

Request to clear or fell bush or scrub

Section 16(1, 2) - Crown Pastoral Land Act 1982

What is the type of bush or scrub proposed to be cleared or felled?

Scattered small Matagouri on
the flat terraces where direct
drainage will take place.
Thick patches on terraces, and where
over 2 metres will be preserved.

How will the bush or scrub be cleared or felled? (i.e. will it be removed, if so how) :

- Small bushes on the flats will be sprayed or mulched.
- Bushes on some lines will be mulched or pulled out mechanically.

Is it intended to sell any timber?

YES / NC

What is the purpose of removal of the bush or scrub?

To allow for direct drilling and fencing
Significant matahoura patches will be retained.

Explain any development programme planned for the area following removal of the vegetation :

- Sprayed with Roundup
- Lime & fertiliser applied
- Direct drilled into pasture.

Explain whether this is also a request for on-going clearing of any re-growth on this area, and if so, provide details :

Yes - on areas that have been drilled

How will the work applied for make it easier to farm?

- Provide quality feed for livestock to enable Mt White to become viable, and then deal with its weed problems of Gorse & Broom.
The developed area will stop further spread of these weeds

Describe any adverse impacts on the land as a result of this work (soil, water, vegetation, conservation or other natural values) :

There will be loss of some native vegetation, but not to any great detriment.
Refer

Land changes will not be inconsistent with the rest of Waikato Basin.

Describe the mitigation measures intended to negate these adverse effects :

- Fencing of Streams,
- Saving the significant areas for conservation, within the block's and having conservation areas set aside. (Refer Maps). Such as Lower Farm, east of and beside Andersons and one thousand hectares beside Waikato down to the Koutou River.

Provide details of any other concurrent applications made in relation to the lease/licence that are not shown on page 1 of this request :

Requests to cultivate, oversow a fertiliser

Identify all required resource consents or permits :

All areas have been included in a Selkirk District council consent application

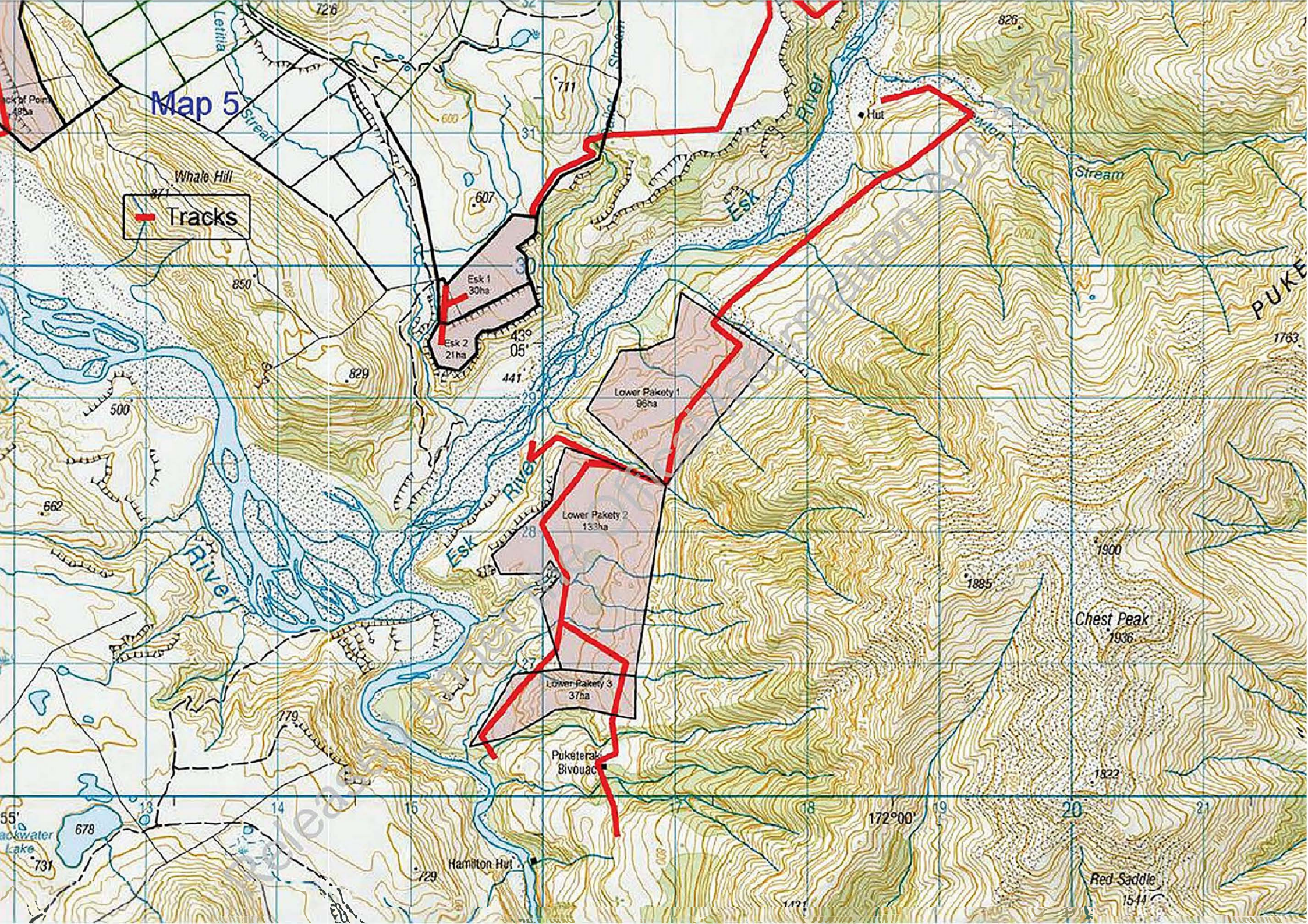
Provide any other relevant information that should be considered with this application :

NOTE: if this programme includes draining, cultivation, sowing with seed, application of fertiliser, planting trees, making tracks or any other activity that is 'disturbing the soil' then further applications to the CCL for consent to do that work will also be required.

Have you provided a farm map, showing the location of the activity/ies proposed?

Map 5

— Tracks





15 November 2016

Ray Ward-Smith
Rural Value Limited
277 Spur Road
RD 5
TIMARU 7975

Dear Ray

**SUBMISSION OF VIEWS ON REQUEST TO CULTIVATE, OVERSOW,
TOPDRESS, CLEAR VEGETATION AND UNDERTAKE TRACKING ON
THE MT WHITE PASTORAL LEASE**

This response to your request is made under delegated authority from the Director-General of Conservation and applies to the following action(s):

1. Cultivation by direct drilling;
2. Fertiliser application including topdressing;
3. Aerial oversowing;
4. Creation & maintenance of tracks;
5. Clearance of bush or scrub on the land.

