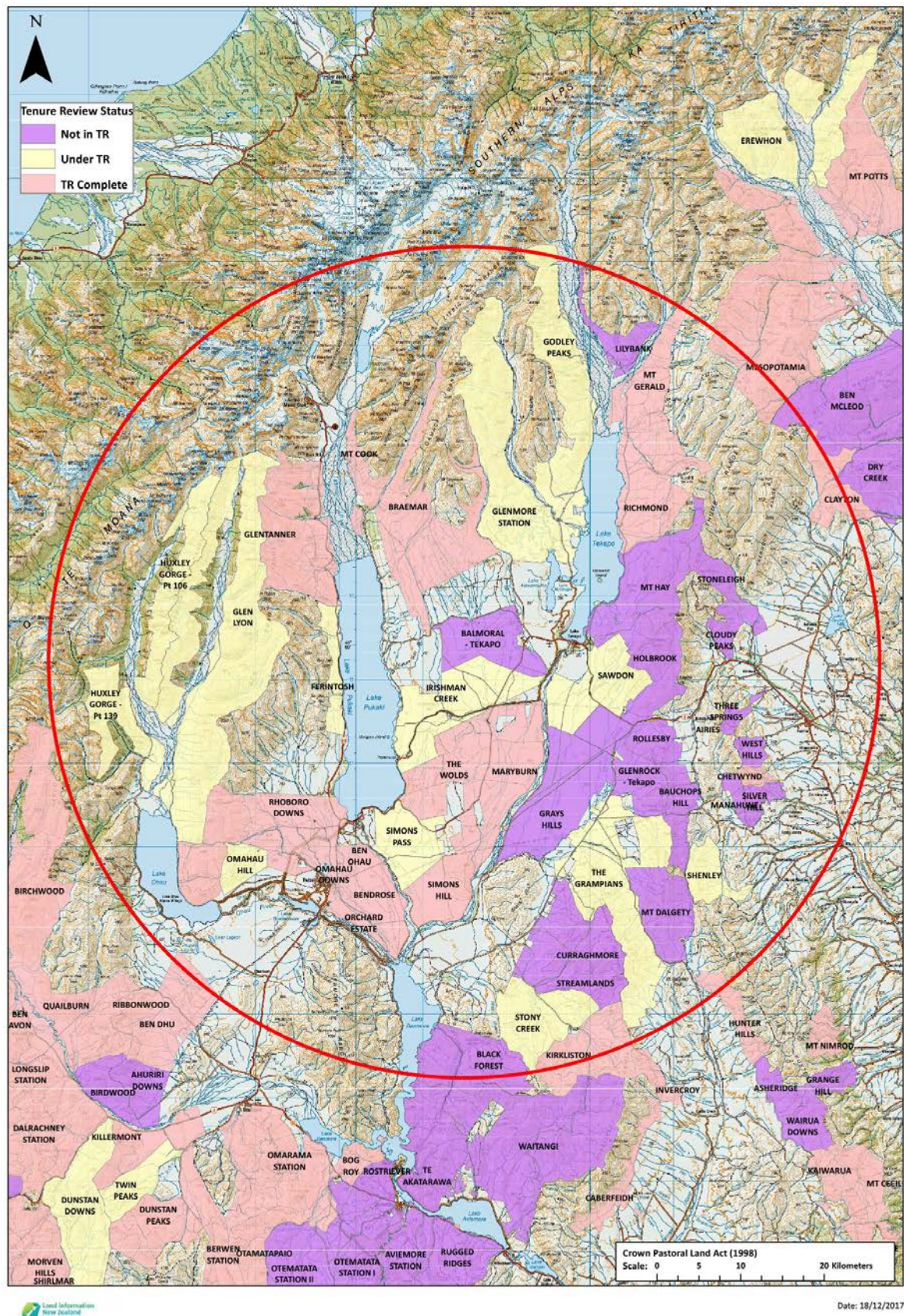




Figure 7: Location of freehold land and land held as public conservation land under DOC stewardship

