

Crown Pastoral Land Tenure Review

Lease name : TWIN PEAKS

Lease number : PO 204

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.

ANALYSIS OF PUBLIC SUBMISSIONS

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

TWIN PEAKS TENURE REVIEW NO TR

Details of lease

Lease name: Twin Peaks

Location: 890 Broken Hut Road, Omarama

Lessee: Twin Peaks Station Limited

Public notice of preliminary proposal

Date advertised: 26 November 2016

Newspapers advertised in:

- The Press, Christchurch
- Otago Daily Times, Dunedin
- Timaru Herald, Timaru

Closing date for submissions: 13 February 2017

Details of submissions received

Number received by closing date: 10

Cross-section of groups/individuals represented by submissions:

2 submissions were received from individuals, 2 submissions received from Non-Governmental Organisations (NGO), 6 submissions received from a range of recreation groups, and 1 submission received from a Government organisation.

Number of late submissions refused/other: 1 submission was received after 5pm on the closing date – C Pearson. The submission was approved by the Commissioner of Crown Lands to be considered in the public submissions analysis on 20 February 2017.

Total number of submissions analysed: 11

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 Substantive Proposal. 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	Support the CA1 designation.	1, 3, 7, 9, 11	Allow	Accept
<p>Submitter 1 strongly endorses the proposed designation of CA1.</p> <p>Submitter 3 fully endorses the proposal for CA1 to protect and enhance the significant inherent values within it.</p> <p>Submitter 7 recommends the proposed CA1 be adopted.</p> <p>Submitter 9 supports the proposed area CA1 being restored to full Crown ownership and control.</p> <p>Submitter 11 has stated that area CA1 certainly represents a valuable addition to the conservation estate because it connects to all existing Department of Conservation (DOC) reserves and it contains spectacular mountain scenery.</p>				
<p>Rationale for Allow or Disallow</p> <p>In providing support for an aspect of the proposal and to the protection of Significant Inherent Values ("SIV's").</p> <p>The point relates to the protection of SIVs which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept or Not Accept</p> <p>Statements of support for aspects of the Preliminary Proposal can be considered by the Commissioner when formulating the designation for a Substantive Proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	Request that CA1 should be designated as an extension to the Oteake Conservation Park.	1, 3, 7, 8	Disallow	N/A
<p>Submitter 1 recommends that CA1 should be included as an extension to the Oteake Conservation Park as Conservation Park status assumes significantly greater status and security than a mere conservation land. The submitter proposes that the public conservation land created by tenure review be specifically classified as part of this process, and proposes that precise classifications should be enacted through the tenure review process so that it should "enable the protection" rather than undergo classification as a subsequent action.</p>				

Submitter 3 considers that CA1 should be given Conservation Park status together with the already created Conservation Areas on Killermont and Dunstan Downs and ultimately added to Oteake Conservation Park. They see that this provides better protection than "Conservation Area" designation.

Submitter 7 has recommended that the public conservation land created by this tenure review be specifically classified as part of the process. The submitter has stated the stewardship classification does not ensure protection through appropriate management and does not provide protection from exchange. They believe that land retained by the Crown be given precise classifications that will address the Conservation Act's requirements that the review should "enable the protection"; otherwise, the review will fail to give proper effect to the Conservation Act 1987.

Submitter 8 seeks that all public conservation land created as part of the Twin Peaks tenure review be formally classified.

Rationale for Allow or 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.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	The submitter supports the grazing concession over CA1	1, 3, 7	Allow	Accept
<p>Submitter 1 has reluctantly agreed to in principle the continued restricted grazing for only three years over CA1.</p> <p>Submitter 3 states that they do not object to the short term grazing over CA1, but would rather it did not exist.</p> <p>Submitter 7 supports the creation of the proposed three-year grazing concession.</p>				
<h4>Rationale for Allow or Disallow</h4> <p>In providing support for an aspect of the proposal and to the protection of SIVs.</p> <p>The point relates to the protection of SIVs which is a matter to be considered</p>				

under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept or Not Accept

Statements of support for aspects of the Preliminary Proposal can be considered by the Commissioner when formulating the designation for a Substantive Proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Easement "c-d" should have terms consistent with the proposed grazing concession over CA1.	1, 3, 7	Allow	Not accept

Submitter 1 has recommended that easement "c-d" should have terms consistent with the term of the limited grazing concession over CA1.

