

Internal memo

Subject	Lake Taylor – Ewe Run Block Development (six consents)
To	Karyn Lee, <i>Senior Portfolio Manager</i> As delegate of the Commissioner of Crown Lands
From	Richard Summerlee, <i>Senior Portfolio Manager</i>
Date	19/11/2022
Objective reference:	A5024589

Purpose

The purpose of this memo is to:

- a. Inform the Commissioner of Crown Lands (CCL) of applications to burn, clear scrub, cultivate, sow seed and top-dress, form a track and for soil disturbance associated with fencing, pursuant to Section 15,16 & Section 18 of the Crown Pastoral Land Act 1998 (CPLA), version as at 25 May 2022, over Lake Taylor pastoral lease and;
- b. Make recommendations accordingly.

References

- Section 15 CPLA – *Burning of Vegetation*
- Section 16(1)(a) CPLA – *To clear or fell any bush or scrub on the land*
- Section 16(1)(b) CPLA – *To crop, cultivate, drain or plough any part of the land*
- Section 16(1)(c) and (d) CPLA – *To top-dress and/or sow seed*
- Section 16(1)(f) CPLA – *To form any path, road or track on the land*
- Section 16(1)(g) CPLA – *To undertake any other activity affecting, involving, or causing disturbance to the soil*
- Section 18 CPLA – *Discretionary actions*
- LINZS45002 – Standard for purchase, alienation and administration of Crown Land

Attachments

- [25 May 2022 Application](#)
- 31 October 2022 Service Provider Submission (the submission) *version 2*
- [31 August 2022 Director General of Conservation Advice](#)
- Notices of Decision X 6

Context

This application received on 25 May 2022 and is processed under the Crown Pastoral Land Act 1998, version as at 25 May 2022 in accordance with CPLA 1998, s. 1(b) version as at 17 November 2022

Background

Lake Taylor is a medium sized pastoral lease (7,300ha), located in the Hurunui District. The lease is currently held by Lake Taylor Station Limited, having transferred from the David and Rosemary Gunn to the family company in 2021. The company is directed by David and Rosemary and their sons Joseph and Andrew Gunn.

Lease Development History

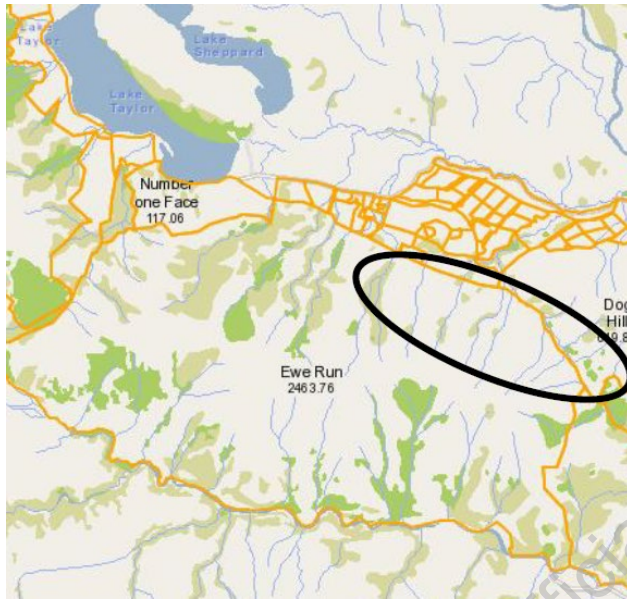


Figure 1: Ewe Block and consent application area

The proposed development area (145ha) lies within the Ewe Run Block. It is adjacent to existing cultivated paddocks near the homestead. The area has a relatively easy contour comprising north-facing downs and easy to medium hill country. The area has had historical burning and was partly oversown in 2001 but has not been maintained since then. The submission provides further detail on the existing cover.

The wider Ewe Run Block totals 2464ha and is currently grazed primarily by a Perendale and Merino ewe flock. The wider Ewe Block is largely undeveloped, steep native hill country.

