

# **Crown Pastoral Land Tenure Review**

**Lease name: KYEBURN**

**Lease number: PO 197**

## **Final Report on Public Submissions part 2**

This document builds on the Preliminary Report on public submissions. The analysis determines if an issue that was allowed, and further consulted on, is accepted or not accepted for inclusion in the Substantive Proposal and to what extent. The report complies with the requirements of Section 45 Crown Pastoral Land Act 1998.

The report attached is released under the Official Information Act 1982.

**October**

**08**

*Rationale*

The submitters comment on the willingness of the holders to share the property with others and that this is already happening at no cost to the Crown.

Submitter 9 also comments on the importance of the holders "gate keeper" role in terms of 4WD and motorbike access which they point out is proving detrimental to the overall goal of protecting ecological values in newly acquired crown lands and conservation areas.

The holders have also minimised fire risk by limiting access when appropriate.

**Allow/Disallow**

While no particular outcome is requested in relation to this point, the consideration of public access is a matter in terms of Section 24 (c)(i) of the Crown Pastoral Land Act and is therefore allowed for further consideration.

**Accept or Not Accept**

The holders' good record of allowing public access onto the property and the important role they have historically performed in controlling in particular inappropriate vehicle use likely to result in detrimental effects to conservation values was acknowledged in consultation with DoC and the holders. ✓

It is however accepted that post tenure review this important management function will fall to both Central Otago District Council, on the basis that the access is a legal road and to DoC once the public enter the conservation area. ✓

The point is accepted but no amendment is considered to be required and the preliminary proposal designations are retained for a draft substantive proposal. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	The Kyeburn tenure review was advertised in a misleading way.	5	Allow ✓	Not Accept ✓

*Rationale*

The submitter suggests the advertisement was misleading. In particular they suggest the impression was created of a continued grazing concession, when in fact it is a phase out concession.

**Allow/Disallow**

The advertisement of a Preliminary Proposal for tenure review is a process covered by the Crown Pastoral Land Act and the point is therefore considered to be allowed for further consideration. ✓

**Accept or Not Accept**

The content of the public notice advertising the proposal has been reviewed ✓ and the point is not considered to be valid. That determination is based on the understanding the purpose of the advertisement is to merely outline the main aspects of the proposal with the detail, including a full copy of the grazing concession, contained within the information pack that is made available on request to any party.

In consultation the holder also acknowledged that the format and content of the public notice published for the preliminary proposal for Kyeburn is ✓ consistent with other notices that have been published for other reviews.

The point is therefore not accepted and no change in either the public advertising process or the preliminary proposal designations are proposed in regard to this issue. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
17	The reason why areas of significant value are still there is because of the excellent management of the land by the holders who have always shown a willingness to protect and safeguard ecological and cultural/historic values. Also question DoCs ability to effectively manage the area.	5,9,11 &17	Allow ✓	Accept in part ✓

*Rationale*

Submitter 5 believes that there are many areas in the Otematata Catchment that are of significant value and the reason they are still there reflects well on the excellent management of property by the Mackenzie family which, the submitter believes, should carry on in future generations. They point out, for example, that the property has not been burnt for over 50 years. ✓

Submitter 9 also points out efforts undertaken by the Mackenzies to rehabilitate degraded grassland, protect the historic Buster gold workings and that they pre emptied the retirement of approx 5030 hectares of the pastoral lease in 1979 for the purposes of soil and water conservation. ✓

Related to this, submitters 9 & 17 point out that the retired area managed by DoC has continued to be grazed by neighbouring stock, effectively defeating the purpose of retiring it from the pastoral lease. Submitter 17 states that grazing pressures have increased to a level that has resulted in tussock mortality. They question the ability of DoC to effectively manage further land acquired by this tenure review. ✓

Submitter 11 also makes the point that it is disappointing this land will be lost to productive use, both for the farming community and nationally. ✓

**Allow/Disallow**

The point is interpreted as relating to enabling protection of significant inherent values and as such it is considered to be a relevant matter in terms of Section 24 (b) of the Crown Pastoral Land Act. It is therefore allowed for further consideration. ✓

**Accept or Not Accept**

In consultation with the DGC's delegate and the holders it was accepted that the presence of significant inherent values is directly related to the previous and current management of the property. ✓

