

Submission Summary and Recommending Report

John B Cowan

63919-GRA

Introduction

This report assesses the submissions made on the application for a licence for a 15-year term by John B Cowan to graze 736 hectares of Cook River to Haast River Conservation Area within the Haast River valley. The application is being assessed as a new application under the Conservation Act 1987 (the Act). However, it is noted that the activity is a longstanding one, and the applicant states that grazing has occurred on site for 150 years.

This application raises the appropriateness of a grazing activity occurring in the particular setting of the Haast River valley and the associated effects on the environment, including effects that are not able to be contained within the licence area being applied for. There is a longstanding activity of farming activity in South Westland and the activity applied for is at a low stocking rate across a large area of valley. The Haast River valley is a dynamic natural environment with high rainfall and frequent flood flows. The wider context includes changing public perceptions of the acceptability of cattle being allowed to graze in riverbeds and on sensitive environments.

Notification process under the Conservation Act

The decision to publicly notify the application was made under section 17SC(2) of the Act. The Decision Maker, after having regard of the effects of the activity, considered it was appropriate to notify it.

The application was then publicly notified under section 49 of the Act and submissions invited. 37 submissions were received, 11 of which stated a wish to be heard by the Director-General or his representative. Barry Hanson, Director Partnerships, Southern Partnership Team, chaired the Hearing Panel as the Director-General's delegate. He was assisted on the panel by Rebecca Beaumont, Permissions Advisor, Hokitika and Karen Jury, Western South Island Improvement Manager. The hearing was held in Hokitika on the 26th June 2018, in the Hokitika Returned Services Association building. Six people addressed the Hearing Panel, either in person or by skype. A further approximately 30 people attended the hearing to watch.

Section 49 of the Act sets out the process for the public notice of applications. This report is written under the provisions of section 49(2) of the Act, which sets out the process for submissions and the hearing. In particular, this report meets the requirements of s49(2)(d). The Minister or a delegated decision maker shall consider the contents of the report before deciding whether to proceed or not with the application.

S49 Public notice and rights objection

(1)...

(2) Where the Minister gives public notice of intention to exercise any power conferred by this Act or gives public notice of an application for a concession

(a) any person or organisation may object in writing to the Director-General against the proposal, or make written submissions on the proposal; and

(b) the Minister must give persons and organisations wishing to make objections or submissions the following time to do so:

(i) in the case of the exercise of a power, at least 40 working days:

(ii) in the case of an application for a concession, at least 20 working days; and

(ba) every objection or submission must be sent to the Director-General at the place, and by the date, specified in the notice; and

(c) where a person or organisation making an objection or submission so requests in the objection or submission, the Director-General shall give the person or organisation a

reasonable opportunity of appearing before the Director-General in support of the objection or submission; and

(d) the Director-General shall send to the Minister with a recommendation a summary of all objections and comments received and a recommendation as to the extent to which they should be allowed or accepted; and

(e) the Minister shall consider the recommendation and the contents of the summary before deciding whether or not to proceed with the proposal

(3)...

The Decision Maker is also directed to consider this report as a matter during the consideration of the decision under section 17(U)(1)(f):

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

Assessment and summary of submissions

I¹ have adopted a thematic approach to the submissions as a method to summarise their purpose and content. For each Theme submissions are listed and their relevance under the Act determined.

Theme number	Theme title
1.	Perceived inconsistency with Department policies, plans and legislation
2.	Ecological effects of the proposed grazing
3.	Ability to contain effects within the licence area
4.	Benefits from grazing activity
5.	Access and recreation effects
6.	Effective management and monitoring of the proposed licence
7.	Strategic leadership of the Department

The content of the submissions is described and analysed for each Theme then recommendations to the Decision Maker are made.

I have also made some general recommendations for the Department that are relevant beyond this immediate decision-making process. All the recommendations are recorded at the end of this report.

As a general statement the submissions were validly made and able to be considered, at least in part. Where I did not believe that an aspect of submission could be considered this has been specifically identified in the report. I also formed a view that there have been no matters raised by submitters that impact upon the Decision Maker's ability to proceed to making a decision on this proposal.