Submitter 3 has stated that they have no objection to the easement, but wonder why it will still be needed once the grazing ceases over CA1 in 3 years.

Submitter 7 supports the creation of a farm management easement concession.

Rationale for Allow or Disallow

Access over reviewable land is a matter to be considered under Section 24(c) CPLA. The point is therefore allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA.

The submitters have interpreted that the proposed easement concession "c-d" has been provided for access over CA1 for the concession and has sought the duration to be in alignment with the concession term. However, the proposed easement "c-d" has been provided for farm management purposes to the holder to provide practical access to the upper sections of the proposed freehold.

The submitters have not introduced anything that has not been previously considered. The point is therefore not accepted for further consideration

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Support the continuance of the Airways Corporation calibration easement.	1, 3, 7	Allow	Accept

<p>Submitter 1 supports the continuance of the existing unregistered easement in gross to the Airways Corporation for maintaining a calibration beacon for 18 years from 1 April 2013.</p> <p>Submitter 3 has stated they have no objection to the Airways Corporation easement.</p> <p>Submitter 7 supports the maintenance of an unregistered easement in gross to Airways Corporation of New Zealand.</p>
<p>Rationale for Allow or Disallow</p> <p>Access over reviewable land is a matter to be considered under Section 24(c) CPLA. The point is therefore allowed.</p>
<p>Rationale for Accept or Not Accept</p> <p>Statements of support for aspects of the Preliminary Proposal can be considered by the Commissioner when formulating the designation for a Substantive Proposal. The point is therefore accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	No public access to CA1 through the lower slopes of the property and CC1.	1, 3	Allow	Not accept
<p>Submitter 1 is disappointed that there is no public access through to CA1 over the lower slopes of the property which would deny public access to the ecologically valuable proposed conservation covenant area CC1.</p> <p>Submitter 3 regrets that there will be no public access to CC1 as the area has much interest to botanists and seek reconsideration of access to the area.</p>				
<p>Rationale for Allow or Disallow</p> <p>The securing of public access to and enjoyment of reviewable land is a matter to be considered under Section 24(c) CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept or Not Accept</p> <p>The point relates to the objects and matters to be taken into account in the CPLA.</p> <p>There are two public access easements over the former Killermont Pastoral Lease through to the newly formed Conservation Area which borders the proposed CA1. One of the easements is located along the southern boundary of Killermont which is supported by an extension and alternative route to that easement between "a-b".</p>				

In addition public access easements including vehicular access through to the Conservation Area on the Wether Range is provided over the former Dunstan Peaks PL which borders Twin Peaks to the south.

Public access was well considered during consultation and all parties were in consensus that there was no need of further access routes through to the Wether Range in this locality.

The submitters have not introduced new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	Support the CA2 designation.	1, 3, 7, 11	Allow	Accept
<p>Submitter 1 strongly endorses the proposed designation of CA2.</p> <p>Submitter 3 fully supports the proposal for CA2 which they advise is in keeping with the CPLA.</p> <p>Submitter 7 recommends the proposed CA2 be adopted.</p> <p>Submitter 11 has noted that CA2 is less important for public recreation but it is nice to see some provision for preservation of lowland areas.</p>				
<p>Rationale for Allow or Disallow</p> <p>In providing support for an aspect of the proposal and to the protection of SIV's.</p> <p>The point relates to the protection of SIVs which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept or Not Accept</p> <p>Statements of support for aspects of the Preliminary Proposal can be considered by the Commissioner when formulating the designation for a Substantive Proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	Support the CC1 designation but over a larger area than indicated on the designation plan.	1, 3, 7	Allow	Accept
<p>Submitter 1 strongly endorses the proposed designation of CC1, but believes the area should be larger to ensure all the SIVs within the area are protected.</p>				

Submitter 3 supports the proposed covenant CC1 and conditions noting that it should extend from the fence line up to the ridge line to include all the shrubland. The submitter does request the consideration of public access to CC1.