It was however also recognised that DoC technical advice identified that protection of significant inherent values occurring over much of the area proposed to be returned to Crown control is at risk from continued grazing. ✓

There was considerable consultation and in depth investigation into the scientific basis for that advice prior to the preliminary proposal being finalised and the level of the protection proposed within the preliminary proposal is considered to be appropriate. ✓

Consultation with the DGC's delegate also highlighted the historic problem with stock trespass on adjoining conservation land. While not directly a tenure review issue for Kyeburn the DGC's delegate confirmed that considerable new boundary fencing is to be undertaken by DoC to address this issue. ✓

The point is accepted in part but no amendment is considered to be required and the preliminary proposal designations are therefore retained for a draft substantive proposal. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
18	There should be an express provision in the licence for grazing on CA1 that there is no right of occupation.	6	Allow ✓	Not accept ✓

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*Rationale*

The submitter supports the proposed grazing concession provided that the public are free to recreate over the entire area at all times.

**Allow/Disallow**

The point relates to public access to and enjoyment of the reviewable land. It is therefore considered to be a relevant matter in terms of Section 24 (c)(i) of the Crown Pastoral Land Act and is allowed. ✓

**Accept or Not Accept**

Consultation with The DGC's delegate confirmed that the proposed grazing concession does not confer any right of exclusive occupation of the land or derogates the rights of the public to have access across the land (as stated within clause 20.1 of the concession document). ✓

It is considered that these provisions adequately safeguard rights of public access and recreational use of the land and there is no need for further or additional express provision relating to the concessionaire's occupation rights. ✓

The point is therefore not accepted and no change in the grazing concession is proposed in regard to this issue. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	Concern regarding public access to CA1 on the Kyeburn Plateau.	8	Allow	Not accept ✓

*Rationale*

The submitter is concerned that there may be no provision for public access to this area within the proposal. ✓

**Allow/Disallow**

The point relates to public access to the reviewable land. It is therefore considered to be a relevant matter in terms of Section 24 (c)(i) of the Crown Pastoral Land Act and is allowed. ✓

**Accept or Not Accept**

The Mt Buster Road provides public access to the boundary of CA1.

In consultation with the DGC's delegate it was established that Central Otago District Council's Roding Manager recently confirmed that the Mt Buster Road is to be part of Council's roading network. Therefore the public road will continue to provide for public access. The DGC's delegate also confirmed that the public will have access within the proposed public conservation land and hence there is no issue over continuity of public access to CA1 on the Kyeburn Plateau.

The point is therefore not accepted and no change in the public access provisions is proposed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	Removal of grazing from CA2 will result in grasses and taller shrub species overgrowing prostrate plants in the area.	9	Allow	Accept in part

*Rationale*

The submitter advises that prostrate plant species depend upon disturbance such as grazing, preventing taller vegetation from overshadowing them. They contend that succession of taller shrub species will likely result in the demise of the prostrate broom species, the overall modification of this shrubland and the ingress of woody weed species. Also, aside from protection of dwarf broom species, the overall modification of this shrubland and ingress of woody weed species leads the submitter to question the significance of this area to conservation. The cost of rehabilitation and ongoing management is also suggested as being excessive

**Allow/Disallow**

The point is interpreted as relating to enabling protection of significant inherent values and as such it is considered to be a relevant matter in terms of Section 24 (b) of the Crown Pastoral Land Act. It is therefore allowed for further consideration.

**Accept or Not Accept**

This point relates to DoCs proposed management of the area and is therefore arguably not a matter that can be dealt with under the Crown Pastoral Land Act.

However, following consultation with the DGC's delegate it was accepted that the submitter raises critical questions over future conservation management to achieve protection of specific significant inherent values.

The DGC's delegate confirmed there are plans to immediately address the considerable weed problems and in terms of the broader perspective, the management of dryland shrublands is a matter under study.

It was also confirmed that while DoC have ideas about the most suitable future conservation management this will be determined to a large degree by outcomes from monitoring of the area.

