



1 Permission Decision Support Document

Notified concessions

1.1 Application Details

Decision Maker	Kay Booth
Permissions Manager	Judi Brennan
Applicant	John B Cowan
Permission Number	63919-GRA
Permission Type	Notified concession

1.2 Key Dates

Application received	8 th December 2017
Further information requested	23 January 2018
Further information received	23 March 2018
Application notified	3 May 2018
Submissions closed	31 May 2018
Hearing held	26 June 2018
Site visit	12 September 2018
Ecology report provided to applicant for comment	5 th October 2018 with deadline for comments of 16 th November
Summary document provided to applicant for comment	19 th March 2019. Comments from applicant received 16 th April.
Further time provided for applicant comment on ecology report	3 rd May 2019. Applicant confirmed by email 8 th May that no further technical report would be provided.
Decision due	14 th June 2019

1.3 Document Links

Application	DOC-3239443
Further information request	DOC-5390760
Further information response parts 1-4	Part 1: DOC-5458879 Part 2: DOC-5458881 Part 3: DOC-5407979 Part 4: DOC-5453871
Summary of submissions/hearing report (Appendix 3)	DOC-5568007 DOC-5510143
Appendix 1: Site	DOC-5451236
Appendix 2: Land status	DOC-5518185
Appendix 4: Ecology assessment	DOC-5514087
Appendix 5: Management planner advice	DOC-5504991
Appendix 6: Freshwater advice	DOC-3018548
Appendix 7: Recreation assessment	DOC-5589299
Appendix 8: District monitoring	DOC-5709647
Appendix 9: Standard grazing concession conditions	DOC-6206484
Appendix 10: Applicant comment on summary document	DOC-5919759 DOC-5919764

2 Purpose

- 2.1 To make a decision on the application.

3 Context

- 3.1.1 The Department has received a grazing concession application from John B Cowan to graze 736 hectares of the Haast River, part of the Cook River to Haast River Conservation Area. The land is located between the Roaring Billy and the confluence of the Landsborough River. A plan of the activity is included as Appendix I. The proposed grazing activity has a proposed term of 15 years and relates to 60 beef cows per year and 50 calves over 6 months.
- 3.1.2 The application is considered as a new application under section 3B of the Conservation Act. The previous grazing licence: 35621-GRA expired on 31 December 2017. The Department did not offer to renew the licence “due to the complex history relating to grazing in the Upper Haast valley”, and the applicant was informed in July 2017 that a new application was required to be made. The Department also indicated at pre-application stage that due to the location, effects on the land and public interest, any new application would be likely to be notified. The application for this grazing concession was lodged with the Department on 8th December 2017.
- 3.1.3 The applicant currently has three grazing licences located within the Haast River Valley. These areas adjoin, with 1200 hectares known as “Area A’, located immediately down-stream between the Roaring Billy and the Haast River bridge expiring on 31 October 2023. “Area C’, approximately 113 hectares located on the northern bank of the Haast River adjoining “Area A’ also expires on 31 October 2023. The applicant also holds a grazing licence to utilise land on the coastal strip to the south of the Haast Rivermouth which is subject to a current variation application.
- 3.1.4 Grazing within the wider valley has occurred for over 100 years. The Cowans first obtained a grazing licence for grazing public conservation land in the Haast Valley in the 1980s. Over time, additional areas were applied for and granted including the addition of grazing at Sunny Flat in 1985. As 15-year licences, a number of these were publicly notified, including an application in 2000. This application related to the grazing of the Haast River from Clarke Bluff to the River mouth. In 2008 a concession WC19877-GRA was granted to graze the land between Roaring Billy and Clarke Bluff for three years, along with approval to graze Area “A”, between the Haast River mouth and Roaring Billy for fifteen years. The stocking rate was 1.2 stock units per hectare. In 2013, Mr Cowan was granted a further concession for a term of five years, with a reduced stocking rate of 0.4 stock units per hectare. This period has now expired and Mr Cowan was informed that a new application would be required.

- 3.1.5 This application was notified for public comment on 3 May 2018. A hearing was held in Hokitika on 26 June 2018 to hear those submitters who wished to address the Director General’s representative. This hearing was chaired by Barry Hanson, Director, Partnerships, assisted by Karen Jury, Western South Island Improvement Manager and Rebecca Beaumont, Permissions Advisor.
- 3.1.6 This report collates the technical advice from various technical staff to assist in making a decision on the application.

3.2 Location

3.2.1 The activity has been applied for at the following location:

Conservation area	Description of location (if applicable)	Land status	District Office	Activity and term
Cook River to Haast River Conservation Area.	Haast River Valley, between the Roaring Billy and the confluence of the Landsborough River	Conservation Area	Haast	Grazing 736 Hectares for 15 years

3.2.2 A plan of the land status of the application area and surrounding area is included as Appendix II.

3.3 Farm Operations

- 3.3.1 Mr Cowan farms private land at Haast Beach, Shooting Creek and Dancing Creek. These areas adjoin grazing concession area ‘A’ in places.
- 3.3.2 Catherine and George Ivey, the applicant’s daughter and son-in-law and their representatives at the hearing on 26 June 2018, advise that the farm operation along the river is broken up into three blocks – Snapshot Creek, Dancing Creek and Sunny Flat. The Iveys state that like the other large South Westland farming operations, such as the Paringa and Karangarua, the farms rely on the river to provide the scale to allow calves. There is not enough freehold title to operate the same farming operation without use of public conservation land.
- 3.3.3 Area B is considered by the Cowans to be one of their best farm blocks as it produces the “best calves” at Sunny Flat. The applicant considers this is climate based, as the private land at Dancing Creek receives the most rain. Cattle have historically been run in mobs with cattle habits, along with constrictions of the river, keeping mobs separate. Cattle are bred at Haast, moved to the Haast River mouth, up to the freehold at Snapshot, and then up to Sunny Flat. Cattle are placed with other cows who can teach the habits of shifting out of the

rivermouth during flood. Once cattle require more assistance, they are moved back to Snapshot Creek.

- 3.3.4 The grazing levels currently applied for are considered by the applicant to be appropriate for the “worst winter” with associated slow spring growth.
- 3.3.5 Floods affect the proposed licence area with logs deposited upon the flats. Large floods are bank to bank with flats under water. The most recent example of this occurred in May 2019. These floods leave silt over the flats, a natural fertiliser, and this washes off in the next rain sufficiently for cattle. The floods do cause an issue for animal welfare with cattle pushing up off the licence out of the river into the bush. The alternative to this would require the farm to muster cattle following each heavy rain warning, significantly hampering the operation.
- 3.3.6 The Iveys are certain that the habits of the cattle prevent them crossing the river into the Landsborough Valley. The Cowans have a strong relationship with helicopter operators who observe the farm and report that they have been told that cattle have not been seen moving into the Landsborough Valley. The Haast District office has also confirmed that cattle have not been sighted crossing into the Landsborough valley to the East of the permit.

3.4 Relevant details about the Applicant

Credit check result	No credit check undertaken
Compliance with previous permission conditions	The Haast District noted no known non-compliance with conditions on the grazing licence ‘B’ at the time of lodgement. However, there were known non-compliance on licences granted further down the Haast River and on other sites on public conservation land (PCL). Through the submissions process, it was noted that grazing has occurred outside of the grazing area, and unauthorised drainage work and extension to the stock holding yards. This was confirmed during a site visit by the District on 3 July 2018.
Relevant convictions	None

4 Consultation with Treaty Partners

4.1 Haast District Office – Rachel Norton, Senior Ranger Supervisor Community / Visitor Centre
4.1.1 Consultation with Te Runanga o Makaawhio was undertaken and comment received by the runanga on 31 May 2018. Te Runanga o Makaawhio advised that they did not oppose the application.
4.1.2 Te Runanga o Ngai Tahu confirmed on 18 th March 2019 that they supported the position of Te Runanga o Makaawhio.

5 Contributions

5.1 Summary of Submissions and Hearing

(Provided by Barry Hanson, Hearing Chair on behalf of Judi Brennan, Permissions Manager)

5.1.1 The Hearing report (attached as Appendix III) made the following recommendations to the Decision Maker:

- No submission related to the inconsistency with Department policies, plans and legislation has raised an issue that prevents the consideration of the application under the legislative framework (note recommendation regarding National Park below).
- The international conventions to which the Government is a signatory that have been adopted or ratified by Parliament are legally binding, so submissions relating to international commitments are relevant.
- Note that because the land was grazed at the time the wider area was classified as a World Heritage Area (WHA) and the values at the time included the grazing, the aspects of submissions relating to cattle grazing in the WHA are of limited relevance.
- A consideration for the Decision Maker as part of the application is whether any adverse effect from the application is acceptable and to what extent these effects would be allowed to occur.
- The ecological effects of the application are not agreed, and this is considered to be a critical issue for this application. I recommend a thorough assessment is undertaken as part of the consideration of this application.
- It is clear that grazing within Mount Aspiring National Park (MANP) is not permitted by the current MANP Management Plan, and therefore the current proposal cannot be considered in such a way that allows this to occur.
- Grazing outside of the proposed licence area (eg The Cook River to Haast River Conservation Area to the north of the application boundary) is also unacceptable and should be factored into your decision.
- The ongoing management and monitoring of a grazing licence is an important aspect of the concession system.
- The Department has a responsibility to ensure that any approval is enforceable and practical.

5.2 Jane Marshall and Rowan Hindmarsh-Walls, Ecology (plant) advice, Terrestrial Ecosystems Unit.

Attached as Appendix IV

5.2.1 Report Summary

- John Cowan has applied to continue a 736ha grazing licence in the Haast River valley; currently the licence has expired but the activity continues.
- The licence area supports Threatened and At-Risk¹ plant species and habitat for Threatened and At-Risk fauna. Most of the grazing licence area is within the braided river bed and includes functioning wetlands, both ecosystems are classified as naturally uncommon² and Threatened.
- The grazing licence facilitates the presence of cattle outside the licence area in adjacent public conservation land including Mount Aspiring National Park, as cattle are unable to be effectively controlled within the bounds of the lease area.
- Research has shown that cattle grazing reduces the diversity of native species in forest and is likely to be partly responsible for preventing forest expansion: our field observations are consistent with this. Research has also shown that cattle grazing can maintain higher exotic and native herb and grass diversity in grassland areas over the short term. Field observations at this site show higher diversity of native shrubs and sub shrub species in grasslands where there is little evidence of cattle.
- The presence of cattle is reducing the resilience of special species populations within and adjacent to the licence area through browsing, trampling and other behaviours which prevent recruitment and reduce growth and survival. The presence of cattle is having negative effects on the wetlands across the licence area. Cattle movements appear to contribute to the spread of weeds.
- Maintaining the status quo will result in the continual decline in plant species diversity within the forest. It will very likely result in the reduced resilience of local populations of *C. wallii*, a species declining nationally, as well as reducing growth and survival of other native plant species. Wetlands will degrade further.
- Removing cattle will release pressure on the palatable plant species and return greater diversity within the forest and remnant patches, remove the pressures on good populations of *C. wallii*, and facilitate the recovery of freshwater and wetland ecosystems. It may also decrease the diversity of herb species in the grasslands, at least for the short term but will likely promote the survival of woody shrubs and subshrubs in those grassy areas over time.