The summary of all submissions is included as an appendix to this report.

¹ While as the Hearing Chair the Report is mine, I acknowledge the able assistance of the other panel members.

Theme 1: The application is inconsistent with Department policies, plans and legislation

Submissions that addressed this topic			
Submitter number	Submitter	Heard?	Relevance under Conservation Act in terms of submission theme?
1	Sir Alan Mark	Heard	Relevant
2	Confidential submitter		Limited relevance
3	Dr Theo Stephens and Dr Susan Walker	Heard represented by Dr Stephens	Relevant
4	Royal Forest and Bird Protection Society of New Zealand	Heard, represented by Peter Anderson	Relevant
5	Royal Forest and Bird Protection Society – Central Otago Branch	Heard, represented by Bruce Jefferies	Limited relevance
6	Rosalie Snoyink		Relevant
7	Frida Inta		Relevant
8	Lesley Anderson		Relevant
9	Suzanne Hills		Relevant
10	FMC		Relevant
11	John Caygill		Relevant
12	Serena Jones		Relevant
13	Beccy Creswick		Relevant
14	Adrienne Oaks		Relevant
15	Catherine Pollock		Relevant
16	Catherine Rezaei-Abyaneh		Relevant
17	Dr Clare Backes and Dr Keith Morfett		Relevant
18	Sharon Lequex		Relevant
19	Christine Rose		Relevant
20	Judith Knights		Relevant
21	David Young		Relevant
22	David Dymock		Relevant
24	Edmund Stephan-Smith		Relevant
25	Tim Lequeux		Relevant
26	Inger Perkins		Relevant
27	John Langley		Relevant
29	EDS		Relevant
30	Nicky Snoyink		Relevant
31	Graeme Loh		Relevant
32	Gilbert van Reenan	Heard	Relevant
34	Susan Hall and Kevin Dunn		Relevant
35	Paul Elwell-Sutton	Heard	Relevant
36	Brian Anderson	Heard	Relevant

Applications for concessions are assessed under the Act and further guidance is provided to that assessment under the Conservation General Policies, Conservation Management Strategies, and where applicable, National Park Management Plans. A number of submitters provided commentary that in their view the grazing activity applied for is inconsistent with some or all of these plans and policies.

Mount Aspiring National Park

Many submitters raised concerns with the encroachment of cattle into the Mount Aspiring National Park (MANP). Submitters noted that the National Parks Act and the MANP Management Plan specifically excluded new grazing areas, other than specific locations, from consideration. Many of those submitters therefore sought that the application be declined on the basis that it could not be considered under the MANP Management Plan.

I note that the area for which grazing is applied for is not within the MANP and therefore the legislation and policies relating to the Park are not directly applicable to deciding this proposal. However, through the course of submitter presentations and the applicant's right of reply, it was demonstrated and accepted by all that the current grazing within the Haast River is having effects on the MANP.

I noted this, and the exclusion of stock from MANP is therefore, a matter to be addressed by the Decision Maker. Therefore, the aspects of submissions relating to consideration of this application under the MANP Management Plan have limited relevance.

West Coast Conservation Management Strategy

Dr Stephens and Dr Walker, Royal Forest and Bird, Dr Backes and Dr Morfett, EDS, and Mr Elwell-Sutton stated the view that the proposal was not consistent with the West Coast Conservation Management Strategy (WCCMS). Almost all submitters also raised particular effects of the grazing activity, either positive or negative.

The WCCMS is "effects-based" and allows the consideration of grazing where the effects are appropriately managed. Submissions relating to inconsistency with the WCCMS are therefore relevant where they also state a particular effect. However, the extent to which the effects are adverse or positive must then be assessed to determine whether the activity is consistent or otherwise with the relevant CMS.

International conventions

South Westland Te Wahi Pounamu World Heritage Area

The significance and value of the South Westland Te Wahi Pounamu World Heritage Area and the incongruity of cattle in this context was also raised by submitters as a reason to decline the application. The Panel heard a very detailed submission from Bruce Jefferies, on behalf of the Central Otago Lakes Branch of the Royal Forest and Bird Protection Society, that explored this topic and the effect of other international conventions to which the New Zealand Government is a signatory. Other submitters, such as Sir Alan Mark, considered that the grazing activity was inconsistent with the biological diversity values and landscape values that had led to the creation of the World Heritage classification.

