

## **Crown Pastoral Land Tenure Review**

Lease name : OBELISK

Lease number : PO 264

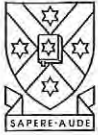
### **Public Submissions Part 1**

These submissions were received as a result of the public advertising of the Preliminary Proposal for Tenure Review.

These submissions are released under the Official Information Act 1982.

Aug

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Department of Botany

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January 27, 2014.

Manager,  
Land Information NZ,  
Crown Property and Investment,  
Private Bag 4721,  
CHRISTCHURCH 8140.

*precedes my  
earlier submission of Dec 24,  
CFM*

**SUBMISSION ON PROPOSED TENURE REVIEW: OBELISK PASTORAL LEASE**

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it based on my very good knowledge of the general area, having been associated with much relevant long-term research on the Hill Block, for which I was requested to prepare a summary statement by the Dept of Conservation (see the Conservation Resources report).

I have read the large report of the Preliminary Proposal, prepared for this important exercise, for this medium-sized (2775 ha) property, for which the proposal is to restore some 1263 ha (46%) to full Crown ownership and control, comprising two conservation areas (CA1 on the hill slopes of 880 ha; and CA2 of 345 ha on the Lake Roxburgh Faces), with an additional 38 ha (1.4%) proposed as an Historic Reserve, and the balance (1511 ha; 54%), to be freeholded, subject to qualified designations and protective mechanisms.

Regarding the detail; first the **Hill Block**, I read in the Proposal Report that the proposed Conservation Area One (CA1) comprises all of the land above the snowline fence (at ~900 m), currently fenced into two blocks: Top Block and Obelisk Creek Block. The proposal as shown on the accompanying map, however, shows a proposed new fence across upper Butcher's Creek in the Obelisk Block at ~1200 m, with the section below to be freeholded. This block has important ecological/conservation values, and particularly high landscape values (as detailed in the Proposal Report and also the CR Report), so that, if as shown on the map, it is to be freeholded I **strongly recommend** that it have a **Landscape Covenant** attached as a qualified designation, with a prohibition on burning so as to retain and protect the important landscape values with an alignment consistent with what is being sought in the Obelisk Basin Block and further along the Old Man Range which is highly visible from the main highway on the valley floor and even from Alexandra. The remainder of the CA1 area is satisfactory since it has been detailed apparently to include the two of my fenced enclosures and other nearby long-term study sites for snow tussock ecological research (see CRR for more details) at ~1220 m, and also the similar enclosure at 1590 m where I placed an interpretive panel in 2005, with the approval of the lessee Mr Alister Campbell. I **further recommend** that the CA1 area be added to the Kopuwai Conservation Area, pursuant to creating a Conservation Park on the upper slopes of the Range as proposed in the Otago Conservancy's CMS report of 1998. The existing road through this Hill Block should be formalised as a legal public road if its existing status (partly rerouted when upgraded by Harliwich Ltd. for the construction of the TV tower on the summit by BCNZ in 1974), is not legally secure.

The **proposed Historic Reserve is endorsed**, with the legal access road traversing it and including the associated Grazing Concession on that portion below the existing snowline fence but

not above (where the stone hut and also my long-term, fenced enclosure at 910 m are located). The proposed new fence (the lower part of the line B-C as shown on the accompanying map) is also **supported**.

Regarding the **Flat Top Hill Block**, this is a more complex issue because of the rare Land Environments implicated, as described in the report. Firstly, **I endorse** the Conservation Area status proposed for the Clutha Faces (CA2 on the map). The landscape and ecological values on this block are very high and it certainly justifies full protection and Crown management and control. However, **I strongly recommend** it be designated a **Scenic Reserve** to ensure its future protection since Stewardship Land, which would otherwise be its designation, does not provide the protection justified (based on recent decisions for development on stewardship lands elsewhere (eg., Denniston Plateau in North Westland) and the Parliamentary Commissioner for the Environment's recent report and recommendation).


The summit ridge of this block (shown as part of a Conservation Covenant: the FH2 CC on the Map) is also of particularly high biodiversity and ecological value and the allocation of Area A of some 70 ha, being the location of ephemeral tarns with several rare/threatened plant species, as described in the report. The allocation of **only 70ha** of this ridge crest, about only 1/3 of the total crest area on the property, **is inadequate** for special management to ensure the survival of this habitat and its **unique species and ephemeral tarns, both classified as Threatened**. **I strongly recommend** that its area be **extended (doubled) to the south**, extending the proposed new fence as far as the existing fence shown on the map just above the "Area B" sign on the map. This **extended Area A should be securely fenced and I strongly recommend be created a Scientific Reserve** to denote its very high scientific status and also to allow any required special management that such a reserve status provides for on the basis of scientific information directed at the sustainability of the designated scientific values. This could include periodic grazing if deemed necessary. Scientific reserve status should not exclude the interested public from visiting this area.

The **remaining area of FH2 CCB** should be designated as a **Conservation Covenant**, as proposed but with **no provision for the grazing of cattle** (too damaging to, and restrictive of, natural vegetation processes. **Nor should oversowing and topdressing, or direct drilling be allowed**, given the natural fertility and the potential for palatable indigenous grasses, particularly the blue wheatgrass, to increase, as it has obviously done on the adjoining conservation area to the north, since grazing has been reduced here. **Note, the provisions to graze cattle as well as the proposal for oversowing and topdressing and direct drilling would all represent new activities** on this area whereas the **Covenant specifies that it is to be granted "to preserve the particular Values specified in Schedule 1"**, with the single Objective of the Covenant is that **"the land must be managed so as to preserve the Values."** Clearly these three provisos are contrary to the intent of the covenant and so should be considered as **inconsistent with the provisions of the CPL Act**.

**I recommend** that the **existing road** through the centre of the FH2CC area, around trig point 502, be **created a public walking easement**, including its **extension on to both tracks (to north and south, as shown on the map)**, and **extended to the ridge crest** with its impressive rock tors and also to provide walking at will access to the CA2 area on the Gorge Faces. This **route should be poled** to clearly indicate its route, all the way to the ridge crest with ideally a "walking at will" opportunity here among the schist tors, and preferably with a sign at the end of the road off the main highway in Fruitlands.

I trust that this response and its recommendations will be given serious consideration. I also thank you again for the opportunity to assess and comment on this important proposal for tenure review.

Yours sincerely,

  
Alan F. Mark FRSNZ KNZM. Emeritus Professor.

30 January 2014



Commissioner of Crown Lands  
Land Information New Zealand  
Crown Property and Investment  
Private Bag 4721  
**CHRISTCHURCH 8140**

## **Preliminary Proposal for Tenure Review of Obelisk Pastoral Lease, Po264. Submission from the New Zealand Walking Access Commission**

Thank you for the copy of the Summary of Preliminary Proposal (SPP) and the opportunity to comment on the Preliminary Proposal for the tenure review of the Obelisk pastoral lease. As you will appreciate, this is the first opportunity that the New Zealand Walking Access Commission (the Commission) has had to comment on this proposal.