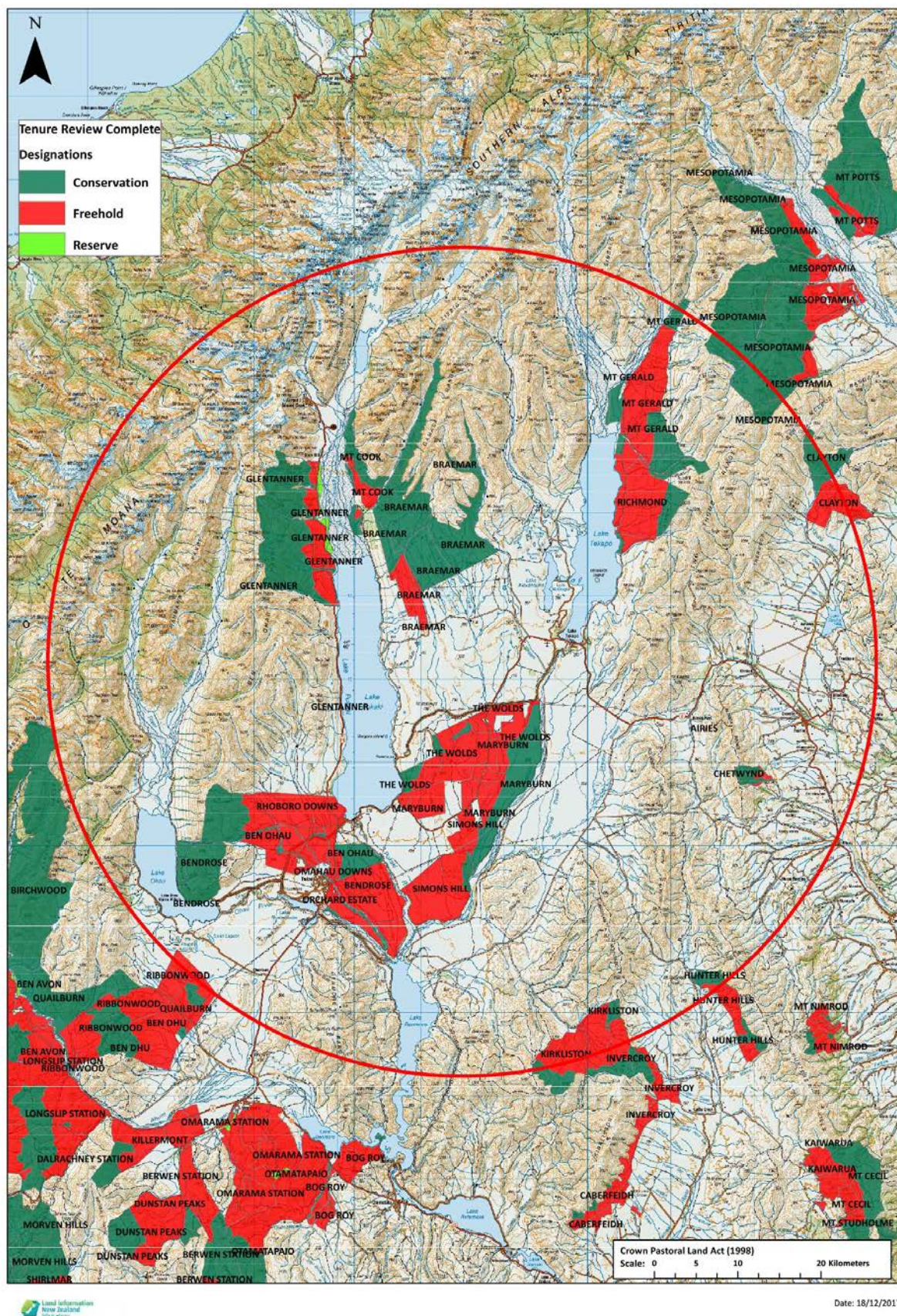




Figure 8: Land already highly modified by 2001

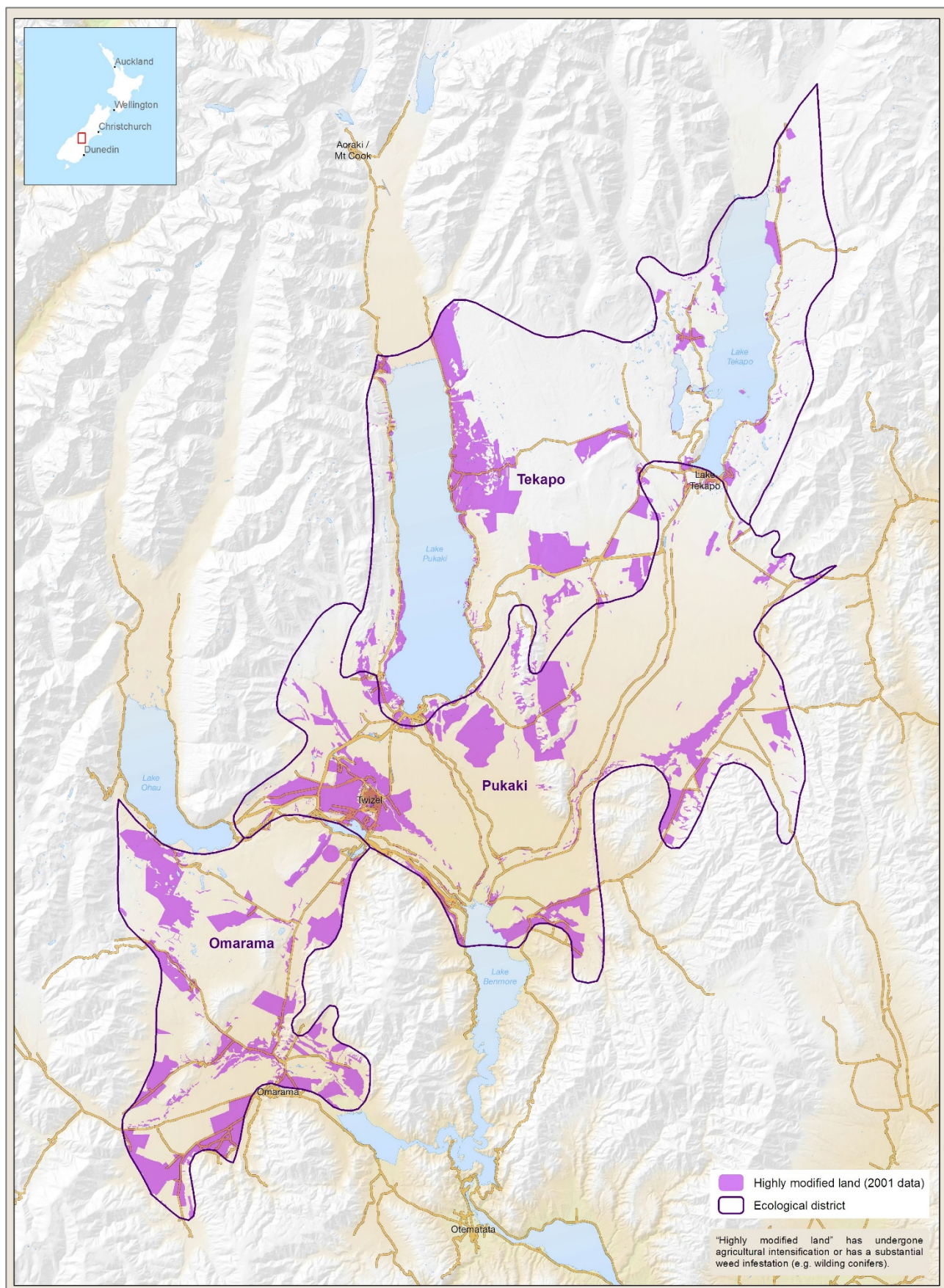
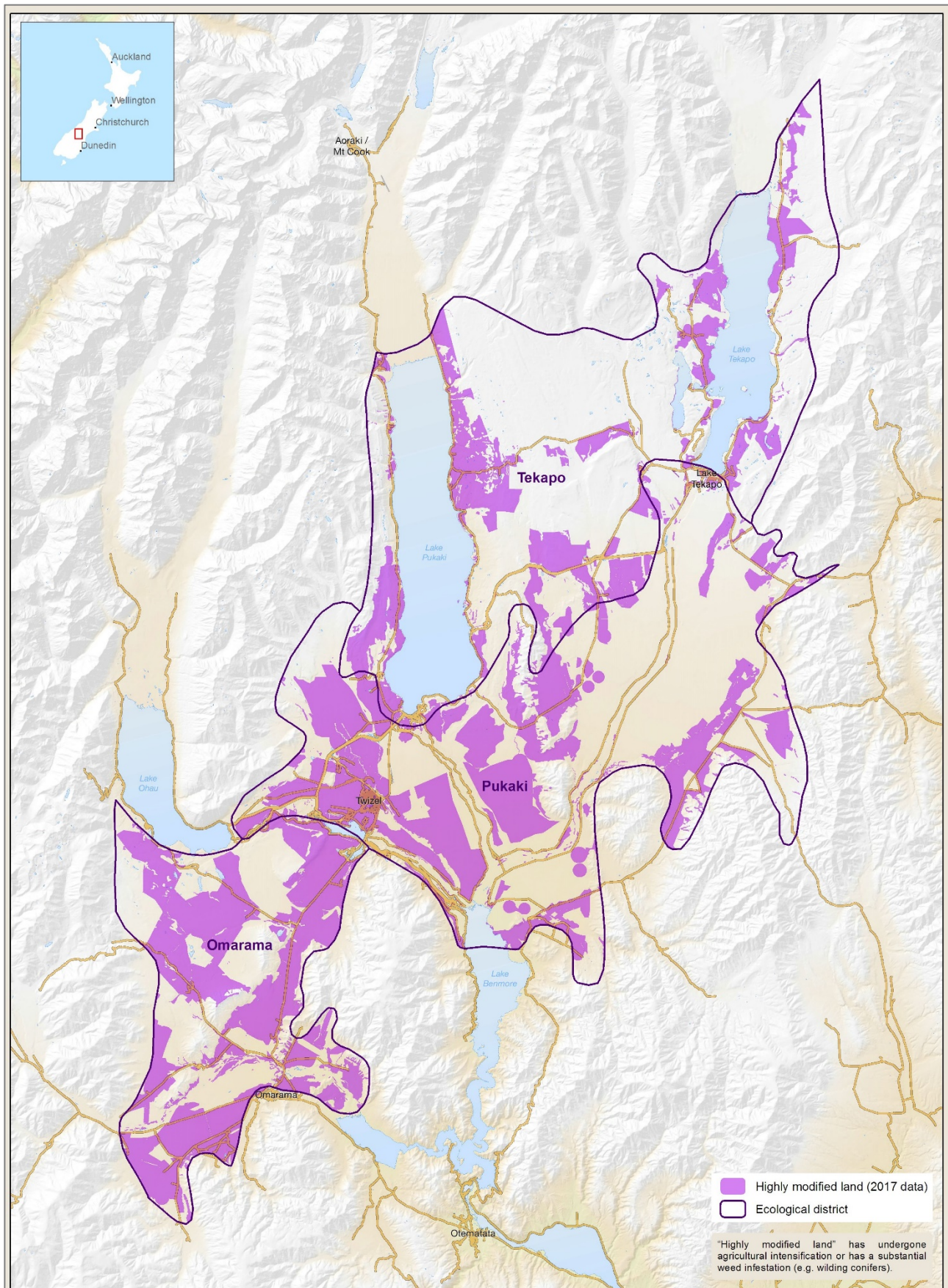