The Panel directed questions to submitters at the hearing as to how the World Heritage Area classification should be taken into account under the Act. The majority of those submitters responded that they considered it to be a matter of leadership of the Government, and consistency with conventions to which New Zealand is a signatory. Other submitters noted an adverse effect on the enjoyment of tourists who visited the South Westland Te Wahi Pounamu World Heritage Area and were not expecting to see the presence on cattle in a riverbed and within the landscape.

The World Heritage classification is a consideration under the Act because it provides context to the purpose for which the land is held and is part of New Zealand's obligations under the

World Heritage Convention. 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. Given this, the aspects of submissions relating to cattle grazing in the WHA are of limited relevance.

Bruce Jefferies, on behalf of Royal Forest and Bird Central Otago Lakes Branch, gave a detailed explanation of the Convention of Biological Diversity, and the World Heritage Convention and the inconsistency of the proposal with a number of policies within those agreements.

Recommendation:

- 1.1 No submission related to inconsistency with Department policies, plans and legislation has raised an issue that prevents the consideration of the application under the legislative framework.
- 1.2 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.
- 1.3 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.

Theme 2: Ecological effects of the proposed grazing

Submissions that addressed this topic			
Submitter numbers	Submitter	Heard?	Relevance under Conservation Act in terms of submission theme
1	Sir Alan Mark	Heard	Relevant
3	Dr Theo Stephens and Dr Susan Walker	Heard represented by Dr Stephens	Relevant
4	Royal Forest and Bird Protection Society of New Zealand	Heard, represented by Peter Anderson	Relevant
5	Royal Forest and Bird Protection Society – Central Otago Branch	Heard, represented by Bruce Jefferies	Relevant
6	Rosalie Snoyink	No	Relevant
7	Frida Inta	No	Relevant
8	Lesley Anderson	No	Relevant
11	John Caygill	No	Relevant
12	Serena Jones	No	Relevant
13	Beccy Creswick	No	Relevant
14	Adrienne Oaks	No	Relevant
15	Catherine Pollock	No	Relevant
16	Catherine Rezaei-Abyaneh	No	Relevant
17	Dr Clare Backes and Dr Keith Morfett	No	Relevant
18	Sharon Lequeux	No	Relevant
19	Christine Rose	No	Relevant
20	Judith Knights	No	Relevant
21	David Young	No	Relevant
22	David Dymock	No	Relevant
24	Edmund Stephan-Smith	No	Relevant
25	Tim Lequeux	No	Relevant
26	Inger Perkins	No	Relevant
27	John Langley	No	Relevant
29	EDS	No	Relevant
30	Nicky Snoyink	No	Relevant
31	Graeme Loh	No	Relevant
32	Gilbert van Reenan	Heard	Relevant
35	Paul Elwell-Sutton	Heard	Relevant
36	Brian Anderson	Heard	Relevant

Effects on ecological values

The majority of submissions in opposition to the proposal raised concerns about effects on the ecological values of the valley. These included adverse effects on flora, fauna, water and soil, including effects on specific individual species and features.

Significant focus was placed on this matter by submitters, many of whom quoted the technical report included in the submission of Dr Theo Stephens and Dr Susan Walker. Dr Stephens attended the hearing to speak to this report and provided photographic evidence of what in their view constituted adverse effects on the grazing area and adjoining land: browse of vegetation including ribbonwood stands on Sunny Flat, siltation of waterways, erosion of riparian margins, introduction of weed species, and unauthorised drainage work. In particular, Dr Stephens focused on effects on Sunny Flat, and effects up the debris fans on the northern side of the river. Wrybill and Dotterel habitat and birds, were of particular concern to a number of submitters, many of whom referenced the Stephens and Walker submission. Submitters also raised concerns about fragile herb species.

