



Department of
Conservation
Te Papa Atawhai

Summary of Submissions Report for Public Notification under 17SC of the Conservation Act 1987

Applicant/Permit Holder: Lone Star Farms Limited

Permissions Record Number: 91765-GRA

To: Dave Winterburn, Operations Manager, Golden Bay (**Minister's Delegate**)

From: Deidre Ewart, Hearing Chair (Director-General of Conservation Delegate)



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1.0 Purpose of this report

Lone Star Farms Limited (LSF) have applied for a Concession in the form of a lease/licence, to continue grazing Puponga Farm Park, in the Golden Bay region. The application was publicly notified by the Department under s17SC of the Conservation Act 1987 (the Act) and in accordance with the public notice and right of objection process set out in s49 of the Act. Written submissions were lodged and a public hearing was also held to provide submitters an opportunity to speak to their submission.

In making a final decision on the application, the Minister is obliged to consider the matters set out in s17U of the Act:

(1) In considering any application for a concession, the Minister shall have regard to the following matters:

(a) the nature of the activity and the type of structure or facility (if any) proposed to be constructed:

(b) the effects of the activity, structure, or facility:

(c) any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity:

(d) any information received by the Minister under [sections 17S, 17SD, and 17SE](#):

(e) any relevant environmental impact assessment, including any audit or review:

(f) any relevant oral or written submissions received as a result of any relevant public notice issued under [section 49](#):

(g) any relevant information which may be withheld from any person in accordance with the [Official Information Act 1982](#) or the [Privacy Act 2020](#)

This report has been drafted to provide the summary referred to in s17U1(f). The purpose of this report is:

- 1) To summarise public submissions received during the notification process;
- 2) To summarise key points and issues discussed at the public hearing;



- 3) To provide recommendations as to the extent on which matters raised in the public notification process may be allowed or accepted for decision making under section 17U of the Act, and whether any further information may be required to assess them.

This report addresses one of several matters to be considered by the Minister in making a decision under s17U of the Act. A full analysis of matters to be considered will be provided by Department staff in a separate decision report that will address the content and recommendations made in this report.

2.0 Public notification and hearing process

As noted above, the application was notified by the Department in accordance with s49 of the Act.

Following the process set out in s49 of the Act, the Department notified **LSF's** application in local Golden Bay newspapers and the Department's website and provided submitters 20 working days to make a submission. To help inform submitters the notification provided access/links to the application.

At the completion of the 20 day notification period, a total of 8 submissions were received. 3 in support, 3 neutral and 2 opposed. 6 of the submitters advised they wished to be heard. A public hearing was held online, on 19 November 2021.

A hearing panel (the Panel) was appointed by the Department. The Panel consisted of:

- Deidre Ewart (Chair) – Business Support Manager
- Andrew Lamason – Senior Community Ranger, Golden Bay District
- Lucy Croft - Permissions Advisor

LSF were invited to respond to submissions at the hearing, after the submitters were heard. The invitation offers the Applicant an opportunity to address issues and/or provide further information on issues raised in submissions and/or correct misunderstandings of information presented by submitters at the hearing. LSF provided a written response, attached as Appendix 2.

3.0 Summary of submissions

The submissions are attached as Appendix 1 of this report. This section discusses key issues raised and where possible, consolidates the views of submitters into distinct matters. It is recommended the submissions are each read in full, in support of this summary.



A total of 8 submissions were received. 3 were in support, 3 were neutral and 2 were opposed. 1 was opposed in relation to a number of management issues, which if resolved in the submitters view, the submitter would no longer be opposed to the lease.

- 1) Onetahua Restoration Partnership
- 2) Golden Bay Province of Federated Farmers (independent organisation/club)
- 3) Farewell Spit HealthPost Nature Trust
- 4) Inger Perkins (individual)
- 5) Alec Milne (individual)
- 6) Federated Mountain Club (independent organisation/club)
- 7) Friends of Golden Bay (independent organisation/club)
- 8) Forest and Bird (independent conservation organisation)

The key matters/issues raised by submitters included:

- protection of conservation values
- potential adverse effects of the activity on those values
- length of concession term
- conflicting interests relating to conservation and farm operations
- consistencies with the purpose for which the land is held
- farm management
- climate change
- inadequate information provided
- outdated Departmental management plans
- the need to collaborate with restoration projects

Conservation values

The submissions all made reference to the conservation values at place.

Key values included:

- flora and fauna values (including reintroduction of native species through conservation projects)
- variety of ecosystems (dune, wetlands, coastal, forest)
- recreational values (high degree of public access)
- adjoining land is Farewell Spit Nature Reserve with RAMSAR status

Submissions included comments such as:

“The open grazed areas are as much a feature and attraction of this location as are the cliffs, dunes, beaches, and wetlands.” (Inger Perkins)

And

“It provides habitat for a number of species, some of which are endangered....It has a number of complex ecosystems that require good conservation management....It is an important corridor between Kahurangi National Park to the south, and Farewell Spit to the east.” (Forest & Bird)

Panel comment/recommendation

The conservation values including flora, fauna, landscape and amenity are matters the Minister must have regard to and make up an integral part of the analysis to be addressed in the final decision report under s17(1) and (2).

