

Crown Pastoral Land Tenure Review

Lease name: CLUDEN STATION

Lease number: PO 213

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.

December 09

ANALYSIS OF PUBLIC SUBMISSIONS

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

CLUDEN TENURE REVIEW TR169

Details of lease

Lease name	Cluden
Location	Tarras
Lessee	H J Ross & P D Pedofsky as 5/8 share and H J Ross and P D Pedofsky as to a 3/8 share as executors

Public notice of preliminary proposal

Date advertised	31 st January 2009
Newspapers advertised in	Otago Daily Times (Dunedin) Southland Times (Invercargill) The Press (Christchurch)
Closing date for submissions	31 st March 2009

Details of submissions received

Number received by closing date
12 submissions were received by the closing date with one received the following day having notified us previously of their late submission

Cross-section of groups/individuals represented by submissions
The 13 submitters included three branches of Forest and Bird, two individuals with conservation interests, four recreational user groups and four government related agencies

Number of late submissions refused/other
No submissions were refused as the only late submission had been pre-advised

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 recommend that CC5 be incorporated into CA2.	1,3,4,5,9,10, 11, 12	Allow	Accept
<p>Rationale for Allow The protection of SIVs is one of the objects of the Crown Pastoral Land Act (Section 24(b)). The method of protection is an alternative to be considered under Section 24(b) and therefore the point is allowed.</p>				
<p>Rationale for Accept While the form of protection was considered during the preparation of a preliminary proposal, the submitters have introduced new information that indicates that this point should be revisited during consultation leading to a draft substantive proposal. Therefore the point has been accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1.1	In recommending that CC5 be incorporated into CA2 the submitter recommends that a grazing covenant (concession) be applied to the area presently marked CC5.	10	Allow	Accept

Rationale for Allow

<p>The protection of SIVs is one of the objects of the Crown Pastoral Land Act (Section 24(b)). In conjunction with the form of protection sought, a grazing concession can be considered under Section 36(1)(a). The point is therefore allowed.</p>
<p>Rationale for Accept The alternative of a grazing concession over conservation land for the area identified as CC5 was not considered during the preparation of the preliminary proposal. This is therefore new information and the point is accepted for consideration in preparing a draft substantive proposal.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1.2	The submitter has asked that the objects of CC5 be redefined or that the current conservation covenant be replaced with a sustainable management covenant.	11	Allow	Accept
<p>Rationale for Allow The point relates to the protection of SIVs as in the point above and the mechanisms for protecting this are also able to be considered under the Act. The point is therefore allowed.</p>				
<p>Rationale for Accept The alternative of a sustainable management covenant for CC5 was not considered during the preparation of the preliminary proposal. This is therefore new information and the point is accepted for consideration in preparing a draft substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	The submitter recommends that all the covenants be connected.	1	Allow	Not Accept
<p>Rationale for Allow The point relates to the protection of significant inherent values using a protective mechanism which is one of the objects of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>				
<p>Rationale for Not Accept The point has not been accepted as the matter was considered in the preparation of the preliminary proposal and it was considered that there were inadequate significant inherent values to justify such inter-connection. No new information has been provided.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	The submitter recommends the connection of CC2 to CA2.	1	Allow	Not Accept
<p>Rationale for Allow The point relates to the protection of significant inherent values via a protective mechanism which is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>				

Rationale for Not Accept

The point has not been accepted as the matter was fully traversed during the preparation of the preliminary proposal and significant inherent values were not identified in the area that would connect the covenant and the conservation area.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	The submitters recommend that CA1 be extended upslope and joined to conservation area CA2.	1, 3, 4, 5, 9, 11	Allow	Accept

Rationale for Allow

The point raised relates to the protection of SIVs and in particular protection of SIVs in an altitudinal sequence from the Cluden Stream to the crest of the Dunstan Mountains. As the protection of SIVs is a matter for consideration under Part 2 Crown Pastoral Land Act the point is therefore allowed.

Rationale for Accept

The protection of this area of the property was considered during the preparation of the preliminary proposal. However a number of submitters have provided information in relation to the SIVs in this area that extends previous information provided in the conservation resources report. The benefits of an altitudinal sequence are also further elaborated by the submitters. The point is therefore accepted for consideration during the preparation of a draft substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4.1	That CA1 should be connected to CA2 by use of a conservation covenant.	1	Allow	Accept

Rationale for Allow

This is an alternative to Point 4 as discussed above and the same rationale applies.

Rationale for Accept

This is an alternative Point 4 above and for the same rationale the point has been accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	The submitter asks why there is no foot access between CA1 and CA2.	1	Allow	Not Accept

Rationale for Allow

The point relates to the provision of public access which is an object of Part 2 Crown Pastoral Land Act. Therefore the point is allowed.