Application

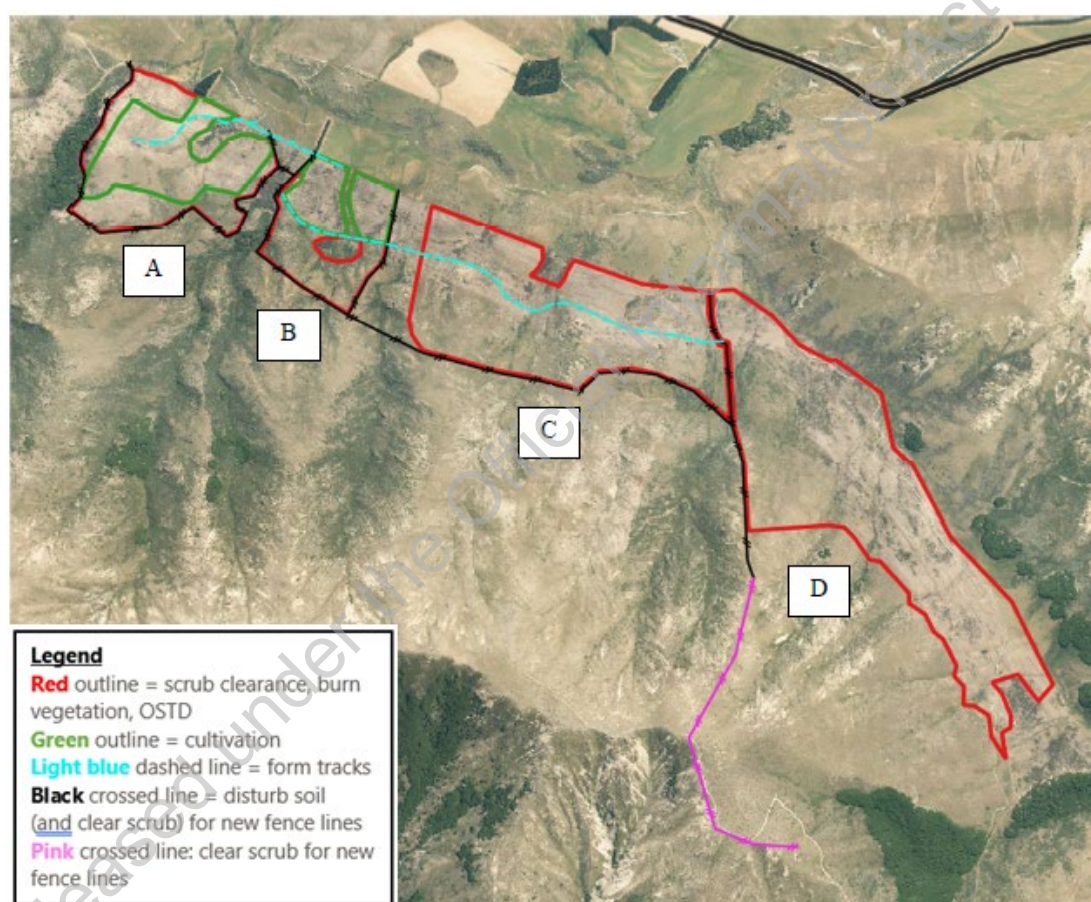
The application was made before amendments to the CPLA came into effect on November 17. The original area applied for was 250ha, this was amended to 145ha following the inspection and confirmed by the lessee (Appendix 3 of the submission). The proposed development lies between the 660m and 900m contour.

The eventual aim is to establish long-term pastures for the block. It is roughly estimated that the Ewe Run Block currently carries around 0.4su/ha, including the request area. It is expected that the proposed OSTD development would increase this to 2su/ha and the cultivation (as requested) to 7su/ha .

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The application form indicated that sensitive or high value ecological areas would be excluded from the development but these were not mapped in the application. The development is intended to enable less grazing pressure in areas containing higher ecological values as previously identified through the Lake Taylor tenure review (ended by law change in 2022).

The lessee believes this to be the only remaining area of the lease that would be suitable for further pastoral development of this nature. The rest of the lease is limited by contour or the presence of inherent values.



