

## **Crown Pastoral Land Tenure Review**

**Lease name: BERWEN**

**Lease number: PO 209**

### **Final Report on Public Submissions**

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.

**June**

**06**

## FINAL ANALYSIS OF SUBMISSIONS

### BERWEN STATION TENURE REVIEW

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#### **1. Details of lease:**

*Lease name:* Berwen Station

*Location:* On Broken Hut Road, 10 kilometres southwest of Omarama

*Lessee:* P E Croft (as to a ½ share), S R and P E Croft (as to a ½ share)

#### **2. Public notice of preliminary proposal:**

*Date, publication and location advertised:*

*Saturday 6 August 2005:*

Otago Daily Times                      Dunedin

*Saturday 6 August 2005:*

The Press                                      Christchurch

*Tuesday 9 August 2005:*

High Country Herald                      Timaru

*Closing date for submissions:*

3 October 2005

#### **3. Details of submissions:**

A total of 14 submissions were received by the closing date and a further submission was received on 7 October 2005.

#### **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 of the submitter(s) making the point. Discussion of the point and the decision whether or not to allow/disallow the point follows.

The following approach has been adopted when making recommendations:

###### **(i) To allow/disallow:**

The decision to “**allow**” the point made by submitters is on the basis that the matter raised is a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not relevant in terms of the Commissioner’s consideration, the decision is to “**disallow**”.

###### **(ii) To accept/not accept:**

**Accept:** The outcome of an accept decision is that the point is included in the draft substantive proposal. To arrive at this decision the point has been evaluated with respect to the following criteria:

- The objects and matters to be taken into account in the Crown Pastoral Land Act 1998 (Section 24 & 25 for Part 2 reviews or Sections 83 & 84 for Part 3 reviews) and;
- The views of all parties consulted and any matters relevant to the particular review, balanced against the objects and matters to be taken into account in the Crown Pastoral Land Act 1998.

**Not accept:** The outcome of a not accept decision is that the point is not included in the draft substantive proposal based on consideration of the above criteria. Note that the points that are disallowed in the preliminary analysis are automatically not accepted in the final analysis.

**4.2 Analysis:**

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
1	Motorised vehicle access should be provided to CA1.	1, 2, 5, 10, 12	Allow	Not accept

*Discussion:*

The submitters comment that although there is foot and non motorised vehicle access provided to the proposed conservation area CA1, there is no provision for motorised vehicle access. The submitters are concerned about the limit this imposes on recreational hunting and access to the proposed conservation area for many members of the public (for example disabled persons, elderly, families with young children). Public access is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (c)(i) Crown Pastoral Land Act. Therefore this point is allowed.

As of right public vehicle access is not appropriate in this instance due to the nature of the farm tracks and safety concerns in relation to the air strip alongside the proposed public access route. This air strip is used by several local farmers and also as a safe glider landing site. Further, the holder is not agreeable to provision of public vehicle access (as of right). Therefore this point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
2	General support for preliminary proposal.	1, 3, 4, 6, 9, 10, 11, 13, 14	Allow	Accept

*Discussion:*

Several submitters provide general support for the proposal (subject to other points raised). This general support encompasses each of the matters for the Commissioner of Crown Lands to consider pursuant to Section 24 Crown Pastoral Land Act. Therefore this point is allowed.

This point is accepted but does not require an amendment to the proposal.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
3	The proposed conservation area CA1 is supported.	1, 2, 6, 7, 8, 9, 13, 14, 15	Allow	Accept

*Discussion:*

The protection of conservation values (where they are considered significant inherent values) is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (b) Crown Pastoral Land Act. Therefore this point is allowed.

This point is accepted but does not require an amendment to the proposal.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
4	The proposed conservation covenant CC2 should be part of the proposed conservation area CA1.	3, 4, 11, 13, 14, 15	Allow	Not accept

*Discussion:*

Several submitters comment on the conservation values present within the proposed conservation covenant CC2 and promote the inclusion of this area within the proposed conservation area CA1. The protection of conservation values (where they are considered significant inherent values) is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (b) Crown Pastoral Land Act, which includes a preference for full Crown ownership and control. Therefore this point is allowed.