In response to questioning regarding Wrybill habitat, Dr Stephens confirmed that Wrybill had been sighted on the shingle flats below Roaring Billy Creek (outside the grazing application area) and at the confluence of the Landsborough at the upper reach of the licence. He was also aware of sightings in the Clarke Valley.

In his right of reply the Applicant's representative, George Ivey, spent some time addressing the concerns raised within the Stephens and Walker submissions, and other submissions that raised issues with farming practices. He stated that similar effects were created by deer browse which until recently was very prevalent in the area. He noted that many of the native species identified would also be flooded by bank to bank floods that come through the Haast River periodically. Flooding would also impact on the erosion on the river's banks. Mr Ivey accepted that in places stock movement had created tracking, stating that these effects were discreet, and created by stock habit, rather than effects occurring uniformly across the entire grazing area. Mr Ivey also stated that many of the effects noted were located within Sunny Flat, an area where effects were concentrated due to stock being held there during the 1080 operations occurring around the valley. He believed that areas of pugging had been created due to heavy rain immediately preceding Dr Stephen's visit. Mr Ivey also identified that farming practice meant that weed species were removed and managed.

2015 Monitoring report

A number of submitters criticised the internal monitoring report produced for the Department by Andrew Wells, a consultant, in 2015. It is noted that although the report made statements about the effects of the grazing in a general sense, the scope of the report was to monitor the compliance of the grazing activity with the terms of the licence, rather than to be a site-specific ecological report. The Applicant has elected to include the report as supporting information to their application. I suggest that criticism of the report could relate more to the submission of the report as an ecological report rather than to the report's findings itself. I am also aware that the Decision Maker will be able to commission internal ecological reports from staff to assist with the processing of the application.

I note that the majority of submitters described the ecological values of the area, however generally they were less able to state the specific ecological effects and how the values were impacted by grazing. Both submitters and the Applicant agreed that there were effects caused on vegetation both within and outside the licence area. The debate was around the cause of the effects, and the extent to which these effects were adverse. Submitters also expressed differing views of the extent of pressure on flora from cattle and the extent that this was occurring outside of the licence area. Dr Stephens held a view that all effects were adverse and significant, whereas the Applicant considered that there were fewer effects, or considered they were caused by deer rather than the cattle.

In my view, the applicant was able to provide alternative explanations for a number of ecological effects of concern to submitters. However, there were clear examples of adverse effects on flora values, in particular, the loss of ribbonwood trees, which were not countered

by the Applicant. In this case the Applicant, having heard the submitters, stated he is prepared to fence the stands of ribbonwood.

Both the Applicant and submitters agree that there are effects, inside and outside of the licence area. Most submitters regarded these as being unacceptable (especially those occurring outside the licence area but also within).

There was disagreement around the impacts on threatened species. The Applicant considered that the effects occurring were part of the farming operation and were minor in nature, whereas the majority of submitters suggested that any effect from grazing on threatened species was unacceptable.

Although there were points of distinction between assessments and reliance of submitters on evidence obtained by others, all points are considered relevant.

Recommendations:

- 2.1 A consideration for the Decision Maker as part of application is whether any adverse effect from the application is acceptable and to what extent these effects would be allowed to occur.
- 2.2 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.

Theme 3: Ability to contain effects within the licence area.

