

Crown Pastoral Land Tenure Review

Lease name: CLUDEN STATION

Lease number: PO 213

Public Submissions - Part 2

These submissions were received as a result of the public advertising of the Preliminary Proposal for Tenure Review.

December 09



New Zealand Deerstalkers' Association Incorporated

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27 March 2009

Commissioner of Crown Lands
 C/o DTZ
 Box 27
 Alexandra. Email: alexandra@dtz.co.nz



Dear Sir:

NZ Deerstalkers' Association Submission: Cluden, Central Otago

Greetings. The New Zealand Deerstalkers' Association (NZDA) makes the following submission on the Crown land resulting from this Tenure Review Preliminary proposal.

NZDA is the national association of deerstalkers and other big game hunters, with 50 branches and hunting member clubs throughout New Zealand. NZDA has 7500 members, and has been actively advocating for recreational deerstalking and hunting, running hunter training courses, trips, conferences etc since 1937. NZDA sets and maintains ethical standards for hunting.

A number of NZDA Branches and hunting clubs have an interest in hunting in this part of Central Otago. Branches include Otago (Dunedin), North Otago (Oamaru), Southern Lakes (Queenstown, Wanaka & Alexandra), South Otago (Balclutha). Other branch members and independent recreational hunters will also be interested. There are an estimated 60,000 big game recreational hunters in New Zealand [Nugent, 1989].

Summary:

Cluden is a 12,391 Ha pastoral lease near Tarras, touched by SH 6, west of and adjoining the north Dunstan Range. It lies between the Lindis Valley (Tarras) and Dunstan Creek, Central Otago. Three areas CA1 (300 Ha), HR1 (8 Ha, historic Reserve) and CA2 (2,080 Ha) totalling 2,388 Ha are proposed for surrender, and 10,000 Ha for freeholding. Access is primarily from SH6 (Tarras-Lindis), with walking and vehicle access across the proposed freehold, east to CA2, along the western side of the North Dunstan Mountains.

Six conservation covenants are proposed on the area to be freeholded. Cluden Stream, a tributary of the Lindis, drains much of the property. CA1 called the Blue Slip, is in the centre of the lease, and contains significant shrublands. The Lease rises to 1550 m.

NZDA strongly supports the surrender of CA1, CA2 and HR1 as conservation areas, and also for inclusion in a future Dunstan Conservation Park, when adequate land in the Dunstans is surrendered. The potential of the area for recreation is significant. Big game animals likely to be present are deer and wild pigs.

There are also great views over to the St Bathans range to the North, Pisa Range across the Clutha Valley, and the Main Divide to the West.

Public Access, hunting and recreation:

NZDA supports the two proposed parking areas (at "a" and "b", and appreciates that access "a-b" is weather dependent at present. The walking/cycling/horse link b-c-d-e-f-g through top the

Dunstan Pass, and through to Dunstan Creek, is also supported. b-s provides access to the western side of the North Dunstan Mountains. It will link with adjacent conservation areas. NZDA appreciates that b-s will be available for experienced 4WD access when the weather is suitable. This will aid hunters carrying out animals harvested. Ability to upgrade this 4WD track as required should be provided.

Big game animals present include wild pig, and probably Red deer.

Conclusion:

NZDA supports this Preliminary Proposal for Cluden. NZDA would also like to see the surrendered block added to a Dunstan Mountains Conservation Park in due course. NZDA appreciates the availability of seasonal 4WD access to the northern Dunstan Mountains via a-b-x.

Thank you for the opportunity to comment. Please contact me for any additional information

Yours truly

Dr Hugh Barr
National Advocate

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27 March 2009

Commissioner of Crown Lands
c/- DTZ New Zealand Limited
P O Box 27
ALEXANDRA

DTZ ALEXANDRA
30 MAR 2009
RECEIVED

Attention: Luana Pentecost

Dear Luana

**CLUDEN PASTORAL LEASE
TENURE REVIEW SUBMISSION BY CROWN MINERALS**

The Commissioner of Crown Lands has invited public submissions on the tenure review of Cluden Pastoral Lease which occupies an area of some 12,390 hectares within the Upper Clutha Valley in Otago.

An assessment of the area has shown that the lease area, and much of the surrounding land, is prospective for a range of metallic minerals and is currently overlain by a granted prospecting permit and a mining permit.

Please find enclosed a written submission on this tenure review proposal.

Yours sincerely

Barry Winfield
Senior Analyst, Petroleum and Minerals Policy

**Crown Pastoral Land Act 1998
Tenure Review
Preliminary Proposal**

Lease name: CLUDEN

Lease number: PO 213

**Submission by Crown Minerals
Ministry of Economic Development**

March 2009

CLUDEN PASTORAL LEASE PRELIMINARY PROPOSAL FOR TENURE REVIEW

SUBMISSION BY CROWN MINERALS TO COMMISSIONER OF CROWN LANDS

BACKGROUND

1. The Crown Pastoral Land Act 1998 provides a framework for the review of high country land in the South Island. In order to gain ownership of the all or part of the land leaseholders may request that their lease be considered for tenure review.
2. An invitation to undertake tenure review has been accepted for the Cluden pastoral lease and the review has reached the stage where the Commissioner of Crown Lands has put a preliminary proposal to Hugh Ross and Phillip Pedofski as lessees of this pastoral lease. The Commissioner of Crown Lands has invited public submissions on this preliminary proposal for tenure review.
3. Cluden comprises some 12,391 hectares of land located on the northwest face of the North Dunstan Mountains within the Upper Clutha Valley, approximately 11 km north of Tarra, in Otago.
4. It is proposed that 2,388 ha be restored to Crown ownership/control (as conservation areas and historic reserve) and 10,000 ha to be passed into freehold ownership (subject to a protective mechanism and qualified designations).

CROWN MINERALS

5. Crown Minerals, a group within the Ministry of Economic Development, is the government agency that manages New Zealand's state owned oil, gas, mineral and coal resources known as the Crown mineral estate. Crown Minerals is responsible for the efficient allocation of prospecting, exploration and mining rights, the promotion of the mineral estate to investors, and ensuring that the Crown receives a fair financial return for the use of its mineral estate.
6. The Crown (on behalf of all New Zealanders) owns all in-ground petroleum, gold and silver and approximately half of the in-ground coal, non-metallic and other metallic minerals including industrial rocks and building stones.

LAND TENURE REVIEW

7. The Minister of Energy and Crown Minerals have previously registered their concern to both the Minister for Land Information and LINZ officials that the land tenure review process gives little consideration to the land's mineral value and potential for mineral development and that it does not recognise existing mineral permit and licence holders interest in the land. As a consequence of the ongoing review of pastoral leases, some land that is highly prospective for mineral development is passing into the Conservation estate, or into private ownership, where it may become more difficult, if not impossible

in some cases, for individuals and companies to gain access to this land for the purpose of exploration and mining. This represents a significant loss of economic development opportunity.

8. The objectives of tenure review are set out in section 24 of the Crown Pastoral Land Act and include "enabling reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument".
9. The economic benefits from mineral development can be substantial and should not be overlooked. If the land has high mineral potential and/or significant mineral content, then consideration should be given to the mineral value when determining future ownership and use of such land.
10. The purpose of this submission is to bring to your attention the known and potential mineral wealth of the land subject to the Cluden review and to request that this be taken into consideration when making a final decision on the review.