Rationale for Not Accept

We note that under the preliminary proposal as advertised, foot access is provided between the two conservation areas. The submitter did not provide any information in relation to the statement made. There is therefore no new information to be considered in the preparation of a draft substantive proposal. The point has therefore not been accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	The submitters recommend that conservation covenant CC6 be expanded to include a wider range of SIVs.	1, 12	Allow	Accept
<p>Rationale for Allow The point relates to the protection of SIVs using a protective mechanism which is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>				
<p>Rationale for Accept The point has been accepted as the submitters have raised new information in relation to the SIVs of this area that will be considered in the preparation of the draft substantive proposal. One of the submitters also seeks further elaboration of the values within the covenant document (see point 16.1).</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	The submitter questions the height the property is grazed to under the proposed freehold.	1	Allow	Not Accept
<p>Rationale for Allow The point relates to the promotion of management of reviewable land in a way that is ecologically sustainable which is a matter to be considered under Part 2 Crown Pastoral Land Act. The point is therefore allowed. This point also closely relates to Point 22 discussed subsequently.</p>				
<p>Rationale for Not Accept The location of the upper level of the freehold was very carefully discussed and considered during the preparation of the preliminary proposal. No new information has been provided by the submitter which would cause this matter to be revisited and the point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8.1	The submitters support the proposed conservation covenants.	2,4	Allow	Accept
<p>Rationale for Allow The protection of SIVs via a protective mechanism is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>				
<p>Rationale for Accept The point supports the current preliminary proposal and should be taken into account in the development of a draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8.2	The submitters support covenants 1-4.	3,5,9,10	Allow	Accept
<p>Rationale for Allow The protection of SIVs via a protective mechanism is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>				
<p>Rationale for Accept The point supports the current preliminary proposal and should be taken into account in the development of a draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8.3	The submitter supports covenants 3 and 4	12	Allow	Accept
<p>Rationale for Allow The protection of SIVs via a protective mechanism is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>				
<p>Rationale for Accept The point supports the current preliminary proposal and should be taken into account in the development of a draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	The submitters request a covenant over the valley of Big Spur Creek for the protection of significant inherent values and/or upland bird habitat.	2, 11	Allow	Accept
<p>Rationale for Allow The point relates to the protection of SIVs which is an object of Part 2 Crown Pastoral Land Act and is therefore allowed.</p>				
<p>Rationale for Accept The point is accepted as there is new information (in particular game bird habitat and shrublands equivalent of the other covenanted areas) introduced by the submitters which should be considered in the development of the draft substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	The submitter supports the provision for guns and dogs to be allowed on the proposed easement to the conservation land.	2	Allow	Accept

<p>Rationale for Allow This point relates to the provision of public access which is an object of Section 24(c)(i) Crown Pastoral Land Act, therefore the point is allowed.</p>
<p>Rationale for Accept This is a statement of support for the provisions currently contained in the easement which formed part of the preliminary proposal and is accepted for consideration in the preparation of designations for a draft substantive proposal.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	The submitter seeks the provision of upland game bird hunting within the CC1-CC6 and Big Spur Creek during winter months.	2	Disallow	

<p>Rationale for Disallow While the point may relate to an aspect of public recreation it has been understood that game shooting is neither an SIV nor an access issue as considered by Section 24 Crown Pastoral Land Act. The point has therefore been disallowed.</p>
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Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	The submitters support the proposed access as contained in the preliminary proposal.	2, 5	Allow	Accept

<p>Rationale for Allow The submitters record their support for the proposed access provisions of the preliminary proposal, which is in accordance with the object under Section 24(c)(i) Crown Pastoral Land Act. The point is therefore allowed.</p>

<p>Rationale for Accept This is a statement of support for a component of the preliminary proposal which will be noted in the preparation of the draft substantive proposal. The point is therefore accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12.1	The submitters request that the proposed vehicle access particularly on route a-b and in some cases b-s should be open to the public use during an extended season or all year.	2,4,5	Allow	Not Accept

<p>Rationale for Allow The point relates to the provision of public access which is an object of Part 2 Crown Pastoral Land Act and is therefore allowed.</p>

<p>Rationale for Not Accept The matter was fully traversed during the preparation of the preliminary proposal and the decision to restrict the seasonal access by vehicles was made on the grounds of public</p>
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safety, track maintenance and disturbance to adjacent land use. No new information has been provided that would cause this decision to be revisited.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	The submitter (Fish & Game) seeks similar access rights for management purposes as the Department of Conservation	2	Allow	Accept

Rationale for Allow

The point concerns the enabling of protection of significant inherent values relating to the recreational use of the land which is an SIV for the Commissioner to consider under the Crown Pastoral Land Act. The point is therefore allowed.

