

Our Ref DOIA 23-114

17 March 2023



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Dear 

Response to your official information request

Thank you for your official information request received on 18 January 2023 for a detailed breakdown of the 218 Crown Pastoral Land Act (CPLA) applications received in November 2022, including the name of the applicant, type of consent, summary of the planned work and the status of the application.

On 25 January 2023 we discussed this request with you. We clarified that the requested summary of each application is not yet held by Toitū Te Whenua Land Information New Zealand (LINZ), and we have no reason to believe that this information is held by another agency. This is because we do not typically summarise applications prior to processing and have prioritised processing urgent applications. Therefore, we have refused this part of your request under 18(g)(i) of the Official Information Act 1982 (the Act).

Some of the information you have requested is enclosed (Attachment A). Please note that applicant names have been withheld under section 9(2)(a) of the Act as their release would breach the privacy of these applicants. We are of the view that the withholding of this information is not outweighed by other considerations which render it desirable in the public interest to make that information available. Instead, we have provided you with the name of the pastoral lease (i.e. the property name) to aid you in interpreting the information enclosed.

Please note that LINZ received 189 applications under the CPLA and the Land Act 1948 (LA) in November 2022. We advised you in December that we received 218 applications under the CPLA and the LA in this period. Following further work analysing the applications, we can advise the total number of applications received in November was actually 189, not 218. This discrepancy was due to a system issue that assigned any older application without a date the default date of 1 November 2022, to capture it under the previous Act. We apologise for the reporting error in the information previously provided and have now corrected the issue in our system.

Attachment A presents the applications received in November by consent and activity. Of the applications for consent identified, seven have been withdrawn as they were for what is now deemed a permitted activity under the new legislation and so the Commissioner's consent is not required. As a result, these seven applications have been excluded from Attachment A. Details on the other 182 consent applications are attached. All 182 remaining applications have an 'open' status as of 9 March 2023.

Table 1 provides examples of the types of activities that may be permitted for each application type to aid you in interpreting Attachment A.

Table 1. An explanation or example of the types of activities that may be covered by different consent types.

Consent	Approval sought for	Brief explanation or example (not exhaustive)
Discretionary activity	LA s100 preservation of timber	E.g. to sell or destroy the timber of any tree that wasn't planted by the lessee
	CPLA s9 stock exemption	Increases to the stock number or type allowed for the lease
	CPLA s15 burning of vegetation	Burning of live or dead vegetation e.g. management burn of overgrown areas of scrub or tussock, or of formed windrows
	CPLA s16(1)(a) clear or fell any bush or scrub on the land	The removal of exotic or indigenous scrub or trees unless it is for timber
	CPLA s16(1) b) crop, cultivate, drain, or plough any part of the land	Crop, cultivate, drain, or plough, a pasture
	CPLA s16(1)(c) top-dress any part of the land	E.g. aerially applying fertiliser
	CPLA s16(1)(d) sow any part of the land with seed	Sowing an area with seed
	CPLA s16(1)(e) plant any tree or trees on the land	Planting e.g. to establish a commercial forest, shelter belt, conservation, or amenity
	CPLA s16(1)(f) form any path, road, or track on the land	Formation of a new track, path, or road or sometimes may be to provide maintenance rights under the new Act to an existing

		track that pre-dates the CPLA 1998
	CPLA s16(1)(g) undertake any other soil disturbance	Any type of soil disturbance not covered elsewhere e.g. for a new fence line
Transfer		Transfer, sublease, or otherwise dispose of an interest in the lease
Recreation permit		Recreational activities which have a commercial element e.g. fishing, hunting, sightseeing accommodation, walking, hiking etc

In some cases, an application has been received from a third party. A third party may only apply to undertake activities on a pastoral property if they have permission from the lessee. An example of a third-party application submitted against a pastoral lease is a recreational permit or easement.

In addition, multiple applications have been received for some pastoral leases. This does not necessarily indicate significant works are proposed. A set of consents may be required for the same property for regular maintenance work when this maintenance falls across different consenting categories.

Finally, the applications to transfer a lease may not necessarily result in a change in ownership. For example, the lessee may be changing the ownership structure of the lease from an individual to a company or trust, without any meaningful change to the persons involved.

To increase public visibility of decisions made on applications received under the CPLA, LINZ will publish a summary of most decisions on our website. Work is currently underway to finalise this process so the first tranche of decisions may be published.

LINZ will process the pre-17 November 2022 applications in accordance with the new legislation, which directs us to use the former provisions of the CPLA prior to the 17 November version coming into effect. This involves the collection and assessment of information, site visits (if required), and consultation with relevant parties such as the Department of Conservation. The Commissioner of Crown Lands then decides on the most appropriate course of action, considering both farming and inherent values.

LINZ will be regularly publishing summaries of decisions made on consent applications on our website (www.linz.govt.nz) and will be in contact when the first summaries are published.

If you wish to discuss this decision with us, please feel free to contact James Holborow on (03) 374 0083.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note, this response letter outlining our decision on your request, **with your personal details withheld**, and any attached documentation will be published on the Toitū Te Whenua Land Information New Zealand's website. This is likely to be published by 28 April 2023.

Yours sincerely



Sonya Wikitera
Head of Crown Property

Proactive Release