This matter has been considered extensively in consultation prior to the Preliminary Proposal and subsequent to public submissions. While it is accepted that there are significant inherent values within the proposed conservation covenant CC2, these values are adequately protected by the provisions of the conservation covenant. The entire area of the proposed conservation covenant has been over sown and topdressed and although the area retains the appearance of natural tussock grassland, it is a substantially modified ecological community. This area also provides summer balance to the property when the Omarama basin becomes summer dry. The lessee is unwilling to lose this balance. For these reasons this point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
5	Provision of access to the Hawkdun Range through CC2 is supported.	3, 6	Allow	Accept

*Discussion:*

Public access is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (c)(i) Crown Pastoral Land Act. Therefore this point is allowed.

Access through CC2 to the Hawkdun Range is provided by the proposal. Following consultation this access has been revised to follow a more suitable route (please refer to Point 16). Therefore this point is accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
6	The conservation resources report is very comprehensive.	4	Allow	Accept

*Discussion:*

This point relates to the reporting produced during the consultation process undertaken pursuant to Section 26 Crown Pastoral Land Act and is therefore a matter for the Commissioner of Crown Lands to consider under the Crown Pastoral Land Act. Therefore this point is allowed.

This point is accepted but does not require an amendment to the proposal.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
7	Public access for horses should be included along the easements.	5	Allow	Accept in part

*Discussion:*

The submitter states that the easements should include provision for horses. Public access is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (c)(i) Crown Pastoral Land Act. Therefore this point is allowed.

Public horse access was considered in preparation of the preliminary proposal and in consultation post public submissions. The easement route a-b is considered unsuitable for public horse access due to the airstrip in close vicinity. This airstrip is utilised by several farmers and also as a safe glider landing site. Consequently horse access along the easement route a-b is not accepted. Public horse access through CC2 to provide access to the Hawkdun Range is considered appropriate and is consequently accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
8	Additional easement routes should be provided (allowing for public foot, horse, non-motorised vehicle and vehicle access).	5, 10	Allow	Accept in part

*Discussion:*

The submitters regard the provision of public access within the preliminary proposal as insufficient and suggest additional easement routes (allowing for public foot, horse, non-motorised vehicle and vehicle access) for consideration. Public access is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (c)(i) Crown Pastoral Land Act. Therefore this point is allowed.

Additional easement routes were considered in consultation with the holder and Department of Conservation. It was agreed that an additional route leading out to Tara Hills from the top of the Ewe Range was appropriate. Access permission will still be required to pass through Tara Hills. With this additional easement route included, public access provided by the proposal is considered appropriate and sufficient. Further easement routes would have an undue impact on the farming operation post tenure review. Therefore this point is accepted in part.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
9	The proposed conservation area CA1 should be extended north along the top of the Ewe Range.	6, 7, 8, 9, 13, 14	Allow	Not accept

*Discussion:*

The submitters consider that the proposed conservation area CA1 should be extended north along the top of the Ewe Range. They argue that there are conservation and landscape values needing protection within this area. Several of the submitters also raise concerns about ecological sustainability where the proposed freehold extends above an altitude they consider suitable for pastoral farming. Ecological sustainability and the protection of conservation values (where they are considered significant inherent values) are matters for the Commissioner of Crown Lands to consider pursuant to Sections 24 (a)(i) and 24 (b) Crown Pastoral Land Act. Therefore this point is allowed.

