



Department of Conservation
Te Papa Atawhai

Concession Decision Report under Part 3B of the Conservation Act 1987

Applicant/Permit Holder: Lone Star Farms Limited

Permission Number: 91765-GRA

To: Chris Golding, Operations Manager, Golden Bay District

From: Lucy Croft, Permissions Advisor, Hokitika Shared Service Centre

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The purpose of this Report is to provide a thorough analysis of the Concession Application within the context of the relevant legislation, statutory planning framework and actual and potential effects so that the Decision-Maker can consider the Application and make a decision as to whether it should be granted or declined.

1.0 Executive Summary

1. The Department has received an application from Lone Star Farms Limited (the Applicant) for a grazing lease and licence for approximately 396 hectares (ha) of public conservation land (PCL) known as Puponga Farm Park, in the Golden Bay District of the South Island.
2. The lease part of the application is for exclusive use of farm buildings, the licence part is for the grazing.
3. All lease applications are subject to public notification pursuant to section (s) 17SC of the Conservation Act 1987 (the Act). The Application was therefore publicly notified by the Department in accordance with the public notice and right of objection process set out in s 49 of the Act. Written submissions were lodged and a public hearing was also held to provide submitters an opportunity to speak to their submission.
4. In making a final decision on the Application, you, as the Minister's delegate are obliged to consider the matters set out in s 17U of the Act:

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](#).*
5. This report addresses the matters set out in s 17U of the Act and recommends that you approve the application, subject to the recommended special conditions.

2.0 Summary of Proposal

Information available for consideration:

Information about the Applicant:

6. Lone Star Farms Limited, the Applicant, is a registered New Zealand company, with its current Directors being Thomas Sturgess and Andrew Wotton. The Application was submitted by Tim Wanklyn, the company's Manager, who has been the company's point of contact.
7. The Applicant has been grazing Puponga Farm Park since 1998. The current authorisation being grazing licence NM-31564-GRA, which has been 'rolling on' since its expiry date of 30 June 2021. The Applicant has proven to be a competent and cooperative concessionaire with good public relations skills, who holds a good relationship with the Department.

Term sought:

8. The Applicant initially applied for a term of 10 years. At the end of this permissions process, when the Department requested the Applicants comments on the draft proposed lease/licence, the Applicant advised they no longer intend to continue farming Puponga Farm Park, and requested a reduced term be approved for a term of 1 year and 4 months only. The term is addressed in further detail under section 4 and section 6.

Location/site:

9. Puponga Farm Park is comprised of the following areas in the Golden Bay District:

Conservation area	Land status
Puponga Farm Park Recreation Reserve	s. 17 Recreation Reserve
North-West Nelson Forest Park	s. 19 Conservation Park
Conservation area - Puponga	s. 25 Stewardship land

10. The majority of Puponga Farm Park is recreation reserve administered by the Department and held under the Reserves Act 1977. The area receives over 100,000 visitors per annum. Visitors come for the rural landscape and to visit the coastline and beaches.
11. Puponga Farm Park consists of the following three blocks: Triangle Flat, Cape Block and Wharariki Block. Access to the Farm Park is via Wharariki Road, as shown on the map below.



Permission Holder: **Lone Star Farms Limited**
 Permission Number: **91765-GRA**
 Location ID: **86935, 86937, 86938**
 Total permission area: **389 ha**
 Total valuation area: **369 ha**



This map is to inform and may be unsuitable for other purposes e.g. engineering, surveying, navigation.
 February 2023

New Zealand Government

History of Puponga Farm Park

12. The farm park has its own management plan, Farewell Spit and Puponga Farm Park Management Plan. The plan describes the history of the farm park as follows:
13. *“Puponga Farm was originally purchased in 1974 to act as a buffer to the nature reserve (Farewell Spit Nature Reserve), controlling vehicle access, wandering stock, diverting public attention and acting as a major fire break. But its own natural values were soon recognised. Currently it is a recreation reserve. Wharariki Farm was purchased in 1981 to produce a viable farm unit and Cape Farewell Farm, the third farm unit was purchased by the former Lands and Survey Department in 1987 to link the earlier farms. The three farms are now managed as one unit called the Puponga Farm Park...The farm park is seen as an area in which farming is integrated around reserves and is given lower priority in land use.”¹*

Description of proposed activity and other relevant matters

14. The Applicant proposes to continue to operate under primarily a sheep regime (4000 sheep) with some cattle (80 beef cattle).
15. The farm is managed as an open farm with public access and other concessionaire use, including recreational guiding licences and a number of research and collection permits.
16. Each block (Wharariki Block, Cape Block and Triangle Flat) contains several Crown owned assets such as a farm manager’s house and garage, woolsheds, implement sheds and cattle yards. A lease has been sought to provide exclusive occupation rights of these assets.

