Enduring stewardship of Crown pastoral land

The Government welcomes your feedback on this consultation document.

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Submissions close on Friday 12 April 2019

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Submission form

The questions below are a guide only and all comments are welcome. You do not have to answer all the questions. To ensure others clearly understand your point of view, you should explain the reasons for your views and provide supporting evidence where appropriate.

Submission type*

☒ Individual

☐ NGO

☐ Local government

☐ Business / Industry

☐ Central government

☐ Iwi

☐ Other (please specify)

Add your details

* Questions marked with an asterisk are mandatory
Question 1:

1a. What are your views on how significant natural values should be protected once tenure review is ended?

Being from Southland, I have spent extensive time tramping and hunting around Fiordland, Otago and Central Otago, and appreciate the place we live in hugely. All the high country we have is so important. Significant natural values to me all represent the views, being able to stand on top of a ridge and look out over the mountains and seas of green forest around me, or the sprawling planes of different flats and winding rivers, to be in a healthy and natural environment that is untouched and free. The significant natural values that give this feeling should be protected for future generations to come. They should be protected firstly by regular monitoring of the health of indigenous plants etc., perhaps by routine visits, helicopter visits, or even emerging use of Geospatial technologies with drones. This will allow for the lands progress and changes to be recorded and assessed. Significant planning for the protection of these natural values should be implemented, for both improving the health of the values, but also simply protecting them from negative effects. In areas that are already effected negatively there should be significant work to fix this. Once the tenure review has ended, the Crown will have ownership of the pastoral land, and so it is their responsibility to ensure methods I have stated or others are followed through with, and that our significant natural values are protected.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?

From reading the discussion document and looking at the different mechanisms suggested which were covenants to protect inherent values or easements to secure access and purchasing the leaseholders interest in the land so that it can be protected within the conservation estate. When thinking about these methods, I thought about the Maori way of protecting their land through Rahui, which are temporary bans on the use of land so that it can replenish itself. These Rahui may be useful in some cases for protecting significant natural values that need to heal and replenish. These temporary bans could be suited to different areas and the status of the pastoral land, meaning different areas and levels of health could be subject to different length bans, say 2 weeks to one month to even six months. The bans on different areas should be easily found and notified so people know where they are and when. The Maori view was that if we look after the land it will look after us, and perhaps this is a view we can adopt for our pastoral lands.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?

Not particularly, it seems that the proposed transitional arrangements make sense for ending tenure review and will be effective at doing so. The proposal allows for existing tenure reviews to be completed, but no new reviews to start, and therefore is fair to those involved.

Question 2:
2a. Do you agree with the proposed outcomes?

☒ Yes ☐ No ☐ Unsure

Please comment

The proposed outcome of ending the tenure review is that the Crown will assume responsibility for the enduring stewardship of Crown Pastoral land. This meaning that the Crown will ensure that the natural landscapes, indigenous biodiversity and cultural and heritage values of this land are secured and safe guarded for present and future generations. I agree with the proposed outcomes, clearly the tenure review in the past when it has resulted in the conversion of the leasehold land to freehold, the land use has been intensified and negatively impacted. And in fact, a lot of it is still sitting in the care of the Crown, so ending the tenure review and having the Crown enforce these outcomes to protect the Crown Pastoral Land is a positive change, and if the crown fulfills these outcomes, will keep our land fertile and beautiful for the generations to come who deserve it as much as we do.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?

The proposed outcomes cover all of the things the Crown should focus on, the outcomes cover the natural landscape, indigenous biodiversity, cultural and heritage values. They cover the protection and enhancement for current and future generations, and consider the Treaty of Waitangi principles. Of these outcomes I do not particularly feel there are any major points missing as the outcomes cover very broad sections. However, there are pre-dominantly large water features like rivers and streams throughout the Crown pastoral land, and I feel that improving and ensuring the health and cleanliness of these water systems to the best of the Crowns abilities is an important factor and should be given more weighting in the proposed outcomes.

2c. Do you agree with the use of “natural capital” rather than “ecological sustainability” in the proposed outcomes?

☒ Yes ☐ No ☐ Unsure

Please comment

Based on different definitions and understandings ecological sustainability from a bit of research, it is defined mainly as the environments capacity to maintain its functions and processes, and keep this capacity in the future. This when compared with the definition of natural capital in the discussion document as a substitute for ecological sustainability is very similar in definition, and so therefore I agree with the use of natural capital as substitute to ecological sustainability, as the discussion clearly states that it has substituted the two and both items are very similar.

2d. How do you think the Crown should fulfil its obligations under the Treaty of Waitangi in respect to Crown pastoral land? How do you think Treaty of Waitangi principles should be applied to decision making?
The Crown when fulfilling its obligations under the Treaty of Waitangi should do so with utmost importance, and I think the best way to achieve this effectively is to talk with experts within the concerned Iwi to help understand how the Crown pastoral land should be treated. When applying the principles to the decision making, there should be documents that allow the decision-making process to be aligned with the principles easily.

2e. What are the qualities and features of Crown pastoral land that you value the most?

Personally, being passionate about tramping and the outdoors, my experiences of Crown pastoral land are creating my own paths and following maps to different areas and camping out. I value the natural landscape, seeing the ridges lined out along tall mountains and seeing rock gully’s and rivers flowing from the tops to the bottoms, I enjoy being able to climb up out of the bush and being the only beings up there with an absence of farm animals, seeing wild deer about. It’s the peacefulness associated with the untouched and natural land that is one of the most important values to me.

2f. What does enduring stewardship mean to you? What is the role of the different groups that play a stewardship role – the Crown, leaseholders, iwi, and other stakeholders? How can these groups most effectively work together?

Enduring stewardship means the overall responsibility of the land, which by ending the tenure review the Crown is assuming of the Crown pastoral land. The Crown has the most important role in achieving the proposed outcomes for the land. As for the other groups like leaseholders, the leaseholder has the responsibilities associated with his lease like making sure any of the activities carried out by the leaseholder are not negatively affecting the land and if the activities are, changing this. For Iwi, they should ensure that if they care about their cultural ties to the land then they should look after it.

Question 3:

3a. Do you agree that the Commissioner should be required to develop a regular Statement of Performance Expectations, approved by the Minister for Land Information?

☒ Yes ☐ No ☐ Unsure

Please comment

I agree, as the regular statement of performance expectations will be an effective and efficient medium for analyzing the crowns pastoral land for the progress of the desired outcomes in question 2 regularly, meaning that perhaps a more comprehensive understanding of how the land works and a means of tracking any improvements that are being made more closely.

3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system?
Due to the fact that the proposal means that the commissioner is required to report regularly about the performance expectations, the accountability of the commissioner that is said to be questioned by the stakeholders is guaranteed to be in place. In the aspect of decision making, the regular report will have to document all decisions made by the Commissioner, to ensure that the accountability of the decision making is available. The proposal will do so, especially due to the fact that the report required by the commissioner will have to be approved by the Minister for Land Information, there can be no doubt that the commissioner will have to do his/her job and report any decisions made. This is because whether or not the Commissioner is doing his/her job and staying accountable will be seen in the regular reports, but also seen more importantly by the Minister for Land Information who will make sure that the regular reports represent effective performance.

3c. What other mechanisms could be used to improve accountability?

Another mechanism I feel could be used to improve accountability of decisions is some form of regulatory decision making process, through perhaps the Minister for Land Information or an environmental board. Using the process, the Commissioner would be required to consult with the Minister for Land Information about any decisions, and perhaps get feedback and analysis as a result of this, and review the decisions that needed to be made and make changes where/if necessary. As for general accountability with the regular statement of performance expectations, I feel these statements could be open at points to the public, as a forum or such where the statements can be discussed and reviewed for more ideas, and for the public to voice any concerns.

3d. Which mechanisms do you think would be most effective in improving accountability?

In terms of improving accountability, I think that the regular statement of performance expectations will be the most useful mechanism, as it will mean that the Commissioner is required to reflect on the performance and state the performance to the public etc.

3e. Do you think there are any problems with the proposed change?

I do not think there are any problems with the proposed change, I think it will alleviate a lot of confusion and skepticism with the Stakeholders.

Question 4:
4a. Do you agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards to support officials and leaseholders to understand and comply with legislative requirements?

☒ Yes  ☐ No  ☐ Unsure

Please comment

The purpose of this submission and ending tenure review and these changes to the CPLA is to improve the health and longevity of the Crown Pastoral Lands and ensure that the land is looked after for generations to come. However, this is going to take a large effort, and this means that not just the Commissioner and the Minister for Land Information and the Crown need to ensure this happens, but everyone involved with the Crown Pastoral land, meaning that the officials and leaseholders concerned need to make and effort and especially have the means to make an effort. Therefore, consequently to the Commissioner releasing additional guidance and standards in support of the officials and lease holders, the officials and leaseholders will be more able and knowledgeable when knowing what they can and can't do regarding legislation, which will ultimately aid them in helping in the efforts to achieve the proposed outcomes for the Crown Pastoral land.

4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?

☒ Yes  ☐ No  ☐ Unsure

Please comment

I do agree with the fact that the proposal will improve the transparency of the decision making in the Crown Pastoral Land regulatory system, and the key points that will be addressed in the proposed standards, guidance and policies are very effective at communicating all the information required in by both parties in the decision-making process. One thing that should be included, is where the applicants will get feedback on the submission, and how they will be included in the decision-making process. By the Commissioner including the applicant, the applicant will feel more involved in the process, increasing the transparency.

4c. What other things do leaseholders, iwi, and stakeholders most need to have clarity about in order to better understand the Commissioner’s decision making?

As is the nature of humans, the leaseholders, iwi, and stakeholders are going to be concerned about what the effect of decisions is on them and their land. Therefore, for them to have clarity about the decision making process, they need to know the effects of the decision. Furthermore, the reasoning behind the decision will be important so they know the decision is needed and not a waste to their time.

4d. How should standards be used to help increase transparency? How should guidance be used?
Standards can be used so that there is a common understanding of the decision-making process and reasoning by both parties, and therefore no misunderstanding can arise from the decision-making process due to the standards being used effectively. Guidance can be used as a medium for following through the decision making process, so that there are set steps and points to be followed to the point where it is hard for either party to stray from following the process – finish this later.

4e. What other mechanisms could be used to improve transparency?

Other mechanisms that will be important for improving the transparency are some of the simpler factors, like how the standards and guidance and decision making records are made available to the applicants and stakeholders. For example it is not effective to simply dump lots of old information on websites, the standards and guidance must be easily locatable, in file formats that are easy to use and download like pdfs, and be very clear and well laid out. Another mechanism for improving transparency may be disaggregation. The standards and guidelines may be different for different processes and areas and types of the Crown Pastoral land, and therefore cannot be lumped into one document. Disaggregation is the process of splitting up the standards and guidelines into different sections where needed. This will improve the transparency more as it allows different stakeholders and officials to more easily find information about what they are concerned.

4f. Which mechanisms do you think would be most effective in improving transparency?

As stated in the above questions, I believe that the standards and guidelines will be effective in improving the transparency. At this stage, I do believe that they will be the most effective, however will need to be closely monitored and adapted too, which ideas such as disaggregation used alongside very clear and easy to access formats will be imperative to make sure that the standards and guidelines are effective and not just a waste of the Commissioners and the stakeholders and officials time.

4g. Do you think there are any problems with the proposed change?

With the proposed change, there are no apparent problems, but it is within the nature of this proposal that things may need to be adapted to once they are in effect, to ensure that they properly ensure the transparency of the standards and guidelines and the decisions.

Question 5:

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions?

☒ Yes ☐ No ☐ Unsure

Please comment
Definitely, as the discussion document states, discretionary consent decisions can directly affect the natural capital through certain farming and recreational activities. Because these decisions currently can be made by the Commissioner with only input from the Director-General of Conservation and only has to take into account matters from S18 of the CPLA, the decisions can be made broadly with a lot of flexibility. What this seems to represent to a reader is that it would be easy to have a misinformed or under researched decision made, granting a discretionary consent that could negatively affect the natural capital. This is an issue not just because that can be inferred by just reading the current regulations, but mainly that negative effects could occur. Not to say that this will happen or has, but it could. Consequently, that is the reason that the Commissioner should be required to give effect to the proposed outcomes of discretionary consent decisions, as any negative effects can be identified.

5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?

The proposal requires the Commissioner to give effect to a set of outcomes in any discretionary consent decisions. This means that for all decisions made, the Commissioner will have to consider the results for the decisions, and how the activity will affect the outcomes above that are being proposed. Through being obligated to do this, the Commissioner will have a clear and researched understanding of what the effects on the Crown pastoral land will be. Furthermore, having a better understanding of the effects of the activity, and with discretionary consents having a large priority on maintaining natural capital, then the decision made will support the proposed outcomes that maintain the natural capital of the Crown pastoral Land.

5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?

With the proposal, the Commissioner will still be able to make consents conditional on mitigation, avoidance, and/or remediation activities. These are mechanisms suggested in the discussion documents that can be used to ensure the decision making supports the proposed outcomes. As for further mechanisms to ensure the decision making based on discretionary consents supports the proposed outcomes perhaps more focus on approval by the Director-General of Conservation, rather than him just having input perhaps he should be required to sign off on consents after seeing the effects of the proposed consent and researching it himself and making sure he agrees with the consent and the Commissioners decision, having a second opinion will mean that things that have been overlooked can be identified, and ensure that the decision supports the proposed outcomes.

5d. What specific matters should be considered when deciding whether to approve an application?

This is a very open question due to the fact that applications for discretionary consents can be for farming or recreational activities, which both have vast potential for different types of consent. However, specific matters to be considered should be the core parts of our environment in the Crown pastoral land – the indigenous plants and species, the water features and health of them, the natural landscapes and protecting them and lastly the culture and cultural history of the land. These are core to our Crown pastoral land, and it should be of utmost importance to ensure that these core parts are not affected by any discretionary consents.
Question 6:

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions?

☒ Yes  ☐ No  ☐ Unsure

Please comment

I do agree, requiring more opinions and more information from the right experts will lead to a better decision on discretionary consents. Currently this is not a requirement, and this can lead to ill informed decisions that can easily negatively affect the natural capital of the environment.

6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?

The Commissioner should seek expert opinion whenever he/she feels he/she does not know enough about an activity to fully understand the impact, especially if it is a significant impact due to a complex activity. Activities like creating paths and increasing the amount of stock or grazing or just intensifying of farming can have significant effects, the farm may be close to a river and the excess runoff into the river that may result will need to be determined or the effect of a new track on the indigenous biodiversity needs to be identified, and if the Commissioner does not necessarily have this expertise, then expert advice must be sought. The same goes for any Maori cultural values that may be affected, in this case the local Iwi must be contacted and consulted with. Seeking information on the public may be for how society would react to a decision, how the hunting community would react to increased farming meaning they can no longer hunt in areas, or how trampers would prefer new trails being cut for them and where.