REGIONAL GEOLOGY

11. The area comprises schist of the Haast Schist group, which formed during the juxtaposition of Rakaia and Caples terrane rocks along a complex fault zone during the Jurassic to Cretaceous. The schistose parts of the Caples and Rakaia terranes are known collectively as the Haast Schist, and are divided into Otago, Alpine, Haast and Marlborough schists on the basis of geography. Caples and Rakaia terrane rocks become increasingly metamorphosed and deformed towards the centre of the schist belt.

LOCAL GEOLOGY

12. The majority of the Cluden area comprises Rakaia terrane rocks of both textural zone IIB and III. The Rakaia rocks include variably schistose to non-schistose greywacke, with interbedded argillite, minor volcanic horizons, conglomerate and rare beds of chert. Textural zone IIB rocks in the north of the area are well foliated (although primary sedimentary structures can be seen), with transposed or flattened beds, and have been termed semi schists. Rock in south of the area comprise textural zone III and have well developed metamorphic micas in all rock types, barely recognisable bedding with quartz veining parallel to foliation.
13. Small amounts of Bannockburn and Dunstan formations (lacustrine clay, silt, oil shales, with minor lignite seams) occupy the western flank of the area, with pockets of glacial tills and outwash gravels at the western and eastern margins.

KNOWN MINERALISATION

14. Alluvial gold occurs within the lease area in Miocene to Recent sediments, and is derived ultimately from lodes or disseminated gold in adjacent schist.
15. Estimated historical gold production from Mt St Bathans, immediately adjacent to the Cluden area, is 140,000 ounces from 15 million cubic yards of sediments, with production from Vinegar Hill being between 5,000 and 10,000 ounces. Minor alluvial, and terrace workings are present adjacent to the Cluden stream, however, details of

production quantities are unknown. Several companies, including BHP, Tasman Gold Development Limited and Macraes Mining Company Limited, have conducted minor exploration activity in the Cluden area.

CURRENT ACTIVITY

16. At present, Crown Minerals has two granted permits over the Cluden Pastoral Lease, refer map attached.
 - Block and Stone Limited operate a small quarry occupying 9 ha over four distinct areas adjacent to Cluden Creek (MP41 795); and
 - Glass Earth (New Zealand) Limited holds prospecting permit 39 322, which covers an area of 18,050 km² of the Otago region (targeting a wide range of metallic and non metallic minerals) overlaps the entire lease area.
17. Work completed to date by Glass Earth over the lease area includes ultra-detailed magnetics, radiometrics, resistivity, altimetry, hi-map geoscan aerial geophysical survey. The majority of the region was flown at a scale suitable to delineate significant mineralogical systems, and totalled approximately 25,000 line kilometres of flying. This will be followed by a programme of data retrieval, levelling, gridding, modelling and interpretation to identify anomalies. Targets will be assessed utilising a combination of ground-based geophysics, geochemical sampling, geological and mineralogical interpretations and could include targets in the Cluden area.

COMMENT

17. Prospecting is a relatively high risk business and the very nature of mineral prospecting and exploration means that a company starts with a large area of land and with time it reduces the area after eliminating areas of no interest. Where early reconnaissance work under a prospecting permit justifies further exploration expenditure, a company will apply for an exploration permit. Progressively the size of the area will be reduced to only a fraction of the original area and more often than not, a company will fail to identify economic mineralisation and the ground will be surrendered or the permit will be allowed to expire. Modern day prospecting and exploration techniques present little threat to the environment and yet the ultimate outcome of exploration can be the development of a mine with numerous economic spin-offs for the local economy.
18. Crown Minerals acknowledges that the transfer of areas of the Cluden lease to both the Department of Conservation ("DOC") and private ownership does not preclude access to the land for the purpose of prospecting, exploration and mining. Permit holders can apply to DOC and the private landowner for an access arrangement under section 61 of the Crown Minerals Act 1991. However, because the Minister of Conservation's consideration of an application for access largely relates to conservation objectives, it is fair to say that it becomes more difficult for an exploration or mining company to secure a workable access agreement on conservation land.

CONCLUSION

19. The current and proposed prospecting activity by Glass Earth highlights the new interest being shown to assess the mineral potential of the Cluden lease area and the surrounding region, and testifies to the economic mineral potential of the area.
20. The Cluden pastoral lease area should be recognised as being prospective for minerals. To further assess the mineral potential of the area it is critical that exploration and mining companies get ongoing access to this land. Whatever the outcome of this review, Crown Minerals would want to see provision made to allow for mineral prospecting activities to continue to be undertaken.
21. Crown Minerals requests that the Commissioner of Crown Lands takes notice of the mineral potential of Cluden pastoral lease. Consideration should be given to some form of transitional provisions to ensure that future explorers and developers have a right to access to Crown and freehold land on reasonable terms for the purpose of carrying out prospecting and exploration activities and also any development activities under subsequent permits granted in accordance with section 32 of the Crown Minerals Act.

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Active Mineral Permits in the vicinity of Cluden Pastoral Lease

Legend

- MP 41795 Block & Stone Ltd
- PP 39322 Glass Earth NZ Ltd
- Cluden Pastoral Lease
- Cadastre



Cluden Pastoral Lease	
Central Otago District	
Date: 23/02/2009	Author: R O'Brien
Office: Wellington	
1:130,000	Projection: NZTM, Datum: NZGD2000
0 0.5 1 2 3 4 Km	

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Cluden Tenure review

Southern Lakes Deerstalkers
C/- Alan Mackie
30 Earnscleugh rd.
Alexandra
Ph. (03) 4486536

29 March 2009

Commissioner of Crown Lands
C/- DTZ
Box 27
Alexandra

DTZ ALEXANDRA

30 MAR 2009

RECEIVED

Submission to the Cluden Tenure review.

Dear Sir,

Our club along with the Central Otago Deerstalkers club represent a significant number of recreational hunters in this area.

We have viewed the draft copy of the Tenure Review for Cluden and wish to thank you for proposing a 4WD track for the public, being (b - s) to the top of the range. I'm not sure where the landlocked conservation area is in relation to (s) but imagine it is close or provision will be available to access that area

The top of this range gives many interesting distant landscape views which will be enjoyed by most recreational groups.

If there is access or to be access to the St Bathans side of the range the rock torres will help make for a delightful day trip.

Hunting wise there are deer and pigs through the range and 4WD access will go along way to helping hunters retrieve the fruits of their efforts which helps make the ultimate experience.

We therefore support this preliminary proposal on the Cluden Pastoral Lease
Thank You for the chance to submit.

Alan Mackie
SLDA

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OTAGO CONSERVATION BOARD

Our ref: SBC-08-34

30 March 2009

Commissioner of Crown Lands
c/- The Manager
DTZ
PO Box 27
ALEXANDRA 9340



Dear Sir

PRELIMINARY PROPOSAL FOR TENURE REVIEW: CLUDEN PASTORAL LEASE (PO 213)

The Otago Conservation Board appreciates this opportunity to comment on the Preliminary Proposal for the tenure review of the Cluden Pastoral Lease. We also appreciate the assistance of Landward Management and the Purvis family in taking the time to guide our inspection of the lease area.