Rationale for Accept

This is a matter that has not previously been considered and warrants consultation with DoC to confirm whether the existing clauses confer rights to Fish and Game or whether an additional clause is required. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	The submitters recommend the fencing of CA1.	3,4,5	Allow	Not Accept

Rationale for Allow

The point relates to the protection of SIVs which is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.

Rationale for Not Accept

It is noted that the conservation area CA1 is approximately triangular in shape with two of the boundaries currently fenced and the designations plan clearly showing a proposal to fence the third boundary. It would appear that the submitters have misinterpreted the designations plan. The information supplied is therefore not new information, and the point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14.1	Recommends fencing of CA2.	12	Allow	Not Accept

Rationale for Allow

The point relates to the protection of SIVs which is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.

Rationale for Not Accept

It is noted that conservation area CA2 is either currently fenced or has fencing proposed as outlined in the preliminary proposal. It would therefore appear that the submitter has misinterpreted the designations plan. The submitter has not added any new information relating to the desirability of fencing this area, and therefore the point is not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	The submitters recognise the need for stock movement through any extension to conservation area CA1.	3,4	Allow	Accept
<p>Rationale for Allow The submitter has acknowledged that if CA1 is extended there will be an additional need for stock movement access as the property will be divided by this extension. There is provision in the Crown Pastoral Land Act pursuant to Section 36(1)(a) and Section 36(3)(b) for granting such concessions/easements. The point is therefore allowed.</p>				
<p>Rational for Accept As the extension of CA1 had not been formally considered in the preliminary proposal the aspect of stock movement in relation to this was not addressed. The submitters have therefore identified new information in this regard, and the point is therefore accepted for consideration in the preparation of a draft substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	The submitters recommend that conservation covenant CC6 is incorporated into conservation area CA2.	3,4,5,9, 10, 11, 12	Allow	Accept
<p>Rationale for Allow The point relates to the protection of SIVs and addresses the issue of the form of protection to be provided. This matter is covered by Section 24(b) Crown Pastoral Land Act and is therefore allowed.</p>				
<p>Rationale for Accept In making this point the submitters have introduced new information relating to the significance of identified inherent values that was not considered during the preparation of the preliminary proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16.1	The submitter recommends that if connection of CC6 to CA2 does not occur, the values within CC6 should be better defined in the covenant.	12	Allow	Accept
<p>Rationale for Allow The point relates to the protection of significant inherent values under a protective mechanism which is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>				
<p>Rationale for Accept The point refers to previously considered information, however the submitter articulates reasons for enhancing the documentation. The point has been accepted as the description of the values could be enhanced in the document.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	The submitters recommend changes to the boundaries of CC6 to incorporate additional SIVs	3, 4	Allow	Accept
<p>Rationale for Allow The matter relates to the protection of SIVs which is an object of Part 2 Crown Pastoral Land Act and is therefore allowed.</p>				
<p>Rationale for Accept The submitters have introduced new information relating to SIVs on the periphery of the current CC6 which need to be taken into account during the preparation of the draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18.1	The submitters recommend the monitoring of the proposed conservation covenants	3,4,5,10	Allow	Not Accept
<p>Rationale for Allow This point relates to the protection of SIVs within the covenanted areas. As the protection of SIVs is an object of Part 2 Crown Pastoral Land Act the point is allowed.</p>				
<p>Rationale for Not Accept The submitters have not introduced any new information and therefore the point is not accepted. Any monitoring of any covenants is already a requirement of conservation management and therefore this point is also not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18.2	The submitters recommend that the covenants include provision for fencing the perimeter.	3,4,5,10,11	Allow	Not Accept
<p>Rationale for Allow This point relates to the protection of SIVs within the covenanted areas. As the protection of SIVs is an object of Part 2 Crown Pastoral Land Act the point is allowed.</p>				
<p>Rationale for Not Accept The design of the covenant areas was carefully considered during the preparation of the preliminary proposal and due to natural features it was considered inappropriate to fence these areas. The submitters have not introduced any new information in relation to this and therefore the point is not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18.3	The submitter recommends that the width of the stock access routes through the covenant be reduced to 10 metres	11	Allow	Accept
<p>Rationale for Allow While this point was not directly related to the protection of SIVs or the objects of Part 2 Crown Pastoral Land Act it is however a component of a protective mechanism issued under Section 40(2)(a) Crown Pastoral Land Act. It therefore is a matter to be considered and the point is therefore allowed.</p>				
<p>Rational for Accept The provision of access through the proposed covenants was a matter considered in the preparation of the preliminary proposal however the submitters have raised significant matters in relation to the effect of a wide access way through the covenant and have requested a review of the width of these access ways. This new information therefore requires consideration in the preparation of a draft substantive proposal and the point is accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18.4	The covenants should be fenced immediately where necessary if possible as part of tenure review.	12	Allow	Not Accept