5.2.2 The applicant was provided a copy of the Department's ecological assessment on the 5 October 2018 and given until 16 November 2018 to provide comment. The applicant confirmed that he did not wish to provide an ecological review or comment.

¹ **Conservation status of New Zealand indigenous vascular plants, 2018.** de Lange, P.; Rolfe, J.; Barkla, Courtney, S.; Champion, P.; Perrie, L.; Beadel, S.; Ford, K.; Breitwieser, I.; Schönberger, I.; Hindmarsh-Walls, R.; Heenan, P.; and Katie Ladley, 2018. *New Zealand Threat Classification Series* 3. 70 p.

² <https://www.landcareresearch.co.nz/science/plants-animals-fungi/ecosystems/rare-ecosystems>

5.3 Sarah Smylie, Management Planner

- 5.3.1 Advice was provided and is attached as Appendix V. This related to the natural character and amenity effect of grazing with particular reference to the Te Wahipounamu South Westland World Heritage Area.
- 5.3.2 The advice concluded that the natural character and amenity values of a place are set out within the appropriate Conservation Management Strategy (CMS) for that place. There are no specific thresholds for amenity or natural character for the Haast Valley and controls relate to the assessment and mitigation of effects.
- 5.3.3 The Te Wahipounamu South West New Zealand World Heritage Area was inscribed in 1991 and the effects should be assessed, and the values must be managed to ensure that the effects on values were the same or lesser in terms of character, scale and intensity than the activity that was occurring in 1991. If District office staff consider that the grazing activity is significantly different to 1991, advice could be obtained from a landscape specialist.

5.4 Rosemary Miller, Freshwater Technical Advisor: Livestock Access 101.

- 5.4.1 As the definition of the bed of a river includes the river at its fullest flow then freshwater policies apply to the consideration of this application.
- 5.4.2 High level advice provided by the Freshwater team, whilst outdated in relation to the specific Freshwater Policy in relation to the Clean Water 2017 package, provides good context to the Department's consideration of effects of grazing on waterways, standard mitigation measures of these activities, such as riparian setbacks and plantings and the intent to advocate to improve these values.
- 5.4.3 Advice received from the Freshwater Unit sets out that the "key adverse effects of livestock access to freshwater ecosystems are:
- Consumption of plant matter
 - Trampling of riparian plants and fish habitat, and subsequent compaction of soil (pugging).
 - Nutrient inputs and microbial contamination from urine and faeces
 - Stream bank erosion from vegetation removal and trampling."
- 5.4.4 Reference is made to conditions within the standard grazing licence contracts which can mitigate effects on freshwater values such as fencing requirements to exclude livestock from waterways, the retention of an adequate ungrazed vegetation strip along watercourses, use of electric fencing at a designated distance from waterways, low stock rates, adherence to regional water plans and replanting of riparian areas. It is also noted that nothing limits decision makers from including additional restrictions or conditions on a case by case basis.

5.5 Cher Knights – Effects of cattle grazing on recreation access values on the Haast River flats.

5.5.1 This advice is attached as Appendix VII.

5.5.2 There is little research undertaken within New Zealand regarding the interactions of livestock and recreationists.

5.5.3 Positive effects:

- Grazing can improve scenery and recreation in some instances.
- Rural tourism is increasing across New Zealand as farmers combine to provide tourism experiences. Agri-tourism is popular with international visitors, over 25% of who visited a farm or orchard during the 2015 season (NZ Herald, 2017)³. The presence of stock and farming activity may not detrimentally affect the experience of a tourist. However, similarly, if stock were removed from the licence area, tourists may be drawn to the natural vista of the Haast valley and its landscape.

5.5.4 Negative effects

- Structures such as fences and gates remind recreationists that others are present, when for many the act of visiting public conservation land is to “get away from it all”. The need to open and close gates when livestock is grazing has led to complaints. Similarly, conflicts occur when fencing is cut or left open by users who desire unobstructed access through recreational areas.
- Potential danger from livestock is commonly cited to remove grazing from public land. However, the biggest point of contention for some grazing opponents is not the recreationist injuries but the fact that private graziers benefit from the use of public lands.
- Complaints from livestock grazing in recreation areas include the presence of cow manure, flies, fouling of water holes and damage to tracks.
- Fishers tend to have a lower tolerance of livestock grazing activities than hunters due to perception that cattle have adverse effects on water quality and riparian habitats.
- Grazing is considered to be a key contributor to poor water quality in New Zealand. Complaints by recreationists can arise from the fact that grazing is allowed on public conservation land. The potential effects and activity are therefore largely perceived to be in conflict with the clean green image portrayed on the international stage. It is difficult to quantify the actual damage to the recreational experience caused by the presence of livestock, but the damage to the 100 % Pure brand must be taken into account.

³ New Zealand Herald (2017) “Agri-tourism: Visitors flock to farms and vineyards” 27 March 2017. Accessed off https://www.nzherald.co.nz/the-country/news/article.cfm?c_id=16&objectid=11826435

5.6 Haast District Office Monitoring visit

Attached as Appendix VIII.

- 5.6.1 The Haast District office undertook a monitoring inspection of the previous licence, along with Western South Island Operations Director Mark Davies.
- 5.6.2 District staff noted evidence of river debris from flood events and slips localised pugging and bank damage, presence of pasture weeds throughout. Fencing and yards were considered to be in good condition.
- 5.6.3 Earthworks and recent repairs to the stock yards were noted for follow up compliance consideration.
- 5.6.4 The District concluded that the grazing was having little effect on conservation values but did not undertake a detailed analysis.

5.7 West Coast Tai Poutini Conservation Board response

5.7.1 West Coast Tai Poutini Conservation Board were consulted on the proposal. The Board was polarized in both support and opposition for this application and thus no consensus was possible. However, in order to assist you and provide an overview of the Board members views they provided a summary:

Summary of Conservation Board member comments:

Community:

5.7.2 Those supporting the application point to the long history of grazing in this river valley including that of the applicant and a large amount of community support. The employment of three young families is seen as significant in this small isolated community. There is also a view that if Mr Cowan was not to have this renewal granted there would be an issue of fairness as the Landsborough owners were given considerable compensation when the station was bought by the Crown. Those opposing, argue that the benefits would not be substantial, and profits are privatized while there is a public cost.

Ecology:

5.7.3 Those opposing the application note that the application to graze public conservation land in an iconic braided river goes against the efforts to clean up NZ's waterways and note that this valley is habitat for wrybill and dotterel. Others suggest that such (dry stock) grazing on a river run farm is very low impact compared to other (dairy) farming systems in NZ. While some argue that the Haast Valley has essentially the same values as the adjoining ex-Landsborough Station (which was purchased by the Crown), others suggest that this similarity is a reason to support the application. One member views the application as contrary to the Conservation Act.

Boundaries and Access:

5.7.4 While those opposing the application are concerned with the lack of boundaries for cattle which can potentially access National Park from the Stewardship land they are in, others state that this was covered in the rebuttal by the applicant in the hearing.

5.7.5 In terms of access it is considered that fences could be supplied with stiles and (swing) gates to mitigate this concern. DOC tracks are reported to be open and clear.

Aesthetics:

5.7.6 While some feel that the cattle grazing is contrary to the "untamed wilderness" branding of the West Coast others consider that the wild landscapes of South Westland with cattle grazing and stockmen on horses is a part of that branding as evidenced by the work of nationally known NZ artists and photographers

6 Statutory Analysis: Notified Concession under Part 3B of the Conservation Act 1987

Rebecca Beaumont, Permission Advisor

6.1 **S17S: Contents of application**

6.1.1 To be complete (s17S(1)), an application for a concession must include:

- A description of the proposed activity;
- A description of the locations for the proposed activity;
- A description of the potential effects of the proposed activity and proposed action to avoid, remedy, or mitigate adverse effects;
- The proposed term and reasons for that term;
- Relevant information about the application (as requested in the application form).

6.1.2 **Criteria for decision:**

1. Does the application include all the required information as per s17S?

Yes / ~~No~~

6.1.3 The application as lodged did not contain sufficient information for the public to understand the application and to assess the effects of the activity, and further information was requested from the applicant under section 17SD of the Act on 23 January 2018. The final piece of further information was received on 23 March 2018.

6.1.4 The information provided allowed the public to understand the activity applied for and its effects from the applicant's perspective and the application proceeded to public notification on 3 May 2018.

6.1.5 However, the application and further information received was not considered sufficient for the decision maker to make a decision so reports from Department staff expert in relevant areas were required. This matter was also raised by submitters, who were concerned about the level of information included in the application relating to ecological effects in particular, or submitters disagreed with the statements made by the applicant within his application.

6.1.6 Department staff have consequently provided additional assessment of effects to assist the decision maker in their assessment under section 17S. This information included:

- A further compliance assessment of the application undertaken by the South Westland District office
- An ecological assessment of the application provided by the Terrestrial Ecosystems Unit.
- An assessment of the amenity and natural character effects of cattle grazing in the valley from the Management Planners.
- Advice on the effects of cattle grazing in river valleys on freshwater values from the Freshwater Team.
- Advice on the effects of grazing on recreation and access values from the Recreation team.

Following the provision of the assessments above, it is considered that the application is now accompanied by sufficient information for a decision to be made.

6.1.7 Iwi consultation indicated that there are no cultural issues of concern and iwi has no objection to the proposal.

6.2 S17T(2): Process for complete application

6.2.1 A concession must be publicly notified if it meets any of the following criteria:

- The concession type is a lease – this is for exclusive use of public conservation land;
- The term of the concession exceeds ten years (unless it is an easement – an easement may be granted for a term exceeding ten years without public notification);
- The effects of the activity mean it is appropriate to do so.

6.2.2 Criteria for decision:

2. Is public notification required?

Yes / ~~No~~

6.2.3 State why public notification is required:

Marie Long, Director Planning Permissions and Land, determined that the application required notification under section 17 SC(2) of the Act due to the effects of the application. Following this determination, the applicant elected to extend their licence term to be 15 years, which also requires notification under section 17SC(1)(b) of the Conservation Act.

The application was publicly notified in the Otago Daily Times, the Greymouth Evening Star and displayed on the Department's website.