Submitter 7 recommends that the proposed CC1 should be established and extended out to the spur lines adjacent, run up to connect with proposed CA1, and run down to the main farm track on the flat.

Rationale for Allow or Disallow

In providing support for an aspect of the proposal and to the protection of SIVs.

The point relates to the protection of SIVs which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept or Not Accept

Statements of support for aspects of the Preliminary Proposal can be considered by the Commissioner when formulating the designation for a Substantive Proposal.

The area requires further field inspection to ensure the covenant covers and protects the SIVs within the shrubland extent. The submitters have introduced information not previously considered. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	Photo-point monitoring should be undertaken over CC1.	1, 3, 7	Allow	Not accept

Submitter 1 has recommended that photo-point monitoring should be undertaken over CC1 by qualified DOC staff.

Submitter 3 notes the special conditions set out in Schedule 3 and states the need for monitoring provisions using photo-points to determine if there is any adverse effects.

Submitter 7 recommends a grazing regime with the object of improving the SIV's should be designed, implemented and monitored.

Rationale for Allow or Disallow

The point relates to the protection of SIVs, a matter to be considered under Section 24(b) CPLA. The point is therefore allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. The submitter has highlighted a point that has been provided for in the current version of the conservation covenant. Schedule 2, Clause 7 makes provision for monitoring of the covenant and Schedule 3 outlines the details of the monitoring programme including the use of photo points

The point is therefore not accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	A lower section of Omarama Stream should be fenced from stock.	2	Allow	Accept

The submitter has identified a section of Omarama Stream that crosses the north east corner of the property which provides spawning habitat and juvenile recruitment to the lower reaches of the Omarama Stream, as being a reputable rainbow and brown trout fishery. Given the value of the Omarama Stream to the sports fishery, Fish & Game considers that fencing the stream in this location with an appropriate setback distance (minimum 3 metres) is warranted.

Rationale for Allow or Disallow

The point relates to the protection of SIVs, a matter to be considered under Section 24(b) CPLA. The point is therefore allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. 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
11	No objection to the proposed freehold area and CC1	3	Allow	Accept

The submitter has stated they have no objection to the proposed area for freehold and the CC1 protective mechanism.

Rationale for Allow or Disallow

The point relates to the protection of SIVs, a matter to be considered under Section 24(b) CPLA. The point is therefore allowed.

<p>Rationale for Accept or Not Accept</p> <p>The point relates to the objects and matters to be taken into account in the CPLA. Statements of support for aspects of the Preliminary Proposal can be considered by the Commissioner when formulating the designation for a Substantive Proposal. The point is therefore accepted.</p>				
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Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	Vehicle access along the Twin Peaks side of the boundary to GR Topo50 449 613.	3	Allow	Not accept

The submitter has suggested that vehicle access along the Twin Peaks side of the boundary as far as GR Topo50 449 613 or the water tank be negotiated to allow the maximum enjoyment for the Manuka Creek catchment and the wider crest by a wider range of people.

Rationale for Allow or Disallow

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

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. This point was well traversed during consultation and all parties were in consensus that the provision of vehicular access along the proposed route was not practical or viable. The submitters have not introduced new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	Conservation Management Easements	3	Allow	Accept

The submitter has no objections to the provision of an easement in gross for DOC management purposes.

Rationale for Allow or Disallow

Access over reviewable land is a matter to be considered under Section 24(c) CPLA. The point is therefore allowed.

Rationale for Accept or Not Accept

Statements of support for aspects of the Preliminary Proposal can be

considered by the Commissioner when formulating the designation for a Substantive Proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	The proposed public access easement "a – b" is too restricted.	4, 7, 10	Allow	Not accept

Submitter 4 supports the proposed public access to CA1 but believes the proposed access is too restricted. The submitter cites the condition that allows for the closure for livestock management purposes and not allowing the carrying of guns over this section of the access. Particularly, where the adjoining public access has no restriction on guns and similar conditions over the proposed marginal strip which adjoins.

