

## **Crown Pastoral Land Tenure Review**

**Lease name: CLUDEN STATION**

**Lease number: PO 213**

### **Public Submissions - Part 3**

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

**December 09**

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& BIRD**Southern Office**

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The Commissioner of Crown Lands  
C/o DTZ Ltd.,  
PO Box 27  
Alexandra  
Attention: Phil Murray

31 March 2009

**Submission to Cluden Station Preliminary Proposal****1.0 Introduction**

This submission is on behalf of the Central Office of Forest and Bird.

The Royal Forest and Bird Protection Society Inc. (Forest and Bird) has campaigned for more than 80 years for the protection of New Zealand's native species and the habitats on which they depend. Around 38,000 New Zealanders in 55 branches nationwide belong to Forest and Bird, supporting the Society's objectives of secure protection for native species, ecosystems, and landforms.

Forest and Bird's constitution requires it to:

*"Take all reasonable steps within the power of the Society for the preservation and protection of indigenous flora and fauna and natural features of New Zealand for the benefit of the public including future generations."*

*"Protection of natural heritage includes indigenous forests, mountains, lakes, tussock lands, wetlands, coastline, marine areas, offshore islands and the plants and wildlife found in those areas."*

The Society thanks the Lessee and their Agent for showing us around the lease. As we had limited time, and the lease is large, we have only been able to view parts of this lease, mostly from a distance through binoculars.

**2.0 Significant Inherent Values of Cluden Station**

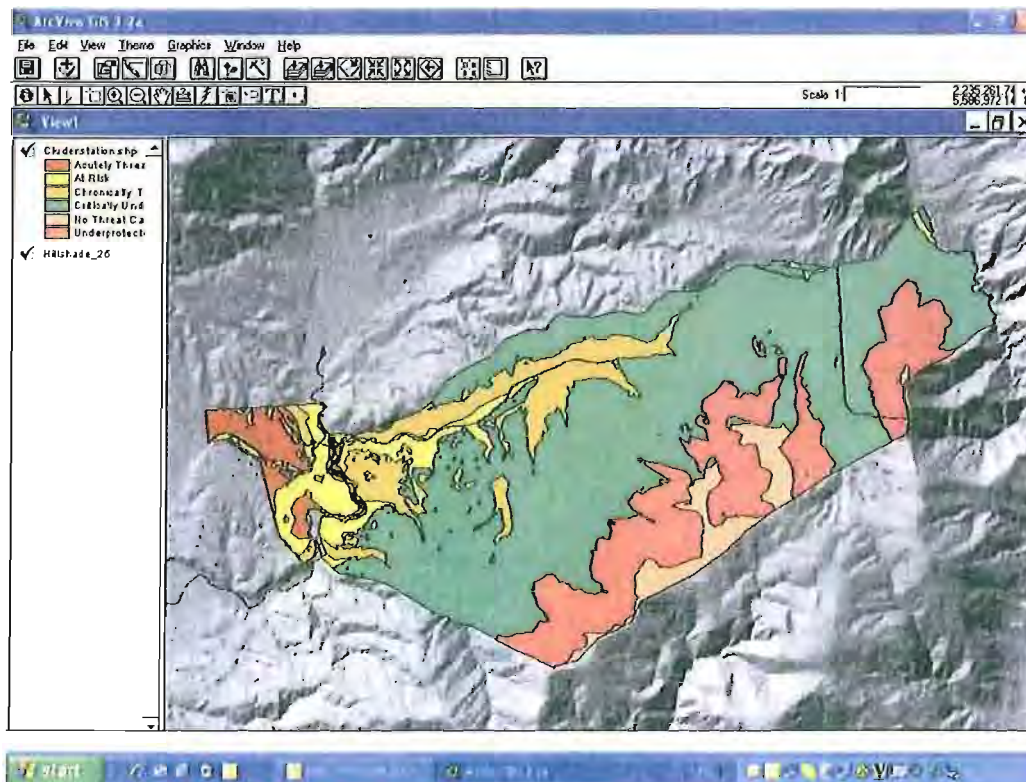
The proposed tenure review has some merit, as it protects the tops of the Dunstan Mountains and provides welcome access. However it largely returns to full crown ownership and control land that is currently under protected, and freeholds important areas with significant inherent values on threatened environments, many of which are national priority to protect, see LENZ map below. Some of these are proposed to be protected from clearance via covenants. As it stands the Society does not consider this proposal adequately meets the requirements of the CPLA, and the outcomes will not adequately contribute to halting the decline of New Zealand's biodiversity. There have been significant compromises, which in their entirety do not meet the CPLA. Objects, and are in some instances contrary to the CPLA Objectives.

