

Crown Pastoral Land Tenure Review

Lease name: KYEBURN

Lease number: PO 197

Preliminary Report on Public Submissions

This document includes information on the public submissions received in response to an advertisement for submissions on the Preliminary Proposal. The report identifies if each issue raised is allowed or disallowed pursuant to the CPLA. If allowed the issue will be subject to further consultation with Department of Conservation, or other relevant party.

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

August

06

PRELIMINARY ANALYSIS

OF

PUBLIC SUBMISSIONS

KYEBURN STATION

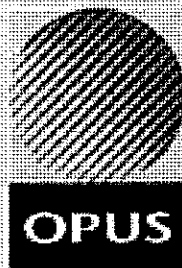


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Kyeburn Station Pastoral Lease

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- I List of Submitters**
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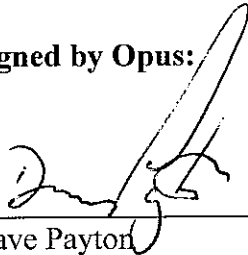
**ANALYSIS OF PUBLIC SUBMISSIONS
FOR PRELIMINARY PROPOSAL
KYEburn STATION PASTORAL LEASE**

File Ref: PRY-C60-12495-TNR-PO197-A/03 Submission No: DN0267 Submission Date: 29/05/06
Office of Agent: Dunedin LINZ Case No: *TR06/194* Date sent to LINZ: 31/05/06

RECOMMENDATIONS

1. That the Commissioner of Crown Lands **notes** the receipt of this report for land held under pastoral lease Po197 Kyeburn Station.
2. That the Commissioner of Crown Lands **approves** the recommendations in this report to allow or disallow the points raised in the submissions received.
3. That the Commissioner of Crown Lands **authorises** further consultation with the Director General of Conservations delegate on those points allowed.

Signed by Opus:



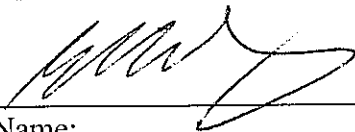
Dave Payton
Tenure Review Contract Manager

Peer Review:



Simon deLautour
Tenure Review Consultant

Approved/Declined by:



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

Name:

Date of decision: *28 / 06 / 06*

1. Details of lease:

- Lease Name:** Kyeburn Station
- Location:** Home block is located on the Maniototo Plains 4 kilometres southeast of Naseby and the Run block on hill country 10 kilometres northeast of Naseby.
- Lessees:** Kyeburn Pastoral Co Limited.

2. Public notice of Preliminary Proposal:***Date, publication and location advertised:***

Date advertised Saturday 4 March 2006.

Newspapers advertised in:

- | | |
|-------------------------|--------------|
| • The Press | Christchurch |
| • The Otago Daily Times | Dunedin |
| • The Southland Times | Invercargill |

Closing Date for Submissions: 5 May 2006.

3. Details of Submissions received:

A total of 24 submissions were received. Details of submitters are in Appendix 1.

4. Analysis of Submissions:**4.1 Introduction:*****Explanation of Analysis:***

Each of the submissions received has been reviewed in order to identify the points raised and these have been numbered accordingly. Where submitters have made similar points these have been given the same number.

The following analysis:

- Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
- Discussion of the point.
- Recommendations whether or not to allow for further consultation.

The following approach has been adopted when making the recommendation to allow for further consultation:

The points raised have been analysed to assess whether they are matters that can be dealt with under the Crown Pastoral Land Act. Where it is considered that they are the recommendation is to allow them.

Conversely where the matter raised is not a matter that can be deal with under the CPLA, the decision is to disallow. The Process stops at this point for those points disallowed.

Further consultation with both the Director General of Conservation's delegate and the leaseholders has to be completed on all those points that were allowed.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
1	Support for conservation areas CA1 endorsement of the formal protection and eventual inclusion of CA1 in the St Mary's Range Conservation Area.	1,2,3,4,7, 13, 18,19, 22, 23 & 24	Allow
<p><i>Rationale</i></p> <p>All submitters supported the proposal as outlined.</p> <p>Submitter 7 also comments that the proposal to designate the Run Block as Conservation Area will provide a very good outcome for soil and water conservation in the headwaters of the Otematata river catchment</p> <p>Allow/Disallow</p> <p>The Preliminary Proposal is considered to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.</p>			

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
2	Support for conservation areas CA2	1,19,& 23	Allow
<p><i>Rationale</i></p> <p>The submitters support the proposal although submitter 23 also suggest inclusion of the terrace tops within CA2 (as outlined in related Point 35).</p> <p>Allow/Disallow</p> <p>The Preliminary Proposal is considered to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.</p>			