The Otago Conservation Board is appointed by the Minister of Conservation to represent the wider Otago community in advocating for the protection of biodiversity and the conservation of resources throughout Otago. The board takes a strong interest in tenure review and makes submissions on all preliminary proposals in its jurisdiction.

The proposed creation of conservation areas and provision of public access as an outcome of this tenure review will protect significant representative samples of the natural communities in the North Dunstan Mountains area, ensure public enjoyment of the area, and open up recreational opportunities. This is in direct accord with the stated objective in North Dunstan Mountains section of the Otago Conservation Management Strategy (10.21.7, page 305):

"To extend protection in the area to cover the remaining higher altitude areas of nature conservation importance and to secure appropriate public access."

In general, the board supports the preliminary proposal and the proposed tenure designations, as they will produce tangible conservation and public access benefits. We do however have reservations about some of the details and we would like the proposal to be modified in some ways.

THE PRELIMINARY PROPOSAL

The Preliminary Proposal is described as follows:-

2.1.1 Proposed Conservation Area CA1

Approximately 300 ha, known as the Blue Slip, to be restored to full Crown ownership.

This is a steep valley containing the largest remnant of indigenous shrubland surviving on Cluden Station. Once protected by fencing, significant regeneration can be expected and it will become an outstanding representative example of the local shrubland communities.

The board would like to see CA1 extended up the valley to join with the proposed high altitude conservation area CA2, thus creating a full altitudinal sequence. Altitudinal sequences are biologically important to preserve the full range of species and to permit the travel and migration of animals between altitudinal zones. Altitudinal sequences also permit changes in vegetation patterns to occur with time and climate change.

The protection of altitudinal sequences should be a primary requirement of any tenure review. In this particular case it would result in the inclusion of some striking landforms - bluffs and tors, in the mid- to high-altitude area. This is especially important because the preliminary proposal has greatly reduced the altitudinal extent of the proposed high altitude CA2 from what was initially recommended.

The inclusion of a full altitudinal sequence in CA1 would literally bisect the upper slopes of the pastoral lease and would compromise the flow of stock through the farm. While this would create initial problems, a change in farm strategy should be able to accommodate it.

2.1.2 Proposed Historic Reserve HR1

Approximately 8ha to be set aside in full Crown ownership as an historic reserve.

This site contains a Maori rock shelter and rock drawings, which are especially rare in the Upper Clutha Region and the board endorses its protection.

2.2.1 Proposed Conservation Area CA2

Approximately 2080 ha to be restored to Crown control as a conservation area.

It is not immediately obvious why this area is not specified as returning to full Crown ownership rather than just Crown control. The board strongly supports the creation of CA2, as it would protect most of the high altitude communities in the pastoral lease. It would also be a valuable addition to areas of conservation land that might be created following other tenure reviews in the North Dunstan Mountains, e.g. Cloudy Peaks and Cambrian Hills. Combined with these and the existing Lauder Basin Conservation Area, CA2 will form an extensive area of wilderness with spectacular tussock vistas and an outstanding natural landscape. With its expansive views of Otago, this area has enormous potential for recreation.

The lower boundary of CA2, at approximately 1400 metres, is considerably higher than the 900 metre level generally regarded as delineating outstanding elevated landscapes in Central Otago. It does, however, appear to approximate the lower level of the dense tussock associations, below which there is a greater mix of exotic species and more developed pasture. Given the higher degree of modification below 1400 metres, the remoteness of the area, and the expanse of tussockland that is contiguous and will eventually become a conservation area, (Lauder/Cambrian Hills/Cloudy Peaks) it is not unreasonable to have the boundary at this relatively high elevation. This is only acceptable, however, if a full altitudinal sequence is preserved at the top of CA1, as mentioned previously.

One aspect of the lower boundary of CA2 that does not make sense and contravenes landscape protection guidelines, is the proposed diagonal boundary, from point 'X' to approximately point 'n'. This boundary would emerge as a highly visual slash across the hillside and would be a difficult line to fence and maintain.

If it came to a trade-off it may be better to protect this whole paddock with a conservation covenant against vegetation deterioration and clearance, in exchange for extending CA1 up to CA2, as discussed earlier.

2.2.2 Farm Management Easements.

These seem reasonable and necessary for farm management.

2.3.1 Protective Mechanism - Conservation Covenants

A number of conservation covenants are proposed to give a degree of protection to remnants of shrubland surviving in gullies (CC1, CC2, CC3 and CC4), as well as relatively intact communities on hillfaces (CC5 and CC6).

These covenants will include conditions which prohibit the removal of vegetation but not specifically exclude stock. In general, conservation covenants represent the crudest form of protection. To be effective, they require a comprehensive monitoring programme with clearly defined goals. While they may appear to provide protection on paper, the reality is that continued grazing by cattle, sheep, rabbits, hares, occasional goats, deer and pigs, represents a significant impediment to the health of the remnants, and to a large extent will prevent establishment of seedlings and eventually prevent regeneration. The long-term viability of any of these proposed covenants is far from certain.

However, it must also be recognised that it is not practical nor financially feasible to protect every pocket of indigenous vegetation, especially those in gullies. Even if it were possible to fence all these areas, the presence of a large chronic rabbit infestation, as well as passing herds of goats, would present an almost impossible task for conservation management.

Despite these reservations, the board believes that **Conservation Covenants CC1, CC2, CC3, and CC4** are the best option for the continued recognition and, hopefully, protection of these remnants.

The proposed stock access points through these covenants, as marked on the Proposed Designations Plan, are a practical necessity to the farming operation and pose no extra threat to the communities.

Conservation Covenants CC5 and CC6 are in a different situation, as it is more feasible to exclude stock from them. Because they contain healthy examples of mid-altitude plant communities, a strong case can be made for making them separate conservation areas.

Accordingly, the board requests that the Commissioner investigates the feasibility of designating Conservation Covenants CC5 and CC6 as conservation areas.

2.3.2 Access Easements

The proposed easements for public vehicle access from 'a-b' and 'b-s' will provide the first and only public vehicle access opportunities to the North Dunstan Mountains. As such, they are a very welcome and valuable addition to public access in the general area. The range of recreation opportunities they make possible will be greatly appreciated by the general public.

Although there has been some discussion of the desirability of vehicle access as far as point 'd' (Richmond Yards), this would not provide access to any significant new terrain of a different character from that which is accessible from 'a-b' and 'b-s', so the board does not regard it as a priority. Furthermore, the extra maintenance required to allow vehicle use up to point 'd' may be an unnecessary burden for farm and conservation management.

The Proposed public foot, mountain bike, horse and conservation easements: a-b-c-d-e-f-g, b-s, c-q, g-h, f-l, e-m-n represent a considerable network of access that will open up a large area of terrain for exploration by the public. However, they could be improved in the following two ways:

1. It is important to ensure a link with Goodger/County Road where it adjoins Cluden Station, to enable transiting on to this road and thereby creating a circuit;

2. The other obvious omission is the lack of an easement connecting the existing DOC mountain bike/walking track along the crest of McPhies Ridge with the Cluden Valley floor, descending the farm track at about CC4. The provision of an easement here would allow a spectacular circuit track from the Lindis River and should not represent any particular problems for farm management.

Overall, the access provisions in this preliminary proposal are comprehensive and well reasoned. Everyone involved in the process which produced them should be commended.