Restrictions

17. As the farm is operated under the principles of partnership between conservation values and farming, there are a number of farming restrictions imposed. The Applicant has listed these restrictions as follows:
 - *Open to visitors 365 days/year, means*
 - *Farm open to public at lambing and other crucial times (tailing, weaning, shearing). Means lambs interfered with by the public*
 - *Gates left open and boxing up of stock mobs and classes happens on a regular basis*
 - *Dogs on farm*
 - *Health and Safety issues beyond normal farming operation*
 - *No use of helicopters for gorse spraying*
 - *Restrictions on fertiliser use and application (aerial)*
 - *Restriction on chemicals for control of porina, grass grub and other pests as well as animal health treatments*
 - *Restrictions on control of geese / ducks etc leading dirty troughs and loss of grass, unable to plant new crops e.g., chicory and lucerne as they decimate them*
 - *Pig and goat problems from Wharariki to Green Hills due to unfenced boundary with bush*
 - *Point of contact for issues relating to the farm 24 / 7:*
 - *Police letting us know about car crashes*

¹ Farewell Spit and Puponga Farm Park Management Plan – Appendix 6

- *Multiple fences to be fixed from bad driving, including over lockdown and particularly at peak periods over summer – when DOC shut for three weeks*
 - *Medical emergencies., providing first aid to members of the public, calling for assistance, St Johns, and Westpac Helicopter etc*
 - *Public letting us know about stock problems they think are happening*
 - *Various stakeholders requiring managers input or alteration to management including operations of Bird sanctuary, historic heritage research etc*
 - *Reduction in areas able to be grazed by cattle impacting on grazing management with pasture utilisation and quality harder to manage.*
18. The restrictions are addressed under section 4 – Matters to be considered by Minister.
19. Stock exclusion Regulations
In 2020, the Minister for the Environment announced decisions on the Action for Healthy Waterways Essential Waterways Essential Freshwater national direction package. <https://environment.govt.nz/acts-and-regulations/regulations/stock-exclusion-regulations/>
20. The Resource Management (Stock Exclusion) Regulations 2020 (the Regulations) are part of this package and came into force on 3 September 2020. The purpose of the Regulations is to reduce the impact of damage to New Zealand’s waterways from livestock.
21. Section 4 of this report includes an assessment of how these regulations apply to this grazing application.

Restoration projects

22. There are restoration projects occurring and being proposed within Puponga Farm Park. One of which has a Memorandum of Understanding with the Department. Section 4 of this report includes an assessment of how the application and restoration projects may affect one another.

3.0 Information available for consideration

Information for consideration

1. Application 91765-GRA
2. Summary of Submissions Report
3. Applicant’s clarifications in relation to submissions and application
4. District contributions
5. Iwi consultation
6. Applicant’s comments on draft AA report and draft contract

This information is discussed throughout this report and is attached as per the appendices.

4.0 Statutory analysis under Part 3B of the Conservation Act 1987

S17S: Contents of application

17. 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)
18. The Application, and additional points of clarification provided is considered sufficient to enable the processing of the application. Whilst the application lacked detail, the application is to renew authorisation for an activity already occurring, of which the Department has a good understanding.

S17SC: Public notification of application for leases, licences, permits or easements

19. Concessions must be publicly notified if they are for a lease, or a licence for a term of more than 10 years. The application is a for a joint lease and licence concession, the application was thereby publicly notified by the Department in accordance with s 49 of the Conservation Act, seeking written submissions. A public hearing was also held to provide submitters an opportunity to speak to their submission.
20. The Summary of Submissions Report summarises the notification process and public submissions and is attached as Appendix 2. 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
21. The report made several recommendations regarding which issues raised by submitters may be relevant for section 17U matters. The recommendations and key issues in the Summary of Submissions Report have been addressed and incorporated throughout this report, in the analysis of 17U matters where appropriate.

S17U: Matters to be considered by Minister

S17U(1) and (2)

22. Section 17U(1) and (2) requires the Minister to have regard to the nature and effects of the activity, the measures that can be imposed to avoid, remedy or mitigate adverse effects, any

relevant environmental impact assessment, and any relevant submission received as a result of the public notification process. This section of the report considers the positive and adverse effects of the activity, drawing on information from:

- the application, as provided by the Applicant;
 - the District contributions described in the context and check in meetings and outlined in this document;
 - the Summary of Submissions Report
23. The potential requirement for an environmental impact assessment was raised at the context meeting, however it was decided one was not required.
24. The proposed farming regime is primarily sheep grazing with some cattle (80/20 ratio), with a maximum of 4000su.
25. Potential adverse effects of grazing on conservation values are generally well known and understood and include effects such as potential damage to land caused by overgrazing, increased sediment and nutrient into waterways from runoff or access to waterways from stock, and greenhouse gas emissions from methane. Other potential adverse effects specific to this application includes effects on wetland values, effects on other users including recreationalists, effects on restoration projects.

Effects on landform

26. Grazing livestock can affect soil structure in three ways: compaction, pugging and exposing the sandy soil to wind erosion. Pugging occurs when soils are very wet, and the animals' hooves penetrate the surface soil, this prevents water draining through the soil surface layer. Compaction occurs when soils are moist, so while the soil surface generally stays intact, compaction still decreases the water storage capacity. Both these effects (pugging more so than compaction) increase surface water runoff.
27. The valuation describes the land type as follows: "40ha good quality flats, 10ha wet low-lying flats, 117ha easy rolling hill country mostly in clean pasture, 59.5ha of easy to moderate hill mostly clean and 142.3ha of moderate hill with a mix of clean pasture and rough grazing. There is reasonably wide variation of contour and soil type." The soil is generally low to medium fertility.