Farm management, mitigation and adverse effects and positive effects

One key theme that emerged was that the majority of the submissions were in support or neutral to the application and identified the applicant as a good operator.

The submissions discussed positive and adverse effects of the application on the conservation values including effects on flora and fauna. Some submissions proposed controls in regard to the farming operations, to manage the adverse effects the farming was seen to be having on conservation values.

The main concerns submitters raised were with:

- aerial herbicide spraying
- cattle grazing wetlands
- cattle grazing in general
- fertilizer application
- fencing
- stocking rates

Federated Farmers submitted on the positive effects of grazing for management purposes:

- reducing risk of wildfire on Farewell Spit (thus protecting the Nature Reserve)
- buffer zone for pest and weeds
- lessee responsibilities for controlling weeds and pests
- public access

F&B called for a “stop” to cattle grazing altogether, while Federated Farmers discussed the ‘need’ for some cattle grazing to continue, for grazing management purposes. These points were all elaborated on during the hearing, with Federated Farmers noting it was a “**hard place to farm**” in general, in addition to the “80,000 visitors per year”.

The panel asked Federated Farmers, if, in their view, there might come a time in the future that farming becomes unviable. Federated Farmers noted further restrictions and limitations on grazing could be a cause for concern, with farming potentially becoming unviable.

Other submitters suggested farming of the area should not come at a cost to conservation. Many of the submissions identified the application process as an opportunity to review conditions in the previous concession and to include new conditions to mitigate adverse effects.

Panel comment/recommendation

The submitter’s views on the scale and significance of the effects is something the decision maker can consider under s17U of the Act.

The panel notes adverse effects and measures proposed to mitigate such effects, as well as the positive effects, are absolutely relevant matters to be assessed and considered under s17U of the Act.

Land classification

One submission discussed the purpose for which the land is held, as a Recreation Reserve under s17 of the Reserves Act 1977. **“The purpose of the reserve, in addition to providing for recreation, is to protect ‘the natural environment and beauty of the countryside.’” (Inger Perkins).**



F&B elaborated on their **submission at the hearing, noting it was ‘conservation land’** and the farming should serve that purpose.

Panel comment/recommendation

Land classification is relevant under s17U(3) of the Act, and the final decision report would include an analysis of the purpose for which the land is held.

Climate Change

A few submissions made reference to climate change. One example from the written submissions includes:

“The International Panel on Climate Change’s Sixth Assessment Report 2021 makes it very clear that the world is facing unprecedented climate change associated threats and Aotearoa New Zealand’s precious flora and fauna are vulnerable to escalating temperatures and sea levels. As noted by a senior scientist at Manaaki Whenua Landcare Research, Dr Nick Craddock-Henry: IPCC’s sixth Assessment is ‘a stark reminder’ of the need for adaptation. Adaptation will require strategic and even radical adjustments to practices, processes, capital and infrastructure in response to climate change, and must begin now.” (FMC)

Panel comment/recommendation

In terms of relevance for s17U of the Act, the assessment of the effects of the activity on climate change would be analysed under s17U1(b).

The Conservation General Policy 2005 notes the importance of ecosystem services. The Conservation General Policy defines ecosystem services as *“a wide range of conditions and processes through which natural ecosystems, and the species that are part of them, help sustain and fulfil life.”*

Therefore, any activity that has the potential to increase the effects of climate change on ecosystem services is relevant, particularly as it relates directly to the assessment of adverse effects that underpin the analysis for *s17U1(b) the effects of the activity*.

The panel notes there is an internal departmental climate change project team and the decision maker may wish to consider consultation and/or advice from this team to support climate change analysis and the obligations and responsibilities on the department in regard to this matter.

Inappropriate use

FMC submitted cattle grazing is inappropriate use of the area and identified a Departmental paper describing coastal turfs & impacts of grazing on these.

Panel comment/recommendation

The appropriateness of the activity would be addressed in the final decision report under 17U1(a):

17U1(a)

In considering any application for a concession, the Minister shall have regard to the following matters:

(a) the nature of the activity and the type of structure or facility (if any) proposed to be constructed.

The Department's paper on grazing impacts on coastal turfs can also be considered under 17U(b): *the effects of the activity, structure or facility.*

Old management plans and policies

F&B and FMC submitted the farm park management plan is 30 years old (1990) and out of touch with current farm practices. F&B elaborated on this point during the hearing, also identifying the Nelson/Marlborough Conservation Management Strategy (CMS) as being 'significantly' out of date (1996).

Panel comment/recommendation

The Nelson/Marlborough CMS and Puponga Farm Park Management Plan are relevant considerations under *s17W Relationship between concessions and conservation management strategies and plans*. As part of s17W, the final decision report would include an analysis of the application against these plans. Any inconsistencies between policies and adverse effects of the activity on conservation values, would be addressed in the final decision making process under *s17U1(a)-(g) Matters to be considered* and *s17W Relationship between concessions and conservation management strategies and plans*.

Length of term

3 submissions opposed the 10 year term and suggested shorter concession terms such as 3 years and 5 years. 1 submission supported the 10 year term.

