

Crown Pastoral Land Tenure Review

Lease name

**MT CECIL – PT 078
MT STUDHOLME – PT 079
KAIWARUA – PT 114**

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 Crown Pastoral Land Act. 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.

May

06

PRELIMINARY ANALYSIS OF PUBLIC SUBMISSIONS
FOR PRELIMINARY PROPOSAL
KAIWARUA, MT CECIL & MT STUDHOLME PASTORAL LEASES

File Ref: CON/50000/16/12699/00/A-ZNO-02 Submission No: CH0253 Submission Date: 24/05/06

Office of Agent: Christchurch LINZ Case No: Date sent to LINZ: 26/05/06

RECOMMENDATIONS

1. That the Commissioner of Crown Lands **notes** the receipt of this report for land held under Kaiwarua, Mt Cecil and Mt Studholme pastoral leases.
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:



Bob Webster
Tenure Review Consultant

Peer Review:



Mike Todd
Senior Property Consultant

Approved/Declined by:

Name:

Date of decision: / /

1. Details of leases:**Lease Name:** Kaiwarua**Location:** The Hunter Hills, Kaiwarua Rd, north of Waiho Downs and 25 kilometres northwest of Waimate.**Lessees:** Kaiwarua Station Ltd**Lease Name:** Mt Cecil**Location:** The Hunter Hills, Kaiwarua Rd, north of Waiho Downs and 27 kilometres northwest of Waimate.**Lessees:** Caberfeidh Farms Ltd**Lease Name:** Mt Studholme**Location:** The Hunter Hills, Kaiwarua Rd, north of Waiho Downs and 20 kilometres northwest of Waimate.**Lessees:** Caberfeidh Farms Ltd**2. Public notice of Preliminary Proposal:*****Date, publication and location advertised:***

Saturday 17 November 2005.

- The Press Christchurch
- The Otago Daily Times Dunedin
- The Timaru Herald Timaru

Closing Date for Submissions:

6 March 2006.

3. Details of Submissions received:

A total of 9 submissions were received. Details of submitters are in Appendix 1.

4. Preliminary 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.
- Discusses each point.
- Recommends whether or not to allow the point 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 1998 (CPLA). 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 dealt 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 have been allowed.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>
1	The head of several tributaries draining east from the crest of the Hunter Hills should be conservation land	1, 6, 7, 8	Allow

Rationale

Submissions 1, 7, and 8 suggest the conservation boundary should run along the top of the Hunter Hills, on the basis of water quality. Submission 1 also suggests it has landscape values.

Submission 6 argues that this area was initially indicated as having values worthy of protection, but that the lessee has subsequently damaged the significant inherent values by burning and tracking. They submit that there is potential for recovery of values and that the land should preferably be retained as conservation land, or alternatively be retained as pastoral lease.

Retention under pastoral lease is not an option offered by the CPLA. However, Crown retention as conservation land is an option provided under the CPLA and both submissions were concerned with significant inherent values or aspects of ecological sustainability. Consequently the point has been allowed for further consideration.

Point	Summary of Point Raised	Submission No.	Allow or disallow
2	Concern over the management of noxious weeds & pests under Conservation management in the absence of grazing.	2 ✓	Disallow ✓

Rationale

The submitter is concerned that management of weeds and pests may be a problem on retired land and questions whether pest management has been realistically costed by the Department of Conservation. This concern really relates to the internal resourcing of the Department of Conservation, and their management strategies after tenure review. These concerns are not issues that can be resolved within the CPLA tenure review process, so the point has therefore been disallowed for further consideration under this tenure review. However, all submissions are provided to the Department of Conservation.

Point	Summary of Point Raised	Submission No.	Allow or disallow
3	Many of the areas proposed for conservation designations have potential for economic use as forestry land	2 ✓	Allow ✓

Rationale

The submitter argues that much of the land proposed for conservation has potential for commercial forestry or carbon capture as either exotic or indigenous forest. Freeing up land capable of economic use from the constraints of pastoral tenure is one of the objects of the CPLA tenure review process, and the point has therefore been allowed for further consideration.

Point	Summary of Point Raised	Submission No.	Allow or disallow
4	Supports access provisions of the proposal as they provide comprehensive public access	3, 5, 6, 7 ✓	Allow ✓

Rationale

The submitters support the extensive public access provisions. Submitter 7 acknowledges that access may need to be limited from time to time due to factors such as lambing or mustering. Public access across and to the land under review is a matter that can be taken into account under the CPLA, so the point has been allowed for further consideration.