I have further separated my advice for the purposes of clarity, as in this instance the applications are large and complex. I have considered tracking globally across the property, while other activity types are considered in terms of the following broad geographic units:

1. Esk 1 - terraces located on the true left of the Esk River;
2. Esk 2 - terraces located on the true right of the Esk River;
3. Poulter 1- terraces on the true left of the Poulter River;
4. Poulter 2 - terraces on the true right of the Poulter River;
5. Riversdale Flats.

The attached plan illustrates the location and extent of each of these areas.

Esk 1 - terraces located on the true left of the Esk River

The area encompasses a moderate-large area of terraces between 500 m and 800m asl, on the true left of the Esk River and the western flank of the Puketeraki Range. The area is a predominately native tussock grassland, interspersed with some exotic inter-tussock pasture species, as well as patches of woody native scrub, notably matagouri. Matagouri and some associated native shrublands are present in gullies. The natural



Department of
Conservation
Te Papa Ataturahi

landscape is an inherent value worthy of protection, which, in my opinion, it is desirable to protect (for conservation reasons).

I consider the following conditions or restrictions (on any consent to the discretionary action) would be reasonable and, if made by the CCL, will avoid, remedy or mitigate all the adverse effects:

1. That the proposed discretionary actions be limited to oversowing and topdressing of the land, and that any cultivation, including direct drilling, not be permitted;
2. That the native tussock cover be retained and not cleared by chemical or mechanical means;
3. That a minimum 20 metre setback from waterways be required as an exclusion zone for oversowing and topdressing;
4. That clearance of native shrublands or scrub (including matagouri) is not permitted.

Esk 2 - terraces located on the true right of the Esk River

The area comprises two small river terraces characterised predominately by depleted exotic grasses and heiracium. The proposed discretionary actions for this area include the clearance of existing vegetation, the application of fertiliser, and cultivation into renewed exotic pasture by direct drilling.

In my view any inherent values identified by the Department will not be adversely affected by the discretionary actions.

[Redacted]

Out of scope

Released under the Official Information Act 1982



Out of scope

LAND ENVIRONMENTS OF NEW ZEALAND

LENZ is a classification of New Zealand's landscapes using a comprehensive set of climate, landform and soil variables chosen for their role in driving geographic variation in biological patterns. The classification units of LENZ, termed land environments, aim to "identify areas of land having similar environmental conditions regardless of where they occur in New Zealand." Therefore "LENZ provides a framework that allows prediction of a range of biological and environmental attributes. These include the character of natural ecosystems, the vulnerability of environments to human activity, and the potential spread or productivity of new organisms". The LENZ information is presented at four levels of detail, with Level I containing 20 environments, Level II containing 100 environments, Level III containing 200 environments and Level IV containing 500 environments. These LENZ classes are presented nationally to assist use at a range of scales.

In an analysis of the LENZ Level IV data, with consideration of the remaining indigenous vegetation cover and the legal protection of these environments, proposed a threat classification for the remaining indigenous biodiversity in New Zealand's environments based on the two components of vulnerability (likelihood of loss): poor legal protection and risk of loss. This threat classification has become the recognised benchmark for the promotion of threatened LENZ conservation.



LENZ threat categories and definitions

Category	Criterion
Acutely threatened	<10% indigenous cover remaining
Chronically threatened	10-20% indigenous cover remaining
At risk	20-30% indigenous cover remaining
Critically under-protected	>30% indigenous cover remaining <10% legally protected
Under-protected	>30% indigenous cover remaining 10-20% legally protected
Less reduced and better protected	>30% indigenous cover remaining >20% legally protected

The majority of the lease area subject to this consent application is 'at risk'. Multiple areas of 'acutely threatened' LENZ units are present, these are predominantly river terraces adjacent to the Poulter River, and at its confluence with the Waimakariri River. Both the acutely threatened and at risk LENZ sites are modified and contain non-indigenous vegetation (see Figure 2).

[Redacted]

[Redacted]

Out of scope

Released under the Official Information Act 1982



Out of scope

Out of scope

Released under the Official Information Act 1982



Out of scope

At the time of writing this letter the Department only had available the following information about inherent values:

- the application/request
- the standard information prepared under s.53 Conservation Act
- a site inspection dated 26 October 2016

Please convey these views to the Commissioner so that they may be considered in the decision-making process.



Department of
Conservation
Te Papa Atawhai

Yours faithfully

Kingsley Timpson
Operations Manager North Canterbury
Pursuant to Delegated Authority from the Director General of Conservation

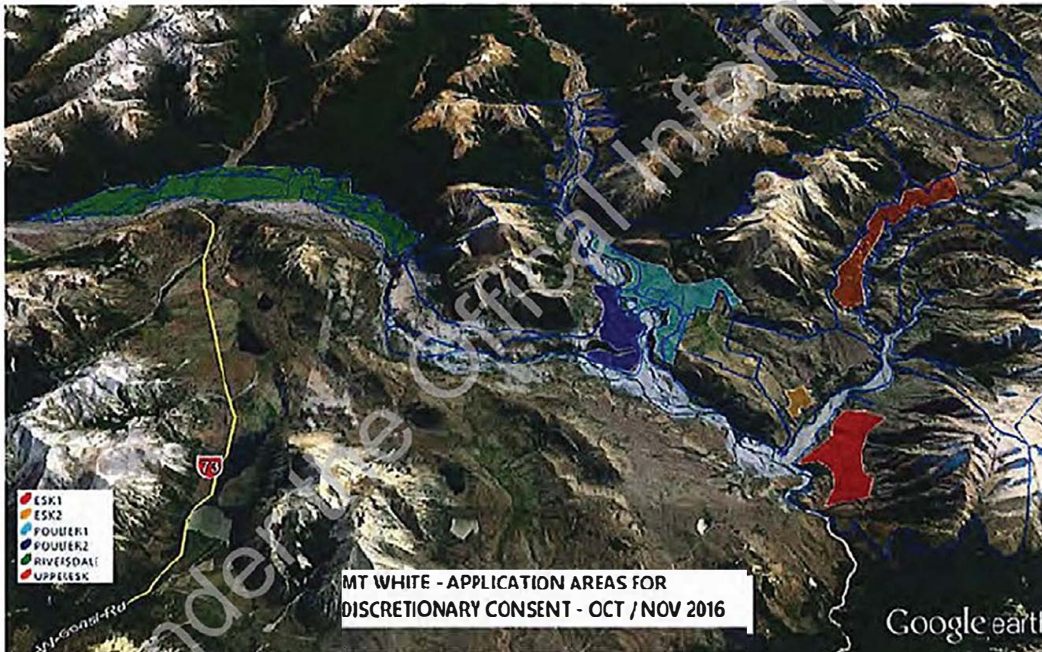


Figure 1: Map broadly depicting application areas for discretionary consent. The advice of the DGC has been provided in relation to each of these areas separately.