The change from conservation area to conservation covenant as the proposed protection mechanism for this area (as outlined under Point 2 above) has resulted in the inclusion of formal provision for sheep grazing at a stocking level that does not compromise the indigenous vegetation structure and composition. To that extent the point is accepted in part. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	An understanding of ecosystem dynamics is vital for understanding likely consequences of any future management and a leaving it to nature approach may be wishful.	9	Allow ✓	Accept in part ✓

*Rationale*

The submitter advises that grassland outside of two communities (*Chionochloa macra* and *Oreobolus pectinatus*) within CA1 could sustain conservative pastoral use and that natural barriers to stock access ensure protection of the shrubland including totara in a gorge area of the Little Kyeburn block. He states that conservative grazing management of this grassland should be considered beneficial for rejuvenation of tall tussockland.

He also states that the depleted grassland with *Hieracium pilosella* on the north plateau require active management to prevent soil loss and to rejuvenate moribund tussock by nutrient addition, sowing legumes and preventing grazing.

He considers that only ecosystem information including the understanding of community dynamics makes it possible to identify criteria and requirements for sustainable management. He states that assessments provided in DoC resources report are based purely on botanical data. ✓

**Allow/Disallow**

The point is interpreted as relating to promoting the management of the reviewable land in a way that is ecologically sustainable and also enabling protection of significant inherent values and as such it is considered to be a relevant matter in terms of Sections 24 (a) (i) & 24 (b) of the Crown Pastoral Land Act. It is therefore allowed for further consideration ✓

**Accept or Not Accept**

This point relates to DoCs future management of the area and is therefore arguably not a matter that can be dealt with under the Crown Pastoral Land Act. ✓

However, in consultation with the DGC's delegate it was accepted that an understanding of ecosystem dynamics is important in respect to understanding likely consequences of future management actions in terms of ecological sustainability and protection of significant inherent values. ✓

The DGC's delegate advised management of degraded land is a matter under study and therefore the rehabilitation of CA1 is unclear but removal of what DoC consider to be the main causal agent (pastoral farming) is seen as a logical first step. ✓

The DGC's delegate also confirmed that it is DoC's intention to actively manage these areas and that this will likely include further research and experimentation which may include grazing and topdressing to encourage recruitment of tall tussock grassland. To that extent the point is accepted in part but with no change in the preliminary proposal designations in regard to this issue in the draft substantive proposal. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
22	Kyeburn Station should be recognised as being prospective for metals, with provision made to allow for mineral prospecting activities to be undertaken	12	Disallow	N/A

*Rationale*

The submitter states that current and proposed prospecting activity testifies to the economic mineral potential of the reviewable land and surrounding area. According to the submitter to further assess the mineral potential of the area it is critical that exploration and mining companies get ongoing access to the land. Whatever the outcome of the Tenure Review, Crown Minerals would want to see provision made to allow for mineral prospecting activities to be undertaken. ✓



**Allow/Disallow**

The extension of access rights over and above what is provided in the Crown Minerals Act is not material to meeting the objects of the Crown Pastoral Land Act. Section 54 of the Crown Minerals Act sets out the requirements for negotiating access for mineral extraction. The outcome of the Tenure Review does not have an impact on the requirements or rights under the Crown Minerals Act.

The point is therefore disallowed. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
23	Consideration be given to allow access to adjoining properties that link through particularly to the northern end of CA1.	13	Disallow	N/A

*Rationale*

The submitter identifies that potentially good 4WD trails on neighbouring properties link with the reviewable land and that access to these would greatly enhance the recreational values of this and neighbouring properties.

**Allow/Disallow**

This point is interpreted as involving provision of public access to land outside of the reviewable land. As such it is not a matter that is able to be dealt with by the Crown Pastoral Land Act and it is disallowed. The comments of the submitters will however be referred to DoC for them to consider addressing outside of the tenure review process or in respect to possible tenure review outcomes for adjoining properties. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24	Some restriction on 4WD access should be placed upon general public entry, particularly in winter, when the area may be unsafe	13, & 23	Disallow	N/A

*Rationale*

This point is related to point 9.

Submitter 13 considers the area to be a harsh environment which can be dangerous for those who are unprepared, and believes that there should be restrictions on general public 4WD access. Controlled access will also allow for better conservation of the area by insisting that all users stick to the existing tracks.

This submitter recommends fewer restrictions for organised groups and recreational 4WD clubs as they are better equipped to handle the environment.