Comment

28. The Applicant has applied for a maximum of 4000 stock units (su), although it's acknowledged it is usually grazed at a lesser rate of approximately 3200su. 4000su over 389ha is an average of 7su per ha. (7su is the equivalent of 1 dairy cow per ha). The Application states careful grazing management, including selecting the right class of stock for certain areas, and not overgrazing is important. The vulnerable areas such as the coastal turfs known for sand blow outs are fenced off from grazing.
29. The Department agrees with this assessment, special conditions are proposed regarding stock exclusion zones, and stock rates and are considered to adequately mitigate adverse effects on landform values.

Effects on Freshwater

30. There are several waterways, ponds and wetlands within Puponga Farm Park. Freshwater values in New Zealand have become increasingly significant over time, as their importance in an ecological context has been realised. Effects of grazing on freshwater values includes run off, increased sediment and nutrient into waterways, and damage to wetlands.

Comment

31. Over the past 20 years, areas of Puponga Farm Park with significant conservation values have been removed from the grazing licence. Other exclusions include the fencing of ponds, wetlands, and waterways. Despite this, some paddocks with freshwater values (mainly wetland values) have remained.
32. The Department and Lone Star Farms have been working together over the past year to ensure further protection of these values. As a result of this work, it is recommended:
 - 1) 10.9 ha be removed from the licence area and retired from grazing. This includes two large paddocks known as "Bull Paddock" and "Scott's Paddock".

Note:

Recommendations were also originally proposed that removed beef cattle from 72.78ha of the remaining licence area. Removal of cattle from these low-lying areas would ensure future compliance of the new Stock Exclusion regulations, that commence in 2025. Removal of cattle was seen as sufficient to protect the surface waterbodies without the need for extra fencing. 296.26 ha would of remained available for cattle grazing, grazed at an 80/20 ratio in favour of sheep.

However, due to the Applicants request to discontinue grazing altogether, the Applicant has requested cattle grazing remain throughout the whole licence area, at an 80/20 ratio in favour of sheep, until the new proposed expiry of 30 June 2024, and the District has agreed with this approach.

33. The proposed special conditions regarding the grazing regime, the retirement of some areas from grazing are considered to adequately mitigate adverse effects of grazing on the freshwater values for the newly proposed reduced term.

Effects on flora values

34. Most of the licence area applied for is existing pasture and therefore contains low flora values. There are patches of kanuka over the licence area. Livestock graze the open paddocks where there is feed and use the bush for shelter.

Comment

35. Adverse effects of grazing on the current flora values are considered minimal. Sensitive areas including wetlands and salt turfs have been fenced off. Several submissions identified a patch of kanuka which was damaged by aerial spraying and called for helicopter spraying to be disallowed. Verbal conversations have already been held to prohibit any heli spraying in the future, and a condition is now being proposed that formally prohibits it without approval of the Golden Bay Operations Manager.

Effects on fauna values and Farewell Spit Nature Reserve

36. Puponga Farm Park and the surrounding area is habitat to a variety of native wildlife. A number of submissions identified the Greenhills as being habitat for the Nelson Green Gecko, and the surrounding sea cliffs being home to a variety of birdlife such as the Fluttering Shearwater. The Farewell Spit Nature Reserve (adjacent to Puponga Farm Park) is a RAMSAR site and of national and international significance for its birdlife. Puponga Farm Park was initially purchased to protect the reserve, to act as a fire break. On the flipside, stock control in this area is extra important. Good quality fencing is an important requirement to manage the stock and protect Farewell Spit Nature Reserve.

Comment

37. The proposed special conditions cover fencing, exclusion areas, weed and pest control and the potential to remove further land from grazing if necessary to protect the conservation values at place. The proposed special conditions are considered to adequately address the potential adverse effects of grazing on fauna values.

Effects on recreational values

38. Puponga Farm Park Recreation Reserve is made up of 1002 ha, the grazing licence area makes up 389ha of this and provides recreational opportunities including beach access, walking, and biking tracks. The farm operates openly with visitor access permitted throughout the farm.

Comment

39. The proposed special conditions ensure public access throughout the whole reserve/farm park is not hindered. They also require any Farm Manager and staff must have good public relation skills to ensure a high standard of public relations with visitors to the land.

Restrictions

While the restrictions being imposed through special conditions act to ensure the adverse effects of grazing on conservation values are adequately mitigated, it is acknowledged these restrictions come at a cost to the Applicant and create a substantial amount of additional work for the Applicant.

Comment

A valuation was undertaken by an independent valuer as part of this permission process, and a discounted rental was recommended to address the cost of the restrictions on the applicant.

Effects on cultural values

The area has a rich cultural heritage attested to by the Abel Head Pa and almost continuous midden at Triangle Flat. In 2014 Puponga Point Pa Site was revoked from the recreation reserve and vested to local iwi via historic reserve status.