The following submission should be considered as new information as, to-date, the tenure review planning, extensive discussion and consultation have been undertaken without input from the Commission – the statutory body established in 2008 to lead and support public access negotiations.

The Commission's public access statutory role is described below, under section **A. Introduction**, and the detailed submission is presented in section **B. Submission**.

In summary, the Commission:

### **supports:**

- the public access over areas CA1, CA2 and HR; and
- the proposed easements for public access over the existing vehicle track, where the formed track deviates from the legal road alignment of Symes Road (generally summarised as 'a-b', 'c-d' and 'e-f' on the plan).

### **seeks to have:**

- the Preliminary Proposal map amended to reflect the correct number of easements to be created along Symes Road, north and west of Mitchells Cottage through to the conservation areas;
- an easement, of approximately 200m in length, created to provide for public access from the end of the existing unformed legal road (ULR) on eastern boundary of FH1 to the ULR at the north-eastern boundary of FH1; and
- the western boundary of area CA2 positioned in such a way that there is adequate width of flat land on the crest of Flat Top Hill, within CA2, to allow for construction of a mountain bike route and walkway to provide alternative public access to Flat Top Conservation Area.

## A. Introduction

### Purpose, Objective and Functions of the NZ Walking Access Commission

The Walking Access Act 2008 (WA Act) (sections 3, 9 and 10) sets out the purpose, objective and functions of the NZ Walking Access Commission.

Central to its role is the Commission's leadership functions in negotiation and provision of free, certain, enduring and practical access to the outdoors for New Zealanders and visitors.

### Focus of Submission is Public Access

The Commission's submission on the Preliminary Proposal for Obelisk is designed, as envisaged by the WA Act, to achieve free, certain, enduring and future-focused public access in this area of New Zealand.

The Commission's submission reinforces the objectives of the Crown Pastoral Land Act 1998 (CPL Act), in particular section 24(c) which is to make easier the securing of public access to and enjoyment of reviewable land. Specifically, our submission addresses the public access and public enjoyment matters provided for in the protection mechanism subsections (2) (c) and (d) of section 40 of the CPL Act.

The Commission was not consulted during the preparation of this preliminary proposal, nor has the Commission had the opportunity to undertake a ground inspection.

Therefore, this submission should be considered as new information provided by the Crown agency with statutory responsibility<sup>1</sup> for leading and supporting the negotiation, establishment, maintenance, and improvement of –

- walking access (including walkways, which are one form of walking access) over public and private land; and
- types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, and motor vehicles.

## B. Submission

### Existing public access

Symes Road (indicated by red dots on map 1, below), generally bisects areas FH1, HR and CA1, and provides legal public access from State Highway 8 westwards to the Old Man Range, the Obelisk Range and the Kopuwai Conservation area. The SPP notes that Symes Road provides year-round public vehicle access, is well used and highly valued by the public. The SPP also notes that this vehicle track, north and west of Mitchells Cottage, is maintained periodically by Kordia (originally NZBC) and that approximately 1.5km of this vehicle track, comprising several sections, is not on the legal road alignment.

An unformed legal road (ULR) provides public access from Symes Road, in vicinity of trig A2NN, north-eastwards to the northeast corner of area FH1 and beyond to State Highway 8.

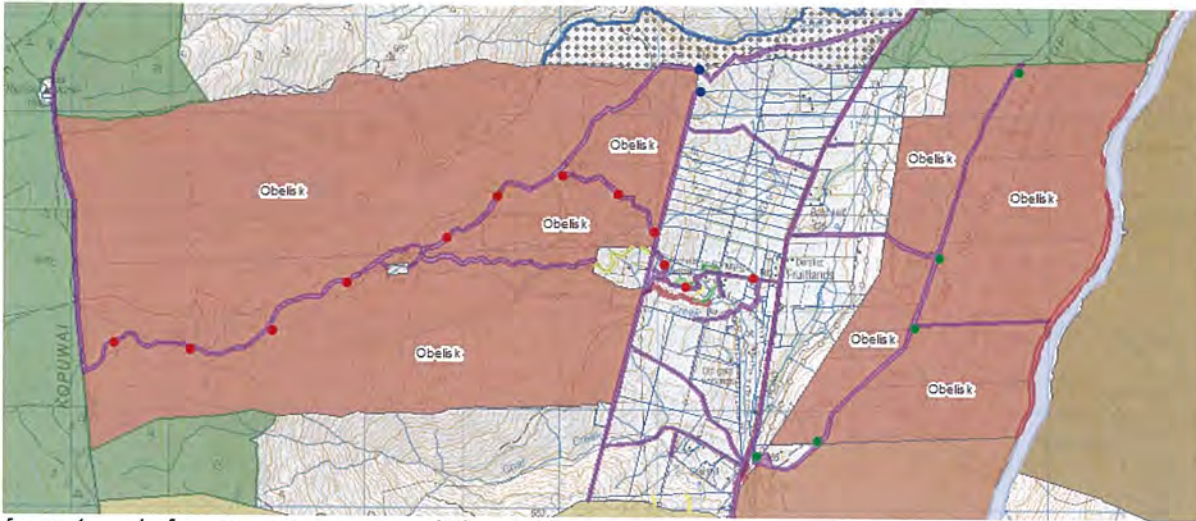
There is an ULR, through HR ending at the freehold boundary near Obelisk Creek and the water race.

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<sup>1</sup> Section 3(b) Walking Access Act 2008

An ULR runs north/south along the eastern boundary of FH1, but stops approximately 200m short of the northeast corner of area FH1 and the ULR there. This gap is indicated by the two blue dots on map 1 below.

An ULR traverses Flat Top Hill, as shown with green dots on map 1 below, generally bisects area FH2 in a north/south direction. This ULR has a connecting ULR west to join State Highway 8 and a further ULR linking Flat Top Hill with the marginal strip along the Clutha River.

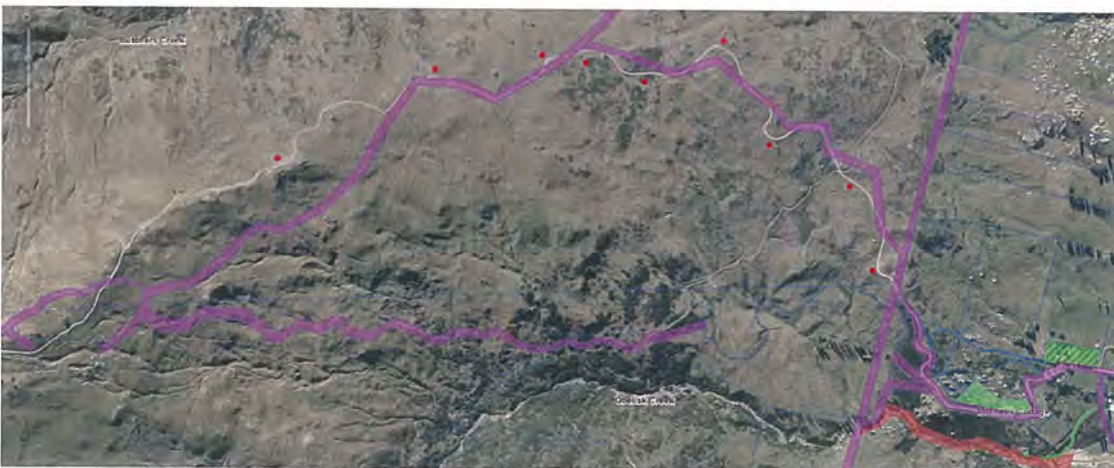


[map 1- snip from wams.org.nz – existing public access]

### Public access proposed in the Preliminary Proposal

The SPP confirms that easements will be created to provide public foot, horse, bicycle and vehicle access over those parts of the Symes Road vehicle track that are not on the legal road alignment.