6c. Do you think the Commissioner, an independent statutory officer, is the most appropriate decision maker for matters regarding Crown pastoral land? Is there a better decision making model? Please provide the reasons for your view.

I do think that the Commissioner is the most appropriate decision maker for matters regarding Crown pastoral land, however as is the point of this section and the proposals arising from this section, for the Commissioner to be able to make these decisions and ensure that they are the right decision and support the natural capital of the environment, that the Commissioner must be required to seek expert advice and consult before making a decision. I believe this is a good decision making model, and rather than suggesting a better decision making model, I will restate that I feel another party should be required to sign and approve the decisions alongside the Commissioner, perhaps such as the Director-General of Conservation as an extra measure for ensuring good decisions are made.
**Question 7:**

7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents?

☑ Yes ☐ No ☐ Unsure

Please comment

Seeing as other acts and applications required charges for administrative costs associated with administering approval activities, and the Commissioner has to deal with these consents. Dealing with the consents takes time, and this time could also be spent fulfilling other outcomes to do with the Crown pastoral land, so if these consents used up this time, I don’t see why they shouldn’t be associated with an administration fee. It may also encourage applicants to spend more time making sure the application is well informed, which will ensure that having paid the fee the consent decision process is efficient.

7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.

Charging application fees for all classes of discretionary consents may have a range of different impacts on different applicants. It depends on the type of discretionary consent, and perhaps the frequency of the activity. Useful information to have in the discussion would have been some more information about the discretionary consents, as in the duration of a consent for different activities, or whether these are variable, as after searching online I was unable to find more information. My point is, perhaps a farmer is gradually reducing or felling bush or scrub on the land block by block, this comes under activities affecting or disturbing the soil in the CPLA which will now have a fee associated with it. Does this mean that farmer will have to pay for several sets of the consent as it is not all done in the same timeframe? It is hard to tell what impacts would be had, I think this will become more apparent and may be a particularly argued point for those directly concerned as the changes are implicated.

**Question 8:**

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework?

☑ Yes ☐ No ☐ Unsure

Please comment

I do agree. Monitoring and reviewing activities regularly is imperative to see that they succeed. When an activity is monitored regularly, it is easy to see the parts that are
working well and the parts that are not working so well. Having a framework to measure progress off is an important factor, as it makes it easier to determine the state of the Crown pastoral land and the natural capital.

8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood?

An important part of managing a project, or in this case ensuring the outcomes of the regulatory system are understood and being achieved, is revisiting the purpose of the project, or respectively the outcomes. It is easy over time to lose sight of what is trying to be achieved when stuck in the middle trying to solve problems, and going back and identifying the overall outcomes can be grounding and effective at re-aligning the task with the outcomes as they are better understood. Therefore, a mechanism to be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood, are regular reviews and comparisons with the overall outcomes, in unison with the monitoring framework and the progress being made to ensure the outcomes are understood and being achieved.

8c. What information do you think is most valuable to understand system performance?

In understanding system performance, two of the basic key principles that underline this are effectiveness and efficiency. Effectiveness being a measure of how well something is done, and efficiency being a measure of how well the time and money is used doing it. Therefore, to determine how effective the system is, the information needed will be the health of the soil and water and indigenous biodiversity that is being cared for, that the natural landscape is being preserved. In terms of efficiency the information needed for this is how much time is being spent ensuring the health of the soils and water and indigenous biodiversity, and whether time can/needs to be allocated in a better way to be more efficient. Also, how the resources are being deployed and whether people are sitting around doing nothing when they can be doing something. Then there is the financial factor, all the costs associated should be analyzed and made sure to be used well across all of the areas or where needed. When all of these factors are being used, and carried out effectively and efficiently and there is a good understanding of them, the system performance will be high, and optimum for ensuring the outcomes.

Question 9:

9a. Do you have any feedback on the preliminary analysis in section 6?

The feedback is effective in analyzing each issue with respect to the four factors of the preliminary analysis which were very effectively chosen as they are effective. Consequently, the analysis of each issue is effective because it is clear, concise and appears well thought out. This feedback is an effective way to quickly show the public what the changes/proposals mean, as it is easy to understand and read.
9b. Are there any other comments you’d like to include in this submission?

Overall, I feel the proposals are all positive changes that will greatly increase the health of our Crown pastoral land, and mean we hopefully can maintain the land for our future generations to enjoy as we do. Thank you for taking the time to read my submission, I hope my ideas are useful in some way.

Releasing submissions

We may choose to publish submissions from this consultation on the Land Information New Zealand website. We can remove your name from your submission if you want us to. Please let us know below.

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Note that the name, email, and submitter type fields are mandatory for you to make your submission.

When your submission is complete

If you are emailing your submission, send it to cplc@linz.govt.nz as a:

- PDF

- Microsoft Word document.

If you are posting your submission, send it to:

Crown pastoral land consultation
Land Information New Zealand
PO Box 5501
Wellington 6145
Enduring stewardship of Crown pastoral land

The Government welcomes your feedback on this consultation document.
For more information about the Government’s proposals read our Discussion Document.

Submissions close on Friday 12 April 2019

Making a submission

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1. Use our online submission tool, available at www.linz.govt.nz/cplc

   This is our preferred way to receive submissions.

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Submission form

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Contact information

[Redacted]

Submission type*

☒ Individual
☐ NGO
☐ Local government
☐ Business / Industry
☐ Central government
☐ Iwi
☐ Other (please specify)

Add your details

* Questions marked with an asterisk are mandatory
Question 1:

1a. What are your views on how significant natural values should be protected once tenure review is ended?

For the most threatened and vulnerable environments and ecosystems, their welfare should be given eminence above pastoral productivity in management decisions. For less threatened ones, their stewardship/welfare should rank alongside pastoral productivity.

Post tenure review, there is a need for Crown buy-out of lease or part lease property rights for the most significant natural value areas. Naturally, this would be dependent upon a co-operative arrangement or relationship with lease-holders.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?

Covenants should be a no-no: The majority of tenure review-generated covenants have produced ‘Clayton’ outcomes for the native vegetation component, despite ostensibly tight conditions. And it is disingenuous of the discussion document to raise “Mahu whenua” as a shining example of their utility - that QEII covenant is not representative of tenure review covenants. It has exceptional circumstances behind it. Enduring stewardship of the remaining indigenous element of Cpl should conceptually and functionally be approached as covenenting.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?

Yes. Almost all the leases remaining in the tenure review pool that have not advanced to preliminary proposal stage should be abandoned. They have inherent insurmountable barriers to achieving a deal due the divergent expectations of the negotiating parties. Most have been ‘parked up’ for years. I expect they will feature prominently in the flood of discretionary consents attendant upon the Minister’s announcement to end the process.

Question 2:

2a. Do you agree with the proposed outcomes?

☒ Yes ☐ No ☐ Unsure

Please comment

Yes, an outcomes-based framework is a laudable, ideological intend but it could be an
administrative nightmare for LINZ and the various stakeholders. Designing and implementing a consensus framework of outcomes accepted by all stakeholders, some of them diametrically opposed, will be a challenge. The Ministerial review results in heightened expectations of Cpl management by the various stakeholders and consensus solutions to the inevitable disputes will be difficult.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?

Who knows; the outcomes were insufficiently fleshed-out for me to knowledgeably comment on. I do, however, understand and support conceptually natural capital as a series of quantifiable (not qualifiable) components...see below.

2c. Do you agree with the use of “natural capital” rather than “ecological sustainability” in the proposed outcomes?

☐ Yes  ☐ No  ☒ Unsure

Please comment

Although there is a list of the components of natural capital (nc), quantifying them will be as problematic as was trying to get inter-agency agreement on ecological sustainability (es). If nc is to be sustained, there will need to be quantifiable benchmarks or a framework for each component as a foundation to make judgements on the impacts of pastoral use or discretionary consents. These judgements or decisions on land use impacts often involve trade-offs or discounting one component against another...loss of indigenous vegetation yet maintenance or enhancement of soil carbon. How can that ecosystem interrelatedness be quantified? The administrative and science reality of nc over es is that both will/are difficult to derive agreed standardized benchmarks for. To me, nc seems just the latest buzz concept that the Crown bureaucracy are challenging ecological science to deliver a consensus platform for. Perhaps, my evaluation of the relative merits of both concepts could have been improved if the discussion document had elaborated on the administrative intent or workability of nc.

2d. How do you think the Crown should fulfil its obligations under the Treaty of Waitangi in respect to Crown pastoral land? How do you think Treaty of Waitangi principles should be applied to decision making?

Add your response here.

2e. What are the qualities and features of Crown pastoral land that you value the most?

An under-recognised value of the traded-off outcomes of tenure review is recreation.
The clamor over loss of lowland dryland biodiversity has masked the dramatic improvement in upland recreational opportunities in Canterbury and Southland. To me, the outback recreational experience is not dramatically reduced if the back-drop is pastoral rangeland as opposed to full Crown ownership. For that reason, I recommend ongoing pursuit of further recreational use of Cpl, perhaps with the Crown providing financial inducements to lease-holders.

2f. What does enduring stewardship mean to you? What is the role of the different groups that play a stewardship role – the Crown, leaseholders, iwi, and other stakeholders? How can these groups most effectively work together?

The answer to the first question: To most stakeholders, including, perhaps, a small percentage of lease-holders, Cpl has represented a national legacy of indigenous Aotearoa, semi-native grasslands and shrublands. Rangeland pastoralism (low-energy-input pastoral use) has more or less fostered that vegetation condition and concept of enduring stewardship but because of the low evolutionary resilience of native plants to mammalian herbivory, there is an inevitable, inexorable 'greening' of the landscape. Discretionary consents, however, are focused, almost singly, on increased agricultural productivity and management efficiency and thus compromise the indigenousness of the landscape. To me, enduring stewardship should focus on the ecological integrity of that indigenous character.

I'm not commenting on the second question.

Question 3:

3a. Do you agree that the Commissioner should be required to develop a regular Statement of Performance Expectations, approved by the Minister for Land Information?

☑ Yes ☐ No ☐ Unsure

Please comment

Definitely; then all parties could efficiently contribute to an agreed, and hopefully shared, vision of stewardship intent.

3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system?

☑ Yes ☐ No ☐ Unsure

Please comment (optional)

Add your response here.
3c. What other mechanisms could be used to improve accountability?

Add your response here.

3d. Which mechanisms do you think would be most effective in improving accountability?

Add your response here.

3e. Do you think there are any problems with the proposed change?

Add your response here.

Question 4:

4a. Do you agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards to support officials and leaseholders to understand and comply with legislative requirements?
Yes, but no doubt it will be a tortuous process if it involves stakeholder consultation because lease-holder and stakeholder expectations will be rather different when it comes to defining and standardizing enduring stewardship.

4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?

☐ Yes    ☐ No    ☒ Unsure

Please comment

Add your response here.

4c. What other things do leaseholders, iwi, and stakeholders most need to have clarity about in order to better understand the Commissioner’s decision making?

The difference between the generic level of expectations of outcomes across the Cpl estate and the lease-by-lease level of expectations.

4d. How should standards be used to help increase transparency? How should guidance be used?

Add your response here.

4e. What other mechanisms could be used to improve transparency?
4f. Which mechanisms do you think would be most effective in improving transparency?

Add your response here.

4g. Do you think there are any problems with the proposed change?

Add your response here.

**Question 5:**

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions?

☑ Yes  ☐ No  ☐ Unsure

Please comment

If the outcomes’ benchmarks are about maintaining and enhancing the indigenous component of Cpl landscapes, then, most certainly, yes. Until now, discretionary consents (dc) have been the chief mechanism to overcome the productivity limitations imposed by pastoral grazing rights. High-energy farming drives discretionary consenting and if the outcomes attempt to rein-in that expectation, an administrative
'battle’ looms!

5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?

Add your response here.

5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?

Add your response here.

5d. What specific matters should be considered when deciding whether to approve an application?

Add your response here.
Question 6:

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions?

☐ Yes    ☐ No    ☐ Unsure

Please comment

Yes. Knowledge on significant natural values is a highly specialised science skill and, as stated, in terms of environmental and ecological expertise, not maintained within LINZ.

6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?

When threatened or rare ecosystem values are at risk.

When substantial intensification of exploitative pastoralism is proposed.

When significant land use changes are proposed.

When commercial recreational exclusivity is proposed.

6c. Do you think the Commissioner, an independent statutory officer, is the most appropriate decision maker for matters regarding Crown pastoral land? Is there a better decision making model? Please provide the reasons for your view.

Add your response here.
Question 7:

7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents?

☒ Yes ☐ No ☐ Unsure

Please comment

Yes, there should be mechanisms for at least some cost recovery for the Crown, perhaps even neutrality because stewardship is a Crown/lease-holder partnership. Up until now, it has been a costly Crown-subsidised process.

7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.

Add your response here.

Question 8:

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework?

☒ Yes ☐ No ☐ Unsure

Please comment

Yes, this is a laudable intent but it is impossible for me to flesh this out because the discussion document fails to elaborate. Even a preliminary conceptual steer on options would have helped. From my ecological science background, I could provide much input on the vagaries and shortcomings of environmental monitoring of Cpl over the ages. Nevertheless, reporting on outcome performance at a lease-by-lease level would be hopelessly cumbersome, expensive and conflict-generating.

I recommend further input be sought when LINZ have fleshed this out.
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood?

Add your response here.

8c. What information do you think is most valuable to understand system performance?

Add your response here.

**Question 9:**

9a. Do you have any feedback on the preliminary analysis in section 6?

Click here to enter text.

9b. Are there any other comments you’d like to include in this submission?

Add your response here.
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When your submission is complete

If you are emailing your submission, send it to cplc@linz.govt.nz as a:

- PDF
- Microsoft Word document.

If you are posting your submission, send it to:

Crown pastoral land consultation
Land Information New Zealand
PO Box 5501
Wellington 6145
Submission form

The questions below are a guide only and all comments are welcome. You do not have to answer all the questions. To ensure others clearly understand your point of view, you should explain the reasons for your views and provide supporting evidence where appropriate.

Contact information

Name*
Brady Kingan

Submission type*

☒ Individual
☐ NGO
☐ Local government
☐ Business / Industry
☐ Central government
☐ Iwi
☐ Other (please specify)

* Questions marked with an asterisk are mandatory
Question 1:

1a. What are your views on how significant natural values should be protected once tenure review is ended?

