

# Internal Memo

To: David Rhodes  
Manager Crown Property

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From: Jaimee Grant  
Portfolio Manager

Christchurch Office

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Date: 31 October 2018

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File Ref: A3437174

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Subject: ***Lake Taylor – applications received for clear bush or scrub, cultivation, soil disturbance for fencing, and oversow and top dress***

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## Purpose

1. The purpose of this memo is to:
  - a. Inform the CCL of requests for consent to:
    - 1.a.i. clear bush and scrub; and
    - 1.a.ii. cultivate; and
    - 1.a.iii. soil disturbance for fencing; and
    - 1.a.iv. over sow; and
    - 1.a.v. top dress; and
  - b. Recommend that consent to:
    - 1.b.i. Grant consent to clear bush or scrub, subject to conditions; and
    - 1.b.ii. Decline consent to cultivate; and
    - 1.b.iii. Grant consent to disturb soil for fencing; and
    - 1.b.iv. Grant consent to over sow; and
    - 1.b.v. Grant consent to top dress.

## Reference

- Sections 16 and 18 Crown Pastoral Land Act 1998 (CPLA).
- LINZS45002 – Standard for purchase, alienation and administration of Crown Land.
- APL submission – clear bush or scrub (Attachment B).
- APL submission - cultivation (Attachment C).
- APL submission – tracking and soil disturbance for fencing (Attachment D).

- APL submission – over sow and top dress (Attachment E).
- Lake Taylor – Draft

## **Background**

2. David Gunn, lessee of the Lake Taylor pastoral lease, has applied for consent for a number of activities which are detailed below. Location plans showing the applicable areas are contained in Attachment A.

### ***Clear bush or scrub application***

3. Mr Gunn has applied to clear two areas of the pastoral lease by aerial spraying using Metsulfuron, refer 'Attachment A' of Attachment B:
  - a. Area A is an area of around 20 ha comprising modified grassland and shrubland regrowth. The land had been previously cleared and the Gunn's have ongoing consent to top dress which they do so every two years. Mr Gunn proposes to clear regrowth of mānuka and kānuka, matagouri and gorse in order to halt regrowth and improve feed production. The lessees advised they would not spray any waterways.
  - b. Area C is an area of around 28 ha alongside Lake Sumner Road and consists of rough pasture comprising a mix of exotic grasses and indigenous shrubs, and waterways including the Old House Gully Stream. Mr Gunn has proposed setbacks from waterways and wishes to clear most of the kānuka, matagouri, bracken, tutu, broom and gorse whilst retaining some areas for shade, shelter and aesthetic value. Spraying will improve and extend grazing and halt regrowth. There are concurrent consents to oversow and topdress (OSTD) and to fence this area.

### ***Cultivation***

4. Mr Gunn has applied to cultivate a small area of around 1.5 ha adjoining what is referred to as the "Flax Paddock", refer to 'Attachment A' of Attachment C. This area is shown as Area B on the location plan in Attachment A. The area forms part of the alluvial fan adjacent to the paddock and consists of kānuka and matagouri. Mr Gunn proposes to cultivate the area and include it in the Flax Paddock. This will provide improved pasture and, if the property goes through tenure review, alleviate the area of grazing land lost when Lake Taylor is fenced off. Mr Gunn has not applied for consent to clear bush or scrub despite noting that kānuka will be lost as part of the cultivation. There is also a concurrent consent for fencing.

### ***OSTD***

5. Mr Gunn has applied to OSTD Area C, refer Attachment A of Attachment D. The land has not been previously fertilised or seed but is highly modified and had pastoral use in the past. Once cleared, Mr Gunn proposes to add 250 kg of sulphur super with ongoing applications of 150 kg every two years. Seed will be sown every two years with a mixture of cocksfoot, white and red clover and subclover. He also proposes setbacks from waterways. Mr Gunn states OSTD will increase the carrying capacity of this area, suppress hieracium, improve the tussock cover, enhance visual appeal and will provide an alternative for stock when the paddocks above are covered in snow. It is also proposed to fence this area alongside the road reserve.