Figure 9: Highly modified land in 2017 and areas that could undergo restoration to contribute to an intact sequence of biodiversity / landscape



# Potential solutions

## Introduction

We have identified a wide range of potential solutions through which the current momentum toward higher levels of agency alignment may be sustained. These are described in the following paragraphs. These solutions may be grouped into three headings. The first set of solutions suggests enhancing and speeding up current fledging initiatives. The second set lays the case for additional initiatives. A third set of initiatives are offered as 'thoughts for further consideration'. We then separately address challenges centred on LINZ and the Mackenzie Country Trust, and address options relating to the creation of a Drylands Park.

## Expansion of current agency alignment initiatives

The current 'agency alignment' initiatives deserving of further expansion include:

- **Staff sharing:** Officers have transferred between LINZ and DOC and between ECan and Mackenzie District Council. There is merit in formalising and expanding this transfer approach by developing a more clearly recognised programme with purposeful objectives, targeted exchange numbers and rewards for those who enter the programme. There is also the option of further exploring officers transferring between central government and local government and between these agencies and the Mackenzie Country Trust.
- **Improving Standard Operating Protocols between DOC and LINZ:** The protocols applied to tenure review processes over the last two years have resulted in improved public service. The process steps applied to tenure review are now well understood by all parties. The Conservation Resources Report prepared to inform the tenure review process is now a more robust document than previously. Progress on these types of initiatives should be sustained.
- **Predator-Free Mackenzie:** High levels of collaboration are applied between agencies responsible for various parts of biosecurity management in the Basin. With the help of philanthropist organisations like the NEXT Foundation, the idea of the idea of massively enhancing predator control in the Mackenzie basin looks achievable. A concerted effort is required to secure final details and funding to bring this concept home.
- **Common data sets:** ECan, DOC and LINZ have collaborated to produce a shared digital set of maps with overlays displaying land use, tenure, landscape and ecological values etc. The opportunity exists to further 'grow' the set of overlays in these maps to reflect additional elements especially Māori cultural and heritage values and the landscape and ecosystem protection policies and rules expressed in the Mackenzie and Waitaki District Plans.
- **Partnership with farmers:** Individual agencies have a varying frequency and depth of relationships with farmers on a one-to-one basis. The farmers we interviewed made it clear they wished to be part of the solution to the challenges facing the Mackenzie Basin rather than part of the problem. The opportunity exists to formalise the relationship between farmers and the Basin's land management agencies – noting that there are only in the order of 75 farmers in the area covered by this report, of which roughly 25 are in the Mackenzie District. One way to do this would be to convene a bi-annual agency and farmer meeting to review progress and surface emerging issues. Another way to do this is, as described later in this report, is to bolster farmer representation on the Mackenzie Country Trust and to use this platform, in association with expanded e-communications, as a mechanism for more active farmer engagement.
- **Managing visitor pressures:** DOC, NZTA, LINZ and Mackenzie and Waitaki District Councils have agreed to develop a joint response to the pressures being felt in the Basin because of increasing



visitor interest in the area. The future opportunity is to expand this work to apply a more strategic approach with a focus on growing the experiences, services and opportunities provided in the Basin, as well as managing existing and possibly future pressure points. In addition, several farmers we interviewed said they wanted to be far more involved in providing services to the visitor sector. This interest would be served by expanding the terms of reference of the envisaged work into two phases – with early focus on interventions to manage current impacts and a longer-term phase focused on strategic growth opportunities.

## New agency alignment initiatives

There is a range of practical additional opportunities for achieving stronger alignment between the five agencies with statutory responsibility for land management in the Mackenzie Basin. These are described below.

**Potential for land use intensification:** An ingredient of the Mackenzie Vision was an implicit compact that there would be some further intensification of farming alongside protection including the Dry-lands park concept. The extent to which this should be any agency responsibility is a matter for debate. For the past 25 years such intensification decisions have been left to the landowner and land manager. Within the basin further farming intensification is, like the rest of New Zealand, subject to formal environmental and societal constraints under the RMA, the Biosecurity Act for invasive or pest species, and specific to parts of the South Island (and especially in parts of the Mackenzie Basin) consents under the Land Act. Furthermore, there are informal but nevertheless powerful constraints imposed by climate, water and soils, and the culture and values of landowners. Given this complexity, we are reluctant to make any specific recommendations. We note, however, that Our Land and Water Science Challenge is currently developing land evaluation methods that assess land parcels in terms of their potential for specific land uses. This work may assist addressing the challenges in the Mackenzie Country and we suggest LINZ, DOC, and ECan stay in close contact with this part of the Our Land and Water Science Challenge and support any research, trials and applications of the work in the Mackenzie Basin.