**Allow/Disallow**

The point relates to recreational access within CA1 which is a post tenure review matter for DoC to consider and not the Commissioner of Crown Lands. It is therefore not a matter able to be dealt with by the Crown Pastoral Land Act and the point is therefore not allowed. The comments of the submitters will however be referred to DoC for consideration in terms of the Departments management of the Conservation Area.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
25	There should be no continued grazing on CA1	14	Allow ✓	Not accept ✓

*Rationale*

There is no supporting rationale provided for this point

**Allow/Disallow**

The point is interpreted as relating to enabling protection of significant inherent values and as such it is considered to be a relevant matter in terms of Section 24 (b) of the Crown Pastoral Land Act. It is therefore allowed for further consideration.

**Accept or Not Accept**

The preliminary proposal provides for a three year phase out grazing concession. Following consultation with the holder and DGC's representative it has been confirmed that this is considered to be appropriate to enable the holders adequate time to adjust their farming operation to accommodate the loss of the entire Run Block.

There is considered to be little long term risk to the protection of significant inherent values associated with this relatively short term concession.

It is also noted that the concession is finite with no right of renewal. To ensure there is no ambiguity in regard to this, clause 4 (b) of Schedule 1 within the concession document explicitly states that on expiry no renewal will be considered. ✓

While it appears unlikely to occur unless there is a definite conservation benefit, any consideration of continued grazing beyond the expiry of the proposed three year grazing concession is a matter that relates to DoC's future management of the area and is therefore not a matter that can be dealt with under the Crown Pastoral Land Act. ✓

The point is therefore not accepted. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
26	Disappointment that no wetlands were identified	14	Allow	Not accept

*Rationale*

The submitter supports the marginal strip, but expected wetlands to be identified, and in particular the small stream and the gully in the north west of the property along Ridge road.

**Allow/Disallow**

The point is interpreted as relating to enabling protection of significant inherent values and as such it is considered to be a relevant matter in terms of Section 24 (b) of the Crown Pastoral Land Act. It is therefore allowed for further consideration. ✓

**Accept or Not Accept**

In consultation the DGC's delegate advised that the area adjacent to Ridge Road was inspected as part of Conservation Resources Survey and no wetland areas containing significant inherent values were identified there or elsewhere on the home block. The holder also advised that the area mentioned by the submitter is dry for much of the year. ✓

As no wetland areas containing significant inherent values have been identified within the area proposed to be freeholded the point is not accepted. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
27	The Mt Buster Diggings should be protected, fenced with a stile for foot	15,21,23&24	Disallow	N/A

	access only, with the present road rebuilt around the perimeter.			
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*Rationale*

Submitter 15 feels that, as an historical area of high significance and high vulnerability, this site should be made a protected area. They add that the nature of the ground in the area has the potential to be damaged by wheeled vehicles, motorised or non-motorised. ✓

Submitter 21 also supports protection of the gold diggings sites and in addition comment that the track running through the gold diggings area be realigned to allow this important track to remain for access to the neighbouring conservation land. ✓

Submitters 23 & 24 support fencing the gold digging remains at Mt Buster to prevent damage from 4WD vehicles and submitter 24 suggests a bypass for vehicles. ✓

**Allow/Disallow**

The point relates to management of public access within CA1 which is a post tenure review matter for DoC to consider and not the Commissioner of Crown Lands. It is therefore not a matter able to be dealt with by the Crown Pastoral Land Act and the point is therefore not allowed. The comments of the submitters will however be referred to DoC for consideration in terms of the Department's management of the Conservation Area. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
28	The Peart Hut should be maintained by the Department of Conservation, but not used as a hut.	15	Disallow ✓	N/A ✓

*Rationale*

Because of the hut's historic value and vulnerability (it was built with manuka sticks and flattened kerosene cans), the submitter feels that it should be maintained in a stable condition, but not used as a public hut.

**Allow/Disallow**

The point relates to management of huts within CA1 which is a post tenure review matter for DoC to consider and not the Commissioner of Crown Lands. It is therefore not a matter able to be dealt with by the Crown Pastoral Land ✓

Act and the point is therefore not allowed. The submitter's comments will however be referred to DoC for consideration in terms of the Department's management of the Conservation Area. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
29	All other huts on the property should be maintained for general use.	15, 21, 22 & 24	Disallow ✓	N/A ✓

*Rationale*

Submitter 15 recommends that all other huts on the property should be maintained for recreation, as weather shelters and the safety of users of the property.