**Soil disturbance for fencing**

6. Mr Gunn has applied to form a track for fencing and undertaking fencing involving soil disturbance on three areas of the pastoral lease as depicted in Attachment A. For a copy of the application refer to Attachment A of Attachment E:
  - a. Area B– Mr Gunn has proposed to form a 3 m wide track and install 352 m of fencing around this area. This will involve use of a small bulldozer to clear the fence line and the removal of some kānuka. The disturbance will only be sufficient to form the fence line. This fencing will enhance and increase the area of the “Flax Paddock” and stop the public wandering onto the lease.
  - b. Area C – a fence line of 2848 m is proposed which will be formed to a maximum width of 3 m using a small bulldozer and will be hand cut on the steeper slopes. The fencing will exclude stock from the adjoining road and keep stock out of the adjacent Sister’s Stream on The Lakes pastoral lease.
  - c. Area D – a fence line of around 768 metres is proposed. Mr Gunn proposes to disc along the fence line to a width of 10 metres to remove deep wheel ruts where the public have deviated off the formed track and onto the pasture. This area would then be re-seeded. The area is a large alluvial fan that slopes down to Lake Taylor and is highly modified with scattered clumps of scrub. Fencing will exclude stock from the lake and lakeside vegetation. Most of the proposed fence line runs through cultivated pasture. The Gunns are required to fence this area as remediation, refer Attachment F.
7. Lake Taylor pastoral lease is currently in Tenure Review at Consultation to PP. Areas A and B are within the area proposed to be freehold subject to conservation covenant area, CC2. Areas C and D are within the areas proposed to be unencumbered freehold, refer Attachment G.
8. An inspection of the areas was undertaken on 16 August 2018 by David and Rosemary Gunn (lessees), Joanne Conroy (APL), Jaimee Grant (LINZ), Chris Stewart (DOC) and contracted ecologist to DOC, Claire Newell (Korowai Ecology).
9. DOC’s contracted ecologist provided ecological advice for the Director-General of Conservation’s (DGC’s) consideration. A copy of the ecologist’s report is attached to the DGC advice in Attachments D of all submissions in Attachments B-E.
10. The inspection was delayed until August whilst Mr Gunn recovered from surgery.

**Analysis**

11. The APL Service Provider (SP) has considered the applications in accordance with section 18 of the CPLA. The SP has also considered additional risks and effects of the proposed activities e.g. visual effects and erosion.
12. The activity proposed for in Area A fall within the allowable activities and limits proposed in the tenure review conservation covenant. The activity proposed for in Area B is recommended to be declined.



### ***Clear bush or scrub***

13. Clearance will provide benefits to farming by removing shrub regrowth which if left unchecked will smother the land, and will also improve grazing in Areas A and C.
14. For Area C, the proposed clearing will also improve access so stock will not need to move along the road or Sisters Stream. The proposed OSTD programme will increase the carrying capacity of the area.
15. The DGC has advised there are inherent values present that warrant protection and has proposed conditions to mitigate risk including ensuring spraying only occurs on calm days and recommending buffers and setbacks to prevent spray drift into adjoining areas of ecological importance and waterways. The DGC has also recommended excluding wetland and mature patches of kānuka.
16. The SP has considered and adopted the recommendations of the DGC and has proposed conditions in the Notice of Decision (NOD) to this effect. The SP has also included additional conditions to limit the activity to that applied for and ensure best practice.
17. The conditions recommended by the DGC and SP are considered to be appropriate to protect inherent values and are consistent with recently granted NODs, refer Attachment H.
18. The submission provides the information required by the CCL and appropriate evidence to grant consent, subject to the conditions outlined in the NOD, refer Attachment H.

### ***Cultivation***

19. Cultivation of Area B will improve the lessee's ability to farm as it will increase the size of the grazing paddock known as the "Flax Paddock". It will also improve the grazing of Area B and help with pest management.
20. The DGC has advised that there is indigenous vegetation including threatened species which requires protection. The DGC has recommended that no vegetation be removed except for the installation of the fence line around Area B.
21. The DGC advice appears to provide advice for bush or scrub clearance. Although the lessee has not applied for bush clearance of this area, it is inevitable as part of the cultivation activity as stated in the application. The DOC ecologist report states that "development of Area B is opposed which includes cultivation.
22. The SP has considered the advice received and recommended consent for Area B be declined. This recommendation is consistent with the DGC's recommendation.
23. The submission provides the information required by the CCL and appropriate evidence to support a decision to decline consent.

### ***OSTD***

24. OSTD will make it easier to farm by improving the quality of the pasture and its carrying capacity, suppress hieracium, and provide good alternative grazing when higher areas are covered in snow. The SP did

not support Mr Gunn's claim that the activity would improve tussock cover and enhancing the visual appeal of the area was subjective.

25. The proposed seed species and OSTD programme is supported by the SP.
26. The DGC has advised that there are limited ecological values but that it is desirable to protect pockets of inherent values and mitigate risk to adjoining areas of ecological significance. The DGC has recommended conditions to mitigate risk including ensuring spraying only occurs on calm days to minimise spray drift and recommending areas be excluded.
27. The SP has considered the DGC's advice and excluded areas as recommended by the DGC. The SP has also included conditions to mitigate risk of spray drift and limit the activity to those applied for.
28. The submission provides the information required by the CCL and appropriate evidence to part-approve and part-decline, subject to the conditions outlined in the NOD, refer Attachment H.