Area A	Area B	Area C	Area D
26ha (inc. 15ha cultivation)	15ha (inc. 7ha cultivation)	46ha	58ha

Figure 2: Lake Taylor application areas

Clear scrub

A total area of 145ha is requested for scrub clearance by chemical means. Scattered Manuka and Kanuka, Matagouri, tauwhini, gorse and broom are to be targeted with riparian areas avoided. Sprayed vegetation is to be followed by burning. The application is requested to prepare the Ewe Run Block site for development.

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It is also in part strategic scrub management to return grazing areas lost to reversion. Lake Taylor lease has a propensity to revert to kanuka/manuka and matagouri-dominated shrublands. The lessee has estimated they lose 40ha of grazing annually to indigenous regeneration. The application includes a request for on-going consent to clear any re-growth or invasive weed that should develop.

The lessee will contract Alpine Springs Helicopters for the proposed works and will use Metsulfuron or an alternative spray to target Manuka/kanuka.

Scrub clearance is also requested for approximately 1282m of fencing along the top of Area D. Vegetation clearance up to 1m wide. No bulldozing is required for this section.

Burn

Lessee preference is to first spray the scrub, followed by burning as this will reduce scrub regeneration and the sprayed scrub also burns more easily. This will help with fire management. The lessee has undertaken many burns at Lake Taylor but not in recent years

Burns would take place between June and October when conditions are suitable. helicopter will be on stand-by while burns are undertaken.

The lessees intend to burn 50ha at a time depending on the budget available. A ten-year consent term has been requested. The concurrent application for new fence lines would also be dozed prior to burning, to form a fire break, and back burning could be undertaken if necessary.

Cultivation

The initial application included the entire 145ha development area. This was clarified during the inspection to be 22ha (15ha of Area A and 7ha of Area B) between the 660m and 760m contour. Generally, the contour is sloping to rolling, with the some steeper sections estimated to be over 20 degrees.

Following spraying and burning some rock windrowing may be needed. This would be followed by one or two passes with a disker to cut and turn the soil. The areas would either be direct-drilled or sown with a ground spreader.

Two feed crops (likely ryecorn, turnips, rape, brassicas and short term ryegrass) are proposed. Following this, the areas would be sown with permanent pasture (likely perennial ryegrass, cocksfoot, clovers, brome, fescue, pasture herbs and Lucerne (the latter as part of a mix not a crop)).

Cultivated areas would primarily be used to provide better quality pasture for ewes and lambs. There is the potential for them also to be used for calving. They would not be used for making supplementary feed.

A minimum 10-year rotation between cultivations cycles was proposed. Typically cultivated paddocks would receive an annual maintenance dressing of 250kg/ha Sulphur super.

OSTD

OSTD is proposed for 123ha (an additional 22ha is covered by the cultivation application). Cocksfoot, clovers, Yorkshire fog, brome and fescues are proposed to be sown. The proposed fertiliser programme is 250-300kg/ha of Sulphur super per annum for the first two years, followed by a maintenance programme of 125kg/ha biennially.

The lessee is seeking to OSTD the Ewe Run Block, to take grazing pressure off the wider hill country and introduce grazing rotations closer to home.

Tracking

The proposed track is approximately 2452m in length and 3.5m wide. The track would provide vehicle access through the newly developed areas should they be approved. Experienced contractors would be used to ensure the line is suitable and safe. The track would be used for feeding out, stock movements and servicing cultivation practices.

The lessee was not certain of the best route through Area B and part of C and wouldn't be until the development begins. As such, they have requested a band within which they could construct the track rather than a precise route for this section.

Soil Disturbance associated with fencing

Fencing (estimated 6058m) is proposed to subdivide the development area into four blocks for efficient stock management. Internal fencing will enable the lessees to target their fertiliser program to more specific paddocks and soil types. The proposed fencing will enable stock grazing on proposed cultivated areas to be excluded from adjacent waterways.

It is proposed to use a contractor to doze the lines. Slope varies from 28° at the developments steepest point to 6° at the toe slopes. In some places only a skim will be needed where ridges can be utilized and it is flatter, and some parts may need a deeper cut.

Site Inspection

The Ewe Block was inspected on 22 July 2022. The inspection was attended by Carlyne Latham (Latham Ag, service provider) Mike Thorsen (DOC contracted ecologist), Anthony Duncan (DOC), Richard Summerlee (LINZ), Emma Lynskey (Lake Taylor) Joe Gunn (Lake Taylor), Dave Gunn (Lake Taylor). Application areas were refined to those shown in *Figure 7* during the inspection.