They further recommend the formation of a "Hut Trust" made up of regular hut users, to voluntarily maintain the huts on the property and that no huts or shelters be closed or moved without first consulting the groups regularly using them.

**Allow/Disallow**

Usage and maintenance of huts is considered to be a post Tenure Review land management issue for DoC and not a relevant matter able to be dealt with by the Crown Pastoral Land Act. The point should therefore be disallowed. The comments of the submitter will however be referred to DoC to assist in their consideration of management requirements at the appropriate time. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
30	The submitter suggests that the tenure review has proceeded with undue haste.	16	Allow ✓	Not accept ✓

*Rationale*

The submitter contends that the tenure review was still under discussion, and that some of aspects of the proposal, particularly with respect to the grazing concession and land to be retained by the Crown, are incorrect or were never discussed with the holder.

**Allow/Disallow**

The correct following of process and appropriate designations and terms are relevant matters in terms of the Crown Pastoral Land Act, so the point is therefore allowed for further consideration. ✓

**Accept or Not Accept**

It is accepted that some aspects of the preliminary proposal were finalised relatively quickly in the latter stages of the consultation process. ✓

It is also accepted that this resulted in some aspects of the detail relating to the proposed grazing and horse trekking concessions not being consulted on directly with the holders. Ideally all details of the proposed concessions should have been collated and documented via the holder completing the formal DoC template concession application form. This unfortunately did not happen in this instance due to a number of factors. ✓

The main aspects of the proposal are however accepted as being derived by following the appropriate process requirements. In that respect amendments required to the proposed concessions are considered to be relatively minor matters that are able to be addressed at the current stage of the tenure review process without difficulty. ✓

From the holders comments in subsequent consultation it also appears there was some confusion on their part in relation to the expected effect of the transfer of ownership of the property to Kyeburn Pastoral Co Limited on the timeframe for progression of the tenure review process. ✓

No evidence has been identified that supports the submitter's suggestion that the tenure review process has proceeded with undue haste. ✓

The point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
31	Nearly all of the Run Block is capable of sustaining present levels of grazing, and should therefore be freeholded.	17	Allow ✓	Not Accept ✓

*Rationale*

The submitter questions why the area of the Run Block capable of sustaining grazing is not being freeholded and suggests that the Crown is using other measures, outside of the Crown Pastoral Land Act to acquire land.

**Allow/Disallow**

The point is interpreted as relating to whether part of the reviewable land is capable of economic use and whether that use is ecologically sustainable or represents a threat to enabling the protection of significant inherent values. These are relevant matters in terms of the Crown Pastoral Land Act and therefore the point is allowed for further consideration. ✓

**Accept or Not Accept**

Based on technical advice from DoC and also having regard to the conclusions DoC has made as a result of reviewing the initial Ecological Report that the holders commissioned, we support the view that continued grazing at current levels does represent a threat to ecological sustainability in terms of species composition of indigenous vegetation and protection of significant inherent values over all but a relatively small area of the Run Block. ✓

Also, in terms of the objects of part 2 of the Crown Pastoral Land Act it is understood that enabling reviewable land capable of economic use to be freed from the management constraints resulting from its tenure is subject to the primary objectives of promoting ecologically sustainable management and protection of significant inherent values. ✓

The point is therefore not accepted. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
32	Attention will need to be paid to the existing boundary fences around CA1, to prevent straying stock and straggle musters will be a management requirement.	18 & 19	Allow in part ✓	Not Accept

*Rationale*

Submitter 18 notes that the boundary fences are reasonably old, and believes that it is important for CA1 to be protected from grazing once the grazing concession expires.

Submitter 19 further notes that the Mt Kyeburn Conservation Area has been continually subjected to illegal grazing from a neighbour, presumably because of poor fencing, and consequently the land has not been able to recover. The comment is also made that DoC have been unable to stop the grazing intrusion on the adjoining Kyeburn Conservation area and secure fencing on ✓

the eastern and western boundaries must be provided for to ensure the ecological integrity of CA1.

**Allow/Disallow**

The sub point relating to the need to undertake straggle musters is regarded as a post tenure review land management issue and therefore not a matter for consideration under the Crown Pastoral Land Act.