Significant natural values on Crown Pastoral Land would be best protected through the use of covenants. Introducing this approach would allow for appropriate protection of cultural, ecological, historical and recreational characteristics of the land. The downside to this approach is the need for the leaseholder to agree with the Commissioner. It may at times be difficult to convince the leaseholder that a protective covenant should be placed on the leased land or part of the leased land. Leaseholders may see a covenant as a disadvantage to the operation they are running.

The second approach in terms of purchasing the leaseholder’s interest in the land may also prove difficult as it may come as a large disadvantage to the leaseholder. If any leased Crown Pastoral Land interests are purchased by the Commissioner sufficient compensation shall be payed to the leaseholder. This would become a unlikely occurrence as this money would require public funding, hence why I believe the use of covenants and easements is a better approach.

I also believe any conditions put in place on the leased land by the Commissioner should be funded by the Commissioner. For example, the leaseholder should not be required to fence off any area from stock. The leaseholder has originally leased the land in its current original state and capabilities so any added covenant conditions should not be funded by the farmer/leaseholder.

In terms of public access easements across land is the most suitable approach to securing access to Crown Pastoral Land. Taking the same approach as that I took for the covenant approach. Easements shall also be funded by the Commissioner and be at no cost to the farmer or the leaseholder. Conditions such as fencing off access ways may need to be included and this frame of work should also be at the cost of the commissioner as the farmer/leaseholder did not sign up to this when he/she took interest in the land.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?

N/A

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?

I believe ending tenure review is the correct way forward and believe the proposed transitional arrangements are appropriate. This being the Government/Commissioner implementing the already accepted substantive proposals.
Question 2:

2a. Do you agree with the proposed outcomes?

☒ Yes  ☐ No  ☐ Unsure

Please comment

The idea of safeguarding Crown pastoral land for present and future generations by maintaining and enhancing natural capital, and cultural and heritage values is the overall key proposed outcome. Acknowledging that the Crown will provide for pastoral and non-pastoral appropriate activities that support economic resilience and foster the sustainability of communities is important for the leaseholder. The Crown when adopting these outcomes need to negatively affect the leaseholder as little as possible in terms of financial losses. This is important as the leaseholder has already leased the land as they originally attended for an amount of time.

The proposed outcome; “enable the Crown to obtain a fair financial return,” is not an appropriate outcome. The Crown should gain enough financial return to maintain and manage the land but obtaining a fair financial return is a rather broad statement open to many interpretations. This outcome needs to be further developed, and the idea of the leaseholder also obtaining a fair financial return is appropriate if they are adopting the idea of stewardship.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?

Yes, the two main problems that occur with Crown pastoral land are covered in the outcomes, these being protecting the natural capital and providing for pastoral and appropriate non-pastoral activities.

2c. Do you agree with the use of “natural capital” rather than “ecological sustainability” in the proposed outcomes?

☒ Yes  ☒ No  ☐ Unsure

Please comment

I do agree with the use of natural capital rather ecological sustainability. By using natural capital, it is more inclusive to the relationship the human has with the land and what the land can provide for the human. Whereas ecological sustainability in my opinion is more associated with the living organisms and protecting them rather than serving a purpose for humans. One important point both terms have in common is allowing for the needs of future and present generations.

2d. How do you think the Crown should fulfil its obligations under the Treaty of Waitangi in respect to Crown pastoral land? How do you think Treaty of Waitangi principles should be applied to decision making?
The iwi should be approached and involved in the decision making process of proposing the outcomes that come from this document. Any cultural and heritage protections required on certain Crown pastoral land should involve iwi input. TOW Principles should be applied to decision making through consultation with the iwi. Taking into account principles of partnership, participation and protection in relation to the iwi and their taonga should set the Crown in the right direction in terms of making decisions in consultation with the iwi. In saying this the overall outcome for this document is the protection of the natural capital and this outcome should not be degraded to ensure the iwi is happy with any decision that is made.

2e. What are the qualities and features of Crown pastoral land that you value the most?

The qualities and features of Crown pastoral land that I value the most is the outstanding natural landscapes of many of these sections of land. On this outstanding natural landscapes, the ecological system, heritage and cultural aspects all play an important part of the qualities and features of the land which makes the landscapes outstanding. The fact that Crown pastoral land is relatively natural and untouched in terms of major change is what form outstanding landscapes. For example, being able to see the mountain ranges, lakes, rivers and hills in their natural state is refreshing when compared to similar landscapes that have been intensified in terms of farming and irrigation to majorly change the landscape to what seems an unnatural form.

Leaseholders being able to graze and occupy Crown pastoral land is an important feature of this land that I also highly value. It is important to the economy and many individuals’ livelihoods. Getting the right balance between maintaining the natural capital and allowing this land to be farmed/grazed is a key quality of Crown pastoral land. The important aspect to this is to not allow over intensification of farming on this land by setting appropriate, manageable and assessable standards.

2f. What does enduring stewardship mean to you? What is the role of the different groups that play a stewardship role – the Crown, leaseholders, iwi, and other stakeholders? How can these groups most effectively work together?

Stewardship in this situation to me means a group of individuals/organizations coming together to achieve a common goal. The Crown’s stewardship role is to provide Crown pastoral land for the leaseholders while maintaining the natural capital of the land, they are also in charge of supervising and assessing this process. The leaseholder’s stewardship role is to ensure the land they are leasing is maintained to a set out level by the Crown that doesn’t negatively affect the natural capital of the land. The idea of leaving the place in a better state than you first found it should be a key thinking of the leaseholder. The iwi also plays an important stewardship role in terms of consultation with the Crown and leaseholder about maintaining and protecting cultural aspects and the heritage of the Crown pastoral land. All three organizations need to work together to achieve the goal/proposed outcomes.

Question 3:

3a. Do you agree that the Commissioner should be required to develop a regular Statement of Performance Expectations, approved by the Minister for Land Information?
Yes, this is the best way to ensure that the proposed outcomes are being maintained. If performance expectations aren’t regularly developed the Crown pastoral land comes at risk of degrading in terms of natural capital. The leaseholder/farmer needs guidance in what the performance and outlook of the land should look like. The Commissioner needs to be seen in a more active role for Crown pastoral land to ensure the land is best managed, enforcing the idea of performance expectations will cause this to occur. Along with this it allows other stakeholders including the iwi and leaseholders to see the Commissioners thoughts and reasoning hopefully encouraging a greater connection and acceptance between parties.

3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system?

☐ Yes  ☐ No  ☐ Unsure

Please comment (optional)

Yes, ensuring there is documented performance standards for the public to see will improve accountability for decision making in the Crown pastoral land regulatory system. This puts more ownership on the Commissioner to uphold the set outcomes and protect the natural capital while still providing for pastoral and non-pastoral activities where appropriate. Having these performance standards will also no doubt make the leaseholder more accountable to hold up his/her end of the deal in terms of maintaining the natural capital and in terms of farming not degrading or over farming the land in anyway.

3c. What other mechanisms could be used to improve accountability?

N/A

3d. Which mechanisms do you think would be most effective in improving accountability?

A regular statement of performance expectations

3e. Do you think there are any problems with the proposed change?

No, I do not, I believe this is the correct approach for the reasons outlined in 3.a & 3.b.
Question 4:

4a. Do you agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards to support officials and leaseholders to understand and comply with legislative requirements?

☒ Yes ☐ No ☐ Unsure

Please comment

In doing this it would give the stakeholders and leaseholders more clarity about not only what is required of them but also how the Commissioner goes about making decisions. Releasing guidance and standards in a legislative form would ensure these aspects are better maintained and upheld rather than that if they were just a supporting document with no legislative enforcement. It will also make the process in terms of consents faster and more achievable as the applicant will have a clear understanding of what is required of them and how the Commissioner is likely to rule saving both the applicants and the Commissioner time and money. A firm standard on how the Crown pastoral land requires to farmed in terms of diligence will allow the leaseholder to have a better understanding of the rules for the pastoral land and also provide a way in which these requirements can be easily measured by the Commissioner and the leaseholder.

4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?

☒ Yes ☐ No ☐ Unsure

Please comment

This proposal will definitely improve the transparency of decision making as it will allow for openness and accountability not only for the Commissioner making decisions but also for the leaseholders and stakeholders. It will allow for a fairer system allowing the public to view and understand decisions, it may also encourage the decisions to be more thoughtful as the Commissioners reputation will be more on the line as decisions will be publicly documented against the set standards. The idea around developing farm plans is also a good one as it encourages more thought and accountability from the farmer.

4c. What other things do leaseholders, iwi, and stakeholders most need to have clarity about in order to better understand the Commissioner’s decision making?

N/A

4d. How should standards be used to help increase transparency? How should guidance be used?
Refer to 4.b.

4e. What other mechanisms could be used to improve transparency?

I believe the best approach to improving transparency is a thorough explanation when it comes to the Commissioner making decisions around discretionary consents. The proposed standards will allow for this to occur.

4f. Which mechanisms do you think would be most effective in improving transparency?

I believe the proposed standards, guidance or policies are the appropriate step to improving transparency.

4g. Do you think there are any problems with the proposed change?

N/A

Question 5:

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions?

☒ Yes ☐ No ☐ Unsure

Please comment

The proposed outcomes are the most important aspect of Crown pastoral land and effect must be given to them for any discretionary consent decision. When considering these consents, it is important the Commissioner gives effect to the proposed outcomes, so the overall impact of such discretionary activity does not sufficiently degrade the natural capital of the Crown pastoral land. These discretionary consents are a major requirement for economic reasons but the activity requiring consent should not be approved if majorly disregards the proposed outcomes. Discretionary activities seen to have little negative impact on the natural capital are appropriate.

5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?

Yes, the Commissioner legally having to give effect to the proposed outcomes will ensure a consistent connection between approved consents and the proposed outcomes. It again makes the Commissioner accountable for his/her decisions making the process a more thought out process where the benefits of the consent are weighted against the natural capital considerations as well as the natural and heritage considerations.
5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?

The idea of expert advice and environmental monitoring are key mechanisms to ensuring the right decisions are made in relation to the proposed outcomes. The Commissioner requires expert advice on the effect an activity may have on the land to be able to determine whether or not the activity complies with the proposed outcomes. Environmental monitoring is also important to the decision making as previous cases that have sufficient data will make a similar consent decision easier as the effect of the activity on the land can be more accurately predicted.

5d. What specific matters should be considered when deciding whether to approve an application?

Whether or not the proposed activity has a more than minor effect on the natural capital, and the cultural and heritage values of the land.

Whether the proposed mitigation approaches make the activity cause a less than minor effect.

Does the economic benefit severely outweigh the negative impact on the land at a large enough scale to benefit the community and not just the farmer or stakeholder.

Has the correct information in terms of expert advice been considered and have other similar cases that had less than minor effect on the degradation of the land been compared to and evaluated.
Question 6:

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions?

☐ Yes  ☐ No  ☐ Unsure

Please comment

This is a key aspect of what should be required of the Commissioner as the Commissioner may not have the expert knowledge to make an informed decision on the given activity or the certain piece of Crown pastoral land. Obtaining expert advice puts the Commissioner in a better position to make the correct decision. Not having the correct expert advice may result in the Commissioner making the wrong decision, other regarding not having realized the full negative effect a activity may have and granting consent or thinking the effect is worse than it actually will be and not granting consent.

6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?

When any activity that may be seen to have any negative effect that is more than minimal on the natural capital or the cultural and heritage components of the land.

When the Commissioner does not have previous experience with the proposed activity or the make up of the biodiversity of the land (e.g. an indigenous vegetation that the Commissioner is inexperienced with). Public should be consulted on any activity that may negatively affect their lives in some way in relation to the natural capital.

6c. Do you think the Commissioner, an independent statutory officer, is the most appropriate decision maker for matters regarding Crown pastoral land? Is there a better decision making model? Please provide the reasons for your view.

Yes, having a Commissioner allows for consistent decisions to be made around the use of Crown pastoral land. The Commissioner due to experience of other Crown pastoral land cases has experience where decisions can be made in relation to one another on a consistent basis. Along with the use of expert advice I believe the Commissioner is the best placed person to make these decisions.

Using a Commissioner rather than a council or court also allows for the ease of passing these consents when they are seen as very simple decisions.
Question 7:

7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents?

☒ Yes ☐ No ☐ Unsure

Please comment

When an applicant makes a claim for a discretionary consent they should have to fund the cost such a consent may have for the Crown having to administer this process. The Crown usually has minimal economic gain when they approve a discretionary consent with the main gain being the leaseholder/applicant. Therefore the applicant should have to fund the administration process as they are the ones asking for a non-complying activity to be approved and they are the ones benefiting from the approval.

In saying this the fees should only allow for covering the costs of the process and the Crown should not make a profit out of charging for discretionary consents.

7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.

Applicants may be reluctant to apply for such consents especially if the benefits are minor. The time and money inputted may not be worth the effort for a benefit that may only be a small economic gain over time. This would not be a bad thing though as less consents would be applied for, therefore encouraging the proposed outcome of protecting the natural capital and cultural and heritage values.

Question 8:

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework?

☒ Yes ☐ No ☐ Unsure

Please comment

This is a concept that needs to be implemented, to ensure not only that land is being properly used in terms of the conditions of the lease but as well in terms of any consent conditions. This future proofs other discretionary consent applications as well, as having information on how a particular activity has affected the natural capital of the land may provide good evidence to a similar application, therefore resulting in a better informed decision.
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood?

Informing the farmer/leaseholder/stakeholder of the conditions of the land in a more in depth and appropriate way. This could include using experts in this field to coach and advise the leaseholders of the best way to manage and use the Crown pastoral land in a way that upholds the proposed outcomes and conditions.

8c. What information do you think is most valuable to understand system performance?

Knowing the limits and meaning of the conditions on the lease or the conditions part of the consent that was approved. The leaseholder or stakeholder having a complete understanding of the conditions will result in the land being run and protected in the way the Commissioner has set out. This will therefore create a system that encourages a successful performance that applies to the proposed outcomes and conditions.

Question 9:

9a. Do you have any feedback on the preliminary analysis in section 6?

N/A

9b. Are there any other comments you’d like to include in this submission?

I believe the proposals from this document are a step in the right direction for the management and use of Crown pastoral land. Overall the proposed outcomes, increasing transparency, greater input from the Commissioner in terms of documenting decisions and the use of a monitoring framework are all key aspects that have been identified correctly. Enhancing these aspects will go a long way to providing a better regulatory system for Crown pastoral land for reasons documented throughout this submission.
Releasing submissions

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- PDF
- Microsoft Word document.

If you are posting your submission, send it to:

Crown pastoral land consultation
Land Information New Zealand
PO Box 5501
Wellington 6145
Enduring stewardship of Crown pastoral land

The Government welcomes your feedback on this consultation document.