There is a significant area of land that is 80% bare ground, which is being freeholded. This is unlikely to be ecologically sustainable.

**Decision sought**

Enable the better protection of threatened species in threatened environments by returning them to full crown ownership and control.

**LENZ Environments – Threat Categories for Cluden**



### **3.0 Land to be restored to Crown Control- 2,380ha**

#### **3.1 Proposed CA1 - 300ha**

The Society supports the restoration of CA 1 to crown ownership and control for the reasons outlined in the Preliminary Proposal, with the following additions:

##### **3.1.1 Altitudinal Sequence linking CA1 and CA2**

The Blue Slip catchment through Top Richmond and Harleys, contains significant inherent landscape and ecological values, which should preferably be protected by restoration to full crown ownership and control.

This catchment provides an ecological altitudinal sequence, more or less dominated by indigenous species, with high significant inherent values from the valley floor to the top of Dunstan Mountain. The Top Richmond Block includes spectacular bluff systems, diverse native shrublands, a gorge with dense riparian shrublands with threatened species. This corridor is classified by LENZ as 'Critically Under protected".

These threatened species in grey scrub habitats are genuinely at risk of extinction and all efforts must be made to ensure their long term survival. Due to the values in CA2 this should be fenced.

The shrublands among the stream bluffs in Top Richmond are some of the most diverse on the pastoral lease and have significant faunal species richness.

The threatened galaxiid *Galaxias sp D.* is recoded at 3 sites close to the boundary of CA 1. Protecting this whole catchment to ensure the indigenous vegetation along the riparian margins is maintained and preferably enhanced, and expanded would add to the quality of habitat for this threatened species. The populations found on Cluden are recognised to be of national significance.

This is not a limited area of significant values, as is suggested on page 9 of the proposal document; it is a significant area with significant inherent values worthy of protection under the CPLA.

Provision should be made for stock easements if necessary.

#### **Decision Sought**

- I. Extend CA 1 to link with CA 2 to protect the significant inherent landscape and ecological values associated with threatened species in a critically under protected environment along an altitudinal sequence from valley floor to the top of the Dunstan Mountains.
2. Fence CA 2

### **3.2 Proposed CA2- 2,080ha**

The Society supports restoration of CA2 to Crown control for reasons outlined in the Preliminary Proposal and Conservation Resources Report.

The Society does not support the proposed new fence between n and I as it bisects a natural landform, will create an ugly scar and runs across a steep slope, (possibly prone to soil creep and slumping over time) with an incised, eroding gully. It would be more practical with less long term maintenance problems, and better landscape and conservation outcome if the fence ran up a spur between X and m and included CC6.

CC6 includes rare species in a critically under protected environment which warrants restoration to full crown ownership and control under the CPLA. It is likely that ongoing grazing around the margins of this shrubland is gradually degrading and confining this shrubland. Greater ecological sustainability of this threatened environment would be achieved if it was protected and managed for conservation purposes as part of CA2.

#### **Decision sought**

Move boundary fence between CA2 and proposed freehold between points n and I to run up a spur between x and m and include CC6 within proposed CA2.

## **4.0 Proposed Freehold - 10,000ha**

### **4.1 Proposed Covenants**

The covenants contain nationally threatened species and environments of extremely high significance. Threatened species management often requires adaptive management, it may require periodic light grazing, pest control, and weed control. These activities are often not compatible with the business of farming. Some if not all of the proposed covenants should be returned to full crown ownership and control, as will be discussed below.

### **CC5**

We were unable to inspect this area in any detail, and believe that it needs to be reconsidered. The north western boundary of CC5 appears to include some valley floor classified as an 'At Risk Environment'. It is clear looking at Google Earth that Dunstan creek historically, meanders back and forth across this valley, and that there are seepages and wetlands. Any wetlands with indigenous species on threatened environment should be protected. The Conservation Resources Report does not adequately describe this area, so it is hard for us to determine whether or not it should be a covenant or returned to full crown ownership and control.

The western area includes part of a largely intact tussock grassland landscape; the eastern side is depleted and dominated by hawkweed. While it may have been top dressed and over sown in the past, it shows little sign of it today. The grey hieracium covered hillsides with golden grass in the gullies and shrubs on the toe slopes blend in with the valley floor and surrounding tussock grasslands across Dunstan Creek.