The sub point concerning boundary fencing is however interpreted as relating to enabling protection of significant inherent values and as such it is considered to be a relevant matter in terms of Section 24 (b) of the Crown Pastoral Land Act. It is therefore allowed for further consideration.

**Accept or Not Accept**

It is accepted that all boundary fences with adjoining stocked properties should desirably to be stock proof where stock trespass represents a risk to the protection of significant inherent values.

Consultation with the holders also highlighted the risk to protection of significant inherent values associated with stock trespass that is currently occurring from adjoining conservation land and also adjoining land held under a Crown grazing licence.

The DGC's delegate advised that considerable new fencing is being undertaken by DoC on the existing conservation area boundary with adjoining freehold land. While outside of the reviewable land the DGCs delegate advised this is expected to largely resolve the current stock trespass problem on the existing conservation land which adjoins CA1. It is accepted that this will therefore also assist in reducing the risk of stock trespass onto CA1.

It is also noted the adjoining land held under a Crown grazing licence is currently being reviewed under Part 3 of the Crown Pastoral Land Act. We believe the risks and requirements for managing the effects of stock grazing within that area, including possible stock trespass onto CA1, is most appropriately addressed by DoC or LINZ at the time any grazing right or concession is being considered. It is expected that would include consideration of any fencing required to manage the effects of stock trespass on the adjoining conservation land CA1.

The point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
33	A landscape covenant should be put in place over the face terrace/riser from CA2 down to the homestead to protect the	18&23	Allow /	Not Accept



	face from exotic plantings as well as undue earthworks and structures.			
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*Rationale*

Submitter 18 states that even though greatly modified for pastoral purposes this area is very important from a landscape point of view. They state that it is very visible from the Naseby, Kyeburn Diggings to Danseys Pass road. ✓

Submitter 23 also includes the adjacent flats in the area they consider to have significant landscape values and they suggest the creation of a covenant to protect the open space values of Spec Gully and the Terrace Riser. ✓

**Allow/Disallow**

The point is interpreted as relating to enabling protection of significant inherent values and as such it is considered to be a relevant matter in terms of Section 24 (b) of the Crown Pastoral Land Act. It is therefore allowed for further consideration. ✓

**Accept or Not Accept**

In response to a request for further advice concerning the inherent landscape values associated with the area identified by the submitters, the DGC's delegate advised that although he could see the merit in the submitters view, DoC have judged the area not to have landscape significant inherent values. ✓

That technical advice is accepted and the point is therefore not accepted. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
34	A management plan should be constructed to protect and enhance the values in CA2.	18	Disallow	N/A

*Rationale*

The submitter believes that any management plan will require considerable thought to ensure the values in the area are truly protected. They believe the area will have to be cleared of scotch broom and gorse and briar. ✓

**Allow/Disallow**

Production of a management plan is considered to be a post Tenure Review land management issue for DoC and not a matter able to be dealt with by the Crown Pastoral Land Act. The point should therefore be disallowed. The ✓

comments of the submitter will however be referred to DoC to assist in the Department's consideration of management requirements at the appropriate time.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
35	The addition of the terrace to CA2 would preserve the last remaining narrow leaved snow tussock in the ecological district, and increase the size of CA2 to 212ha.	18, 19, 22, 23 & 24	Allow  ✓	Not Accept  ✓

*Rationale*

The submitters would like this part of the terrace added to CA2.

Submitter 18 points out that this area contains short tussock and somewhat overgrazed narrow leaved snow tussock, which have been described as remarkable in this ecological district, and therefore the terrace has very high conservation values. ✓

Submitters 22 & 24 states that they do not believe that a large part of the SIVs on the Home Block should be sacrificed possibly because of the "cost" of surrendering CA1. ✓

Submitter 23 states that ongoing cattle grazing on the terrace area is not ecologically sustainable as the SIVs will be further degraded and eventually destroyed. ✓

**Allow/Disallow**

The point is interpreted as relating to enabling protection of significant inherent values and ecological sustainability. As such it is considered to be a relevant matter in terms of Section 24 (a) & (b) of the Crown Pastoral Land Act. It is therefore allowed for further consideration. ✓

**Accept or Not Accept**

Further investigation was undertaken to assist reassess the possibility and justification for extending the area of protection on the terrace. ✓

The investigation included obtaining additional technical advice from the DGCs delegate plus DoCs Otago Regional Conservator and also further consultation with the holders. ✓