Comment

These areas have been fenced off from grazing and are outside of the licence area. Local iwi were consulted on the application, this is addressed under section 6 of the report.

Effects on landscape values

The farm park has been grazed for many years, and the area has a long history of being grazed by early settlers. Depending on personal opinion, grazing can be seen to either enhance landscapes values or diminish landscape values. This was made clear in one submission received:

“The open grazed areas are as much a feature and attraction of this location as are the cliffs, dunes, beaches and wetlands. They enhance recreation opportunities”²

Comment

The application for continued grazing at Puponga Farm is not considered to adversely affect landscape values. The proposed conditions regarding stock management and levels ensure the area is not overgrazed.

Land management

The land has been grazed for many years and the Applicant proven to manage the land well. When managed appropriately grazing helps prevent fires and keeps weeds down, which enables Department resource to be used elsewhere. The proposed special conditions act to ensure adequate weed and pest management is undertaken, and the land and buildings are kept in good working order.

Other

To ensure Puponga Farm Park staff are familiar and have a clear understanding of the values at place it is recommended any new employee undertake an induction process that includes:

- reading the concession contract
- reading the Farm Park Management Plan
- reading the Farewell Spit and Puponga Farm Park Management Plan

Fencing

There is a substantial amount of internal and external fencing within the farm park. Typically, in this coastal environment, fencing and building maintenance is high where galvanised iron has been used. Kahurangi National Park borders the parks south boundary. While the majority of the boundary is fenced, there remains gaps. The District has confirmed encroachment of cattle on to the national park is not considered an issue due to low stocking rates and pastured areas providing feed.

² Appendix 2 – Summary of Submissions Report

Comment

A number of conditions are proposed around fencing and are considered to adequately address fencing requirements.

Crown assets

Each block (Wharariki Block, Cape Block and Triangle Flat) contains several Crown owned assets such as a farm manager's house and garage, woolsheds, implement sheds and cattle yards. A lease has been sought to provide exclusive occupation rights of these assets.

Comment

The proposed special conditions outline each parties responsibilities in terms of maintenance and reparation work. The conditions include building condition reports, management and maintenance plans.

Effects on restoration projects

There are a number of restoration projects occurring in the area, one by Onetahua Restoration Partnerships (comprising of Tasman Environmental Trust, Farewell Wharariki HealthPost Nature Trust, Manawhenua ki mohua) is a proposal for a large-scale eradication project, which if successful, would see Farewell Spit become predator free. These Trusts and Partnerships submitted³ on the application, and urged the Decision Maker to consider a clause be included in the concession requiring the Applicant "to work constructively with Nature Trust to enhance biodiversity of the Farm Park" and "to work constructively with Onetahua Restoration Project for a successful predator eradication across the Farm Park."

Comment

The concession contains conditions which can be enforced to ensure the licence holder keeps the land free from pests:

Clause 9.2 Schedule 2

The Concessionaire must at its cost keep the Land in a clean and tidy condition and free of weeds and all organisms specified as pests in a relevant pest management strategy.

The Farm Park Management Plan (clause 23, schedule 3) requires:

- a. *a weed and pest management plan covering the following matters:*
 - i. *identification of key sites for monitoring of pest animals, gorse and any other species identified by the Golden Bay Operations Manager from time-to-time;*
 - ii. *timing and frequency of monitoring;*
 - iii. *the methods to be used to carry out weed control;*
 - iv. *to what standard the weeds and pests will be controlled by the Concessionaire.*

The proposed condition appears somewhat broad and open ended. Any such condition would need to define what "working constructively together" truly means on the ground. The

³ Appendix 2: Summary of Submissions Report

standard and special conditions discussed above could be considered adequate in managing weeds and pests on the land.

Effects on climate change

The activity is for grazing stock. The grazing activity would therefore emit methane from ruminants.

The activity will emit greenhouse gas emissions that will contribute to climate change and is an adverse effect on New Zealand's natural and historic resources in terms of s17U(1). The activity's contribution to climate change is relevant to the purpose of the Conservation Act, and the Conservation General Policy, in particular Policy 4.6 Ecosystem Services of the CGP (avoiding or otherwise minimising adverse effects on the quality of ecosystem services).

The 2050 target for emissions reductions in the Climate Change Response Act 2002 is also relevant in assessing the application and is consistent with the purpose of the Conservation Act.

Reducing greenhouse gas emissions requires measuring the emissions of the activity, developing and implementing a plan to reduce those emissions, and if appropriate, offsetting those emissions. The Permissions Advisor recommends, if the application is approved, to include the special conditions (as stipulated in the contract), enabling the Department to require greenhouse gas emissions data from the Applicant during the term of the concession, and to amend the conditions to reflect climate change-related legislation and government or Departmental policy and that those conditions may, amongst other things, require the Applicant to measure, manage and reduce the greenhouse gas emissions of the activity.

