

Crown Pastoral Land Tenure Review

Lease name: MUZZLE STATION

Lease number: PM 027

Public submissions – Part 2

These submissions were received as a result of the public advertising of the preliminary proposal for tenure review.

May

04



Te Rūnanga Whakauka o Kahurangi ki Kaitiaki
NELSON/MARLBOROUGH CONSERVATION BOARD

Herea kia Kōtahi - Working Together

CORRESPONDENCE NO.	439
DATE RECEIVED	18/2

Received by fax
20/2/04

LATE

14

FILE:
NELCO-37588

13 February 2004

Commissioner for Crown Lands
LINZ
National Office
Private Bag 5501
Wellington

Dear Mr Gullen,

Muzzle Station Tenure Review

Firstly I would like to apologise for the lateness of this submission. Our Board only meets every 2 months and this is the first opportunity we have had to examine the issue of access in full. We ask you however to consider our submission.

The Board will have an important role in future management of Clarence Reserve through management plans and CMS development. As part of any future planning and policy the Board will be required to develop integrated recreational opportunities. At present the land status of many parts of the Kaitiakis, Molesworth and Rainbow are being reviewed. The Board feels it is imperative that opportunities are safeguarded and agreements are not set in place that may prejudice any future planning in terms of the whole area.

The access over Blind Saddle is an issue that the Board has already had dealings with in respect of concession applications. The Board accepts that there does need to be limits placed on this access in terms of motorised transport. However, the Board is apprehensive about providing an exclusive motorised access concession to the landowner of the Muzzle for up to 6 years. The Board is concerned that:

- a) This may prevent management options being enacted within that time period;
- b) The owner may argue that their rights of exclusivity or continued access by this route must continue after 6 years; and
- c) Private trips such as the local 4WD annual trip through Conservation Lands will require negotiation with the owner of Muzzle rather than DoC.

Changes sought

- a) Reduce the period of exclusivity to enable possible changes to policy to take place
- b) Make it clear by way of letter or agreement that at the end of the 6 year (or less) period the owner is not entitled to continued exclusivity or compensation for loss of access for tourism.

Nelson/Marlborough Conservation Board 186 Bridge Street Private Bag 5 Nelson New Zealand
Telephone 03 546 9335 Fax 03 548 2805 www.conservationboards.org.nz

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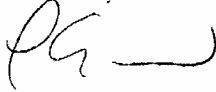
CROWN PROPERTY MANAGEMENT +++ KF TIMARU

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Nelson/Marlborough Conservancy
13 February 2004
Page 2

- c) As part of the negotiations, agreements need to allow DoC to make decisions on a limited number of private or club trips into the area.

Yours sincerely



PP Robin Manson
Chairperson
Nelson-Marlborough Conservation Board

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11 February, 2004

Commissioner of Crown Lands
c/- DTZ New Zealand Limited
Land Resources Division
PO Box 564
TIMARU

58 Kimore Street,
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Christchurch,
Telephone: (03) 365-3828,
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Website: www.ecan.govt.nz

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RECEIVED
LATE

12 FEB 2004

Dear Sir or Madam:

**MUZZLE PASTORAL LEASE TENURE REVIEW
SUBMISSION ON PRELIMINARY PROPOSAL**

Thank you for advising Environment Canterbury of the release of the Preliminary Proposal for Muzzle Pastoral Lease Tenure Review. We appreciate the opportunity to review the proposal and make a submission in relation to the future management of this land.

Environment Canterbury has a function under the Resource Management Act 1991 (RMA) to control the use of land for the purpose of soil conservation [sec 30(1)(c)]. In line with this function, the Council has a responsibility to review proposals for tenure review where this involves a review of the future management of land in the region.

Technical and planning staff dealing with land management in the Kaikoura area have reviewed the Preliminary Proposal for Muzzle Tenure Review to assess the impacts, if any, of this proposal on soil conservation management. In addition, we have identified any issues raised in relation to matters of significance under sec 6 of the RMA, particularly the effects of the proposal on areas of significant indigenous vegetation and the provision of public access.

Overall, Environment Canterbury supports the terms and conditions of the Preliminary Proposal as providing for the ongoing management of the soil conservation values of the land. Some specific comments and recommendations are outlined below.

There is some confusion as to the inclusion of unused Crown Land from the former Clarence Reserve Pastoral Lease in this Preliminary Proposal. While this land has been identified as part of the Muzzle Tenure Review, there is no associated review of this land in any of the background reports, particularly the Conservation Resources Report and Proposed Designations Report and the Due Diligence Report. In relation to the former Clarence Reserve, ECan has an interest in a Land Improvement Agreement under sec 30A of the Soil Conservation and Rivers Control Act which is not identified within the Preliminary Proposal document or the Due Diligence Report.