CC5 has significant landscape values – has high legibility, high significance as part of a highly significant upper Manuherikia landscape with regional and national significance, and high aesthetic factors.

The covenant conditions are inappropriate and will not protect the high visual and scenic values, as it

allows over sowing and top dressing and the placement of a hut. Over sowing and top dressing will alter the natural character of this significant valley landscape, and destroy the significant inherent landscape values.

The covenant also provides for cattle grazing. If there are wetlands and see pages, cattle will degrade these, and cause bank erosion along the river bed.

The boundary of Cluden Station is not clear from the maps supplied with the Preliminary Proposal. It is not clear whether or not the paper road is inside or outside the lease. This has important access implications as the Dunstan Creek Track which has high recreational values, crosses Dunstan Creek and appears to be inside the Cluden Station Boundary.

The proposal does not make provision for public access through CC5. As Dunstan Creek obviously meanders and changes course periodically it will be important to ensure there is provision for a moveable easement, to enable walking, 4 wheel drive access, as well as mountain bikes and horses. Future opportunities may arise enabling better provision of public access along the Dunstan Creek Track, from Pauley Road.

There is also no provision for public access from Dunstan Creek up to Dunstan Pass, although the map shows a paper road. It is likely that the formed track does not follow the paper road. This could be a potential mountain biking route, from Dunstan creek enabling a trip from St Bathans, over Dunstan Pass and down Richmond Valley to the Lindis. It appears that this has not been considered.



Track to Dunstan Pass from Dunstan Creek - Access easement needed

**Decisions sought**

1. Protect the significant landscape, recreational, and probably ecological significant inherent values of CC5 by restoring it to full crown ownership and control.
2. Provide for year round, unrestricted public access through CC5 along existing formed track and to Dunstan Pass.

**CC6**

The Society is opposed to the freeholding of CC6 as outlined above but notes that the draft covenant document does not include a values description of CC6. The Fish Survey map indicates that the threatened species *Galaxias sp D.* occurs within or nearby the streams within CC6. Should CC6 not be included in CA2 then CC6 should be enlarged to include adequate protection for the *Galaxias species D.*

**Decisions sought**

1. Add CC6 to CA 2 preferably. If not extend to include habitat of *Galaxias species D.*
2. If CC6 remains a covenant ensure the values are listed in the covenant document.

**CC1**

The CRR on p27 refers to the junction of Cluden Stream and Big Spur Creek as a site of significant biodiversity for invertebrates and includes three rare moths. The CRR p28 refers to this area of national significance. It is not clear if this area is protected in CC1. If not it should be.

### **Decision sought**

1. Ensure that the habitat for the rare moths is included within CC1, and is listed as a value to be protected in the covenant document.

### **CC2**

The stream within CC2 provides habitat for the threatened *Galaxias sp D*. This needs to be added to the values to be protected in schedule 1 of the covenant document.

The boundaries appear to exclude the steep gorge faces of CC2, which are a significant inherent value, and appeal' to be habitat for a diverse array of shrubs.

### **Decisions sought**

1. Expand CC2 to include adjacent significant inherent values.
2. Add presence of and habitat for *Galaxias sp D*, to values to be preserved in the Covenant document.

### **CC3**

Support

### **CC4**

Support

### **Covenant Details Schedule 2**

The Society is opposed to clause 2.1 which provides that the Minister will bear the cost of work essential for nature conservation. The covenants should be fenced where necessary and possible now as part of the tenure reform package.

#### **4.2 Land above 1000m contour**

The Society does not Support the freeholding of land on Cluden Station above 1000m. This land has high significant inherent values, and is unlikely to be ecologically sustainable. Above about 1,000m the land is dominated by soils, classified as LUC Class VIIe, which have very limited suitability for pastoral farming.

The land proposed for freeholding includes areas classified by LENZ as 'Under Protected', with threatened species, including large populations of the threatened native dwarf broom, *Carmichaelia vexillata*, (Serious Decline) in the mid altitude blocks, including, Back, Top Richmond, Three Cornel', Rats Tail and Vercoes. Other significant species classified as 'Sparse' also occur in these mid slopes, e.g. *Carex muelleri*, *Coprosma intertexta*.

The shrublands among the stream bluffs in Top Richmond are some of the most diverse on the pastoral lease and have significant faunal species richness.