6.3 S17U(1) and (2): Analysis of effects

6.3.1 Criteria for decision:

3. Is the activity consistent with s17U(1) and (2) of the Conservation Act?

~~Yes~~/ No

6.3.2 It is considered that the assessments and information provided with the application identify adverse effects of the activity of which there are no reasonable or adequate methods to avoid, remedy or mitigate. This is discussed in further detail under the specific effects below.

Discussion:

6.4 Ecological effects

6.4.1 The applicant has previously undertaken grazing upon the proposed licence area, enabling an assessment of the effects of the existing operation to be utilised when assessing the current proposal to graze the land. This is especially applicable due to the fact that the applicant has stated an intent within their application to continue their previous grazing regime. The technical ecological assessment undertaken by Jane Marshall and Rowan Hindmarsh-Walls: department staff, identified that the previous grazing was causing adverse effects on the environment.

These effects include:

- Reducing resilience of special species populations within and adjacent to the licence through browsing, trampling and other behaviours which prevent recruitment and to reduce growth and survival.
- Field observations reflected the findings of research and identified that the diversity of native species within the forest was declining and that cattle were partly responsible for preventing forest expansion and that there was a higher diversity of native shrubs and sub-shrubs in grassland with less evidence of cattle.
- Spread of weeds
- Negative effects on wetlands across the licence area.

6.4.2 The assessment concluded that the proposed grazing operation of 15 years would result in the following adverse effects:

- Continual decline in plant species diversity within the forest.
- Very likely result in the reduced resilience of local populations of *Coprosma wallii*, a species declining nationally, as well as reducing growth and survival of other native plant species.
- Further degradation of wetlands.

6.4.3 As set out within the submission summary and hearing report, submitters including Dr Theo Stephens and Dr Susan Walker, raised concerns relating to the browse of vegetation including ribbonwood stands on Sunny Flat and over the licence boundary into the adjoining Mount Aspiring National Park. Submitters also noted adverse effects occurring up the debris fan on the northern side of the river and on fragile herb species stated to be occurring through grazing and associated stock trampling and erosion. Adverse effects on wrybill and dotterel habitat were also noted, however it was clarified at the hearing that known sightings of these birds were outside of the grazing licence under application.

6.4.4 The applicant considered the majority of effects were unable to be distinguished from the effects of deer browse. The Haast River was also a dynamic river system subject to heavy rainfall and bank to bank floods which also modified habitat, caused erosion and affected wetlands. The applicant acknowledged that adverse effects were created by the grazing operation, however these were either discreet, such as tracking was created through animal habit rather than uniform across the licence, and that other effects, such as pugging on Sunny Flat was created by heavy rain, along with operational requirements of the Department to hold stock during a 1080 operation. It was also the applicant's view that grazing operations did create effects, however they were an unavoidable side of farming operations, which the Department accepted elsewhere on public conservation land in the country and in the past within this licence area.

6.4.5 The technical ecological assessment undertaken by Jane Marshall and Rowan Hindmarsh-Wall, both qualified Departmental staff, has informed this assessment. The report authors undertook a thorough site visit to fully assess the effects on site, alongside reviewing the literature around grazing and the effects of grazing.

6.4.6 A copy of the Stephens and Walker submission which had been referenced by many submitters at the hearing was also referred to and its observations ground checked.

6.4.7 It is noted that the Applicant's representative, Mr Ivey, in a letter to the decision maker dated 15 April 2019 asked:

“How is it possible then that these ecologists can make an unbiased report, which is to be considered “the definitive report,” when they have been led by a submission written by two people that vehemently oppose us, a submission upon which the vast majority of

opposing submitters based their opinion on, and a submission which we completely discredited at the public hearing...”.

- 6.4.8 The findings of the Marshall and Hindmarsh-Walls’ assessment report, stands on their own assessments and any suggestion that they were ‘led’ by any of the submissions is refuted. It is considered to be the definitive assessment of ecological effects. Their technical assessment is that the grazing activity is causing adverse effects. As stated previously, the applicant was supplied a copy of this report and has not elected to provide a peer review or alternative report. This was offered on two occasions: immediately after the Department report was received and following the applicant’s comments on the decision summary document. No technical ecology response was provided by the applicant. Mr Ivey’s letter of 15 April 2019 is appended to this report.
- 6.4.9 The applicant’s response about the statements around the Department “accepting” or otherwise the established adverse effects of grazing on public conservation land, is considered to relate to the assessment against the policies and legislation which occurs later within this report.
- 6.4.10 There is an important distinction between natural and non-natural processes occurring upon the proposed grazing site. The Haast River is a dynamic river with high flow rate. During flood events the river bed topography is in a state of flux as the river course changes and erodes away vegetated islands and riverbanks. Expanses are swept clear and covered with gravels. Forested margins can also be inundated. These natural processes are unavoidable. The applicant considers that effects of the grazing: potential for track development, land clearance, stock browse, trampling of vegetation and spread of plants and weeds are no more than the natural processes. However, the effects of introduced activities are additional effects, and in some cases concentrates in certain areas due to stock habit. Resilience to natural processes could be reduced through the additional effects of human processes occurring.
- 6.4.11 Marshall and Hindmarsh-Walls have considered potential mitigation measures within their report, although they conclude that these will not avoid remedy or mitigate all effects on natural values. These include the fencing of identified ribbonwood trees as volunteered by the applicant at the hearing, and a reduction in stocking rate. It was noted that ceasing grazing would decrease the diversity of grass and herb species in the grasslands over the short term as grazing was enhancing the diversity of herbs and grasses in the grasslands at present. However, the report concludes that if the cattle were removed from the grazing area, that pressure would be released on a number of effects identified and listed above.

6.5 Visual/Amenity effects

- 6.5.1 The amenity and natural character of an area is dependent on the specific values of the area. These are set out within the local planning documents which include the CMS. Natural character, by definition, relates to the natural and physical elements. Amenity values include the social characteristics and values of an area also.
- 6.5.2 Through the public notification process, public views on the values of the Haast River were received. Submitters held two opposing views: The first, that the presence of cattle within the river valley added to the amenity of the area. These submitters, Paulette Birchfield and Wayne O’Keefe, referenced the long history of grazing in the Haast River and wider locality. It was said that tourists visiting the valley appreciated the bucolic scenes. The opposing view held by other submitters such as John Caygill, Rosalie Snoyink, Frida Inta, and Lesley Anderson was that the river valley had amenity in its natural state, and the addition of farm animals and the fences and structures that were

associated with the farm activity had adverse amenity effects. These divided views were also evident in the response from the West Coast Tai Poutini Conservation Board.

6.5.3 A dominant feature of the landscapes of South-Westland and the Haast Valley in particular is scale. The backdrop of the Southern Alps frames the wide river valley. The proposed grazing area is one of the most visible parts of the river as the State Highway follows the river for much of this licence. Depending on the viewer's opinion of stock grazing, the view can either be enhanced through the addition of pasture and cattle, or detracted from as the fencing, stock yards and animal interrupt the natural wilderness of the view. The assessment of the appropriateness of grazing is best achieved through the CMS under section 7.18 of this report.

6.6 Freshwater effects

6.6.1 There has been a nation-wide movement to improve water quality led by Government, regulatory and local community organisations. The Department has advocated for freshwater management and has been a proponent of national and regional policies relating to improvement to freshwater values. A component of the focus on water quality improvements have been reducing the effects of dairy farming, which through its intense nature has been established to impact on freshwater values if not carefully managed. This application relates to beef stock grazing at a low stocking rate but many submissions referred to the changed public perception in relation to livestock management within water through statements such as "it is no longer acceptable to allow cattle within waterways".

6.6.2 Advice received from the Freshwater Unit set out that the "key adverse effects of livestock access to freshwater ecosystems are:

- Consumption of plant matter
- Trampling of riparian plants and fish habitat, and subsequent compaction of soil (pugging).
- Nutrient inputs and microbial contamination from urine and faeces
- Stream bank erosion from vegetation removal and trampling."

6.6.3 Pugging occurs when animal hooves penetrate wet and saturated soil which squashes plants and prevents drainage. Pugging along with compaction increases surface runoff and can have long lasting effects if the soil does not recover between grazing. Stock rates are an important component in the management and mitigation of this aspect of the adverse effects. The Marshall and Hindmarsh -Walls report and the District compliance visit identified pugging occurring in specific locations throughout the grazing licence. Marshall and Hindmarsh-Walls considered this to be an adverse effect on freshwater values.

6.6.4 Nutrient inputs and microbial contamination are also impacted by the stocking rate. No formal assessment has been undertaken of water quality within the Haast River as part of this application. The nature of the farming operation and the high flows of the Haast River including periodic floods mean that the operation is not considered to be having a significant adverse effect on water quality. However, it is noted that individual wetlands and tributaries will not have the same 'dilution' and localised effects on waterways and wetlands are occurring as noted by Hindmarsh-Walls, and Stephens and Walker in their submission.

6.6.5 The Department's standard grazing concessions include a requirement to fence to exclude stock from waterways. This would remove potential effects caused by stock

entering the river. If these conditions were to be imposed on the licence as applied for, it would preclude natural stock movement throughout the licence area, and potentially the ability of stock to sun on gravel flats within the river. Stock would be limited to the vegetated flats significantly reducing the area available for grazing. The District Office and applicant advise of the significant practical issues with constructing fencing along the boundary of the licence area and waterways.

6.6.6 As noted within the freshwater guidance, other standard conditions on grazing concessions require the exclusion of riparian margins from grazing through fencing and also the retention of riparian vegetation. For activities taking place almost entirely within a riverbed, these effects are often controlled through a low stocking rate. The concept behind this method is that the low stocking rates reduce graze of riparian vegetation and effects on the riverbank and margins through reduced pressure. Marshall and Hindmarsh-Walls have specifically stated that in their view this will not remove all localised effects on freshwater.

6.6.7 The proposal is considered to have a low adverse effect on freshwater values.

6.7 Containment

6.7.1 The submissions and applicant identified that stock currently encroach to the north and south onto land outside of the proposed licence area. To the south, this is Mount Aspiring National Park (MANP), to the north, this is the Cook River to Haast River Conservation Area. The applicant's representative at the hearing, George Ivey stated that stock would move out of the licence area approximately 10% of the time. This was often in times of flood, when stock would move off the river bed. To many submitters, this was inappropriate and a reason for the Department to decline the concession. In their view, the stock moving off the licence into the surrounding national park and conservation area, much of which was vegetated, was causing adverse effects. FMC noted in their submission that the construction of a fence in order to mitigate this effect, would create additional adverse effects on recreation. To the applicant, allowing the stock to move off the riverbed was an animal husbandry and wellbeing requirement and was one that the Department accepted as a management tool.

6.7.2 The Department is limited in its ability to approve a licence with flexible or transitional boundaries. Impacts on the edge of the licence were accepted by all submitters and identified by Marshall and Hindmarsh-Walls on their site visit.