<p>Rationale for Allow This point relates to the protection of SIVs within the covenanted areas. As the protection of SIVs is an object of Part 2 Crown Pastoral Land Act the point is allowed.</p>				
<p>Rationale for Not Accept The design of the covenant areas was carefully considered during the preparation of the preliminary proposal and due to natural features it was considered inappropriate to fence these areas. The submitters have not introduced any new information in relation to this and the point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	The submitters support conservation area CA2 although in most cases also recommend extensions to this conservation area.	4,5,6,9,10,12	Allow	Accept
<p>Rationale for Allow The point is allowed as the protection of SIVs which is the purpose of CA2 is an object of Part 2 Crown Pastoral Land Act.</p>				
<p>Rationale for Accept The support for the conservation area CA2 is noted and this proposed conservation area will be carried forward to the preparation of the draft substantive proposal. The point is therefore accepted. Note that the consideration of extensions to CA2 is considered elsewhere in this analysis for example points 1, 3, 4, 4.1, and 16.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	The submitters stated they had no objection to the proposed concession easements.	4, 5, 9	Allow	Accept
<p>Rationale for Allow Concession easements are a consideration under Section 36 Crown Pastoral Land Act and therefore the point is allowed.</p>				
<p>Rationale for Accept These concession easements form part of the preliminary proposal and the information will continue forward to the preparation of the draft substantive proposal. The point is accepted as a statement of support.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	The submitters support the establishment of the historic reserve.	4,5,6,9, 10, 13	Allow	Accept
<p>Rationale for Allow The proposed historic reserve protects SIVs which is an object of Part 2 Crown Pastoral Land Act therefore the point is allowed.</p>				
<p>Rationale for Accept The proposed historic reserve has been identified in the preliminary proposal and will carry forward to the preparation of the draft substantive proposal. The point is accepted as a statement of support.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	The submitters recommend that all land above 1000 metres and/or SIVs are included in CA2.	4,5,11,12	Allow	Accept
<p>Rationale for Allow The point relates to the management of Crown land in a manner that is ecologically sustainable and also the protection of SIVs. Both are objects of Part 2 Crown Pastoral Land Act and the point is therefore allowed.</p>				
<p>Rationale for Accept While the boundary of CA2 was carefully considered during the preparation of the preliminary proposal, the submitters have provided more specific information in relation to the SIVs present in the mid-altitude land than was possible in the CRR, in particular over the land above 1000m. The relevance of this information needs to be considered in the preparation of a draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23.1	The submitters recommend an extension of conservation covenant CC2	4, 5, 12	Allow	Accept
<p>Rationale for Allow A conservation covenant is a protective mechanism under the Crown Pastoral Land Act and relates to the protection of SIVs which is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>				
<p>Rationale for Accept While the design of CC2 was carefully considered during the preparation of the preliminary proposal, the submitters have introduced new information in relation to the extent of the SIVs in this location including <i>Galaxid</i> populations that should be considered in the preparation of the draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23.2	The submitter proposes that conservation covenants CC1-CC4 and CC6 are extended to protect a wider range of SIVs.	11	Allow	Not Accept
<p>Rationale for Allow A conservation covenant is a protective mechanism under the Crown Pastoral Land Act and relates to the protection of SIVs which is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>				
<p>Rationale for Not Accept The design of the conservation covenants was carefully considered during the preparation of the preliminary proposal. In this case the submitter has not introduced any new information for consideration and the point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23.3	Extend the area of conservation covenant CC1.	12	Allow	Accept
<p>Rationale for Allow A conservation covenant is a protective mechanism under the Crown Pastoral Land Act and relates to the protection of SIVs which is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>				
<p>Rationale for Accept While the design of CC1 was carefully considered during the preparation of the preliminary proposal the submitter has introduced new information in relation to the habitat of rare moths that should be considered in the preparation of the draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23.4	The submitters recommend that CC4 be enlarged to include additional shrublands	5, 10	Allow	Accept
<p>Rationale for Allow The point relates to the protection of significant inherent values which is an object of Part 2 Crown Pastoral Land Act and the point is therefore allowed.</p> <p>Rationale for Accept While the boundaries of CC4 were considered to protect SIVs at the time of the preliminary proposal, the submitters have provided new information as to the extent of the SIVs. The point is therefore accepted for consideration in the preparation of a draft substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24	The submitters support the provision for public access within the proposal.	4,5,6,9,10,12	Allow	Accept
<p>Rationale for Allow The point is allowed as the provision for public access is an object of Part 2 Crown Pastoral Land Act.</p> <p>Rationale for Accept The provision of access was carefully considered in the preliminary proposal, and the support of the submitters endorses this to be carried forward to the draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24.1	The submitters provide specific support for the proposed vehicle access "a-b-s"	5,8, 9, 10	Allow	Accept
<p>Rationale for Allow The point is allowed as the provision for public access is an object of Part 2 Crown Pastoral Land Act.</p> <p>Rationale for Accept The provision of access was carefully considered in the preliminary proposal, and the support of the submitters endorses this to be carried forward to the draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24.2	Supports the restriction to true off road vehicles	5, 6	Allow	Accept