**Joint hearings:** Various parties expressed concern that water take consents were issued by ECan with insufficient attention to Mackenzie and Waitaki District Council responsibilities to manage the landscape and ecological effects arising from the exercise of those consents. The simple answer to this challenge is to suggest that ECan and the two District Councils enter a memorandum of understanding stating they will select a 'joint hearing' approach by preference as the 'default option' unless extenuating circumstances justify an alternative approach.

**Sharing of technical expertise and building capacity, capability and co-location:** A related benefit of using a joint hearing is cost reductions and the simplification of processes for both applicants and the processing agencies. This can be achieved by sharing the cost of acquiring a single set of the expert technical information required to assess the merit of major consent applications.

On a more general note, opportunities should also be sought to establish partnerships between statutory land management agencies to overcome the capacity or capability shortfalls experienced by any one of them. The co-location of these agencies would assist to achieve this objective.

**Land management officer case-load clearing house:** The simplest and easiest way to achieve agency alignment is for officers and officials from local and central government to regularly talk to each other about their land management case load, on a formal and informal basis.

Our suggestion is that monthly meetings be held at somewhere like Twizel. These would involve land management operatives from District Councils LINZ, DOC and ECan. One of the objectives of these meetings should be to seek out opportunities to present a seamless 'one door' approach to the consenting requirements of clients and the community.



**CEO Mackenzie-focused meetings:** We suggest Strategy and Policy Managers and CEOs<sup>26</sup> from the five agencies with statutory responsibility for land and water management in the Basin meet to talk, on a regular basis, about the Mackenzie challenges they share. The tourism, agency alignment, Predator Free Mackenzie and biosecurity projects currently on-stream and held in common, point to the need for the first of these proposed Strategy / CEO meetings to happen sooner rather than later.

**Partnership between Mackenzie and Waitaki District Councils in developing the Waitaki District Plan:** Some interviewees told us they wanted more certainty about the processes and timeline to be applied by the Waitaki District Council in preparing their amended District Plan. They also suggested that the hard-won lessons learned in developing the Mackenzie District Plan should be capitalised on by the Waitaki District Council, although we note there were two perspectives on this point. One perspective, held mostly by the environmental groups, was that the landscape and ecological policy and rules from the Mackenzie Plan should be applied in Waitaki with only minor amendment. The other perspective, held mostly by farmer groups, was that the Waitaki District Plan must be 'owned' by the locals as opposed to being imposed on them by third parties.

**QE2 and Walking Access Commission Aotearoa:** Both agencies offered their skills and resources to assist to progress the Vision and outcomes sought for the Mackenzie Basin.

The public's view of tenure review may be improved with the greater inclusion of good public access provisions in future decisions. DOC has a role to play in providing resources to assist with the management of established access.

There may also be an opportunity to work with lease holders and land owners to revisit past tenure review decisions, with a view to retrofitting appropriate public access, particularly when and if this may contribute to the creation of the Dry-lands Park concept described earlier in this report.

We can see merit in the CEO of each of QE2 and the Walking Access Commission being invited to meet with senior managers of agencies with statutory land management responsibility in the Basin, together with farming leaders and the Chair of the Mackenzie Country Trust. The purpose of this meeting would be to establish programmes and protocols through which specific Mackenzie Basin access easements, QE2 covenants and / or other tools may have an expanded influence.

**Comprehensive monitoring:** One of the criticisms directed at the Mackenzie's land management agencies has been an alleged failure to actively monitor the pace of land use change occurring in the Basin. Many of the issues to be monitored are held in common between the agencies. There is therefore an apparent opportunity to develop and apply a common monitoring programme involving all five agencies - with the focus of that programme being on land use change.

**Surface of lakes and lake bed management:** Rūnunga interviewees said there needed to be clearer and stronger policy to guide commercial uses of the surface of the Mackenzie lakes. We see this as a matter for the Mackenzie and Waitaki District Councils to progress in partnership with ECan and LINZ.<sup>27</sup>

**Spatial plan:** One option for moving forward is to produce a non-statutory spatial plan in the first instance and, assuming it is well pitched and well received, to then consider using the provisions contained in the Resource Management Legislation Review Act<sup>28</sup> to give it statutory effect by designating it a sub-regional National Policy Statement.

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<sup>26</sup> This may be less frequently for the CEOs of the two central government agencies given the nation-wide demands on their time.

<sup>27</sup> LINZ have responsibility for authorisation of activities over lake beds.

<sup>28</sup> These provisions relate to the production of a regional NPS. In this instance, the NPS would be the proposed Mackenzie Basin Spatial Plan.

A spatial plan is an instrument:

- Capable of articulating the long-term (20 to 30 years) vision and strategic direction and objectives for an area like the Mackenzie Basin and its communities.
- Able to translate this strategic direction into a set of aligned policies, priorities and, programmes and the allocation of land, infrastructure and the resources to deliver them.
- Capable of visually and spatially illustrating how the Basin may develop in the future, including how growth may be sequenced and accompanied by timely infrastructure provision.
- Able to identify the right location and the right mix of pastoral intensification, eco / landscape protection, visitor sector needs and opportunities and residential, business, industrial, social and cultural activities and services within specific geographic areas.
- Best developed using the recently consolidated overlay maps and involving a process encompassing all affected agencies.

With the above definition in mind, the Mackenzie Basin may benefit from the phased development of a Spatial Plan. We have been told by local authority leaders, Federated Farmers and others they do not wish to prepare such a plan if the process for doing so mirrors that experienced in the preparation of the Mackenzie District Plan Change 13. At the same time, to be fully valued, we note a spatial plan must be produced in a way that engages communities. Without this engagement, there is a risk the Plan will not generate the wide support and public confidence required to make it successful.

**Full understanding of the implications of Plan Changes 13, Plan Change 5 and the new Waitaki District Plan (when operative):** RMA Plans are complicated instruments. Their meaning and implications are not always clearly apparent to all parties. Mackenzie District Council and ECan should consider producing 'easy-to-understand' guidelines. For parties like LINZ staff and contractors, this would also help them to better align their tenure review and discretionary consent decision making processes with the provisions of these Plans.

## Other initiatives

**Transfer of functions between Environment Canterbury and Mackenzie / Waitaki District Councils:** The Resource Management Act (Section 33) provides opportunity for district and regional councils to transfer their functions, duties and responsibilities between each other. Such a transfer may be desirable on the grounds of community of interest, efficiency and or technical and speciality capability or expertise.

A function for potential transfer could be the processing of consents related to the intensification of land use. The benefits of such a transfer could be the efficiency gains arising from integrated consent processing and the ability to use make better use of speciality expertise.