Additional advice provided by the DGCs delegate followed a detailed reinspection of the terrace which identified the distribution and condition of the snow tussock occurring in that area. From the advice received it is noted:

- The total area of the terrace area is approximately 106 hectares. This compares to an assessed area (of the terrace) in excess of 160 hectares proposed for protection in the draft of the Preliminary Proposal. ✓
- Of the 106 hectare terrace area snow tussock is present in moderate density over only approximately 12 hectares and is scattered over approximately 62 hectares and is absent entirely from the balance area of approximately 32 hectares. The total area in which snow tussock is present is therefore approximately 74 hectares. With the scattered nature of the distribution and the area of moderate tussock density occurring near the middle of a larger fenced paddock it is perceived there would be practical difficulties in attempting to protect even what could be considered to be a viable small core area. ✓
- The main threats to the snow tussock were confirmed as being burning, cultivation and the incremental effects of OSTD and grazing. While the holders indicated they do not intend to cultivate the terrace area and they also minimise cattle grazing the snow tussock appears to be eaten down most years so what is there now is mainly annual growth. ✓
- It is expected the snow tussock will continue declining in the future under pastoral management similar to that which is currently occurring.
- there are doubts expressed by DoC concerning whether protection of the tussock is achievable in the long term. The advice states it is *"unclear as to whether snow tussocks could easily revegetate this site given the dense grass sward whether it is grazed or ungrazed"*. There is also further doubt as to sustainability of the tussock in the long term due to the succession effect with woody shrubland species (matagouri and native broom) noted as invading into parts of the block. ✓
- the Otago Conservator has advised that taken alone in most cases protection of even depleted lowland indigenous vegetation would be given considerable weight but in this case he is satisfied the significance of the home block tussock grasslands is clearly outweighed by the other public interest gains (able to be achieved) from the tenure review.

In consultation the holders reiterated that the terrace is an extremely important component of their farming operation, particularly in drought years, and that it will be even more so post tenure review following loss of the run block. ✓

They stated very clearly that the review will not proceed unless the terrace area is designated as unencumbered freehold. On that basis even covenanting was excluded as an acceptable protection option by the holders. ✓

Protective provisions available under the CODC District Plan were also considered and it appears the vegetation clearance provisions of the District Plan will not afford protection to the remnant narrow leaved snow tussock.

It is concluded that providing protection for a larger area of the terrace containing remnant snow tussock is not able to be achieved under the current tenure review proposals. This outcome reflects the holders position and is supported by aspects of further technical advice received from DoC which raises doubt as to whether protection of the remnant snow tussock is achievable in the long term. Importantly, it is also supported by the Otago Regional Conservator's advice and assessment that the significance of the tussock grasslands (occurring on the terrace) is clearly outweighed by the other public interest gains able to be achieved from this tenure review.

Inability to achieve protection of a larger area of the terrace is also considered to be an acceptable outcome given it is acknowledged the tenure review process will not necessarily result in all areas capable of economic use being freeholded and not all areas containing significant inherent values being protected.

The point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
36	Support creation of marginal strip on Spec Creek.	19	Disallow	N/A

*Rationale*

The submitter supports this marginal strip as protection for the galaxids in the stream.

**Allow/Disallow**

While it is expected Spec Creek will qualify for the creation of a marginal strip on freeholding or earlier disposition this is a Conservation Act consideration and not a matter able to be considered under the Crown Pastoral Land Act. Therefore this point is disallowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
37	Deerstakers groups would like to hunt deer and pigs in CA1, providing DoC with a good game management tool.	20,21,22 & 24	Disallow	N/A

*Rationale*

Submitter 20 states public access to the new conservation areas should be in the form of easements in favour of all New Zealanders. They and submitter 21 also state that without public access placing recreational hunters within harvestable distances to the wild animals in CA1 the number of wild animals are expected to increase and subsequently require large expenditure from DoC to control the problem.

Submitters 22 & 24 strongly support the change to public conservation land as the recreational hunting resources are publicly owned.

Submitter 24 states that Red deer, pigs, quail and chukka provide significant recreational hunting opportunities on CA1. They propose allowing responsible 4WD access on well formed tracks, within CA1 especially for recreational hunting.