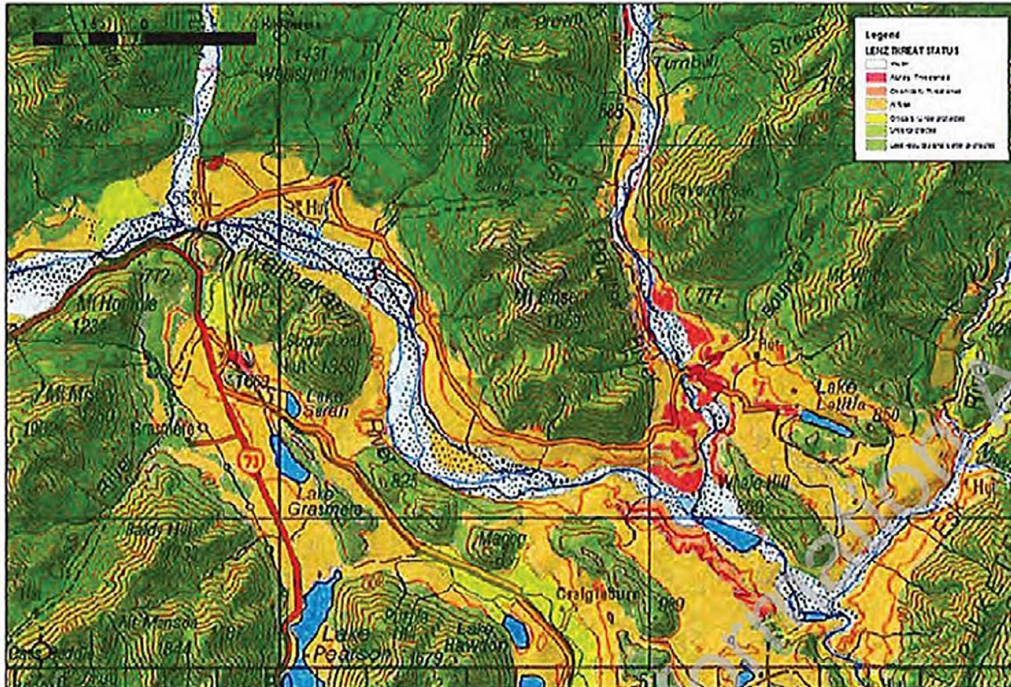


Figure 2: LENZ threat classification as related to Mt White discretionary consent application areas.

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SUBMISSION TO COMMISSIONER OF CROWN LANDS

Clearing scrub – Mt White pastoral lease

File Ref: 12762/Pc060 / Mt White

Submission No: RV1890_1

Submission Date: 16 November 2016

Office of Service Provider: Alexandra

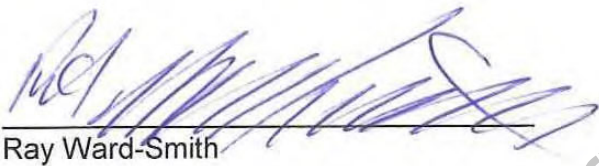
LINZ Case No:

Date sent to LINZ: 23 November 2016

SUMMARY OF RECOMMENDATIONS

1. That, in accordance with the provisions of section 18 Crown Pastoral Land Act and pursuant to section 16, the Commissioner of Crown Lands **grant in part** and **decline in part** consent to Mt White Station Ltd to clear bush or scrub on the Mt White pastoral lease for the reasons and subject to the conditions as recommended in the draft Notice of Decision attached to this submission.

Signed for Quotable Value Ltd (Rural Value)



Ray Ward-Smith

Date: 16/11/2016

Approved/Declined (pursuant to a delegation from the Commissioner of Crown Lands) by:

Name:

Date of decision: / /

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1 Details of lease/lessee

1.1	Lease Name:	Mt White
1.2	Location:	Mt White Road, Waimakariri Basin, Canterbury
1.3	Name of Lessee:	Mt White Station Ltd
1.4	CIR:	CB529/73
1.5	Legal Description:	Pt. Run 275, Pt. Reserve 3535

Details of request

1.6	Date of request:	25 June 2016
1.7	Brief description:	Clear low woody vegetation in preparation for pasture development. Note:- Area 8, Back of Point approved as Whale Hill RV1845 Some clearing of large shrubs for tracking in places.
1.8	Concurrent requests:	Tracking, cultivation, sowing seed and topdressing.

2 Consultation with DGC

2.1	Date referred to DOC:	3 October 2016
2.2	Information provided to DOC:	Letter referred to above plus a copy of the application attached as Appendix 2.

2.3 Comment from DOC:

Draft letter received by email on 15 November 2016. Signed copy (unchanged) received 23 November 2016.

The advice as to conditions or restrictions that will avoid, remedy or mitigate adverse effects is separated into geographic units and is shown below relative to pasture development (with our unit names in brackets).

Esk 1 (Lower Pakety):-

1. *“That the proposed discretionary actions be limited to oversowing and topdressing of the land, and that any cultivation, including direct drilling, not be permitted;*
2. *That the native tussock cover be retained and not cleared by chemical or mechanical means;*
3. *That a minimum 20 metre setback from waterways be required as an exclusion zone for oversowing and topdressing;*
4. *That clearance of native shrublands or scrub (including matagouri) is not permitted.”*

Esk 2 - terraces located on the true right of the Esk River:- (Esk 1 & 2)

“In my view any inherent values identified by the Department will not be adversely affected by the discretionary actions.”

Out of scope

Out of scope

Out of scope

A full copy of the response from the DGC Delegate is in Appendix 4.

2.4 Further consultation with DGC:

No further consultation was considered necessary.

However note that the matter of jurisdiction over Reserve 3535 is outside of our brief which is limited to appropriate use of land held in the pastoral lease. Appropriate administration of the land is a matter that should be resolved between LINZ and DoC.

3 Consultation with other bodies or persons

3.1 Affected parties

There are no other parties considered to be affected by this application

3.2 Other bodies/persons

No other bodies or persons were considered to be affected by this application

4 Consideration of matters to be taken into account by the CCL under Section 18 CPLA

4.1 Desirability of protecting inherent values (described briefly in order of the attached spreadsheet Appendix 6)

4.1.1 Description

Out of scope

Out of scope

Out of scope

Out of scope

Site 9 & 10 – Esk & Lower Pakety – 315 hectares approximately.

The Esk and Lower Pakety blocks are situated either side of the Esk River near its confluence with the Waimakariri River. It is generally described as terrace country, wide and open, dominated by brown top pasture with a low to moderate incidence of tussock and little scrub except in gullies. There is some incidence of broom infestation, generally well browsed particularly on the Esk blocks. The gullies toward the south east contain beech forest.

4.1.2 Inherent values

Landscape is the highest inherent value particularly the vista from the state highway and crossing to the flats upon approaching the Arthurs Pass National Park in the Hawdon River area. While further east there are scrub and bush areas which unfortunately have often been compromised by the invasion of broom, gorse or in some places hawthorn. Pure tall matagouri, manuka, kanuka and beech forest is relatively rare in areas subject to this request and where they occur should be preserved.

