



Crown Pastoral Land Tenure Review

Lease name: Obelisk Creek

Lease number: Po 377

Report on public submissions

This document includes information on the public submissions received in response to an advertisement for submissions on the tenure review preliminary proposal. The analysis determines if an issue is accepted or not accepted as meeting the objectives of part 2 of the Crown Pastoral Land Act (CPLA) 1998, and if further consideration and consultation should be allowed or disallowed, as per Section 45 CPLA 1998.

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

December 03

ANALYSIS OF SUBMISSIONS
OBELISK CREEK TENURE REVIEW

1. Details of lease:

Lease Name: Obelisk Creek
Location: Fruitlands, Alexandra
Lessee: Peter Richard Dunbier and Jennifer Lesley Dunbier

2. Public notice of preliminary proposal:

Date, publication and location advertised:

Wednesday – 3 July 2002:

- Otago Daily Times Dunedin
- Southland Times Invercargill

Saturday – 6 July 2002:

- The Press Christchurch

Closing date for submissions:

28 August 2002

3. Details of submissions:

A total of 5 submissions were received by the closing date. A further 3 submissions were received by 30 August 2002. The details of these submissions are contained in Appendix 3.

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 Appendix 3*) of the submitter(s) making the point. Discussion of the point and the decision whether or not to accept/not accept or to allow/disallow the point follows.

The following approach has been adopted when making recommendations:

(i) To accept/not accept:

The decision to “**accept**” 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 “**not accept**”.

(ii) To allow/disallow:

Where the decision has been made to accept, a further decision has been made as to whether the point made should be “allowed” or “disallowed”. The decision has been made to “**allow**” if the point raises new information and should be considered further. Where the matter has previously been decided by the Commissioner, and there is not justification for the further consideration then the decision is to “**disallow**”. Further justification for the decision has been made in the discussion paragraph showing the summary for each point.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
1	General support for the proposal.	1,2,3, 6,7,8	Accept	Disallow

Discussion:

The Preliminary Proposal for Obelisk Creek has been completed to meet the objects of Part 2 of the CPL Act. The point is therefore accepted.

Support for the proposal is acknowledged. The submitters have not provided new information in relation to this and therefor the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
2	While there is general acceptance of the grazing concession some submitters raised concerns about the the terms of the concession.	1,2,3, 5,6,8	Accept	Disallow

Discussion:

A number of points were raised in relation to the concession. Submitters 6 and 8 supported the proposal, submitter 3 believed that the concession should not be transferable and submitters 1 and suggested a term of three years rather than 5.

The proposed concession is a qualified designation pursuant to Section 36 CPL Act. This concession is also a limitation on the protection of significant inherent values which is one of the objects of the CPL Act under Section 24 (b). As these are matters for the Commissioner to consider the point is accepted.

The points raised by the submitters were considered during consultation with the holder (who sought a 10 year term) and DGC delegate prior to the putting of the Preliminary Proposal. The level of grazing proposed and the term was considered a compromise to ensure the holder had the opportunity to redesign his farming system whilst not putting undue pressure on the inherent values. The points raised have been fully considered previously and the submitters do not provide any new information in relation to this, therefore the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
3	The submitters suggest that if the lower boundary of the proposed conservation area is not currently fenced then this should be installed as close to the 1220 metre contour as practicable because of the high conservation values of the snowtussock grassland in this vicinity.	1,2	Accept	Allow for further consultation with the DGC delegate.

Discussion:

The protection of significant inherent values is a matter for the Commissioner of Crown Lands to consider under Section 24 (b) CPL Act. The submitters refer to significant inherent values related to the snowtussock grasslands in this vicinity and therefore the point is accepted.

The location of the boundary between the land to be restored to the Crown and the proposed freehold has been subject to careful consideration during the development of the Preliminary Proposal. The boundary adopted relates to ongoing assessment of the significant inherent values and the appropriate place for a fenceline. The fence was installed a few years ago in relation to a conservation covenant protecting the identified values. The submitters have not provided any new information in relation to this area, however as the previous analysis of the information is not well documented the point is allowed for further consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
4	The submitters are concerned that the altitude boundary between conservation and freehold is being pushed higher and higher during the tenure review process and suggest that the boundary should be at altitudes of between 900 – 1000 m.a.s.l. The submitters consider that significant inherent values lie between the proposed boundary and the next fenced block down the hillslope.	3,5,6,8	Accept	Allow for further consultation with the DGC delegate.