The most extensive area of good condition diverse shrubland occurs on the shady faces within Shaws block, and contains threatened species – *Coprosma intertexta* and *Melicytus*. - As we were unable to inspect this area, we could not verify whether this area has been included in CA2.

The Fish Survey map indicates that the threatened species *Galaxias sp D.* occurs within Shaws Block, but outside CA2. The populations found on Cluden are recognised to be of national significance.

#### **Decisions sought**

1. Reconsider boundary between CA2 and freehold to ensure that the significant inherent values mentioned above are protected and included within CA2.

#### **4.3 Wetland in Richmond Valley**

The Society opposes the freeholding with no protection of this uncommon ecosystem, which supports at least one threatened species, *Coprosma intertexta*. Remaining wetlands are a national priority to protect. This wetland, although modified is dominated by native species and is being degraded by cattle grazing, causing pugging and erosion of the stream banks.



#### **Decision Sought**

1. Freehold with protective covenant. Values to be protected and restored include, density and diversity of indigenous species, short and tall tussock, including, *Coprosma intertexta* and *Carex sec/a*, and indigenous species along riparian edge to the stream. Stock should be limited to sheep.

#### **4.4 Skink Habitat**

The CRR refers to the importance of several skink species being at the limits of their known ranges, p31. As precise locations are not given it is not clear if the habitat of Cromwell gecko (at the Eastern limit of its known range – SW Cluden Stream, and the threatened Cryptic skink – East of Cluden Stream is within any of the protected or covenanted areas. As habitat destruction through burning and grazing is a factor in their decline it is important areas of their habitats are protected from these threats.

#### **Decision sought**

Ensure habitat of Cryptic skink and Cromwell gecko is adequately protected.

#### **4.5 Access easements**

The Society supports the provisions for access, except the need for amendments to the easement document and provision of access up the newly constructed track from Dunstan Pass to Dunstan Creek in proposed CC5, and no provision for access through CC5.

#### **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-s" on the proposed designations plan.**

The provision of public vehicular access to the Dunstan Mountains via b-s is strongly supported. In a quick read of the easement document, I did not see specific mention that a-b b-s provides for the pass and re-pass along this route by motor vehicles for recreation purposes, it is covered under clause 2.2 for management purposes and clause 10.7 states a-b will be closed during winter.

Closure during winter limits the value of this for winter ski-ing. Weather and track conditions can be suitable in winter. Having a blanket prohibition on winter vehicular access does not seem necessary.

#### **Decisions Sought**

1. Ensure the easement document provides for motor vehicle access for the public on access b-s.
2. Re write clause 10.5 to provide for access to be open during summer months and allow transferee to close the track when track is wet and at risk of damage. The term unsuitable for vehicle use, could be construed to mean unsuitable to take a vehicle due to lambing or mustering or what ever unspecified reason. Unsuitable must be linked to condition of the access track only.
3. Create new easement to provide for foot, mountain bike and horse access from Dunstan Creek to Dunstan Pass to join with g.

4. Provide for vehicle, foot, mountain bike, and horse access along Dunstan Creek flats through CC5

Thank you for the opportunity to comment. We appreciate tenure reviews involve negotiations and compromises and we are happy to discuss our submission which has not prioritised desired outcomes.

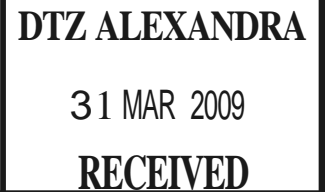
Yours sincerely

Sue Maturin  
Otago Southland Field Officer  
Royal Forest and Bird Protection Society

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13New Zealand Historic Places Trust  
Pouhere Taonga**Our Ref: 22015-001**  
**Your Ref: P0213/t***Patron:*  
*His Excellency The Hon*  
*Anand Satyanand, PCNZM*  
*Governor General of New Zealand*

31 March 2009

The Manager  
DTZ New Zealand Ltd  
PO Box 27  
ALEXANDRA 9340

Attn.: Luana Pentecost

Dear Ms Pentecost

**RE: CLUDEN PASTORAL LEASE TENURE REVIEW**

Thank you for your letter of 30 January 2009 concerning the above. The NZHPT's Southern Regional Office in Christchurch has forwarded it to the Otago/Southland Area Office for a response.

