



Land Information
New Zealand
Toitū te whenua

Crown Pastoral Land Tenure Review

Lease name : OBELISK

Lease number : PO 264

Analysis of Public Submissions

This document includes information on the public submissions received in response to an advertisement for submissions on the Preliminary Proposal. The report identifies if each issue raised is allowed or disallowed pursuant to the Crown Pastoral Land Act. If allowed the issue will be subject to further consultation with Department of Conservation, or other relevant party.

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

Aug

14

ANALYSIS OF PUBLIC SUBMISSIONS

Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998

OBELISK TENURE REVIEW NO TR174

Details of lease

Lease name	Obelisk
Location	Alexandra
Lessee	Earnsclough Station Lands Ltd

Public notice of preliminary proposal

Date advertised	16 November 2014
Newspapers advertised in	Christchurch Press Otago Daily Times Southland Times
Closing date for submissions	3 February 2014

Details of submissions received

Number received by closing date:	10
Cross-section of groups/individuals represented by submissions:	
2 individuals with a conservation interest	
3 Statutory bodies	
5 environmental NGO's	
Number of late submissions accepted by the Commissioner of Crown Lands:	Nil

ANALYSIS OF SUBMISSIONS

Introduction

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:

1. Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
2. Discusses each point.
3. Recommends whether or not to **allow** the point for further consideration.
4. If the point is **allowed**, recommends whether to **accept** or **not accept** the point for further consideration.

The points raised have been analysed to assess whether they are matters that are validly-made, relevant to the tenure review and can be properly considered under the Crown Pastoral Land Act 1998 (CPLA). Where it is considered that they are the decision is to **allow** them. Further analysis is then undertaken as to whether to **accept** or **not accept** them.

Conversely where the matter raised is not a matter that is validly-made or relevant or can be properly considered under the CPLA, the decision is to **disallow**. The process stops at this point for those points disallowed.

The outcome of an **accept** decision will be that the point is considered further in formulation of the draft SP. To arrive at this decision the point must be evaluated with respect to the following:

The objects and matters to be taken into account in the CPLA; and

Whether the point introduces new information or a perspective not previously considered; or

Where the point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA; or

Is a statement of support for aspects of the Preliminary Proposal which can be considered by the Commissioner when formulating the designations for a Substantive Proposal.

How those accepted points have been considered will be the subject of a Report on Public Submissions which will be made available to the public. This will be done once the Commissioner of Crown Lands has considered all matters raised in the public submissions in formulating a Substantive Proposal.

Analysis

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	The submitters propose a landscape covenant for a portion of the Butchers Creek catchment below CA1.	1,3,7	Allow	Not Accept
1.1	The submitters while recommending a covenant indicated a preference that the area is returned to full Crown ownership and control.	3,7	Allow	Not Accept
<p>Rationale for Allow: The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 Crown Pastoral Land Act 1998. The point is therefore allowed.</p>				
<p>Rationale for Not Accept: The area referred to was fully investigated during the preparation of the preliminary proposal and the lower boundary of CA1 identified on the ground. The submitters have not provided new information or provided a perspective not previously considered. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission number	Allow or disallow
2	The submitter recommends that CA1 is added to the Kopuwait Conservation Area.	1,3	Disallow
<p>Rationale for Disallow: While designating land for restoration to full Crown ownership as conservation area is an outcome under the CPLA, allocation to a particular conservation status is a subsequent management decision. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	The submitters support the designation of the historic reserve HR.	1,5,8,9,10	Allow	Accept
3.1	The submitter supports the grazing concession over the historic reserve.	3	Allow	Accept

Rationale for Allow:
 The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 Crown Pastoral Land Act 1998. The point is therefore allowed.

Rationale for Accept:
 This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission number	Allow or disallow
4	The submitter supports the proposed fence in the Historic reserve.	1	Disallow
4.1	The submitter recommends that the fence in the Historic Reserve is realigned.	9	Disallow

Rationale for Disallow:
 While fencing is often undertaken as part of implementing a tenure review designation this is not specifically a tenure review matter. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	The submitters support the creation of CA2.	1,3,5,6,7,8,10	Allow	Accept

Rationale for Allow:
 CA2 was identified to protect significant inherent values which is an object under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept:
 This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	The submitters indicate a preference that CA2 be designated as scenic reserve due to concerns about the management of conservation areas.	1,8	Allow	Accept

Rationale for Allow:
 The point relates to the protection of significant inherent values, a matter to be considered under Section 24(b) CPLA and designation of the land under Section 35 CPLA. The point is therefore allowed.