For more information about the Government’s proposals read our Discussion Document.

Submissions close on Friday 12 April 2019

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1. Use our online submission tool, available at www.linz.govt.nz/cplc

   This is our preferred way to receive submissions.

2. Complete this submission form and send to us by email or post.

3. Write your own submission and send to us by email or post.

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Submission form

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Contact information

[Blank lines filled with text]

Submission type*

☒ Individual
☐ NGO
☐ Local government
☐ Business / Industry
☐ Central government
☐ Iwi
☐ Other (please specify)

Add your details

* Questions marked with an asterisk are mandatory
Question 1:

1a. What are your views on how significant natural values should be protected once tenure review is ended?

It’s in my opinion that the Crown pastoral land can be better protected if the tenure review has ended. As this will allow the Crown to continue ownership of the land and can avoid some of the issues which are damaging the natural values of land. In my view it’s significant that the natural values should be protected by the Crown, as the environment of this land should not be damaged due to economic land uses. It appears ending the tenure review would be the best option as there are still other methods for this land to be transferred to a conservation estate without tenure review, which would maintain the ability for the Crown to protect the land.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?

Yes, another option is that covenants can be used. These can either be positive or negative, where a positive means the leaseholder would have to do certain things or whereas negative would put restrictions on the things they can do. These can therefore be used to protect the natural values. This is because a covenant is an obligation that is legally binding against the title and this can therefore be used to ensure the protection of the land.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?

I believe it is necessary that tenure review is ended in a transitional fashion. This is because it needs to be a process made up of many stages due to the complexity of the matters. This can be an issue for leaseholders and things are constantly changing for the tenure review, but is the best option because to abruptly end tenure review would cause many issues as the new systems would have initial flaws.

Question 2:

2a. Do you agree with the proposed outcomes?

☑ Yes  ☐ No  ☐ Unsure

Please comment

I agree with the proposed outcomes for Crown pastoral land as they aim to protect the natural and cultural values of the land whilst still making financial return from the land. Personally, I take this to mean that the land will be used productively in terms of the economy, whilst the Crown is actively protecting the land for “present and future generations”. Also it is a positive to see the acknowledgement of the
Treaty of Waitangi in these outcomes as it is obviously relevant to any legislation involving land in New Zealand. This is an important factor when looking at the outcomes as Ngai Tahu have close relations with the areas Crown pastoral land. The iwi is involved in protecting taonga in this land such as the endangered species and it’s in my opinion that it’s important these roles are maintained in the outcome.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?

In my opinion the outcomes are covering the important aspects of the Crown Pastoral land. This is because the outcomes specify the goal to protect the natural values of the land whilst maintaining an economical return that supports the sustainability of the community. Therefore, balancing the economic and environmental aspects of the land and aiming for a positive outcome in each of these.

2c. Do you agree with the use of “natural capital” rather than” ecological sustainability” in the proposed outcomes?

☐ Yes   ☐ No   ☒ Unsure

Please comment

Personally, I have found little difference in the definitions of these phrases in my research into this topic. Natural capital has been described in the discussion document as “the aspects of our environment that sustain society’s present wellbeing and improve intergenerational wellbeing.”. Where it refers to intergenerational wellbeing, I take this to mean the natural environment will be protected for the future generations. Which in my opinion is similar to 'Ecological sustainability’ as it is described by meeting the needs of the present generation without damaging the environment for the future generations. Therefore, both concepts focus on preserving the environment for the future generations.

Although with the similarities in mind I do agree with the use of the phrase natural capital as it is very specific in its definition, listing aspects of the environment which the Crown is focused on protecting.

2d. How do you think the Crown should fulfil its obligations under the Treaty of Waitangi in respect to Crown pastoral land? How do you think Treaty of Waitangi principles should be applied to decision making?

I think the Treaty of Waitangi principles should be applied to the decision making. This is because it was Article one of the Treaty which gave the Crown sovereignty of New Zealand. Which is the reason the Crown has Crown pastoral land. To take the treaty into account, the Crown should always consider the potential cultural effects of their decisions regarding land. Before these decisions are made, the effected Iwis should be consulted and their opinions should be heard. It is in my opinion the Treaty of Waitangi and its principles should be prioritized in any of the matters regarding the land, as the protection of cultural values of land is important.

2e. What are the qualities and features of Crown pastoral land that you value the most?
As a New Zealander, I am proud of our country’s amazing natural landscape. I value our environment highly and this applies to Crown pastoral land as much of these areas are rural landscapes. Therefore, I value the landscapes and natural capital in these areas and believe these should be protected in the legislation regarding the Crown pastoral land.

2f. What does enduring stewardship mean to you? What is the role of the different groups that play a stewardship role – the Crown, leaseholders, iwi, and other stakeholders? How can these groups most effectively work together?

Enduring stewardship to me is to continue to look after and care for something. In regard to the land many groups should demonstrate this stewardship. The Crown has legislation in place and is continuing to update and review this to ensure the stewardship of the land. Things such as the ‘Land Act 1948’ have been introduced to maintain stewardship of the land and provide protection to the natural capital of the land as well as protecting leaseholder’s security of tenure. In regard to the Iwi, the protection of land revolves around the Maori word kaitiakitanga, which represents stewardship and guardianship and can be applied to the land.

It’s important these groups can all work together on decision regarding the Crown Pastoral Land and they are all essentially invested in protecting the natural values of the land. This can be done through discussions and taking into account the other groups opinions, however, ultimately will work best together if legislation is clear and flexible for each situation.

Question 3:

3a. Do you agree that the Commissioner should be required to develop a regular Statement of Performance Expectations, approved by the Minister for Land Information?

☒ Yes ☐ No ☐ Unsure

Please comment

Yes, in my opinion it should be required that the Commissioner has to develop a regular statement of performance explanation. I believe this should be done to ensure the Commissioner is accountable for the decision that they make. I also am in favor for the releasing of this to the public and the option for public consolation as there is a high public interest in Crown pastoral land. This would give the public a chance to view how the Commissioner is planning on dealing with current decisions on the Crown pastoral land.

3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system?

☒ Yes ☐ No ☐ Unsure
3c. What other mechanisms could be used to improve accountability?

There is another option for the Commissioner to release the statement independently. This gives a standard which should be met by the performance of the system and would improve accountability as results can be tested against it.

The other option, suggested by LINZ was to publicly release a statement of performance expectations in consultation with the Minister for Land Information. This would improve accountability as it provides the expectations set out.

3d. Which mechanisms do you think would be most effective in improving accountability?

Personally, I believe the most effective method to improve accountability is the idea that it should be required that the Commissioner has to develop a regular statement of performance explanation.

3e. Do you think there are any problems with the proposed change?

No, I feel like the proposal to improve accountability is necessary and is being undertaken in a good way.

Question 4:

4a. Do you agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards to support officials and leaseholders to understand and comply with legislative requirements?

☒ Yes  ☐ No  ☐ Unsure

Please comment

In doing so it would enable leaseholders and stakeholders greater insight into the decisions surrounding Crown pastoral land. This would happen as it allows the Commissioner to release standards on what was required in applications. This would help applicants gain more transparency on what was needed in their applications.

4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?
Please comment

I agree because in allowing this proposal it gives applicants more of an idea for what is required for their applications. It also provides further detail in different areas of the system, making it clearer to people trying to understand this. It improves the transparency for the leaseholders and stakeholders as it makes it clearer what is required of them.

4c. What other things do leaseholders, iwi, and stakeholders most need to have clarity about in order to better understand the Commissioner’s decision making?

It’s important that they are aware of the reasons behind the Commissioner’s decision making. This should be achieved by the proposal as it’s providing more detail around what details the Commissioner is gathering before he makes his decisions, which will demonstrate to these parties what he believes to be relevant.

4d. How should standards be used to help increase transparency? How should guidance be used?

Guidance can be used by providing the applicants and leaseholders with as much certainty as possible. This will be done through the proposal by providing the things that will be looked at during the decision-making process, the evidence that will be needed and the Commissioner’s expectations.

4e. What other mechanisms could be used to improve transparency?

An idea which could improve transparency would be to have a review about the decision released by the Commissioner at the end of the process to the interested parties.

4f. Which mechanisms do you think would be most effective in improving transparency?

I think a mechanism which would help improve transparency is the point “clarifying the statutory obligations of leaseholders, such as the requirement to farm the land diligently and according to the rules of good husbandry”. As this demonstrates to the leaseholders what is required of them for the decisions that are being made and what is expected of them whilst they lease the land.

4g. Do you think there are any problems with the proposed change?

In my view, there do not appear to be any problems with the proposal as it helps aide everyone involved in the decision-making process.
Question 5:

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions?

☒ Yes ☐ No ☐ Unsure

Please comment

Yes, I agree. As a discretionary activity is one which is not allowed within the lease of the land it should be required that approval is needed for the activity to be undertaken. This will in time benefit the natural capital of the land, as it means the leaseholders cannot undergo potentially harmful activities which they are not meant to.

5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?

Yes, as it will allow the Commissioner to give the applicants clarity on decision making and removes uncertainty. In the long term it supports the health of the environment and preserves the environment which supports the outcomes. This is because potentially harmful things to the land such as too much stock would need approval from the Commissioner.

5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?

Other options are things such as retaining the current level of discretion while incorporating new outcomes. This would be a smooth transition as there would be less changes to the system, however it would not be as good as the proposed change. I believe the proposal would be the most effective way to deal with discretionary consents.

5d. What specific matters should be considered when deciding whether to approve an application?

Potential negative environmental impacts should always be considered. As well as this the benefit to the applicant should be considered such as if it is actually going to be economically beneficial to approve it. Impacts on cultural values of the land should also be considered as well as public interest in the areas.
Question 6:

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions?

☐ Yes  ☒ No  ☐ Unsure

Please comment

I feel like this proposal makes sense, however I do not believe it should be a requirement. This is because at times it would be necessary for the Commissioner to consult expert’s, but I believe there will be times when it is not needed. Therefore, I think the Commissioner should always have the option to consult experts on discretionary decisions when he or she believes it needed.

6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?

I think the Commissioner should seek expert advice when the complexity of an issue is too great for his or her own knowledge. When this is the case a different person’s insight is required for a decision to be made with the appropriate information on the issue. In regard to seeking information from the public, I feel this should be done when there is a cultural or public interest in the land that the Commissioner might not have a full understanding of.

6c. Do you think the Commissioner, an independent statutory officer, is the most appropriate decision maker for matters regarding Crown pastoral land? Is there a better decision making model? Please provide the reasons for your view.

I think the Commissioner is a good option for the decision making. But another idea which could prove better in time would be to have a panel of around three people to make the decisions, made up of the Commissioner and 2 experts in the field. This could provide a broader view and remove potential chance of bias.
Question 7:

7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents?

☑ Yes ☐ No ☐ Unsure

Please comment

It appears to me like there should some charge to the applicants to subsidize all the costs to the Crown for discretionary consents. This is because I agree with the ‘benefiter pays’ concept which is being presented here.

7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.

It would affect the applicants and leaseholders as they would now have expenses that they didn’t have before. This might discourage them to take part in activities which cost these fees. Therefore, I think a good solution would be to assess each situation to see whether it’s a fair `activity for them to pay for. As well as this I feel like they should not have to pay the whole amount for some costs, only subsidize, as most of these expenses are not usually expenses in farming.

Question 8:

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework?

☑ Yes ☐ No ☐ Unsure

Please comment

I agree, this is because in this monitoring it checks that leaseholders are meeting the obligations which they have under their lease. I strongly agree that they should be following these obligations with the land. Therefore, making the Commissioner regularly report on this will improve the standards that the leaseholders are conducting themselves with on their land. Setting expectations and monitoring them regularly means that LINZ can keep a closer watch and achieve the outcomes which they are intending to with the Crown Pastoral Land. Over time this would lead to a better system between the Commissioner’s decisions and the applicants and stakeholders.

8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood?
Another option suggested was to have requirements for the monitoring within the legislation. The government found it would not be flexible enough. However, personally I favor this idea as it could be combined with the option of having potential exceptions in the legislation, thus, making it more flexible.

8c. What information do you think is most valuable to understand system performance?

I think it is most important to make sure the environmental and cultural impacts of decisions are being monitored as these could be the most damaging if the expectations are not being met by the leaseholders. Therefore, these aspects of the Crown pastoral land should be closely monitored by LINZ on a regular basis.

Question 9:

9a. Do you have any feedback on the preliminary analysis in section 6?

Looking at the table it appears to be an adequate assessment of the proposals in section 6. It discusses each aspect of the proposals and looks at many different elements of it. While doing this it provides potential alternative options. Personally, I believe it is a good assessment.

9b. Are there any other comments you’d like to include in this submission?

A matter which occurred to me throughout this process was that there was going to be a lot more work introduced through these proposals if each one was going to be followed. This may mean more staff will need to be employed to assist the Commissioner in these roles.
Releasing submissions

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If you are emailing your submission, send it to cplc@linz.govt.nz as a:

- PDF
- Microsoft Word document.

If you are posting your submission, send it to:

Crown pastoral land consultation
Land Information New Zealand
PO Box 5501
Wellington 6145
Enduring stewardship of Crown pastoral land

The Government welcomes your feedback on this consultation document.

For more information about the Government’s proposals read our Discussion Document.

Submissions close on Friday 12 April 2019

Making a submission

You can make a submission in three ways:

1. Use our online submission tool, available at www.linz.govt.nz/cplc
   This is our preferred way to receive submissions.

2. Complete this submission form and send to us by email or post.

3. Write your own submission and send to us by email or post.

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Submission form

The questions below are a guide only and all comments are welcome. You do not have to answer all the questions. To ensure others clearly understand your point of view, you should explain the reasons for your views and provide supporting evidence where appropriate.

Contact information

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  

Submission type*

☑ Individual

☐ NGO

☐ Local government

☐ Business / Industry

☐ Central government

☐ Iwi

☐ Other (please specify)

* Questions marked with an asterisk are mandatory
Question 1:

1a. What are your views on how significant natural values should be protected once tenure review is ended?

I believe the significant natural features should be well protected for future generations, and the cultural, ecological, historical and recreational characteristics of pastoral land should be protected from intensifying purposes. These could be protected via covenants over the pastoral land as it could be a more viable option then purchasing all of the land. A good example of where covenants have been used are the Mahu Whenua covenants which appear to have provided environmental benefits as well as public access for recreation. A covenant also provides full legal protection once implemented. It appears the Queen Elizabeth II National Trust are doing a great job and should continue to be getting funding through DOC for implementing new covenants. For covenants to exist there must be willing land owners with goodwill to give up land and it looks like there is. From the QEII annual report released in 2018, a total number of covenants being registered reached 4,476 or 184,211 ha of land.