Submitter 7 supports the creation of the public access easement "a-b" but not the special easement terms which do not allow the carrying of guns, the accompaniment of dogs and the restriction of allowing closure of the easement for livestock management purposes.

Submitter 10 opposes the restriction for guns and dogs over the proposed easement "a-b" and notes that the public will have unrestricted access over the proposed marginal strip along the adjoining Manuka Creek.

Rationale for Allow or Disallow

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

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. This point was well traversed during consultation and all parties were in consensus that the carriage of guns and the accompaniment of dogs along the proposed route was not practical or viable. The existing Killermont public easement does not allow the carriage of guns or dogs and DOC required the easement "a-b" to be consistent with the Killermont easement conditions.

In addition, the closure for a defined period for livestock management was necessary to enable farm operations (lambing), to continue without disturbance of walkers/trampers. It is noted that during closure, the existing public easement on Killermont will provide access to the proposed CA1 through the conservation area created over Killermont.

The submitters have not introduced new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	The Preliminary Proposal provides less public access than before the Tenure Review was proposed.	5	Allow	Not accept
<p>The submitter states that the Preliminary Proposal provides less public access than before the Tenure Review was proposed which is not an acceptable outcome to the NZ Deerstalkers Association (NZDA) or the recreational hunting public. The submitter notes the Preliminary Proposal provides some non-vehicular access over the proposed freehold but excludes any public rights to take motorised vehicles, excludes the carrying of a firearm, or the taking of a hunting/bird dog. They seek that the Preliminary Proposal be modified to provide this form of access.</p>				
<p>Rationale for Allow or Disallow</p> <p>The securing of public access to and enjoyment of reviewable land is a matter to be considered under Section 24(c) CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept or Not Accept</p> <p>The point relates to matters that can be taken into account under the CPLA.</p> <p>While it is accepted that the proposal does not create further public accesses, there are a number of other public access easements, including vehicular access over adjoining properties (former Dunstan Peaks, Killermont & Twinburn) into the Wether Range and the greater Oteake Conservation Park.</p> <p>In respect of guns/dogs, the proposed easement "a-b" is consistent with the existing Killermont public easement which does not allow the carriage of guns or dogs.</p> <p>The submitter has not introduced new information or a perspective not previously considered. The point has therefore not been accepted for further consideration.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	The provision of public parking.	5	Allow	Accept
<p>The submitter seeks the provision of suitable vehicle parking where walking access is provided. In addition where horses are permitted to the public walking access easements there needs to be the provision for parking horse floats, as well as cars/four wheel drives (4WDs).</p>				

Rationale for Allow or Disallow

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

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. 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
17	Provide a statement in the Preliminary Proposal that discloses any waterways that are over 3 metres wide.	5	Disallow	N/A

The submitter requests a statement in the Preliminary Proposal that discloses any waterways within the Tenure Review that are over 3 metres wide or that fulfil the legal requirement to be classed as a "right of way" for access for fishers, hunters and walkers.

Rationale for Allow or Disallow

Marginal strips will be created on qualifying water bodies upon disposition of land associated with tenure review outcomes. However, this process is carried out under Part 4A Conservation Act 1987 and is not a matter that can be considered as part of tenure review under the CPLA. The point is therefore disallowed.

Rationale for Accept or Not Accept

N/A.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	Requested 4WD access easement across Twin Peaks to the top of the Wether Range.	6	Allow	Not accept

The submitter has requested that 4WD access easement is provided through Twin Peaks to the top of the Wether Range.

The submitters reasons include that by providing 4WD access it would enable younger or infirmed family members being able to participate (no long walk access) in one of the best landscape back-drops in the province; enable day

users to readily access the conservation area; and should the weather change, as it can in this area, enable quick and safe egress.