Consultation

Director-General of Conservation Consultation

The DGC was consulted with on 13 May 2022. Updated application information was provided post-inspection to DOC on 2 August 2022. DGC advice was provided on 31 August 2022. The DGC was asked to clarify parts of their advice on tracking and scrub clearance that were unclear. [Refer to emails of 14/11/2022.](#)

The DGC considers the entire application area to support high inherent values. Various inherent values were identified as adversely affected by the proposed activities.

The DGC consider that apart from patch burning, scrub clearance and OSTD within area A, the other proposed activities should be declined. The DGC viewed that for the remaining activities, the adverse effects on the inherent values were significant and could not be mitigated. The DGC did recommend conditions to avoid, remedy, or mitigate all the adverse effects for those listed activities within Area A, and these have largely been adopted with some modifications. Further detail on inherent values is discussed below.

The DGC also advises that indigenous lizards are protected by the Wildlife Act and the applicant needs to apply for a Wildlife Act Authority (WAA) prior to any work taking place. This is the first known reference to this in DGC advice for a discretionary consent. Section 17 of the CPLA requires permissions under other enactments to be obtained. To our knowledge, DOC have not also required privately held land owners to meet this requirement.

Iwi Consultation

Te Rūnanga o Ngāi Tahu was consulted with in June 2022. A response has not been received.

Analysis

Inherent Values

General: Ecosystem and landscape

The lessee procured their own ecological report to inform their application. This has been reviewed by the service provider and is included as Appendix 3 of the submission. It was not included in their initial application provided to the DGC.

The DGC considers the entire application area to support high inherent values. It is noted during the inspection Mr Thorsen suggested low to moderate inherent values across the application area, ranging from low values in most of Area A to moderate values in parts of Area D.

The service provider has recommended conditions that would avoid, remedy, or mitigate

adverse effects in some the areas recommended by the DGC to be declined. Where this is not possible the service provider has recommended areas be declined.

The DGC highlights the regenerating kanuka, manuka and matagouri all of similar age. The DGC assesses the watercourses to be of high natural character. Within these incised channels are small examples of taller kanuka, manuka 4-5m tall. The water courses support predominantly indigenous fescue grasslands and scrub that has been little modified by historic pastoral activities.

The lower front faces (outside the application area) are more modified but are also regenerating (in part) and in the view of the DGC, it is this ecological sequence which increases the importance of the application area.

The Hurunui Lakes area is very popular with visitors, particularly during summer. Area A is the most visible of the proposed development, estimated to be visible along Lake Sumner Road for a section of 1.5km. Parts of Area B would be visible, and C and D would have low visibility in the wider landscape. The request areas would not be visible from the Lake Taylor campground itself.

The Geospatial Asset Management team produced *Figure 3* below. The map provides a theoretical visibility analysis, showing what areas are likely to be visible if all above-ground features were removed. The darker areas are visible from a greater number of the viewpoints shown on the plan. The service provider also completed their own visibility assessment included as Appendix 7 of the submission.



Figure 3: Digital Surface Model derived from historic topographic map contour - [More info](#)

Intensification

The DGC has stated that the intensification of stocking within a smaller area caused by the development would likely result in chronic effects on indigenous vegetation over the longer term. The service provider suggests that the increase (0.4SU to 2SU) is relatively modest.

Area A activities supported by DGC

The DGC comments that the inherent values within Area A would be adversely affected by the proposed scrub clearance, burning and OSTD. However, the indigenous vegetation is limited, patchy, and of low value. The DGC recommends conditions to avoid, remedy, or mitigate the adverse effects and the service provider has largely adopted these recommendations with some minor amendments.

The DGC recommended spring burns only, while the service provider recommended a period from June to October subject to suitable conditions. The service provider also did not believe a 12-month spelling period for areas of indigenous tussock would be practical due to their varied disbursement throughout the application area. Instead, the area is to be spelled as appropriate to ensure that revegetation occurs as quickly as possible.