4.1.3 Potential adverse effects

These are generally low to very low except for relatively small areas providing the mitigating provisions are carried out.

Landscape is the critical issue particularly on the flats adjacent to the Waimakariri River that can be viewed from the state highway and also provide an entrance way into the National Park via the Hawdon River. To the east, in proximity to the steading area, the 150 years of pastoral activity has already considerably modified the landscape and together with the intrusion of woody weeds, any adverse effects are almost nil and relate primarily to relatively good wetlands or the effect of tracking on some short sections adjacent to the Esk River. Care would also be required in establishing tracks through or near some creeks containing beech forest.

4.2 Desirability of making it easier to use the land concerned for farming purposes

It is desirable to make it easier for the Lessee to farm the land by reducing the incidence of woody plants which inhibit access and limit grazing for domestic livestock. Partial clearance will enable the Lessee to effectively utilise suitable land for higher quality pasture production and easier stock access when mustering.

5 Discussion and recommendation

5.1 Summary of request for consent

The request is largely to mulch small scrub as a preliminary to pasture improvement by direct drilling. There will also be some spraying to eliminate weed scrub such as broom and gorse which will incur some collateral damage. Where tracking is involved, there will be some instances where taller manuka and kanuka will be removed. However in general taller scrub can be avoided.

5.2 Relevant statutory provisions

"16. Activities affecting or disturbing soil - (1) Except as provided in subsection (2), a lessee or licensee of pastoral land must not-

(a) Clear or fell any bush or scrub on the land....

(2) A lessee or licensee of pastoral land may do anything affecting, involving or causing disturbance to the soil if-

(a) The Commissioner has first given the lessee or licensee written consent to the doing of it: and

(b) It is done in accordance with any condition, direction, or restriction subject to which the Commissioner gave the consent."

The provisions of section 18 CPL Act applies to the consideration of whether to grant consent. Section 18 provides as follows;

"18 Discretionary actions - (1) Before taking any action described in subsection (3), the Commissioner must consult the Director General of Conservation.

(2) In taking any action described in subsection (3), the Commissioner must take into account—

(a) The desirability of protecting the inherent values of the land concerned (other than attributes and characteristics of a recreational value only), and in particular the inherent values of indigenous plants and animals, and natural ecosystems and landscapes; and

(b) The desirability of making it easier to use the land concerned for farming purposes.

(3) The actions are—

(a) Determining whether to act under section 60(1), section 66A(1), or section 100 of the Land Act 1948 in relation to any pastoral land; and

(b) Exercising any discretion under section 66A of that Act, or section 15 or section 16 of this Act, in relation to any pastoral land; and

(c) Considering whether to grant, vary, or revoke an exemption from any stock limitation."

5.3 Simultaneous statutory land administration activities

This submission is part of a suite of requests in the development of approximately 1700 hectares, including 140 hectares of freehold, to improved pasture for the purpose of sustaining economic stability of the property.

The activities include tracking, cultivation, sowing seed and topdressing.

5.4 Inspection

An inspection was carried out on Wednesday 26 October in conjunction with DoC (Jeremy Severinsen), the Lessees advisor (Alistair Ensor) and Rural Value (Ray Ward-Smith). Todd Howden also attended from Rural Value. The day concentrated on the Riversdale Flats through to the Mt White Homestead area, with a discussion at the homestead then to the Esk Paddocks where it was possible to view the lower Pakety area across the Esk River. The following day Ray Ward-Smith, on horseback, crossed over the Esk River to the lower Pakety then north to the Newton Stream crossing back over the Esk River up on to the terrace land. This added to the knowledge of the property by Ray Ward-Smith, having carried out a one week inspection in March 2014.

5.5 Farming benefits

All areas are proposed to be improved for grazing through reseeding and top-dressing by direct drilling following any clearing, except where clearing is only for tracking. It is intended to kill off the vegetation by spraying with the widely-used herbicide, glyphosate and in the case of the broom and gorse Tordon, a scrub weed herbicide, and then mulch the dead material prior to direct drilling or in some cases over-sowing seed and fertilizer (OSTD). If the dead grass and remnant woody species are not removed the material would severely block up the seed drill. Note that on some sites there are only patches of broom and gorse or low natural scrub. The silt soils on undulating hill and terrace areas, under 700m a.s.l. are suitable for continued intensive grazing use.

The lessee has employed an experienced farmer as a consultant, who has carried out extensive development and improved farming practices over recent years, to guide them.

Since the advent of aerial topdressing many years ago the ability to increase pastoral production on tussock grasslands has considerably benefitted the ability to increase the grazing capacity of these lands. However, while stock forage can be increased significantly it brings with it the increased vigour of woody shrubs and in particular matagouri. These plants can be strategically reduced through spaying but still leaves the dead thorny plant which does not ready breakdown and as it does the broken remnants get caught in the fleece of sheep so rendering it less valuable and a danger to shearers and shepherds. Often burning is used to removed dead material but in this case the Lessee proposes mechanical mulching. Clearing by spraying or mechanical slashing efficiently reduces the woody plants and is more desirable at the commencement of the tussock grassland development when the incidence is lower.

5.6 Effects on inherent values

Out of scope

Out of scope

Out of scope

Site 9 & 10 – Esk & Lower Pakety –

The effects on inherent values on these sites from a pasture development point of view will be minimal due to the existing extensive adventive grassland dominated by brown top and also in the case of the Esk paddocks, containing hieracium. The effect on taller shrubbery and trees on the steep terraces where tracking takes place, is very limited and careful placement of the tracks can minimise any adverse effect. In these instances, the recommendation is to defer a decision so that the applicant can further investigate the siting of the short lengths of track.

5.7 Summary of risks and potential mitigating steps

The method of clearing is by spraying, or slashing, or other physical removal therefore comments on the risks and mitigating steps are covered together.

Risks:

Exposing bare soil to wind and rain.

- Rain water entering decaying root structures thereby causing gully erosion.
- Burning has not been requested but there is always the risk of accidental fire from machinery, particularly during mulching if carried out in tinder dry conditions.

Mitigating Steps:

- The method of clearing by spraying, slashing or cutting leaves all root structures in the soil thereby holding the soil during the period of re-growth of desired grassland species not killed by the spraying or introduced.
- Where areas to be cleared are relatively limited they will still have the decaying root structures sufficiently long enough providing introduced pasture plants are established as quickly as possible.
- There is no mechanical total removal proposed with the land clearing under the methods proposed therefore there is almost zero risk of soil loss.
- The land is to be sown with seed and top dressed and has also been in rough grasses for many years therefore grasses and clovers should colonise the areas quickly.