While there are conservation and landscape values within the proposed freehold at the top of the Ewe Range it was agreed in consultation that the most appropriate boundary has already been located. Shifting the boundary north along the top of the Ewe Range would require a contour fence in some difficult country. This is considered impractical. Further, a contour fence would result in a significant landscape impact with a resultant greening in the vicinity of the fence caused by stock nutrient transfer. The negative aspects of extending this area exceed the potential benefits, therefore this point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
10	The terms and conditions of the proposed conservation covenant CC1 are inadequate to protect the values.	6, 7, 8, 9, 13, 14	Allow	Accept in part

*Discussion:*

The submitters raise concerns that the terms and conditions of the proposed conservation covenant CC1 are inadequate to protect the values. The protection of conservation values (where they are considered significant inherent values) is a matter for the Commissioner to consider pursuant to Section 24 (b) Crown Pastoral Land Act. Therefore this point is allowed.

The terms and conditions of the covenant CC1 have been reconsidered. It was agreed to insert a monitoring provision into the covenant in order to determine if cattle were having a negative impact on the covenant values. The lessee does not believe that the cattle would have a negative impact on the values and considered that the cattle would reduce the risk of fire within the covenant area. It was noted that the agreed stock limitation was for 40 cattle for three months every second year. This is considered a relatively light level of cattle grazing for the covenant area. Therefore this point is accepted in part with a monitoring provision being included in the covenant document.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
11	The proposed conservation area CA1 should be extended to include part of CC2.	6, 7, 8, 9, 14	Allow	Not accept

*Discussion:*

The submitters argue that the proposed conservation area CA1 should be extended to include part of CC2. In particular several submitters argue that the conservation values in the Johnstons Creek catchment should be protected as part of the proposed conservation area CA1. The protection of conservation values (where they are considered significant inherent values) is a matter for the Commissioner to consider pursuant to Section 24 (b) Crown Pastoral Land Act, which includes a preference for full Crown ownership and control. Therefore this point is allowed.

This matter has been considered extensively in consultation prior to the Preliminary Proposal and subsequent to public submissions. While it is accepted that there are significant inherent values within the proposed conservation covenant CC2, these values are adequately protected by the provisions of the conservation covenant. The entire area of the proposed conservation covenant has been over sown and topdressed and although the area retains the appearance of natural tussock grassland, it is a substantially modified ecological community. This area also provides summer balance to the property when the Omarama basin becomes summer dry. The lessee is unwilling to lose this balance. For these reasons this point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
12	The proposed easement route a-b is supported.	6, 7, 9, 14	Allow	Accept

*Discussion:*

The submitters support the proposed public access easement route a-b. Public access is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (c)(i) Crown Pastoral Land Act. Therefore this point is allowed.

This point is accepted but does not require an amendment to the proposal.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
13	The proposed conservation covenant CC1 should be restored to Crown control as a conservation area.	6, 8, 14	Allow	Not accept

*Discussion:*

The submitters argue that the conservation values of the proposed conservation covenant CC1 warrant protection as a conservation area under Crown control. The protection of conservation values (where they are considered significant inherent values) is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (b) Crown Pastoral Land Act, which includes a preference for full Crown ownership and control. Therefore this point is allowed.

This matter has also been considered extensively during previous consultation and was considered again post public submissions. Conservation area was not pursued due to the important stock (and general farm management) access routes through the proposed covenant area and the presence of water races used for irrigation. The significant inherent values are adequately protected by the proposed conservation covenant conditions. Therefore this point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
14	The proposed easement concession is supported but should not be in perpetuity.	6, 8	Allow	Not accept

*Discussion:*

The submitters support the principle of an easement concession, but argue that the easement concession should not be in perpetuity. The easement concession provides access between the two blocks of proposed freehold land. To make easier the freehold disposal of reviewable land is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (c)(ii) Crown Pastoral Land Act. Therefore this point is allowed.

The proposed freehold will always need suitable access and therefore a perpetual easement concession is necessary. Consequently this point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
15	The proposed continuation in force of the Hawkdun Idaburn Irrigation Company easement is supported.	6, 8	Allow	Accept

*Discussion:*

The submitters provide their support for the continuation in force of the Hawkdun Idaburn Irrigation Company easement. This relates to a registered interest in the reviewable land. Consideration of registered interests in the land is necessary to make easier the freehold disposal of reviewable land. To make easier the freehold disposal of reviewable land is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (c)(ii) Crown Pastoral Land Act. Therefore this point is allowed.

