

Tenure Review of the Twin Peaks Pastoral Lease – Summary of Substantive Proposal



August 2020

Background

Twin Peaks is a small pastoral lease of approximately 3,533 hectares situated south of Omarama in the Upper Waitaki Basin. The lease is predominantly run as a fine wool unit.

It sits between the Killermont Conservation Area and the Oteake Conservation Park and rises from approximately 500 to 1,790 metres above sea level. A map identifying the location of the property and surrounding conservation land is provided in **Appendix One**.

The lease entered tenure review in September 2011. The Twin Peaks preliminary proposal was advertised for public submissions in November 2016 and 11 submissions were received. A report analysing the submissions together with full copies of individual submissions can be found [here](#).

Advice on the significant inherent values (SIVs) of the property was provided by the Department of Conservation (DOC) in the form of a Conservation Resources Report (CRR) in January 2013. This report can be found on LINZ's website. The CRR was supplemented by a further DOC advice and field work consultation on the preliminary and substantive proposals.

Following public notification of the preliminary proposal, a substantive proposal has been put and accepted by the Holder. The Proposal provides for the protection of 1,493 hectares of the lease as conservation areas and the creation of a 140-hectare scientific reserve. There is also a conservation covenant over 31 hectares to protect conservation values.

The main points arising from public submissions and how they are addressed in the Proposal is summarised in **Appendix Two**.

A copy of the substantive proposal can be found [here](#) (the **Proposal**).

Summary of the Substantive Proposal Designations

A plan showing the substantive proposal designations for the Twin Peaks pastoral lease can be found [here](#) (the Plan). The designations are summarised below.

CA1 – 1,475 hectares to be restored to or retained in full Crown ownership and control as conservation area



Upper slopes and basins of CA1



View north-west along the Wether Range near the boundary with Killermont Conservation Area

CA1 encompasses the rocky higher altitude ridges and basins of the property. Its predominant features include shattered rock and scree slopes. The landforms within CA1 are distinctive in their scale and prominence, and there are extensive views in many directions, including a 360-degree view from the summit extending to Aoraki/Mt Cook, the Waitaki Basin, and along the Manuherikia River to the Pisa Range. The area is visible from State Highway 8, an important tourist highway.

CA1 supports significant narrow-leaved snow tussock and slim snow tussock grasslands, subalpine shrublands and alpine rock, scree, and fellfield communities. These are broadly representative of the native plant communities that originally occurred in these environments. Although depleted and altered by grazing, they remain relatively intact and display natural variation associated with altitude, aspect, and micro-topographical changes. The area also supports a diverse range of specialist habitats and associated native plant species including rare plant species and naturally rare ecosystems, such as wetland turf communities associated with seeps and flushes.

Importantly, CA1 offers a strategic link to the Killermont Conservation Area, which is currently isolated as it is surrounded by freehold and pastoral lease land. CA1 also offers links to other adjoining conservation lands, including Oteake Conservation Park, opening the opportunity for uninterrupted walking access across conservation land from the Lindis Pass Road to Hawkdun Runs Road in Central Otago, approximately 40km away.

CA1 is subject to a three-year **grazing concession**, which supports the gradual de-stocking of CA1. It is also subject to a **farm management access easement** ('c-d' on the Plan) and an unregistered easement in favour of Airways Corporation New Zealand Limited for the operation of a calibration beacon.

CA2 – 18 hectares to be restored to or retained in full Crown ownership and control as conservation area



Looking up towards CA2

CA2 comprises part of the upper Omarama stream, including stream margins with shrublands representative of original woody vegetation that support diverse and intact assemblages of native species. The shrublands form part of an altitudinal sequence from the valley floor to the alpine zone and are within an At Risk land environment.

This area was identified for protection in public submissions. The stream qualifies for marginal strips, but field work undertaken during consultation on the Proposal confirmed marginal strips would not be wide enough to protect the values identified.

CA2 is subject to an **easement concession** for farm management purposes (shown as 'e-f' on the Plan) to provide practical vehicle access to the upper reaches of the one of the new freehold blocks. CA2 will be fenced to exclude stock.

SR – 140 hectares to be restored to or retained in Crown control as a scientific reserve



Looking west across SR

SR consists of an undeveloped outwash plain, which is part of the expansive Waitaki Basin floor and was formed by deposition of fine alluvium associated with post-glacial ice melt. It is uniformly flat with subtle topographical undulations and habitat variations associated with numerous outwash channels. It is considered a significant ecosystem as it is one of the last sizeable areas of undeveloped alluvial outwash plain remaining in the Ahuriri Ecological District.