5.8 Recommendation

Having considered the request for consent, the advice provided by the DGC delegate and taking into account the matters described above, we conclude that over much of the area applied for, the benefits to farming from granting consent to the clearance of bush and scrub, outweighs the desirability of protecting inherent values or that appropriate conditions can be included in the consent to minimise the risks of adverse effects on inherent values. The removal of grassland is not interpreted as clearing under the Crown Pastoral Land Act in considering the request.

Where we have recommended to decline to grant consent we have concluded that the benefits to farming are insufficient to outweigh the desirability to protect inherent values and that no conditions would mitigate the adverse effects.

We therefore recommend that the Commissioner of Crown Lands grant consent to Mt White Ltd to clear bush or scrub (predominately matagouri, manuka, gorse and broom) on the Mt White pastoral lease subject to the conditions as follows:

- i. That along vehicle tracks, scrub clearance be limited to that required to create a corridor width sufficient to allow vehicle passage without damage (refer to the decision on the application for tracking to identify the areas).
- ii. That where woody weeds are being sprayed, every effort be made to minimise the collateral damage to tall native scrubland and non-target species.
- iii. That beech trees and tall native shrubs not be cleared except in exceptional circumstances where tracking has been granted consent.
- iv. That rotary slashing or other similar machine operation not to be carried out at times of high fire risk.

APPENDICES

1. Draft Notice of Decision with plans
2. Copy of request dated 25 June 2016
3. Copy of letter to DGC delegate requesting consultation dated 3 October 2016
4. Copy of DGC delegate's response dated 15 November 2016 received 23 November 2016
5. Note for file and photographs regarding inspection
6. Schedule of areas
7. LINZ Worksheets

Released under the Official Information Act 1982

[LINZ Case No]

Mt White Station Ltd
Mt White
Private Bag 55018
CHRISTCHURCH

NOTICE OF DECISION OF COMMISSIONER OF CROWN LANDS

With regard to the request for consent dated 25 June 2016 from Mt White Station Ltd for consent to clear bush or scrub to clear bush or scrub on the Mt White pastoral lease, the Commissioner of Crown Lands has, in accordance with section 18 and pursuant to section 16 Crown Pastoral Land Act, made the following decision(s) on *[date of decision]*;

- 1.(a) To **grant in part** consent to Mt White Station Ltd to clear bush or scrub on those portions of the Mt White pastoral lease as shown on the attached plans subject to the following conditions;
 - i. That along vehicle tracks, scrub clearance be limited to that required to create a corridor width sufficient to allow vehicle passage without damage (refer to the decision on the application for tracking to identify the areas).
 - ii. That where woody weeds are being sprayed, every effort be made to minimise the collateral damage to tall native scrubland and non-target species.
 - iii. That beech trees and tall native shrubs not be cleared except in exceptional circumstances where tracking has been granted consent.
 - iv. That rotary slashing or other similar machine operation not to be carried out at times of high fire risk.
- 1.(b) Term of consent: This consent will remain valid for a period of 5 years from the date of this decision.
- 1.(c) Reasons for decision: The Commissioner of Crown Lands has determined that the benefits to farming from allowing the lessee to clear bush and scrub on the lease (predominantly broom, gorse, matagouri and manuka) outweighs the desirability of protecting inherent values provide the conditions of consent are complied with. The requirement to minimise the clearance of bush and scrub for access purposes and to take care to minimise collateral damage to non-target species will reduce the potential for adverse effects on inherent values.
- 2.(a) To **decline to grant in part** consent to Mt White Station Ltd to clear bush or scrub on the Mt White pastoral lease within the One Tree block, part of Binser 1 Block and part of Little Peveril Block.
- 2.(b) Reasons for decision: The Commissioner of Crown Lands has determined that the benefits to farming from allowing the lessee to clear bush and scrub on the lease (predominantly broom, gorse, matagouri and manuka) is insufficient to outweigh the desirability of protecting inherent values. In these areas any requirement to minimise the clearance of bush and scrub for access purposes and to take care to minimise collateral damage to non-target species would be insufficient to reduce the potential for adverse effects on inherent values.

Permission under other enactments still needed

Your attention is drawn to the provisions of section 17 Crown Pastoral Land Act 1998. This section provides that the Commissioner of Crown Lands may grant consent to an activity specified in sections 15 or 16 of the Crown Pastoral Land Act for the purposes of the Crown Pastoral Land Act notwithstanding that consent may also be required under another enactment. However, the consent of the Commissioner of Crown Lands does not authorise the activity to be undertaken without the required permission.

Right of rehearing

Please note that under the provisions of section 17 Land Act 1948, the lessee has the right to apply for a rehearing of the Commissioner's decision. Section 17 provides that:

17. Application for rehearing – (1) Any person aggrieved by any decision of the Commissioner or any determination of an administrative nature by the Commissioner may, within 21 days after being notified of that decision or determination, apply to the Commissioner for a rehearing, and the Commissioner may, at any time within one month after receiving the application, grant a rehearing of the case if he/she thinks that justice requires it, and on the rehearing may reverse, alter, modify, or confirm the previous decision or determination in the same case:

If the lessee wishes to apply for a rehearing, then an application must be submitted to this office within 21 days of receipt of this letter. The application should clearly state the grounds on which an application for a rehearing is made.

Yours sincerely

cc
Mt White Station Ltd
C/- DC Turnbull & Co Ltd
1 Strathallan Street
P O Box 29
TIMARU

Attachments:

1. Plan of areas (3 sheets)
2. Marked Google images showing detail of areas (10 sheets)

Internal Memo



**Land Information
New Zealand**
Toitū te whenua

To: David Rhodes
Senior Portfolio Manager

Cc: Murray McKenzie
Senior Portfolio Manager

From: Mike Sherman
Portfolio Manager

Date: 19/12/2016

File Ref: LINZone: A2772415

Subject: **Mt White – Discretionary Activity
consents to Clear scrub, cultivate and
oversow and topdress, and tracking.**

Christchurch Office
CBRE House
112 Tuam Street
Private Bag 4721
Christchurch 8140
New Zealand
Tel 64-3-374 3845
Fax 64-3-365 9715
Email
msherman@linz.govt.nz
www.newzealand.govt.nz

Purpose

The purpose of this memo is to:

- a. Inform the Commissioner of Crown Lands (CCL) of concurrent discretionary activity applications to clear scrub, cultivate, over-sow and top-dress and tracking; and
- b. Recommend that you note the attachments and contents of this Memo, and:

- **Approve / Decline** consent in full and in part to **clear scrub**

Out of scope

References

- LINZS45002 – Standard for purchase, alienation and administration of Crown Land
- Crown Pastoral Land Standard 1 – Discretionary Actions
- Section 18(2)(a) & (b) Crown Pastoral Land Act 1998
- Section 16 Crown Pastoral Land Act 1998
- Rural Value submission: RV1845-1 to RV1845-3 (Attachment 1)

Background

The lessee of Mt White has requested the discretionary activities as part of wider farm management and improvement planning.