This issue is raised by the Department of Conservation in the Conservation Resource Report (page 6), where it seeks direction on the inclusion of the Clarence Reserve Crown Land area as part of the Muzzle review, but no information is provided on natural values or on land status and attached obligations. While Environment Canterbury has extensive knowledge and understanding of the terms under which this area has been managed, this information needs to be identified for other members of the public to make informed submissions.

Our Ref: PL5C - 103
Your Ref:
Contact: Cathie Brumley

Environment Canterbury is the promotional name of the Canterbury Regional Council

Our following comments provide a submission by Environment Canterbury to the tenure review of the Muzzle. Comments are also included on the proposed designations and management provisions for the former Clarence Reserve, but Environment Canterbury expresses concern that background information on conservation values and the Due Diligence report coverage of land designations and existing management agreements for the Clarence Reserve area are not provided for public scrutiny.

There is also concern that the provision for riparian set-backs along all rivers in the land under review is not clearly identified in the Preliminary Proposal, or in the accompanying reports. This needs to be included in the proposal.

CLARENCE RESERVE

There is a close correlation between the designations for protection and freeholding under this tenure review and the management regime under the original Rabbit and Land Management Programme (RLMP). The areas marked CA5 correspond closely with areas removed from grazing under the RLMP. Remaining areas CA3 and CA4 have been grazed subject to a number of conditions relating to stock type and stocking limitations. These are consistent with the conditions identified in the Preliminary Proposal.

The Concession Document (Grazing and Tourism Activities):

Grazing Concession: To enable adequate and ongoing reviews of the grazing concession, Environment Canterbury recommends that the environmental monitoring programme outlined in Schedule 2 Special Conditions, section 3) is a requirement of that concession, not an option.

An assumption is made under 4(c) of Schedule 2 Special Conditions that the area north-east of Fidget Stream does not require fencing to retain sheep and cattle within the CA3 area. This is strongly contested as the topography is not regarded as providing any guaranteed restriction on stock movement, particularly the movement of sheep. All previous agreements between Clarence Reserve and the Marlborough Catchment Board (SWC Plan), and latterly ECan, have recognised that cattle only should be grazed in this CA3 area owing to the difficulty of preventing sheep straying on to the sensitive higher altitude land.

On this basis, Environment Canterbury recommends that sheep are not permitted to graze this area unless stock proof fencing is provided.

To provide control of stock movement, it is recommended that the owner is required to reinstate or maintain the fence between the Fidget and Dubious rivers, as a continuation of the fence Y-Z, to ensure that sheep do not stray from the CA3 area into the CA5 and sensitive areas (this fenceline has been marked A-----B on the Plan Map and is included with this submission). This fence was constructed as part of the Soil and Water Conservation Plan agreed between the lessee and the Marlborough Catchment Board in the mid 1970's.

MUZZLE

Environment Canterbury supports the designation of CA1 areas as conservation areas under full Crown control. The lower boundary, co-inciding with a significant break in slope, provides a natural boundary to limit the movement of cattle, although it must be anticipated that there will be some straying of stock into the conservation area. This is unlikely to cause any significant damage to the vegetation or soils.

Environment Canterbury is satisfied that the areas proposed for freeholding are unlikely to result in any soil conservation issues of concern providing that the aims and objectives of the Rabbit Land Management Programme are maintained through adherence by the owner to the conditions of the existing LIA.

Sustainable management covenant:

The area subject to a sustainable management covenant (SMC) under this proposal, contains thinner soils at higher elevations that are more at risk of erosion from land use activities. This land should be managed for soil conservation purposes as well as for protecting the conservation values of the Conservation Area. This purpose should be recognised in the terms of the Sustainable Management Covenant. The Holder's obligations for stocking restrictions under the SMC will support the objectives of the Rabbit Land Management Programme for minimising the risk of soil erosion on this land.

Environment Canterbury considers it unreasonable to expect that cattle will not stray into the Conservation Area. The Holder's Obligations to keep cattle out of the Conservation Area is impractical in the absence of any fencing requirement between the Conservation Area and the SMC area. A more effective approach would be to monitor the effects of any straying cattle on the Conservation Area, and use this as a basis for review of the conditions of the SMC to maintain the values of the Conservation Area.