Point	Summary of Point Raised	Submission No.	Allow or disallow
5	Statement of support for the proposal as advertised	4 ✓	Allow ✓

Rationale

Support for the proposal as advertised is a matter that can be taken into account in the tenure review process under the CPLA and the point has thus been allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>
6	Support for the proposed conservation area	5, 6, 7	Allow
<p><i>Rationale</i> The submitters support the proposed conservation designation. Submitters 6 and 7, while supporting the restoration of the proposed areas to conservation, suggests that more of the land under review should be retained for conservation. These arguments are considered separately in later points. Submitter 5 indicates that there are few extensive such areas in this region, and says that there will be good recreational hunting opportunities. Support for the proposal, and recreational opportunities are matters that can be taken into account under the tenure review, and the point has therefore been allowed for further consideration.</p>			

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>
7	Concerned that the legal road adjoining the Mt Cecil lease is blocked by an existing deer fence and forestry operation	5	Disallow
<p><i>Rationale</i> Public access is a matter that can be taken into account in tenure review. However, the legal road mentioned is not included in the land to be considered under this tenure review. Since the matter is not something that can be dealt with through tenure review under the CPLA the point is disallowed.</p>			

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>
8	Several western valleys draining into the North Branch Waihao River have values deserving protection.	✓ 6, 7, 8 ↓	Allow ↓

Rationale

Submission 6 provides a detailed argument on the extensive depletion of *Chionochloa rigida* grasslands in the Southern Alps and their under-representation in protected areas. It is argued that certain areas under review (marked A,B,C,D,E on maps in submission 6) have such snow tussock grasslands and that they deserve protection on the basis of their health, extent, and naturalness. They argue that freeholding them will result in continued biodiversity loss and exacerbate their continued decline.

Submission 6 also argues that there are lowland shrublands worthy of protection and that the proposal should allow for expansion and restoration of sequences of native woody vegetation. They also argue for the protection of this land on the basis of halting the decline in biodiversity and the NZ Biodiversity Strategy. They also submit that these areas are outside the area that has been significantly modified by burning, oversowing and top dressing.

Submissions 6 and 8 also suggest that freeholding these areas will not promote ecologically sustainable management, since farming developments such as burning can degrade the snow tussock and have an effect on soil conservation and water yield. Submission 8 submits that this area would be likely to regenerate over a relatively short period, as have other areas of the eastern and western Hunter Hills. Submission 6 suggests that the provisions in the Waimate District Plan do not provide adequate provisions for protection of such environments, and that forestry would be unsustainable due to potential erosion and impacts on water yield.

Submission 7 identifies an area of shrublands just above the North Branch of the Waihao River north of the access track to Mt Blyth that they feel should be retained by the Crown. They also identify a deep valley on the south side of that track that they feel should be protected under Crown control. More generally they submit that all significant snow tussock areas be retained as conservation land.

This point relates to significant inherent values and ecological sustainability which are matters to take into account under the CPLA, and appropriate designations that can be achieved under the CPLA. As such, the point has been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>
9	The granting of development consents during tenure review has undermined the integrity of the tenure review process, and such actions are opposed.	6 ✓	Allow in part ✓

Rationale

The submitter indicates that track bulldozing and tussock burning has been allowed to proceed subsequent to the Conservation Resources Report, and that such actions undermine the integrity of the tenure review process and encourage lessees to destroy or compromise identified significant inherent values in order to freehold such areas.

The granting of consents for burning of vegetation and other activities affecting the soil are covered under sections 15 and 16 of the CPLA. On this basis the point falls within the defined criteria by which a point is allowed. However, the granting of such consents is not a matter than can be dealt with under the tenure review process, and it is also noted that the development on this review land has already occurred. The point has thus been allowed to the extent that such consents are covered under the CPLA, and it should be referred to LINZ as a matter they may wish to consider that could affect future tenure reviews.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>
10	Legal roads and marginal strips should be marked on the PP maps.	6 ✓	Allow ✓

Rationale

The submitter has requested that legal roads and marginal strips be displayed on the designations plans. The appropriate preparation of designations plans is an integral of the tenure review process under the CPLA, and the point has thus been allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>
11	Marginal strips should be laid down along the river banks of the Waihao and that there should be public access along these river margins.	7 ✓	Allow in part ✓

Rationale

The creation of marginal strips is not an optional process under the CPLA. They will be automatically created upon disposition, under the Conservation Act, along complying streams. To that extent this point is disallowed. However, the submitter has separately indicated that they would like public access along the river margins. This may or may not be satisfied by the creation of a marginal strip. Since public access is a matter that can be taken into account under the CPLA the point has been allowed in part for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>
12	Public access easement a-b and c-d will come into conflict with farm activities and requires more consideration with respect to public safety. However, easement h-i would be more than adequate, although this would be better located on a ridge to the east with access to Mt Studholme summit.	9 ✓	Allow ✓
<i>Rationale</i> The submitter is concerned with the appropriate location and nature of public access, along with the future economic use of the land. These matters can be considered under the CPLA tenure review process, and the point has therefore been allowed for further consideration. ✓			

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>
13	Land ex Kaiwarua for Crown ownership is all capable of economic use and all the significant inherent values could be protected with other mechanisms available under the CPLA	9 ✓	Allow ✓
<i>Rationale</i> This point relates to appropriate designations with respect to economic use and significant inherent values, which are matters that can be taken into account under the CPLA. The point has therefore been allowed for further consideration. ✓			

4.3 *Summary of submissions:*

In relation to the designations, the most common suggestion was for the inclusion of the headwaters of tributaries draining east from the crest of the Hunters Hills to be included in the conservation land, based largely on water quality concerns. Several submissions argued in favour of protecting more of the catchments draining west from the Hunter Hills, with Forest and Bird providing quite an extensive submission on this point. Many submitters indicated support for the public access provisions in the proposal. However, not all submissions argued this way, and some suggested more land should be freeholded, or that the access provisions could be reduced.