Overall Conclusion on Effects

The area has been grazed for many years. The sensitive areas remain fenced off, a further 10.9 ha has been retired from grazing and removed from the licence. Helicopter spraying is no longer permitted, without prior approval from the Golden Bay Operations Manager. There are no known cultural effects that have not previously been addressed, and the farm park remains open to recreationalists. The effects on conservation values have been assessed as being able to be adequately managed by the Standard and proposed Special Conditions discussed above and listed in section 6 of this report.

Note: 79 ha was initially proposed as cattle exclusion areas, however with the newly proposed reduced term this is no longer considered to be required.

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

A concession shall not be granted if the proposed activity is contrary to the purpose for which the land is held.

Reserves Act 1977

Reserves are managed by the Department for the purpose of: "... *providing for the preservation and management for the benefit and enjoyment of the public...*", areas of New Zealand possessing a number of values or features as set out in Section 3(1)(a) of the Reserves Act 1977.

Recreation Reserves s.17

The vast majority of Puponga Farm Park is recreation reserve under the Reserves Act. Section 17(1) states recreation reserves are classified for the purpose of providing:

“areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities....”.

Section(2)(a) – (d) declares every recreation reserve, whilst having regard to the general purpose, shall be managed in such a way where the public maintains freedom of entry, conservation values are protected, the qualities of the reserve are conserved and *“to the extent compatible with the principal purpose of the reserve, its value as a soil, water and forest conservation area shall be maintained”.*

Comment

The proposed special conditions ensure public access is maintained and recreational activities can occur. They act to ensure adverse effects of the activity on conservation values are adequately mitigated. Grazing supports the retention of open spaces. The reserve has its own plan, Farewell Spit and Puponga Farm Park Management Plan. The plan discusses farm practices in depth.

Adherence to the proposed conditions would ensure continued grazing at Puponga Farm Park Recreation Reserve is not contrary to the purpose for which the land is held under the Reserves Act.

Conservation Act 1987

Stewardship land s.25

Approximately 10 ha within the application area is classified as stewardship land (Conservation area – Puponga) held under section 25 of the Conservation Act 1987 which states that:

“Every stewardship area shall be so managed that its natural and historic resources are protected.”

Comment

It is considered the conservation values would be adequately managed by the standard and special proposed conditions and therefore the proposed grazing activity is not inconsistent with the purpose for which the land is held under section 25 of the Conservation Act 1987.

Conservation park s.19

Approximately 8 ha within the application area (near the airstrip) is classified as conservation park (North West Nelson Forest Park) under section 19 of the Conservation Act which states:

“Every conservation park shall so be managed-

- a) that its natural and historic resources are protected; and*
- b) subject to paragraph (a), to facilitate public recreation and enjoyment.”*

Comment

As it is considered the conservation values including any effects on recreationalists would be adequately managed by the standard and special proposed conditions, the proposed grazing activity is not inconsistent with the purpose for which the land is held under section 19 of the Conservation Act 1987.

S17W: Relationship between concessions and conservation management strategies and plans

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.

Criteria for decision:

- Is the activity consistent with all relevant statutory planning documents?

Yes

Discussion:

Conservation General Policy 2005 (CGP)

Policy 11 of the CGP is relevant and covers activities requiring specific authorisation. Policy 11 requires that concessions be consistent with the relevant Act, the purpose of the land and any CMS. It also requires that activities should avoid, remedy, or mitigate any adverse effects (including cumulative effects) and maximise any positive effects. This policy also provides that the Department and concessionaires should monitor effects, including effects on public enjoyment, to inform future management decisions.

Policy 11.2 of the CGP sets criteria for grazing applications. 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.*

The application is assessed against each policy below:

- i. The land is in existing pasture of farming use*

Yes, the land has been grazed for many years.

- ii. the number and type of stock are suitable for the location and land type*

Yes. The grazing regime is primarily sheep, with some beef. The farm operates under a deliberately light grazing regime that is considered suitable for the location and land type.

- iii. Grazing animals can be effectively controlled*

Yes, fencing & farm management ensures the stock are effectively controlled.

- iv. any adverse effects of stock on waterways, wetlands, and riparian zones can be avoided or otherwise minimised*

Yes, cattle are excluded from low lying areas, and sensitive areas such as wetlands, ponds and lakes are fenced off and excluded altogether.

v. there are no adverse effects on wāhi tapu

Yes, there is no known wāhi tapu within the application area.

vi. there is no risk of erosion caused by grazing or farming

Yes, with adherence to the proposed special conditions relating to farm management, exclusion zones, restrictions on cattle, fencing and low stocking rates.

vii. the need to use grazing for management purposes

The land has been grazed for many years therefore no active weed management by the Department has been required. Triangle Flat is grazed specifically to protect Farewell Spit Nature Reserve.

viii. the potential for restoration is not compromised

The continuation of grazing could delay potential restoration but would not compromise the potential for restoration.

ix. public access is maintained

Yes. The proposed special conditions would ensure public access is maintained.

CGP conclusion

The application is consistent with all criteria set out in policy 11.2 of the CGP.

Farewell Spit Nature Reserve and Puponga Farm Park Management Plan 1991 – 2001

Whilst it is recognised the management plan is out of date, the management objectives and policies must be addressed.