The area was initially designated as a conservation area in the preliminary proposal but is designated as scientific reserve in the Proposal. This provides a higher level of protection and was recommended by the Mackenzie Guardians and Federated Mountain Clubs in their respective submissions. SR will be fenced from adjacent freehold land.

CC1 – freehold land subject to a conservation covenant



CC1 provides for a conservation covenant over approximately 31 hectares to protect the landscape amenity and the natural environment of this area. Vegetation within CC1 includes diverse native shrublands such as mountain wineberry, matagouri and tauhinu, and the area is part of the Little Omarama Stream catchment.

The size of CC1 has increased from 18 to 31 hectares in response to submissions from Federated Mountain Clubs, Forest & Bird, and the University of Otago seeking greater protection of shrublands in this area and following a site inspection in November 2017, which confirmed the need for a larger covenant area.

CC1 will continue to be grazed with sheep and cattle and there is no requirement to fence it. Over-sowing and top-dressing are permitted at current levels except within 20m of a watercourse. The land will be monitored every five years and, if monitoring shows any degradation of values, the Minister of Conservation and landowner will work together to assess what changes are required – these may include destocking or fencing.

FH1 – freehold land of 1,869 hectares



Flats at the base of the Wether Range foothills. Sweet briar and pasture are the main vegetation components.

View west of farm buildings close to the southern boundary. Wether Range portion of property directly behind.

The freehold land largely consists of the developed flat land in the north-eastern portion of the property. This land has few remaining natural features with highly modified vegetation from farming and historical burning. Part of the flats (82 ha) have been developed with spray irrigation provided by two centre pivot irrigators. In addition, the property holds consents for the irrigation of a further 72 hectares.

The freehold land includes an estimated 340 hectares of mid-altitude country in the Manuka Creek catchment supporting shrublands and short tussock grassland. This area was considered for protection under the tenure review and was raised in public submissions. The following matters were considered in determining a freehold designation for this area:

- The current and likely future use of the land. The Waitaki District Plan prohibits clearance of all indigenous vegetation over 900m above sea level (a significant portion of the area) and otherwise limits clearance of generally closed canopy matagouri-dominated shrublands, which are present in this area, to no more than 500m² in any five-year period.
- The nature of the values identified – the Proposal provides for the protection of representative areas of similar intact shrublands located in other areas of the property, within CA2 and CC1.

The freehold land will be subject to a **public access easement** along Manuka Creek ('a-b' on the Plan). The easement connects to an existing track on the adjoining Killermont Conservation Area

and provides for access on foot, on or accompanied by horses, or by non-motorised vehicles with or without guns. The easement complements an existing public access easement on the adjoining Killermont Conservation Area.

Provision has also been made for **conservation management access** to CC1 and CA1 ('a-b-c' on the Plan).

Objects of Part 2 of the Crown Pastoral Land Act 1998

Section 25 of the CPLA requires the Commissioner of Crown Lands (Commissioner) to take into account the objects of tenure review are set out in section 24 of the Crown Pastoral Land Act 1998 when developing a tenure review proposal:

- (a) to –
 - (i) promote the management of reviewable land in a way that is ecologically sustainable;
 - (ii) subject to subparagraph (i), enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and
- (b) to enable the protection of the significant inherent values of reviewable land –
 - (i) by the creation of protective mechanisms; or (preferably)
 - (ii) by the restoration of the land concerned to full Crown ownership and control; and
- (c) subject to paragraphs (a) and (b), to make easier –
 - (i) the securing of public access to and enjoyment of reviewable land; and
 - (ii) the freehold disposal of reviewable land.

The Proposal is considered to meet these objects as it:

- Promotes the management of the land in a way that is **ecologically sustainable** (section 24(a)(i)) by returning land with high conservation values to full Crown ownership and control as conservation areas, preventing pastoral intensification and grazing pressures on remaining indigenous vegetation and ecosystems. The freehold land has undergone development and is substantially modified. The continuation of pastoral uses on that land is considered to be ecologically sustainable if appropriate inputs are maintained.
- Enables land considered to be capable of **economic use** (section 24(a)(ii)) to be freed from the management constraints of pastoral lease tenure by providing for that land to be freeholded (section 24(c)(ii)). As noted above, this land is considered to be capable of economic uses that are ecologically sustainable;
- Enables the **protection of the SIVs** of the lease (section 24(b)) significant narrow-leaved snow tussock and slim snow tussock grasslands, subalpine shrublands and alpine rock, scree, and fellfield communities and many other landscape and botanic SIVs. Notably, the Proposal protects one of the last sizeable areas of undeveloped alluvial outwash plain remaining in the Ahuriri Ecological District.
- Secures **public access** to and enjoyment of the reviewable land (section 24(c)(i)). The easement ('a-b') and CA1 create a **strategic link** to the neighbouring and currently isolated Killermont Conservation Area, enabling uninterrupted walking access across conservation land from