Rationale for Accept:
 While the point relating to protection of significant inherent values has previously been considered, the submitters articulate a reason why an alternative outcome is preferred. The point is therefore accepted for consideration in the preparation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	The submitters suggest that the core area of 70ha identified as FH CCA is extended to the south.	1,3,8	Allow	Not Accept

Rationale for Allow:
 The point relates to the protection of significant inherent values, a matter to be considered under Section 24(b) CPLA. The point is therefore allowed.

Rationale for Not Accept:
 The area to be included in CCA was identified by field survey during the preparation of the preliminary proposal. The submitters have not provided any new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow
8	The submitter requests that CCA (and extension) is fenced.	1,8	Disallow

Rationale for Disallow:
 While fencing is often undertaken as part of implementing a tenure review designation this is not specifically a tenure review matter. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	The submitters request that all or portions of CCA and CCB are designated as Conservation Area or Scientific Reserve.	1,3,7	Allow	Not Accept

Rationale for Allow:
 The point relates to the protection of significant inherent values, a matter to be considered under Section 24(b) CPLA and designation of the land under Section 35 CPLA. The point is therefore allowed.

Rationale for Not Accept:
 The point relates to protection of significant inherent values and has previously been considered as were the alternatives of a protective mechanism of full Crown ownership and control. The submitters do not provide new information or articulate a reason why an alternative outcome is preferred. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	The submitters seek a review of the covenant conditions (especially monitoring) should CCA and CCB remain as covenants.	1,3,7,8,10	Allow	Not accept

Rationale for Allow:
 The point relates to the protection of significant inherent values, a matter to be considered under Section 24(b) CPLA. The point is therefore allowed.

Rationale for Not Accept:
 A conservation covenant is a protective mechanism under the CPLA and it is important that the conditions of the covenant achieve the required protection. While the submitters seek a review they have not provided new information to support this review. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	The submitters propose additional public access on Flat Top Hill, on existing tracks or alternate routes.	1,3,5,7,10	Allow	Accept

Rationale for Allow:
 The securing of public access to and enjoyment of reviewable land is matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.

Rationale for Accept:
 The submitters have provided new information by suggesting additional access routes. The point is therefore accepted for consideration by the Commissioner when formulating the designations for a substantive proposal.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
12	The submitter supports public access over CA1, CA2 and HR.	2	Allow	Accept
<p>Rationale for Allow: The securing of public access to and enjoyment of reviewable land is matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept: The point of the statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	The submitters support the proposed easements over the Symes Road deviations.	2,3,4,5,8,10	Allow	Accept
13.1	The submitter requests that all deviations between the formation of Symes Road and the legal road are identified in the final easement.	2	Allow	Accept
<p>Rationale for Allow: The securing of public access to and enjoyment of reviewable land is matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed</p>				
<p>Rationale for Accept: The point of the statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The second part will be considered as part of accurately defining the easement.</p>				

Point	Summary of point raised	Submission number	Allow or disallow	Accept or Not accept
14	The submitter proposes an additional easement in the north east corner of FH1.	2	Allow	Accept
<p>Rationale for Allow: The securing of public access to and enjoyment of reviewable land is matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.</p>				

Rationale for Accept:
 The submitter has introduced information not previously considered. The point is therefore accepted for consideration by the Commissioner in formulating the designations for a substantive proposal.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
15	The submitter recommends modifying the western boundary of CA2 to ensure practical public access on the crest of Flat Top Hill.	2	Allow	Accept

Rationale for Allow:
 The securing of public access to and enjoyment of reviewable land is matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.

Rationale for Accept:
 The submitter has introduced information not previously considered. The point is therefore accepted for consideration by the Commissioner in formulating the designations for a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	The submitters support the designation of CA1.	3,5,6,7,8,10	Allow	Accept

Rationale for Allow:
 CA1 was identified to protect significant inherent values which is an object under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept:
 This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	The submitters note that CA2 will provide access adjacent to Lake Roxburgh including a link in the cycle way.	3,6	Allow	Accept

Rationale for Allow:
 The securing of public access to and enjoyment of reviewable land is matter to be considered under Section 24(c)(i) CPLA.

Rationale for Accept:
 While establishing a cycle way is not a tenure review objective, the point as it relates to public access is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	The submitters consider that monitoring within the grazing concession over part of the historic reserve should be compulsory.	3,8,10	Allow	Accept

Rationale for Allow:
 The historic reserve is a designation to protect significant inherent values in accordance with Sections 24(b) and 35 CPLA. The qualified designation allowing a grazing concession is consistent with the designation and monitoring is a tool to ensure the values are not compromised. The point is therefore allowed.