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
3	The proposed grazing concession is supported in its present form.	1, 3, 13, 18, 19, 23	Allow
<p><i>Rationale</i></p> <p>All submitters support the proposal. Submitter 3 however qualifies their support by stating so long as the three year term is adhered to.</p> <p>Allow/Disallow</p> <p>The proposed grazing concession is considered to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.</p>			

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
4	The Recreation Concession should be reduced from 10 years to 5.	1	Allow
<p><i>Rationale</i></p> <p>The submitter believes that 5 years is a more reasonable period for the concession to run.</p> <p>Allow/Disallow</p> <p>The term of a Recreation Concession is a matter that can be dealt with under the Tenure Review process and is therefore considered to relevant matter in terms of the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.</p>			

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
5	Endorsement of the continuation of the existing Easements in favour of Otago Net Limited	1	Allow
<p><i>Rationale</i></p> <p>The submitter is also in favour of Otago Net Limited continuing to be able to access transmission lines on the property.</p> <p>Allow/Disallow</p> <p>The continuation in force of existing registered easements over the reviewable land is a matter</p>			

that can be dealt with under the Tenure Review process and is therefore considered to be a relevant matter in terms of the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
6	It is hoped that conservation area CA1 will be incorporated into the Oteake Conservation Park.	2	Disallow

Rationale

Allow/Disallow

Future management options for the proposed conservation area CA1 is not considered to be a relevant matter for consideration in terms of the Crown Pastoral Land Act. The point should therefore be disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
7	Would prefer a limit set on the number of horse treks per day under the Horse trekking concession	2 & 23	Allow

Rationale

The submitters believe that the number of horse treks should be controlled, rather than under an open ended concession.

Submitter 23 also suggests the area will be managed as “Backcountry” once returned to full Crown ownership and accordingly the appropriate overnight guided party size is twelve, plus the guide or restricted to the number that represents 50% of the available bunks.

This point is also related to Point 8

Allow/Disallow

The terms of a Recreation Concession is a matter that can be dealt with under the Tenure Review process and is therefore considered to be a relevant matter in terms of the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
8	Horse trek concessionaires use of huts should be non exclusive and limited to occupancy of 50% of hut beds at any given time.	2, 23 & 24	Allow

Rationale

Submitters point out that the huts are public facilities, and should be managed according to standards set by the Department of Conservation.

Submitter 23 suggests the area will be managed as “Backcountry” once returned to full Crown ownership and accordingly the appropriate overnight guided party size is twelve, plus the guide or restricted to the number that represents 50% of the available bunks. They further state that Clauses 36.1 a and b should be deleted as they provide all embracing exceptions for the general requirement for concessionaires to allow Co-Siting which is counter to the philosophy of 50% sharing.

This point is related to point 7.

Allow/Disallow

The terms of a Recreation Concession is a matter that can be dealt with under the Tenure Review process and is therefore considered to be a relevant matter in terms of the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
9	The formed access road to and across CA1 should be deemed legal road where it deviates from the legal alignment so that vehicle and 4WD access into CA1 is available to the public. Also, all existing roads in the lease should be retained and maintained, and no unformed legal roads in the lease should be stopped or disposed of.	2, 10, 11, 13, 15, 18, 19, 20, 22, 23 & 24	Allow in part

Rationale

The submitters are concerned that the formed alignment of the formed road to and across CA1 should be legalised on its current alignment. In addition individual submitters have made several related sub points concerning public access within CA1.

The sub points relating to access within or across the reviewable land are as follows:

1. imperative that vehicle access is maintained for anglers and game bird hunters. Access for these uses is required over the summer only (October to April inclusive) – submitter 10.

2. the legal road should be thereafter maintained by the Crown – submitter 11.
3. provision is included for an easement to allow movement of stock and associated personnel and vehicles along the historic droving route (within CA1) to the grazing land in the Waitaki catchment – submitter 11.
4. provision for 4WD access for members of the public is important via the Mt Buster Road- submitter 13.
5. motorbike and quad bike access should not be encouraged – submitter 13.
6. vehicle access is a requirement both simply for practical access and for the safety of being able to retreat in event of sudden bad weather – submitter 15
7. no unformed legal roads on the property should be stopped or disposed of – submitter 15.
8. access by vehicle would be self limiting activity, based on season and road conditions – submitter 15
9. access on existing road/track network would be open to foot, bike, horse and motorised vehicles and nature of ground will enable steady use over a long season – submitter 15.
10. landowners should be able to lock the gate at the entrance to the property for the purposes of safety on the same dates that the Central Otago District Council operates its winter closure of damageable roads – submitter 15.
11. the Mt Buster Road should be resurveyed to ensure that it is on the present alignment and remain in the hands of the local authority – submitter 18.
12. in order to ensure that the Mt Buster Road remains a public road to provide secure public access, it is important the existing formation becomes the existing legal road – submitter 23.