These areas, between Mitchells Cottage and the land to be restored to the Crown (CA1 and HR), are generalised on the revised map<sup>2</sup> as three areas, 'a-b', 'c-d', 'e-f', notwithstanding that there appear to be at least nine areas that will require easements, as shown by the red dots on map 2 below.



[map 2 - snip from wams.org.nz – areas of vehicle track outside of Symes legal road alignment]

While a full road realignment survey would provide the best form of enduring access for the public, the Commission supports the creation of these, approximately, 9 easements to provide enduring legal public access over the full length of this vehicle track. The Commission notes the 'corrected

<sup>2</sup> Revised map received with letter dated 29 November 2013

map attached to LINZ's letter dated 29 November 2013 depicts 3 easements while the SPP map better recognises the greater number of easements.

The SPP confirms that the conservation area CA1 provides for public access. It is used frequently for both winter and summer recreation in association with Kopuwaiti Conservation Area. The SPP also confirms that the designation of area HR as historic reserve also provides for public access.

The SPP indicates that public access will be available through the conservation area CA2, providing valuable access, including foot and mountain bike routes, along the shores of the Clutha River/Lake Roxburgh from Flat Top Hill Conservation Area.

The SPP also notes the potential to develop a return route along the crest of the Flat Top Hill within the designated conservation area CA2. The Commission strongly supports this proposed access and notes, under the next heading, *Additional public access sought*, that the western boundary of CA2 should be appropriately set out to allow ample flat ground for mountain biking and a walkway within the CA2 area.

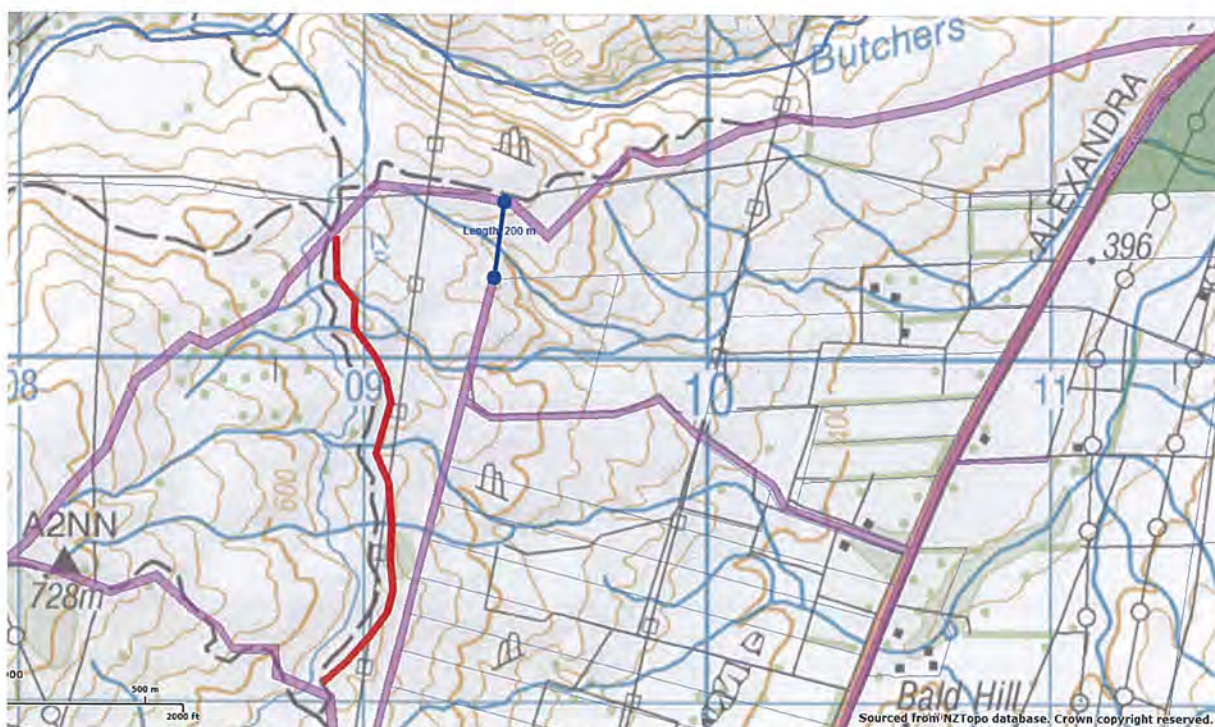
Although not specifically mentioned in the SPP, there will also be additional public access provided by the marginal strip to be created along Butchers Creek.

### **Additional public access sought**

#### FH1 - Eastern Boundary access link

Mountain bike and harrier/walk use of the water race track, highlighted by the red line on map 3 below, is currently supported through the generosity and permission of the lease holder.

This informal public access largely follows the water race through block FH1 (an existing easement to convey water granted to "Last Chance Irrigation Company Limited"), then extends northwards over the adjoining private land, Earnsclough Station. (This informal public access is new information not covered in the SPP).



[map 3 - snip from wams.org.nz – informal public access along water race and gap in legal road]

As the land on either side of this Obelisk property is in private ownership, and given that the fenced

track is used as a stock race and is integral to the efficient management of the farm, the Commission does not seek a public easement over this section of track.

However, the Commission seeks an easement to be created over the 200m gap where the ULR on the eastern boundary of FH1 stops short of the ULR on the north-eastern boundary of FH1. As indicated by blue dots on map 3 above, this 200m gap between the legal roads prevents a contiguous legal public access corridor north-eastwards, from Mitchells Cottage, through to State Highway 8 (shown at the north east corner of map 3 above).

This proposed easement will enable the current informal public access to continue in the general vicinity of the existing route, should there be a future change in land ownership causing the disruption of the current informal public use.

#### Conservation Area CA2 – practical flat area for public use on crest of ridge

The Commission seeks to have the full length of the western boundary of the conservation area CA2 positioned in such a way that there is an adequate and ample width of flat land within, CA2, on the crest of Flat Top Hill to allow for construction of a mountain bike route and walkway to provide alternative public access to Flat Top Conservation Area.