Purchasing pastoral land and adding it to the conversation estate should not be overlooked as a method if public funding is available as this would could ensure full environmental protection and public access. If land is added to the conservation estate there must be resources to maintain the land and stop problems such as invasive species growing out of control and land becoming nothing but waste land.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?

Covenants to protect the land from intensifying production including fencing off the area from stock, preventing harvesting/clearing of indigenous species would be ideal however I also believe land should still be able to be purchased so it can be protected within the conservation estate and Crown funding would be an effective tool if selling part of the land (and interests) to the leaseholder did not occur. There could be more or tightening up on regulations placed on crown pastoral land halting the possible intensification of land for crown pastoral land. However, this would have to be done with care and consultation with the leaseholders as placing stricter rules could create unrest with leaseholders who have been living and managing the land for in some cases decades. Currently crown pastoral land comes under the CPLA 1998 and the Land Act 1948. These pieces of legislation could be updated and rewritten as views on land has changed significantly over time. One of the problems with the current system seems to be the lack of objectives and the LINZ review of the system found many views provided found that system was not delivering ecological sustainability. It was also a view that the system focuses on transactions and pricing. Perhaps more emphasis needs to be on the environmental effects. Monitoring could be introduced for instance after decisions are made to see the ramifications the decision has on the environment.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?

I agree that there needs to be a new set of outcomes within the CPLA. It will be good that there will be outcomes that the commissioner will have to consider, for instance when a decision is required for discretionary activities. Currently as there
are no outcomes to be considered it seems it’s easier for misinformed decisions to be made or decisions which has more negative effects on the environment. Monitoring after the decisions should be implemented as well to see if the decisions fulfil the new (intended) outcomes. However I believe the immediate focus should be on fixing the tenure review process as soon as possible.

Question 2:

2a. Do you agree with the proposed outcomes?

☒ Yes ☐ No ☐ Unsure

Please comment

I agree with the changes because of the way land was able to have had intensified farming take place because of a trade of conservation land. While I believe the extra conservation land is of value I do not believe the control should have been lost and intensified farming take place. Hence I would rather have land managed well then land lose its protection so I agree with the changes.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?

Yes I believe the key issues have been captured however I believe these concepts could be defined more appropriately in my opinion to refer to the environmental sustainability and not just sustainable communities a this should help to ensure the ecology and landscapes are well looked after as whole.

2c. Do you agree with the use of “natural capital” rather than “ecological sustainability” in the proposed outcomes?

☐ Yes ☐ No ☒ Unsure

Please comment

It is stated that the outcomes propose that natural capital should be maintained and enhanced, as long as that is true and mechanism is in place to ensure that these are the outcomes then I am ok with the change of terms. However natural capital implies that land is seen as a commodity and an object. I think of capital as a financial asset related to money and property. It appears that the conventional meaning of natural capital is the world’s stocks of natural assets. It is comparing natural resources and ecological processes to money and it places prices on land. I just think that views may be shifted from preserving the land due to the environment to preserving land because the regulations say so and there must be some natural capital left. Ecological sustainability makes it clear what the outcomes and goals are. If the term natural capital is to be used I believe a clear definition
indicating the protections over the land must be included so that it cannot be misinterpreted and result in negative environmental outcomes.

2d. How do you think the Crown should fulfil its obligations under the Treaty of Waitangi in respect to Crown pastoral land? How do you think Treaty of Waitangi principles should be applied to decision making?

Treaty values are important. I the rights of iwi should be considered for sites of cultural significance on a case by case basis incorporating iwi in the process where necessary ensuring first and foremost the protection and enhancement of natural features.

2e. What are the qualities and features of Crown pastoral land that you value the most?

The natural character of the land and unique features that I value most as someone who enjoys the outdoors and enjoys tramping it is the natural rugged landscapes. Landscapes which appear untouched, as well as in places landscapes with natives are qualities which I value highly.

2f. What does enduring stewardship mean to you? What is the role of the different groups that play a stewardship role – the Crown, leaseholders, iwi, and other stakeholders? How can these groups most effectively work together?

To me stewardship means to do a good job of take care of something hence the organisations which are set up to protect certain areas or features in a stewardship role must have the required resources to obtain their objectives. Stewardship should be everyone’s responsibility from the leaseholders to those people who take part in recreation activities on the land. The land should be treated and taking care of through environmental practices and sustainable farming practices. Leaseholders perhaps have the strongest connection to the land and if they have been there for a significant period of time, have probably been taking part in preserving the qualities of land. The commissioner plays a vital role in enduring stewardship as it makes decisions on important regulations and discretionary activities such as vegetation burning. Therefore, outcomes should be included in the CPLA that gives the commissioner guidance on environmental implications of the decisions. Iwi also have a strong relationship with the land and it is important for the CPLA and the commissioner to recognize this in potential decision’s or considerations in what happens with the land and include the local iwi in land subjects. Iwi would be important in the role of stewardship because of their views of the land. Kaitiakitanga means guardianship and protection in Māori hence including a kaitiaki to ensure the land is taken care of could be of value especially in areas of cultural significance.

It is hard to say the most efficient way for these organisations to work together. As stated the crown cannot complete this role on its own hence having clear common objectives between dedicated organisations using appropriate strategies to look after the land and preserve it for future generations. Incorporating similar goals may help these organisations achieve the desired outcomes however an efficient management system which connects these organisations could be required.
Question 3:

3a. Do you agree that the Commissioner should be required to develop a regular Statement of Performance Expectations, approved by the Minister for Land Information?

☒ Yes ☐ No ☐ Unsure

Please comment

I agree that statements should be made because it would ensure that the function of the regulatory system adequately reflects the Government’s expectations. I also believe that the stakeholders should be provided the opportunity to reflect their perspectives to ensure as I believe that would produce a more robust system even though not every stakeholder may not necessarily agree with every decision. I also believe it would be good if the statement sets out priorities for addressing issues on Crown pastoral land as it would help clarify the immediate priorities for the public.

3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system?

☒ Yes ☐ No ☐ Unsure

Please comment (optional)

I do believe that regular reporting will improve accountability. Especially with these reports publicly released as it will help ensure key issues/decisions are not swept under the rug and will be addressed properly because of the regular update of this statement as mention. I believe it is good that the commissioners independence is preserved for the importance of the landowner-tenant relationship.

3c. What other mechanisms could be used to improve accountability?

As long as clear strategic direction and annual expectations are well defined, annual reviewing of performance and the results then accountability should work efficiently.

A statement of intent which not only includes the medium-term strategic direction but the long term direction of the entity I believe would be ideal because of the nature of the long term stewardship role being played by the ministers.

3d. Which mechanisms do you think would be most effective in improving accountability?

I believe the Statement of Performance Expectations and regular reporting, with Ministers being able to request additional information at any time would be the
effective mechanisms because this relates directly to the work being competed and what those at the top are doing.

3e. Do you think there are any problems with the proposed change?

I don’t believe there are any problem with the proposed changes but as mentioned in 3c because of the nature of the long term leases involved with the pastoral land I believe long term strategic goals should also be addressed in statements of intent.

Question 4:

4a. Do you agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards to support officials and leaseholders to understand and comply with legislative requirements?

☒ Yes ☐ No ☐ Unsure

Please comment

I believe a change which provides for additional guidance to support officials and leaseholders to understand and comply with legislative requirements would be beneficial for all parties involved as it would hopefully help to clarify uncertainty and provide a bare minimum in terms of the standards that must be met on the pastoral land.

4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?

☒Yes ☐ No ☐ Unsure

Please comment

I agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system because of the new mechanism being instated the transparency should be improved. However this does not necessarily mean that the improvements will be to the satisfaction of stakeholders as stated by a LINZ’s regulatory review there is also not widespread agreement that the system is fair, so they knew transparency should work to change these stakeholders views through the sharing of the right information.

4c. What other things do leaseholders, iwi, and stakeholders most need to have clarity about in order to better understand the Commissioner’s decision making?
To understand the decision making leaseholders, iwi, and stakeholders require information regarding the decisions being made, particularly the reasons behind making decisions, and information regarding the (possible) outcomes of those decisions to fully clarify the reasons behind the Commissioner’s decision making so that the leaseholders, iwi, and stakeholders have as much information available to understand the decisions.

4d. How should standards be used to help increase transparency? How should guidance be used?

Standards should be used to ensure there is always information being provided to leaseholders, iwi, and stakeholders. Having a minimum level of information while not ideal it would still ensure that the commissioner is providing information to the public.

Guidance should be used for leaseholders so that they have a clear understanding of what they are expected to do in terms of the decisions being made by the commissioner so it is clear how they are intended to achieve the set out standards possibly through farm management plans.

4e. What other mechanisms could be used to improve transparency?

Gathering monitoring and evaluating information would help to ensure that outcomes being delivered. Such information on farming practices, ecological outcomes and process performance would allow stakeholders and decision makers to understand the reasons behind decisions which are being made.

4f. Which mechanisms do you think would be most effective in improving transparency?

Farm management plans I believe would be an effective mechanism to improve transparency as it would provide a clear outline of what is occurring on the pastoral land. As mentioned the Commissioner could work with other agencies and regulators, such as the Ministry for Primary Industries and councils, to ensure a consistent approach to farm plans for use on Crown pastoral land. This would be important as a consistent approach would be fair however with my limited experience I realize the nature of the land pastoral leases varies significantly so this approach may not always be appropriate. As also mentioned LINZ is currently working with local authorities such as Environment Canterbury, which has established a Farm Portal to store farm plans and nutrient management information, including Overseer nutrient budgets. LINZ is exploring whether this system would assist in the management of Crown pastoral land. If this would system would assist in the management of Crown pastoral land then I believe it should be implemented nation-wide for pastoral land.

4g. Do you think there are any problems with the proposed change?

I don’t believe there any problems with the proposed changes I agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards as a LINZ regulatory review found that the there is not widespread agreement that the current system is fair. I also agree because
improved transparency could help to improve this issue and help create better relationships between leaseholders, stakeholders, iwi and the Crown.

Question 5:

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions?

☐ Yes  ☐ No  ☐ Unsure

Please comment

I agree that the Commissioner should be required to give effect to the proposed outcomes because of the nature of the pastoral land. While I believe this may seem over the top for applications related to fencing or general farming purposes, it may be useful for possible future situations to ensure that an outcome of an activity will not have dire effects in terms of conservation.

5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?

Yes I do. In saying that I only believe the proposed approach will support the proposed outcomes if the commissioner can give effect to the right outcomes. I personally believe the outcomes should have conservation and the natural landscapes high up on the agenda to ensure maintain the natural character of the land for future generations. While I also acknowledge the proposed outcomes may result in conflict I believe it would effective because it allows the Commissioner to exercise judgment such as by considering how adverse impacts on inherent values might be mitigated when making trade-offs between the two criteria.

5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?

I believe preventing any decisions from contradicting a new set of outcomes would be ideal in terms of my conservational beliefs as it would ensure an activity would not decrease natural capital. I also do not believe this is realistic as it would not allow for leniency for certain situations. I also believe the different scales approach would not be ideal because it would allow for lawyers to argue the scales of an activity to much, I believe this approach would only work if the scales of activities were well defined in the legislative process.

5d. What specific matters should be considered when deciding whether to approve an application?

The short and long terms effects of the activity I believe must be considered as this could help to ensure the land is preserved in a form of natural state. Personally I believe this is heavily dependent on the section of land that an application is
concerning. For example a farm track which cuts into the hill leaving scars along the side of the slope for future generations would be far worse than a well-designed track that avoids large cut and fill sections as this would reduce the effects on the natural appearance of the landscape. Other matters I believe should be considered are native vegetation and native wildlife as I believe they hold greater value in terms of the natural landscape then introduced species.

Question 6:

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions?

☒ Yes ☐ No ☒ Unsure

Please comment

I believe that the commissioner should seek expert advice however I also believe that experts may not be required for every application as certain applications may be fairly simple and not necessarily require expert advice which would reduce the costs of applications. In saying that I believe experts should be brought in for the right circumstances, whether this be at the discretion of the commissioner or if it be possible for certain individuals in the process to request an expert or for them to make the recommendation of bring in an expert on that matter.

6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?

I believe the public should have input for any significant decisions or any decisions which have a reasonable impact on the environment so that the public voice can be heard. Similarly I believe the Commissioner should seek expert advice in situations where the public is inputting as well as at any time the Commissioner requires further information to fully understand the implications of an activity occurring on the environment. Ultimately I believe I believe the Commissioner should require expects so that they fully understand a particular situation so that all parties involved are reasonably confident in the correct information being provided for an inform decision.

6c. Do you think the Commissioner, an independent statutory officer, is the most appropriate decision maker for matters regarding Crown pastoral land? Is there a better decision making model? Please provide the reasons for your view.

While this requires one individual to constantly make good informed decisions because of the nature of the role and regular statement of performances to be in place as discussed in question 3 I believe the Commissioner is the most appropriate decision maker for matters regarding Crown pastoral land. It could be possible to include detailed requirements for engagement and obtaining expert advice within the legislation however I don’t believe new technologies should be ignored hence I disagree with this option. I agree with the public input method but only if it is used for significant applications as discussed to try to reduce costs while still ensuing the public have a say in regards to the large important decisions being made.
Question 7:

7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents?

☒ Yes ☐ No ☐ Unsure

Please comment

I agree that fees should be covered by the applicant in line with the principle of ‘benefit the payer’ and that the setting of fees and charges be applied as outlined in guidelines prepared by the Office of the Auditor General and the Treasury as this should ensure fair payment for the cost recovery.

7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.

While I acknowledge that these costs may seem harsh in the perspectives of applicants I believe they are still necessary. It may be possible to slightly subsidise some applications as well as having the requirement of the applicant to pay the full cost recovery at the discretion of the Commissioner for certain applications because of the possible requirement to bring in experts. I believe this may be necessary to ensure that pastoral lease holders do not try to avoid the application process if they believe the cost in doing so would be too high.

Question 8:

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework?

☒ Yes ☐ No ☐ Unsure

Please comment

I agree that the Commissioner should be required to report against a monitoring framework. From what has been stated I fully support this framework if it can provide better information to applicants and stakeholders to help improve consistency. I believe the benefits of the framework building on information from previous activities would be crucial in ensuring that desired outcomes decisions being made can be achieved more consistently.

8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood?
Other mechanisms used to ensure the outcomes are better understood could be practical guidance information designed for the applicant to indicate how the Commissioner is intending activities to be carried out.

Another method of ensuring the outcomes are better understood could be increased penalties for breaches consents. While not ideal this method could help to ensure that applicants seek all the required information to better understand what is being said so that more work is put in to reach the desired outcomes stated by the Commissioner.