<p>Rationale for Allow The point is allowed as it relates to the provision for public access which is an object of Part 2 Crown Pastoral Land Act.</p>
<p>Rationale for Accept The provision of access was carefully considered in the preliminary proposal, and the support of the submitters endorses this to be carried forward to the draft substantive proposal. The point is therefore accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24.3	The submitter requests that provision be made in the easement documents for the ability to upgrade the vehicle access route "b-s".	6	Allow	Not Accept

<p>Rationale for Allow The point relates to the provision of public access which is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>
<p>Rationale for Not Accept The current proposal already allows for provision to upgrade the access and no new information has been provided. This is also a management issue as opposed to a matter for direct consideration under the Crown Pastoral Land Act. The point is therefore not accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24.4	The submitter requests that the easements include a connection to the <i>Goodger/County Road</i> , to create a circuit within this locality.	9	Allow	Accept

<p>Rationale for Allow The matter relates to the provision of public access which is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>
<p>Rationale for Accept This particular extension to the access network which would require a connection to the boundary in the proximity to "d" on the plan. This was not formally considered during the preparation of a preliminary proposal and therefore constitutes new information. The point is therefore accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24.5	The submitters request that the access is linked to an existing easement on adjacent land on McPhies Ridge.	9, 11	Allow	Accept

<p>Rationale for Allow The matter relates to the provision of public access which is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>
<p>Rationale for Accept This particular extension to the access network was not formally considered during the preparation of a preliminary proposal and constitutes new information. The point is therefore accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24.6	The submitters request formal access <i>off</i> the end of the legal road at Richmond Hut to the Dunstan Creek. One of the submitters requests that this be foot or for mountain bike only, and the other submitter seeks to have 4WD access.	11, 12	Allow	Not Accept

<p>Rationale for Allow The point relates to the provision of public access which is an object of Part 2 Crown Pastoral Land Act the point is therefore allowed.</p>
<p>Rationale for Not Accept Access in this vicinity was carefully considered during the preparation of the preliminary proposal and it was deemed that adequate access existed for non vehicle based access on the legal road from Dunstan Pass to the Dunstan Creek. Vehicle access into Dunstan Creek was also considered and deemed inappropriate as the tracks were considered unsuited to this use due to public safety reasons. No new information has been presented and the point is therefore not accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24.7	The submitter raises concerns that the easement document does not confirm the vehicle access on route "b-s", and also asks that the closure provision within the easement be redefined. This point to some extent relates to point 12 but is technically a different point.	12	Allow	Accept