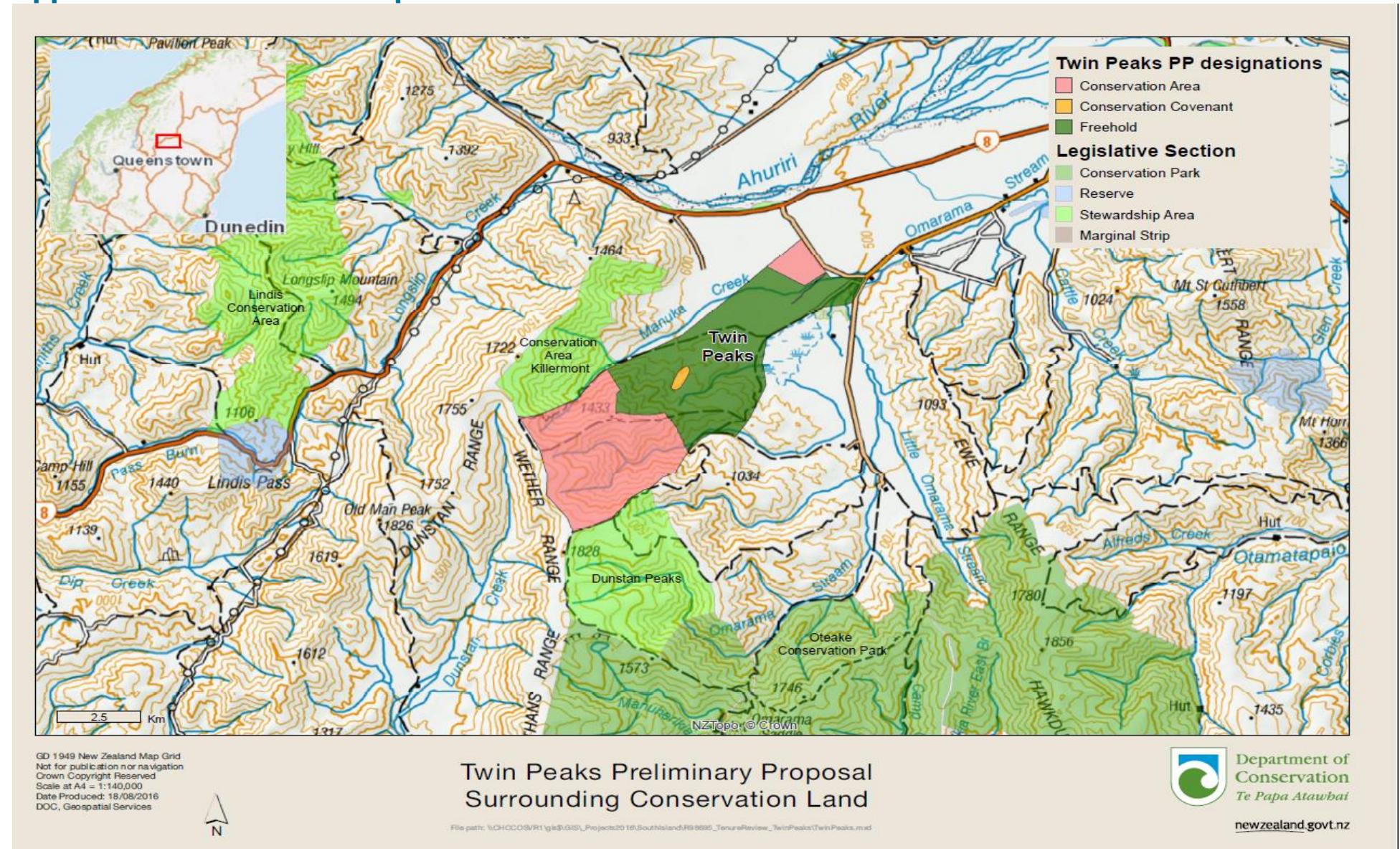
Lindis Pass Road to Hawkdun Runs Road in Central Otago, approximately 40km away. This has the potential to be a significant recreational high-country walking route.