## Conclusion

*The Commission:*

1. **Supports** the public access over areas CA1, CA2 and HR.
2. **Supports** the proposed easements for public access over the existing vehicle track where it deviates from the legal alignment of Symes Road, to enable enduring public access to the conservation areas.
3. **Seeks** to have the SPP map amended to reflect the correct number of easements to be created along Symes Road through to the conservation areas.
4. **Seeks** an easement for public access to link the end of the existing ULR on eastern boundary of FH1 with the ULR that forms the north eastern boundary of FH1.
5. **Seeks** to have the full length of the western boundary of area CA2 positioned in such a way that there is adequate width of flat land on the crest of Flat Top Hill, within CA2, to allow for construction of walkway and mountain bike routes to provide alternative public access to Flat Top Conservation Area.

Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Obelisk pastoral lease.

We request timely advice as to how all the points we have raised have been analysed and what amendments, if any, are subsequently proposed to the Preliminary Proposal designations.

Yours sincerely



Mark Neeson  
Chief Executive



CA1097865

Submission 3



**Forest & Bird**  
GIVING NATURE A VOICE

Dunedin Branch  
PO Box 5793  
Dunedin 9058

**25.1.14**

The Commissioner of Crown Lands,  
Land Information New Zealand,  
Crown Property and Investment,  
CBRE House, 112 Tuam Street,  
Private Bag 4721,  
CHRISTCHURCH 8140

Dear Sir,

I enclose these submissions on the preliminary proposal for Obelisk Pastoral Lease on behalf of the Dunedin Branch of Forest and Bird.

Thankyou for the opportunity to make submissions on this proposal and for arranging permission for us to inspect the lease.

Yours sincerely

Janet Ledingham  
For the Management Committee of the Dunedin Branch, Forest and Bird Protection Society

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Phone 03 467 2960

## **Submission on the Preliminary Proposal for Obelisk Pastoral Lease**

### **On behalf of the Dunedin Branch Forest and Bird Management Committee.**

This submission is written on behalf of the Dunedin Branch of the Forest and Bird Protection Society which has approximately 1100 members, many with strong interests in the High Country values and recreational opportunities as well as in botany and natural history in general. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

The submission is written with reference to the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the government objectives for the South Island high country, especially the following:-

- *to promote the management of the Crown's high country in a way that is ecologically sustainable.*
- *to protect significant inherent values of reviewable land by the creation of protective measures; or preferably by restoration of the land concerned to full Crown ownership and control.*
- *to secure public access to and enjoyment of high country land.*
- *to ensure that conservation outcomes for the high country are consistent with the NZ Biodiversity Strategy to progressively establish a network of high country parks and reserves.*

This submission is made on the basis of an extensive inspection trip with other NGO's; Forest and Bird and FMC, at the early warning stage in 2010 and more recently in December 2013 and personal knowledge from many years of botanising and tramping in the Old Man area. We have also consulted the CRR.

### **Introduction**

Obelisk is a narrow lease on the east side of the Old Man Range with its western section extending up to the range crest at 1700m from Fruitlands, above Mitchell's Cottage, on either side of Symes Road and the 4WD track that continues up. The second, eastern, part of the lease which covers much of the southern aspect of Flat Top Hill extends from close to the State Highway east of the pylon line across to the Clutha River with the Flat Top Hill Conservation Area as its northern boundary.

We note that the tenure reviews of Earnsclough Station to the north of Obelisk and Obelisk Creek to the south, resulted in Conservation land, now part of Te Kopuwai, down to approx 1260m on the eastern face. Further, Covenants were created to protect both landscape and the significant inherent values over land down to approx. 900m.

#### **The Obelisk section of the lease.**

The top or western area of this part of the lease (from about the 1070m contour to the lease boundary on the range crest) is part of RAP OM1/7 Obelisk, identified during the PNA Survey of the Old Man Ecological District, 1986. A secondary RAP OM2/3 Mid Butchers Creek was identified to the right of the road at about 800m to the eastern boundary of OM1/7 and extending across to the northern boundary of the lease. The altitudinal range being from 610m-1370m.

The Obelisk lease landscape is an integral part of the 'Old Man' iconic and outstanding landscape as seen from State Highway 8 between Roxburgh and Alexandra. These eastern slopes of the Old Man contribute significantly to the character of the Range, both from a landscape point of view and for the significant inherent values present within them.

#### **The Flat Top Hill section of the lease**

This area is quite different from the western section. The Obelisk part of Flat Top Hill is blessed with an extraordinary selection of impressive tors, many ephemeral wetlands with spring annuals, some of them rare

plants, and a steep hillside leading down to the River/Lake Roxburgh with active shrub regeneration in progress.

### **The proposal:**

## **2. Land to be restored to full Crown ownership and control as conservation areas CA 1 and CA 2 comprising some 1225ha.**

### **2.1.1 Old Man Range Conservation Area (CA1)**

CA1 is well described in the proposal and in the CRR. It has numerous significant inherent values which include those in RAP OM 1/7, notable for containing a diverse and outstanding landscape, striking altitudinal and longitudinal climatic gradients illustrating the interface between dry Central Otago and moist Southland.

It also has RAP OM 2/3 which still contains a particularly well defined altitudinal sequence of the major vegetation communities but unfortunately is not all protected in CA1 as a new fence across the Top Block at about 1200m is proposed to allow freeholding of the lower part of RAP OM2/3. We note the comment that according to the CRR, previously recorded values in this RAP remain with just some deteriorating cover on the lower north facing slopes. It is also stated in the proposal that recent herbicide spraying has reduced the extent and intactness of some of the diverse indigenous shrublands so that formal protection is not warranted. This is most unfortunate.

Overall CA1 has rare ecosystems and is the type locality of five alpine plant species and also contains important landscape values on the upper slopes and crest of the Old Man Range.

It provides important ecosystem services such as water for local irrigation schemes as it forms the upper catchments of Butchers and Obelisk creeks.

**We fully support the creation of CA1 to protect all the significant inherent values which are well described in the proposal and the CRR and look forward to it then becoming a part of the Kopowai Conservation Area.**

**We submit that the area below the proposed new fence and the fence at about 900m, part of RAP OM 2/3 should also be included in CA1 to provide a well defined altitudinal sequence and protect landscape values in spite of the fact that some of the divers shrublands have been reduced by herbicide spraying.**

**If this cannot be done at least there needs to be a Landscape Covenant over the freehold area between the 900m fence and the proposed new fence which would include a 'no burning' clause. This would be in line with outcomes from other tenure reviews along the range.**

### **2.1.2 Lake Roxburgh Faces Conservation Area (CA 2)**

The significant inherent values within CA2 are well described in the CRR and in the proposal.