This point is accepted but does not require an amendment to the proposal.



<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
16	The proposed easement route c-d does not provide suitable public access.	6, 7, 8, 9, 14	Allow	Accept

*Discussion:*

The submitters argue that the proposed easement route c-d does not provide suitable public access because of the nature of the terrain. Many suggest public access should be provided along the easier route f-d (as per conservation management). Public access is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (c)(i) Crown Pastoral Land Act. Therefore this point is allowed.

Public access though the proposed conservation area CC2 was considered in consultation with the lessee and the Department of Conservation post public submissions. It was agreed that the easement route c-d was not entirely suitable. It was concluded that f-d provided a more suitable access route. The lessee agreed to public foot, mountain bike and horse access utilising the route f-d, but requested that the route then follow around the water race and alongside the boundary instead of the previously agreed route d-e. This route provides suitable access. It was also agreed to include a clause for the closure of the easement route f-d if and when a more suitable access was provided within Two Mile pastoral lease (Johnstons Creek). Conservation management access is to be retained along the route d-e. Therefore this point is accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
17	The proposed conservation covenant CC2 is supported.	6, 9, 13	Allow	Accept

*Discussion:*

The submitters provide varying degrees of support for the proposed conservation covenant CC2. The protection of conservation and landscape values (where they are considered significant inherent values) is a matter for the Commissioner to consider pursuant to Section 24 (b) Crown Pastoral Land Act. Therefore this point is allowed.

This point is accepted but does not require an amendment to the proposal.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
18	The proposed conservation covenant CC1 should have the entire boundary fenced.	7, 8	Allow	Accept

*Discussion:*

The submitters argue that the fence around the proposed conservation covenant CC1 needs to be complete. This point relates to the protection of conservation values within the proposed conservation covenant. The protection of conservation values (where they are considered significant inherent values) is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (b) Crown Pastoral Land Act. Therefore this point is allowed.

A fence is necessary around the covenant boundary. A rabbit proof fence is the most appropriate to provide better control of rabbit numbers within the scrub and protect the conservation values. Therefore this point is accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
19	The proposed conservation covenant CC2 should have the entire boundary fenced.	7, 8	Allow	Accept

*Discussion:*

The submitters argue that the fence around the proposed conservation covenant CC2 needs to be complete. This point relates to the protection of conservation values within the proposed conservation covenant. The protection of conservation values (where they are considered significant inherent values) is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (b) Crown Pastoral Land Act. Therefore this point is allowed.

The boundary of the covenant is the boundary of the proposed freehold and therefore needs fencing. Currently most of this boundary is already fenced. The lessee is to fence the remaining proposed boundary section in the spring time. Therefore this point is accepted but does not require an amendment to the proposal.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
20	The proposed conservation area CA1 should be extended northwest down to the Little Omarama Stream valley floor.	8, 9, 14	Allow	Not accept

*Discussion:*

The submitters feel that the conservation and landscape values between the proposed conservation covenant CC1 and proposed conservation area CA1 are sufficient to warrant this area being included in the proposed conservation area CA1. The protection of conservation and landscape values (where they are considered significant inherent values) are matters for the Commissioner of Crown Lands to consider pursuant to Section 24 (b) Crown Pastoral Land Act. Therefore this point is allowed.

It is again noted that this matter has been considered extensively during the consultation prior to the preliminary proposal and was considered again in consultation post public submissions. The boundaries determined within consultation provide for the protection of the most significant conservation values within the proposed conservation area CA1 and the proposed conservation covenant CC1. Areas within the proposed freehold are more significantly modified through pastoral use and are therefore of less conservation value. The lessee wishes to retain this area as it had been oversown and topdressed. This area also includes an irrigation water intake. Consequently this point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
21	The legal road along the western edge of the property should be formalised including its connection with existing formed roads.	8	Disallow	Not accept

*Discussion:*

This point relates to public access provided by legal roads adjoining Berwen Station. However, legal roads are not reviewable land. Consequently this is not a matter for the Commissioner of Crown Lands to consider under the Crown Pastoral Land Act. Therefore this point is disallowed.