Recommendations:

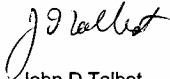
- 1 Environment Canterbury supports the proposed land designations under the review of the Muzzle Tenure Review Preliminary Proposal Pastoral as providing for soil conservation purposes with the following recommendations:
 - 1) That the proposal maintains the restriction on the grazing of sheep in the SMC area of the Muzzle
 - 2) That the purpose of management for the SMC includes soil conservation values and that the aims and objectives of the existing RLMP plan are maintained for this area
 - 3) That term 2(b) of the SMC document is removed as impractical to achieve without any fencing requirement for this land
 - 4) That in place of term 2(b), a monitoring programme is established as a requirement of the SMC to monitor the movement and effects of cattle within the Conservation Area
 - 5) That the conditions of the SMC are reviewed at regular intervals, on the basis of monitoring cattle both on the SMC land and the Conservation Area
- 2 If part of the Clarence Reserve is to be included in this Preliminary Proposal then the Summary document provided for public submission should contain all the relevant background information required for the public to make an informed submission. On the basis of staff involvement in the preparation and implementation of management programmes for this area, Environment Canterbury makes the following recommendations:
 - 6) That all available background reports and specifications are included as part of the Preliminary Proposal for the Muzzle if the Clarence Reserve area is to be

part of that Tenure Review process. This includes identification of existing LIAs over this area.

- 7) That the area of CA3 north-east of Fidget Stream, on the former Clarence Reserve lease, be fenced along its boundary with the sensitive area to prevent stock moving into the sensitive areas.
 - 8) That sheep are not permitted to graze the CA3 area north-east of Fidget Stream unless stock proof fencing is provided.
 - 9) That the requirement for the reinstatement of fences, such as proposed fence Y-Z, is extended north-east of the Dubious Stream, along the fenceline as marked A-B (on the accompanying map), that was erected as part of the soil and water conservation plan.
- 3 That all provisions for riparian margins are clearly identified on the plan maps and specified within the Preliminary Proposal.

Thank you for the opportunity to contribute to this process.

Yours faithfully
















John D Talbot
DIRECTOR OF POLICY AND PLANNING

Encl:


