

Summary of Crown pastoral land consultation meetings

There was an impressive turn out at all three consultation meetings on proposed changes to improve the future management of Crown pastoral land.

- Tuesday 26 March 2019, 6pm at Countrytime Hotel in Omarama with over 115 leaseholders (and their representatives) from around 70 leases.
- Thursday 28 March 2018, 3pm at the LINZ office in Christchurch with over 40 broader stakeholders from around 30 organisations representing recreation, environmental and tourism industry groups, service providers and councils.
- Thursday 28 March 2018, 6pm at the LINZ office in Christchurch with around 65 leaseholders (and their representatives) from around 40 leases.

Minster Sage, Land Information New Zealand (LINZ) and the Department of Conservation (DOC) would like to thank all those who attended for the valuable insights and feedback received during the meetings.

LINZ staff captured the detail of the discussion at these meetings. This document provides a high level summary of the themes from the meetings.

LINZ will prepare a detailed summary of submissions that will be publicly released on its website some time after consultation closes on 12 April.

Key messages from Minister Sage

The Minister opened the meetings and spoke to the proposed changes (see the attached presentation), covering:

- *Context for change:* In 2018, LINZ undertook a review of the regulatory system which identified a number of issues with the way the system is currently working. There is also increasing public concern that ecological, biodiversity and landscape values are being lost on both current and former Crown pastoral land. The Crown has a strong interest in ensuring these values are maintained and enhanced for the benefit of all New Zealanders, now and into the future. Recognising this, the Government has decided to end tenure review and has committed to a long-term stewardship role for Crown pastoral land. To support this role, the Government wants to make changes to how the Crown acts as a regulator and landlord, along with establishing clear outcomes for the regulatory system. It is important that these outcomes capture what is important about the land and acknowledges those with a role in stewarding it.
- *Scope of changes:* There is no intention to change the rights of leaseholders to quiet enjoyment and pasturage. Rents are not a part of these changes either. However, the current proposals would see a number of changes to the system for managing and administering pastoral land to ensure it supports the delivery of the proposed outcomes.
- *Going forward:* The Minister emphasised the desire for the Crown to partner with leaseholders in stewarding the land, and pointed to examples of collaborative work to preserve landscapes and the environment, such as Te Manahuna Aoraki conservation project. The regulatory system should recognise leaseholders' investment in the land, such as in pest control and day-to-day management. The Government wants feedback on how it can do this.

Following her opening remarks, the Minister took questions from the floor.

The main themes and issues that were raised by attendees are set out below, followed by a summary of the discussions.

Key themes

Leaseholders as custodians

A number of leaseholders commented that the proposals in the discussion document did not recognise their historic and ongoing role in protecting the land. For instance, leaseholders stated that many inherent values would not be in their current positive state without leaseholders' active management and investment. Leaseholders noted that they and their families often have links to the land spanning generations and have a keen interest in protecting it.

Some leaseholders recommended that the regulatory framework should better reflect their custodian role, especially in the discretionary consent process and in relation to weed/pest control.

Working together

Attendees across the meetings supported working with the Crown to achieve shared outcomes. However, they identified a number of barriers to this:

- LINZ needs to improve its capability and expertise.
- There is a risk that extra regulation could erode trust between the Crown and leaseholders.
- The Crown needs to be clearer about its role and interest in Crown pastoral land.
- The Crown needs to lead by example and be a 'good neighbour', especially in relation to pest and weed control.

Going forward, there was a desire by leaseholders to build a better relationship with LINZ. One suggestion was to have LINZ field officers who understood the current farming activities and how leaseholders were managing any resulting environmental impacts, regularly visit properties. A reporting framework was also suggested as a way to give the Commissioner a better understanding of the costs incurred by leaseholders when farming the land.

At the broader stakeholder meeting, it was noted that there is an opportunity for the Crown to develop its relationship with iwi, work closer together, and grow its understanding of the Treaty – some attendees thought that the Crown's current approach to working with iwi needs improvement.

The role of the Commissioner

Leaseholders value the independence of the Commissioner and said that the role provided certainty to them by insulating them from changes in Government. Conversely, the need for an independent Commissioner was questioned at the broader stakeholders' meeting.

There was also general concern about the lack of clarity around how the Commissioner makes decisions. This was closely linked to the advice the Commissioner receives, who provides it and the quality of the information/evidence it is based on.

Regulatory burden

There were concerns raised at all the meetings about the interface between the Crown pastoral land regime and other land use regimes, and the cumulative burden on leaseholders and applicants. Attendees would like to see better alignment with other regulatory regimes to avoid duplication of information and costs.

At the broader stakeholder meeting, there was a strong emphasis on central and local government working closer together – especially in order to achieve better biodiversity outcomes.

Access across Crown pastoral land

Attendees across both meeting noted that access was not an explicit part of the draft outcomes.

Leaseholders raised concerns that a focus on access could see it imposed on them rather than through a negotiated process, impacting their right to quiet enjoyment as granted by their lease. In granting access rights, leaseholders thought payments should appropriately capture the public benefit value.

Some stakeholders would like the current (or new) tools to be more effective at facilitating and managing recreation access and suggested there could be better incentives for leaseholders to negotiate access.