This point is automatically not accepted because it was disallowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
22	The northern area of proposed freehold currently oversown and topdressed should be ecologically sustainable with careful management.	9, 13	Allow	Accept

*Discussion:*

Ecological sustainability and the freehold disposal of reviewable land are matters for the Commissioner of Crown Lands to consider pursuant to Sections 24 (a)(i) and 24 (c)(ii) Crown Pastoral Land Act. Therefore this point is allowed.

This point is accepted but does not require an amendment to the proposal.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
23	The proposed conservation covenant CC1 is supported.	9, 13	Allow	Accept

*Discussion:*

The submitters support the concept of the proposed conservation covenant CC1 for the protection of conservation values. The protection of conservation values (where they are considered significant inherent values) is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (b) Crown Pastoral Land Act. Therefore this point is allowed.

This point is accepted but does not require an amendment to the proposal.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
24	The conditions of CC2 do not adequately protect the values of CC2.	9, 11, 13, 14	Allow	Not accept

*Discussion:*

The submitters raise concerns that the conditions of the proposed conservation covenant CC2 are inadequate to protect the values. The protection of conservation values (where they are considered significant inherent values) is a matter for the Commissioner to consider pursuant to Section 24 (b) Crown Pastoral Land Act. Therefore this point is allowed.

The conditions of the proposed conservation covenant have been reconsidered. It is determined that the conditions (including the monitoring provision) are currently sufficient to protect the values. The monitoring provision enables the conditions to be revisited at the Minister of Conservation's discretion if necessary. Therefore this point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
25	Preliminary proposals should not be advertised over winter early spring.	11	Allow	Not accept

*Discussion:*

The submitter is concerned by the advertising of preliminary proposals over the winter/early spring period. The submitter argues that over this time period access is limited and the flora and fauna are

not as observable. Advertising is a statutory requirement of the Commissioner of Crown Lands pursuant to Section 43 Crown Pastoral Land Act. Therefore this point is allowed.

While the concerns of the submitter are noted and it is agreed that some components of the flora and fauna are not as visible over the winter/early spring, it is necessary to utilise the entire year for advertising. This avoids large numbers of properties being advertised at the same time as would occur if they were only advertised over the summer/autumn. It is also necessary to allow for ongoing consultation over the summer/autumn period. Significant delays would result from properties not being advertised in the winter and spring. Therefore this point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
26	Access for motorised traffic should be constructed via the route "a-g-h-f-c".	11	Allow	Not accept

*Discussion:*

The submitter argues that to enhance public access a route for motorised traffic should be constructed over the route a-g-h-f-c. The submitter suggests this should be a legal road. Although construction of legal roads is not a matter for the Commissioner of Crown Lands to consider under the Crown Pastoral Lands Act, public access is a matter to consider pursuant to Section 24 (c)(i) Crown Pastoral Land Act. Therefore this point is allowed to the extent of public access only.

Additional public access routes have been considered. Further public access would have an undue impact on the farming operation post tenure review. Access provisions of the proposal are considered sufficient. It would also be impractical to construct a public access route for motorised traffic via the route "a-g-h-f-c" due to the terrain. Therefore this point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
27	The preliminary proposal gives little focus to the effects of land use and land management on water bodies both within the lease and downstream of the lease.	13	Allow	Not accept

*Discussion:*

The submitter argues that the above point is fundamentally important to the long-term ecologically sustainable management of the land held within the lease. Ecological sustainability is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (a)(i) Crown Pastoral Land Act. Therefore this point is allowed to the extent of the reviewable land only.