**We fully endorse the creation of CA2 to protect the significant inherent values.**

**We note that the creation of the CA will also provide a currently missing link for the cycle (and walking) trail route from Alexandra to Roxburgh.**

## **2.2 Land to be restored to Crown control as Historic Reserve (HR) and subject to a qualified designation:**

The extensive archaeological sites associated with the mining history of Whites Reef are very worthy of protection under the designation of Historic Reserve and we fully support the creation of this HR and the public wander at will access to it. Qualified designation: Grazing concession pursuant to Section 36(1)(a) CPL Act

**A Grazing Concession is proposed over an area of approximately 25ha that will provide for ongoing sheep grazing including fertiliser and pasture maintenance over the area below the snowline fence.**

**We have no objection to the propose grazing concession over the HR but do note that in Schedule 3 it is stated that 'The Land may be monitored from time to time by the Grantor to assess the effects of grazing on the historic sites.....'. We believe that this should read "will be monitored" rather than**

“may be”. While it is unlikely that the grazing will have an adverse effect surely some mandatory monitoring should occur.

### **2.3 Land to be disposed of by freehold disposal to Earnscleugh Station Lands Limited, and marked FH 1 and FH 2 on the designations plan.**

#### **2.3.1 Obelisk Blocks (FH1)**

We have already commented on the desirability of having the land between the 900m fence and the proposed new fence being added to CA1 so that the whole of the RAP OM 2/3 altitudinal sequence is protected, or at the very least having a Landscape Covenant over it since it a very visible part of the Old Man Landscape from both Alexandra and the State Highway between Roxburgh and Alexandra and on the drive up from Symes Road to the range crest..

We see this as an important issue.

**Otherwise we have no objection to the freeholding of the rest of the land in FH1 which is capable of being managed in away that is ecologically sustainable.**

We note that other mining sites; those associated with Gray’s Reef and Gray’s Hut site are currently protected by the Historic Places Act which makes deliberate disturbance of historic sites an offence and judge that this offers reasonable protection for those sites.

#### **2.3.2 Flat Top Hill (FH 2 CC )**

This part of the lease has a quite different character from the western Obelisk section. It adjoins the Flat Top Hill Conservation Area at the northern boundary.. Once the Flat Top Hill plateau is reached it is a dry environment, but with numerous ephemeral wetlands containing various rare plants and spring annuals. (Figures 1-3)

There are also areas of shrublands, tussock grassland and short turf. The eastern side of the plateau has deeply incised gullies leading down to the Gorge way below.

The lease here has some magnificent and intriguing tors and unusual horizontal schist well covered with lichens which are great to explore and enjoy; a photographers and botanists paradise (Figures 4-8). The views up to the Old Man and further to the east and down to the River/Lake Roxburgh in the Gorge below are outstanding.

In our 2010 recommendations we proposed that it should be designated a Conservation Area with grazing concessions to allow some sheep grazing sufficient to ensure the survival of the special plants and ephemeral tarn flora and fauna.

In the Proposal we believe that the significant inherent values of FH2 CCA and B, well described in the CRR and the proposal, would be better protected if CCA was enlarged and both CCA and CCB were designated as a **Scientific Area** where DOC specialists could best make decisions on the best level of grazing and that is what we recommend.

We do hope that public access, walking only, up the current 4WD track., to enjoy the wonderful tors and their plant communities. (Figures 4-8)

#### **2.3.2 Protective Mechanisms**

##### **Conservation Covenant CC (Area A and Area B)**

**The Proposal Summary states that: “The purpose of the proposed covenant is to protect the values which arise in the form of threatened plant species present and the outstanding landscape values”.**

The land that the proposed Obelisk Covenant covers includes an Area A of 62 hectares, and an Area B of 425 hectares.

**We believe that Area A should be doubled in size.** It has many ephemeral tarns with rare and threatened plant species, as described in the CRR and the proposal. 70ha is not sufficient for special management to ensure the survival of this habitat and its unique species.

**We strongly recommend that CCA and CCB should be added to CA2 and should be designated as a Scientific Reserve.** This designation would give better protection than a Conservation Area since as has recently become obvious, Stewardship Land does not have a high level of protection (See the recent report by the Parliamentary Commissioner for the Environment). The existing fencelines could be used except for a new fence on the western escarpment.

**We further recommend that there be a public walking access easement up the road with a poled route marked so that people could enjoy, botanise and explore the magnificent rock tors, far more impressive than any on the adjoining Flat Top Hill Conservation Land.**

**There should also be public walking only access to CCA and CCB so that people can enjoy and appreciate the botanical values. This could be from the DOC Flat Top Hill Reserve.**

**We would accept a closed access period for lambing if need be.**

#### **Forest and Bird Comment on matters in Schedules 1-4**

**The Values specified in Schedule 1** include ephemeral wetland vegetation, including Nationally Critical and At Risk species, found on both Area A and Area B – there is no suggestion that the Values on Area B are less important than the Values on Area A. The Schedule 3 Management Prescription Document says that some plant values survive with and probably require a high disturbance environment that could be provided by sheep grazing.

The Covenant records that it is to be granted “to preserve the particular Values specified in Schedule 1, and the sole Objective of the Covenant is that “the land must be managed so as to preserve the Values”. Those provisions are consistent with the CPLA objectives (subject to our view that in this case the preference for return to full Crown ownership and control). The rest of the pro forma conditions in the main body of the Covenant are also appropriate.

However, the Schedule 2 Special conditions, Schedule 3 Management Prescription Document and Schedule 4 Monitoring Programme description contain a number of provisions which are not in accordance with the Objects of the CPLA, and are inconsistent with the main body of the Covenant. As a general comment, the Covenant appears to be attempting to provide for the current leaseholder to continue current practices and even develop the Land, even though these areas have been specifically identified as containing SIVs. The CPLA has a clear policy direction for protection of such areas.

We make specific comment on the provisions of Schedules 2, 3 and 4 below. In summary: Schedules 2 and 3 should be rewritten to remove provisions which allow practices that are inconsistent with the protection of the Values.

Sheep grazing should only be permitted in order to maintain the Values, and the Minister should be able to unilaterally impose conditions on grazing or require grazing to cease if it is shown by monitoring to be adverse to the Values.

Both Area A and Area B should be accorded the same level of protection. It is not appropriate to trial land practices that have highly destructive and in some cases irreversible effects in an area of extremely vulnerable SIVs. The Schedule 4 monitoring provisions should be rewritten to support protection of SIVs on Area A and B, rather than envisaging and permitting damage or destruction of the SIVs through land management practices.

#### **Schedule 2 Special conditions**

Special condition 1 proposes to delete Clause 3.1.1 and replace it with the words “Sheep may graze the land”. Existing Clause 3.1.1. accords with the objects of the CPLA, in that it provides that grazing may be carried out only where the Minister agrees. In considering whether to agree, the Minister is required to consider the Objective of the Covenant (that the land must be managed so as to preserve the Values”). We recognise that in this case, sheep grazing may be beneficial to the particular fauna found on the land by reducing competition from exotic grasses. However this is not known with certainty, and could be affected by matters such as stocking rates. In order to achieve the objects of the CPLA, the Minister should retain the ability to approve or decline sheep grazing and to impose conditions. Sheep grazing should be permitted only in order to protect the significant inherent values.