The downside is that ECan may be viewed by some Mackenzie Basin residents as not sufficiently connected to the local 'community of interest' to be the right party to progress this function. On balance, we are of the view the downsides may outweigh the upsides at this time. We recommend that this option be further considered on a regular basis.

**Farm Environment Plans:** Farm Environment Plans are currently used as a statutory instrument by ECan to assist to manage nutrient losses to water. As first proposed in 2016 by Mackenzie Basin representatives of Federated Farmers<sup>29</sup>, there may also be value in considering such Plans for use as a collaborative non-statutory tool to identify and apply appropriate management to important landscape and ecological values. MPI may have an interest in assisting with funding to enable such Plans to be prepared<sup>30</sup>.

**Mackenzie Agreement:** LINZ is not currently a signatory or 'declared supporter' of the Trust or the Mackenzie vision. We think there is merit in LINZ becoming a signatory to the Agreement and actively supporting the Trust.

**Wilding pine control covenants:** Good progress is being made in managing the spread of wilding pines. There may be value in ensuring wilding pine control is included in all covenants entered as part of any future tenure review decision.

**Full use of land tenure review process to protect ecological and landscape values:** As noted earlier in this report, opportunity exists to make full use of the tenure review process in the northern part of the Basin to protect further representative areas with ecological and landscape values especially in lower altitude areas.

**Better interface between the Land Act and Tenure Review:** It is not within our formal mandate to recommend amendments to legislation. Nevertheless, we note the Land Act was promulgated in 1948. Prevalent community values and attitudes to land management are quite different today compared to what they were 70 years ago. There may be opportunity for LINZ to review their operating procedures under this Act to ensure the application of the Act is as well-positioned toward the current context as it can be. A sample of the aspects of the Land Act deserving of further attention in this way include:

- **Use of the term 'husbandry' to describe the preferred general attitude of lease holders:** The term 'stewardship' may be a more suitable term for today.
- **Aspects of lease-holder land management currently controlled by the Commissioner of Crown Lands:** Some Crown ownership requirements for permission for certain activities may overlap with aspects of land management controlled by regional and district councils under the RMA e.g. burning, over-sowing and the use of fertiliser. Although perhaps not a matter of legislative reform, the opportunity exists to align these 'consent' matters and thereby achieve a more seamless and stream-lined process for land owners. This could be achieved through the proposed land management case-load officer clearing house. There is also potential for overlap between the Land Act consents and the Biosecurity Act regarding the planting or over-sowing of plant pest species, or, more challengingly, over-sowing or planting of plant species with strong negative invasive tendencies that are not yet formally covered by the Biosecurity Act, for example some species of Lupins. Close liaison between agencies (including we suggest the Ministry of Primary Industries), will in part help address overlaps.

**Interface between the Land Act and the Crown Pastoral Land Act:** Some interview groups were concerned that consents were being granted by the Commissioner of Crown Lands at the same time as a property was under active consideration for tenure review. This was viewed as having a potential impact on tenure review outcomes while a property is in that process. These implications should be further considered and if deemed to be significant, then changes should be made to the LINZ operating procedures.

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<sup>29</sup> Federated Farmers made an unsuccessful application in 2016 to the MPI Sustainable Farming Fund for funding to support the further development and implementation of this concept.

<sup>30</sup> We note that DOC initiated a project in early in 2017, in partnership with ECan and Beef & Lamb NZ, to pilot a Farm Environment Plan template containing best practice biodiversity elements for application on-farm.

### **Increase the powers and change the composition of the Tenure Review Quality Assurance Board:**

The decisions of the Tenure Review Quality Assurance Board could be enhanced by extending their reach into the monitoring and review of all tenure review stages and processes. This may include:

- **Interagency collaboration:** Considering the degree to which LINZ has worked with other statutory land management agencies in undertaking its tenure review processes.
- **Extended membership:** Extending the membership of this Board to include representation from a non-statutory organisation with ecological and landscape expertise<sup>31</sup> and possibly also the Mackenzie Country Trust.
- **Covenants:** Examining the extent and capacity to make further use of ecological, landscape and access covenants in any tenure review decision, ensuring such covenants are binding over time and recognising the legislated preference for full crown ownership of areas with significant inherent values.
- **Communication:** Ensuring the decisions of the Quality Assurance Board are widely communicated to interested parties
- **Ecological sustainability:** The five agencies apply a definition of ecological sustainability which differs to that desired by some other parties. One way to resolve these differences is to seek the views and recommendations of an expert panel on a modern and practical definition taking full account of climate change, science based developments and ecological adaptation to changes in land stewardship practice.
- **Framework for remaining tenure review properties:** As part of his April 2017 decision on Plan Change 13, Judge Jackson raised the proposition that a moratorium on further tenure review be considered. We believe that current tenure review processes will continue to have value in contributing to the outcomes sought for the Mackenzie Basin. Nevertheless, with a new Government just taking office, we suggest that before completing further reviews, the agencies should form a united view about how these future reviews may contribute to the full suite of objectives of the Mackenzie Vision. Because of this inter-agency deliberation, we can see merit in a framework being prepared and applied to better achieve the sought-after Basin-wide approach on the remaining tenure review properties.
- **Certainty for existing lease-holders:** A related benefits from the Government and the Commissioner of Crown Lands making it clear how they intend to proceed with tenure review in the future, is that all parties – particularly farmers, would have more certainty than they currently have about future intentions.
- **Working with lease-holders to achieve more ecological and landscape protection:** The Commissioner of Crown Lands could enter discussion with existing lease holders about land management options that may help them to build more of a 'stewardship' approach compared to a 'husbandry' approach to land management and thereby contribute more to the Mackenzie Vision. This could include, for example, by consideration of the opportunity for the remission of rentals to achieve ecological services.

**Braided river beds:** LINZ has responsibility for extensive areas of Crown river bed. The ecological and landscape importance of these river beds was noted by many of our interviewees. Our discussions with all land management agencies indicated they were all aware of the importance of these beds and were committing resources accordingly. Management of these riverbeds should be, if not already, integrated into wider Basin ecological and landscape objectives, especially a Mackenzie Dry-land Natural Heritage Area. Again, this is an area where land management formal

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<sup>31</sup> NB DOC is already a Board member.

and informal communication and cooperation involving both crown agencies, ECan and land owners/managers is essential. The Canterbury Braided Rivers Action Group (BRAG) has a range of roles, responsibilities and interests in braided rivers. BRAG should be supported to continue considering the appropriate extent of land use change in braided rivers and agree and implement best practice management in these environments. Working together to develop better practice and consistency across public land management makes a lot of sense.