There is no doubt that land use and land management have an effect on associated water bodies. The Crown Pastoral Land Act 1998 requires the Commissioner of Crown Lands to promote ecological sustainability. This has been achieved by the restoration of some 3670 ha of ecologically sensitive land to the Crown to become conservation area and the protection of a further 1070 ha of ecologically sensitive land under conservation covenant with land use restrictions.

Water quality and in stream aquatic environments will likely benefit from proposed conservation area and conservation covenant. However, the effect of land use and management (including future development) on water bodies is most appropriately dealt with under resource management law (regional and local governance) and industry led best practice initiatives rather than ad hoc planning through tenure review. Ecological sustainability outside of the reviewable land (rivers downstream of the lease) cannot be achieved under the Crown Pastoral Lands Act. Consequently this point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
28	Class VII land on the top of the Ewe Range should only be designated for freehold with management conditions relating to ecological sustainability.	13	Allow	Not accept

*Discussion:*

The submitter argues that class VII land on the top of the Ewe Range should only be designated for freehold with management conditions relating to ecological sustainability. Ecological sustainability is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (a)(i) Crown Pastoral Land Act. Therefore this point is allowed.

In order to place a separate management regime on this area it would need to be separated by fence from adjoining land of a different class. This is not practical or desirable in that it would require a contour fence in some difficult country. A contour fence would result in a significant landscape impact with a resultant greening in the vicinity of the fence caused by stock nutrient transfer. Further, the area referred to is relatively small making a separate management regime unwarranted. Therefore this point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
29	Future development should be subject to minimising the impacts of nutrient and water inputs on Omarama and Little Omarama Stream.	13	Allow	Not accept

*Discussion:*

This point relates to the ecological sustainability of several streams on the reviewable land. Ecological sustainability is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (a)(i) Crown Pastoral Land Act. Therefore this point is allowed.

There is little doubt that future land development may have an effect on associated water bodies. The Crown Pastoral Land Act 1998 requires the Commissioner of Crown Lands to promote ecological sustainability. This has been achieved by the restoration of some 3670 ha of ecologically sensitive land to the Crown to become conservation area and the protection of a further 1070 ha of ecologically sensitive land under conservation covenant with land use restrictions.

Water quality and in stream aquatic environments will likely benefit from proposed conservation area and conservation covenant. However, the effect of future development, land use and management on water bodies is most appropriately dealt with under resource management law (regional and local governance) and industry led best practice initiatives rather than ad hoc planning through tenure review. Ecological sustainability outside of the reviewable land (Omarama stream and associated marginal strips) cannot be achieved under the Crown Pastoral Lands Act. Consequently this point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
30	CC1 should be extended to include adjoining shrubland to the north and link with the proposed conservation area CA1 to the south.	13	Allow	Not accept

*Discussion:*

The submitter demonstrates that several land environments that are poorly represented in protected areas could be afforded further protection by extending the proposed conservation covenant CC1. They argue that this would also improve the viability and ecological sustainability of the habitat. The submitter also argues that extending CC1 would protect landscape values between the proposed conservation covenant CC1 and proposed conservation area CA1. The protection of conservation values (where they are considered significant inherent values) and ecological sustainability are matters for the Commissioner of Crown Lands to consider pursuant to Sections 24 (b) and 24 (a)(i) Crown Pastoral Land Act. Therefore this point is allowed.

While it is desirable (in terms of viability and sustainability) to include larger areas within covenant and to have ecological linkages to other protected areas this is not always either practical or possible. Fencing of the covenant boundary is necessary. The boundaries of the proposed covenant have been selected to follow practical fence lines whilst protecting as large an area as possible. Areas have also been left out of the covenant because of the lesser ecological value versus greater production value. The boundaries of the covenant are considered appropriate to protect the values present. Consequently this point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
31	The marginal strip of Omarama Stream should be fenced.	13	Disallow	Not accept

*Discussion:*

The submitter demonstrates the relationship between land management and long-term ecological sustainability of aquatic ecosystems. The submitter believes that livestock should therefore be excluded from the margins of Omarama Stream. Although this point relates to ecological sustainability the marginal strip and river bed are not reviewable land. Therefore this is not a matter for the Commissioner of Crown Lands to consider under the Crown Pastoral Land Act. Therefore this point is disallowed.