Special condition 2 provides that the owner will not stock the Land in such a way as to cause damage to the values (for example by creating a feed pad). If grazing is permitted it should be in order to protect the inherent values, and should not only be required to avoid causing damage to the values. In addition, it is arguable whether creating a feed pad is a manner of stocking the land. **This provision would be clearer and more consistent with the objects of the CPLA if it were amended to read “The Owner will use management practices which protect the Values, and shall not stock the land or use practices which risk causing damage to the values (such as creating a feed pad)”.**

Special condition 5 provides that management of the Land may be adapted over time by agreement between the Owner and the Minister to better protect the Values, in accordance with the Management Prescription Document. To accord with the ecological sustainability and SIV protection objects of the CPLA, the Minister ought to have the ability to vary the management of the Land, without requiring the Owner's consent. This is particularly important in circumstances where activities with unknown outcomes are proposed to be allowed.

Special condition 7 provides that the Owner will not feed out hay or other feed supplements on Area A only. Clearly both Areas A and B contain SIVs, which are equally vulnerable to damage by stock. The higher stocking rates that can be achieved using feed supplements increase the risk of damage. There is no valid basis for distinguishing between Area A and Area B. This is discussed further below in relation to the Management Prescription Document. **Allowing feed supplements, and consequently higher stocking rates, on Area B is inconsistent with the objects of the CPLA and the Objective of the Covenant. The restriction on feeding out hay and feed supplements ought to apply to both Area A and Area B.**

Special conditions 8 to 12 apply to Area B only. As set out above, Area B is a 425 hectare area containing a number of Nationally Critical and At Risk plants associated with ephemeral wetlands.

Special condition 8 states that if the Owner wishes to graze cattle on this part of the Land, the Owner must first consult the Minister, who may impose reasonable conditions as part of any authorisation for this use. This provision does not appear to give the Minister the ability to prohibit cattle grazing, but only to impose conditions (the Owner is only required to “consult” the Minister, rather than seek the Minister's approval). **If the intention was to provide for the minister to approve or decline requests to graze cattle then the condition should be amended to make that clear.**

**However cattle grazing should not be permitted on Area B, with or without a consenting regime. The Management Prescription Document recognises that cattle are known to cause pugging of wet areas and may destroy values being protected. Destruction or damage to vulnerable SIVs in ephemeral wetlands is unlikely to be able to be addressed through conditions on cattle grazing. There may also be a challenge to whether conditions that the Minister wishes to impose are “reasonable”, for example if the Minister considers fencing of ephemeral wetlands is required. This provision provides insufficient certainty that cattle grazing will not cause destruction or damage to SIVs, and is contrary to the objects of the CPLA and the Objective of the Covenant.**

Clause 9 provides that the Owner may construct a fertilizer bin on area B in an area authorised by the Minister and that in the Minister's opinion will minimise impact on landscape values.

**Construction of a fertilizer bin is only required if fertilisation of Area B is permitted. Fertilisation will result in increased growth of exotic grasses which outcompete the native species associated with ephemeral wetlands. This is inconsistent with the objects of the CPLA and the Objective of the Covenant.**

If construction of a fertilizer bin is to be permitted subject to the Minister determining the location, the Minister should not be limited to considering the impact on landscape values. The location should avoid areas where there would be adverse impacts on ecological SIVs.

Special condition 10 modifies Clause 3.1.5 by removing reference to chemical spraying, topdressing and sowing of seed. As Clause 3.1.5 currently prohibits those activities without the Minister's consent, the effect of Special condition 10 is to permit chemical spraying, topdressing and sowing of seed as of right. In addition, Special condition 11 provides for direct drilling as of right. All of those activities will damage or destroy the ecological SIVs in Area B if they occur where those SIVs are found or nearby. Chemical spraying will kill the ecological SIVs directly, where-as direct drilling and/or topdressing and sowing seed will introduce new exotic species or enhance populations of existing exotic species, which then outcompete

vulnerable native flora. Although the SIVs may persist where sheep grazing occurs, there is no evidence that chemical spraying, direct drilling, topdressing and sowing seed will protect or maintain the types of native plant species found on Area B (with the limited exception of spot spraying invasive weed species). There is comprehensive research and observational data showing that dryland and ephemeral wetland species do not persist under these types of management techniques.

**Permitting those activities as of right is entirely inconsistent with the protection of these SIVs and with ecologically sustainable management of the Land.**

Special condition 12 authorises the construction of a dam for stock water on Area B. The Minister is able to authorise the location of the dam but does not have any control over matters such as the dam size and type.

**In order to protect the SIVs, the Minister should have the power to impose conditions over the dam size or type**

### **Schedule 3 Management Prescription Document**

Schedule 3 states that the covenant has two goals: (i) to protect, maintain and enhance the landscape amenity attributes and indigenous plant communities of the Land whilst providing for ongoing sustainable grazing; and (ii) Maintain Area A of the Land in an undeveloped state while providing for ongoing grazing to maintain the plant community of spring annuals in ephemeral tarns. In our view those goals are not appropriate and in some aspects unlawful:

The Covenant's sole objective is that the land must be managed so as to preserve the values. The goals do not prioritise preservation of the values but provide that protecting indigenous plants and "providing for ongoing sustainable grazing" are of equal importance. This undermines the objective of the covenant as it is not clear that grazing will occur only if the Values are being protected.

By implication, Area B is not to be maintained in an undeveloped state. As set out above, development through direct drilling, oversowing and topdressing will not protect the Values on Area B. The lack of protection of Area B is inconsistent with the objective of the covenant and the objects of the CPLA.

**We recommend that the goals of the Covenant should be to:**

- a. Protect, maintain and enhance the landscape amenity attributes and indigenous plant communities of the Land.**
- b. Subject to (a) above, to provide for ongoing grazing where it is shown to maintain the indigenous plant communities (in particular spring annuals in ephemeral tarns).**

**Under clause 2.2 it is stated that:**

***Cattle are known to cause pugging of wet areas and may destroy values being protected, so that conditions imposed as part of an agreement to cattle grazing would need careful consideration.***

**As set out above, cattle grazing is not appropriate at all as it is inconsistent with the objective of the Covenant and the objects of the CPLA.**

Clause 2.2 then says:

*The Owner wishes to sow seed and fertilise Area B of the Land. This will have unknown outcomes for the threatened herbs, most of which are in ephemeral wet tarns on the Land.*

It goes on to say that developed and undeveloped areas will be monitored, that Area A will not be seeded, fertilised or otherwise developed and that the plant communities will be monitored over time to ensure the populations continue to thrive at least in area A.

This provision recognises that the outcome of the management practices proposed for Area B may well be destruction of the values, and this is apparently an acceptable outcome. This is completely inappropriate for any SIV, but particularly where vulnerable Threatened and At Risk species are concerned. There is no basis for allowing development of Area B. This provision is inconsistent with the objective of the Covenant, the objects of the CPLA, and even with the goals of the covenant. The goal applicable to Area B is protection of indigenous plant communities whilst providing for ongoing sustainable grazing (not development). This provision envisages development of Area B with the potential for the loss of the values.

