

Crown Pastoral Land Tenure Review

Lease name : OBELISK

Lease number : PO 264

Public Submissions Part 4

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

14



Our Ref: 22015-001
Your Ref: Po264

3 February 2014

The Manager
LINZ
Crown Property & Investment
CBRE House, 112 Tuam St
Private Bag 4721
CHRISTCHURCH 8140

Dear Sir/Madam

RE: OBELISK PASTORAL LEASE TENURE REVIEW

Thank you for your letter of 14 November 2013 concerning the above. The NZHPT's Southern Regional Office in Christchurch has forwarded it to the Otago/Southland Area Office for a response.

The NZHPT is a Crown Entity and is New Zealand's lead agency in historic heritage management. Its purpose is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand, as provided for in Section 4(1) of the Historic Places Act 1993. The NZHPT's powers and functions are set out in Section 39 of the Historic Places Act.

NZHPT has contributed staff resources to tenure review site inspections and assessments previously and understand the significant inherent values approach for tenure review. These reviews offer a 'one off' opportunity to ensure the Crown's commitment to the identification of heritage values located on pastoral lease land and warranting recognition and protection is met.

NZHPT has undertaken a desktop check for the area covered by the Obelisk PL which included checking the NZHPT Register of Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu Areas, the NZ Archaeological Association database, and a review of information available to the NZHPT's Regional Archaeologist for Otago/Southland. We advise the following from our investigations:

1. Historic Reserve – Whites Reef Mining Complex

The NZHPT fully supports the Historic Reserve encompassing the Whites Reef gold mining complex. The NZHPT has visited this mining complex in the past and confirms that it is a highly significant gold mining site which still retains much of the original heritage features and fabric related to the mining operation and occupation. Artefacts are still present at the site which are uncommon or are not found at other hard rock mining sites in Otago.

Sheep grazing, with the exclusion of cattle, is an appropriate method of managing vegetation on this site. The NZHPT would like to see the fence lines for the Reserve not built or aligned through any heritage sites or features. Any current fence lines which do cut through historic features related to Whites reef should be moved so as these features, site or artefacts fall clearly within the Historic Reserve. The NZHPT believes that one

Write to: Otago/Southland Area Office, New Zealand Historic Places Trust, PO Box 5467, DUNEDIN 9058
Visit: 4th Floor, Queens Building, 109 Princes Street, DUNEDIN; Tel: 03 477 9871; Fax: 03 477 3893
Email: infodeepsouth@historic.org.nz Web: www.historic.org.nz

such fence line either on the eastern or south eastern side of the proposed boundary for the Reserve does currently cut through a site.

2. The protection of archaeological sites under the Historic Places Act (1993) and the management of archaeological/heritage sites

The NZHPT believes it is important for LINZ to understand that although an archaeological site is protected under the Historic Places Act (1993), this protection is not a management tool to ensure long term survival of an archaeological site. As significant faunal and floral values on a pastoral lease require direct management through Landscape Covenants etc., so to do historic resources also require direct management. The Preliminary Proposal states on pages 8 & 11 that particular archaeological sites on the Obelisk Pastoral lease do not need further protection as they are protected under the Historic Places Act (1993), but this recognition will not ensure these sites will not be damaged by the same processes as floral and faunal values are damaged such as by the activities of cattle, exotic vegetation encroachment or damage by introduced pests such as rabbits and possums.

In addition, any person may apply to the Historic Places Trust to damage, modify or destroy an archaeological site, hence, protection is not absolute.

3. Section 80(6) of the Crown Pastoral Land Act (1998) - Creation of protective mechanisms - Heritage Covenants as per Section 6 of the Historic Places Act (1993)

The NZHPT proposes that Heritage Covenants should be placed on archaeological sites:

- Gray's Hut and Dam NZAA Site No. G42/330
- Gray's Reef and Battery site NZAA Site No. G42/333
- Hamlet G42/276

Such a protective mechanism would not only directly protect all phases of mining and occupation history related to Gray in the long term, but provide direct *management* of these resources which protection only as archaeological sites under the HPA does not provide. These sites are related and are highly significant and intact. The NZHPT believes that conditions of the Heritage Covenants could be negotiated in a form that will respect the heritage values of the site and not unreasonably encumber normal farming practices, the aim being to manage grazing on the sites and ensure long term protection from possible future interest in the sites such as from commercial mining.

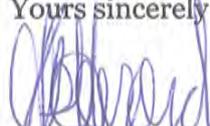
4. Management of hut sites on the Obelisk PL

Any hut sites on the property where cattle are to be grazed (either on land to be restored to the Crown or that disposed of by freehold) require simple fencing to ensure damage to these structures is minimised in the long term. Such fencing only requires the use of warratahs and barbed wire. An example of this simple site management method is enclosed which has been used successfully on the Matakanui Pastoral lease near Bendigo. This fencing should be undertaken as a condition of the final Tenure Review outcome.