6.7.3 Currently a fence has been constructed along the boundary of the State Highway and MANP to prevent stock accessing the roadway. In order to contain stock within Area B, a fence would need to be constructed along the boundary of the licence area. There are constraints to this construction, due to the shifting location of, and erosion from, the Haast River. Any fence built may also require the clearance of riparian vegetation in order to facilitate construction. This clearance may be required to occur multiple times if the fence is located in an area of active erosion. It will also create costs for the licence holder. It could be possible to create a condition requiring the fencing of the boundaries of the licence and for these fences to be maintained and moved at the expense of the licence holder.

6.7.4 Given that the majority of the grazing occurs on the pockets of river flats, another option if the licence was approved, would be to fence these pockets of the licence and then move stock between them. This would enable the containment of the activity within the licenced areas, although would mean the concession holder has lost the ability to have stock

moving freely over areas of the licence, and the ability to graze any new river flats that develop as the river moves over time.

6.8 Recreation effects

- 6.8.1 A number of submitters considered that the grazing of animals upon the public conservation land, and the associated structures such as the electric fencing along the highway and stock yards at Sunny flat form a barrier to recreational access. Submitters valued the beauty of the value and the ease of access off the state highway. This was verbally addressed at the hearing by Theo Stephens on behalf of Stevens and Walker, Brian Anderson and also Gilbert van Reenan. These submitters outlined difficulty accessing through gates and the diminished perception of ability of access when driving along the highway. Fencing and grazing formed a mental and physical barrier to this.
- 6.8.2 The applicant stated that they provided gates and styles at every safe pullover spot along the highway and did not decline any hunter access through the land unless due to operational requirements. The applicant offered to construct additional access points onto the land at any location requested by the department in order to facilitate this access.
- 6.8.3 As set out in section 6.6, Cher Knights of the Tourism and Policy team identified that there was limited research identifying adverse impacts of cattle presence on recreational values, although there were well known positive and negative effects. Positive effects related to the management of weed species, and management of fire risk (although not of great importance at this site). Agricultural tourism is growing in popularity within New Zealand so the presence of cattle within the landscape is considered neutral, although it is noted that tourists also value the vast natural landscapes devoid of human influence which would be present without the grazing activity. Negative effects related to the impact on the enjoyment of recreation through perceptions of the values sought by the recreation activity such as remote or wilderness values which may be impacted by the introduction of fences and stock. Similarly, perceptions of grazing and its potential effects can negatively impact upon the enjoyment of recreation pursuits. These impacts were identified by a number of submitters.
- 6.8.4 Rafting and kayak operators have previously utilised the Landsborough River for commercial trips, although there are no current concessions. These operations are not known to utilised the river through the licence area. The take out is at Clarke bluff, at the upper end of the licence. Haast River safaris operate jet boat trips on the Haast River below the Roaring Billy. Hunters access the Landsborough Valley and the Roaring Billy. The District Office advise that they have received no complaints about hunting access and very limited complaints (estimated to be approximately three) regarding access such as difficulties getting canoes over the fence.
- 6.8.5 If the application was declined and fencing required to be removed from the land adjoining the State Highway, there will be unrestricted access into the Westland National Park and through to the conservation area. However, the nature of the highway means that there may not be additional safe areas where a vehicle can exit off the road corridor and park. The applicant has also offered to install additional stiles, gates or other access points if requested by the Department. It is considered that recreation effects, other than those that relate to intrinsic and natural character, are considered to be low.

6.9 Intrinsic effects, effects on the World Heritage Area

- 6.9.1 A number of submissions raised intrinsic opposition to the presence of cattle within the riverbed. Interactions with tourism and the 100% Pure New Zealand brand were also raised. Sir Alan Mark, confidential submitter number 2, Forest and Bird, Suzanne Hills, Claire Morfett & Keith Backes, David Young, Inger Perkins and the Environmental Defence Society and others stated that it was inappropriate for cattle to graze within a World Heritage Area and within a waterway.
- 6.9.2 The public notification seeks to obtain the public view about the effects of a proposal. This assists decision makers to apply weight to the aspects of the application that require assessment under the CMS. However, the implementation of wider changes in perception of acceptability or otherwise of an activity is implemented through policy creation. The CMS is the document that sets out the Department's goal and commitments at place. This allows consistency in processing for applicants and clarity about the sphere of effects acceptable at place in a certain locality. It is the review of these documents that needs to reflect the changing views of the public rather than individual application assessments.
- 6.9.3 Related to the above, a number of submitters were of the view that the Department should demonstrate leadership which in their opinion would be:
- Declining grazing within the riverbeds thereby improving water quality within the World Heritage Area.
 - Reducing greenhouse gases
 - Providing a high quality experience for visitors
- 6.9.4 Submitters in support of the proposal and the applicant have noted the longstanding history of grazing within the Haast valley, including that on public conservation land, and the contribution of grazing to the settlement of South Westland.

6.10 Positive effects

- 6.10.1 The applicant advised that the grazing area formed an important part of their farming operation. Stock from the Sunny Flat grazing area were considered by the applicant to be some of their best performing stock. The farm was low input, with a rotation system between the freehold farmland owned by the Cowans and the licences on public conservation land.
- 6.10.2 Two submissions in support of the proposal by Wayne O'Keefe and Paulette Birchfield were general in nature. Mr O'Keefe referring to the improvement of the land and the environment. Ms Birchfield stated that the site had a long history of grazing and was "well managed". Neither submitter expanded upon how the land or environment had been improved.
- 6.10.3 Comments made by submitters and the West Coast Tai Poutini Conservation Board referencing social and economic effects on the wider community of Haast are not able to be factored in to the decision maker's considerations under the Conservation Act 1987 which must be focused on the effects of the activity on natural and historic resources.

6.11 S17U(3): Purpose for which the land is held

6.11.1 A concession shall not be granted if the proposed activity is contrary to the provisions of the Conservation Act or purpose for which the land is held.

Criteria for decision:

4. Is the activity contrary to provisions of the Conservation Act or the purpose for which the land is held? **Yes / No**

Discussion:

6.11.2 The Haast River is located within the Cook River to Haast River Conservation Area, classified as Stewardship land under section 25 of the Conservation Act. The management of Stewardship land is set out within the Act as:

(25) Every stewardship area shall so be managed that its natural and historic resources are protected.

6.11.3 The “natural” resources of the Haast River valley would be adversely impacted upon by the proposed grazing activity. As set out within the ecological assessment, the grazing activity will moderately adversely impact upon the valleys and its surrounds. Approving the grazing would therefore not be considered to “protect” these natural values as required by section 25.

6.11.4 The effects on the protection of heritage values is also required. Although no known listed archaeological or heritage values are located within the proposed grazing area, the activity of grazing itself could be considered to have historic value, due to the link to the development of South Westland.

6.11.5 However, although the impact of heritage values relates to the activity proposed on the site, it is not specifically on the site, therefore the heritage of farming within South Westland would remain unaffected by a decision on the proposal. This is in contrast with the natural values, which are specific to the site and have been identified as not being able to be protected.

6.12 Te Wahi Pounamu – South West New Zealand

6.12.1 The World Heritage Area was created in 1986 along the boundary of Westland National Park. This part of the site was inscribed in 1991. As set out within Management Planner Sarah Smylie’s Management Planning advice, Te Wahipounamu – World Heritage Area classification was installed. In order to meet the criteria, the site needed to meet standards and integrity of protection to ensure that these values were safeguarded. As grazing was occurring at the time of the inscription as a world heritage area, if the grazing was considered to have altered in terms of character, scale and intensity in a way that impacts on the SOUV, then this would be required. It has not; the scale of grazing has decreased over time. The activity is therefore considered to be consistent with the World Heritage Area status.

6.13 S17U(4): Can a structure or facility be reasonably undertaken elsewhere?

6.13.1 A concession to build or extend a structure or facility shall not be granted if the activity could reasonably be undertaken in another location that is outside conservation land or in another conservation area where the potential adverse effects would be significantly less, or if the activity could reasonably be undertaken in an existing structure.

6.13.2 Criteria for decision:

5. Is the activity consistent with s17U(4) of the Conservation Act? (That is, the activity cannot reasonably be undertaken at another location or in an existing structure?)

Yes/No / Not Applicable

6.14 S17W: Relationship between concessions and conservation management strategies and plans

6.14.1 A concession shall not be granted unless the proposed activity is consistent with any established conservation management strategy, conservation management plan, and/or national park management plan.

6.14.2 Criteria for decision:

6. Is the activity consistent with all relevant statutory planning documents?

Yes/ No

Discussion:

6.15 Conservation General Policy

6.15.1 This document provides the overarching policy for the assessment of application on public conservation land.

Policy 11.2 relates to the consideration of Grazing and Farming.

11.2 (a) The following criteria should be applied when considering applications for grazing and farming concessions:

- i. the land is in existing pasture or farming use;*
- ii. the number and type of stock are suitable for the location and land type;*
- iii. grazing animals can be effectively controlled;*
- iv. any adverse effects of stock on waterways, wetlands and riparian zones can be avoided or otherwise minimised;*
- v. there are no adverse effects on wāhi tapu;*
- vi. there is no risk of erosion caused by grazing or farming;*
- vii. the need to use grazing for management purposes;*
- viii. the potential for restoration is not compromised; and*
- ix. public access is maintained.*

11.2 (b) Grazing concessions should be issued for a fixed period and market rentals should be paid.

6.15.2 The matters set out within the policy closely relate to the assessment of effects under s17U(1) and (2) above.

6.15.3 Although the concession relates to a new consideration of the activity of grazing in this area of the Haast River valley, the land has been grazed for a significant period of time. The stocking rate is low, and the land is largely riverbed, however there are grassy flats in pasture species, and farming structures upon the land.

6.15.4 Policy 11.2(a)(ii) is clear that conditions could be imposed on any approved concession specifying and limiting the type and number of stock to be grazed on the land.