Discussion of proposed designations and freehold proposal

The Cluden pastoral lease contains a mosaic of habitats with varying degrees of modification and potential for continued farming. Overall, this tenure review proposal has made a good attempt at balancing the requirements to set aside areas of biological significance and a representative sample of habitats, with the need to maintain an economically-viable farm unit. In addition, the provision of extensive access arrangements will be of immense benefit to the general public.

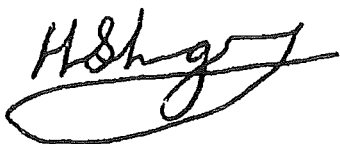
The question of whether Cluden station can be farmed in an ecologically-sustainable manner is difficult to address. The near-arid climate of the district presents a challenge to any form of land use, but the more shaded slopes and mid-altitude areas of the farm certainly support healthy pasture. On the other hand, the more northerly-facing, rabbit-infested arid slopes are nothing but an ecological disaster area (although they do support very healthy indigenous scabweed/Raoulia/vegetable sheep communities).

It is not clear why freehold of the balance of the station would "provide better sustainability" or that "freeholding of this area will provide a sound foundation for management intervention to maintain the ecologic stability of this area" as stated in the preliminary proposal. On the other hand, abandoning the run to the ravages of pests or returning it all to total crown control are neither sensible nor necessary. The security of freehold tenure may indeed be the best option.

In conclusion, the Otago Conservation Board supports most aspects of the preliminary proposal, apart from the modifications outlined above, as it will produce significant conservation outcomes, provide good public access and recreational opportunities, and preserve a viable farming operation.

We appreciate the opportunity to provide comment on this proposal and we are willing to elaborate on any of the issues we have raised.

Yours faithfully



Hoani Langsbury
Chairperson

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CENTRAL OTAGO RECREATIONAL USERS FORUM

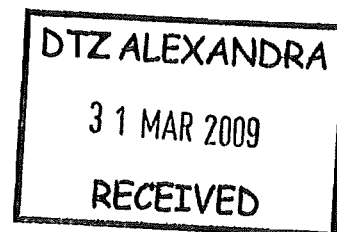
Address for Service:

186 Faulks Road,
RD 2,
Wanaka 9382.

31 March 2009

Name:

Jan Kelly, Secretary of CORUF.



To:

The Commissioner of Crown Lands
c/o The Manager
DTZ,
PO Box 27
ALEXANDRA

Submission to Preliminary Proposal, Cluden Pastoral Lease PO 213

Dear Sirs,

We appreciate the opportunity to submit to the Review of Cluden Pastoral Lease.

We were unavoidably unable to join the group which carried out an inspection last month, and have thus not seen the Lease in the company of Mr McLeod, agent for the Purvis family. We regret and apologise for this lack. Our membership does have many years of experience of recreation in the area, particularly by the 4WD members of CORUF who are familiar with the routes, and I have travelled those routes as well, on a permitted Rotary Club 4WD outing two years ago.

This brief submission covers those areas we do have experience of, which are, the public access being offered, and the range of recreational activities being made available.

Central Otago Recreational Users Forum

The Central Otago Recreational Users Forum is a voice for a diverse group of user interests, representing about 60 recreational clubs and groups. A significant part of our brief is to represent recreation by the public to the statutory managers of public lands.

A fundamental principle guiding us is the belief that public lands should be accessible in some way to the public, and not restricted only to the very fit and capable.

An associated principle is for due care and respect, to the land, the landscape, natural and historical values, and to the private landowners whose properties have easements on them as access to conservation land.

With these things in mind, the Central Otago Recreational Users Forum makes the following submission.

SUBMISSION by the Central Otago Recreational Users Forum.

PO 213, CLUDEN PASTORAL LEASE.

PROPOSAL.

2.1.2 Conservation area (CA2), an area of approximately 2080ha to be restored to Crown control

and

2.3.2 Qualified Designations: a) An easement in gross under Section 36(3)(b) CPL Act for public vehicle, foot, horse and non motorised vehicle access and access for management purposes over an existing vehicle track on the property shown as "a-b, b-s" on the proposed designations plan.

- 1 CORUF is pleased to see this high portion of the Lease set aside as Conservation Area CA2, and gives the designation our full approval.
- 2 We see it as a significant natural and landscape area in its own right, and also a natural vegetative and visual buffer to the Lauder Tussock Reserve beyond.
- 3 We appreciate that the proposed 4WD road, as outlined in Section 2.3.2, allows access to the crest of the Dunstan Mountains, and the Lauder Tussock Reserve, for walkers, bike riders and recreational hunters who wish to enjoy the high tops without having to walk for more half a day to get up there in the first instance.
- 4 Mountain biking, riding, walking and recreational hunting are significant activities and we are pleased to see them supported in the Cluden Preliminary Proposal. CORUF also supports the gentler recreational activities of an appreciation of landscape, photography, natural history, art, exploring local history, and wandering.
- 5 This is significant to us. Not all recreationists are fit, youthful and able, and the opportunity to start a day from a high point is a rarity. We very much appreciate that the area will be accessible, by 4WD, to those who do not climb or tramp, but who get equal enjoyment out finding that such a high quality landscape and natural area is available to them.
- 6 This applies equally to families with small children who are limited in the areas they can access, because of the effort involved in getting up to the mountain ranges, and getting down again in safety should the weather change for the worse.

Easements for public foot, mountain bike and horse access, and conservation management access, as shown in orange dashed lines on Sheet 2 of 2, Po 213 Cluden Station Proposed Designations. a-b-c-d-e-f-g, b-s, c-q, g-h, f-l, e-m-n.

- 7 CORUF appreciates the range and extent of access made available by these tracks, including access to the top of the Chain Hills, and to the proposed Conservation Covenants.
- 8 We also agree with the intermittent parking Areas being made available along those routes.
- 9 We advise that at least one parking area have a toilet facility put in place, for protection of the landscape, and to cater for the number of persons who might use these tracks over a summer. It is no longer tenable, nor desirable, to have numbers of

persons use the adjacent vegetation and rock outcrops as a toilet, and CORUF would like to see this taken into consideration. It is particularly important where groups of persons, such as a school party, a 4WD fundraiser outing of dozens of vehicles, or an organised picnic, are the visitors.

Areas to be Covenanted, CC1-CC6

Conservation covenant over approximately 306ha shown as CC1, CC2, CC3, CC4, CC5 and CC6 on the proposed designations plan.

- 10 For Conservation Covenant **CC5**, adjacent to CA2, we feel that the whole face of the Chain Hills on the west side of Dunstan Creek should be set aside as Public Land, with a grazing covenant applied for the area presently marked CC5. This would ensure the long term unity of landscape in that stretch. We see little value in splitting a landscape unit into two separate use designations, in a manner which will in the long term see a vegetative change become more marked. The Dunstan Creek valley is a significant area, and its slopes need to be treated as a unit.
- 11 For the other Conservation Covenants, we abide by the judgement of the Federated Mountain Clubs, one of CORUF's member groups, and endorse their opinion.

Historic Reserve (HR1), an area of approximately 8ha to be restored to full Crown ownership and control under Section 35(2)(a)(ij) CPL Act.

- 12 CORUF approves of the protection of this historic rock shelter with its Maori art as a Historic Reserve, and recommends that it be given full physical protection as well, to maintain its present qualities. We advocate the protection of heritage remains.

Thank you for the opportunity to comment on this property.