The Lessee and Farm Advisor, Alastair Ensor has requested these. Mt White is currently in Tenure Review – Info Gathering. There is Pt Reserve land gazetted and incorporated into the lease since 1905. Some of the consents applied for are in this Pt Reserve 3535 (Attachment 4).

Discussion

DGC conservation advice

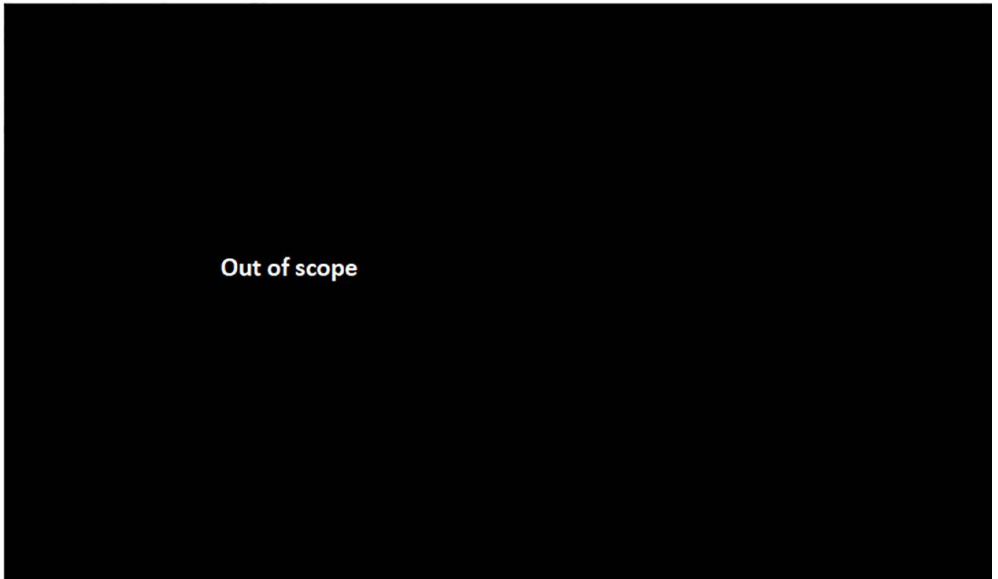
The DGC conservation advice on inherent values effected by the proposed D.A's is comprehensive and has been received and reviewed by the service provider and the undersigned (Attachment 3).



Out of scope

The DGC delegate identifies landscape as the highest inherent value affected by the proposed consents, along with regeneration native matagouri, Manuka and to a lesser extent beech trees.

The DGC advice supplied includes areas where they have no issues with the proposed activities, areas where with appropriate conditions the activity could be carried out if approved by the Commissioner, and areas where decline is advised.



Out of scope

Out of scope

Benefits to making the land easier to farm

The applications are part of a wider farm management plan for Mt White in terms of making the lease easier to farm and improving pasture and carrying capacity. There has been limited money spent on the property to date so the consents are part of these improvement farm plans.

The benefits to farming are summarised by the service provider on pages 6 to 8 of the submissions and individually, include a range of key benefits such as: Improving overall stock access and farm tracks, higher quality pasture development, improved carrying capacity overtime.

Service Providers analysis and submission

The service provider has provided analysis and recommendations in each of the four separate submissions, in each of these cases, the benefits to making the land easier to farm and the effects on the inherent values identified has been reviewed. (Attachment 2 submissions Pages 2 – 5).

Some deeper analysis is provided by the service provider particularly around the tracking on some routes as currently proposed and the impacts these would have on inherent values. The service provider recommends that some of the tracking be deferred until we have further information from the Lessee and potentially a tracking advisor-machine operator on an appropriate route for Health and Safety and track grade suitability purposes.

Where the service provider analysis recommends approval and the DGC advice has recommended appropriate conditions be recommended if the Commissioner was to approve the consents - these mitigating conditions identified have been incorporated into the Notice of Decision(s). Where the consent application has been declined in full by the service provider; they have determined that the effects on the inherent values outweighs the benefits of making the land easier to farm and that no mitigating condition(s) would ameliorate the effects.

LINZ further analysis - Tracking consent

Out of scope

Out of scope

Out of scope

Recommendation

I have reviewed the information supplied by the applicant in their applications, the service provider's analysis in the submissions around the desirability of making the land easier to farm and the DGC conservation advice on the effects to the inherent values as supplied.

I note the recommendations as set out in the submissions to approve in full, subject to conditions as imposed, to approve in part and to defer in part the proposed applications for discretionary action consent.

Tracking

The service provider and DGC advise that further information or a better route is required at this time from a health and safety and landscape inherent value perspective. After discussions here, it is considered more appropriate to decline the tracking rather than defer it at this time. The applicant can reconsider the most appropriate or safest route and re-apply in the future with a more suitable route and provide better supporting evidence and information-maps in another application.

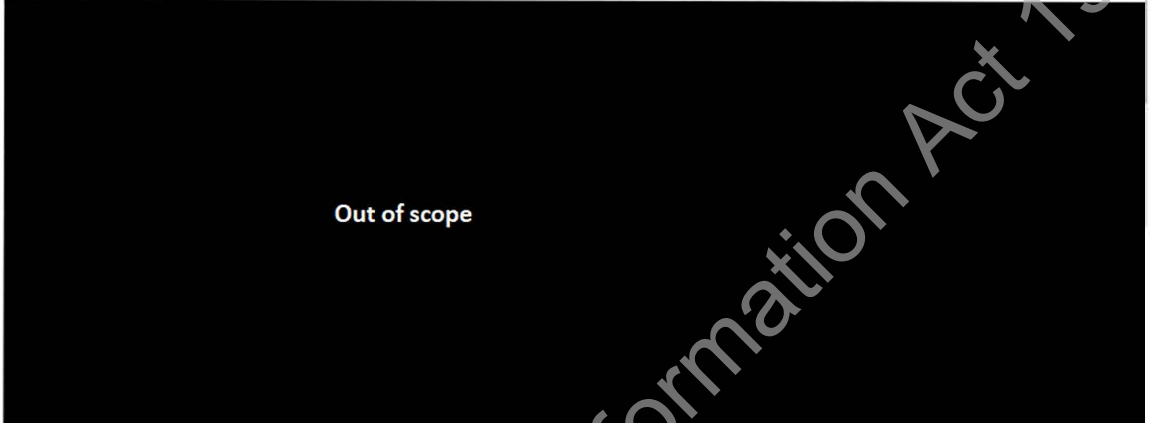
Out of scope

I recommend that you:

- a. **Note** the Rural Value submissions, attachments and the contents of this Memo; and

In areas *apart* from the Pt Reserve 3535 (Riversdale Block):