Allow/Disallow

Public access to CA1 involves consideration of the legal status of roads that are located outside of the reviewable land. This sub point is therefore not a matter 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 to for them to consider addressing outside of the tenure review process.

Sub points relating to the provision and maintenance of recreational access within CA1 are considered to be post tenure review matters for DoC to consider and not the Commissioner of Crown Lands. They are not matters able to be dealt with by the Crown Pastoral Land Act and are therefore disallowed. The comments of the submitters will however be referred to DoC for consideration in terms of the Department's management of the Conservation Area.

The sub point relating to retention of unformed legal roads is also not a matter for consideration under the Crown Pastoral Land Act and therefore this sub point is disallowed.

The sub point relating to the requirement for provision of an easement to allow movement of

stock and associated personnel and vehicles along the historic droving route is interpreted as relating to a possible existing unregistered public access interest within the reviewable land. It is therefore a relevant matter in terms of Section 24 (c)(i) of the Crown Pastoral Land Act and is allowed.

In summary, sub point 3 above is allowed while sub points 1 and 2 and 4 to 12 are not allowed for the reasons outlined.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
10	Adequate signage should be installed at the bottom of Mt Buster.	3	Disallow

Rationale

Allow/Disallow

The submitter suggests that the signage would be to mark the end of 2WD access.

Signage 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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
11	A small area should be allowed for car parking at the bottom of the Mt Buster Road.	3	Allow

Rationale

The submitter's point is interpreted as being that a small car parking area is required to be located on the reviewable land just inside the boundary of CA1 at the end of 2WD access near the bottom of the Mt Buster Road.

Allow/Disallow

While this matter could be considered to be a post Tenure Review land management issue the provision of an area for car parking may also make public access easier.

Making public access easier is an objective of the Crown Pastoral Land Act and the point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
12	The Horse trekking concession is supported	3, 13, 18 & 19	Allow

Rationale

The submitters generally support the horse trekking concession so long as it doesn't impact on public use of the area.

Submitter 13 supports the proposal provided that concession holders do not view the granting of the concession as an exclusive use opportunity. The submitter is concerned that horse trekkers could view the concession as giving them exclusive use, without regard for people who wish to travel on foot, bike, horse or 4WD vehicle.

Allow/Disallow

The terms of a Recreation Concession is a matter that can be dealt with under the Tenure Review process and is therefore considered to be a relevant matter in terms of the objects of Part 2 of the Crown Pastoral Land Act. This point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
13	Expected creation of marginal strips along the margins of Spec Creek in the Home Block should be made a definite outcome of the tenure review.	4	Disallow

Rationale

Submitter 4 states that creation of marginal strips should be identified as a specific outcome of tenure review and they refer to the recent issues associated with the Fern Burn in another tenure review which in their opinion might have been more straight forward if the marginal strip had been more clearly identified as a specific outcome at the public notification stage.

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
14	The current lease is a well balanced unit and this needs to be taken into account in considering the tenure review.	5,9&17	Allow

Rationale

Submitter 5 indicates that the holders have already voluntarily surrendered a large amount of land and that the tenure review should take into account that the current lease is a well balanced unit.

Submitter 9 also comments that any further reduction in size of the property not only reduces the ability of the holders to farm effectively and sustainably, but also puts pressure on conservation values remaining within the freehold, particularly short tussock grassland/shrubland.

Submitter 17 believes that taking the Run Block out of the lease will leave the lessee with a farm that will be vulnerable, and the viability of the farm in the future will be marginal.