Yours faithfully,

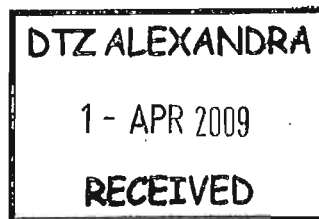
Jan Kelly,
Secretary, Central Otago Recreational Users Forum.

31 March 2009.

Signed, Jan Kelly



Upper Clutha Branch
Forest & Bird Society
4 Stonebrook Drive
Wanaka



**FOREST
& BIRD**

Royal Forest and Bird
Protection Society
of New Zealand Inc

27 March 2009

The Commissioner of Crown Lands
c/o DTZ Ltd
P O Box 27
ALEXANDRA

Dear Sir,

Preliminary Proposal for Tenure Review of Cluden Pastoral Lease PO

We, the Upper Clutha branch of Forest and Bird, are grateful for this opportunity to make a submission on the proposed tenure review of Cluden Pastoral Lease. We have previously been able to have input to the Lauder, Cambrian and Cambrian Hills pastoral leases lying to the south and east. Our submission on Cluden is therefore able to be made with confidence within a wider context.

We also thank the Purvis family and Ray McLeod (their agent) for allowing us access to the property and showing us around to see its values for ourselves and be able to assess the merits of the proposal.

We have reviewed the Preliminary Proposal and the Conservation Resources Report. We inspected the property on a fine day on February 25; and a further inspection trip up the Dunstan was made on March 26th.

1 Overview

Overall we think this is a proposal that will deliver some good outcomes for conservation, from an ecological and landscape perspective. The retention of most of the high altitude land along the Dunstan Range as Crown land and conservation area will protect the ecological and landscape values present. The area will be a valuable addition to the wider Dunstan Mountains conservation area as it evolves. Already it will add to the Lauder Basin reserve creating a larger compact area of high altitude tussocklands.

The recreation opportunities this proposal will provide for are also significant and quite generous, especially if considered in a wider context.

We are pleased to see the placement of covenants over low altitude gully shrublands, with the intent of protecting them.

We do have concerns about some aspects of the proposal however that are set out in the following paragraphs.

We observe however that a substantial area of land rising to well above 1000m altitude is proposed for unencumbered freehold (see Map 1); an area also identified as having significant inherent values, particularly landscape values.

This land is described at p5 of the Preliminary Proposal as having average snow tussock cover, having in the past suffered severe degradation, and being of little value for grazing. We accept this is one of those challenging areas where degradation has been so severe that any ecological values are diminished, but there remain high landscape values, particularly in this case the character of expansive, natural looking high altitude tall tussock grassland studded with rock outcrops; and an integrity of landscape that relies on absence of obvious development and exotic species. The potential for restoration over a long period of time must also not be overlooked.

This proposal is inconsistent with outcomes on other properties (eg, Lake Hawea Station) and with the objectives of tenure review.

It is our view that allowing unencumbered freeholding will not promote ecologically sustainable management; nor protect and enhance the existing significant inherent values; the prime objectives of tenure review.

Whilst the land is 'warm' and northerly facing country with broad rolling spurs which may mean better growing conditions than altitude alone suggests, much of it is Class VIIe country, of low fertility naturally and highly susceptible to erosion. It is not generally economic to apply fertiliser to land above 1000-1200m (taking into account the aspect and terrain as explained) because of the short growing season. Without fertiliser application, long term degradation will continue as nutrients walk off in meat and wool.

This area is already very degraded and without very careful use or complete retirement from grazing to allow recovery, degradation is likely to continue. With no restrictions on type, intensity, timing and duration of stock grazing the area is vulnerable to over-grazing particularly if greater pressure is placed on the land because of reduced property size. There is no requirement in the Proposal to maintain a tussock cover. The Proposal at p9 refers to the management of the current owners as a rationale for free holding, but future owners may not be so careful with their management and use.

We also submit that a tall tussock cover over this area is of greater value in terms of ecosystem services, long term control of hieracium and other weed species, and landscape values than that associated with very limited productivity from pastoral use, which would most likely eliminate any tussock cover eventually. Substitution of even degraded tall tussock with exotic pasture is not acceptable in this context.

We do not accept that there is no better alternative, as stated at p9 of the Proposal. Retiring the areas with remnant snow tussock or managing them very carefully to allow them to recover whilst also protecting landscape values is a better alternative, especially since they hold little grazing value.

On Lake Hawea Station a large block of 900-1500m altitude of severely degraded tall tussockland on similar terrain was proposed for freehold with a sustainable management covenant (SMC). This proposal recognised that recovery of tall tussock is the desirable outcome to protect the soil and control hieracium in the long term; but that in the shorter term light seasonal grazing may assist in controlling hieracium. The proposal for this SMC stated "*restoration of the vegetation cover [i.e., tall tussock and other native species] so the soil resource is protected is a fundamental pre-requisite for the sustainable management of the land.*" (p18). The purpose of the covenant was restorative land management, not economic return for the farmer. Grazing was seen as a management tool only. We believe this also applies to Cluden's high country. The grazing permitted was for 3400 sheep over the entire area for no more than 4-6 weeks in any year, with some areas only being allowed 700 sheep. No burning or

destruction of vegetation is permitted. The vegetation was to be monitored and grazing conditions altered as necessary. Monitoring was to be carried out by a qualified ecologist according to an agreed methodology, paid for by the farmer. There is a 5 year review period. There is however no requirement to dress with fertiliser, and the report stated that it has not been applied, as it is uneconomic. This will have contributed to the degradation apparent today.

We submitted that fertiliser application is necessary to replace nutrients being taken off, to avoid depletion of the soil resource. If this is just not economic on balance for the farmer, then grazing must cease. Further, that the tall tussock cover has to be improved, not just maintained; and there is to be no reduction of existing natural character. We also submitted that until monitoring proved there was improvement occurring despite the grazing permitted, then the land should remain in Crown control. Positive monitoring results could then support freeholding of the land under covenant.

Coming back to Cluden, we also do not accept there are no practical boundaries enabling these areas to be included in CA2. Triangle Block is already a fenced block as is Top Richmond and Shaws, all of which could be included in their entirety in CA2 with very little land below 1000m altitude being taken out of the freehold.

We show in the attached Map 1 the area we are most concerned about as unencumbered freehold. Ideally we would like to see this land as part of CA2. A less ideal second option is the placement of a sustainable management covenant over the area. The submission points we made with respect to Lake Hawea Station also apply to Cluden.

We do not support unencumbered freeholding.

2.11 Corridor between CA1 and CA2

We are also disappointed to see that original proposals for a full corridor of protected land linking CA1 and CA2, providing a full valley floor to mountain top sequence and including a large part of this higher altitude land described above, has been dropped. We were not able to visit the Triangle and Top Richmond blocks but from photographs and the CRR we understand there to be at least an appearance of snow tussock cover (certainly a natural looking grassland) and impressive rock bluffs in the upper catchment of Blue Slip stream, in the Top Richmond block. There are also interesting shrublands in the gullies, containing 8 species which have been identified as not common on the property or within the district. It is likely these areas would be of interest to the public and access is desirable.