**The Overseas Investment Office and the Mackenzie Basin:** Our formal terms of reference included the Overseas Investment Office and Act. Overseas investment in land and land purchases are controlled under the Overseas Investment Act and are currently under further review. Consequently, we are hesitant to make recommendations. However, we would note that there are significant outstanding national values in the Basin and societal expectations regarding protection and public access, as well as prior negotiated constraints on land use (such as formal or uncompleted covenants). We assume that these are always factored into decisions made through the OIO, and monitored. We would recommend, however, that any future Crown strategy regarding tenure review in the basin should also be part of any OIO consideration.

## Dry-lands Park

### A revised approach to the Dry-lands Park

Our tentative conclusion is that, because of the mix of Mackenzie Basin ownership and land uses, to find and fund 100,000 hectares of completely contiguous land to form a single traditional-style Dry-lands Park, containing a full range of examples of Mackenzie Basin ecosystem and landscape types, will be challenging.

Nevertheless, the idea of protecting the full range of ecological systems and landscapes of at least 100,000 hectares in the Basin, and enhancing their connectivity, is an essential part of the Mackenzie Agreement. Significant progress towards achieving such protection is an important part of the Agreement continuing to have meaning.

What is needed right now is greater consensus about what the concept of a “park” is in the Mackenzie context. This issue was debated at length, and thought about in detail during the process of creating the Mackenzie Agreement. We get the impression there are still divergent ideas. There would be great value in now seeing if there could be a more common understanding amongst the stakeholders about exactly where this Park should be and what it should look like. Because of this, we offer our views as follows:

- Consider relabeling the Dry-lands “Park” as the ***‘Mackenzie Dry-lands Natural Heritage Area’***<sup>32</sup>.
- Recognise the area as one with distributed ownership, including Crown retention of core areas.
- Recognise the essential ingredients of sufficient size and connectivity to ensure ecological and landscape viability.
- Apply a mixed suite of protection and enhancement tools.
- Apply this concept where land use is compatible with protection and where it includes a range of ecosystem and landscape types, and where there is access and connectivity.
- Establish more clearly where such a Mackenzie Dry-lands Natural Heritage Area would be sought to be established and whether an ‘anchor property’ is vital for its establishment of such a

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<sup>32</sup> We use the word ‘natural heritage’ here with a view to this term being all-encompassing. We were hesitant to add additional words to the Natural Heritage Area title. Our intent in using this title was to capture the Basin’s: size and naturalness; its detailed expression of glacial landscapes and lakes; its special biodiversity; its contribution to hydro-electric generation; its appeal to visitors; its cultural significance and its long and distinctive heritage of pastoralism.

Park or whether the alternative of connected areas of ecological and landscape protection across more than one property is sufficient.

- Recognise extensive pastoralism as a traditional and iconic activity within the Natural Heritage Area.
- Establish partnerships and a forum or forums (which could be part of the Mackenzie Trust) to facilitate and coordinate actions in support of the Natural Heritage Area.
- Ensure management of Crown-owned lands is integrated into the Natural Heritage Area.
- Establish an implementation programme with complementary roles for the Crown and the Trust and all other agencies with statutory land management responsibility.
- Recognise the desire of the New Zealand public and overseas visitors to visit and enjoy the Area.
- Obtain a formal commitment from all five agencies who have commissioned this report to support both the wider stewardship concept for the Basin and the Mackenzie Dry-lands Natural Heritage Area.
- Widen the above commitment to include the Ministry of Primary Industries, tourism agencies and bodies, power generators and lines transmission agencies, and transport agencies.
- Apply a multi-pronged approach towards supporting both overarching and wide stewardship of the special nature of the entire Basin and to protect the range of values envisaged in the Dry-lands Natural Heritage Area.

In our view, the above description retains consistency with the language used in the Mackenzie Agreement Vision. For your convenience, we remind you this was:

1. A land use pattern which includes a mix of irrigated and dry-land agriculture, tourism-related development, and land actively managed for biodiversity and landscape purposes, with integration of these wherever practical.
2. A prosperous and sustainable local community.
3. New Zealand's recognition of the Mackenzie Country as an iconic area, accompanied by an enhanced and tangible sense of shared responsibility for restoring and maintaining its natural assets.

We can see merit in the five agencies, under the leadership of DOC and working with the Mackenzie Country Trust, as the best way to progress the above initiative.

## Joint Management Agreements

The Mackenzie Country Agreement suggests the primary vehicle for achieving a Dry-lands Park would be Joint Management Agreements (JMAs). JMAs are a form of compensation for farmers to forgo development rights. A model JMA document has been prepared but there are no JMAs in place to date.

JMAs in some form or other (for example using the model JMA agreement or as a mechanism for recording rebates on pastoral lease rentals as compensation for providing ecological services), may continue to have value, but we do not think this should occur in isolation from other instruments.

JMA's should be included within the context set by the Canterbury Land and Water Plan Change 5, the Mackenzie District Plan Change 13 and any revised Waitaki District Plan. If applied, they should sit alongside other mechanisms such as:

- The outcomes secured from future tenure reviews.
- Various forms of voluntary covenants such as Protected Private Land Agreements, QE2 and access covenants, and easements.
- Support from various bodies such as QE2 and funds for conservation actions such as fencing or purchasing.
- Any further protection actions introduced because of the application of best management practice and farm environment plans.
- Farm Environment Plans, assuming these instruments are seen to have value beyond the rule-based approach defined for them in ECan's Plan Change 5<sup>33</sup>.

## Mackenzie Country Trust and Agreement

### Support for Vision; opportunities in other areas

As noted earlier in this report, the support from our interviewees for the Vision enunciated in the Mackenzie Country Agreement was almost unanimously strong. We also noted:

- Not everyone backed the current composition and the current direction of the Board of the Mackenzie Country Trust<sup>34</sup>.
- Not everyone backed all elements of the Agreement, particularly the Dry-land Park and JMA concepts as envisaged in that Agreement.
- Not everyone with an interest in the Mackenzie Basin signed the Agreement.
- The funding and legislative mandate initially sought by Trust proponents has not been forthcoming.
- Support for the use of scarce funding to secure JMA, to compensate land owners for not taking up their full land use intensification opportunities, was by no means unanimous.

On a more positive note, the process to create the Mackenzie Agreement and Trust was robust and inclusive. Nobody we talked to wants the Mackenzie Trust to fail. They saw the Trust as being a potential vehicle to sustain and increase 'social capital' and shared ownership of Basin land management and as a mechanism to continue to drive momentum toward achievement of the Vision.

### Possible ingredients for success

We suggest the recipe for the success of the Trust may include the following elements:

- **Support from five statutory agencies:** Seeking an affirmation of the support for the Trust from all the five agencies with statutory land management responsibility in the Mackenzie Basin.
- **More Skills on the Trust:** Help the Trust with its skill base by encouraging them to seek ecological and governance skills whenever existing members move on, or where a specific need is identified.