This point is automatically not accepted because it was disallowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>	
32	Marginal strips should be applied to Little Omarama Stream for the provision of public access.	13	Allow	Not accept

*Discussion:*

The submitter suggests that provision of public access via marginal strips along Little Omarama Stream would be desirable. While marginal strips pursuant to Part IV of the Conservation Act 1987 are not a matter for the Commissioner of Crown Lands to consider, public access is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (c)(i) Crown Pastoral Land Act. Therefore this point is allowed to the extent of considering access.

Additional public access routes have been considered. Further public access would have an undue impact on the farming operation post tenure review. Access provisions of the proposal are considered sufficient. Therefore this point is not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
33	The provision of marginal strips along Omarama Stream is supported.	13	Disallow	Not accept

*Discussion:*

The submitter supports the provision of marginal strips along Omarama Stream. However the marginal strip and river bed are not reviewable land. Therefore this is not a matter for the Commissioner of Crown Lands to take into account under the Crown Pastoral Land Act. Therefore this point is disallowed.

This point is automatically not accepted because it was disallowed.

**5. Discussion and conclusions:**

Public submissions have raised several issues that are of importance in this review.

Public access within the preliminary proposal has drawn many submissions. Many submitters comment on the lack of provision for vehicle access. The submitters are concerned about the limit this imposes on recreational hunting and access to the proposed conservation area for many members of the public (for example disabled persons, elderly, families with young children). The provision of access for horses is also requested. The easement route c-d has drawn criticism as not providing suitable access to the Hawkdun Range. Several submitters also suggest further easement routes.

On the basis of the submissions public access has been reviewed and in consultation with the Director General Conservation Delegate and the lessee it was agreed that several aspects can be improved. This includes provision of a more suitable easement route through the proposed conservation covenant CC2 to the Hawkdun Range (with the addition of horse access) and the provision of an additional easement route leading to the boundary of Tara Hills.

Vehicle access is not considered appropriate on any of the easements for a number of reasons. These include safety concerns with regard to an airstrip in the vicinity of the easement route onto the Ewe Range and the track condition itself. Further, the holder was unwilling to agree to as of right vehicle access.

The boundary of the proposed conservation area CA1 has also drawn many submissions. Although the proposed conservation area has drawn strong support (9 submitters) many submitters have put forward additional areas for inclusion. These include additional parts of the Manuherikia catchment, tops of the Ewe Range, and Little Omarama Stream catchment. No submitters opposed the proposed conservation area CA1.

The proposed conservation covenant (areas CC1 and CC2) has drawn much comment. Submitters have a range of views with regard to these proposed conservation covenant areas. Several submitters would like to see these covenant areas return to Crown ownership and control. Several submitters would like to see the freehold area covered by covenant in the Manuherikia catchment reduced and the proposed conservation area enlarged. Several submitters would also like to see the terms and conditions of the proposed covenant document improved to better protect the values in both area CC1 and area CC2. The need to ensure the boundary of each covenant area is fenced was raised. One submitter would like to see the proposed conservation covenant CC1 enlarged.

Boundaries for the proposed conservation area CA1 and the proposed conservation covenant (areas CC1 and CC2) had been identified through a thorough field investigation and extensive consultation. In light of the public submissions these boundaries were reconsidered. Consultation with the DGC delegate has concluded that the proposed boundaries provide adequate protection for the significant inherent values identified on the property. The holder was unwilling to relinquish further area as this would severely compromise the balance of his farming operation. Consequently it was concluded that the most appropriate boundaries for the proposed conservation areas and covenant were those put forward in the preliminary proposal.

