



Federated Mountain Clubs of NZ

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Wellington

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13 February 2017.

Commissioner of Crown Lands
Land Information New Zealand
Christchurch.

Dear Mr Gullen,

Tenure review of Twin Peaks Crown pastoral lease

Federated Mountain Clubs was founded in 1931 and advocates for New Zealand's backcountry and outdoor recreation on behalf of 20,000 members. This fundamental function gives the organisation a strong interest in Crown pastoral tenure review as, through the process, land can be redesignated for new purposes including conservation and recreation.

Of especial interest to FMC due to its interest in biological, landscape, and historic values and recreation access are the prioritised objects of the statute enabling tenure review, Part 2 of the Crown Pastoral Land Act 1998:

Section 24

(a) to-

(i) promote the management of reviewable land in a way that is ecologically sustainable

(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 the following object:

(c) subject to paragraphs (a) and (b), to make easier-

(i) the securing of public access to and enjoyment of reviewable land.

Additional objects, to 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 the freehold disposal of reviewable land, must also be considered, though their priority is not as high as those of (a)(i), (b)(i), and (b)(ii).

Twin Peaks

This 3,532.9057 hectare Crown pastoral lease is at the southwestern extremity of the Omarama basin on the southern side of State Highway 8. It rises to 1,789 metres above sea level on the Wether Range. To the north, depleted and undeveloped outwash flats dominate; beyond are the Clay Cliffs scenic landmark and the Ahuriri River. Conservation areas adjoin the property to the west and south.

Twin Peaks provides a large part of the backdrop to the southern part of the greater Mackenzie basin. It offers recreationists chances to climb from the valley floor to the tops, and to travel on the Wether Range ridgeline between the Killermont and Wether Range Conservation Areas.

The following submission views Twin Peaks' preliminary proposal through the lens of the objects of Part 2 of the Crown Pastoral Land Act 1998 and their hierarchy.

Proposed CA1 (including grazing concession)

Landscape values are very high in the upper parts of this proposed block, containing some of the best remaining representative examples of landscapes that characterised original New Zealand. Lower areas, though affected by grazing and burning, are capable of being restored to provide landscape links between important landforms and features.

Botanically, this proposed area's intact sequences are important; they are highly representative of its original vegetation. Very significant plants such as the Nationally Critical *Oreomyrrhis colensoi* var. *delicatula* and the chronically threatened *Carmichaelia vexillata* and *Carmichaelia crassicaule* exist here, supported by their communities.

The Declining New Zealand pied oystercatcher and the Declining New Zealand pipit and a variety of lizards have been found in the proposed area.

For invertebrates, this higher country is rich habitat. Scree weta - near the species' range limit - the alpine ringlet, mountain stone weta, the alpine grasshopper *Brachaspis nivalis* and two threatened spider species, *Anoteropsis arescens* and *Anoteropsis alpina*, both Sparse, exist in the area.

The proposed area has strong potential for recreation. The adjacency of the existing Wether Range and Killermont conservation areas increases its value as connection of the three areas will expand opportunities for backcountry enjoyment in the southern Omarama basin.

FMC supports the creation of the proposed three-year grazing concession.

FMC supports the creation of a farm management easement concession.

FMC supports the maintenance of an unregistered easement in gross to Airways Corporation of New Zealand, due to expire on April 1, 2031.

The significant natural values present in the proposed block qualify it for full Crown protection and control as indicated by the Crown Pastoral Land Act 1998. However, significance exists beyond proposed CA1 and the block's boundary should be adjusted accordingly. This will be discussed on page 5.

Recommendation:

**** that proposed CA1 and associated concessions be adopted.***

**** Note: necessity for extension to proposed CA1's boundary is discussed on page 5.***

Proposed CA2

At the northwest tip - and lowest point of the property - this 140 hectare outwash area is significant in landscape terms, with its essential features of scale and simplicity. It is representative of original outwash surfaces in the area.

Natural rarity means this part of the property is of the highest significance botanically. Its protection will provide the chance for gradual restoration and for regeneration of highly significant plants such as *Pimelea pulvinaris* and *Carmichaelia crassicaule*. Final designation as a scientific reserve under s21 of the Reserves Act 1977 would be appropriate.

The grasshopper *Sigaus minutus*, in Gradual Decline, is present in the proposed block. There are also spider and weta burrows, parts of a plant and invertebrate community that likely contains pre-agricultural biota.

Benefits of CA2 to recreationists as the proposal presently stands are largely related to appreciation of landform. Redesignation as scientific reserve, despite some potential constraints, would offer opportunities for learning about aspects of the outwash and its restoration that are not immediately obvious.

Significant inherent values existing in this block qualify it for full Crown protection and control in line with the statute. Significance extends beyond the proposed boundary for CA2, however, and adjustments should be made. This will be discussed on page 5.

Recommendations:

*** that proposed CA2 be adopted.**

*** that proposed CA2 be given a final scientific reserve designation.**

*** Note: necessity for extension to proposed CA2's boundary is discussed on page 5.**

Proposed CC1

At around 25 hectares, this proposed mechanism has potential to protect identified very highly significant botanical intactness and part of the visual backdrop to the southern part of the Omarama Basin.