8c. What information do you think is most valuable to understand system performance?

For me because of my environmental stance, I believe the most valuable information to understand the system performance would be environmental data to ensure that ecology is being well looked after. Information concerning the outcomes of discretionary activities as well as information regarding the outcomes of mitigation, avoidance and remediation activities would be most valuable in understanding the system performance.

Question 9:

9a. Do you have any feedback on the preliminary analysis in section 6?

I believe the cultural and environmental values should be included in assessing the effectiveness of this section and not just “foster the sustainability of communities” but environmental sustainability as well to help influence sustainable practices on pastoral land.

9b. Are there any other comments you’d like to include in this submission?

I believe careful consideration is needed in the legislation to ensure the intended outcomes stated can be achieved and ensure that system is robust enough to change of over time especially the monitoring aspect in terms of new developing technologies.
Releasing submissions

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- PDF
- Microsoft Word document.

If you are posting your submission, send it to:

Crown pastoral land consultation
Land Information New Zealand
PO Box 5501
Wellington 6145
Q1

1a. What are your views on how significant natural values should be protected once tenure review is ended?
My view is that significant natural and recreation values should be protected as a joint partnership between the lease holder and an expert panel selected by the minister to work with the farmer on a farm plan. It does depend on what we mean by 'Natural values'. In some cases the land has been so altered by past poor farming practices and the introduction of pests and weeds that aiming for a pure unmanaged 'natural' is no longer achievable. In some cases tussock competing with hieracium is dependent on the soil being fertilised. What we perceive as 'natural' in terms of tussocklands is often dependent on well managed stewardship in association with merino grazing. Tenure Review has resulted in places in the removal of farming practices that kept control of pests and weeds and in some places the land went backwards under the Department of Conservation. The key principle behind this approach would be stewardship and management. I don't believe that these places can be managed remotely by a local DOC office and are best managed by having a continued farming presence on the land.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?
There is a lamentable lack of science and regular onsite monitoring that has been lost through down scaling of Crown Research and science institutes, downgrading of science function within DOC, and lack of it within LINZ. This function needs some restoration to assist with proper management of land value in association with the farming function on the land. I think new Crown Pastoral Lease arrangements should focus on defining what good stewardship looks like and lifting all properties up to this standard. I don't have much time for the view currently advocated by Forest & Bird that it has all been bad management in the high country as there are clearly some very good high country farmers who take their stewardship responsibilities seriously and that is the standard we should be working to.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?
One of the main problems with Tenure Review was it's Black and White approach. Either something was conservation land with little in the way of active management, or it was privatised and open to more intensive development. The land would have been better served if there had been a third class of land that was better managed under an agreed grazing regime that kept stocking at a level that maintained control of pests and weeds while at the same time reducing the need to intensify the lowland part of a lease. A whole of farm plan may achieve a similar outcome, but in some cases that should be a whole of valley or catchment approach as there is little point in a high country station controlling a pest or weed on an individual property if it is not done no neighbouring Public Conservation Land or a neighbouring property.

Q2

2a. Do you agree with the proposed outcomes? Yes
Please comment
I do if they provide some security of public access through these stations and value the balance that has often worked well with 'managed access' where there is respectful agreement between farmer and recreation community. There should be a fail safe to secure access if people are unreasonable, but in general I think it is unhelpful if this continues to be a debate
between competing 'rights'. Many of the best farmer/stewards work on the principle that it is a privilege for them to live and farm on a particular station and therefore a privilege to grant access. The discussion on more respectful if it is around equal privileges rather than competing rights. The natural heritage outcomes I'm supportive of if it is defined what those are and acknowledged that in most cases farming will continue to be an element that helps manage those outcomes.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?
2c. Do you agree with the use of “natural capital” rather than ”ecological sustainability” in the proposed outcomes? Unsure
Please comment
Not quite sure about this concept as it depends on the baseline. Some current leaseholders have greatly increased natural capital on a run they may have taken over 50 plus years ago that may have been run down through over grazing. I think it is more effective to have a set of principles that convert to improving practices that increase natural capital as a hand and hand approach with appropriate farming practices.

2d. How do you think the Crown should fulfil its obligations under the Treaty of Waitangi in respect to Crown pastoral land? How do you think Treaty of Waitangi principles should be applied to decision making?
I think this is best done through existing regional environment authorities. With respect to farming, noted that in some cases the Ngai Tahu Farming corporate has been equally culpable in terms of developing some land in Canterbury with little regard to some of the natural capital in terms of invertebrates and waterways. It should be the duty of the local regional environment authorities to hold everyone to the same standards.

2e. What are the qualities and features of Crown pastoral land that you value the most?
Tussocklands, access through wild mountain environments with modest summer grazing of merino sheep. Well managed land with active pest and weed control. Well managed balance between natural species like ensuring matagouri doesn't overwhelm tussocklands in places.

2f. What does enduring stewardship mean to you?
Respect of land values by farmer including the right balance between lightly managed natural cover, low intensity development that enables a property to be 'balanced' for winter and summer grazing, wetland protection and scenic values that emphasis tussock and beech forest protection by controlling weed species like briar and wilding pines (with Crown help if the problem is too bad to manage with farm income alone). Respectful managed access between farmer and recreation community based on shared privileges rather than enforced rights.

Q3

3a. Do you agree that the Commissioner should be required to develop a regular Statement of Performance Expectations, approved by the Minister for Land Information? Yes
Please comment
The lack of reporting and accountability from the current set up with Commissioner of Crown Lands is the major reason for dissatisfaction with the current regime rather than Tenure Review per sea.

3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system? Yes
Please comment
And there needs to be some science involved too rather than it just being opinion based.
3c. What other mechanisms could be used to improve accountability?
Setting up of a High Country advisory board to act as an advisor to any future minister who may not be so in touch with on the ground issues and to act as a check and balance for the Commissioner for Crown Lands. Board would be made up of iwi, Walking Access Commission, NGO groups like FMC, High country farmers, science and biodiversity appointments by the minister.

3d. Which mechanisms do you think would be most effective in improving accountability?
The above. I don't think you can rely on reporting from Commissioner for Crown Lands to the Minister of the day as it maybe at some stage that you end up with a minister that knows very little about the complexity of the issues in the high country.

3e. Do you think there are any problems with the proposed change?
The above. Without board oversight there is not the neccessary non-political oversight.

Q4

4a. Do you agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards to support officials and leaseholders to understand and comply with legislative requirements? Yes

Please comment
Agree. At the moment the relationship between Commissioner and individual farmer a little too close to strike the right balance with public interest in these lands.

4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?
Farm plans would help alot. In some cases I feel that high country management is being judged here by what is happening in the MacKenzie country and ignoring some of the good work happening elsewhere. This document fails to high light the good news stories that we should be aiming for which is disappointing. This means there is sometimes some pretty ill-informed comment on the high country where people haven't taken the time to really find out what a certain management approach is trying to achieve.

4c. What other things do leaseholders, iwi, and stakeholders most need to have clarity about in order to better understand the Commissioner’s decision making?
More science and more monitoring that shows how a farm plan is working to improve property management.

4d. How should standards be used to help increase transparency? How should guidance be used?
It is hard to have generalised standards and it is probably better to aim for principles. The issues of managing the Otago high country for example is different from some of the issues in Canterbury. Unpalatables such as some Celmisia species might be considered an individual 'natural' species, but there abundance in one part of a property might be an indication of poor management. This can be an issue on some Canterbury properties. Then in Otago you might have similar issues with Bracken fern over abundance. The standards for dealing with those are going to differ from property to property.

4e. What other mechanisms could be used to improve transparency?

4f. Which mechanisms do you think would be most effective in improving transparency?
Farm plans and monitoring is a reasonable idea, but there remains the question of who pays for this? And who has the skills to do it? I'm reluctant to see this burden placed on the run holder if it is a significant cost and think that this should be something that is funded by the CROWN through the LINZ budget.

4g. Do you think there are any problems with the proposed change?
The above. Contrary to popular opinion, managing a high country run is not a cash cow and imposition of extra costs is likely to just have the unintended outcome of encouraging overstocking or decrease in money going into pest control.

Q5

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions? Yes
Please comment
But that needs to be qualified by a proper definition as to what constitutes 'natural'. On some properties we have matagouri running away in places and overwhelming tussocks that people consider natural and farmers value. So what takes precedence? The issues are not so straightforward to be captured by simple black and white view as to what constitutes natural.
5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?
It will if farm plans are well thought through and focus on improved management based on the right balance between farm income, pest and weed control and natural ecosystem outcomes.
5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?
5d. What specific matters should be considered when deciding whether to approve an application?
The degree to which leaseholder has fulfilled other requirements of good stewardship including having a reasonable managed access approach for public access where reasonable access is asked for by recreational interests (meaning walking or mountain biking access, and not hunting or 4WD or trail bike access).

Q6

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions? Yes
Please comment Through a board oversight mechanism.
6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?
Discretionary tourism concessions. Farm plans that detailed what areas were suitable for more intensified grasslands or crops would have info already from experts to look at what approach would balance the need for winter grazing and an appropriate stocking regime and with the lightly managed parts of a property.
6c. Do you think the Commissioner, an independent statutory officer, is the most appropriate decision maker for matters regarding Crown pastoral land? Is there a better decision making model? Please provide the reasons for your view. With an advisory board for both minister and the Commissioner.

Q7

7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents? No
Please comment
I don't support the charging of fees for some discretionary consents, especially with some tourism consents. With some like commercial hunting there needs to be reasonable fees to discourage against some poor practices such as 'tahr farming' which is counter to some of the environmental objectives we want with the high country. With some other tourism consents there should be zero fees as we are trying to encourage the diversification of farm income which in turn reduces stocking pressure and the temptation to intensify grazing. So it depends on the activity. But there should be a range between zero fees and high fees depending on the environmental and access goals. In cases where leaseholders do branch into tourism and accompany this with denial of reasonable access then this issue could be solved with the big stick of higher fees, but I think it is preferable that good stewardship should demonstrate how commercial tourism activities and free and fair public access can exist side by side.

7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.

Again, fees tend to come from the starting position that running a high country station is a cash cow. In many cases, higher fees would result in money from farm budgets being pulled from pest and weed control. Better to have a regime that offers farmers the option between fees or money going straight into pest and weed control.

Q8

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework? Yes
Please comment
But the question remains who pays? I would support as part of an increased government support into high country science and monitoring like we used to have through places like Lincoln which has all but disappeared in terms of serious research into high country management and science support.
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood? Increased science funding for universities or through LINZ budget directly.
8c. What information do you think is most valuable to understand system performance? Exclusion plots where applicable and photo monitoring in places. And a biodiversity survey paid for by Crown either through DOC, LINZ or a university once every 5 years.

Q9

9a. Do you have any feedback on the preliminary analysis in section 6?
There was a suggestion some discretionary applications should be publicly advertised if they are significant in nature. That would add a significant cost to something that should be solved with the tighter management approach. I think better and more cost effective to deal with through an expert advisory board as often the issues are complex. Could leave that decision to the discretion of a board rather than one person.
9b. Are there any other comments you’d like to include in this submission?
Overall I find the current discussion document difficult in that it is overly influenced with one high country management problem in terms of the dissatisfaction with the MacKenzie Country with respect to TR and discretionary consents made by the Commissioner. It would be more useful if any resulting new legislation consider the high country runs more widely and some of the issues that challenge one area to another, how land management issues in Central Otago might be different to Canterbury, and how issues may differ from property to
property. I agree that the current regime has put too much control and 'flexibility' in the hands of one person with the Commissioner able to make decisions with a largely free hand with wide ranging discretion. There has been a lack of balance in this approach and is likely to have satisfied no one. An oversight board to advise the minister and provide a check and balance to the Commissioner and with an emphasis on science and practical experience of managing the high country is likely to bring much better results. In my experience of dealing with high country farmers, I've met many good ones who take their stewardship responsibilities seriously and we should be looking to lift all farmers up to that level. Lastly, the question is asked in this document as to what is the 'fair return to the Crown'. With this I think we should operate on the principle of what is the 'fair return to the public'. High country stations are not cash cows and sound management of them should be measured in terms of non-monetary things like public access and natural values (however they are defined). Get these two things right and for me this is a fair return for the public. In terms of monetary things for the Crown, I think what you need is a regime that discourages speculation based on supply and demand and 'exclusiveness' and at the same time does not monetarily punish good stewards where a property has been in the same hands for many generations. You could do this by having the same as a property transfer tax should a current owner sell within 30 years of owning a property. This would not impact on those long term stewards with a long term commitment to the land, but would impact the overseas owners that tend to buy and sell as the latest play thing for their capital. It would reduce the inflated price of these properties on the open market and keep their price more inline with their productive value. I don't believe the Crown should be seeking any more than that as there are very good reasons to enable run holders to generate the income to put back into the significant management costs of some of these properties in terms of pests and weeks.
Enduring stewardship of Crown pastoral land

The Government welcomes your feedback on this consultation document.
For more information about the Government’s proposals read our Discussion Document.

Submissions close on Friday 12 April 2019

Making a submission

You can make a submission in three ways:

1. Use our online submission tool, available at www.linz.govt.nz/cplc

   This is our preferred way to receive submissions.

2. Complete this submission form and send to us by email or post.

3. Write your own submission and send to us by email or post.

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Submission form

The questions below are a guide only and all comments are welcome. You do not have to answer all the questions. To ensure others clearly understand your point of view, you should explain the reasons for your views and provide supporting evidence where appropriate.

Contact information

Submission type*

☒ Individual
☐ NGO
☐ Local government
☐ Business / Industry
☐ Central government
☐ Iwi
☐ Other (please specify)

Add your details

* Questions marked with an asterisk are mandatory
Question 1:

1a. What are your views on how significant natural values should be protected once tenure review is ended?

Isn’t it a little late to ask this question given that the government has already announced that tenure review has ended? Wouldn’t it be more appropriate to ask this question PRIOR to ending Tenure Review? Given that a large number of the leases that are remaining are leases that have been in families for multi-generations and that the Crown still recognizes that there is significant natural values with them then doesn’t it go to show that they have already been well protected to date. Provisions of the lease and the RMA already provide protection of inherent values. If the Crown wishes to further protect significant inherent values then they will need to negotiate with the leaseholder in a good faith situation (i.e. compensation, QEII covenants) as the relationship between the Crown and Lessee is contractual. Given the Crown’s decision to ‘end’ Tenure Review without any prior consultation doesn’t really indicate that they have any intention to negotiate in good faith though.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?

Start firstly with listening, understanding and respecting the views of both sides. More and more regulations/mechanisms only supports the lawyers at the end of the day and there is already sufficient mechanisms already provided for by existing legislation.