Grant in part and **decline** in part consent to clear scrub



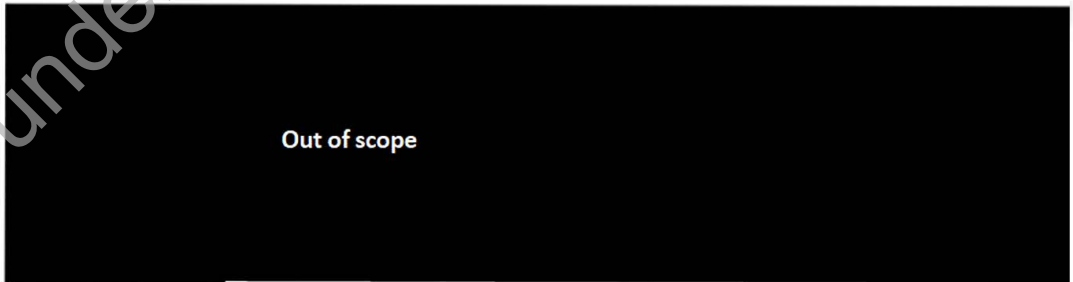
If you are in agreement with the above, I will have the Notice of Decisions updated to reflect your decision(s).

Mike Sherman
Portfolio Manager

19.12.2016
Date:

Decisions

Approve / Decline consent in full and in part to **clear scrub**



David Rhodes
Manager
Crown Property

Date: 2 d/12/2016

Attachments:

- 1/. Rural Value Submissions for D.A consents RV1845-1 to RV1845-3
- 2/. NOD's and Decision Maps
- 3/. DGC Conservation advice
- 4/. Land Status Plan - Pt Res 3535 location map (for reference only)

LINZ A2772148

Date: 21/12/2016

Mt White Station Ltd
Mt White
Private Bag 55018
CHRISTCHURCH

NOTICE OF DECISION OF COMMISSIONER OF CROWN LANDS

With regard to the request for consent from Mt White Station Ltd for consent to clear bush or scrub on the Mt White pastoral lease, the Commissioner of Crown Lands has, in accordance with section 18 and pursuant to section 16 Crown Pastoral Land Act, made the following decision(s) on 21/12/2016:

- 1.(a) To **grant in part** consent to Mt White Station Ltd to clear bush or scrub on those portions of the Mt White pastoral lease as shown on the attached decision plans and photos, subject to the following conditions;
- i. That along vehicle tracks, scrub clearance be limited to that required to create a corridor width sufficient to allow vehicle passage without damage (refer to the decision on the application for tracking to identify the areas).
 - ii. That where woody weeds are being sprayed, every effort be made to minimise the collateral damage to tall native scrubland and non-target species.
 - iii. That beech trees and tall native shrubs not be cleared except in exceptional circumstances where tracking has been granted consent.
 - iv. That rotary slashing or other similar machine operation not to be carried out at times of high fire risk.

1.(b) Term of consent: This consent will remain valid for a period of 5 years from the date of this decision.

1.(c) Reasons for decision: The Commissioner of Crown Lands has determined that the benefits to farming from allowing the lessee to clear bush and scrub on the lease (predominantly broom, gorse, matagouri and manuka) outweighs the desirability of protecting inherent values provide the conditions of consent are complied with. The requirement to minimise the clearance of bush and scrub for access purposes and to take care to minimise collateral

damage to non-target species will reduce the potential for adverse effects on inherent values.

- 2.(a) To **decline in part** consent to Mt White Station Ltd to clear bush or scrub on the Mt White pastoral lease within the Pt Reserve 3535 (Riversdale Block), One Tree block; part of Binsler 1 Block, part of Little Peveril Block, as on the attached decision plans and photos.
- 2.(b) Reasons for decision: The Commissioner of Crown Lands has determined that the benefits to farming from allowing the lessee to clear bush and scrub on the lease (predominantly broom, gorse, matagouri and manuka) is insufficient to outweigh the desirability of protecting inherent values. In these areas any requirement to minimise the clearance of bush and scrub for access purposes and to take care to minimise collateral damage to non-target species would be insufficient to reduce the potential for adverse effects on inherent values. Please refer to the decision plans and photos for the actual declines.

Permission under other enactments still needed

Your attention is drawn to the provisions of section 17 Crown Pastoral Land Act 1998. This section provides that the Commissioner of Crown Lands may grant consent to an activity specified in sections 15 or 16 of the Crown Pastoral Land Act for the purposes of the Crown Pastoral Land Act notwithstanding that consent may also be required under another enactment. However, the consent of the Commissioner of Crown Lands does not authorise the activity to be undertaken without the required permission.

Right of rehearing

Please note that under the provisions of section 17 Land Act 1948, the lessee has the right to apply for a rehearing of the Commissioner's decision. Section 17 provides that:

17. Application for rehearing – (1) Any person aggrieved by any decision of the Commissioner or any determination of an administrative nature by the Commissioner may, within 21 days after being notified of that decision or determination, apply to the Commissioner for a rehearing, and the Commissioner may, at any time within one month after receiving the application, grant a rehearing of the case if he/she thinks that justice requires it, and on the rehearing may reverse, alter, modify, or confirm the previous decision or determination in the same case:

If the lessee wishes to apply for a rehearing, then an application must be submitted to this office within 21 days of receipt of this letter. The application should clearly state the grounds on which an application for a rehearing is made.