- 6.15.5 As set out within the ecological report, although low in density, the stocking rate of 60 cows and 50 calves over 736Ha has been determined to be creating an adverse effect. A reduction in the number of cattle on the licence area may reduce the rate of decline of biodiversity values. However, the ecological assessment stated the view that reducing cattle numbers would not eliminate weed spread, lack of diversity of native species on the grasslands and where species preferred by cattle was in lower abundance, the cattle reduction may not be sufficient to result in their recovery.
- 6.15.6 Policy 11.2(a)(iii) requires grazing animals to be effectively controlled. This was a matter of discussion at the hearing as all parties identified that stock currently move outside of the grazing licence area into the surrounding forest to the north and south. This is covered in further detail within section 7.7 “Containment” above. The applicant has not applied to graze this area as part of their licence, therefore stock will be expected to be prevented from entering land outside of the licence. As discussed previously, there are logistical challenges to adding additional containment to the licence. However, the policy provides clear direction that the control of stock within the licence is expected.
- 6.15.7 It is considered that applying natural justice principles, the Department should not approve an application with conditions that cannot be complied with.
- 6.15.8 The applicant has stated that stock do not access the Landsborough valley or venture south of the Roaring Billy due to habits. The District office have confirmed that they have not sighted any stock within the Landsborough Valley.
- 6.15.9 Staff have indicated impacts upon localised wetlands and tributaries to the Haast River and these are not proposed to be avoided or minimised. However, they are also not considered to be significantly adverse. Staff report have indicated that the grazing regime is having effects on vegetation and vegetation type across the proposed licence area and that this will cause the continued decline of species, which will compromise the ability for restoration required by 11.2(a)(viii).
- 6.15.10 There are no known sites of significance to iwi and through consultation Te Runanga o Makaawhio have indicated that they do not oppose the application.
- 6.15.11 There have been no established impacts on access and the applicant has volunteered to improve access through the provision of additional access points if required.
- 6.15.12 Policy 11.2(b) sets out that if the Decision Maker elects to approve the proposal, any licence must contain a fixed term and charges shall be set at market rates.

6.16 Mount Aspiring National Park Management Plan

- 6.16.1 Management Planner Sarah Smylie has provided an assessment of the policy framework in which this application can be considered. As set out in Ms Smylie’s advice, the National Park Management Plan provides for limited grazing (section 6.7.5 page 93) with an expectation that this will be phased out. Policy 1 states: “*No new concessions for stock grazing will be permitted in the park*”. As a ‘will’ policy, there is no discretion for decision-making (refer Policy 1(d), CGP).
- 6.16.2 In order to comply with the policy set out above, any concession granted would need to contain enforceable conditions to ensure that stock encroachment into the national park to the south of the grazing licence was not able to continue to occur.
- 6.16.3 The National Park Management Plan has no further relevance to the application as it does not apply for activities within the National Park.

6.17 West Coast Conservation Management Strategy

6.17.1 The foreword within the Conservation Management Strategy (CMS) provides context to the reasoning and the values behind the objectives and policies. Grazing is described as an “*Other use of public conservation land*” that would be “*considered in accordance with legislation and this CMS. Authorised uses are monitored to ensure that adverse effects of these activities are avoided, remedied or mitigated.*” The relevant objectives policy and commentary is set out below with discussion as to this application included below.

3.3 Natural Heritage Conservation

..... *All natural heritage is affected by pressures or threats to some extent. Therefore active management is required to maintain and restore Conservancy natural character. Although management of public conservation land can never achieve the pristine natural character, the overall aim is to prevent further loss of indigenous biodiversity by removing as many human induced disturbances as possible and using various methods to gradually reduce the impact of threats that can't be completely removed.*

3.3.3 Ecosystem management approach

.....*The West Coast Tai Poutini Conservancy aims to move towards ecosystem management by integrating active natural heritage management at a selection of high priority sites which represent the full range of ecosystems found on the West Coast Te Tai o Poutini (see ‘priority sites for biodiversity management’ on Maps 6, 8, 10, 12, 14, 16 and 18). This approach aims to achieve the greatest conservation benefits from the available resources and current technology, and acknowledges the fact that the Department does not have the resources or technology to remove or prevent all threats from damaging conservation values at all places. Hence natural heritage management must be prioritised across the Conservancy. The approach also aims to integrate freshwater, terrestrial and, to a lesser extent, marine ecosystem management. Although management boundaries will have to be drawn around these priority sites, it must be recognised that ecological and physical processes act across management and tenure boundaries.*

3.3.3.2 Maintenance and restoration of the indigenous natural character of ecosystems.

Objective 1:

1. *To maintain, and restore where practicable, the indigenous natural character of the full range of West Coast Te Tai o Poutini terrestrial, freshwater and marine ecosystems.*

Policies

1. *Management of threats to terrestrial and freshwater species, habitats and ecosystems across all public conservation lands on the West Coast Te Tai o Poutini should be prioritised, taking into account the need to:*
 - a) *prevent the loss of indigenous species and the full range of their habitats and ecosystems;*
 - b) *maintain contiguous sequences of indigenous ecosystems (e.g. from mountains to sea);*
 - c) *maintain representative examples of the full range of indigenous ecosystems;*
 - d) *maintain populations of indigenous species, habitats and ecosystems with unique or distinctive values;*
 - e) *achieve recovery of threatened indigenous species (including their genetic integrity and diversity) and restore their habitats where necessary;*
 - f) *restore threatened indigenous ecosystems and connections between ecosystems where necessary;*
 - g) *maintain the ecological integrity of indigenous ecosystems consistent with the purposes for which the land is held;*
 - h) *protect recreational freshwater fisheries and freshwater fish habitats; and*
 - i) *achieve integrated management at priority sites.*

2. *Integrated management should be undertaken for the following priority sites for biodiversity management:*

.....

w) *Haast Plains (see Map 18);*

x) *Haast Valley (see Map 18);*

.....

6. *Ecological restoration initiatives, driven by communities, industry or other people or organisations, may be supported - particularly at priority sites for biodiversity management (see Maps 6, 8, 10, 12, 14, 16 and 18).*

7. *The condition of natural heritage values, their threats, and ecological trends should be monitored at priority sites for biodiversity management or within marine protected areas. Monitoring results should be used to evaluate and adapt future management.*

....

18. *The Department should advocate for appropriate action to be taken to protect, maintain and/or restore the integrity of freshwater ecosystems and habitats, including the protection of entire wetlands and river catchments, and their riparian margins.*

19. *The Department should encourage restoration of the natural character of waterbody margins, through fencing to exclude livestock, removal of invasive weeds and revegetation using indigenous species.*

6.17.2 The CMS is clear that not all ecosystems will be able to be pristine however the intent is to maintain and restore ecosystems and to prioritise integrated management of priority biodiversity management sites, one of which is the Haast Valley which includes the application site. It is not specified which categories within Policy 2 have led to this prioritisation.

6.17.3 The Department will encourage restoration initiatives within the Haast Valley, and will undertake monitoring of natural heritage values, their threats and trends to assist in the evaluation and adaptation of future management. This creates an expectation that the evaluation of proposals such as this grazing licence will be informed by monitoring and that this assessment may evolve over time based on trends observed. Submissions criticised the frequency and detail of previous monitoring and further specific monitoring and assessment was undertaken as part of this assessment. The Department's research into grazing and the results of monitoring of the licence have indicated that there are adverse effects occurring. It is expected that these results will inform decision making.

6.17.4 Policy 18 and 19 reflect the Department's approach to maintain the integrity of freshwater systems and the restoration of natural character of waterways and their margins through the exclusion of livestock, removal of weeds and revegetation of indigenous species. This proposal will assist to suppress some plant species, but spread others, and stock will enter the riverbed. There are practical difficulties impacting upon the ability to mitigate these effects. The intent of these policies has not been complied with.

3.4.1 Historical and cultural heritage values and threats

6.17.5 Section 3.4.1.3 sets out a series of historic themes to describe human history and associated values. One of these is "farming" which describes "*significant farming sites located within public conservation lands include Bullock Creek near Punakaiki, the Jackson Bay Special Settlement and subsequent valley grazing runs in the Haast area.*" There are no further applicable policies within this section as it focuses on the management of specific values or sites. However, reference is made to the impact on these values in section 4.2 which sets out desired outcomes for places within the conservancy.

3.5 Description of “authorised uses on PCL”

Objectives

- 1. To implement Conservation General Policy 2005 and General Policy for National Parks 2005 when considering applications for authorisations on public conservation lands and waters.*
- 2. To protect natural, historical and cultural heritage values from adverse effects of recreation, tourism or other uses.*
- 3. To protect recreational opportunities from adverse effects of authorised uses of public conservation lands.*
- 4. To protect places and other taonga of cultural significance to Poutini Ngāi Tahu from adverse effects of authorised uses of public conservation lands.*
- 5. To consult, where necessary, with Papatipu Rūnanga, conservation boards, the West Coast Fish and Game Council, authorisation holders, communities and other people and organisations over the consideration and granting of concessions, access arrangements and other authorisations for use of public conservation lands.*

Policies

- 1. The cumulative effects of other authorities for use, issued in respect of a particular area or opportunity, should be taken into account when considering new applications for those areas or opportunities.*
- 2. When approving concessions or other authorisations, specific conditions may be applied as deemed appropriate.*
- 3. The Department should periodically monitor compliance with authorisation conditions.*
-*
- 5. Consultation with Papatipu Rūnanga, Te Rūnanga o Ngāi Tahu and conservation boards on concessions, access arrangements and other authorisations for the use of public conservation lands will be early, ongoing, informed and effective.*
- 6. The Department will continue to work with Papatipu Rūnanga, Te Rūnanga o Ngāi Tahu and conservation boards to develop and implement processes and protocols to ensure that their views are considered when assessing authorisation applications.*
-*
- 8. The Department should liaise with authorisation holders about appropriate methods for monitoring the effects of their operations and conservation management activities that have implications for their operations.*

6.17.6 The assessments above have established that the proposed activity would create adverse effects on the natural heritage of the Haast valley and the activity. Policies 1 and 2 require the assessment to take into account cumulative effects and also whether conditions could be imposed as appropriate, and these may be able to mitigate or remedy the effects identified. This may include construction of fencing, or reductions in stocking rate. However technical staff have indicated that ecological effect is unable to be fully avoided remedied or mitigated entirely. The objective of “protection” of natural heritage has not been met.

3.7.2 Activities on or in Beds of Rivers or Lakes

- 1. When assessing applications for any activity on or in the bed of a river or lake, consideration should be given to (but not limited to) the following guidelines:*
 - (a) Adverse effects on freshwater and terrestrial species habitats and ecosystems, historical and cultural heritage values, public access, recreation opportunities and amenity values should be avoided or otherwise minimised:*
 - (b) Riparian vegetation should be maintained or enhanced*
 - (c) Activities should not damage riverbanks*
 - (d) No pests, weeds or other unwanted organisms (eg Didymo) would be likely to be introduced to; or become established within, the area as a result of the activity; and*
 - (e) The natural character within the setting of the activity should be maintained.*

2. *Biological communities physical habitat channel profiles and substrate may be monitored in order to evaluate and manager the long term impacts of activities occurring on or in the beds of rivers or lakes.*

6.17.7 As set out within the assessment of freshwater effects, submitters, the applicant and technical staff have identified that stock has created sporadic effects on riparian and wetland vegetation, and riverbanks, albeit in specific sporadic locations across the licence. The significance of these effects varied across the parties. There are adverse effects occurring on freshwater and terrestrial species habitats and ecosystems that are not currently mitigated by the grazing management regime. It is considered that historic and cultural heritage values, public access, recreational opportunities and amenity values are low, and able to be avoided, remedied and mitigated. Pests and weed species are known to be spread across the licence area however these are not the aquatic weeds and organisms referred to within 3.7.2(1)(d) in relation to freshwater species.