Some amendments were made to the phasing of recommended DOC conditions. For example, the no specific reference to Sisters Stream tributaries has been included in the buffer zone conditions. Area A was assessed by the service provider as being at least 20m from Sisters Stream. Specific reference was not considered necessary as 20m is already outside the recommended buffer zones. For other minor amendments, please refer to 6.7.1 of the service providers submission and [email dated 31 October 2022](#).

Clearing scrub, burning and OSTD Areas B, C and D

The ecosystem and landscape values will be adversely affected through the removal of indigenous vegetation.

In addition to ecosystem and landscape values, these areas also provide habitat for the New Zealand falcon/karearea (Nationally Vulnerable) and other non-threatened native birds. Rocky outcrops, particularly within Area C, contain habitat for the Southern Alps gecko (At Risk – Declining). The removal of indigenous vegetation will have a flow-on adverse effects through habitat loss, and the feeding habitat of the identified species.

The intact riparian vegetation also reduces sediment and nutrients from entering into waterways. Maintaining high water quality which in turn provides habitat for native invertebrates, fish, and clean water for down-stream users.

Tracking

The DGC advises that retention of an uninterrupted altitudinal sequence of vegetation is essential to retaining landscape appreciation value and that the proposed tracking would compromise this.

Soil Disturbance and scrub clearance associated with fencing.

Benching and scrub clearance associated with fencing will also compromise the visual integrity of this area by causing visible scarring. Please refer to the email from the DGC dated [10 November 2022](#) for clarification of additional adverse effects.

It is noted that some of these lines are not visible from Lake Sumner Road based on Viewshed analysis in *Figure# 3*.

Cultivation

The DGC advises that cultivation would result in permanent and irrevocable loss of all indigenous vegetation within cultivated areas, disrupting the landscape character of the Oronoko Ranges.

The DGC provided this image (Figure #4) of cultivation found elsewhere on Lake Taylor in support of their advice. However, with the mitigating conditions recommended by the service provider, such as excluding any cropping, this is not considered to be a fair representation. Cultivation will be limited basic pasture grazing that will blend in with surrounding land use. No cropping of any kind is provided for.



Figure 4: cultivation and cropping at Lake Taylor at a similar altitude to the proposal

Farming Benefit

The lessee recently purchased breeding/finishing farm near Hawarden. As a joint operation, there is now the ability to increase stock value and finish more lambs. The lessee would like to reduce the wether flock and increase their ewe numbers. This could be done within their existing stock exemption provisions.

While implementing the change in stock management is not dependent on the proposed development, it will add more resilience to management of the farming operation. Increasing the ability of the request area to carry more ewes will mean fewer sheep grazing the upper reaches of Oronoko Range, reducing grazing pressure on more sensitive areas.

Scrub management will eventually be required in parts of the request area to retain grazing areas and stock access, regardless of any further development.

The proposed tracking will assist with stock and pasture management, fence maintenance, and weed and pest control. The fencing of blocks A to D, will enable rotational grazing that will better match stock numbers to feed availability and allow blocks to be spelled.

Overall the development is estimated to result in a modest increase from of 342su over 145ha.

Potential Alternative Options

84% of the lease is largely undeveloped apart from areas of historical burning and grazing. Other suitable areas from a purely economic perspective that would be suitable for further development, would contain greater inherent values and have not been pursued.

Statement Around the Balancing Exercise

The combined effect of the applications is desirable to make the land easier to use for farming. It is expected to modestly increase productivity as well as improving stock and pasture management. Suitable conditions have been recommended to mitigate, remedy and avoid adverse impacts on inherent values.

Where this cannot be achieved, specific areas are recommended to be declined as depicted on the Notices of Decision.

Review of Proposed Conditions

A term of 10 years has been recommended. Given the scale of the development, this is considered appropriate. Works will be dependent on budget availability over the next decade. It will also allow time to obtain any other consents or permissions required. Apart from burning, and scrub clearance, the activities will have maintenance rights as permitted activities under the CPLA as amended on 17 November 2022.

It is not recommended to provide on-going maintenance for scrub clearance areas. Changes to CPLA will address permitted future maintenance and otherwise discretionary consent applications can also be made.