Yours sincerely

MA Sherman

Mike Sherman
Portfolio manager
Crown Property

cc

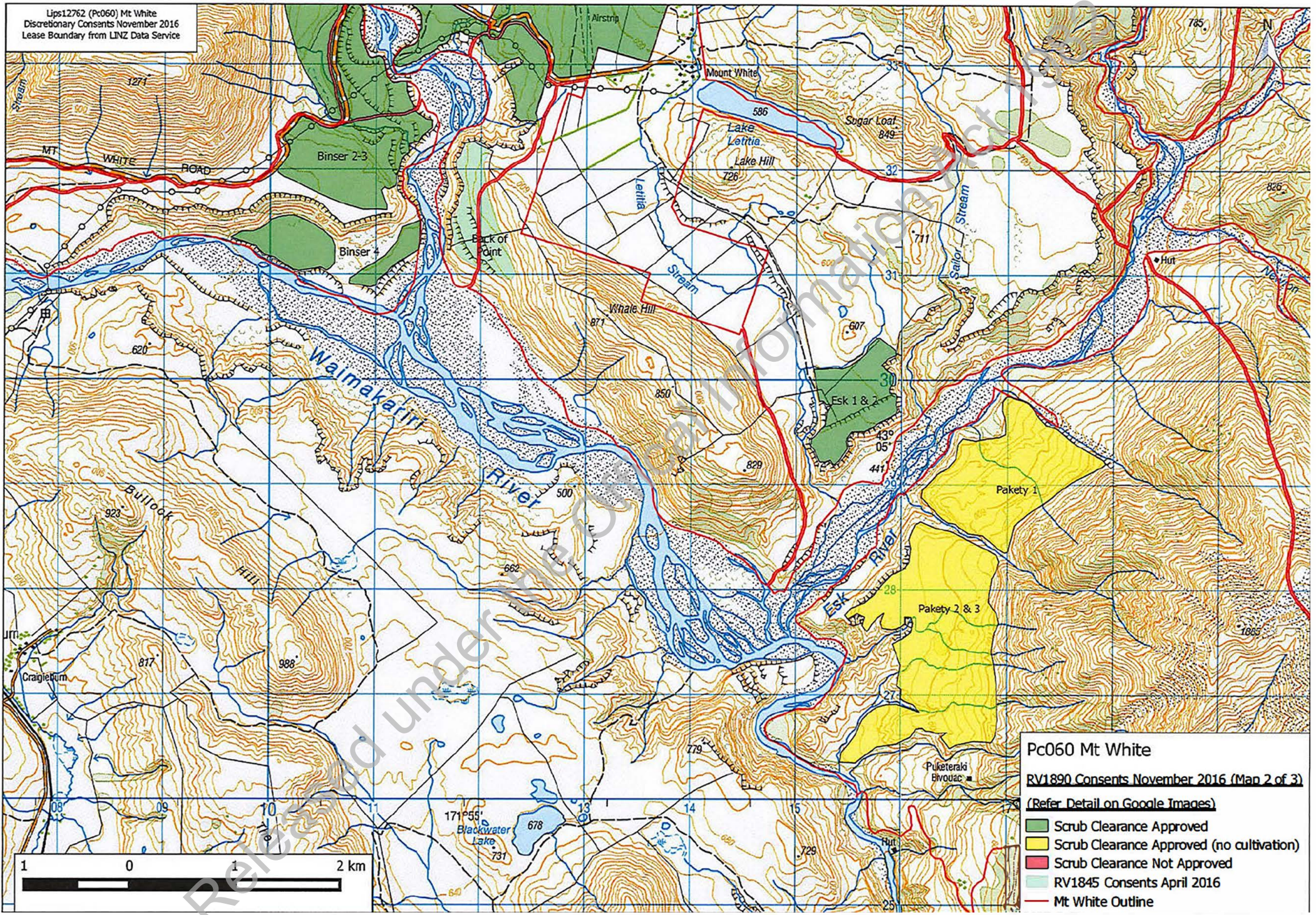
Mt White Station Ltd
C/- Private bag 55018
Orchard Road
Christchurch 8081

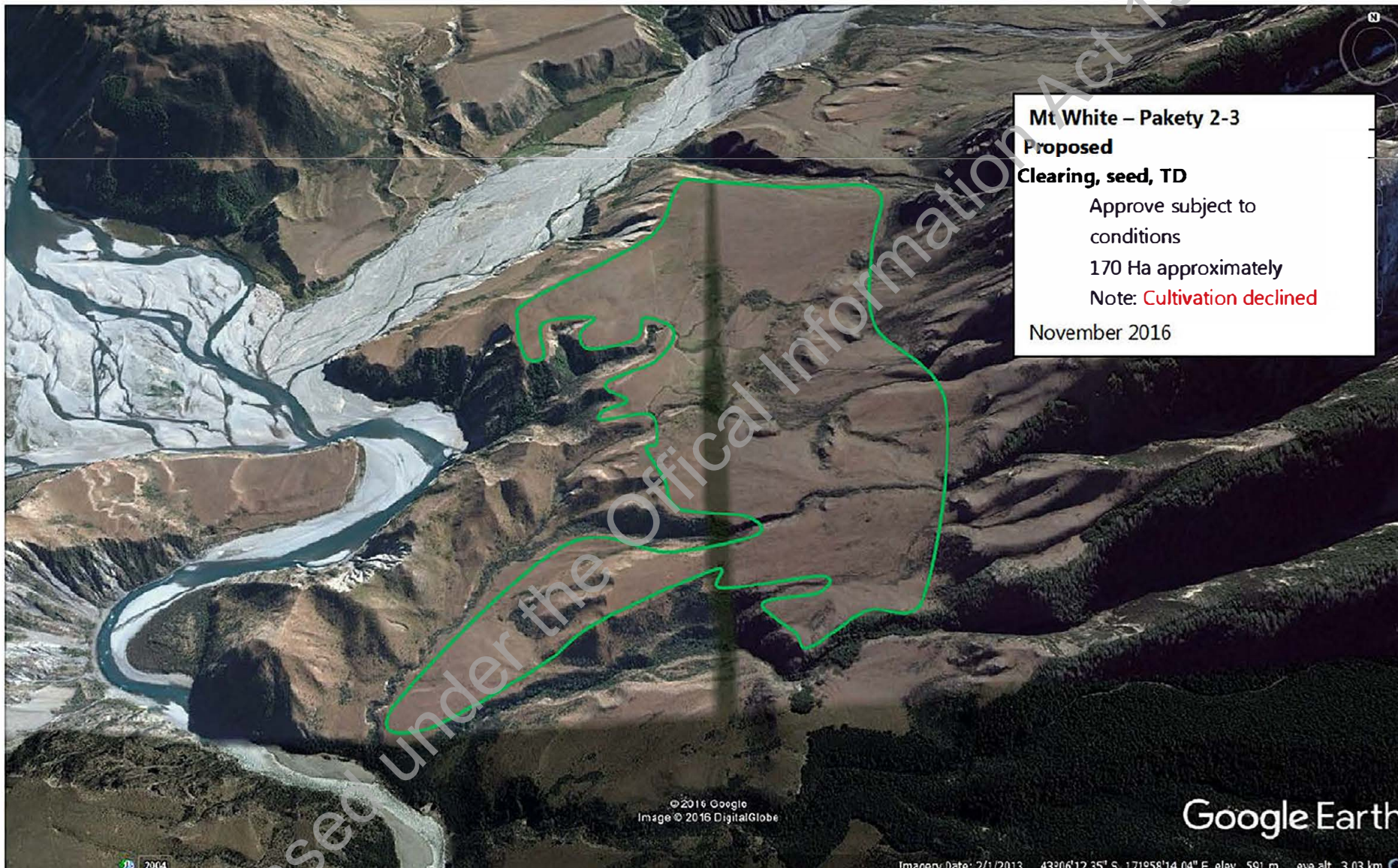
Attachments:

1. Plan of areas (3 sheets)
2. Marked Google images showing detail of areas (10 sheets)

Released under the Official Information Act 1982

Lips12762 (Pc060) Mt White
Discretionary Consents November 2016
Lease Boundary from LINZ Data Service





Mt White - Pakety 2-3

Proposed

Clearing, seed, TD

Approve subject to
conditions

170 Ha approximately

Note: Cultivation declined

November 2016

© 2016 Google
Image © 2016 DigitalGlobe

Google Earth

Imagery Date: 2/1/2013 43°06'12.35" S 171°58'14.04" E elev: 591 m eye alt: 3.03 km