

Internal Memo

To: Craig Harris
CCL

cc:

From: John Hook

Date: 31 May 2019

File Ref: PRY-C60-12766-SLM-Pc067-Z

Subject: **Lake Taylor Rehearing report**

Purpose	You requested that I undertake the rehearing for Lake Taylor, this document is my report and recommendation to you
Reference	Your initial request refers
Background	<p>The lessee's of Lake Taylor have applied to you for a rehearing on the decision not to allow them to cultivate a 1.56ha shown as area B on the attached maps 1 and 2.</p> <p>The original application was part of a number of consents sought by the lessee, and one of the reasons put forward by the lessee's was that the area they were planning to cultivate was significantly less than the area they would be retiring once they fenced this area and Area D (Flax Paddock) as shown on the attached map 1 (NB a large portion of the retired area would become marginal strip created on lease renewal).</p> <p>For context, the fencing of these areas is the lessee's offer of remediation for a 2017 breach where the lessee's had sprayed an area bush on the pastoral lease without seeking consent.</p> <p>In undertaking this review I have made a site visit to Lake Taylor and met with the Dunn's. Dave initially took me up the farm track that runs up the hill alongside area A, we stopped at a plateau in the track where we could look down on Area B (refer photo's A and C) we then travelled back down the track and stopped on the roadside and we walked around part of area B. There is a cleared area that runs the full length of area B inside the fence line between areas B and D. Indigenous vegetation (Manuka/Kanuka) runs along this fence line. Dave explained the issues they have with members of public accessing area B, where the indigenous vegetation provided cover from the road/lake front. Evidence of camping was apparent</p>

with rubbish under the vegetation next to where camping had taken place in some of the small clear spaces near the road. The proposed fence line would provide a barrier and make it more difficult for members of the public to access area B. As photo's A and C show area B has a lot of small and medium indigenous vegetation growing on it – mostly Kanuka, there were also patches of gorse regenerating as well.

Dave pointed out areas where there was strong growth of indigenous vegetation that would be kept between the proposed area B fence and the formed farm track alongside area A. He also pointed out the regenerating indigenous vegetation that was growing between the formed road and the lakeside, as this area would be retired when the approved fencing would be completed. The fencing will be undertaken once Hurunui District Council have agreed where the legal road formed (NB this will need the agreement of the Dunn's and you as the Commissioner if any lease land is required). Much of the land on the lakeside of the road will be reclassified as marginal strip when the Lake Taylor pastoral lease comes up for renewal in 2023.

We then drove across Area D to view the valley west of the farm track where stands of mountain beech and mature Manuka and Kanuka were obvious. Dave pointed out the alluvial fans around Lake Taylor which are less developed and in a more natural state than areas B and D.

The DOC assessment was undertaken by contracted ecologist Dr Clare Newell from Korowai Ecology, in their report they identify area B as consisting of rough pasture with open to dense cover of mostly Kanuka, with some shrubs being greater than 3m in height. The report identifies the dense regenerating indigenous at the base of the hill slope below the farm track on the edge of area A.

The DOC report indicates that area B is a relatively poor example of Kanuka owing to the high cover of exotic grasses on the ground and varying density of the Kanuka canopy cover, but does, although depleted, have significant ecological values. Area B represents one of the few alluvial fans where indigenous vegetation is still dominant.

The DOC recommendation is that is desirable to protect the area B, as it has significant inherent values, and no vegetation is removed except for the installation of the fence line around this area.

The Service providers report describes the site visit that they undertook with the DOC contracted ecologist Dr Clare Newell. The visit description for area B is very similar to the site visit I made as part of this re-hearing, and the comments/observations are also in line with my own observations. I am happy that the report covers the desirability of protecting inherent values in terms of s.18(2)(a) CPLA accurately.

The report also considers the desirability of making the land easier to farm s.18(2)(b), and correctly concludes that cultivation will improve the lessee's ability to farm the land, it raises the question on the extent of that value considering the land area is only 1.56ha

Following my visit I provided the Gunn's with an opportunity to provide in writing any additional information or points they wanted to raise. They responded by saying that they had nothing further to add to the information they provided you when requesting the rehearing.

Following my visit to the property I have reviewed the information held on Lake Taylor by LINZ such as the Conservation Resources Report and whether we hold a farm management plan, which we don't. I also did some research in terms of whether or not a resource consent would be required under the District plan. My interpretation is that resource consent would be required from Hurunui District Council to cultivate this area.

One of the rationales put forward by the lessee for the development and cultivation of this area was to offset land that would be retired by fencing areas B and D along the agreed line of the legal road, which apart from a small section on the lake side of area D would mean no grazing on the lake side of the legal road. Whilst this does surrender some grazing land much of the land on the lake side of the road will become marginal strip as part of the lease renewal in 2023. I don't consider this a valid reason for cultivation of area B as much of this lake side land is covered in regenerating indigenous vegetation, and would be unlikely to receive consent to cultivate.

Another factor that was raised was that in terms of the Conservation Resources Report area B like area D and whilst earmarked for freehold was to be subject to a conservation covenant. Comparison of the two pieces of land is quite stark in that area D is open farm land that is grazed extensively, with shrub growth confined to the Flax creek and its terraces running diagonally through area D and along the fence line between the two areas whereas area B the shrub growth is throughout and to efficiently cultivate the area most if not all of the indigenous vegetation would need to be removed (including those growing along the current fence line) and only leaving a few small pockets of shrub growth.

Overall I concur with the original decision that the desirability of protecting the inherent values outweighs the small gains in terms of making it easier to farm. There are two key factors in making this decision:-

1. The size of the area being only 1.56ha, and
2. The number of Kanuka shrubs which would need to be removed and no clear plan of which shrubs would be kept for shade.

As farming is now an activity that requires consent under ECAN, I would strongly recommend that the lessee's of Lake Taylor prepared a farm management plan including an independent section that addresses the biodiversity and ecology aspects of the Lake Taylor pastoral lease. A comprehensive farm plan will provide the basis to either apply for a new consent over area B or consents to develop other areas of the Lake Taylor pastoral lease, and also provide information on how the biodiversity and ecology aspects have been addressed.

**Action
Required**

It is my recommendation that you uphold the original decision to decline cultivation over area B.

As part of the notification back to the lessee's I recommend the you recommend to that they develop a farm plan for the Lake Taylor pastoral lease which includes a comprehensive biodiversity and ecology section.

Approved/Declined

Released under the Official Information Act 1982