Certain of its conditions, however, mean it is unlikely to provide real protection for identified values. Proposed unfettered grazing by cattle and sheep and almost unrestricted topdressing and oversowing mean it will likely achieve no more than maintain natural values' present compromised condition (indeed, 'maintenance' is referred to in Special Condition 7a). Additionally, as there is no certainty of establishment of a monitoring regime (Special Condition 7: "The Minister may design and undertake a monitoring programme..."), actual degradation could take place unrecorded. This is inadequate.

Moreover, strong natural values extend beyond the area proposed for protection. Land above, below, and alongside the proposed covenant area, though affected by past agricultural practice, can be restored for its landform and landscape feature values and to protect botanical intactness and individual species such as the Declining *Carmichaelia kirkii* and the locally rare *Parsonia capsularis* var. *rosea* - both with good populations - and *Sophora microphylla*.

For these reasons, the proposed protective mechanism should be expanded as the statute's prioritisation of significant inherent values indicates. It should extend out to the spur lines adjacent, run up to connect with proposed CA1 regardless of whether that block is created as proposed or expanded, and run down to the main farm track on the flat. It should be fenced, a grazing regime focussed on improving significant inherent values should be devised, and monitoring should be implemented.

Recommendations:

*** that proposed CC1 should be established and extended as outlined above.**

*** that CC1 should be fenced.**

*** that a grazing regime with the object of improving significant inherent values should be designed, implemented, and monitored.**

Proposed freehold (not including protective mechanism)

Redesignation as freehold is appropriate for much of this proposed 1,918 hectare block. However, there are parts of it that should be retained in full Crown ownership and control for the protection of identified significant inherent values to give effect to the Crown Pastoral Land Act 1998.

CA1 should be expanded to include the Wether Range foothills areas presently proposed as freehold that contain diverse and intact native botanical systems and include healthy populations of the Declining *Carmichaelia kirkii* and the locally rare *Parsonia capsularis* var. *rosea* as well as *Sophora microphylla*, notable in this area. Significant landscape values in this foothills area that, despite the impact of burning and grazing retain intact landform patterns and are restorable, also qualify for the protection full Crown ownership and control of these foothills areas will provide.

Also needing such protection is the outwash area southwest of and adjoining that presently proposed as CA2; this proposed conservation area should be expanded southwest to the smaller fenced paddocks. This is indicated by the natural rarity of the area's ecosystem which includes habitats for remnant populations of rare and threatened plant species. Along with the land presently proposed as CA2, this should be given scientific reserve final classification (see discussion on pages 3 and 4).

A further covenanted area - CC2 - is needed to restore and conserve identified high natural values along the property's border with Dunstan Downs in the property's southeast. Healthy shrublands and the invertebrates they provide habitat for are present in high condition. A threatened (Data Deficient) spider, *Matua valida*, is present there, as is the flightless beetle *Megadromus alternus*. CC2's boundary should be determined in consultation with the Department of Conservation; it should be established with fencing, a management regime focussed on significant inherent values' restoration and ongoing good health; and it should have a monitoring programme.

FMC supports creation of public access easement 'a'-b', but not Special Easement Terms 12 and 14. Failure of the easement terms to allow members of the public to carry guns or be accompanied by dogs (Term 12) is abrasive to the statute's intention regarding public access and recreational enjoyment as many members of the public will wish to access CA1 for hunting, a common pastime for New Zealand recreationists; many of those will wish to have dogs with them. Similarly, more than seven weeks' potential closure of the easement annually (Term 14) is in tension with the Act's stated purpose of providing public access and recreational enjoyment. These special easement terms should be removed.

Recommendations:

- * that part of the proposed freehold block northeast of and adjacent to proposed CA1, as described above, be included in CA1.**
- * that part of the proposed freehold block southwest of and adjacent to proposed CA2, as described above, be included in CA2 and be finally classified as scientific reserve.**

**** that a covenant, CC2, be established in the property's southeast, as described above, to protect identified significant inherent values.***

**** that Special Easement Terms 12 and 14 be removed as they do not fulfil the purpose of the Act.***

* Note: alterations to proposed CC1 are discussed and recommended on page 4.

Land classification

This Crown pastoral tenure review should 'enable the protection of the significant inherent values'. Therefore, as part of the review, all property to become public conservation land should be given final classification based on the technical data that have informed the review.

Stewardship classification does not ensure protection through appropriate management and does not provide protection from exchange (Section 16A(1) of the Conservation Act 1987 says: *Subject to subsections (2) and (3), the Minister may, by notice in the Gazette, authorise the exchange of any stewardship area or any part of any stewardship area for any other land*). FMC therefore proposes that land to be retained by the Crown be given precise classifications that will address the Act's requirements that the review should 'enable the protection'; otherwise, the review will fail to give proper effect to the Act.

Recommendation:

**** that public conservation land created by this tenure review be specifically classified as part of the process.***

Conclusion

This preliminary proposal for the tenure review of Twin Peaks' Crown pastoral lease, for the most part, expresses the objects of the Crown Pastoral Land Act 1998. However, improved protection for natural values is needed for the Act's primary demands - promoting ecologically sustainable management and enabling protection of significant inherent values - to be met properly.

In order to fulfil the public access and recreational enjoyment requirements of the statute, some minor alterations will need to be made.

Significant inherent values' protection - a prioritised object of the Crown Pastoral Land Act 1998 - on public conservation land is uncertain unless the land has specific, not stewardship, classification. Using the tenure review's supporting technical data to appropriately classify parts of the property being retained by the Crown will ensure that this statutory priority is achieved.

Yours sincerely,

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