Rationale for Allow or Disallow

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

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. This point was well traversed during consultation and all parties were in consensus that vehicular access across the property was not practical or viable. The submitters have not introduced new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	At least the provision of 4WD access easement across Twin Peaks to the conservation boundary (with gun carriage permitted).	6	Allow	Not accept

The submitter has requested at least the provision of 4WD access easement across Twin Peaks to the conservation boundary and allowing gun carriage.

The submitter believes the walk track from the legal road to the CA1 boundary is unreasonably long for public access. Allowing 4WD access to the boundary would not restrict younger or infirm family members from participating (no long walk access); enable day users to readily access the conservation area; and should the weather change, as it can occur in this area, would enable quick and safe egress.

In addition the submitter has indicated that the review should allow loop type exploratory walks for most of the general public.

The submitter does not see any value in the argument that land owners are more accepting of walking type easements over 4WD access, on the basis of possible stock disruption.

Rationale for Allow or Disallow

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

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the

CPLA. This point was well traversed during consultation and all parties were in consensus that vehicular access and the carriage of guns along the proposed route was not practical or viable.

Note that there are a number of public access easements across neighbouring former leases which provide alternative access, including vehicular, for the public and interest groups.

The submitters have not introduced new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	The easements include the ability to carry guns.	6	Allow	Not accept
The submitter requests an easement to include the ability to carry guns. They have stated that there is no gun carrying easement to the Wether Range, and believe this gun restriction appears to be contrary to the requirements of the CPLA, around ecological protection and protection of significant inherent values.				
Rationale for Allow or Disallow The securing of public access to and enjoyment of reviewable land is a matter to be considered under Section 24(c) CPLA. The point is therefore allowed.				
Rationale for Accept or Not Accept The point relates to the objects and matters to be taken into account in the CPLA. This point was well traversed during consultation and all parties were in consensus that the carriage of guns along the proposed route was not practical. In addition, the public easement "a-b" is an extension of the existing Killermont easement and the conditions are consistent with this easement in respect of guns and dogs. The submitter has not introduced new information or a perspective not previously considered. The point is therefore not accepted.				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	The proposed CA2 be given a final Scientific Reserve designation.	7, 9	Allow	Accept
Submitter 7 recommends that the proposed CA2 be given a final Scientific Reserve designation. The submitter indicates the re-designation as a Scientific Reserve, despite some potential constraints, would offer				

opportunities for learning about aspects of the outwash and its restoration that are not immediately obvious.

Submitter 9 has requested the entire undeveloped area of outwash plain be transferred to conservation management as a Scientific Reserve.

Rationale for Allow or Disallow

Designating land for restoration to Crown ownership and control as a Conservation Area or as a Reserve is an outcome under the CPLA. The point is therefore allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. The point was discussed with DOC during consultation regarding the preferred designation of CA2, and there was a view to designate as a scientific reserve, however during finalisation of the preliminary proposal, DOC agreed with the current proposed designation. In light of the public submission and information presented, review of the designation may be warranted.

The point is therefore accepted for consideration by the Commissioner in finalising the designations for a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	The proposed CC1 should be fenced.	7	Allow	Accept
The submitter supports the proposed CC1 but recommends that the area should be fenced. The submitter does not believe the "unfettered" grazing by cattle and sheep along with unrestricted topdressing and oversowing will achieve no more than maintain the natural values in their current state.				
Rationale for Allow or Disallow				
The point relates to the protection of SIVs, a matter to be considered under Section 24(b) CPLA. The point is therefore allowed.				
Rationale for Accept or Not Accept				
The point relates to matters that can be taken into account under the CPLA. The submitter has provided support to the current protection and while the conditions of the covenant have been considered previously, the submitter has given reasons that fencing would better protect values.				
It is recommended under Point 8 that the area is inspected to ensure the covenant covers and protects the SIVs within the shrubland extent which may extend to existing fence lines and meet the submitter's expectation for the				

area. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23	Part of the proposed freehold block northeast of and adjacent to CA1, be included in CA1.	7	Allow	Accept
<p>The submitter recommends that part of the proposed freehold block northeast of and adjacent to the proposed CA1 which is part of the Wether Range foothills be included in CA1. The area contains significant landscape values in this foothills area, and despite the impact of burning and grazing retain intact landform patterns and are restorable, which full Crown ownership and control will provide.</p>				
<p>Rationale for Allow or Disallow</p> <p>The point relates to the protection of SIVs, a matter to be considered under Section 24(b) CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept or Not Accept</p> <p>The point relates to the objects and matters to be taken into account in the CPLA. The submitter has highlighted an issue that was previously considered but has articulated reasons why they prefer an alternative outcome. The point is therefore accepted for consideration 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
24	Part of the proposed freehold block southwest of and adjacent to the proposed CA2 be included in CA2.	7, 9	Allow	Not accept
<p>Submitter 7 recommends that part of the proposed freehold block southwest of and adjacent to the proposed CA2 be included in CA2. The submitter proposed that CA2 should be expanded southwesterly to include the smaller fenced paddocks.</p>				
<p>Submitter 9 supports the proposed area CA2 but with an extension southwest across to the next fence line and the right angled track shown. A preferable boundary would be from the road frontage extending back to the stream. The submitter has further requested that the entire undeveloped area of outwash plain between the road and track/stream be transferred to conservation management as a Scientific Reserve.</p>				
<p>Rationale for Allow or Disallow</p>				

The point relates to the protection of SIVs, a matter to be considered under Section 24(b) CPLA. The point is therefore allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. This point was well traversed during consultation and all parties were in consensus to the determination of the boundaries of CA2.

The submitters have not introduced new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
25	An additional covenant be established over an area on the property's southeast boundary.	7	Allow	Accept

The submitter recommends that an additional covenant be established over an area along the property's southeast boundary to protect identified SIVs. The submitter has identified an area along the property's border with Dunstan Downs on the southeast boundary requiring restoration and conservation of identified high natural values. In addition, the covenant boundary should be determined in consultation with DOC, along with the fencing, management regime and monitoring programme.

Rationale for Allow or Disallow

The point relates to the protection of SIVs, a matter to be considered under Section 24(b) CPLA. The point is therefore allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. The submitter has highlighted an issue that was previously considered but has articulated reasons why they prefer an alternative outcome. 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	Accept or not accept
26	If the existing easement(s) are required to be shifted then an alternative should be provided.	8	Allow	Not accept

The submitter has submitted that if the existing access easement needed to be shifted considerably by the landholder, for whatever reason, this access would continue to be made available to the public, and for then department management and monitoring purposes.

<p>Rationale for Allow or Disallow</p> <p>The securing of public access to and enjoyment of reviewable land is a matter to be considered under Section 24(c) CPLA. The point is therefore allowed.</p>
<p>Rationale for Accept or Not Accept</p> <p>The proposed access easements (public and management purposes) are an agreement between two parties. Any permanent shifting of an easement will require agreement between the affected parties and a new survey to record the new position. The submitter has requested conditions that will be covered by the easement terms and they have not provided new information to support this view. The point is therefore not accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27	Satisfactory outcomes have been achieved by the Twin Peaks Preliminary Proposal.	8	Allow	Accept
<p>The submitter has stated that the preliminary proposal appears to have satisfactory outcomes meeting many of the conservation and recreation needs in the Waitaki-Mackenzie Basin.</p>				
<p>Rationale for Allow or Disallow</p> <p>In providing support for aspects of the proposal, most submitters mentioned aspects related to the protection of SIVs or public access.</p> <p>The points relate to the protection of SIVs which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept or Not Accept</p> <p>Statements of support for aspects of the Preliminary Proposal can be considered by the Commissioner when formulating the designation for a Substantive Proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
28	Crown land on Twin Peaks is retained in full Crown ownership and control.	9	Allow	Not accept
<p>The submitter requests that Crown land on Twin Peaks is retained in full Crown ownership and control as the submitter believes the only way to protect the area's special character and the integrity of the wider landscape, is for it to remain in public ownership.</p>				

The submitter opposes the freeholding of the proposed area of 1,918 hectares of Crown land without adequate protection for landscape and biodiversity values. The submitter has stated that when considering the objects of Part 2 of the CPLA, they believe the preliminary proposal will not promote the management of renewable land in a way that is ecologically sustainable or will enable the protection of significant inherent values.