Rationale for Accept:
 The submitters have articulated an alternative outcome not previously considered. The point is therefore accepted for consideration by the Commissioner when formulating the designations for a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow
19	The submitters propose that Symes Road should be legalized as part of tenure review.	4,6,8,10	Disallow

Rationale for Disallow:
 Legalisation of roads is not a matter that the Commissioner can consider under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission number	Allow or disallow
20	The submitter requests that unformed legal roads are fenced and/or fences are not constructed across unformed legal roads.	4	Disallow

Rationale for Disallow:
 Neither legal roads nor the fencing of these is a matter that the Commissioner can consider under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission number	Allow or disallow
21	The submitter requests that the public use options identified in the information pack is amended to include horses.	4	Disallow
<p>Rationale for Disallow: The point relates to an information pack provided by the Commissioner and not the tenure review proposal. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission number	Allow or disallow
22	The submitter proposes that woody weeds are removed from CA2 before hand over to conservation.	7	Disallow
<p>Rationale for Disallow: The removal of weeds is not a matter for consideration under Part 2 CPLA. This is either a lease management matter or a subsequent conservation management matter. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
23	The submitters indicate a preference that CA1 be designated as scenic reserve due to concerns about the management of conservation areas.	8	Allow	Accept
<p>Rationale for Allow: The point relates to the protection of significant inherent values, a matter to be considered under Section 24(b) CPLA and designation of the land under Section 35 CPLA. The point is therefore allowed.</p>				

Rationale for Accept:
 While the point relating to protection of significant inherent values has previously been considered, the submitters articulate a reason why an alternative outcome is preferred. The point is therefore accepted for consideration in the preparation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24	The submitters provide qualified support for freehold area FH1.	3,8,10	Allow	Accept

Rationale for Allow:
 The disposal of land as freehold is one of the objects to be considered under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept:
 This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
25	The submitter has no objection to the continuation of existing easements.	8	Allow	Accept

Rationale for Allow:
 The continuation in force of existing easements is provided for under Section 36(3)(c) CPLA. The point is therefore allowed.

Rationale for Accept:
 This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow
26	The submitters recommend the use of legal roads within CA2 for public recreational use.	8,10	Disallow

Rationale for Disallow:
 The legal roads are not part of the reviewable land. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27	The submitters support conservation covenant CCA.	8,10	Allow	Accept
<p>Rationale for Allow: CCA was identified to protect significant inherent values which is an object under Section 24 CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept: This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission number	Allow or disallow
28	The submitter makes comment that although an archaeological site is protected under the Historic Places Act 1993 this protection is not a management tool to ensure the long term survival of the site.	9	Disallow
<p>Rationale for Disallow: While historic sites identified as significant inherent values are identified for protective designations under the CPLA, the Commissioner is not responsible for the administration of the Historic Places Act 1993. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
29	The submitter recommends that three historic sites are protected through Heritage Covenants under Section 6 Historic Places Act 1993.	9	Allow	Not accept
<p>Rationale for Allow: The point relates to the protection of significant inherent values which is a matter to be considered under Section 24(b) CPLA. A covenant under Section 6 of the Historic Places Act 1993 is a protective mechanism recognized in the CPLA. The point is therefore allowed.</p>				
<p>Rationale for Not Accept: The additional sites have previously been considered for protection and this submitter has not provided new information in relation to these sites. While the form of protection is a perspective not previously considered, this only becomes relevant if new information about the SIVs was provided. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow
30	The submitter seeks to have historic hut sites fenced as part of tenure review.	9	Disallow

Rationale for Disallow:
While fencing is often undertaken as part of implementing a tenure review designation this is not specifically a tenure review matter. The point is therefore disallowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
31	The submitter supports freehold area FH2.	10	Allow	Accept

Rationale for Allow:
The disposal of land as freehold is one of the objects to be considered under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept:
This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Summary and Conclusion

Overview of analysis:
The ten submitters made a total of 31 points in relation to the Obelisk tenure review. Of the 31 points, 21 related to matters that the Commissioner could consider under the CPLA. Ten points were outside the scope of the CPLA and are not considered further in this analysis. Five of the points related to matters previously considered and as no new information was provided, a perspective not previously considered or reasons for an alternative outcome was promoted these points are not considered further. Sixteen points have been accepted for further consideration in the preparation of a substantive proposal, including eight points providing support for some aspect of the preliminary proposal.

Generic issues:
There is significant interest in adequate protection of significant inherent values on Flat Top Hill, a mater which has previously been fully investigated. Additional access in this area also featured.

Gaps identified in the proposal or tenure review process:
No gaps were identified.