Submissions that addressed this topic			
Submitter numbers	Submitter	Heard?	Relevance under Conservation Act in terms of submission theme?
1	Sir Alan Mark	Heard	Limited relevance
2	Confidential submitter	No	Limited relevance
3	Dr Theo Stephens and Dr Susan Walker	Heard represented by Dr Stephens	Limited relevance
4	Royal Forest and Bird Protection Society of New Zealand	Heard, represented by Peter Anderson	Limited relevance
5	Royal Forest and Bird Protection Society – Central Otago Branch	Heard, represented by Bruce Jefferies	Limited relevance
6	Rosalie Snoyink	No	Limited relevance
7	Frida Inta	No	Limited relevance
8	Lesley Anderson	No	Limited relevance
9	Suzanne Hills	No	Limited relevance
10	FMC	No	Limited relevance
11	John Caygill	No	Limited relevance
12	Serena Jones	No	Limited relevance
13	Beccy Creswick	No	Limited relevance
14	Adrienne Oaks	No	Limited relevance
15	Catherine Pollock	No	Limited relevance
16	Catherine Rezaei-Abyaneh	No	Limited relevance
17	Dr Clare Backes and Dr Keith Morfett	No	Limited relevance
18	Sharon Lequex	No	Limited relevance
19	Christine Rose	No	Limited relevance
20	Judith Knights	No	Limited relevance
21	David Young	No	Limited relevance
22	David Dymock	No	Limited relevance
24	Edmund Stephan-Smith	No	Limited relevance
25	Tim Lequeux	No	Limited relevance
26	Inger Perkins	No	Limited relevance
27	John Langley	No	Limited relevance
29	EDS	No	Limited relevance
30	Nicky Snoyink	No	Limited relevance
31	Graeme Loh	No	Limited relevance
32	Gilbert van Reenan	Heard	Limited relevance
34	Susan Hall and Kevin Dunn	No	Limited relevance
35	Paul Elwell-Sutton	Heard	Limited relevance
36	Brian Anderson	Heard	Limited relevance

Fencing

Submitters noted that the grazing application area, and therefore the farming operation applied for, was not currently fenced along the boundary of the licence. On the southern side of the licence a fence is located along the State Highway 6 to prevent stock creating a safety hazard to motorists along the highway. This results in stock moving into the National Park between the grazing licence area and the highway. To the north, stock enter the debris fans of Cuttance Creek and Debris Torrent into the Cook River to Haast River Conservation Area. Some submitters believe, the inability to contain effects within the concession area forms a reason to decline the application. Other submitters identified the need for conditions to ensure that cattle are kept within the licence area.

Drs Stephens and Walker provided photos of grazed vegetation within the MANP and stated that grazing was causing an effect on the land.

The Applicant accepted these statements however as discussed under the ecological effects section above, disagreed with the extent of the effects. Mr Ivey stated that it was a matter of animal welfare that the stock was able to leave the grazing area during times of flood. In Mr Ivey's view, the extent of the grazing licence indicated on the application for the grazing licence was indicative only, and both the Applicant and Department were aware that stock grazed outside the licence from time to time. In response to questioning from the panel, Mr Ivey estimated that stock moved outside of the proposed licence area up to 10% of the time.

Submitters noted that the land adjoining the application was vegetated and these areas of vegetation were being adversely affected by stock browse and trampling. The Applicant stated, in their view, the browse could also have caused by deer, or tahr that are present in the area. The Applicant disputed the extent that the cattle encroached up the two alluvial fans to the north of the licence area, stating that damage was caused by slips and deer. As the slip revegetated, stock were unable move up into the area.

As discussed in Theme 1, the Department is unable to approve an application within the MANP. I note that the Applicant has not sought approval to graze within the MANP but sees the encroachment into MANP and other areas adjoining the proposed licence area as acceptable and necessary to the farming operation. I note that the Department is aware of the encroachment.

The Department is limited in its ability to accept the Applicant's desire that the margins, or boundary, of the lease area edge be transitional or flexible. I consider that this is a risk for the Department, as the lack of monitoring and enforcement has sent "mixed messages" to the Applicant about how the legislation and policy that underpin the assessment of this application are applied in practice.

Impacts on the forest at the margins of the licence were accepted by all submitters and the Applicant. Opinions differed as to the extent of this intrusion and the effects of it. All parties agreed that all the effects of grazing should be taken into account for this farming operation.

Recommendation:

- 3.1 It is clear that grazing within Mount Aspiring National Park is not permitted by the current Mount Aspiring National Park Plan, and therefore the current proposal cannot be considered in such a way that allows this to occur.
- 3.2 Grazing outside of the proposed licence area (e.g. The Cook River to Haast River Conservation Area to the north of the application boundary) is also unacceptable and this should be factored into your decision.