The management objectives are for the protection of the Farewell Spit Nature Reserve, protection of natural and historic values and to provide recreational opportunities. The use of the farm park is orientated towards integration of conservation, farming, recreation and education.

The plan covers conservation management, including nature protection and cultural heritage, site modification and repairs, public use, recreational development, farming & concessions.

The following sections are of particular relevance:

8.7 Grazing

8.7 states any subsequent agreement from the (now expired) Landcorp lease should maintain the same standards as set out in the farms management plan, and that a “careful choice” of tenant is required to ensure recognition and ongoing protection of the main functions of the farm parks principal management objectives (discussed above).

The policies allow for grazing that:

- Does not adversely affect the soil conservation and water regulating capacity of the vegetation
- allows for public access
- requires an assessment of boundary fencing and its condition prior to the licence being approved
- prevents any straying of farm animals

2.2 Protected areas

This section discusses wetland fencing requirements and the need for farming to take precautions in regard to fertilizer applications.

4.1 Fencing

This section discusses stock management and the potential of stock straying. The policies state fencing that protects conservation values must be maintained in “stockproof condition”, whilst it’s noted some areas of shrubland need to remain unfenced as stock shelter.

4.2 Replanting and habitat restoration

This section discusses potential restoration to habitats and rehabilitation of eroded sites. Since the plan was written, several areas have been retired and excluded from grazing to align with these policies.

4.3 Farming

This section discusses the need for well cared for farmland, to enhance landscape quality, as well as managing it in a way that protects conservation values, including soil, water and amenity values. It emphasizes fertiliser application and oversowing is required to promote well developed pasture, and that every effort should be made to maintain Puponga Farm in pasture.

9.2 Concessions

This section discusses concessions other than the farming lease and states concessions may be allowed for providing they are for public enjoyment, consistent with protection policies, and capable of being integrated with the farming activities.

Comment

Adherence to the standard and proposed special conditions will ensure consistency with the management plan, with the exception of section 4.3. To ensure any adverse effects of fertiliser use on conservation values, the concession will no longer include a condition requiring the Applicant to fertilize the grounds in line with section 4.3. A new condition is proposed to allow the applicant to determine if and when to apply fertilizer. It is envisioned that this will reduce the use of fertilizer over time.

Nelson Marlborough Conservation Management Strategy 1996 (CMS)

Policy 21.1 Management Planning

This policy includes a clear intention that all existing Conservation Management Plans (CMPs) apart from those listed in table 51 will be superseded by this CMS. Farewell Spit and Puponga Farm Park Management Plan is included in table 51, the farm park was kept on the list due to

its important function in protecting the Farewell Spit Nature Reserve. Whilst the area under application has its own management plan, the application is still required to be assessed under the CMS.

Section 7 – Special Management Considerations

Section 7 of the CMS is clear that in areas where preservation of natural values is not the primary management purpose, considerations regarding public enjoyment / access, conservation objectives and management practices are still of importance.

Objective:

To provide for the particular management requirements imposed by land status or designation where preservation of natural values is not the primary management purpose of the area.

Implementation:

7.1.2 – Farm parks will be primarily managed to protect and enhance public enjoyment and access and to protect natural and historic values.

7.1.3 – On farm parks, farm management requirements will be taken into account in achieving conservation objectives.

7.1.4 – Management practices within a farm park will ensure that historic sites, landforms, landscape features and lakes are protected, and that patterns of vegetation and open space qualities are retained.

Section 14.5 – Grazing

Objective:

To allow grazing on reserves and conservation areas, only where it is appropriate to the management objectives for the area and consistent with legislation.

Implementation:

14.5.1 – The potential for restoration and maintenance of the values for which the area is held will take precedence over any other matter when considering a grazing licence.

14.5.2 – Leases issued for grazing of the two farm parks will seek to enhance opportunities for public recreation and will ensure maintenance of conservation resources.

14.5.5 – Existing grazing areas will be monitored regularly to ensure that conditions are met and natural, historic and recreational values are protected.

14.5.6 – Areas for new licences or licence renewals will be assessed fully to decide whether grazing is appropriate use of the land and whether special conditions are necessary

14.5.7 – Grazing licences will specifically provide for public access on foot and will normally be for a maximum of five years.

14.5.8 – Grazing licences will contain provision for cancellation or no-renewal where natural, historic or recreational values may be places at risk.

14.5.10 – Burning and cultivation will be permitted only in special circumstances.

14.5.11 – Negotiation of grazing licences will ensure adequate provision of access for recreational hunting.

Comment

The Applicant has applied for a term of 10 years. CMS policy 14.5.7 states grazing licences in the Nelson/Marlborough region should generally be for a term of 5 years. Term options and considerations are discussed under section 6. Other special conditions are being proposed to ensure consistency with the remaining policies, including a condition requiring the Applicant to work constructively with restoration projects.

Section 23.1 – Golden Bay Place

Management of species and communities

-Identify and protect the freshwater wetland areas on the North-west coast.