3.7.6 Grazing and Farming

1. *Grazing licences may be granted for a term of 15 years, unless the achievement of the outcomes and objectives of this CMS, any relevant management plan or any constraints require a lesser period.*

2. *Te Runanga o Ngai Tahu should be consulted when considering applications to graze areas containing nohoanga entitlement sites. Approval may also include specific conditions to protect the site, eg. fencing.*

3. *Concessionaires shall not unreasonably withhold consent to hunters who hold a current hunting permit issued by the Department of Conservation to hunt on the site, or access to hunters who wish to cross the site.*

6.17.8 Te Runanga o Makaawhio were consulted on this proposal and have stated they do not oppose it. This stance is supported by Te Runanga o Ngai Tahu.

6.17.9 The District has also confirmed that there have been no reported issues with access being provided to hunters.

6.17.10 Policy 2 and 3 are therefore complied with.

6.17.11 The applicant has sought a 15 year licence, the maximum to be considered under Policy 1, however dependent on the assessment against the rest of this CMS, shorter time periods could be considered to be appropriate. These policies are therefore complied with.

6.17.12 Section 3.8 of the CMS sets out the Department's management responsibilities and this includes international agreements such as the World Heritage Area. This has been set out in full below, along with the description of desired outcomes for the Te Wāhipounamu Place which provides the context for decision making.

3.8.1.1 Te Wāhipounamu South West New Zealand World Heritage Area

Te Wāhipounamu South West New Zealand World Heritage Area comprises Westland Tai Poutini National Park, Aoraki/Mt Cook National Park, Mt Aspiring National Park, Fiordland National Park, and other surrounding conservation lands (see Map 3). With the exception of those lands located north of the Whataroa River, all other public conservation lands within Te Wāhi Pounamu Place have World Heritage Area status (see Map 3).

Te Wāhipounamu South West New Zealand World Heritage Area is one of the world's 400 or so special natural and cultural sites, as recognised by UNESCO. The World Heritage area consists of 2.6 million hectares of protected lands in the West Coast Te Tai o Poutini, Canterbury, Otago and Southland.

World heritage areas are designated under the World Heritage Convention because of their outstanding universal value. World heritage status does not affect the underlying protective status for which the land is held under New Zealand law; rather it places an obligation on the host nation to “take appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage” (World Heritage Convention, 1972).

Its value can best be summarised from a quotation out of the nomination document which states: “Few areas of the world have such a concentration of natural scenic splendour as the South-West. It contains many of the natural features which contribute to New Zealand’s international reputation for superlative landscapes: its highest mountains, longest glaciers, tallest forests, wildest rivers and gorges, most rugged coastlines and deepest fiords and lakes. It even has an extinct volcano in Solander Island.

From the vast wilderness of Fiordland in the south to the spectacular up thrust of the Southern Alps in the North, the South-West landscapes are of world class for the sheer excellence of their scenic beauty. It is an area of magnificent primeval vistas: snow-capped mountains, glaciers, forests, tussock grasslands, lakes, rivers, wetlands and over 1000km of wilderness coastline.

Only traces of human influence are evident and then mainly in peripheral areas. Overall the South-West forms one of the great temperate wildernesses of the world and the entire area fulfils the criteria of exceptional and natural beauty” (page 49-50, Department of Conservation, Nomination of South-West New Zealand (Te Wāhipounamu) for inclusion in the World Heritage List, 1989).

There is an obligation on the Department of Conservation to manage the World Heritage Area in such a way that its integrity is preserved.

Although Te Wāhipounamu South West New Zealand World Heritage Area contains internationally popular tourist destinations like the glaciers of Westland, Aoraki/ Mount Cook and Milford Sound Piopiotahi, its overwhelming landscape character is wild and unpopulated. The IUCN have recognised it as one of the world’s great areas of wilderness.

Because World Heritage Areas are international tourist icons, the challenge for the Department is to educate visitors about the area’s heritage values and carefully manage visitor growth to avoid unacceptable impacts. The prime obligation is to protect Te Wāhipounamu South West New Zealand World Heritage Area’s biodiversity and ecological and landscape integrity.

Coordination by the Department is essential to achieving the level of visitor management and servicing that will be required. Visitor centres and existing heritage highways will be some of the most important locations for providing high quality visitor information, interpretation, signs and opportunities to experience the diverse recreational and educational attractions of the south west. On-going liaison with regional tourism organisations, NZ Transport Agency, and local authorities, concessionaires and other interested parties will be an important element of the Department’s coordination role.

Objectives

1. To maintain the biodiversity and ecological and landscape integrity of the Te Wāhipounamu South West New Zealand World Heritage Area.
2. To develop a co-ordinated approach with other relevant conservancies and agencies to the management and servicing of visitors to the Te Wāhipounamu South West New Zealand World Heritage Area.

Policies

1. Consider the addition of areas of high ecological and/or landscape values to Te Wāhipounamu South West New Zealand World Heritage Area, particularly those public conservation lands and waters within Te Wāhi Pounamu Place (see Map 3) which do not currently have World Heritage Area status.
2. Provide information on the state of Te Wāhipounamu South West New Zealand World Heritage Area as required under the Convention:
 - a) Priority sites and themes for interpretation of the area have been identified as:
 - i) Franz Josef Visitor Centre - glaciation / tectonics / fauna / flora / weather.
 - ii) Haast Visitor Centre - Gondwana / cultural / fauna.

- b) Secondary sites and themes for interpretation of the area have been identified as:
- i) Franz Josef Glacier Valley (Sentinel Rock Walk, Glacier Valley Access Track) - glaciation / ice age imprints / superlative natural scenery.
 - ii) Fox Glacier Valley (Glacier Valley Access Track) - glaciation / ice age imprints / superlative natural scenery / tectonics.
 - iii) Lake Matheson - Ice Age imprints / plant succession / significant natural beauty.
 - iv) Knights Point - marine / wilderness edge.
- c) Publish a brochure on the World Heritage Area and include information on it on the Department's website.
3. In managing for ecological values within Te Wāhipounamu South West New Zealand World Heritage Area the international status of this designation will be taken into account.
4. Advocate to protect the values of the Te Wāhipounamu South West New Zealand World Heritage Area. In particular, advocate to ensure integrated management of the marine areas adjoining this world heritage area.

4.2.7 Te Wahi Pounamu Place

6.17.13 The desired outcome set out within the CMS for Te Wāhipounamu South West New Zealand World Heritage Area for 2020 is that the values of the World Heritage Area are retained.

6.17.14 Within 4.2.7.7 Indigenous biodiversity in 2020 sets out that the “natural heritage values within the Conservancy’s portion of Te Wāhipounamu South West New Zealand World Heritage Area (such as its unique landscapes and landforms, intact ‘mountain to sea’ ecosystem sequences and ecological integrity) are recognised as internationally significant and conservation management reflects their status. At the Okarito/Saltwater, Upper Whataroa, Upper Waiho, Copland, Landsborough, Moeraki/Windbag, **Haast Valley**, Haast Plains, Okuru/Turnbull, Arawhata and Cascade priority sites natural heritage values are maintained and, where practicable, protected and enhanced. Elsewhere in Te Wāhi Pounamu Place, natural heritage values are maintained to at least the same condition they were in as at 2010.
At priority sites for biodiversity management, natural processes occur as free from adverse effects from humans as possible, indigenous species persist without threat of extinction, and people can enjoy the splendour of natural New Zealand.....

Groves of lowland ribbonwood manatu scattered through the silver beech forest along the Windbag, Haast and other valleys and kowhai forests of the lower Cascade valley and around the Hapuka and Waiatoto coastal lagoons.

Te Wāhi Pounamu Place contains many of the largest, least-disturbed river systems in New Zealand including: Cascade, Karangarua, Turnbull/Okuru, Waiatoto, Arawhata, Pāringa, **Haast/Landsborough**, Cook Weheka and Ōkārito rivers. These rivers are of national importance and have retained connectivity to their floodplains, including some of the best surviving sequences of floodplain (kahikatea) forests and riverine wetland systems (Chadderton et al 2004). Headwater catchments are important habitat for blue duck whio and viable populations are maintained in the Copland, Moeraki/Windbag and Landsborough priority sites (see Map 18).

Some valley floor shrublands and ribbonwood stands, including those in the lower Landsborough valley, are recovering from a history of grazing. In the Windbag, **Haast** and Cascade valleys, these stands include viable populations of the threatened and rare shrubs *Coprosma wallii*, *Melicytus flexuosus* and *Olearia lineata*. Gorse, broom and willows are absent from the Cascade, Arawhata and Landsborough valleys and are controlled to very low density in the Haast catchment. Near the coast, stands of kōwhai provide a valuable source of nectar in early spring for tūi and bellbirds kōparapara/korimako. Containment and/or treatment of pollutant discharges, along with restoration of freshwater fish habitats, result in no further degradation of aquatic ecosystems.

....Forest bird populations in the diverse mixed podocarp-beech-hardwood forests south of the beech gap (i.e. the Moeraki/Windbag, Landsborough, **Haast Valley**, Haast Plains, Okuru/Turnbull, Cascade and Arawhata priority sites identified on Map 18) are maintained and the forest continues to reverberate with the symphony of the dawn chorus. Possum populations, many of which have never been allowed to reach peak densities, continue to be held at low levels in these

priority sites. Recreational and commercial hunting contribute to the maintenance of low deer and goat numbers within forested areas and the forest understorey remains intact with natural forest processes such as regeneration and recruitment continuing. Beech mistletoes, southern rātā, fuchsia kōtukutuku and wineberry provide the rich high-energy sources of nectar and fruit required for successful forest bird breeding. Healthy beech mistletoe populations are maintained in the Moeraki, **Haast**, Landsborough and Hope valleys (Cascade priority site) and the hillsides come alive with bright red mistletoe flowers during December and January. The Pāringa-Moeraki area and **Haast valley** are two of the only places in New Zealand where mistletoe can be seen flowering beside a main highway. Flocks of South Island kākō, New Zealand parakeets kākārīki and New Zealand pigeons kukupa are a common sight in some areas. Viable populations of yellowheads mohua and long-tailed bats pekapeka are maintained in the Landsborough valley priority site.