Several points were raised that cannot be considered under the Crown Pastoral Land Act 1998 and have consequently been disallowed and therefore not accepted. These include points relating to legal road issues, fencing and provision of marginal strips.

All submissions and points raised by the submitters have been carefully analysed and full consideration given to them. The outcome of consultation is a tenure review proposal that meets the objects with respect to Section 24 Crown Pastoral Land Act 1998 and is acceptable to the holder.



## FINAL ANALYSIS OF IWI SUBMISSION

### BERWEN STATION TENURE REVIEW

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#### **1. Details of lease:**

*Lease name:* Berwen Station

*Location:* On Broken Hut Road, 10 kilometres southwest of Omarama

*Lessee:* P E Croft (as to a ½ share), S R and P E Croft (as to a ½ share)

#### **2. Public notice of preliminary proposal:**

*Date, publication and location advertised:*

*Saturday 6 August 2005:*

Otago Daily Times                      Dunedin

*Saturday 6 August 2005:*

The Press                                      Christchurch

*Tuesday 9 August 2005:*

High Country Herald                      Timaru

*Closing date for submissions:*

3 October 2005

#### **3. Details of submission:**

Land Information New Zealand advised Iwi of the Preliminary Proposal for tenure review in accordance with Section 43 Crown Pastoral Land Act. A written response was received from the Office of Te Runanga o Ngai Tahu on 29 September 2005. One point was raised.

#### 4. Analysis of Submissions:

##### 4.1 Introduction:

*Explanation of Analysis:*

The submission has been reviewed in order to identify the points raised and these have been numbered accordingly. Where the submitter has made similar points, these have been given the same number.

The following analysis summarises each of the points raised. Discussion of the point and the decision whether or not to allow/disallow the point follows.

The following approach has been adopted when making recommendations:

**(i) To allow/disallow:**

The decision to “**allow**” the point made by submitters is on the basis that the matter raised is a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not relevant in terms of the Commissioner’s consideration, the decision is to “**disallow**”.

**(ii) To accept/not accept:**

**Accept:** The outcome of an accept decision is that the point is included in the draft substantive proposal. To arrive at this decision the point has been evaluated with respect to the following criteria:

- The objects and matters to be taken into account in the Crown Pastoral Lands Act 1998 (Section 24 & 25 for Part 2 reviews or Sections 83 & 84 for Part 3 reviews) and;
- The views of all parties consulted and any matters relevant to the particular review, balanced against the objects and matters to be taken into account in the Crown Pastoral Lands Act 1998.

**Not accept:** The outcome of a not accept decision is that the point is not included in the draft substantive proposal based on consideration of the above criteria. Note that the points that are disallowed in the preliminary analysis are automatically not accepted in the final analysis.

##### 4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>	
1	The values identified in the Ngāi Tahu Cultural Values Report have been integrated into the Preliminary Proposal.	Allow	Accept

*Discussion:*

The Iwi submission notes that Te Rūnanga o Ngāi Tahu have considered the Berwen Station Preliminary Proposal and considers that the values identified in the Cultural Values Report have been integrated into the Preliminary Proposal. The protection of cultural values (where they are considered significant inherent values) is a matter for the Commissioner of Crown Lands to consider pursuant to Sections 24 (b) Crown Pastoral Lands Act. Therefore this point is allowed.

This point is accepted but does not require an amendment to the proposal.

**5. *Discussion and conclusions:***

The Iwi submission notes that Te Rūnanga o Ngāi Tahu have considered the Berwen Station Preliminary Proposal and considers that the values identified in the Cultural Values Report have been integrated into the Preliminary Proposal. The Iwi submission confirms that cultural values identified by the Cultural Values Report have been satisfactorily integrated within the Preliminary Proposal for Berwen Station.

The submission has been carefully analysed and full consideration given to it. No amendment to the proposal has been necessary on the basis of the Iwi submission. The outcome is a tenure review proposal that meets the objects with respect to Section 24 Crown Pastoral Land Act 1998 and is acceptable to the holder.