**Allow/Disallow**

Management of wild animals and maintenance of vehicle access within CA1 is considered to be a post Tenure Review land management issue for DoC and not a matter able to be dealt with by the Crown Pastoral Land Act. The point should therefore be disallowed. The comments of the submitters will however be referred to DoC to assist in the Department's consideration of management requirements at the appropriate time.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
38	Concerned Class IV land considered for inclusion in the DoC estate	16	Allow	Not Accept

*Rationale*

The submitter expresses concern that the Crown should have considered any Class IV land for inclusion within the DoC estate as it may be seen to set a precedent and create a new level of public expectation for future Tenure Review outcomes.

**Allow/Disallow**

The submitter's point is interpreted as relating to the effect of tenure review proposals on economic use and ecological sustainability of continued pastoral use of part of the reviewable land and as such it is considered to be a relevant matter in terms of Sections 24 (a)(i) & (ii) of the Crown Pastoral Land Act. It is therefore allowed for further consideration.

### Accept or Not Accept

It is accepted that land classified as Class IV may well indicate that the land in question is capable of economic use. However, land use capability information does not provide the basis for determining the requirement for protection of significant inherent values nor the ecological sustainability of those values. The critical factors for that determination is firstly the presence of significant inherent values and secondly consideration of the risks to protection of those values. ✓

Also, in terms of the objects of part 2 of the Crown Pastoral Land Act it is understood that enabling reviewable land capable of economic use to be freed from the management constraints resulting from its tenure is subject to the primary objectives of promoting ecologically sustainable management and protection of significant inherent values. ✓

The point is therefore not accepted.

### Summary and Conclusion

Submissions were received from a wide range of interested individuals, non government environmental, and recreation groups and a Local Authority. ✓

There was considerable support for the proposed retention of the Run Block (CA1) in Crown ownership. ✓

Many submitters were also particularly interested in public access provisions with CA1. ✓

A number of submitters also suggested minor amendments to the terms of the proposed grazing and horse trekking concessions over CA1. ✓

There was also support for CA2 and some submitters suggested a much larger area of land in that area should be protected. ✓

Issues relating to future conservation management requirements of the areas proposed to be retained in Crown ownership were also highlighted by a number of submitters. ✓

Most of the points raised by submitters relating to access or protection of significant inherent values were able to be allowed for further consideration. ✓

From the 38 points derived from the submissions 26 were allowed for further consideration and 10 of those were accepted or accepted in part. ✓

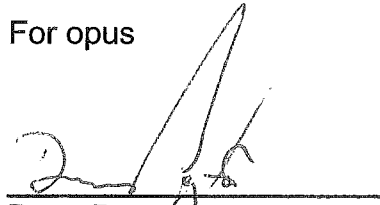
The main change to the proposal is in respect to CA2 which is now proposed to be freehold subject to a conservation covenant to provide for the protection of significant inherent botanical values. While the requirement for this change did not stem from the public submission process the effect of this ✓

change has been considered in respect to the points raised by a number of submitters. ✓

The points recommended for acceptance will result in a draft substantive proposal which is changed mainly only in respect to the level of protection proposed for the area designated as CA2 within the advertised preliminary proposal. The full extent of the proposed alterations are outlined under points 2,3,7,8,12 and 20. ✓

I recommend approval of this analysis and recommendations:-

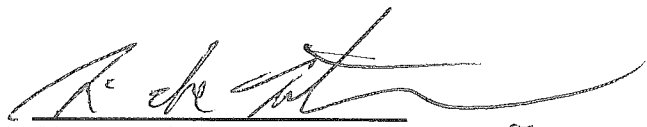
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Dave Payton  
Tenure Review Contract Manager

Date 14/02/07

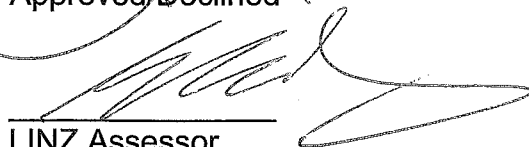
Peer Reviewed



Simon deLautour  
Tenure Review Consultant

Date 14/02/2007

Approved/Declined



LINZ Assessor

Date 15/2/07

Dr STEPHEN CHARLES URLICH  
TENURE ASSESSOR  
CROWN PROPERTY MANAGEMENT  
C/-LINZ, CHRISTCHURCH