Threats

-Remove stock from eroding dunelands and coastal forest (particularly near Kahurangi).
-Control plant pests on lowland margins with a focus on banana passionfruit and wilding pines.

Recreation

-Provide quality visitor experience on Puhanga Farm Park and allow carefully controlled development of visitor opportunities associated with Farewell spit.

Comment

Adherence to the standard and proposed special conditions would ensure the application is not inconsistent with section 23.1 of the CMS.

Other legislation

New Stock Exclusion Regulations

On 28 May 2020, the Minister for the Environment announced decisions on the Action for Healthy Waterways Essential Freshwater national direction package.

The Action for Healthy Waterways package seeks to stop further degradation of New Zealand's freshwater resources and improve water quality within five years and reverse past damage and bring New Zealand's freshwater resources, waterways and ecosystems to a healthy state within a generation.

The [Resource Management \(Stock Exclusion\) Regulations 2020](#) (the Regulations) are part of this package and came into force on 3 September 2020. The purpose of the Regulations is to reduce the impact of damage (effects) to our waterways from livestock.

Adverse effects on water ways includes water contamination, nutrification, trampling, streambank erosion and sediment runoff.

The Regulations emphasise that responsibility for compliance rests with those who own or control stock. 'Control' in the first instance will relate to direct and physical control of the

stock. However, in setting out special conditions to manage effects of the grazing on public conservation land the Department exercises some degree of 'control' over that stock. Therefore, the Department could be considered to have some degree of responsibility for compliance. It is also worth noting that compliance actions can be taken against the landowner.

One way to meet our responsibilities is, from the commencement date of the relevant regulations, ensure that any special conditions in Department grazing concessions are at least as stringent as the Regulations and the relevant Regional Plan.

For the particular areas under application and the grazing activity proposed, the following regulations apply:

Regulation 14: *Beef cattle on low slope land (Rule applies from 1 July 2025)*

Beef cattle on low slope land—

- (a) must be excluded from lakes and wide rivers (except when crossing); and*
- (b) must cross a lake or wide river by using a dedicated bridge or culvert unless they—*
 - (i) are supervised and actively driven across the lake or wide river; and*
 - (ii) do not cross the same lake or wide river more than twice in any month.*

The Ministry for the Environment have provided maps of all areas that are considered to be low slope land -

<https://mfe.maps.arcgis.com/apps/View/index.html?appid=4431febca3854ee19bb4c67bc94029bb>

Parts of Pупonga Farm have been identified as low slope areas. These areas are being actively managed with conditions on stocking rates, cattle exclusion, and removal of some paddocks entirely.

There are also additional regulations which require all stock to be excluded from any natural wetland that;

- is identified in a regional or district plan or a regional policy statement that is operative on the commencement date.
- That supports a population of threatened species as described in the compulsory value for threatened species in the National Policy Statement for Freshwater Management 2020.
- is 0.05 hectares or more.

All wetlands within Pупonga Farm Park that meet the above description would have been excluded from grazing if the grazing was to continue after 1 July 2025.

Conclusion on consistency with Freshwater Regulations

From 1 July 2025 the Department as the landowner, to a degree, has a 'role' in controlling stock on the land through setting special conditions which should support compliance with the Freshwater Regulations. The special conditions being proposed are considered adequate in managing the new Freshwater regulations.

District Contributions

Andrew Lamason, Senior Community Ranger, Golden Bay District

- The land being removed since the last licence is about 10.9 ha. Removal of land from the grazing licence is in two large wetland areas. The Bull Paddock wetland and Scott's Paddock consisting of 2 wetlands surrounding an area of pasture have been retired to support compliance with Tasman District Council rules around wetlands.

- Additionally, the right to graze cattle in the Wharariki Greenhill end of the farm has been severely restricted to maintain compliance with the stream and wetland protection guidelines from Tasman District Council. The removal of cattle is seen as sufficient to protect the surface waterbodies without the need for extra fencing. While the area can still be grazed by sheep the removal of the opportunity to graze cattle needs to be considered in valuation of the licence. The total area for sheep only is 72.78 ha leaving 296.26 ha for cattle grazing.
- All existing boundary fences will be maintained by the license holder as per the old agreement with 50% costs paid by the Department. Internal fences to be maintained by the license holder < except where those fences have been constructed for the sole purpose of retiring land for the license for the purposed of conservation.
- All known sites considered as wāhi tapu have been identified and managed accordingly where they fall into the grazing platform. These include areas already fenced and retired from grazing. This includes the fenced sanctuary at Cape Farwell. The Farewell Spit Triangle at Carpark is also wāhi tapu site which has not been retired but is arguably not part of the grazing licence and therefore outside of the agreement.
- Greenhill salt turfs are already fenced and therefore do not need to be considered for further protection.

District comments on fencing: [DOC-7080916](#) [DOC-7080913](#)

District comments on fencing, management plan conditions and cultural sites: [DOC-7080838](#)

District comments on Wāhi Tapu: [DOC-7080764](#)

District comments on Greenhill salt turfs: [DOC-7080751](#)

District comments on activity fee: [DOC-7083459](#)

5.0 Section 4: Treaty of Waitangi considerations

Section 4 of the Conservation Act 1987 states *“This Act shall be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi”*.