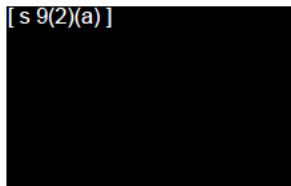
***Soil disturbance for fencing***

29. The SP has considered the activity applied for to be an application for both tracking (s16(1)(f) CPLA) and soil disturbance (s16(1)(g) CPLA). The applicant had completed the application form for tracking for fencing. I advised that the relevant activity was soil disturbance in this instance. The tracking application was considered to contain all the information required for a soil disturbance application.
30. I consider the extent of the activity to be covered by soil disturbance as the lessees are bulldozing lines for fencing purposes and discing to remediate deep wheel ruts in the pasture where vehicles had deviated off the formed track. No track was being formed and no maintenance of a track required therefore, the application has been considered in respect of s16(1)(g) for soil disturbance only.
31. Installation of fencing will enable the lessee to provide secure pasture blocks for grazing stock and keeping them off marginal strips, adjoining roads, areas of ecological significance, and out of waterways. The fencing will also keep public to the formed track and off the pastoral lease which has been problematic in the past.
32. The DGC advised there are a number of inherent values that require protection and has proposed conditions to mitigate risk. These include limiting the soil disturbance to that required for the installation of the fence line in Area B, and recommending mature matagouri plants along the fence line of Area D remain.
33. The SP has considered the benefits to farming and the DGC advice and has recommended that consent be granted to install fence lines, subject to conditions. The DGC advice has been adopted in this instance. The SP has also included conditions to mitigate additional risks such as erosion and conditions to limit the activity to that applied for and in the areas applied for.
34. The submission provides the information required by the CCL and appropriate evidence to grant consent, subject to the conditions outlined in the NOD, refer Attachment H.

35. The conditions proposed by the SP are considered to be reasonable for the activity applied for.
36. All proposed changes made by myself are shown in the "track changes" on the draft notices of decision along with rationale.
37. Any additional changes made to the NODs are shown as tracked changes with the rationale provided where applicable.
38. A reputational risk assessment was completed by the SP for all activities and are all considered to be of low reputational risk.

**Action  
Required**

39. I recommend that you:
- a. Note the contents of this memo; and
  - b. **Grant** consent to clear bush or scrub, subject to conditions; and
  - c. **Decline** consent to cultivate; and
  - ~~d.~~ **Grant** consent to disturb soil for fencing, subject to conditions; and
  - ~~e.~~ **Grant** consent to over sow, subject to conditions; and
  - ~~f.~~ **Grant** consent to top dress, subject to conditions.

[ s 9(2)(a) ]  


Jaimee Grant  
Portfolio Manager

Date: 31-10-18.

**Decisions**

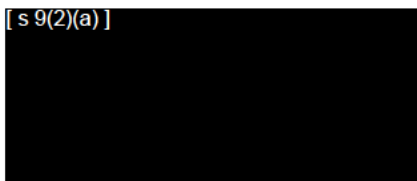
**Grant / decline** consent to clear bush or scrub pursuant to s16(1)(a) CPLA, subject to conditions ; and

**Decline / do not decline** consent to cultivate pursuant to s16(1)(b) CPLA, subject to conditions; and

**Grant / decline** consent to over sow pursuant to s16(1)(d) CPLA, subject to conditions; and

**Grant / decline** consent to top dress pursuant to s16(1)(c) CPLA, subject to conditions; and

**Grant / decline** consent to disturb the soil for fencing pursuant to s16(1)(g) CPLA, subject to conditions.

[ s 9(2)(a) ]  


David Rhodes  
Crown Property Manager  
Under delegated authority from Commissioner of Crown Lands

Date: 01/11/18

**ATTACHMENTS:**

- A. Location plans showing areas applied for consent
- B. APL submission – clear bush or scrub
- C. APL submission - cultivation
- D. APL submission – over sow and top dress (OSTD)
- E. APL submission – tracking and soil disturbance for fencing
- F. Breach outcome letter to the Gunns dated 4 May 2017
- G. Lake Taylor Tenure Review – Draft Preliminary Proposal – page 1
- H. Notices of decision (tracked changes and clean versions) – clear bush or scrub; over sow and top dress, and soil disturbance for fencing

Released under the Official Information Act 1982