We quote from p19 of the CRR:

"Spectacular and large bluff systems are found in the Top Richmond block. Diverse native shrublands, with little briar, occur on and around the bluffs. Species present include the weeping *Melicytus* sp., weeping mapou (uncommon elsewhere), *Corokia cotoneaster*, *Coprosma ciliata*, *Helichrysum intermedium* and bracken (*Pteridium esculentum*).

Below the bluff systems is a gorge with talus slopes and dense riparian shrubland. Shrub species include *Olearia cymbifolia*, tall weeping mapou, tree daisy, *Coprosma intertexta*, mingimingi, *C. ciliata*, *Corokia cotoneaster*, matagouri, mountain wineberry, bush snowberry (*Gaultheria antipoda*), native broom, koromiko, *Hebe rakaiensis*, and occasional *Dracophyllum longifolium* and coral broom at the margins of the shrubland. The lianes *Muehlenbeckia complexa*, *Parsonsia heterophylla* and clematis are present, with the following native herbs mountain daisy (*Celmisia gracilentia*), golden Spaniard, Maori onion (*Bulbinella angustifolia*) and *Dolichoglottis lyallii* also common. Toetoe (*Cortaderia richardii*) is growing in the gully bottom."

We submit that this originally proposed corridor of protected land be reincluded, as shown on Map 1 and Map 2. Corridors for moving stock through (without lingering) could be provided to ensure the farming operation can continue to run smoothly.

(b) Upper Cluden valley (Back Richmond Block)

We have similar concerns about the proposed unencumbered freeholding of the high, much steeper west-facing slopes of most of the true right of the Upper Cluden catchment/ Richmond valley.

Particularly however, the proposed fenceline between CA2 and the proposed freehold is a true "surveyor's line" – nothing more than a straight line on paper between two distant points. It bears no relation to vegetation changes or land forms. If implemented it would create an unnatural visual outcome and impact on the visual integrity of the upper valley landscape. It is not an outcome that we support. Furthermore a significant area of higher altitude tall tussock land is omitted from CA2 that has high conservation value, especially landscape, but is of very limited value for grazing.

We do not accept that a suitable fence line boundary cannot be found to separate the lower slopes with highly modified cover and greater grazing value from the mid and upper slopes. We attach two photo images (Photos 2 and 3) and an aerial photo map (Map 3) showing where a fence could go that would largely satisfy visual values, protect the higher altitude slopes and allow freeholding of the more productive lower slopes.

2.2 Proposed Conservation Area CA1

We fully support the retention of all the area shown CA1 but as described above we submit that it be linked to CA2.

Particular to this CA however, we observe that the upper margin fence Y-Z does not relate well to the actual extent of shrubland or to natural landform, in particular a gorged area with dense shrubland is omitted. This appears to be a drafting error to us. This is illustrated in the Photo 1 and Map 2. We submit that the top fence be as shown on these images.

We are pleased that this area will be completely fenced off, so that stock browsing will not retard any recovery of the woody cover.

We also see that the public will be able to access this block via track 'c-q'. We submit that public access be permitted further up this track to access the Top Richmond block and upper amended CA1.

2.3 CC5 – Greenos Block

We support the intent to protect the landscape values of this block. This block is an integral part of the impressive and highly natural Dunstan valley, as is recognised in Schedule 1 of the proposed covenant. The consistency of natural character across the entire valley is a major factor underlying its very high landscape value. Any land use of blocks forming part of this valley landscape need to ensure that natural character is only enhanced, not diminished. Diminishing activities include oversowing and excessive fertiliser causing a greening and dominance of exotic species, tracking and fencing scars, over-grazing with loss of tussock, planting of trees, building of structures, and excavations.

We would prefer this block to remain as Crown land as part of CA2, as this would best protect the landscape integrity of the Dunstan valley. As a second-best option, the

conditions of a proposed covenant need to cover all these issues and we think a sustainable management covenant would apply here too.

Controls would include restrictions on the number of stock, duration and timing of grazing and on oversowing and topdressing, tracking, fencing, earthworks and structures. We submit that there need to be limits imposed to prevent the block being turned into one dominated by exotic pasture (and therefore visually contrasting and detracting from the Dunstan Valley).

2.4 Covenants CC1-CC4 and CC6

We are pleased to see some protection being provided for a number of the gully shrublands on the property and we recognise the intent to protect them. We do see shortcomings with having limited covenant areas and an absence of fencing however.

Prevention of burning, spraying and physical clearance should include all shrubland within the valley system, not just a strip 20-50m wide along the stream. This only protects what is there now and does not allow for compact protected areas and proper sequences – a basic principle of landscape ecology. Allowance must be made for future regrowth and increased woody cover, in order to reverse serious decline in biodiversity. These shrublands tend to occur in and be part of LENZ environments that are very poorly represented in protected area systems and we must aim to increase their contribution, not just ring fence what's left today.

We also submit that the wooded areas need to be fenced off if true recovery is to be achieved. As long as stock have access the edges will not expand and the more palatable species will be eliminated. There is also nothing to prevent a future owner running goats, or some other species that thrives on shrubland.

When discussing stock access with the lessee, they advised that corridors need to be only about 10m wide. The Covenants provide for clearance up to 20m wide. We submit that they be no more than 10m on average and that stock must not be permitted to linger.

Regarding CC6, we submit that this area should be included in CA2 and be extended to the valley floor so a full altitudinal sequence can be achieved.

We note also that no covenant is now proposed for Big Spur Creek. We observed diverse and dense shrublands in this gully too (see appended Photo) and they need to be similarly protected.

2.5 Shrublands on Proposed Freehold

We are concerned that there is no provision to prevent burning, physical clearing and mulching, root raking or chemical clearance of numerous native shrubland areas on the proposed freehold areas outside of the covenants (see Photo appended to report). As the rules regarding the clearance of native vegetation do not apply to properties that have been through tenure review there is no protection under the RMA for these shrublands.

We accept that the species present are probably predominantly common and widespread, although we also note the CRR states that rarer species are also likely to be present; and that the freehold parts of the property also comprise the least-protected LENZ categories.

The possibility that the remaining woody cover could be removed or substantially reduced is not an acceptable one. Remaining vegetation should remain in perpetuity and be able to increase its coverage, particularly on such degraded country as exists on Cluden.

As this would happen only slowly, there would be plenty of time to adjust the stocking of the property.

We submit that until the district plan repeals the exemption of ex-pastoral lease land from its native vegetation clearance rules that clearance of native woody vegetation on the freehold by whatever means is prohibited.

2.6 Protection of Streams and Wetlands generally

Within the proposed freehold area there does not appear to be any provision for protecting larger streams such as Cluden Stream or Big Spur Creek from cattle and deer trampling, pugging and fouling (see Photo appended to this report). This is contrary to what is now widely accepted as good land and water resource management, and it should be addressed as part of the tenure review. It cannot be covered by regional and district planning because as we understand it, regional plan rules only apply to dairy cattle.

If cattle and possibly in the future deer are to be run then streams and wetlands need to be fenced off.

3 Public Access

(a) Provision for Future 4WD access into Dunstan Creek

If it is physically safe and practical we would like to see provision for 4WD access from the legal road terminus at Richmond Hut into the Dunstan Creek via Dunstan Pass. This would allow for an excellent through trip in summer and early autumn. At present the public access terminates at 'g'. We would like to see it continued down the new track to the Dunstan Creek east of 'g'.