**Monitoring should be for the purpose of ensuring that the plant communities in both Area A and Area B continue to thrive with sheep grazing. Development activities that are recognised as having “unknown outcomes” should not be permitted, particularly where these are not existing activities.**

Clause 2.2 states that adaptive management can be applied to better meet the objects of the covenant. This suggests that adaptive management is proposed, where it is not. The owner is entitled, as of right, to carry out land use practices that are known to be adverse to the vulnerable plant communities and which are often irreversible (such as sowing exotic pasture seed). No staged development is proposed. The Minister can only amend the Management Prescription Document with the Owner's agreement. Those factors mean that what is proposed cannot be described as adaptive management.

**Clause 5 states that sheep will be grazed on the land. This should be amended to provide that sheep will be grazed where the Minister permits it, and where monitoring demonstrates that grazing is shown to be maintaining the indigenous plant species present.**

**Clause 6 provides for review of the Management Prescription Document and for changes to be made to better achieve the objective to preserve the values. Changes may only be by mutual agreement. That is insufficient to achieve the objective of the Covenant and the objects of the CPLA. For areas of identified SIVS, the statutory preference is return to full Crown ownership and control. If that route is not taken, the Minister should as a minimum be entitled to make changes to the Management Prescription Document without requiring the Owner's agreement.**

#### **Schedule 4 – Monitoring Programme description**

Clause 2.2 describes the monitoring proposal for vegetation. Monitoring is designed to ensure the management of Area A is appropriate, and detect changes in the vegetation communities in areas A and B over time. This reinforces the view that Area B is to be used as a trial site, which is not appropriate for an area subject to a protective covenant. This provision is inconsistent with the objective of the Covenant and the objects of the CPLA. The monitoring should be designed to ensure the management of both areas A and B is appropriate.

Similarly, the provisions of part 5 which describe the proposal to monitor and compare undeveloped Area A with developed Area B should be deleted and replaced with provisions which support the objective of the Covenant and the objects of the CPLA, that is, the protection of SIVs and the ecologically sustainable management of reviewable land.

Part 6 (monitoring results) says that the results will be used to inform agreed changes in management of the Land. It then provides that the Minister may decide on appropriate changes to the management of Area A. **If it is intended that the Minister is able to make changes to Area A management without requiring the Owner's consent, this is not clear. This should be made clear by a new Special Condition in Schedule 2, rather than in Schedule 4. Other provisions referring to changes being made by agreement should be made subject to the new provision.**

**The acknowledgement that the Owner's use of area B “may in time lead to greater invasion of exotic plants into ephemeral tarn habitat”, and the terms of the Covenant which both envisage and permit that outcome, are inconsistent with the objective of the Covenant and the objects of the CPLA.**

We hope that these comments will be seriously considered and the Covenant conditions changed to result in better protection for the significant inherent values of the proposed FH2 area.

#### **Public Access**

We note the easement to secure public access up Symes road to the top of the range and are delighted that this has been secured.

#### **Acknowledgement**

We wish to thank Mr Alastair Campbell for allowing us to inspect the lease

Janet Ledingham

For Dunedin Branch, Royal Forest and Bird Protection Society

25.1.14.



## Figures



Figure 1. A shallow ephemeral wetland likely to have rare plants (spring annuals). Cattle disturbance would be a disaster on the areas like this.



Figure 2. As for figure 1 – another example of a shallow ephemeral wetland.



Figure 3. A broad slabbed wetland area in CCA adjacent to a tarn wetland, again likely to have rare plants..



Figure 4. View of the rock ramparts from the 4WD track up from Fruitlands, a wonderful area for walking and exploring and easily accessed for all ages.



Figure 5. More huge tors, wonderful to explore and find all the plant communities and lichens.



Figure 5. An Anisotome cascade in the crack.



Figure 6. More tors with strange ethereal shapes begging to be explored and enjoyed.



Figure 7. Tor landscape and a 19C trig at right on top of the rock pile



Figure 8. A final “Old Man of Flat Top Hill” tor complex.

Submission to:

Crown Pastoral Land Tenure Review

Lease Name : Obelisk – Earnsclaugh Station Ref 12540 (PC 0264)

Date: August 1, 2014

From: NZ Horse Network (NZ Horse Network Inc)

Contact: Vivien Dostine , President

55 Gallony Ave, Massey Auckland 0614

Phone (09) 833 6743

Email: [viv@nzhorseriders.info](mailto:viv@nzhorseriders.info)

## Obelisk Public Access Proposal

We support provision of easement at Obelisk as set out for horse riders (or those with horses). We also support Tenure Review proposals that achieve the stated goals of improving public access, and recreation.

There is no mention within the document regarding the need for the public easement (which appears to be to allow for public access using the existing farm track where it fails to align with the unformed legal road).

Rather than creating a public access easement, aligning the unformed legal road along the existing track would be a preferred solution. Otherwise the landholder will still be required to also permit access on the sections of the unformed legal road.

No mention is made of the other unformed legal roads on any of the land areas. As part of the tenure review, public access would be substantially enhanced if these were either :

- Fenced to keep stock off and show the true alignment of the ULR, and\or
- Ensure any new fences or obstructions do not cross the ULRs i.e. any new fencing does not cut off access on the ULRs

### Section 24(c)(i)

“Potential for foot, and mountain bike” should be updated to “Potential for foot, mountain bike and horse...”

Recreational tourism in New Zealand is frequently limiting market opportunities by not recognizing the entire non-motorised recreation market , which includes horse riding. In Europe alone there is an estimated 30 million equestrian tourists (Italian Tourism research) , and promotion of the South Island for cycling and walking only ignores the ready market for equestrian tourism on the back of Lord of the Rings (which was full of horses, not cycles, after all!)

If public access and recreation to the land is not advanced through the mechanisms of the Tenure Review, then we see there is no benefit for the public in proceeding with the process on this property.

## Access for Horse Riders

We strongly support allowing horse riders continued access to traditional routes, and along historic trails as this brings history alive and provides a living link to our colonial and agricultural heritage. It provides insight into the experiences and hardship of past eras, and brings people closer to the natural elements of weather, ground conditions and terrain.

The horse provides access for those with a variety of disabilities, while retaining all the characteristics of experiencing the natural environment (quiet, slow pace, terrain, weather). Horse riding (and carriage driving) allow for quiet enjoyment of the natural environment by others, including those with disabilities.

Public access should not be confined to those who are fit enough to walk long distances, or in difficult terrain. Nor should the natural (only) alternative to walking, be vehicular access which is noisy (disrupting others enjoyment of natural settings), polluting and damaging to the terrain (or requiring tracks and trails to be built).

The aging population of New Zealand means that there will be more people with disabilities. Not all people can walk for long distances, or over rough terrain; yet often our most precious natural settings are remote. International disability tourism is increasing enormously, and is a great opportunity for New Zealand as a disability tourism destination.

The disabilities tourism market is one that is substantially under developed in New Zealand. The aging population will increase the number of people in New Zealand with disabilities, and within our tourism markets.