<p>Rationale for Allow The matter relates to the provision of public access which is an object of Part 2 Crown Pastoral Land Act the point is therefore allowed.</p>
<p>Rationale for Accept The easement document has been perused, and due to an oversight in drafting, the document does not refer to vehicle access on "b-s". This is a documentation issue that will be corrected. However the fact that the point has been raised indicates that the submitter endorses the proposed designation. The point is therefore accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
25	The submitters support conservation area CA1, however they in many cases also recommend extensions to this conservation area.	4,5,6,11,12	Allow	Accept
<p>Rationale for Allow The point is allowed as conservation area CA1 is designed for the protection of significant inherent values which is an object of Part 2 Crown Pastoral Land Act.</p>				
<p>Rationale for Accept The support for CA1 is noted, and this proposed conservation area will be carried forward to the preparation of the draft substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
25.1	The submitter requests that the upper boundary of CA1 be redefined. This is a different point to that previously raised in points 4 and 4.1.	11	Allow	Accept
<p>Rationale for Allow The extent of conservation area CA1 relates to the protection of SIVs which is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>				
<p>Rationale for Accept The submitter provides new information in relation to the extent of CA1 particularly relating to SIVs. The point is therefore accepted for the consideration in the development of the draft substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
26	The submitter has requested that the availability of access to CA1 from easement "b-c" be confirmed.	5	Allow	Not Accept
<p>Rationale for Allow This point relates to the provision of public access which is an object of Part 2 Crown Pastoral Land Act the point is therefore allowed.</p>				
<p>Rationale for Not Accept The easement route connects to the boundary of CA1 for some 200-300 metres which was considered in the preliminary proposal. No new information is provided and the point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27	The submitter gives qualified support for the proposed freehold.	5	Allow	Accept
<p>Rationale for Allow The point relates to the disposal of Crown land on freehold title which is an object of Part 2 of the Crown Pastoral Land Act (Section 24(c)(ii)). The point is therefore allowed.</p>				
<p>Rationale for Accept This is a statement of support, albeit qualified for the proposed freehold as identified in the preliminary proposal. This will therefore be considered by the Commissioner in formulating the designations for a draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27.1	The submitter recommends a sustainable management covenant over the area of Alexandra Steepland brown grey earth soils.	5	Allow	Accept
<p>Rationale for Allow The point relates to the management of the reviewable land in a way that is ecologically sustainable which is an object of Part 2 Crown Pastoral Land Act the point is therefore allowed.</p>				
<p>Rationale for Accept The submitter has provided new information in relation to the management of this land in a manner that is ecologically sustainable, which needs to be considered in the preparation of a draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27.2	The submitter recommends a sustainable management covenant over the farm blocks that contain areas extending to altitudes over 1000m a.s.l	11	Allow	Accept
<p>Rationale for Allow The point relates to the management of the reviewable land in a way that is ecologically sustainable which is an object of Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>				
<p>Rationale for Accept This point is an alternative to the restoration of the land to Crown ownership as suggested by point 22. The information provided by the submitter is new information and the point is therefore accepted for consideration in the preparation of the draft substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
28	The submitters request that an easement for vehicle, foot, mountain bike and horse access be provided for in the Dunstan Creek area.	5, 12	Allow	Accept
<p>Rationale for Allow The point relates to the provision of public access which is an object of Part 2 Crown Pastoral Land Act 1988 and the point is therefore allowed.</p>				
<p>Rationale for Accept This access route would provide a continuous route within the Dunstan Creek area along with other properties and overall access within this vicinity. The submitters have supplied new information in relation to the positioning of the existing access formation relative to the boundaries of Cluden and this requires investigation prior to preparation of a draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
29	The submitters note wetlands and other SIVs in the Dunstan Creek area and seek protection of these.	5, 12	Allow	Accept
<p>Rationale for Allow The point relates to the protection of SIVs which is an object of Part 2 Crown Pastoral Land Act the point is therefore allowed.</p>				
<p>Rationale for Accept During the preparation of the preliminary proposal the SIVs now identified were deemed to lie outside the boundaries of Cluden Station. The submitters have raised new information which indicates that some of these values may be contained within Cluden, and have not been formally protected. This matter requires investigation in the preparation of a draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
30	The submitter requests that the Cluden Creek track formation be recognised as the leQal road.	5	Disallow	
<p>Rationale for Disallow The adoption or creation of legal roads is not a matter covered by the Crown Pastoral Land Act and is therefore not able to be considered by the Commissioner in the context of tenure review. The point is therefore disallowed.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
31	The submitter supports the conservation management access route lim_oil.	5	Allow	Accept

<p>Rationale for Allow The point relates to the protection of SIVs through the provision of appropriate conservation management. The point is therefore allowed as it is part of meeting an object of Part 2 Crown Pastoral Land Act.</p>
<p>Rationale for Accept This management access provided for in the preliminary proposal will be carried forward to the preparation of the draft substantive proposal. The point is accepted as a statement of support.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
32	The submitter supports continuation of the existing encumbrances.	5	Allow	Accept

<p>Rationale for Allow The continuation of existing encumbrances is provided for under Section 36(3)(c) Crown Pastoral Land Act therefore the point is allowed.</p>
<p>Rationale for Accept These encumbrances remain on the title and will be carried forward to the draft substantive proposal, therefore the point has been accepted as a statement of support.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
33	The submitter requests that conservation area CA2 be included in the proposed Dunstan Mountains Conservation Park.	6	Disallow	

<p>Rationale for Disallow The creation of conservation parks is not a matter to be considered in the context of the Crown Pastoral Land Act 1998. Therefore the Commissioner of Crown Lands cannot make a decision in relation to this matter and the point is disallowed.</p>
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Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
34	The submitters support the proposal.	6,8,9	Allow	Accept