Theme 4: Benefits from grazing activity

Submissions that addressed this topic			
Submitter Number	Submitter	Heard?	Relevance under Conservation Act in terms of submission theme?
28	Paulette Birchfield	No	Limited Relevance
33	Wayne O'Keefe	No	Limited Relevance

Two submissions specifically sought the approval of the application and continuation of the grazing activity on site; Paulette Birchfield and Wayne O'Keefe.

Submitters noted the long history of grazing in the area. They considered the grazing was having positive effects on the wider area of Haast. Both referred to the social connection the Cowan family and their staff have had with the Haast community and the economic contribution of the farming operation. Submitters stated the activity was well managed and that the improvements made to the land were positive, although the specifics of these were not set out in any detail within their submissions.

Other submissions also referenced the economic contribution of the farming operations, both to the community and the Department of Conservation through the payment of activity fees and management fees.

Mr Ivey also spoke to the heritage value of the farming operation, which had farmed for seven generations. The farm's three staff were active community members and contributed to Haast. In Mr Ivey's view, grazing in South Westland was part of the area's foundation, and farming practices within the Haast River for 150 years formed part of the heritage of Haast and South Westland.

The consideration of any effects including positive effects of the activity on the conservation area is a relevant consideration under section 17U of the Act. However, the wider effects or benefits of the farming activity on the Haast community are not a relevant consideration in the context of a decision under conservation legislation.

Submitters in opposition such as Paul Elwell-Sutton felt that the activity fees were not sufficient to validate the adverse effects. It was the Mr Elwell-Sutton's view that this constituted a subsidy by the Department to the benefit of the Cowans.

It is noted that the submissions were broad in their nature and therefore are irrelevant or have limited information to further inform this process.

Theme 5: Access and recreation effects

Submissions that addressed this topic			
Submitter number	Submitters	Heard?	Relevance under Conservation Act in terms of submission theme?
3	Dr Theo Stephens and Dr Susan Walker	Heard represented by Dr Stephens	Relevant
4	Royal Forest and Bird Protection Society of New Zealand	Heard, represented by Peter Anderson	Relevant
6	Rosalie Snoyink	No	Relevant
7	Frida Inta	No	Relevant
8	Lesley Anderson	No	Relevant
10	FMC	No	Relevant
11	John Caygill	No	Relevant
29	EDS	No	Relevant
34	Susan Hall and Kevin Dunn	No	Relevant
35	Paul Elwell-Sutton	Heard	Relevant
36	Brian Anderson	Heard	Relevant

Submitters such as Bryan Anderson, Royal Forest and Bird, Frida Inta and Gilbert van Reenan valued the accessibility of the Haast valley as the public can pull off the highway and access the Haast valley, the Haast River and Landsborough Rivers and the MANP. Submitters felt that the introduction of the electric wire fence and the Taranaki gates were barriers to access the land therefore affected the experience of visitors and users of the area. Submitters stated that it was difficult to access the land, and to camp upon the land.

Federated Mountain Clubs of New Zealand (FMC) further noted that additional fencing of the licence required in order to prevent stock entering into the National Park will add an additional barrier to access the licence area.

Mr Ivey believed that the gates and stiles were provided at each point of interest along the licence area and volunteered to provide additional access points if needed. The Cowans noted tourist operators such as helicopters and jet boats utilised the land.

The effects of the wire fence along the highway and gates on public access and perceptions of public access are relevant submissions. However, public access is provided to and across the land and more public access is not considered to be the most significant issue for consideration by the Decision Maker.

Theme 6: Effective management and monitoring of the proposed licence.