As historic features are located on the land proposed for disposal to the lessee, it is important to advise that any activity by the owner of the land that may modify, damage or destroy and archaeological site(s), would require an authority (consent) from the NZHPT prior to any works being undertaken. Work affecting archaeological sites is subject to the archaeological authority process under the Historic Places Act 1993.

Please let me know if you have any queries with respect to the above.

Yours sincerely



Jonathan Howard
Area Manager (Otago/Southland)

Write to: Otago/Southland Area Office, New Zealand Historic Places Trust, PO Box 5467, DUNEDIN 9058
Visit: 4th Floor, Queens Building, 109 Princes Street, DUNEDIN; **Tel:** 03 477 9871; **Fax:** 03 477 3893
Email: infodeepsouth@historic.org.nz **Web:** www.historic.org.nz



**OTAGO
BOARD**

CONSERVATION

Box 5244, Dunedin 9058 Tel: (03) 474 6944 Email: ahooper@doc.govt.nz

Our ref: SBC-08-34

3 February 2014

LINZ – Crown Property and Investment
Private Bag 4721
CHRISTCHURCH 8140 (email to: pastoral&tenurereview@linz.govt.nz)

Dear Sirs

Review under Part 2 Crown Pastoral Land Act: Obelisk

The Otago Conservation Board appreciates this opportunity to comment on the Preliminary Proposal for the review of the Obelisk Pastoral Lease.

The Otago Conservation Board (OCB) is appointed by the Minister of Conservation to represent the wider Otago community in advocating for the protection of biodiversity, recreational opportunities and the conservation of natural and historic resources throughout Otago. The Board takes a strong interest in tenure review and makes submissions on all proposals in the Otago area.

The Board is supportive of the proposed split of the land between freehold and full Crown ownership and control. This split appears to recognise the principles espoused in the Crown Pastoral Land Act 1998, which provides for full Crown ownership and control as the preferred method of protecting significant inherent values when land cannot be farmed in an ecologically sustainable manner and for land that is capable of economic use without compromising ecological sustainability to be freeholded.

The proposed conservation areas will provide protection for landscape values and threatened species, as well as (in CA1) supporting ecosystem services in the form of water harvesting for irrigation.

The proposed historic reserve contains important archaeological sites and artefacts from the gold-mining era. It is recognised that this site has been grazed for over a century, but the Board believes that the conditions around monitoring of the proposed concession are somewhat vague. Monitoring should be mandatory, rather than subject to the ephemeral requirements of the proposed terms, and in the event of adverse effects, the Department of Conservation should (rather than may) impose conditions.

The Board notes the existence of an unformed legal road running the length of area FH2, with side roads to the west (joining a formed road connecting with State Highway 8) and to the east (to the boundary with CA2). It is acknowledged that these are vested in the local authority, and therefore are not part of the property under review. They have considerable potential to provide for enhanced

recreational access between CA2 (particularly with the new cycleway traversing that area), Flat Top Hill Conservation Area and State Highway 8. However, the Board recognises that legal road lines, although providing the gold standard for public access, may not always provide the most practical solutions for either recreationalist or the adjacent landowner. Consideration should be given to what the most practical routes are, with a view to negotiating public access over those routes. The legal roads should only be stopped if the alternative routes are dedicated as legal roads, as these existing roads provide residual rights of access should any alternative routes cease to be available in the future.

The proposal to secure public access by foot and vehicle between State Highway and CA1 is welcomed. Although easements are proposed where the formation departs from the legal alignment, the Board understands that a directive from the Minister of Land Information favours legalising existing formations in preference to easements. The Board believes that, in this case, where there is recognition by all parties that secure access (including by vehicle) is appropriate and where the local authority is generally appreciative of the importance of roads as legal access, it should be relatively straightforward to dedicate the existing formation as a road. If this is not practical within the timeframe for implementation of this Proposal, the Board recommends that the agencies involved continue to work towards this goal after the Proposal has been finalised.

The proposed terms of the conservation covenant area CCA appear to aim to maintain the status quo and would seem to be appropriate. The same cannot be said for area CCB. The covenant exists to "*protect the values which arise in the form of threatened plant species present and the outstanding landscape values*". The conditions allow for grazing by cattle, and pasture improvement by over-sowing, topdressing and direct drilling. The Proposal states that "these activities are to be carried out in such a way as to avoid adverse effects on the values". This objective would seem to be completely at odds with the proposed conditions, which cannot possibly avoid adverse effects, particularly to threatened plant species. It is clear that the parties have concluded that the values need protecting, and in that case any conditions that do the opposite are unacceptable.

In conclusion, the Otago Conservation Board generally supports the proposed split of the land between freehold and full Crown ownership and control for the Obelisk Pastoral Lease, but would like to see monitoring requirements tightened; consideration of alternative access routes through FH2 where they may be more practical than the legal roads; continued work between the agencies to secure legal road status rather than easements between State Highway and CA1. The Board does not support the conditions in the proposal for area CCB, because they appear not to protect the conservation values. The Board urges the Commissioner to give consideration to its concerns as part of the submissions process.

Yours faithfully



Gordon Bailey

Chairperson