Health Post Nature Trust submitted: ***"We believe 10 years is too long for a lease in this area given the Onetahua Restoration project and our own Nature Trust work are likely to have a significant effect on the conservation value of Puponga Farm Park. We believe Puponga can become a showpiece for conservation and farming working hand in hand and this is more likely to be achieved by regular reviews of the lease than by a 'set and forget'" 10 year arrangement"***.

Federated Farmers verbally supported the proposed 10 year term at the hearing, noting the term provided Lone Star surety and commitment.

Panel comment/recommendation

The length of term is a matter the Minister must consider when making a final decision on the application, under 17U1(a) – (c).

Insufficient information

3 of the submissions stated the application contained insufficient information.

FMC submitted: ***"FMC objects to this application on the grounds that the information supplied is inadequate and insufficient cognisance is taken of the climate and biodiversity crises that Aotearoa New Zealand is facing."***

The **'insufficient information'** point was reiterated at the hearing by other submitters, with the following points made:

- the application lacked an environmental impact assessment
- the application lacked recognition of conservation values at place
- the farm management plan was of poor quality



Panel comment/recommendation

The decision maker may consider obtaining further information from the Applicant under s17SD of the Act, should the Minister consider obtaining further information necessary in enabling a decision.

Restoration/conservation projects

2 of the submissions were from groups undertaking restoration/predator eradication projects within Puponga Farm Park, Farewell Wharariki HealthPost Nature Trust and Onetahua Restoration Partnership.

Wharariki Healthpost Nature Trust submitted the lease/licence document needs to formally acknowledge the projects occurring in the area, including the predator eradication work across the farm park, as well as mandating protection for the Nelson green gecko habitat and other biodiversity hotspots as they are identified.

Panel comment/recommendation

The potential adverse effects and impacts the application may have on native species and their habitat is a matter the decision maker must take into consideration as part of this concession process, as part of the overall analysis of the application under s17U1 (a) – (g) and in doing so the decision maker may opt to formally acknowledge the conservation projects in the lease/licence document, as well as including conditions that mitigate potential adverse effects on native species and their habitat.

Other

Onetahua Restoration Partnership proposed the current grazing licence be **“rolled over”** until June 2022, and **“a working party comprising of representatives of Lone Star Farms Ltd and Onetahua Restoration Partnership be formed, that will describe the impacts, costs and benefits of the proposed predator eradication project for the farm park..... A revised grazing arrangement is then agreed by 30 June 2022 with full knowledge of the proposed predator eradication project, based on a forward-looking farm plan and a comprehensive environmental impact assessment that is compatible with the predator eradication/conservation, recreational and farming objectives of the farm park (and DOC).”**

Panel comment/recommendation

The request by Onetahua Restoration Partnership may be considered, and the decision on this **request is up to the decision maker’s discretion.** The panel notes that the concession is currently rolling on and the activity authorised under the existing concession may continue until such time as a decision is made on this application.

4.0 Applicant’s right of reply/ comments

LSF were offered the opportunity to speak at the public hearing at the conclusion of the public **submissions. The ‘right of reply’ is provided so that an applicant can respond or clarify matters** raised in submissions where it may be helpful for the Panel or aide the assessment of the application. They may also offer or discuss potential solutions, or ways forward for issues, where appropriate.

LSF attended the hearing, and provided a brief written summary to the panel, clarifying a number of points raised in the submissions, including stocking rates, aerial spraying, and the use of urea. It was agreed that these clarifications would be added to, and form part of, the application.



5.0 Summary and discussion

The majority of the submissions were in support or neutral to the application, subject to a number of proposed special conditions set out in the concession document aimed to address adverse effects on conservation values. Most submitters proposed ways in which they considered would mitigate and manage the adverse effects of the application on such values, for example limiting the use of fertiliser, managing stock numbers, retiring wetlands and minimising cattle grazing from the farm park.

An overall impression the panel took from the submissions was that while it was recognised Lone Star has a history of cooperation and collaboration to enable recreation activities within the park, there is an opportunity (through this concession process) for the Department to review the balance between farming and conservation projects within the farm park, by working collaboratively with Lone Star and conservation groups. The submitters views on where this balance lies was varied, depending on each submitters position and priorities.

In summary, the panel notes:

- the core concerns of the submissions would be addressed through the assessments of s17U1(a)–(c).
- The decision on the concession application is being made under the Conservation Act 1987. The decision maker is therefore obliged to give effect to the purpose of the Act, ***“to promote the conservation of New Zealand’s natural and historic resources...”***

6.0 Recommendations

The Panel has no further recommendations to the decision maker to aid in the decision making process aside from the recommendations set out in the submissions summary section as to the extent the issues/points raised in the submissions are allowed.

A handwritten signature in cursive script, appearing to read 'Deidre Ewart'.



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Department of Conservation
Date: 14 December 2021

Report written by panel Deidre Ewart, Lucy Croft, Andrew Lamason



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Appendix 1: Copy of Submissions



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Appendix 2: Applicants written **'right of reply'**



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Appendix 3: Application