Submissions that addressed this topic			
Submitter number	Submitters	Heard?	Relevance under Conservation Act in terms of submission theme?
1	Sir Alan Mark	Heard	Limited relevance
3	Dr Theo Stephens and Dr Susan Walker	Heard represented by Dr Stephens	Limited relevance
4	Royal Forest and Bird Protection Society of New Zealand	Heard, represented by Peter Anderson	Limited relevance
7	Frida Inta	No	Limited relevance
10	FMC	No	Limited relevance
29	EDS	No	Limited relevance
32	Gilbert van Reenan	Heard	Limited relevance
34	Susan Hall and Kevin Dunn	No	Limited relevance
35	Paul Elwell-Sutton	Heard	Limited relevance
36	Brian Anderson	Heard	Limited relevance

Submitters including Brian Anderson, Paul Elwell-Sutton, Forest and Bird and Sir Alan Mark were critical of the Department's ability to effectively monitor and enforce the proposed grazing proposal. Submitters referenced the movement of stock outside of the current licence area, and also criticised the Department monitoring report undertaken in 2015. Other submitters such as FMC and Brian Anderson noted that any fencing required to ensure compliance with the boundaries of the licence area will further inhibit public access. Mr Anderson noted the cost and potential impracticality of fencing the licence area.

I do not share the criticism of the staff monitoring report undertaken, although I suggest that further and more frequent monitoring of the application area would be required if grazing continues within this area.

Submissions relating to the monitoring and effective management of the licence area are of limited relevance in this process but inform future management.

Recommendation:

- 6.1 The ongoing management and monitoring of a grazing licence is an important aspect of the concession system.
- 6.2 The Department has a responsibility to ensure that any approval is enforceable and practical.

Theme 7: Strategic Leadership of Department of Conservation.

Submitter numbers	Submitter	Heard?	Relevance under Conservation Act in terms of submission theme
1	Sir Alan Mark	Heard	Limited relevance
2	Confidential submitter		Limited relevance
3	Dr Theo Stephens and Dr Susan Walker	Heard represented by Dr Stephens	Limited relevance
4	Royal Forest and Bird Protection Society of New Zealand	Heard, represented by Peter Anderson	Limited relevance
5	Royal Forest and Bird Protection Society – Central Otago Branch	Heard, represented by Bruce Jefferies	Limited relevance
6	Rosalie Snoyink	No	Limited relevance
7	Frida Inta	No	Limited relevance
8	Lesley Anderson	No	Limited relevance
9	Suzanne Hills	No	Limited relevance
10	FMC	No	Limited relevance
11	John Caygill	No	Limited relevance
12	Serena Jones	No	Limited relevance
13	Beccy Creswick	No	Limited relevance
14	Adrienne Oaks	No	Limited relevance
15	Catherine Pollock	No	Limited relevance
16	Catherine Rezaei-Abyaneh	No	Limited relevance
17	Dr Clare Backes and Dr Keith Morfett	No	Limited relevance
18	Sharon Lequex	No	Limited relevance
19	Christine Rose	No	Limited relevance
20	Judith Knights	No	Limited relevance
21	David Young	No	Limited relevance
22	David Dymock	No	Limited relevance
24	Edmund Stephan-Smith	No	Limited relevance
25	Tim Lequeux	No	Limited relevance
26	Inger Perkins	No	Limited relevance
27	John Langley	No	Limited relevance
29	EDS	No	Limited relevance
30	Nicky Snoyink	No	Limited relevance
31	Graeme Loh	No	Limited relevance
32	Gilbert van Reenan	Heard	Limited relevance
34	Susan Hall and Kevin Dunn	No	Limited relevance
35	Paul Elwell-Sutton	Heard	Limited relevance
36	Brian Anderson	Heard	Limited relevance

Submitters made reference to policies, strategies and conventions to which the Department is a party and considered that they should guide the Decision Maker. These included the Government's commitment to reduce greenhouse gas emissions and that allowing grazing of public conservation land was inconsistent with that commitment. Bruce Jefferies, on behalf of Royal Forest and Bird Central Otago Lakes Branch, gave a detailed explanation of the Convention of Biological Diversity, and the World Heritage Convention and the inconsistency of the proposal with a number of policies within those agreements which is referred to earlier in this report.

Submissions referenced agreements that the Department entered into in relation to the Landsborough Station purchase by the Nature Heritage Fund. Submitters considered that these agreements had relevance to this proposal. Brian Anderson noted the 2005 media release from then Conservation Minister Chris Carter relating to the purchase of the Landsborough Station as setting out the high values in the immediate adjoining area. Mr Elwell-Sutton also raised in his hearing presentation that the Nature Heritage Fund agreement included an agreement to destock the Haast valley. He was not able to substantiate this point.