(b) Access Link between Cluden Stream track and McPhies Ridge at west end

Provision of a link for walking, mountain bike and horses between the proposed Cluden Stream track/legal road and the public easement by way of the zig zag farm track on the south flank of McPhies Ridge near its west end would allow a worthwhile loop trip via McPhies Ridge and Cluden Stream. The legal road provides the link at the east end. The provision of these linkages would greatly improve the recreational opportunity of the area.

4 Summary of Recommendations

1. Extend the CA2 area to include most of the land above 1000-1100m altitude as shown on Map 1 and 2.
2. Alternatively a sustainable management covenant is to be placed over the areas of the proposed freehold.
3. Extend CA2 over Upper Cluden valley true right and fence from lower country (Map 3, Photos 2 and 3)
4. Extend CA2 upstream to include gorge area and full extent of denser shrublands (Photo 1)
5. Link CA1 and CA2 and create a full sequence of protected land from valley floor to range crest, with extension of public access up to Top Richmond block (Photo 1, Map 2)
6. Ideally CC5 is retained as part of CA2; but second-best option is a sustainable management covenant including conditions to limit grazing intensity and prevent excessive fertiliser and oversowing, earthworks, exotic tree planting, fencing and structures so as to maintain and enhance the appearance of tussock land rather than exotic pasture

7. Extend covenanted areas CC1-CC4 to include all shrublands within each gully; these should be fenced off.
8. CC6 to be part of CA2
9. Generally protect all native shrubland from clearance and destruction on the proposed freehold areas
10. Larger streams and wetlands are to be protected from cattle and deer damage.

Thank you for the opportunity to make a submission on this tenure review, and we trust our submission will be given serious consideration.