The reality is that farmers NEED to protect the land they farm. It is vital to their livelihood. This seems to be something that everyone, Crown included has forgotten.

Working with, rather than against, farmers will create a better outcome for all as the reality is that the best stewards are the ones who need the land and know the land intimately.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?

It seems that all the proposed arrangements are about more regulations set by people sitting in high rise buildings charging $200+/hr.

The reality is that the process has already been done poorly right from the start. The changes came out of the blue and while political rhetoric states that it is was highlighted on their agendas during elections who really has time to read all the individual parties policies when they are busy running their own businesses and when all the media was focusing on was proposed water taxes. The fact that the Crown has ended tenure review without prior consultation just goes to prove that the time and energy that I put into filling in this overly lengthy submission is most probably a complete waste of time. Fast tracking legislation changes seems to be the current thing!
**Question 2:**

2a. Do you agree with the proposed outcomes?

☐ Yes  ☒ No  ☐ Unsure

Please comment

The proposed outcomes make farming of the leased land an activity which is subject to ‘the maintenance and enhancement of natural capital, and cultural and heritage values’. The proposed subservience of pastoral farming to conservation values is fundamentally at odds with the agreement within the lease – while tourism may be in the increase the need to feed and clothe our country is still a higher priority.

The use of ‘natural capital’ in place of ‘ecological sustainability’ places greater definitional challenges that just opens up a can of worms and potential for long and lengthy litigation when it needs to be enforced or proven.

How can the Crown determine a ‘fair financial return’? Isn’t it on the lessee to pay a ‘fair rent’ as provided for in The Land Act. There seems to be a perception by the Crown that the leaseholders are making huge financial returns at the expense of the Crown. I do not believe this is the case in anyway at all. Highlighted by the need for many of these farmers to look at diversify their operations to try and create alternative income streams.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?

I don’t believe that the discussion document supplies enough sufficient details in regards to what the Crown propose as ‘stewards’ of the land.

It seems that they don’t have any real understanding of the imputs or costs involved with actually managing the high country. Even I, who is from a farming background and has some understanding, wouldn’t even consider my level of knowledge anywhere near sufficient. The reality is that the high country comes with unique challenges that can’t been given a blanket approach and would be best managed by those with TRUE experience and understanding of the land that they have operated for generations.

2c. Do you agree with the use of “natural capital” rather than “ecological sustainability” in the proposed outcomes?

☐ Yes  ☒ No  ☐ Unsure

Please comment

Natural Capital is too much of an obscure term and something that can be misconstrued in too many ways. What 'someone' may determine as being of natural importance could be something that can be highly influenced by social pressures/perceptions of the time.

Ecological Sustainability offers a greater scientific basis that reduces the issue of personal preference and perception.
2d. How do you think the Crown should fulfil its obligations under the Treaty of Waitangi in respect to Crown pastoral land? How do you think Treaty of Waitangi principles should be applied to decision making?

While many people are too scared to say it the fact remains that a signed land agreement was made for the exchange of goods and services but now one side (with public support) feels that they were hard done by in the deal and continue to renge on their agreement. It is infact a similar scenerio to the current situation with the Tenure agreement, except in this case it is the Crown that has decided they want more!

While I appreciate this analogy trivialises the Treaty of Waitangi and it is a lot more complex than this at what point do we as New Zealanders cease ‘paying’ for the Treaty of Waitangi. While I respect that this is a highly political issue aren’t we one country? Hasn't Jacinta just been telling the country this following the horrific Christchurch shootings?

2e. What are the qualities and features of Crown pastoral land that you value the most?

I’m in marketing... where the ‘pure’ NZ brand has been built off the backbone of the New Zealand high country farmers and is iconic to many campaigns for some of our most successful wool and meat producers. When I think about NZ high country then I think about the generations of people that have farmed that land... the hardship and hurdles that they have overcome. Their ability to adjust to the challenges that they continually face.

While it is a life that everyone admires from the outside the reality is another thing entirely. It is not an easy life, not now or for our ancestors that worked hard to bring the land up to the calibre it now is... but it is a way of life that is ICONIC to New Zealand and one that brings in a considerable amount of tourism to our country.

These tourists aren’t just coming to photograph the landscape (and sadly the lupins) but also they stop in their droves where there is a mob of cattle or sheep near a fence at the side of the road or when they get a chance to stay or visit a real New Zealand farm. For many of the tourists that I have had the opportunity to interact with (I used to have a habit of picking up hitchhikers and they would end up staying on the farm for a night or two) the highlight of their trip is often getting to spent time on a farm, interacting with the local farmers and getting an insight into their way of life.

Retaining the high country with a focus on farming has the potential to be New Zealand’s true value-add – where livestock have a chance to roam large areas, following sustainable biological grazing principles. (See information on Allan Savory institute that goes to show that farming and the environment can work hand in hand - https://www.savory.global/holistic-management/). These are principles that many high country farmers already follow.

2f. What does enduring stewardship mean to you? What is the role of the different groups that play a stewardship role – the Crown, leaseholders, iwi, and other stakeholders? How can these groups most effectively work together?

‘Enduring’ relates to time... it relates to someone with a long term view, that will last the test of time... not just for one generation or election term. See 'Century Farms' awards (http://www.centuryfarms.nz/) - this is a good example of enduring.

'Stewardship' relates to passion... not just for the land but the people that work it. It's about getting up at 5am in the rain and snow, not because you have to but because you want to. It is about recognising the importance of the place around
you, about having pride in the land and wanting to always improve and better it.. not for yourself but for the son (or daughter) that may once inherit.

It is not until you really live on the land, work the land, understand the land and learn to love the land that I can truly explain the value and honour associated with being a steward of the land.

I would love to think that the Crown and Leaseholders could work more amicably together as the reality is that at the end of the day they both want the same thing – a sustainable way of life (environmentally, socially and financially). Sadly there is so much mistrust between the two parties that I don’t see this happening and the way this has been handled to date is not a great start.

The proposed changes will only work to increase this level of mistrust where the reality is that this is the unique wim of the Crown can impact so greatly on someone’s home, business and livelihood.
Question 3:

3a. Do you agree that the Commissioner should be required to develop a regular Statement of Performance Expectations, approved by the Minister for Land Information?

☐ Yes  ☒ No  ☐ Unsure

Please comment

The Commissioner should be viewed as an independent in these matters. If they are required to constantly report to the Crown then the aspect of Independence is eroded. Any reporting should be to both the leasor and the lease – not just one party.

3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system?

☐ Yes  ☒ No  ☐ Unsure

Please comment (optional)

Let’s be upfront here – the reality is that these proposed changes to tenure are being looked at as The Crown is looking for someone to blame for the large scale dairy farm operation in the Mackenzie Basin following public pressure.

When it comes to the blame game all systems of accountability are flawed and used to people’s own advantages as they duck for cover.

3c. What other mechanisms could be used to improve accountability?

There is already considerable mechanisms in place – RMA, Land Act etc. As highlighted above when something goes badly the more mechanisms you have the more people can hide, use to their advantage or blame others.

3d. Which mechanisms do you think would be most effective in improving accountability?

Keep it simple.

3e. Do you think there are any problems with the proposed change?

Enabling the Commissioner to remain SUBSTANTIALLY independent of political direction is something I don’t see possible in this current political climate.
Question 4:

4a. Do you agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards to support officials and leaseholders to understand and comply with legislative requirements?

☐ Yes  ☐ No  ☒ Unsure

Please comment

No two leases are the same. I would agree to the amendment if it ensured that the Commissioner had the ability to release additional independent guidance on issues that needed to be addressed on a case by case basis.

What is released to outside officials and additional stakeholders needs to ensure that the intellectual property rights of the Leaseholder remain protected at all times and released only with the agreement of the Leaseholder.

4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?

☐ Yes  ☒ No  ☐ Unsure

Please comment

If only! I would love to think that would be case but I have had enough dealings with government departments to be cynical on this matter.

4c. What other things do leaseholders, iwi, and stakeholders most need to have clarity about in order to better understand the Commissioner’s decision making?

If your submission period was longer then this could be answered with some thoughts. The short period you have given to read and interpret a lengthy discussion document while I am still trying to run a business and family makes me unable to give a considered answer.

4d. How should standards be used to help increase transparency? How should guidance be used?

If your submission period was longer then this could be answered with some thoughts.

4e. What other mechanisms could be used to improve transparency?
If your submission period was longer then this could be answered with some thoughts.

4f. Which mechanisms do you think would be most effective in improving transparency?

If your submission period was longer then this could be answered.

4g. Do you think there are any problems with the proposed change?

If your submission period was longer then this could be answered.
Question 5:

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions?

☐ Yes  ☐ No  ☐ Unsure

Please comment

Ultimately that depends upon what outcomes are agreed so the following answer is a general response.

Any proposal that introduces a hierarchy where natural capital, heritage and cultural values are prioritised over farming considerations would be non-viable if the Commissioner was truly impartial as this would be a severe erosion of leaseholders property rights and render contractual lease conditions null and void.

Given that there is already an existing RMA why do we need specific or additional regulations?

5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?

No

5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?

There needs to be an alignment of processes under the RMA and the CPLA. Agreeing farm plans with the Commissioner may provide a mechanism for such alignment.

Consents for discretionary actions cannot be withheld where to do so the Crown undermines the fundamental contract and objective of pastoral farming.

5d. What specific matters should be considered when deciding whether to approve an application?

As mentioned – there is unique situations relating to each leasehold. Recognition of this is vital.
Question 6:

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions?

☐ Yes  ☐ No  ☐ Unsure

Please comment

To make a reasonable decision (as he is bound to do), the Commissioner may need to consider expert advice (rather than should) beyond the resources immediately available within LINZ.

There needs to be a protocol in place around this and agreement from all parties on who is considered an expert to ensure impartiality and to assist with achieving a culture of compliance and joint stewardship and partnership.

6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?

Consent applications should definitely NOT be the subject of public consultation. It is highly unlikely that public engagement would introduce meaningful expert input and would only delay and add to cost.

If public consultation is needed then that should only be triggered by the application of the rules of a District or Regional Plan.

6c. Do you think the Commissioner, an independent statutory officer, is the most appropriate decision maker for matters regarding Crown pastoral land? Is there a better decision making model? Please provide the reasons for your view.

As long as independence remains the focus of the role then it is the most suitable. Alternatively you could have a Board consisting of an even spread of stakeholders but the decision needs to remain with an independent body.
Question 7:

7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents?

☐ Yes  ☐ No  ☐ Unsure

Please comment

In principle... but...

The leaseholder should not incur the cost of the consultation process embarked upon by the Commissioner and/or Crown. If wider public involvement is opened up leaseholders should not be required to pay for this.

The duplications of processes between the Crown and local authorities should be remedied to ensure an efficient, simple and affordable discretionary consent process. At present there are excessive delays and duplication which lead to high levels of avoidable costs.

7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.

The cost of compliance is already high, additional costs may just make farmers feel less inclined to comply and/or undertake the necessary work for land and environmental improvements.

Where costs are imposed they need to be set at levels which encourage a culture of voluntary compliance and co-stewardship which underpin a constructive relationship.
Question 9:

9a. Do you have any feedback on the preliminary analysis in section 6?

Firstly your assessment is based on how it helps the Crown to manage the land and obtain a fair financial return. At no stage has any of the analysis looked at how it will affect the leasee.

With any agreement there is TWO parties. This one-sided approach just goes to highlighted what is wrong with this whole process.

On a whole the proposed changes will greatly increase (not slightly) increase the cost to the Crown, while at the same time add in complexity that will reduce any desire for farmers to further invest in their properties.

If you change the goal posts from being pastoral leases to being more about the ecological values then you are basically saying that farmers will need to find a way to survive on the land without being able to develop the land to increase any production outputs, and at the same time not be allowed to diversify because it may impact on natural capital, heritage or cultural values. Are you trying to push farmers off their land? It seems that this is the case.

At the end of the day there is a legal agreement in place that the Crown and Leaseholders signed. Should that not be where you start?

9b. Are there any other comments you’d like to include in this submission?

It would be great to think that the outcome from this submission is one where a more open and honest discussion can be had by all stakeholders – where each party feels valued and heard. But your document and process implies that the Crown has already made decisions behind closed doors and that this submission is one way that the can ‘prove’ that they have the support when it comes to the necessity of fighting these changes in a court of law.

Sadly this is probably a reflection of the current political climate which has been focused on anti-farming rhetoric to gain political position from the outset.

Yes the environmental movement is here and as someone who values and loves our environment I am glad... but what makes so many people in Urban NZ think that NZ farmers aren’t ‘green’?

Farmers need the land to be in the best health it can to support their way of life. They are continually investing in ensure their land is as pest, predator and weed free as possible. They are continually working to improve soil health, and improve the biological diversity on their land so that the land can sustained itself no matter what the climate throws at it.

Many tenure reviews situations have resulted in farmers giving up summer country and needing to intensify their lower areas in order to survive. This has just ended up placing more pressure on land that is not traditionally suited for it and creating
visible impacts that make the general, and often mis-informed, public instantly think ‘dirty farming’.

What is not taking into consideration is the cost and the risk these farmers have to endure to make a living from the land. They don’t go

I am proud to be a New Zealand farmers daughter. My father taught me the principles of hard work, of integrity, honesty and how to overcome obstacles. I also believe in our environment and am passionate but ensuring the there is a better New Zealand in the future for my children.

But we all need to take ownership of this. This discussion feels like it is a response to a situation that is not applicable to the farmers that are left in the Tenure Review process. Most are still there because they love their land and understand that the high and lower areas compliment the running of the land in the way it should be run.
Releasing submissions

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- Microsoft Word document.

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Wellington 6145
Enduring stewardship of Crown pastoral land

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Submissions close on Friday 12 April 2019

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   This is our preferred way to receive submissions.

2. Complete this submission form and send to us by email or post.

3. Write your own submission and send to us by email or post.

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Contact information

<table>
<thead>
<tr>
<th>Name*</th>
<th>Ryan Trotter</th>
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Submission type*

- [ ] Individual
- [ ] NGO
- [ ] Local government
- [ ] Business / Industry
- [ ] Central government
- [ ] Iwi
- [ ] Other (please specify)

Add your details

* Questions marked with an asterisk are mandatory
Question 1:

1a. What are your views on how significant natural values should be protected once tenure review is ended?

I believe protecting natural values should be the most important aim and the rejuvenation of natural values should be the goal all parties should work towards. To do this a large survey should be done by the crown and it should involve the: Department of Conservation, Ngai Tahu and community groups. They should be asked about any special natural areas they have concern about and each parties concern about what land should be protected and the extent of protection. This along with regular public consultation will be key to the transition between passing along stewardship and the shared responsibilities of protecting these significant areas.