Risks identified:
A new issue that emerged was a lack of confidence by the NGOs in Conservation Areas as providing protection for significant inherent values.

General trends in the submitters' comments:
Two key elements were evident in the submissions -
General support for the designations
A desire for significant inherent values on Flat Top Hill to receive additional protection beyond that provided by the current covenants.

I recommend approval of this analysis and recommendations



Ken Taylor

Date:

Peer reviewed by



David Paterson

Date: 5 March 2014

Approved/Declined

Commissioner of Crown Lands

Date _____

Appendices

1. Copy of Public Notice
2. List of Submitters
3. Copy of Annotated Submissions

Appendix 1
Copy of Public Notice



CROWN PASTORAL LAND ACT 1998

OBELISK TENURE REVIEW

NOTICE OF PRELIMINARY PROPOSAL

Notice is given under Section 43 of the Crown Pastoral Land Act 1998 by the Commissioner of Crown Lands that he has put a preliminary proposal for tenure review to Earnsclough Station Lands Limited as lessee of Obelisk pastoral lease.

Legal description of land concerned:

Pastoral lease land:

Sections 1, 3, 4, 8-18 and Part Sections 2 & 19, Block II, Cairnhill Survey District, being all the land contained in Instrument of Title OT A2/1315 (Otago Land Registry) comprising 2774.5450 hectares more or less.

General description of proposal:

- (1) 1225 ha (approximately) to be designated as land to be restored to or retained in full Crown ownership and control as Conservation Area under section 35(2)(a)(i) Crown Pastoral Land Act 1998.
- (2) 38 ha (approximately) to be designated as land to be restored to or retained in Crown control as Historic Reserve under section 35(2)(b)(ii) Crown Pastoral Land Act 1998; subject to a grazing concession pursuant to section 36(1)(a) Crown Pastoral Land Act 1998.
- (3) 1511 ha (approximately) to be designated as land to be disposed of by freehold disposal to the holder under section 35(3), of the Crown Pastoral Land Act 1998; subject to:

Part IVA Conservation Act 1987

Section 11 of the Crown Minerals Act 1991

Conservation covenants over part of the proposed freehold land under Sections 40(1)(b), 40(2)(a) and 40(2)(b) of the Crown Pastoral Land Act 1998 to protect botanical and landscape values.

An easement in gross under Section 36(3)(b) Crown Pastoral Land Act 1998 for public foot and motorised vehicle access and for conservation management access.

The continuation in force of the existing easement rights to convey water under Section 36(3)(c) Crown Pastoral Land Act 1998.

Further information including a copy of the designations plan plus the draft covenant and easement documents, is available on request from LINZ at the following address:

Land Information New Zealand
Crown Property & Investment
CBRE House, 112 Tuam Street
Private Bag 4721
CHRISTCHURCH 8140
Phone: 0800 665 463 (Option 7)
Email: pastoral&tenurereview@linz.govt.nz

Inspections:

Any person wishing to inspect the lease should contact the LINZ in the first instance at the above address.

Submissions:

Any person or organisation may send a written submission on the above proposal to the Commissioner of Crown Lands at the above address.

All submissions are being collected and held by LINZ either directly or through its agents or contractors.

Submitters should note that all written submissions may be made available, in full, by LINZ to its employees, agents and contractors, the Department of Conservation and the public generally.

Closing date of submissions:

Written submissions must be received by the Commissioner at the above address no later than 5pm Monday 3 February 2014

Appendix 2
List of Submitters

APPENDIX 2: List of Submitters

Submitter	Point Number																															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
1 Sir Alan Mark	1	1	1	1	1	1	1	1	1	1	1	1																				
2 NZ Walking Access Commission											1	1	1	1																		
3 Forest & Bird Dunedin Branch	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1						1									
4 NZ Horse Network													1	1	1	1																
5 Backcountry Skiers Alliance			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1															
6 Chris Pearson					1	1	1	1	1	1	1	1	1	1	1	1	1															
7 Forest & Bird Central Otago Lakes Branch	1				1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
8 Federated Mountain Clubs			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
9 NZ Historic Places Trust			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
10 Otago Conservation Board			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Analysis:																																
8 Support					7							1	6			6								3	1		2					1
8 Allow & Accept			6			2					5			1	1		2	3					1									
5 Allow & not Accept	3						3	3	5																				1			
10 Disallow	2	2	1	1	1	1	2	2											4	1	1	1				2	1	1	1	1	1	
31	3	2	6	1	7	2	3	2	3	5	5	1	6	1	1	6	2	3	4	1	1	1	1	3	1	2	2	1	1	1	1	

Appendix 3
Copy of Annotated Submissions