Allow/Disallow

The point is interpreted as relating to the effect of tenure review proposals on economic use and ecological sustainability of possible agricultural development 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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
15	The holders have a good record of allowing the public access onto the property.	5&9	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
16	The Kyeburn tenure review was advertised in a misleading way.	5	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
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

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-empted 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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
18	There should be an express provision in the licence for grazing on CA1 that there is no right of occupation.	6	Allow
<p><i>Rationale</i></p> <p>The submitter supports the proposed grazing concession provided that the public are free to recreate over the entire area at all times.</p> <p>Allow/Disallow</p> <p>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.</p>			

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
19	Concern regarding public access to CA1 on the Kyeburn Plateau.	8	Allow
<p><i>Rationale</i></p> <p>The submitter is concerned that there may be no provision for public access to this area within the proposal.</p> <p>Allow/Disallow</p> <p>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.</p>			

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
20	Removal of grazing from CA2 will result in grasses and taller shrub species overgrowing prostrate plants in the area.	9	Allow
<p><i>Rationale</i></p> <p>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</p>			

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
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

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

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
23	Consideration be given to allow access to adjoining properties that link through particularly to the northern end of CA1.	13	Disallow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
25	There should be no continued grazing on CA1	14	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
26	Disappointment that no wetlands were identified	14	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
27	The Mt Buster Diggings should be protected, fenced with a stile for foot access only, with the present road rebuilt around the perimeter.	15,21,23&24	Disallow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
28	The Peart Hut should be maintained by the Department of Conservation, but not used as a hut.	15	Disallow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
29	All other huts on the property should be maintained for general use.	15, 21, 22 & 24	Disallow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
30	The submitter suggests that the tenure review has proceeded with undue haste.	16	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
31	Nearly all of the Run Block is capable of sustaining present levels of grazing, and should therefore be freeholded.	17	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
33	A landscape covenant should be put in place over the face terrace/riser from CA2 down to the homestead to protect the face from exotic plantings as well as undue earthworks and structures.	18&23	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
34	A management plan should be constructed to protect and enhance the values in CA2.	18	Disallow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
36	Support creation of marginal strip on Spec Creek.	19	Disallow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
37	Deerstalkers groups would like to hunt deer and pigs in CA1, providing DoC with a good game management tool.	20,21,22 & 24	Disallow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
38	Concerned Class IV land considered for inclusion in the DoC estate	16	Allow

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.

PRELIMINARY ANALYSIS OF IWI SUBMISSIONS

Statement Pursuant to Sec 45(a)(i) & (ii) Crown Pastoral Land Act 1998

KYEBURN TENURE REVIEW NO TR 139

Details of lease

Lease name: Kyeburn

Location: Home block is located on the Maniototo Plains 4 kilometres southeast of Naseby and the Run block on hill country 10 kilometres northeast of Naseby.

Lessees: Kyeburn Pastoral Co Limited

Public notice of preliminary proposal

Date advertised Saturday 4 March 2006

Newspapers advertised in:

- The Press Christchurch
- Otago Daily Times Dunedin
- The Southland Times Invercargill

Closing date for submissions: 5 May 2006

Details of submissions received

A copy of the proposal and information pack were sent to TRoNT on 3 March 2006. No reply was received by the closing date of submissions.

TRoNT were reminded to respond to the proposal on 19 May 2006 by Opus.

TRoNT subsequently provided a brief response which was received on 23 May 2006 and is analysed in this report.

ANALYSIS OF SUBMISSIONS

Introduction

The approach taken in the analysis of submissions is to review each submission in order to identify the points raised and then number these points accordingly. Where submitters make similar points these are given the same number.

The following analysis:

- Summarises any points raised
- Discusses all points raised.
- Recommendations whether or not to allow for further consultation.

The following approach is adopted in a preliminary analysis when making a recommendation to allow for further consultation:

The points raised are analysed to assess whether they are matters that can be dealt with under the Crown Pastoral Land Act. Where it is considered that they are, the recommendation is to allow them.

Further consultation with both the Director General of Conservation's delegate and the leaseholders has to be completed on all those points that are allowed.

A final analysis of submissions is then made, with a recommendation to accept or not accept the allowed points, taking into account the views of all parties consulted and any other matters relevant to the review, balanced against the objects and matters to be taken into account in the Crown Pastoral Lands Act 1998 (Sections 24 and 25 of the Act).

Analysis

Point	Summary of point raised	Allow or disallow
1	The values identified in the Cultural Values Report have been appropriately integrated into the proposal.	Allow
<p>Rationale</p> <p>TRoNT have reviewed the proposal against the Cultural Values Report, and consider that the values in that report have been appropriately integrated into the proposal. The objects of the Crown Pastoral Land Act include the protection of significant inherent values, which can include cultural values. The view expressed is thus relevant under the Crown Pastoral Land Act, and is thus allowed for further consideration.</p>		

Summary and Conclusion

The submission received supports the proposal as advertised.

I recommend approval of this analysis and recommendations

For Opus

Peer Reviewed

Dave Payton
Tenure Review Contract Manager

Simon deLautour
Tenure Review Consultant
Date

Date

Approved/Declined

[Signature]

LINZ Assessor

Date

19/6/06

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