- 6.17.15 The vision for 2020 for the Haast Valley is to maintain, protect or enhance the natural heritage values within the valley. In particular, reference is made to the removal of adverse effects from human activity to allow natural processes dominate. Specific reference has been made to lowland ribbonwood being present and most importantly, reference is made to the recovery of *Coprosma wallii* within the Landsborough, and viable populations of *Coprosma wallii*, *Meliccytus flexuosus* and *Olearia lineata* within the Haast. Gorse, broom and willows are kept to a low density in the Haast Catchment.
- 6.17.16 These goals suggest that any activity allowed within the valley must either provide for the protection of existing stands of vegetation or provide for the regeneration of these areas. The ecological assessment states that approving the application would “*very likely result in the reduced resilience of local populations of C.walii*”. The desired outcome is therefore not met in this regard.
- 6.17.17 The ecological assessment also notes that if the decision maker was of a mind to decline the application, and the grazing activity from the land would remove the assistance from the concessionaire to control gorse and pest weeds from the site. This will require additional management input from the Department.
- 6.17.18 The outcome sought for the Te Wahipounamu place and to priority sites such as the Haast valley, relate to the enhancement and enjoyment of natural values. Grazing is specifically not referred to as an activity within Te Wahipounamu place. If the proposal was able to manage the effects and retain the natural values, then it would be able to be consistent with these desired outcomes. However, the current proposal does not sufficiently avoid or remedy these effects.

7 Conclusion

- 7.1.1 It has been established that the proposed grazing activity creates adverse effects on natural values that are not able to be avoided, remedied or mitigated through conditions. Given this, the proposal is contrary to the purpose for which the land is held.
- 7.1.2 The adverse effects of the proposal referred to above, would not result in the desired outcomes or management of the Haast Valley, a priority biodiversity site and it is inconsistent with the CMS and the Conservation General Policy.
- 7.1.3 The application should therefore be declined under sections 17U(2)(b), 17U(3) and 17W(1).
- 7.1.4 It is understood that to decline a longstanding grazing licence will create uncertainty for others who graze upon public conservation land on the West Coast. There may be concerns about precedent effect for a number of other existing concessions. All applications must be considered on their merits. It is noted that there are very specific aspects of this application that this recommendation hinge upon:
- The Haast valley is a priority site for biodiversity management and immediately adjoins the Landsborough Valley. The vision within the CMS involves the “mountains to the sea” management of the valley with the protection and enhancement of natural values. The 2020 vision for the Haast valley references the regeneration of natural values and the removal of human processes.
 - Technical staff have identified adverse ecological effects on the environment from the previously approved concession and the proposed activity including effects on the *coprosma wallii*, a species declining nationally.
 - The application does not relate to the grazing of the National Park but stock are known to move outside of the grazing area both within the National Park and adjoining conservation areas. There are practical difficulties in fencing the boundaries of the proposed grazing licence area. The Department is unable to approve a concession for an area larger than that applied for, and unable to grant an activity that cannot be complied with.
- 7.1.5 It is clear through the policy assessment that the CMS requires a case by case assessment of the effects of the grazing proposed. The policy relating to grazing is effects based and any further grazing proposals will be considered on their merits.
- 7.1.6 Approving grazing within a waterway where the grazing is causing adverse effects and is known to be providing uncontrolled access to the National Park would not be consistent with the Act, the purposes for which the land is held and the CMS.
- 7.1.7 In the longer term, when the review of the CMS is underway, it could provide further direction in relation to grazing activities in the large South Westland rivers if that was considered to be appropriate to continue.

8 Alternative Considerations

- 8.1.1 The conclusion of the statutory analysis within this report is that the proposal is not consistent with the provisions of the Conservation General Policy, the relevant CMS and should therefore be declined under sections 17U(2)(b), 17U(3) and 17W(1).
- 8.1.2 If the Decision Maker disagrees with the assessment of effects, the analysis of the policies and plans under the Conservation Act, or the weighting that have been applied to these in order to make the recommendation to decline as set out above, then a decision could be made to approve the grazing concession subject to conditions. Specific conditions are set out below, in order to provide options available if a decision to grant was made.

8.2 Special conditions to be imposed on any approved grazing licence

Fencing of the licence area boundary

- 8.2.1 Any decision to approve grazing must ensure that there is a practical enforceable method of preventing stock incursion to the National Park. The most straightforward method of this would be to require a fence along the true left boundary of the grazing licence, between the edge of the licence and the National Park. The boundary of the National Park roughly follows the edge of vegetation on the south side of the licence area.
- 8.2.2 District staff advise that the licence area boundary as part of a dynamic riverbed, is subject to erosion, changing water levels, and is also heavily vegetated in places. The construction of a fence along the length of the grazing permit will therefore require significant input and maintenance. Constructing a fence in locations less susceptible to erosion may require additional earthworks or vegetation clearance within the National Park boundary.
- 8.2.3 Conditions should be imposed on any approved concession to ensure fencing along the licence boundary to ensure that stock do not enter the National Park. The practical implications of this condition may lead to the applicant electing not to enact this concession due to ongoing cost and maintenance of such a fence.

Increased frequency of monitoring

- 8.2.4 Following clear feedback from the community, any concession granted should include the requirement for increased frequency of monitoring of compliance with conditions, and also further ecological assessment to monitor effects on ecological values. This is a desired outcome for the Haast Valley as a priority biodiversity site within the CMS.
- 8.2.5 It is noted that the view of technical staff within their assessment was that the ecological monitoring will identify a further decline in ecological values across the licence area if the grazing licence was approved.

8.3 Possible options for conditions of a granted concession

Approval of concession with a reduction in stocking rate

- 8.3.1 If you consider that grazing is causing an adverse effect, but that this effect is not sufficiently adverse to require the declining of the licence, then reducing the stocking rate may achieve the reduction in some of these effects but will not successfully mitigate all.
- 8.3.2 Lowering the stocking rate allows grazing to continue, but at a rate that may enable regeneration to occur. Pressure on vegetation species and boundaries are reduced through the abundance of grazing foods within the licence. This management approach has been adopted by successive previous concessions granted to the applicant, all of which have included a decline in stocking rate. However, in the opinion of Jane Marshall and Rowan Hindmarsh-Walls, this would not cease the ecological impacts of the proposed grazing. The natural values of the proposed licence area will not therefore be maintained, protected or enhanced.
- 8.3.3 There has been no amended stocking rate applied for and any decision that adopts this approach will have to set a new maximum number of cows and calves permitted to be grazed upon the land.

Approval of concession with a reduction of licence area

- 8.3.4 If you consider that the grazing concession should be approved, subject to certain areas being excluded from grazing, then a reduced area could be approved. In order to delineate the boundary of these areas fencing would be required, either of the grazing, or the excluded areas.
- i. Exclusion of waterways and wetlands.
- 8.3.5 Fencing the riparian margin of the Haast River and minor tributaries would prevent adverse effects occurring within waterways and their margins. This would prevent the movement of stock around the licence, and the use of the riverbed as a grazing and sunning location for stock, significantly reducing the available grazing area.
- ii. Creation of 'lobes' of grazing on large flats
- 8.3.6 As noted above, effectively fencing the margin of a dynamic river such as the Haast would be impractical. You could elect to restrict grazing to the vegetated flats spread down the licence area, such as Sunny Flat and Clarke Bluff. This would allow the fence to be located on a site less susceptible to erosion and clear 'lobes' of grazing approved. However, this would increase grazing pressure on these flats and the effect on vegetation and boundary browse effect at these locations with the loss of species diversity, including threatened species including c walii.
- iii. Fencing of specific stands of vegetation
- 8.3.7 Stands of specific vegetation species, such as the ribbonwood, could be fenced to reduce effects and allow this vegetation to survive and regenerate. It is noted that these stands are sporadic, and fencing would need to allow for expansion. Overall effects on species diversity would remain.
- 8.3.8 Any additional fencing constructed would also continue to create physical human induced change to the valley, impacting on the dominance of natural values and recreational access and enjoyment. The removal of human processes from the Haast value was a desired outcome for 2020.
- 8.3.9 Any approval of grazing of a reduced area that is not accompanied by an associated reduction in stock numbers, will potentially create additional effects due an increased density of grazing due to the same stock numbers moving through a smaller area. In order

to manage these potential effects a condition could be imposed stating that the reduced area shall be stocked at the same stocking rate as the current operation of 60 cows throughout the year and 50 calves for half of the year over the 736 hectares.

Approval of the Concession with a reduced term

- 8.3.10 A term of 15 years is sought by the applicant. If the Decision Maker is of a mind to grant the concession but does not want to approve the 15 year term, then a term of four years would bring the grazing term in line with the expiry date of the concessions for Area A and Area C : 31 October 2023. This would allow the grazing of the entirety of the Haast River to be considered as one application if this is applied for.
- 8.3.11 If the Decision Maker chose to signal an intent to phase out grazing on all or part of the Haast River, then a shorter period could be granted to facilitate farming practices to change and the shifting of farm infrastructure such as the cattle yards at Sunny Flat onto private land. This approach could be two years for instance.
- 8.3.12 It is noted however, that the approach of granting a grazing with a restricted term to facilitate the movement of stock and infrastructure off the licence has been utilised in the past on grazing contracts in the Haast Valley. The Department is obligated to receive and assess any application lodged with it. Therefore, despite any condition stating a restricted term, the applicant would be able to lodge a further application in the future which would be assessed on its merits. That is the case for this application, and previous approvals granted for the Haast Valley.
- 8.3.13 Allowing grazing to continue for a limited term will not prevent or mitigate the identified adverse effects occurring and will allow these to continue.

Approval of the concession as applied for

- 8.3.14 If the concession is approved as applied for, any approval should include additional monitoring following feedback from the public and in accordance with the CMS for priority biodiversity management sites such as the Haast. Any approval must also include a fence to ensure that stock do not enter the Mount Aspiring National Park.

Draft concession grazing licence

- 8.3.15 Appendix 9 contains a draft concession document setting out potential standard and special conditions to be imposed on any granted concession. Notes are made in bold and italics where these sections may change dependant on the outcome of the decision made on the application.

9 Applicant Comments

9.1.1 A summary of the decision support document was provided to the Cowans on the 19th March and a letter and supporting submission was received from George and Catherine Ivey on behalf of the applicant on the 16th April. These are attached in full as Appendix X. A summary of what is considered to be key aspects of the response and the Department assessment is undertaken below.

Bias of ecology report

9.1.2 The applicant considers that the provision of the ecology report produced by submitters Stevens and Walker to the Department staff ecologists will have influenced the report unnecessarily and created bias. Mr Ivey “vehemently” disagrees with the Stevens and Walker report and subsequently did not consider that it was appropriate that the staff ecology report referenced this.

9.1.3 The applicant acknowledged that they were provided with a copy of the staff ecology report and given one month to produce a response. They had sought advice from Federated Farmers who advised that the Conservation Minister had directed that weight be given to staff reports and a separate ecology report was not commissioned. Mr Ivey stated that he did not oppose the Department relying on their own report, if this was unbiased and accurate, which they do not consider it was.