We look forward to seeing the final outcome,

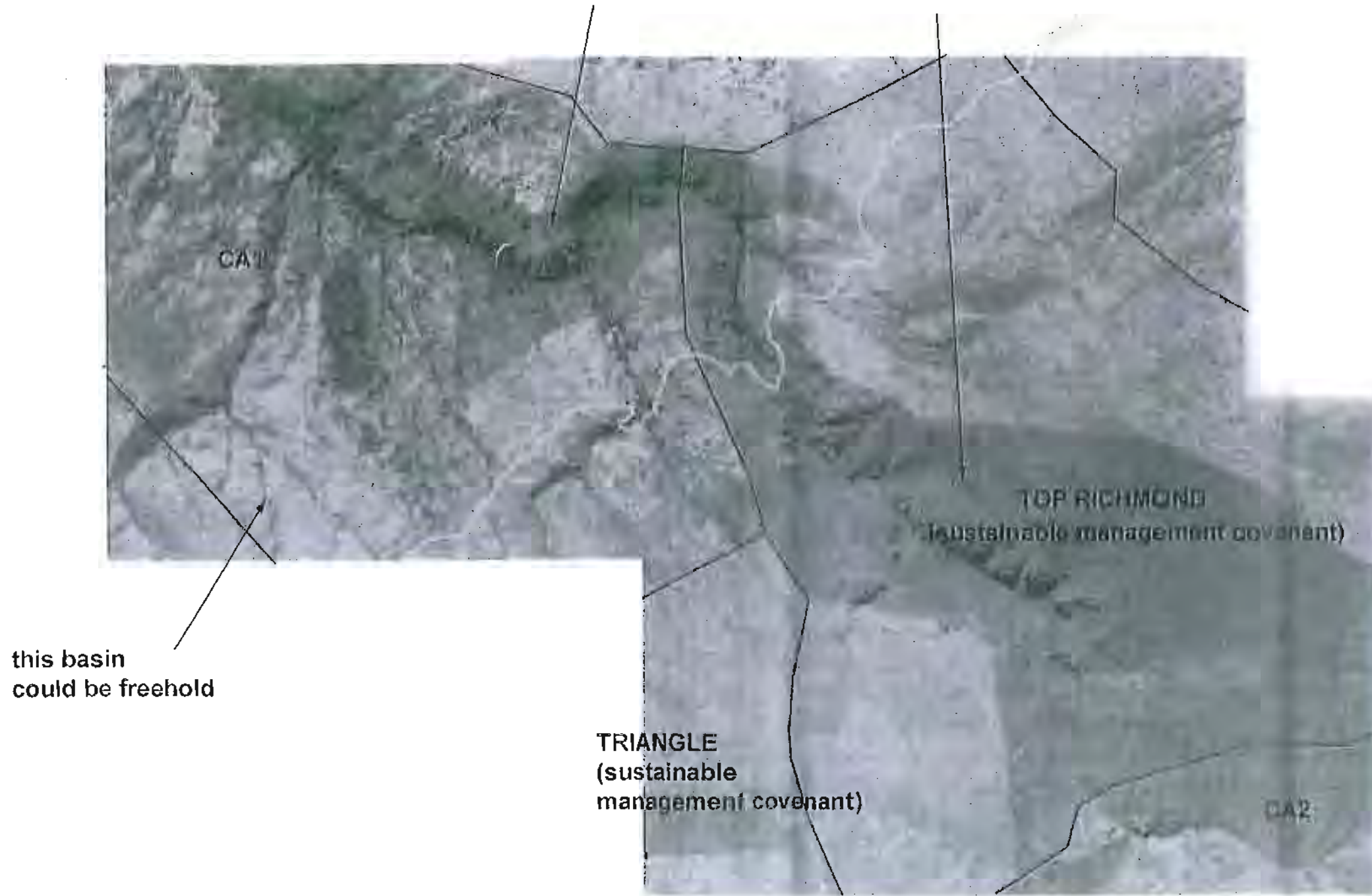
Yours faithfully



Denise Bruns
Secretary – Upper Clutha Branch

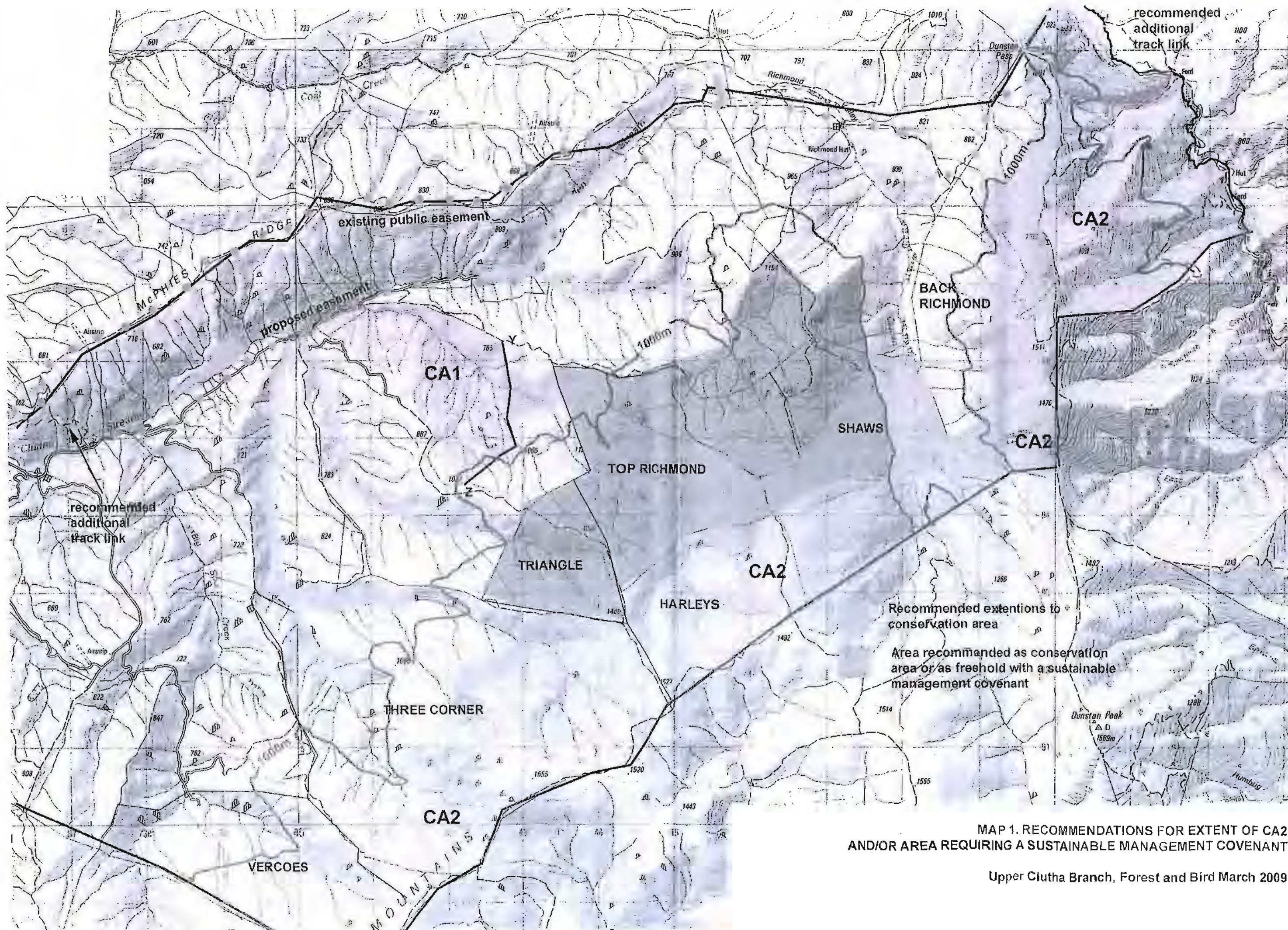
pp: John Turnbull (Chair) and Anne Steven (Committee Member)

recommended new conservation area
to link CA1 and CA2; create a protected altitudinal
sequence; protect shrublands within a suitably buffered
area including the gorge part; protect shrubland around bluffs, tall tussock; and
provide for public access and enjoyment within this area with its spectacular bluffs

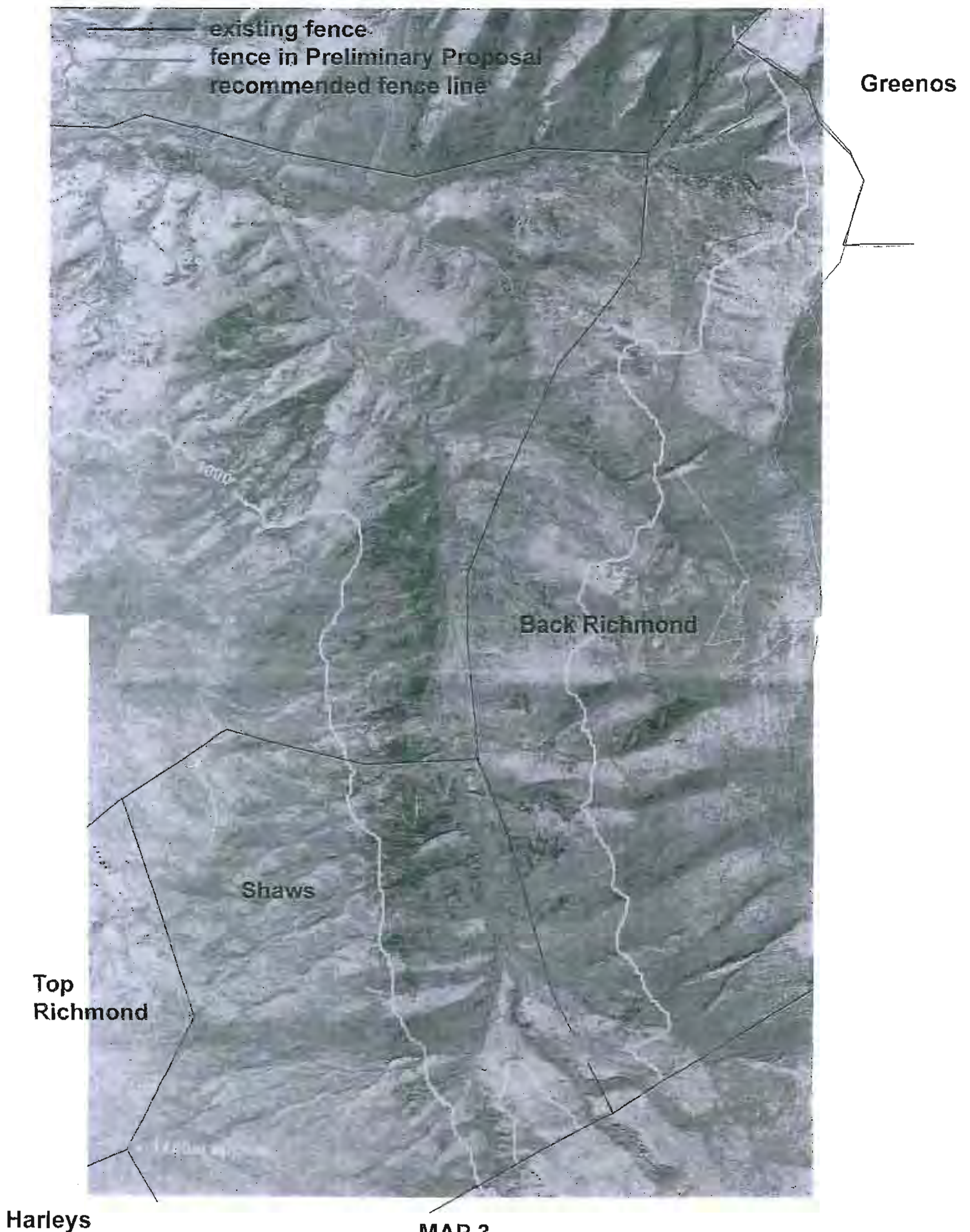


MAP 2. Recommended Conservation Area linking CA1 and CA2

Upper Clutha Branch, Forest and Bird March 2009



MAP 1. RECOMMENDATIONS FOR EXTENT OF CA2 AND/OR AREA REQUIRING A SUSTAINABLE MANAGEMENT COVENANT



MAP 3.
RECOMMENDED POSITION OF NEW FENCE LINES
Upper Cluden Stream Valley
Upper Clutha Branch, Forest and Bird
March 2009

CA2

CA1
(Blue Slip East)

- boundary of CA1 as proposed
- recommended boundary of CA1 linking up to CA2
- existing fence

PHOTO 1. RECOMMENDED EXTENT OF CA1 AND LINK TO CA2

Upper Clutha Branch, Forest and Bird
March 2009



**PHOTOS 2 and 3.
RECOMMENDED EXTENT OF CA2 AND
POSITION OF FENCE LINES**

**Upper Clutha Branch, Forest and Bird
March 2009**