The NZHPT is Crown Entity and is New Zealand's lead agency in historic heritage management. Its purpose is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand, as provided for in Section 4(1) of the Historic Places Act 1993. The NZHPT's powers and functions are set out in Section 39 of the Historic Places Act.

NZHPT has developed guidelines based on internationally recognised best practice to assist in the identification and protection of historic heritage values. This includes a specific guideline on the undertaking of archaeological assessments. NZHPT monitors 'one off' opportunities such as this to ensure the Crown's commitment to the identification of significant inherent heritage values and other features warranting recognition and protection on pastoral lease lands subject to the tenure review process.

NZHPT has the following comments to make with respect to the Cluden Station proposal:

- NZHPT believes that a number of historic and archaeological sites are present on Cluden Station, and these need to be more thoroughly investigated in order to properly inform this preliminary proposal.
- Our investigations indicate that neither the Summary of Preliminary Proposal nor Conservation Resources Report make reference to an archaeological assessment having been undertaken for Cluden Station.
- NZHPT understands however that a 1-2 page desk top "archaeological survey" was undertaken for the property in 2006. That simplified approach identified only the archaeological site G4o/62 (rock shelter) and recommended it for inclusion in the historic reserve (HR 1) in referred to in the Summary of Preliminary Proposal.
- It appears that considerable reliance has been placed on the New Zealand Archaeological Association's (NZAA) Site Record Database. The quality of information and extent of coverage varies considerably between locations. It is far from a comprehensive record of New Zealand archaeology and should not be relied

upon to demonstrate whether or not sites of historic heritage significance are present. There are in fact many areas of the High Country yet to be thoroughly investigated, Cluden Station being one of these.

- NZHPT supports the inclusion of the rock shelter in the proposed historic reserve.

The NZHPT has undertaken its own desktop analysis for the property. This has included checking the NZHPT Register of Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu Areas, the Central Otago District Council's District Plan Schedule 19.4: Register of Heritage Buildings, Places, Sites, Objects and Notable Trees and the NZAA Database, plus preliminary advice from the NZHPT's Regional Archaeologist for Otago/Southland. Indications from this are that:

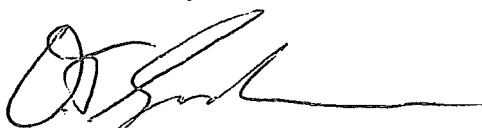
- Richmond Hut is likely to be pre-1900, and therefore is an archaeological site;
- The above-mentioned archaeological survey failed to report on a further three yards, including one near Richmond Hut. All could potentially be pre-1900, and if so would be archaeological sites;
- Archies Flat is in fact marked "Ah Chee's Flat" on a 1909 plan. This suggests a Chinese association with that area. This may well include pre-1900 mining;
- A water race exists on the north side of Cluden Stream. This is almost certainly pre-1900 in origin, and probably associated with gold mining in Grumbling Gully;
- Archaeological site G40/59 (stone stock yards) is more extensive than its description on page 35 of the Conservation Resources Report. An 1865 survey map shows not only stock yards, but also sheep yards, a garden and house site; and
- Archaeological site G40/58 (stone hut ruin) may similarly be more extensive than reported on page 35 of the Conservation Resources Report.

On the strength of this information, it is the NZHPT view that a more thorough field based archaeological assessment should be undertaken to properly assess and recommend appropriate levels of protection for all historic heritage values on Cluden Station. Such an assessment should have been undertaken during the earlier investigation phases. The NZHPT is able to provide advice on how to undertake this work and should be provided with a copy of the assessment once completed.

It is important to note that most of the above-mentioned sites of historic heritage significance are located on land proposed for disposal to the lessee. The Crown has an obligation to both the lessee and the public to properly inform itself of significant inherent values on Cluden Station, prior to any disposal. Where appropriate it can then seek adequate protection measures as part of the tenure review. In this instance, it appears a more thorough investigation of historic heritage values should have been completed prior to this stage.

Please let me know if you have any queries with respect to the above.

Yours sincerely



Owen raham  
Area Manager (Otago/Southland)

**Doug Bray**

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**From:** Owen Graham  
**Sent:** Tuesday, 31 March 2009 6:09 p.m.  
**To:** alexandra@dtz.co.nz  
**Cc:** Doug Bray  
**Subject:** submission - Cluden Po213 Tenure Review  
**Attachments:** Cluden PL ltr DTZ 31 March 09.pdf

Copy of NZHPT submission. Hard copy to follow.

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