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<sup>33</sup> We can see considerable value in the Farm Environment Plan tool and urge that the use of this instrument to achieve outcomes beyond water quality be seriously considered.

<sup>34</sup> We note that several changes have been made to the composition of the Board since this project commenced, including the appointment of Mackenzie Basin farmer, Julia McKenzie as Chair.



- **More community involvement:** Securing stronger support and representation from the Basin's community, land owners and lease holders and developing a regular open forum with the Basin's communities.
- **Links with other organisations:** Establishing a stronger relationship between the Trust either formally or informally with the work of the Zone Committee, the Wilding Pines Trust, the Tenure Review Quality Assurance Board <sup>35</sup> and other biosecurity / biodiversity initiatives such as Predator Free Mackenzie and tourism strategies.
- **Funding:** Sustaining and growing the Trust's funding base by active engagement with philanthropic organisations and others with an interest in securing the Mackenzie Country Vision.
- **Implementation plan:** Developing an implementation plan from the base of ideas contained in the Trust's recently released Strategy Framework.
- **Priority setting:** Achieving more clarity about the priority to be placed on the land to be protected.
- **QE2 and Walkways:** Establishing a much stronger alignment with the Walkways Access Commission and the QE2 Trust.
- **Support for Vision:** Seeking reaffirmation of a commitment to the Agreement Vision from all parties including those like LINZ <sup>36</sup> and iwi, especially Rūnunga, who were not actively involved in its development.
- **Complementary roles and accountability:** Securing the Trust's role for refining any on-going shape and relevance of the Vision and the roles of both the Trust and statutory agencies for the implementation of that Vision.
- **Iwi involvement:** Securing strong representation from Rūnunga.
- **Range of tools:** Increasing the range of tools to be applied by the Trust to achieve the Vision, beyond Joint Management Agreements.

## Community leadership

Community leadership and shared ownership is an essential ingredient for generating the social capital needed to create community cohesion and to grow 'common ground' about the steps required to achieve the Vision for the Mackenzie Basin.

In developing and implementing what the Mackenzie community want, more thought needs to be given to achieving the right balance between the role of agencies with statutory land management responsibilities and the role of community-based organisations.

The level of support provided by statutory agencies to make community groups successful is also pertinent. In the Trust's case, there has been limited material support to date other than the seed funding that had been provided by MfE, DOC and a philanthropic organisation. At the same time, we sense the Trust may have preferred to keep central, regional and local government agencies at arm's length.

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<sup>35</sup> We note that the Wilding Pines Trust, the Quality Assurance Board and the Zone Committee all have statutory responsibilities. For this reason, closer but informal relationships may be more appropriate than formalised arrangements.

<sup>36</sup> The previous Commissioner of Crown Lands expressed the view that alignment with the Mackenzie Vision / Agreement was a matter to be decided upon by lease holders rather by the Agency. The current 'Acting' Commissioner of Crown Lands has expressed support for the Vision and has acknowledged the key role leaseholders play in achieving the Vision.

We think this situation needs to be addressed, with the assistance of an agreement about the common goals and objectives held by the Trust and the five agencies and a commitment on all sides to work more closely together.

Trust representatives should be involved in the agency “clearing house” meetings, and the Trust should welcome and involve agency representatives at their meetings.

## Actions for moving forward

Early in this report we described views about what ‘success’ for the future of the Mackenzie Basin might look like. In summary, various parties asserted success would be:

- Application of best public service practice – with an emphasis toward agency alignment and seamless and efficient agency processing of statutory land management responsibilities.
- Improvements to the capacity and capability of agencies.
- Delivery of the Mackenzie Vision as recorded in the Mackenzie Agreement.
- Actions to achieve the protection of ecological / landscape values alongside pastoral stewardship.

Interviewees suggested we search for some early wins and at the same time lay clear paths to enable more complex solutions to unfold. Interviewees also sought clearer accountabilities and deeper relationships between central and local government agencies, alongside a desire to keep the Mackenzie community more strongly at the heart of future decision making. A summary of the actions we have proposed in the previous section of this report deserving of further attention is provided in table four which follows.

Table four: Actions for moving forward

	Action	Description	Leadership
<b>Early wins from agency alignment initiatives</b>			
1	Staff sharing	Expand staff sharing between statutory agencies and possibly also consider staff sharing to support the Mackenzie Trust	All agencies
2	Officer clearing house	Convene monthly ‘call-over’ meetings between lead operatives to review the land management cases and issues	All agencies
3	Joint hearings	Establish joint hearings as the ‘norm’ for consent applications involving regional and district councils	ECan, Mackenzie and Waitaki District Councils
4	Plan guidelines	Publish an easy-to-read guideline about the implications of Plan Changes 5 and 13. Use these guidelines as a base for seeking out aligned decisions	ECan and the Mackenzie and Waitaki District Councils
5	Technical experts for consent processing	Agree to seek out opportunities to share access to the technical experts required to assist with consent processing	All agencies

6	Monitoring	Develop a joint land use change monitoring programme	All agencies
7	CEO forum	Establish a CEO or senior manager Mackenzie Basin meeting on a regular basis	All agencies including other affected agencies from time to time
8	Tenure review practice	Further enhance the Standard Operating Procedures applied to tenure review processes with the following matters for attention: agency alignment; reconsideration of the nature of covenants and other protecting mechanisms, including mandated inclusion of wilding pine eradication as a condition on future tenure review decisions; impacts of granting land use consents on significant inherent values once tenure review has begun; expansion of the membership and terms of reference of the Tenure Review Quality Assurance Board	LINZ and DOC
9	Future framework for tenure review	Clarify what the Crown may seek to achieve with the remaining tenure reviews in the Basin and communicate this to Basin farmers	LINZ and DOC
10	Mackenzie Agreement Vision	Affirm or reaffirm commitment to the Mackenzie Vision	All agencies
11	Land Act and RMA	Explore the efficiency opportunities achievable through the greater alignment of the discretionary consent applications sought under the Land Act and related consent applications for similar activities under the RMA	All agencies
12	Integration of Mackenzie organisations	Explore how to integrate objectives and ways of working between the Mackenzie Trust and the ECan Zone Committee and the Wilding Pine Trust	All affected parties
13	Five agencies and other agencies	Establish mutual commitments for cooperation and communication between the five agencies and the QE2 Trust, Walking Access NZ, and the Ministries for the Environment and Primary Industries – or its successors	All agencies
14	Mackenzie Dry-lands Natural Heritage Area	Test views and define the practical steps to achieve a Mackenzie Basin Dry-lands Natural Heritage Area	DOC leadership with all affected parties
15	Effective RMA Plans	Seek agreement to align RMA Plans and collaborate to assist to expedite the development of the revised Waitaki District Plan	ECan, Mackenzie and Waitaki District Councils
16	Maps and data sets	Complete Mackenzie Basin data sets and prepare a set of publicly available digital maps reflecting Mackenzie Basin's land types, uses, values, and land use rules	All agencies