Discussion Summary

Outcomes for Crown pastoral land

At all the meetings, there was agreement that certainty is needed as to what the Crown is seeking to achieve in relation to Crown pastoral land. The outcomes and hierarchy need to be clear, especially if the intent is for them to be included in legislation and guide decision making. The use of natural capital in the outcomes was considered to be much more complex than ecological sustainability, introducing new uncertainty and inherently linked to economic concepts.

Some attendees sought clarification on the hierarchy in the outcomes. The Conservation Act hierarchy (conservation and recreation) was raised at the stakeholder meeting as a useful model to look at. Other attendees thought that the proposed outcomes represented a reweighting of the Crown's interest away from pastoral farming, and there was concern from leaseholders that this could interfere with the lease contract.

Attendees at all meetings sought to have a stronger social capital and human component to the outcomes and there was strong support for “protecting the character of the high country.” Leaseholders were clear that they are already doing this and that generally the public knows that this is why leaseholders are living and working on the land. Leaseholders saw this custodianship of the land as vital for the ongoing health of the land. They recommended that the outcomes should enable pastoral farming, not just allow or permit it. The language and tone used in the outcomes and to describe the changes is important. Some leaseholders suggested the story of pastoral farmers should be explicitly incorporated as part of the cultural and heritage values of the land.

Broader stakeholders wanted recreation and access to be an outcome, for example “enhanced access to the outdoors”. Access was framed as a cultural and heritage value strongly linked to the economic resilience of both leaseholders and communities. There was acknowledgement of, and support for, the role

leaseholders have in enabling this access and recreation opportunities. It was thought that it could be better reflected in the outcomes.

It was also raised that the outcomes do not capture the relationship between nature and economic wellness – where the environment, biodiversity and landscapes are fundamental to wellness.

Discretionary consents

Attendees at all meetings raised the underlying tension in the current discretionary consent process where the leaseholder needs to apply for consent to undertake a range of activities that are needed to fulfil their good husbandry requirements, like clearing wilding pine and other weeds. There was general agreement that this would need to be addressed, especially if fees are introduced for leaseholders to apply for these consents.

Leaseholders also talked about a number of issues with the current discretionary consent process, including the lack of guidance and clarity about what consents they need to apply for and lengthy processing time. Leaseholders stated that the discretionary consents process was a way to allow them to invest in the land and improve it and this should be reflected in any changes.

Some stakeholders stated their view that, in the past, indigenous biodiversity and landscape values had been lost as the result of discretionary consents and were concerned that consents being processed in the interim under the current system may make this worse.

Access groups and leaseholders saw recreation permits and encouraging access as a way to enable diversification of income, especially where income from pastoral farming was increasingly uncertain. Broader stakeholders expressed frustration that the process is the same when applying for a recreation permit for temporary use as when applying for a permit for ongoing use.

Both leaseholders and broader stakeholders identified a strong need to streamline the consenting process and that the proposals (and resulting changes) shouldn't result in more red tape. Suggestions for improving this process included:

- blanket consents for some activities and conditions to be met
- a quicker approval pathway for low impact or temporary activities than long term or high impact activities (the DOC concession system was referenced)
- a financial contribution by recreation users that is returned to the leaseholder for the ongoing maintenance of the property.

Decision making

There was support across all meetings for improved clarity and transparency about how decisions on applications are made by the Commissioner. Leaseholders had concerns about public involvement in decisions that had an impact on them and questioned whether this was appropriate.

Discussions on the advice provided to the decision maker covered:

- who provides the advice, how detailed should it be, and how balanced that advice is
- who pays for the provision of that advice – noting that any new requirements for additional or different kinds of advice will impact on application costs
- could independent advice be commissioned? Is there enough farming expertise and input?

It was generally agreed that monitoring and measurement of change in the high country will be vital. There was support for getting the best information and setting this up in a way that can inform both the Crown's role as a regulator and leaseholders' management of the land. It was acknowledged that LINZ will need time to build up both its information about each property and its monitoring capacity and capability.

The future of pastoral farming on CPL

At all meetings, some attendees expressed disappointment at the lack of consultation by Government on the decision to end tenure review. Some said ending tenure review meant the loss of opportunities to potentially freehold or develop the land, gain formal access to the high country, or for land to be added to the conservation estate.

Leaseholders voiced concern that the proposals as a whole impact on their existing rights and ongoing ability to farm on Crown pastoral land. Leaseholders asked that the economic sustainability of farming not be overlooked, as protecting the health of the environment 'doesn't come for free'. Leaseholders also said that they will need time to adapt to a new system (such as a transitional period), and noted that incentives that support or recognise good land management could help balance other costs.

Next steps

Consultation is open until 12 April 2019 and we encourage you to make a formal submission via the [consultation webpage](#). We want to understand your views on the proposals in the discussion documents and how the regulatory system can support better decision making about, and management of, Crown pastoral land.

Your feedback will inform the advice to Minister Sage and Government on potential changes to the system, the Crown Pastoral Land Act 1998 and consequential changes to the Land Act 1948. If the Government decides to proceed with legislation, there will be a further opportunity for you to provide comment when a Parliamentary Select Committee considers a Bill.