

Background

Section 43 of the Crown Pastoral Land Act 1998 (CPLA) provides for a tenure review preliminary proposal to be publicly advertised and written submissions invited from the public.

This factsheet outlines the process followed when public submissions are considered by Land Information New Zealand (LINZ) on behalf of the Commissioner of Crown Lands.

**Information
Packs**

Information packs about each tenure review preliminary proposal are available for those considering making a submission. Contact the LINZ Pastoral Unit (details below) if you would like to be sent an information pack.

**Legal scope of
the CPLA**

The Commissioner of Crown Lands can only consider points raised in public submissions that fall within the legal scope of the CPLA. It is important that submitters consider the objects of Part 2 of the CPLA when making a submission. Points relating to the Conservation Act, or any other statutory authority other than CPLA, cannot to be considered.

**How
submissions are
analysed**

- Written public submissions received by the due date are evaluated to identify and separate specific issues or points raised.
- Common issues raised are grouped and evaluated as a single point.
- All points raised that fall within the legal scope of the CPLA are deemed as 'allowed'.
- A decision is then made to 'accept' or 'not accept' the allowed point for further consideration when formulating the substantive (final) proposal for the property. For an allowed point to be accepted, it generally must bring in new information or presents reasons why an alternative outcome under the CPLA is preferred.
- The Minister of Conservation is provided with copies of all written submissions. The Minister is also provided with a statement showing which points have been allowed or accepted, or disallowed or not accepted.

**Consideration
of accepted
points when
developing a
substantive
proposal**

- A substantive proposal cannot be put to the pastoral lessee without all the accepted points having been considered during the development of the proposal.
- Once the Commissioner has decided which points to accept, consultation commences with the lessee and the Director-General of Conservation to determine the final shape of the substantive proposal.
- Tenure review is a voluntary process and both the Crown and the lessee must reach a consensus if the review is to be acceptable to both parties. This means that compromises may need to be made, and if consensus cannot be reached, a tenure review may cease.

- A report setting out how the accepted points were considered in the formulation of the substantive proposal will be posted on the LINZ website.

The Final Outcome

Once agreement has been reached, the tenure review substantive proposal is signed by the lessee and the Crown.

A 'notice of acceptance' summarising the land designations in the substantive proposal is then registered in the land registry office and becomes publicly available through **Landonline**.

A copy of the final designations plan (which shows land freeholded, land transferred to DOC, covenants and public access etc) along with a summary of the designations from the substantive proposal is posted on the LINZ website.

Communication with submitters and publication of submissions and related information

Upon request, submitters are sent information packs providing details of the preliminary proposal and outlining the process for considering submissions. All submitters are sent a letter acknowledging that a submission has been received.

The following documents are published on the LINZ website under the appropriate Crown pastoral lease:

- copies of written public submissions.
- a LINZ report showing which public submission points have been allowed or accepted, or disallowed or not accepted in the context of the CPLA 1998 (Section 45 CPLA).

(Published following approval by the Commissioner of Crown Lands)

- a report showing how the accepted points were considered in the formulation of the tenure review substantive proposal.

(Published following the Commissioner of Crown Land's decision to put the substantive proposal)

- a copy of the final designations plan from the substantive proposal and a summary of the designations, showing the outcome of the tenure review.

(Published following acceptance of the substantive proposal by the lessee)

Operational Note

Tenure reviews of South Island high country pastoral leases are administered by LINZ's Crown Property Management Pastoral Unit.

All statutory decisions relating to tenure review are made by LINZ decision-makers delegated by the Commissioner of Crown Lands. Day-to-day activities are outsourced to contractors, or service providers who carry out tenure review field work, prepare the necessary documents and reports and make recommendations.

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