9.1.4 The ecology report is noted to make reference to birds that were determined at the hearing to not be nesting within the area. Mr Ivey also notes that previous ecology assessments and his own observations had not noted a decline in values within the Haast valley. The valley had been grazed for over 150 years. The report also did not reference the flood event which caused siltation of the valley.

9.1.5 Mr Ivey noted that photos of the damaged trees were taken in the location of the holding paddock on Sunny flat. In his view it was a “mistake” not to have fenced them out of the grazing area but it is also not representative of the entire licence.

Intent to remove human presence from the Haast valley

9.1.6 Mr Ivey referenced discussion at the hearing about the effect of cattle upon landscape and recreation values. He noted that the statutory assessment included the removal of human presence from the Haast Valley. He stated that there are three privately owned blocks within the Haast Valley that would continue to be grazed, meaning this intent would not be achieved.

9.1.7 The licence area is not continually visible from the highway. Vegetation within the National Park adjoining the highway mean that there are key vantage points and many of these overlook freehold land, or up to the Landsborough.

9.1.8 Mr Ivey states that there is an opportunity to tell the story of the partnership of the Department and farming. There was a cultural heritage value of Haast and the large river runs that form part of its history. The tradition of farming the valley was also important and of value.

9.1.9 The World Heritage Area status is an honour but is not impacted on by the grazing. As a valley with private land and a highway running through it there would always be human

influences within the valley and the values for which heritage status was imposed will remain.

Potential mitigation

9.1.10 Mr Ivey noted that the applicant was willing to address any problems with access.

Weed spread

9.1.11 The applicant disagreed that cattle grazing would cause weed spread. The habits of the cattle, and their life lived solely within the Haast valley mean that they are not assisting with the spread of weeds. The applicant would be controlling weeds as part of their farming practice and this would, as pointed out within the report, fall upon the Department to fund and undertake if the grazing was not approved.

Precedent

9.1.12 The applicant disagreed with the statement that the negative decision will not set a precedent. Mr Ivey stated that it would have a “very serious consequence” on farmers and businesses in South Westland. Property values will be affected. There is fear amongst farmers.

Socioeconomic effects

9.1.13 The applicant’s farming operation employs three people, two of whom have children and all of whom contribute to the wider South Westland community, including volunteering for emergency services. Due to limited employment opportunities, declining the grazing operation could have a flow on impact upon the school role and support to community services. A letter in support has been provided by Blair Farmer to support this point.

9.1.14 It was noted that the West Coast Conservation Board came to a neutral decision, acknowledging the socio economic effects.

Boundary of concession and potential mitigation measures

9.1.15 The applicant believes that the boundary lines of the concession were drawn without an understanding of cattle behaviour and have now become a hard and fast boundary. This was an oversight at the time it was drawn.

9.1.16 The applicant agrees that there are opportunities to exclude cattle from certain wetlands and patches of vegetation, especially on the True Left of the concession area. The applicant would like to discuss this further.

9.1.17 Fencing could be improved in high stock traffic areas, such as the holding paddocks, to limit the impacts from the higher stocking rates at limited times of the year.

Discussion

Ecology report

9.1.18 The Department ecology assessment is attached as Appendix IX and summarised within section 5.2 of this report. The assessment was led by a senior ecologist and was informed by a multi-day site visit to the area. Figure 3 within the ecology report depicts the GPS of the site visit and indicates that sites on both sides of the river and the entire length of the application area were visited. This is important when considering the statement that photos of vegetation damage were taken from the holding paddock upon Sunny Flat and were not representative of the licence as a whole. Whilst the photo was taken from Sunny Flat, the conclusions reached related to effects across the licence as a whole.

9.1.19 The applicant considers that the provision of the Stevens and Walker ecology report from their submission introduced bias to the staff assessment. The assessment took place to inform the decision maker and therefore all aspects of the application and supporting documents were supplied to the staff. This included the information provided by the applicant in their application, and the Stevens and Walker submission as it was referenced by many submitters and contained technical discussion about effects on the licence. The resultant report includes a full list of references, which include published and unpublished literature and reports, alongside the submission.

9.1.20 The staff report clearly references when statements from the Stevens and Walker submission were made within their assessment report. The applicant had a full copy of this report provided to them and were given one month to provide a review or response to all or any aspect of this report. The reasons given for not doing so are set out in Mr Ivey's letter of 15 April 2019.

9.1.21 To ensure that the applicant had been provided a fair opportunity to submit their full application to the decision maker, on the 3rd May 2019 a further month was offered to the applicant to produce a technical ecological report or response. The applicant provided the following on the 8th May 2019:

“Just a note to formalise our phone conversation.

No we do not wish to take the opportunity to have an independent ecologist report produced. There were numerous reasons behind this not just the one outlined in the email being a directive from the minister, we were told that by Federated Farmers which may have been untrue but thats impossible for us to know for sure. Price is also a major factor as is the fact that to a certain extent people will write what you want them to if you pay enough money. So would a report really be considered seriously? I believe that the issues I raise with the ecology report are probably more productive than creating an entirely new report.

We look forward to a positive outcome and trust you will be in touch if you have any queries. “

9.1.22 The history of grazing at the site allowed those on the site visit to investigate and establish whether adverse effects were occurring on site within the area proposed to be grazed over the further term. The results were that the report found that adverse effects were occurring across the proposed licence area, and that if these effects continued, it would result in the continued decline of plant species diversity within the forest, reduced resilience of populations of *C. wallii*, a species declining nationally, as well as impacting on growth and survival of other native plants.

World Heritage Status

9.1.23 Although not specifically stated, the comments from the applicant echo the Department assessment that the location of the proposed grazing within the Te Wahipounamu South Westland World Heritage Area does not immediately preclude the consideration of grazing. The test is whether the effects of the grazing on the World Heritage status values have altered in terms of scale, intensity or character since the area was classified. It was determined that they have not. The applicant may have been confused by assessments against the West Coast Conservation Management Strategy which sets out a vision and outcome for the geographic area of the Te Wahipounamu South West New Zealand World Heritage Area within sections 3.8.1.1 and 4.2.7. The assessment against these policies is that the desired outcomes have not been met.

Precedent effect

9.1.24 The applicant states that there is “fear” in the farming community about the perceived precedent effect of the decision. The Conservation Act requires any application lodged to be considered and this decision is made on the merits and effects of the particular application. In order for this decision to have relevance as a direct “precedent”, a number of aspects considered important to this application would have to be present:

- The relevant Conservation Management Strategy does not support the application due to the site being a priority biodiversity management site and the application not meeting desired outcomes for the place. The technical assessment of the application has identified specific effects on species that have been identified within the CMS’s desired outcomes as requiring regeneration within the Haast valley.
- Technical staff have identified adverse ecological effects on the environment. These include effects on a species declining nationally.
- There are practical difficulties within containing the grazing within the proposed licence area. The Department is unable to approve grazing within the National Park which adjoins the licence. The Department cannot approve an application are larger than that applied for, nor grant an activity that cannot be complied with.

Socio-economic effects

9.1.25 A significant emphasis of the applicant’s response, and the supporting submission from Mr Farmer, related to the importance of the application site to the farming operation and the associated effects on the Haast community of the loss of employment of three farm workers if this application was not approved. The interrelatedness and important contribution of all community members within small isolated communities such as Haast, is accepted. The Conservation Act does not provide for the consideration of social and broader economic effects within the concessions system in the circumstances of this application. The decision maker is required to focus on conservation matters, not wider potential socio-economic effects when considering whether a grazing licence should be granted over these specific 736 hectares of public conservation land.

Boundary of concession and potential mitigation measures

9.1.26 Mr Ivey has noted frustration that the licence area has become a “hard boundary” and that these should have been redrawn. The nature of a licence is that it must have defined boundaries and that these must be complied with. The applicant elected to utilise the previous grazing licence map within their application and did not make any reference to the need to extend out of these boundaries or alter these in any way. As stated above, the Department may only consider the application lodged, and specifically cannot approve grazing of the National Park which adjoins the southern boundary of the application area.

9.1.27 Related to the above, a recommended condition upon any granted grazing licence is the requirements to construct a fence along the entire boundary to ensure that cattle are contained. The report anticipates that there would be significant practical difficulties with the construction and maintenance of the fence due to its located adjoining an active river. The applicant did not specifically make reference to this proposed condition at all, although has made comments about constructing fences within the grazing area around wetlands or specific vegetation stands and within high stock traffic areas. They state “*with common sense and some practical thought and experience we could overcome and find some compromise on this issue. I would be open to discussion around this*”. These comments lack specific mitigation proposals but indicate a positive willingness to work with the Department if the license was approved with specific fencing requirements.

9.1.28 The applicant also confirmed previous statements that additional access points would be provided on request of the Department.

9.1.29 It is not considered that the comments from the applicant raised any new matters that required additional assessment by the Department. The points raised have been assessed and discussed above. No change has been made to the recommendations and assessment of this report as a result of the applicant's comment.

10 Decision Making

Decision Maker to complete the Decision and Decision Maker Comments sections.

10.1 Decision: Notified Concession under Part 3B of the Conservation Act 1987

1. Deem this application to be complete in terms of s17S of the Conservation Act 1987:

Agree / Disagree

2. Decline the application.

Agree / Disagree

3. Approve the application subject to specific conditions as set out in section 8 of this report and below. Multiple conditions can be applied.

- a. Reduced term of 4 years to 31 October 2023 to align with expiry of other grazing concessions within the Haast River

Agree / Disagree

- b. Reduced term of 2 years to allow concessionaire additional time to alter farm regime and move infrastructure off the licence area

Agree / Disagree

- c. Reduced stocking rate (to a rate to be assessed)

Agree / Disagree

- d. Reduced licence area to exclude Haast River, tributaries and wetlands

Agree / Disagree

- e. Reduced licence area to exclude specific stands of vegetation (as identified by District office)

Agree / Disagree

- f. Reduced licence area to create 'lobes' of grazing on the river flats

Agree / Disagree

Signed by **Kay Booth, Deputy Director-General - Partnerships**

Pursuant to the delegation dated 9 September 2015

Date

10.1.1 Decision Maker comments

Decision Maker to comment on the rationale behind their decision. If there is nothing contentious this can be brief, but if there are differing views between DOC staff and/or DOC and Treaty Partners, or there are multiple options available, or the decision made is different from what is recommended/requested, the rationale for the decision made must be clearly provided.

The Permissions Advisor will share the rationale for the decision with team members.

Appendix I: Plan of application

Appendix II: Land status of application and surrounding area

Appendix III: Hearing report and summary of submissions

Appendix IV: Ecological Assessment

Appendix V: Management Planner advice

Appendix VI: Freshwater advice

Appendix VII: Effect of cattle grazing on recreation values

Appendix VIII: District monitoring report

Appendix IX: Draft grazing concession document

Appendix X: Applicant comments on summary document