Discussion:

This point is similar to Point 3 discussed above and the same comments apply.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
5	The submitters believe that in order to fulfil the obligations of the Section 24 (c) (i) CPL Act Symes Road should either be legalised or its current legality confirmed. Alternatively alternative access be provided through Obelisk Creek Pastoral Lease.	3,5,6,8	Accept	Disallow

Discussion:

The securing of public access and enjoyment of reviewable land is an object of the Crown Pastoral Land Act 1998 (*Section 24 (c) (i)*). The point is therefore accepted.

Symes Road is a road formation leading to the crest of the Old Man Range. This road may or may not be constructed on a legal road line. This aspect of the submissions would normally be not accepted as the legalisation of roads is not a matter for the Commissioner to consider in terms of the CPL Act. The point has been accepted as the provision of access is a matter to be considered and it is noted in the Preliminary Proposal that this access is available via Symes Road. The question of access to this proposed conservation area was considered at length during the development of the Preliminary Proposal and it was noted that practical access was not available through the Obelisk Creek lease particularly as this did not adjoin any formed legal roads. Access to the conservation area is available from the adjoining Kopuwai Conservation Area. These matters have been fully considered and no new information has been provided therefore the point has been disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
6	The submitter has suggested that the upper boundary of the conservation area be extended to the formed road.	4	Not accept	

Discussion:

The land between the boundary of the reviewable land and the formed road is not part of this tenure review. The Commissioner is therefore unable to consider this matter and the point is not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
7	The submitter has requested access over the upper fence of the conservation area and carparking in the vicinity.	4	Not accept	

Discussion:

The proposal outlined in this submission relates to land which is not included in the tenure review therefore the point is not accepted. A point of note in this regard is that the boundary referred to no longer has a serviceable fence and free access would be available from the adjacent Kopuwai Conservation Area.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
8	The submitters request that marginal strip assessment and implementation become an integral part of tenure review procedures.	5,6	Not accept	

Discussion:

Marginal strips where appropriate will be created on disposition of the land, but this is a matter for the Director General of Conservation in terms of Part IV of the Conservation Act. The Commissioner does not have jurisdiction in relation to marginal strips and therefore the point is not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
9	That Section 35 (1) (b) CPL Act be amended, at the first opportunity, to allow designation of “land held or retained in fee simple”. This point related to the freehold land associated with this lease not being included in the review.	5	Not accept	

Discussion:

Amendments to the Crown Pastoral Land Act 1998 are not a matter to be considered in the context of an individual review. Freehold land is not included in this review as it did not relate to the designations available in a tenure review context. As these are not matters to be considered in the context of this review the point is not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
10	That a conservation covenant be created to protect significant inherent values associated with landscape between the proposed conservation land at 1200 metres to a contour of 700 metres on the eastern face of the Old Man Range.	6,8	Accept	Allow for further consultation with the DGC delegate.

Discussion:

This point is to some extent related to Points 3 and 4 discussed above. The protection of significant inherent values is a matter for the Commissioner to consider under Section 24 (b) CPL Act and therefore the point is accepted. ✓

The significant inherent values in this portion of the property were considered during the preparation of the Preliminary Proposal. The consideration of these values led to the conclusion that protection of these was not required in this review. While the submitters have not provided any new information in relation to these values, the previous analysis of the information is not well documented the point is allowed for further consultation.

(5) Discussion and conclusions:

Discussion relative to the particular points has been made above under each point for simplicity and clarity. The submitters in this case give general support for the proposal. There are some suggestions that the grazing concession should be shorted in term or granted tighter conditions, but this matter has been fully traversed previously. There are also a number of submitters who suggest that the significant inherent values continue down slope from the proposed boundary between the freehold and the conservation areas. There are suggestions of a lower fenceline and/or a conservation covenant to a lower level. These matters were traversed during the preparation of the Preliminary Proposal and no new information has been provided, however as there is only limited information relating to previous consultation, further review is recommended.

The points raised by the submitters have been carefully analysed and full consideration given to them.