The key [principles](#) of the Treaty of Waitangi that apply to DOC’s work are:

1. Partnership – mutual good faith and reasonableness: The Crown and Māori must act towards each other reasonably and in good faith;
2. Informed decision-making: Both the Crown and Māori need to be well informed of the other’s interests and views;

3. Active protection: The Crown must actively protect Māori interests retained under the Treaty as part of the promises made in the Treaty for the right to govern;
4. Redress and reconciliation: The Treaty relationship should include processes to address differences of view between the Crown and Māori.

Discussion:

The Department undertook consultation with local iwi Manawhenua Ki Mohua (MKM) in April 2021.

As the department has informed iwi of the application and provided a copy of the details of the activity, it is considered that Treaty Principles 1 and 2 - Partnership and Informed decision making has been met. Iwi have not sought any additional information nor requested additional protective measures to the Department's standard conditions. Iwi commented that they have no concerns as long as the Applicant adheres to the Department's conditions.

Standard monitoring for compliance with conditions will help ensure conditions are met, therefore it is considered that the Principles of Active Protection and Redress and reconciliation have also been met.

It is therefore considered the Departments Section 4 obligations have been met.

6.0 Proposed Operating Conditions

Special conditions: Attached as Appendix 4 – Grazing Lease and Licence

Term

The Applicant initially applied for a term of 10 years, to provide future surety and commitment. Three submissions opposed the 10-year term, and proposed shorter terms, and one submission supported the 10-year term, for a variety of reasons. After being provided the draft concession for comment (which included recommended term options), the applicant amended their application, requesting a new term of 1 year and 4 months. As the 10 year term no longer applies, the assessment in relation to the 10 year term has been removed from this report.

Conclusion

It is recommended the term be approved for a term of 1 year and 4 months.

Fees

Processing Fee

[REDACTED]

Management Fee

[REDACTED]

Activity Fee

[REDACTED]

Monitoring Fee

Standard Department charge-out rates for staff time and mileage required to monitor the concession activity.

7.0 Applicant comments

The draft Decision report and concession was provided to the applicant on 23 September 2022. The applicant provided comment in the form of the following list of clauses with requests for minor amendments. [DOC-7278727](#)

The key changes are outlined below:

Term

Lone Star no longer wish to hold the concession, and have therefore requested their applied for concession term be amended from 10 years to 1 year and 4 months.

Cattle exclusion areas

The draft concession proposed cattle exclusion areas. As the term applied for is now 1 year and 4 months, cattle grazing is proposed to be continued until the end of the concession term.

Aerial spraying

The draft concession included a condition stating “no aerial spraying is permitted”. The condition has been updated to “no aerial spraying is permitted without prior approval from the Golden Bay Operations Manager”.

8.0 Recommendations

It is considered the proposed activity:

- is consistent with the Reserves Act 1977;
- is consistent with the Conservation Act 1987;
- is not contrary to the purpose for which the land is held;
- is consistent with the Conservation General Policy (CGP), Nelson Marlborough CMS, and Farewell Spit and Puponga Farm Park Management Plan

The Minister should be satisfied that the provisions of Part 3B of the Act have been met and approve the application from Lone Star Farms Ltd for a grazing Lease and Licence at Puponga Farm Park.

In addition to the recommendations outlined above, in light of the outdated plans at place, the Permissions Advisor recommends the Department provide Lone Star Farms and the third party restoration projects a more solid understanding of the Departments intended management plan of Puponga Farm Park.

9.0 Decision making

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. Note that the notification requirements of s17SC and s49 of the Conservation Act have been met:

Agree / ~~Disagree~~

And either

3. Approve the granting of a Lease and Licence for farming activities at Puponga Farm Park to Lone Star Farms Limited for a term of 1 year and 4 months, commencing 1 March 2023, expiring 30 June 2024, subject to the standard concession contract and the special conditions listed in Appendix 4:

Agree / ~~Disagree~~

Signed by Chris Golding, acting Operations Manager, Golden Bay
Pursuant to the delegation dated 9 September 2015
1/03/23

Date

Decision Maker comments

For the most part this extension is a continuation of the existing lease. Some minor amendments have been made as improvements. The term of the lease is of short duration and therefore was not practical to look for longer term improvements.

Appendix

Appendix 1: Application (Licence: [DOC-6525663](#) Lease: [DOC-6798212](#))

Appendix 2: Summary of Submissions Report [DOC-6833926](#)

Appendix 3: Applicant's clarifications in relation to application and response to submissions
[DOC-6855326](#)

Appendix 4: Concession Lease/Licence Document [DOC-6907250](#)

Appendix 5: Applicant's comments on draft report and draft contract [DOC-7278727](#)

Appendix 6: Farewell Spit and Puponga Farm Park Management Plan [Farewell Spit Nature Reserve and Puponga Farm Management Plan \(doc.govt.nz\)](#)

Appendix 7: Valuation [DOC-6984393](#)

Appendix 8: Iwi consultation [DOC-6943507](#)