Other matters taken into account

Section 25 of the CPLA also requires the Commissioner to take into account the principles of the Treaty of Waitangi. A Cultural Values Report was obtained from Te Rūnanga o Ngāi Tahu, which has informed the development of the Proposal. Te Rūnanga o Ngāi Tahu was also consulted on the preliminary proposal as required under section 44 of the CPLA.

The Commissioner has also considered whether the land or any part of it is used or intended to be used by the Crown for any particular purpose. No other Crown purposes have been identified for the land.

Appendix One –Location Map



Appendix Two – Summary of public submissions and how they have been considered in the Proposal

Submission Points	Response
Five submissions supported the proposed designation of CA1 .	Support for CA1 was considered during consultation to SP. This land is designated as conservation area in the SP.
One submitter recommended that the proposed freehold block northeast and adjacent to the proposed CA1 be included in CA1	This point was accepted for further consideration during consultation to SP. An inspection of this area during consultation determined that the area did not contain values requiring protection under the SP.
Three submissions noted the proposed three year grazing concession over CA1 and either supported it or did not object to it.	This point was considered during consultation to SP and the grazing concession retained.
One submission recommended that a covenant be established along the property's southeast boundary to protect an area with high natural values.	This point was accepted for further consideration during consultation to SP. After further inspection of this area, it was determined that values existed requiring protection under the SP - this area is designated as CA2 in the SP.
Two submissions sought public access to CC1 .	This point was not accepted as it did not introduce new information, or a perspective not previously considered.
Three submissions sought an expansion of CC1 to ensure greater protection of shrubland in the area.	This point was accepted for further consideration to ensure the covenant provided adequate protection of the values identified. The area proposed for CC1 was re-inspected during consultation and as a result of that inspection has increased from 18 to 31 hectares.
One submission requested that CC1 be fenced , as "unfettered" grazing along with unrestricted oversowing and top-dressing would achieve no more than maintaining the values in their current state.	This point was accepted for further consideration. Further inspection of this area confirmed that the topography of the area would make it difficult to fence. It was also considered that fencing of this area could have a detrimental effect on SIVs. Accordingly, no provision has been made in the SP for the fencing of CC1.

<p>Four submitters supported the CA2 designation.</p> <p>Two submitters recommended that CA2 be given a Scientific Reserve designation. The re-designation would offer opportunities for learning about the outwash and its restoration.</p>	<p>Support for CA2 was considered during consultation to SP. The proposed designation was reviewed following consideration of the submission and information presented, and is now designated as Scientific Reserve in the SP.</p>
<p>Two submitters recommended that part of the proposed freehold block southwest of and adjacent to CA2 be included in CA2.</p>	<p>This point was not considered further as the submissions did not raise new information or a new perspective and the boundaries of CA2 (SR in the SP) had been well considered in the development of the PP. The portion of the outwash surface that extends into the proposed freehold area has been developed and natural values have been lost.</p>
<p>Fish & Game's submission requested that a lower section of the Omarama Stream be fenced from stock to protect the spawning habitat for a valuable rainbow and brown trout fishery.</p>	<p>This point was accepted for further consideration. The DGC advised that the marginal strips are considered to provide sufficient protection and the ability for DOC to fence this area at a later date exists.</p>
<p>A number of submissions sought less restrictive access provisions:</p> <ul style="list-style-type: none"> Two submitters suggested that vehicle access should be provided in two areas: along the Twin Peaks side of the boundary, to allow for maximum enjoyment of the Manuka Creek catchment and to enable younger/infirm family members to access this area. Five submitters thought the proposed easement 'a-b' was too restrictive. Reasons included the allowance for periodic closure of the easement for livestock management purposes, and not allowing the carriage of guns or dogs. 	<p>Vehicular access was considered during consultation on the PP and was determined to be neither practical or viable. The submitters did not provide any new information in this regard. There are public access easements across neighbouring former pastoral leases which provide vehicular access.</p> <p>Provisions that provided for periodic closure for livestock purposes have been removed and the easement now provides for the carriage of guns to ensure consistency with the terms of the public access easement over the adjoining Killermont Station. No provision has been made for dogs and this is also consistent with the Killermont Station public easement</p>