Many horse riders have disabilities; although few would describe themselves as disabled. A horse gives the rider strong legs, endurance and sharp senses to enable them to participate in independent, active, outdoor recreation across many types of terrain and in remote natural areas.

NZ Horse Network supports codes of conduct for horse riders to share recreation areas and use trails and resources in an environmentally responsible way.

## About NZ Horse Network

NZ Horse Network Inc is a volunteer based not-for-profit community group, that has operated since 2008. We have 600+ members (individuals and families), 25 affiliated clubs or organisations (listed below), and consult frequently with a wide base of equestrian organizations.

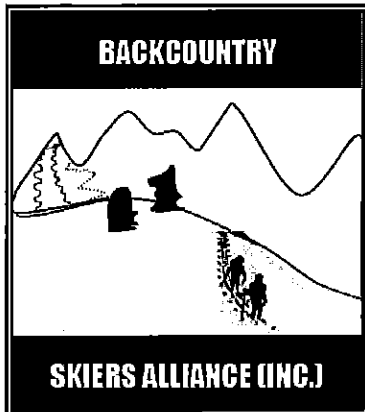
## Affiliated Groups

- Waiheke Island Riding Club
- Thames Pony Club and Adult Ride
- Kokatahi-kowhitirangi pony club
- Grey Valley Riding Club
- Kumeu Western Riding Club
- Katikati Hack and Hunters Riding Club
- South Head Riders
- Clevedon Pony Club
- Matakana Pony Club
- Auckland Woodhill Endurance Club (AWEC)
- Totara Park Pony Club
- Te Atatu Pony Club
- Franklin Western Riding Club
- Matakana Pony Club
- Kohukohu Riding Club
- CD Trekkers
- Secondary Schools Equestrian Cup Trust
- Icelandic Horse Breeders and Riders Association New Zealand (IHBRANZ)
- Mt Sandford Farmstay and Random Rides
- Kate Tapley Horse Treks :
- Akaroa Horse Riding
- Otahuna Horse Riding
- Mt. Lyford Horse Riding
- Central Southland Riding School
- Diamond Lodge Equestrian

NZ Horse Network is a member of the Northern Regional Equestrian Trust (Auckland), and consults with NRET and other equestrian groups on recreational horse riding issues and submissions.

## Northern Regional Equestrian Trust (NRET), members:

- Woodhill Sands Equestrian Centre
- Waitemata Eventing
- Show Jumping Waitemata
- Waitemata Riding Club
- Showhunter Waitemata
- Waitemata Hunt Club
- Dressage Waitemata
- Special Olympics



**Backcountry Skiers Alliance**  
**PO Box 168**  
**Alexandra**

January 25<sup>th</sup>, 2014

LINZ  
Private Bag 4721  
Christchurch 8140

**Submission on Obelisk Tenure Review**

Thank you for the opportunity to submit on the proposed tenure review for Obelisk Station. Overall we support the proposal and feel that it adequately enhances public access to Kopuwai Conservation Area, and adds further to the public estate lands of significant natural, historic and recreation values.

**BSA**

Backcountry Skiers Alliance (BSA) is an incorporated Society established in 1996. Our objectives are to foster non-motorised winter recreation in backcountry areas, and to promote and protect the resources upon which our member activities are based. During other times of the year our members are involved with a variety of land-based activities including mountain biking (MTB), tramping and horse trekking. BSA has submitted on a wide range of land tenure and environmental matters throughout the South Island. For many members BSA is the only outdoor organization they belong to.

**CA1, HR**

Our members are frequent visitors to the Old Man Range, and have been backcountry skiing in the area for many decades. Our usual access is via Symes Road, which passes through Obelisk. In the summer our members mountain bike the 4WD tracks. We know the area extremely well.

We strongly support proposed CA1, the lower altitude limit matches the extent of our skiing.

We support the establishment of easements a-b, c-d, and e-f, which formalise the route of the actual 4WD track where deviates from the legal alignment. Public vehicular access to near snowline is very important for our members. We have no need for vehicular access beyond approximately 1200-1300m during winter (June – October incl.)



We support the creation of the historic reserve, and are happy with the proposed grazing which along with a burning moratorium could help protect the archaeological values of the site.

**CA2**

We support the creation of CA2 on the SE faces of Flat Top Hill. This may enable the creation of further cycle trails in the future. We have absolutely no doubt that Flat Top Hill is going to prove a popular mountain bike area.

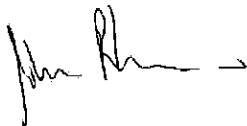
**Suggested additional access to CA2**

However by far the most useful access to CA2, for foot and cycles only, would be from the State Highway at Fruitlands. This could be up the existing track near Bald Hill, or up by another route further south. Even an unformed easement along the southern boundary would prove popular, providing a short walk from the highway to a spectacular viewpoint overlooking the gorge.

If necessary, the access could be seasonal, and closed for the lambing season to prevent stock disturbance.

More importantly this access would allow for extended rides in the future once a trail is formed along the crest on the southern edge of CA2. Riders – perhaps staying in accommodation at Fruitlands – could complete a Flat Top Hill loop track returning via the existing Conservation Area and a short section of SH8.

Yours Sincerely



John Robinson  
Secretary, BSA

Saturday, February 1, 2014  
Commissioner of Crown Lands  
Crown Property & Investment  
CBRE House, 112 Tuam Street  
Private Bag 4721  
CHRISTCHURCH 8140  
To Whom it may concern

Chris Pearson  
18 Rewa St  
Dunedin

I would like to make the following submission for Preliminary Proposal for the Tenure review of the OBELISK Station (PO264) which is undergoing tenure review under the Crown Pastoral Land Act 1998. I think that this has a lot of commendable features and I feel that I can support however I have one minor reservation.

I feel that the area CA1 and CA2 certainly represents a valuable addition to the conservation estate. CA1 represents an outstanding addition to the Conservation estate. It contains diverse and outstanding landscape and contains rare ecosystems and is the type locality of five alpine plant species. Most important it is a very important recreation resource. It is widely used by cross country skiers and it also represents a valuable resource for tramping, day walking etc. The popularity of the Roaring Meg Pack Track and the Cardrona-Cromwell Pack Track and the popularity of Big Hut and Leaning Lodge shows there is a big appetite in the public for back country tramping opportunities in easier country than is presented by the Southern Alps. CA2 prominent rocky bluffs and buttresses is part of the outstanding landscape of the Roxburgh Gorge. The area contains a number of threatened plant species. The inclusion of this area in the conservation will facilitate the completion of the Roxburgh Gorge bicycle path.

My only reservation is that the proposal does not propose a full road legalization for Symes Road. I appreciate that there is a easement for public vehicle access which deals with the major deviations for the road from its legal alignment but this is not provide the status of a full road legalization survey and I also suspect there may be some small deviations between point d and e on the designation plan. I want to emphasize that Symes Road provides critical access to the conservation estate. Without this Kopuwai Conservation Area would be inaccessible.

Sincerely yours,

Christopher Pearson