<p>Rationale for Allow The preliminary proposal was prepared in accordance of the objects Part 2 Crown Pastoral Land Act and the point is therefore allowed.</p>
<p>Rationale for Accept The proposal and the designations contained in the proposal will be carried forward and taken into account in preparing a draft substantive proposal. The point is therefore accepted as a statement of support.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
35	The submitter requests recognition of the mineral potential of the property and seeks access rights over both the freehold and conservation land post tenure review.	7	Disallow	
<p>Rationale for Disallow The processing of mineral exploration and access is provided for under the Crown Minerals Act and is not a manner for the Commissioner to consider in tenure review. The point is therefore disallowed.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
36	The submitter recognises the rationale behind the altitude of the lower boundary of CA2.	9	Allow	Not Accept
<p>Rationale for Allow The boundary of CA2 was ascertained during the preparation of the preliminary proposal based on the SIVs and sustainable land use of the property. These are both matters considered under Part 2 of the Crown Pastoral Land Act and the point is therefore allowed.</p>				
<p>Rationale for Not Accept The boundary identified is up for discussion relative to other points contained in this submission and the submitter does not provide any new information to support the appropriateness of this boundary. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
37	The submitters question the appropriateness of the boundary lying between points "X"- "n" on the plan, and seek protection of a wider area within this portion of the property. One submitter suggests an alternative of protecting the whole paddock with a covenant.	9,12	Allow	Accept
<p>Rationale for Allow The positioning of the boundary referred to relates to the protection of significant inherent values which is a matter for consideration under Part 2 Crown Pastoral Land Act. The point is therefore allowed.</p>				
<p>Rationale for Accept While considerable effort was made in identifying this boundary during the preparation of the preliminary proposal, the submitters have provided additional information that should be considered in the preparation of a draft substantive proposal. This point also has some relationship to point 16. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
38	The submitter advises that it does not promote vehicle access beyond the carpark at point b towards the Richmond yards.	9	Allow	Not Accept
<p>Rationale for Allow The matter relates to the provision of public access which is an object of Part 2 Crown Pastoral Land Act and therefore is allowed.</p>				
<p>Rationale for Not Accept Vehicle access on this route was carefully considered during the preparation of the preliminary proposal and was not proceeded with for a number of reasons. As the submitter has neither promoted a designation nor provided any new information, the point is not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
39	The submitter requests the provision of toilets at at least one of the proposed carparks.	10	Disallow	
<p>Rationale for Disallow The provision of toilets and other facilities in connection with the easements is a management matter for the Department of Conservation following the completion of tenure review. While recognising that the provision of toilets is desirable, this is not a matter that the Commissioner of Crown Lands can take account of, and the point is therefore disallowed.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
40	The submitter does not support the unencumbered freeholding of the land on sustainability grounds.	11	Allow	Accept
<p>Rationale for Allow The point raised relates to promotion of the management of reviewable land in a way that is ecologically sustainable. It is an object of Part 2 of the Crown Pastoral Land Act and is therefore allowed.</p>				
<p>Rationale for Accept While sustainability issues were traversed widely during the preparation of the preliminary proposal, the submitter has provided additional information by taking a wider perspective than previously considered. Consideration of this information will be relevant when preparing the draft substantive proposal, and the point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
41	The submitter requests the redesign of fencing the back Richmond block to better protect SIVs.	11	Allow	Accept
<p>Rationale for Allow The matter relates to the protection of significant inherent values which is an object of Part 2 Crown Pastoral Land Act and the point is therefore allowed.</p>				
<p>Rationale for Accept While the boundary in this vicinity was carefully considered in preparation of the preliminary proposal, the submitter has provided additional information which should be considered in the preparation of a draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
42	The submitter requests an extension of the track "c-q" upslope to the Upper Richmond Block (by inference to point "o" on the plan).	11	Allow	Not Accept
<p>Rationale for Allow The point relates to the provision of public access which is an object under Part 2 Crown Pastoral Land Act and is therefore allowed.</p>				
<p>Rationale for Not Accept The provision of access on to the Dunstan Mountains was given careful consideration during the preparation of the preliminary proposal with a number of alternate access routes being considered. The preferred access is via another route ("b-s"). The submitter has raised no further information in relation to this matter and the point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
43	The submitter requests a prohibition on the clearance of any woody vegetation on the proposed freehold.	11	Allow	Not Accept
<p>Rationale for Allow The point relates to the protection of SIVs on the property which is an object of Part 2 Crown Pastoral Land Act. A control on the clearance of woody vegetation could be achieved by applying a protective mechanism to the proposed freehold. The point is therefore allowed.</p>				
<p>Rationale for Not Accept The entire property was assessed for the presence of significant inherent values and the shrublands containing such values were identified as part of the Conservation Resources Report. This information was considered in the preparation of the preliminary proposal and the submitter has not provided any additional information in relation to this matter. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
44	The submitter recommends that major streams and wetlands are fenced off as part of tenure review.	11	Allow	Accept
<p>Rationale for Allow The point relates to the protection of SIVs which is an object of Part 2 Crown Pastoral Land Act and the point is therefore allowed.</p>				
<p>Rationale for Accept Specific consideration of fencing major waterways and wetlands was not given during the preparation of the preliminary proposal therefore this is new information to be considered in preparation of a draft substantive proposal. Therefore the point is accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
45	The submitter seeks better protection of threatened species within threatened environments by returning these areas to full Crown ownership and control.	12	Allow	Accept
<p>Rationale for Allow The protection of SIVs is an object of Part 2 Crown Pastoral Land Act and the point is therefore allowed.</p>				
<p>Rationale for Accept While an assessment of SIVs was undertaken for this property and considered in the preparation of the preliminary proposal, specific information relating to threatened environments was not given full consideration, and the submitter has therefore provided additional information which can be considered in the preparation of a draft substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
46	The submitter identifies a wetland in the Richmond Valley and requests that this be protected by way of a covenant.	12	Allow	Accept
<p>Rationale for Allow The point relates to the protection of SIVs which is an object of Part 2 Crown Pastoral Land Act, the point is therefore allowed.</p>				
<p>Rationale for Accept Protection of this specific wetland was not considered during the preparation of the preliminary proposal. This is new information which can be considered in the preparation of a draft substantive proposal, and the point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
47	The submitter requests specific protection of the habitats of the Cryptic skink and the Cromwell gecko as part of the review.	12	Allow	Not Accept
<p>Rationale for Allow The point relates to the protection of a significant inherent value which is an object of Part 2 Crown Pastoral Land Act, the point is therefore allowed.</p>				
<p>Rationale for Not Accept The location and habitat of the species referred to was fully considered in the preparation of the preliminary proposal and no new information has been provided in this regard. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
48	The NZHPT believes that a number of historic and archeological sites are present on Cluden Station, and these need to be more thoroughly investigated in order to properly conform this proposal.	13	Allow	Accept
<p>Rationale for Allow The recognition of and protection of historic sites is an SIV to be considered within the objects of Part 2 of the Crown Pastoral Land Act and the point is therefore allowed.</p>				
<p>Rationale for Accept The conservation resources report provided very limited data on heritage values in relation to this lease. Noted in the report were only two European sites relating to stone stock yards that had been removed and a stone hut ruin. The Historic Places Trust have also identified the Richmond Hut as being a likely archeological site, potential Chinese association with Archie's Flat, a significant water race on the north side of Cluden Stream, as well as the two sites previously shown. This is additional information in relation to the historic sites on the property and the point is therefore accepted for consideration in the preparation of the draft substantive proposal.</p>				