In addition, the submitter has stated that there is a significant flaw in the current tenure review process in that there is the lack of oversight and strategic direction for the whole of the Mackenzie Country. They state to continue to address the issues in the current piecemeal way will increase the vulnerability of the fragile and unique ecosystems of the basin floor.

Rationale for Allow or Disallow

The point relates to the objectives of Section 24 CPLA and the stopping of a tenure review can be considered under Section 33 CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The submitter requests that the proposal be withdrawn on the basis that it does not meet the objects of Section 24 CPLA. The submitter has not fully articulated a reason why they prefer an alternative outcome. The point is therefore not accepted for further consideration by the Commissioner.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
29	LINZ does not allow any discretionary consent to be issued to intensify land use on the outwash lands within Twin Peaks.	9	Disallow	N/A
The submitter requests that LINZ does not allow any discretionary consent to be issued to intensify land use on the undeveloped outwash lands within Twin Peaks.				
Rationale for Allow or Disallow				
The point relates to the granting of discretionary consents which is an operational matter rather than the application of the tenure review processes under the CPLA. The point is therefore disallowed.				
Rationale for Accept or Not Accept				
N/A				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
30	Support of the Tenure Review.	11	Allow	Accept
The submitter has stated that he can support the Twin Peaks tenure review in its entirety.				
Rationale for Allow or Disallow In providing support for aspects of the proposal, most submitters mentioned aspects related to the protection of SIVs or public access. The point relates to the protection of SIVs which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.				
Rationale for Accept or Not Accept Statements of support for aspects of the Preliminary Proposal can be considered by the Commissioner when formulating the designation for a Substantive Proposal. The point is therefore accepted.				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
31	Public access easement "a-b" provides practical public access.	11	Allow	Accept
The submitter has stated the public access easement "a-b" in the preliminary designation plan provides practical public access.				
Rationale for Allow or Disallow The securing of public access to, and enjoyment of, reviewable land is a matter to be considered under Section 24(c) CPLA. The point is therefore allowed.				
Rationale for Accept or Not Accept Statements of support for aspects of the Preliminary Proposal can be considered by the Commissioner when formulating the designation for a Substantive Proposal. The point is therefore accepted.				

Summary and Conclusion

Overview of analysis

There were 11 submitters who raised 31 points of which 28 have been allowed because they relate to matters that can be considered under Part 2 of the CPLA. 3 points have been disallowed because they deal with matters that cannot be considered under Part 2 of the CPLA.

Of the 28 points allowed, 16 have been accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal because they introduced new information, a perspective not previously considered, or highlighted issues previously considered but had not articulated reasons why an alternative outcome was preferred that had not previously been considered, or offered a statement of support for the proposal.

12 points were not accepted for further consideration because they did not introduce any new information, a new perspective, or new reasoning to justify reconsidering the issues that had already been fully investigated and agreed by all parties.

Generic issues

There was overall support to the proposal at least in principle. Changes suggested were generally in favour of greater public access or greater protection of the SIVs.

Public access was the main concern of 7 submitters, with various suggestions for further public access easements through the property to the Wether Range. There were 3 submitters seeking motor vehicle access for the public along the public access easement, mainly due to the distance the public would have to travel to the proposed conservation area. 4 submitters sought the removal of the restriction to carry guns, be accompanied by dogs and closure for livestock management on the public access easement.

Some submitters sought greater restrictions/protection and an increase in the area of the proposed covenant area CC1 and CA2.

Gaps identified in the proposal or tenure review process

No real gaps identified by the submitters with the proposal.

Risks identified

No risks identified at this point.

General trends in the submitters' comments

Overall while submitters were supportive of the proposal, some concern was expressed about the restrictions of the proposed access to the Wether Range and the need for greater protection and enlargement of CC1 and CA2.