17	Predator-Free Mackenzie	Apply a concerted effort to secure Predator-Free status for a designated part of the Basin	All agencies and other parties
18	Farmers as partners	Convene a six-monthly workshop between agency and Mackenzie Basin farming leaders	All agencies and other parties
19	Visitor pressures	Expedite work to manage current and expected tourism visitor pressures and development proposals with the aim of creating and supporting a more anticipatory strategic approach	All agencies and other parties
20	Land use intensification	Prepare a report summarising all the elements affecting land use intensification identified for this purpose in the Mackenzie Agreement	ECan
21	Farm environment plans	Consider the merit of expanding the role played by farm environment plans beyond nutrient loss management to also include matters related to pastoral stewardship and ecological and landscape protection	ECan farmers and other agencies
<b>Longer-term wins from agency alignment initiatives</b>			
22	Spatial Plan	Further exploring the benefits of either a 'statutory' or a 'guidance' spatial plan for the Mackenzie Basin <sup>37</sup> .	All agencies
23	Use of surface of Lake	Develop comprehensive policy to manage commercial activities involving the use of the surface of the Mackenzie Basin lakes	ECan, Mackenzie and Waitaki District Councils and LINZ
24	Joint Management Agreements	Encourage the Mackenzie Country Trust to further consider the comparative merit of JMAs alongside all the other tools and instruments it may use for achieving ecological and landscape protection	Mackenzie Country Trust and other agencies
25	Mackenzie Country Trust	Engage with Trustees and those who set up the Trust, preferably with Ministerial endorsement and a clear communication strategy, to refresh and more strongly support the Mackenzie Country Trust	All agencies and all affected parties

The 25 actions recommended above fall into three categories: those that deal with how the five agencies can work together either collectively or in groups; those that deal with how the agencies work with others; and those that present larger policy and/or process challenges. We suggest that the first two categories can be addressed by the agencies themselves either collectively or individually. The third category comprises four important actions we have recommended with direct interface with

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<sup>37</sup> If agreement was reached about the merit of a non-statutory spatial plan, such an instrument could be viewed as an 'early win' rather than a 'long-term' wins.

the Mackenzie community and other interested parties. They are:

- Working closely with the Mackenzie Trust to help it be a successful community initiative
- Progressing a Mackenzie Dry-lands Natural Heritage Area, with an important pre-condition of completing and implementing a Crown Strategy for the future of tenure review and lease-holder discretionary consents to be applied in the Basin
- Deciding about the desired form and extent of spatial planning for the Basin
- Supporting the Waitaki District Plan review with the objective of aligning it with the Regional Land and Water Plan and the Mackenzie District Plan.

## Conclusions

At the start of this report we summarised the terms of reference into seven main points. We now return to that summary and draw your attention to how each of them has been addressed in the report.

1. **Develop a clear statement about the on-going relevance of the Vision for land use in the Basin as articulated within the Mackenzie Agreement:** We found that with very few exceptions, all parties we talked to provided support the Mackenzie Vision and saw it as having on-going relevance. This is because it recognises all the values expressed in the Basin, including the desire to support a prosperous and sustainable local community and the responsibility shared by all parties with an interest in the Basin for restoring and maintaining its natural assets. A preferred future for the Mackenzie Basin will only be achieved if it is backed by strong 'social capital' i.e. the community support capable of being led by the Mackenzie Country Trust, alongside the commitment of statutory land management agencies.
2. **Undertake a stocktake of all the various legislative and regulatory functions (with associated policies) held by LINZ, DOC ECan, and Mackenzie District and Waitaki District Councils, and how these could contribute to the Mackenzie Agreement's Vision:** Early in the report we provided information about the legislative and regulatory functions of the five agencies with statutory responsibility for land and water management in the Mackenzie Basin. If the actions recommended in table three are adopted, we see the legislation and regulations playing a key role in achieving the Mackenzie Vision.
3. **Express the opportunity that exists to align these legislative functions, and how such an alignment might be achieved within existing statutory constraints:** Table three lists the actions that could be taken to align legislative functions. Critical amongst these suggested actions for alignment are such things as: staff sharing; convening an officer clearing house; sharing technical experts; developing a joint monitoring programme, and; developing a common data set and related maps. In addition, we recommend ways that the Land Act, the CPLA and the RMA can be used within existing rules (some of which under the RMA are new) to improve outcomes for land management by providing clarity and certainty for land owners/managers and at the same time achieve the objectives of the Mackenzie Vision.
4. **Identify appropriate areas with intensification potential:** The report stops short of expressly identifying areas with intensification potential however it clearly notes that with the publication of the Mackenzie District Plan and ECan's Plan Change Five, plus the on-going progress with tenure review, two actions may now be undertaken. The first is the Crown clarifying what it may seek to achieve with the remaining tenure reviews. The second is to suggest a report be prepared summarising all elements with effect on land use intensification opportunities and

constraints drawing on research currently being undertaken by Our Land and Water Science Challenge on land use suitability.

5. **Develop a shared understanding of what a “Dry-lands park” could be, and how each agency’s functions could contribute to its development:** The report notes the lack of progress in creating a Dry-lands Park and the reasons for this. Nevertheless, the report concludes the idea of protecting the full range of ecological systems and landscapes is an essential part of the Mackenzie Agreement. A core finding relates to the creation of a Mackenzie Dry-lands Natural Heritage Area. We think this idea has considerable merit. It is achievable, but it will require a clear action plan and discussion with affected parties before it can be put into place.
6. **Suggest a more effective interface between the Crown Pastoral Land Act 1998 and the Resource Management Act 1991, noting that solutions could exist in policy and operational contexts as well as through the alignment of current work programmes.** We noted recent good progress on information sharing between the five agencies. We recommend fine tuning of operational procedures to achieve greater alignment between the discretionary consent applications sought under the Land Act and related consent applications for similar activities under the RMA.
7. **Describe a “better public services” approach to working in situations with jurisdictional overlap:** The report concludes the benefits arising from achieving ‘greater alignment’ between the agencies with statutory responsibility for land use management are clear. Many actions are summarised in table three through which these benefits may be achieved. We would encourage agencies to commit to making decisions within the first half of 2018.

## Final word

This report is not intended to be an end statement about how the ‘preferred future’ for the Mackenzie Basin may be achieved, although it does contain practical recommendations about the actions to be taken to achieve it. To gain support for these recommended actions and to put them into effect, further discussions will be required with and between all affected parties. We recommend a facilitated set of Mackenzie Basin-based workshops be convened, and one-on-one meetings be organised, as a first step toward achieving this.



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