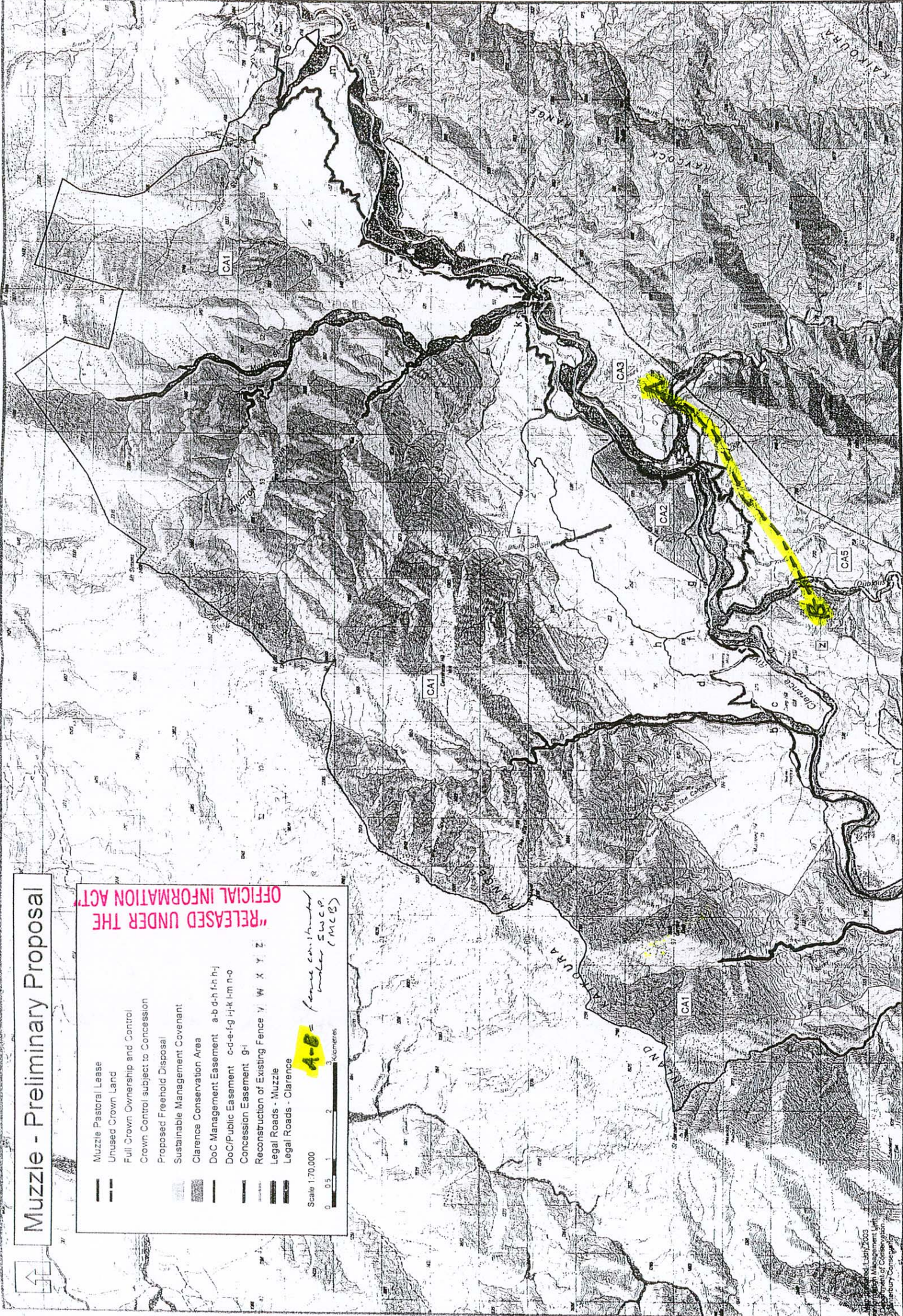
Muzzle - Preliminary Proposal

“RELEASED UNDER THE OFFICIAL INFORMATION ACT”

-  Muzzle Pastoral Lease
-  Unused Crown Land
-  Full Crown Ownership and Control
-  Crown Control subject to Concession
-  Proposed Freehold Disposal
-  Sustainable Management Covenant
-  Clarence Conservation Area
-  DoC Management Easement a-b-d-h-f-h-h
-  DoC/Public Easement c-d-e-f-g-h-k-l-m-n-o
-  Concession Easement g-l
-  Reconstruction of Existing Fence y w x y z
-  Legal Roads - Muzzle
-  Legal Roads - Clarence

A-B = fence contribution under SWCP (M18)

Scale 1:70,000

2. We have concerns about grazing on area CA3, to the north of the Fidget Stream. The review suggests that fencing off the area from Clarence Conservation Area is unnecessary due to the nature of the country. This may be the case in an all cattle regime, but historically, this area was grazed by sheep, which wandered at will, onto the Haycock Spur, well within the Crown area. The branch would like to see tighter controls over the stock type, grazing this, and similarly environmentally sensitive areas, with the suggestion that it be cattle only grazing.
3. If CA5 is to be, essentially, Crown controlled, why differentiate this land with Clarence Conservation Area?
4. Regarding public access along designated roads, is there provision in the review for re-alignment of roads, due to erosion, etc.? This could become an issue in the future with uncooperative lessees.

We hope that our submission is helpful in bringing the review to a satisfactory conclusion—the end of a very long process.

Yours sincerely,



Branch Secretary

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DTZ New Zealand Ltd.
10 FEB 2004

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Action by	GH
Recorded	ll
Is up date	
File No.	

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David Hodder
408 B Barrington St Christchurch 2 New Zealand
Telephone 03 339 7038 FX 03 339 7036

9 February 2004

DTZ New Zealand Ltd
Fax 03 379 8440
Christchurch 8002

Dear Manager - Land Resources Division,

Submission to Muzzle Station Tenure Review Proposal

I have only a few suggestions/queries concerning the material provided on the Muzzle LT R Proposals -

1. That there should be a specific statement concerning the locations of the station's "Queens Chain" situation, ie: current status wrt the station's boundaries and waterways, and the proposals to extent, or not, this reserve method within the Tenure Review proposals. Indications of access along legal roads and streams seems clear enough.
2. That the colour coding of the maps for indicating the proposed "freeholding" areas is not very finite and that perhaps a standard code of fine line hatching could be used to eliminate any confusion with any other land category/classification might solve this.
3. There is a considerable length of boundary, 10km, between Bluff River and Muzzle Stream that has no formal public access to the higher public lands from the proposed public access ways.
4. I understand there is an airstrip on this station. What is proposed for the rights of the public or concessionaires to use this, or is it proposed to retain public ownership of this and lease/easement to the adjacent landowner because this is a practical means of economic public transport to this isolated area. No doubt DoC management will also use this for the same reason.
5. Does the Department of Conservation have a management philosophy for this particular station because of its remoteness and therefore special access requirements for management purposes and the public owners? Will the station land be amalgamated with the recently acquired adjacent Molesworth Station for this purpose?

Regards

David Hodder Member of NZDA

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