Risks

Risk to inherent values and addressed in the service provider submission and mitigation measures are included in the notices of decision. Refer to [October-November emails](#) with the service provider further discussion on how best to address risks.

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The conditions recommended for cultivation are quite limiting. Because the feed crop cycle would otherwise introduce organic matter and fertility, the resulting permanent pasture will not be as productive as intended by application. The lessee may even decide against cultivation despite an approval due to a diminished potential return on investment. However, the conditions were considered appropriate due to potential visual impact on the landscape.

There is always the risk that a lessee will not adhere to the consent conditions or exceed the exclusion zone boundaries. The current lessee has been found to have committed one breach earlier [this year](#). The investigation largely focussed on the unconsented scrub clearance of the previous lessee (who remain as directors, shareholders). The lessees of Lake Taylor are otherwise compliant with the terms and conditions of their lease and are considered to be lessees who would undertake to perform these activities in line with the conditions imposed. Communication issues from LINZ may have contributed to the previous breach. Dialogue between LINZ and the lessees has improved; and this risk is considered unlikely.

Recommendation

It is recommended that the Commissioner of Crown Lands grant consent for track formation; and grant in part and decline in part the remaining consents requested on Lake Taylor pastoral lease, as shown on the plans attached to the Notices of Decision, and subject to conditions:

I recommend that you:

- a. Note the content of this memo, attachments and hyperlinks;
- b. Agree to the draft Notice of Decisions and those conditions included;
- c. Grant consent to tracking
- d. Part grant and part decline consent to clear scrub, burn vegetation, cultivate & crop, oversow & topdress (OSTD), disturb soil for new fences
- e. Sign to indicate approval.

[s 9(2)(a)]



Richard Summerlee
Senior Portfolio Manager

Date 19.11.2022

Delegate Decision

Grant consents for track formation,

Grant in Part & Decline in Part clear scrub, burn vegetation, cultivate and crop, oversow and topdress, disturb soil for new fences

Delegate commentary on the decision

[s 9(2)(a)]

5/12/2022

Karyn Lee

Date

Under Delegated Authority of the
Commissioner of Crown Lands

Decision maker comments:

Notices of Decision (NOD)/Submission:

- Please ensure all NODs are placed on the LINZ letter template before sending out.

- Please consider adding a separate clause to the soil disturbance and burning NODs to cover the Wildlife Act requirement. This will ensure that the lessee is aware of this potential requirement given it is unlikely to be common knowledge. Below is an extract from a 2018 Lilybank rec permit in reference to the Wild Animal Act:

RS comment: DOC do not seek the same requirement from freehold owners so has not been included.

- Please update the first reference to the Crown Pastoral Land Act in all of the NODs to ensure that the version that the decision was made under is correctly referenced eg: 'Crown Pastoral Land Act 1998, version as at 28 October 2021'.

the NOD to ensure that the clearing and burn is well managed and that the impacts are minimal.

- **Cultivate and crop:** The cultivation and cropping of a number of small areas on the easy slopes of the Oronoko Range will benefit the farming operation with improved pasture. A range of conditions are included within the NOD to minimise the impact to wetlands, waterways and seeps and good management practises. Areas containing high inherent values are to be excluded from the areas to be cultivated and cropped. Records are to be maintained for the Commissioner of Crown Lands.
- **Oversowing and topdressing:** The oversowing and topdressing of the lower slopes of the Oronoko Range will benefit the farming operation by improving grazing. Good practice conditions are included in the NOD to minimise the impact of the oversowing and topdressing eg: precision placement and GPS mapping records. Areas containing high inherent values are to be excluded from the areas to be oversown and topdressed.
- **Form tracks:** The new tracking will provide access for maintenance purposes, stock movement, management of pasture, pest and weed control making it easier to use the land for farming purposes. Robust conditions are included in the NOD to ensure that the tracking is of a good standard.
- **Disturb soil/clear scrub:** The disturbance of soil and clearance of scrub for new fence lines along the lower slopes of the Oronoko Range will assist with the management of pasture and stock. A number of conditions are included in the NOD to ensure that the disturbance and clearing activity is of best practice.
- **Check sheet:** Please complete the check sheet and ensure that is added to the LINZONE folder prior to sending out the NODs.