A number of submitters stated the view that it was no longer appropriate for cattle to graze within a riverbed.

Submissions relating to these matters have limited relevance and their weighting is a matter for the Decision Maker.

Summary of recommendations

The purpose of the Hearing was to hear from members of the public who wished to directly address representatives of the Director-General. This report summarises these submissions and makes recommendations under section 49(2)(d). The Decision Maker will then have regard to this report under section 49(2)(e).

My recommendations relate solely to the submissions and the relevance of these to the decision. I have made recommendations when the submissions have raised aspects of the application to be considered during the process. I have not sought to comment on the overall decision as I have not been party to all assessments and reports that the Decision Maker will have available.

The consideration of the application should assess the full extent of the effects of the grazing. These effects need to be quantified by technical experts in areas such as ecology, access, and visual effects to ensure that these effects are understood.

I have also elected to make recommendations relating to wider work that could proceed outside of this immediate decision-making process, with an aim to record these suggestions for consideration by the Department.

In addition to the analysis of the submissions, the recommendations are listed here in full and have been given the numbering from the relevant section within the preceding report:

- 1.1 No submission related to inconsistency with Department policies, plans and legislation has raised an issue that prevents the consideration of the application under the legislative framework. (note paragraph 3.1 below).
- 1.2 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.
- 1.3 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.
- 2.1 A consideration for the Decision Maker as part of application is whether any adverse effect from the application is acceptable and to what extent these effects would be allowed to occur.
- 2.2 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.
- 3.1 It is clear that grazing within Mount Aspiring National Park is not permitted by the current Mount Aspiring National Park Plan, and therefore the current proposal cannot be considered in such a way that allows this to occur.

- 3.2 Grazing outside of the proposed licence area (e.g. The Cook River to Haast River Conservation Area to the north of the application boundary) is also unacceptable and this should be factored into your decision
- 6.1 The ongoing management and monitoring of a grazing licence is an important aspect of the concession system.
- 6.2 The Department has a responsibility to ensure that any approval is enforceable and practical.

In addition to the above recommendations to the Decision Maker on this proposal I make the following observations relevant to DOC's work in this area:

- Although not part of the consideration of this application, I note the response to the monitoring of the previous licence has led to a lack of trust from the public in the Department's consideration of the proposal and future management of concessions. Whilst they are of limited relevance to the consideration of the new application, they should be recorded and taken on board by the Department outside of this process.
- It may also be appropriate for a wider discussion to be held with the farming community about the expectation of a "higher bar" for performance on public conservation land, and in particular on sensitive environments.
- Submitters have expressed a desire for the Department to demonstrate further strategic direction in relation to greenhouse gas reduction, enacting policy agreements under the international conventions to which the government is a signatory and providing further explicit direction in relation to the appropriateness or otherwise of grazing in particular locations within the Conservation Act and associated policy documents.

Conclusion

Submitters sought a variety of outcomes from this process in relation to the proposal. The majority wanted the application declined outright. Others also sought the decline of the application but also made suggestions for conditions about weed control and the removal of infrastructure or even for a review of all grazing on public conservation land. A small number of submitters sought the approval of the licence, or the approval of the licence with conditions imposed requiring a shorter term, reduced stocking rate the fencing of waterways, planting of riparian strips and conditions prohibiting the entry of stock into the MANP.

It is my view that under the Act the submissions were generally relevant, as they related to effects of the grazing activity. Conversely, submissions relating to the wider effects on the Haast community and to the wider strategic direction of the Department were considered not relevant.

The 37 submissions received on the application traverse a wide range of themes, which have been summarised into highly technical aspects of legislation and policy, effects of the grazing, enforceability of the proposal and activity in the past, and the subjective context in which these applications are viewed. There were clear submissions addressing effects on the ecological values, access and recreation effects, landscape effects and the positive effects of the operation. These matters are directly relevant to the application and it is recommended that these submissions, along with further technical assessment from Department staff, inform the decision-making process for this proposal.

Appendix 1: Summary of submissions