Summary and Conclusion

Overview of analysis

In analysing the 13 submissions received, 72 points were identified. Within these 72 points there were 48 distinct areas of interest that were identified and the points have been grouped accordingly. Of the 72 points raised 67 were allowed for consideration as they were matters to be considered under the Crown Pastoral Land Act 1998. Of those 67 points that were allowed 48 points have been accepted for consideration in the preparation of a draft substantive proposal. This was largely on the basis of the provision of new information however it is noted that of those 48 points accepted 14 were of qualified support to aspects of the proposal. These points were accepted as it was recognised that this information should be considered in the context of the other 34 points that require further consideration.

Generic issues

The key points for further consideration in the preparation of a draft substantive proposal relate to inter-connectivity of the various protected areas. Strong support was expressed for connecting CA1 and CA2 via an altitudinal sequence. Similar support was expressed for

incorporating CC5 and CC6 into the Conservation area. Other points related to some fine tuning of the access provisions.

Gaps identified in the proposal or tenure review process

While some submitters felt that the preliminary proposal fell short of meeting the objects of Part 2 Crown Pastoral Land Act, no specific gaps were identified in the process followed to date. The submitters have provided additional information that will assist in the development of the draft substantive proposal which is an outcome of the public process.

Risks identified

No specific risks have been identified through the public notification process.

General trends in the submitters' comments

These are outlined in the earlier heading under generic issues.

I recommend approval of this analysis and recommendations

DTZ
Date

Peer reviewed by:

Geoff Holgate

Geoff Holgate
Date *26/10/09*

I recommend approval
KMLee
18/11/09

Approved/~~Declined~~

Matthew Clark

KARYN MICHELLE LEE
PORTFOLIO MANAGER
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C/- UNZ, CHRISTCHURCH

MATTHEW CLARK

Commissioner of Crown Lands

Date *19.11.09*