The Crown establishing the QEII covenant to protect biodiversity should be enhanced and have added funding to improve and restore biodiversity to these areas as they are currently limited, and their current use has diminished the natural characteristic of said land. Especially in areas such as the Mackenzie basin which has been heavily converted and irrigated in the lower areas. Severe land changes like these should not be able to occur if the surrounding landscape cannot naturally support the intensification.

A vestment of the land with shared guardianship between local Iwi and the government is a good start but the land should own itself and have Iwi, the Crown and the general public as Kaitiaki of the land and ultimately have the rights of access to the land. Some protections for ecologically significant areas such as DoC patrols, regular drone flights and local volunteer organisations helping with increased planting/pest eradication should be incentivized and assisted by the commissioner and LINZ. These are some of the last touched areas of New Zealand and the ability to protect them from introduced and exotic species is paramount.

Public visibility is largely related to the success of the transition away from tender review and adding visibility such as walking tracks and huts. This is a very important step to achieving the end goal of transition. I believe incentivized culling of exotic species by allowing public hunting access and funding trips for keen parties would be a good way of locally managing pest threats and allowing the public access to these lands that have been over-run.

The most important part is allowing community involvement with all affected parties having a say what happens and improving it back to what it naturally once was with planting efforts and eradication efforts of the damaging species.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?

Adding a crown pastoral land statement to the National Policy Statements as a main item of significance would be a very powerful motivator to the protection of significant landscapes. Also having accords with organisations such as Fish and Game, Forest and Bird, Federated Farmers and all of the affected Iwi would be a significant step in achieving the intended outcomes. The intent of these accords is to maintain, protect and enhance the surrounding natural landscape and would allow increased knowledge of the lands and thus protections of significant areas. An example of this is the Sustainable Dairying Water Accord which has helped to unite
most of the dairy farmers, and allow them to achieve the set guidelines with assistance, clarity and the information to do so.

Education programs could also lend a helping hand to improving the knowledge and availability of said lands and allow more people to use the newly opened crown land. With school education programs as well as targeted community events and open days to teach people of this vast and free asset that is available to them in a world with more and more costs associated with enjoying life.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?

I believe the arrangements are sufficient for the current time being but more legislative bulk needs to be in place. This would be to aid the local community in enhancing and protecting it through planting or culling initiatives organized by the local areas themselves with some government funding and support. An accord signed by local organisations concerned with environmental protections would also be a positive addition, this should be signed by all affected parties with the direct knowledge they will be the Kaitiaki of said land.

Question 2:

2a. Do you agree with the proposed outcomes?

☑ Yes  ☐ No  ☐ Unsure

Please comment

I agree with the proposed outcomes, as they are the building blocks to an effective agreement to all affected parties and allows for consultation from everyone with assured legislative protections for the crown. The last thing we want from this tenure review is the privatization of large tracks of land by independent parties. The current inhabitants of the land should be given funding to carry out the current protections they have knowledge of and be supported by Iwi and local community groups that have been encouraged and incentivized to help the land occupants. As long as the vast majority of land is open for all to enjoy the benefits outweigh the negatives, if proper planning is carried out the leaseholders can still farm the land but also allow public access and adequate rights for both parties – this is the ideal outcome. If true protections, accords and realistic sustainability goals are put in place that are regularly reviewed and checked; positive changes should occur.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?

Other sustainability goals need to be clearly stated (with direct goals such as achieving a certain percentage of native replanting’s for example). Management and guardianship is a good start but there needs to be clear legislative support and funding for improving biodiversity and the use of the land through supporting
ecological diversity and encouraging the leaseholders to allow more open access and information regarding their current work in sustaining the land. Reports from all affected parties need to be made and publicly displayed on a regular (yearly basis). Knowledge and the spread of it is key, perhaps with support from economic activities of wild animal gathering, potential subsidies on power generation (solar/wind) in the not so significant areas would allow more generation of capital and if it is crown owned and vested in the local community there could be a source of income used to fund the significant reinvestment in natural capital and the protection of the more visually significant areas.

2c. Do you agree with the use of “natural capital” rather than “ecological sustainability” in the proposed outcomes?

☐ Yes  ☐ No  ☒ Unsure

Please comment

It is used and referenced largely throughout the document but I do not believe it is commonly heard by the average layman, the Treasuries Living Standards Framework should put more of an emphasis on the sustainability and protection of our environment in times of climate change. This should be referenced a great deal more due to the effects it will have on our ‘natural capital’. The purpose is to refer to a more understandable aspect of human needs but the effectiveness of using it is still unknown. I think it is suitable with the amount of explanation it has received but perhaps more reference to the effects of reduced natural capital is needed.

2d. How do you think the Crown should fulfil its obligations under the Treaty of Waitangi in respect to Crown pastoral land? How do you think Treaty of Waitangi principles should be applied to decision making?

The land should be owned by itself ultimately just with the protection from the crown and vestment in the Iwi who belong to the land. Claims can be made but the current lease occupiers will need to be protected too, perhaps the extent of occupied land should be vested within the Iwi but it owns itself, the Treaty of Waitangi principles should be applied to decision making in the correct way – with appropriate consultation from affected parties, and with the goal of protection of land and people being the most important goal to reach. Vestment in Iwi needs to be made along with adequate consultation to those who know the land best. Ultimately if the land is protected and all affected parties are happy with the agreement then the Treaty of Waitangi principles have been used appropriately.

2e. What are the qualities and features of Crown pastoral land that you value the most?

Personally I value the protection of native areas and the ability to access those at my own leisure and will, I would like the land to be used in adequate capacity for production (to allow pastoral farming to continue), and to support the reclamation of native land back to how it once was. It is an incredibly important part of New Zealand to have this back country land that is so rugged and natural and not many countries have that, it is a national treasure and should be protected at all costs.

2f. What does enduring stewardship mean to you? What is the role of the different groups that play a stewardship role – the Crown, leaseholders, iwi, and other stakeholders? How can these groups most effectively work together?
Enduring stewardship to me is the infinite term agreement of protection, care and providing for the item of care. The item under stewardship should be protected at all costs over a time period that is termed to be for as long as humanly possible. Stewardship is the protection of an item above all else, it is the steward’s responsibility. The role of the groups in the stewardship role are different but ultimately have the same goal of land protection. The crown aims to allow access to all people and the protection of natural landscapes. Leaseholders want to continue doing what they know, protecting the land and farming. Iwi aim to continue the protection of native lands and the ownership of the land by itself, natural areas should be protected for all to enjoy as we are of the land. The community wants to continue being able use or view the land and enjoy it in their own time and space. To work effectively together, regular meetings, reviews and consultation is needed as well as fully discussed agendas and goals. Everyone should want the same thing: natural capital protection and the sustainable future of these areas.

**Question 3:**

3a. Do you agree that the Commissioner should be required to develop a regular Statement of Performance Expectations, approved by the Minister for Land Information?

☒ Yes ☐ No ☐ Unsure

Please comment

Yes, I believe this to be a very important aspect of the CPLA and a much needed amendment to make it publically visible and informative. Data is key when it comes to achieving sustainability. The availability of documentation to enhance what has been done, and what needs to be done is essential to achieving the current goals. The statement of performance expectations should be full and comprehensive and summaries of the overarching performance achievements should be stated and publically available.

3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system?

☒ Yes ☐ No ☐ Unsure

Please comment (optional)

Yes, the best way to determine whether you have achieved your goal is with regular reports and data on achievements. With these reports the achievements will be able to be compared against the proposed achievements and the minister will be held accountable. Decisions will then be able to me made in regards to land changes or actions to take to enhance the Natural Capital.
3c. What other mechanisms could be used to improve accountability?

External reviews and reports should be made by the affected parties and other stakeholders as that will allow input from all the people with a vested interest in the CPLA and help to achieve the goals that are set out by the Minister and thus the Crown also. There should also be regular updates to the goals and statements made yearly on achievements to show what has been done. If the affected parties are not satisfied then the minister should be held accountable and have repercussive actions taken.

3d. Which mechanisms do you think would be most effective in improving accountability?

Regular reporting is most likely the best option that the affected parties have to administer judgement on whether the minister is performing their role appropriately or not. This will allow regular updates, critiques and offer forms of improvement to help aid the minister and the Crown to achieve their goal and become respectable Kaitiaki as well as having a larger role in the stewardship of the land.

3e. Do you think there are any problems with the proposed change?

No, I do not believe in the proposals current form there are any problems as long as the problem statement stays the same and the actual goal does not veer off significantly. Good progress should be made within the proposed timeframes; I believe this is a very positive aspect to the reform.

Question 4:

4a. Do you agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards to support officials and leaseholders to understand and comply with legislative requirements?

☒ Yes ☐ No ☐ Unsure

Please comment

I do find myself in agreeance with the third proposal as legislative guidelines and the resulting requirements are vitally important to the success of any changes that are to be made. By using currently understood sustainability methods with a combination of input from the leaseholders and Iwi on how to run the land this will allow for the most productive and effective scenario for all involved stakeholders. Regular ecology, biology and climate scientist reports should be received on the current state of the land and recommendations from these experts on what can be improved on the free land. The added legislative backing will allow for the commissioner to take recommendations from these experts and use them within the standard guidelines much to what the National Policy Statement on Freshwater
Management 2014 does (or any national policy statement does for that matter). This is vitally important for understanding, and can be used in conjunction with an in depth sustainability report and other land data. Adding hard statistically achievable levels of reforestation and pest removal/reduction would allow these documents to have significant standing and contain the recommendations needed to achieve the intended outcomes.

4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?

☒ Yes ☐ No ☐ Unsure

Please comment

Currently, I believe the proposal will help improve transparency in the decision making process as this process is seemingly difficult to enter and grasp a meaningful knowledge in. Regular reporting, creating well informed guidelines and standards will aid in the transparency of information which will allow stakeholders to become informed and act. Summaries of this information being available to the public will be a great source for future participation as well as allowing the input of more people. Perhaps more submissions on improving the guidelines and any activities that are currently in place could be implemented from public submissions.

4c. What other things do leaseholders, iwi, and stakeholders most need to have clarity about in order to better understand the Commissioner’s decision making?

Apart from the regular commissioner reports; I believe there should be regular reporting from the leaseholders, iwi and stakeholders. If this occurs, then there will be added information available for guidelines to be implemented. If they were provided a document of guidelines and their role in stewardship with dated goals and the tools the government is allowing them to access (funding, equipment subsidies etc.) this would allow the stakeholders to understand their own role and their steward partner’s roles as well. Ease of access is incredibly important to a successful transition and will minimize tensions or unease due to the lack of understanding.

4d. How should standards be used to help increase transparency? How should guidance be used?

Standards should be used as the level of compliance is known, the stakeholders know what is asked of them through these compliance standards as well as the public. It is an important aspect of change as what is supposed to be achieved is clearly stated and known.

Guidance should be used to help the involved stewards achieve the standards that are put in place and carry out the methods to achieve these standards, with support from experts and regular meetings/checkups to check the progress made or if assistance is needed.
4e. What other mechanisms could be used to improve transparency?

As long as the public is notified of the actions being taken, and all involved parties understand what is required of them then transparency has been achieved in that regard. However, data is needed to track changes and improvements, this can be done through surveying with aerial vehicles or UAV’s as the area is vast. It would be important to have GIS data and allow the use of this data to establish freehold vs leasehold areas, show the conservation land and map potential track and hut locations. Also removing the limitation of involvement for stakeholders to participate outside of the tenure review process and allow submissions to be made under the RMA will be beneficial to transparency.

4f. Which mechanisms do you think would be most effective in improving transparency?

Having clear standards and guidelines is key to improving transparency. The other main area to improve transparency is the process of reporting of information, data and any concerns by the invested parties. Once the process of reporting and hierarchy of decisions is confirmed and clear, it will aid the process; minimizing the costs involved as well as minimizing the decision time.

4g. Do you think there are any problems with the proposed change?

As the changes are in their infant stages much clarification is needed with respects to the legal rights and obligations of each party, this will improve in time however. I think the end of tenure review is needed. The higher elevation land can be fully self-owned and have active participation from all affected parties. As long as each party gets a say on the rules, and legislation surrounding discretionary consents is clarified.

Question 5:

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions?

☒ Yes ☐ No ☐ Unsure

Please comment

I do believe this is an important amendment to the current rules, as it stands the farmers are struggling to facilitate the discretionary consent cost for some activities regarding soil movements. This will allow the farmers to understand whether the consent is worth undertaking or whether it is worth the cost and time associated with it. If some clarity is exposed for those current discretionary activities regarding the removal of wildling pines for example. That would be a time saver and a problem solver. Clarity in the process and the discretionary activities that are ecologically helpful is needed. Perhaps easing the process for those activities that
are beneficial; or removing the consent costs associated if they are to improve the environment.

5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?

Yes, with some added information, such as that I have presented in the above statement I believe the approach is sound in methodology. Perhaps some relaxation on the discretionary activities that would be beneficial to the area – obviously aided by regular checkups (aerial photography or drone footage); would allow for the relaxation of the rules. This would speed the process and reduce the costs considerably, as well as encouraging the improvement of natural capital in each area.

5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?

The aforementioned improvements could be used to ensure the decision making supports the proposed outcomes. Ultimately guidelines and secured rules are needed, paired with regular consulted updates from the affected parties and data of the progression or changes is needed. The current documentation seems to steer towards a middle ground allowing people their rights and freedoms that are rightfully theirs. This needs to be carefully observed to make sure improvements to natural, cultural and social capital are made as this is the ultimate point of removing the tenure review process. Rewarding significant improvements with the removal of consent costs for a period of time is a good suggestion on how to make the land leasers make good decisions.

5d. What specific matters should be considered when deciding whether to approve an application?

The natural, cultural, social, historical and scientific capital effects should be taken into account when deciding the outcome of a consent. The specific matters should be whether the activity is necessary or will have a positive effect on the surrounding landscape and those affected by the changes to the land itself. If the application is to aid those in the landscape then this should be passed easily, however if it is to increase financial gain without positively changing the environment (or using the added income to simply expand operations), then it should be denied. Frequency of application and previous applications should also be considered as if the landowner is actively trying to improve the situation then they should be approved and perhaps have refunded costs due to goodwill, this would be a powerful motivator.
Question 6:

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions?

☒ Yes ☐ No ☐ Unsure

Please comment

Yes, this should occur, as it should occur under any normal RMA consent activity. This is no different from the standard rules. Over time a good understanding of each environment and decisions made regarding that environment, will occur which will allow a streamlined process and reduced costs.

6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?

If the consent is based around a previously identified significant area, then it should. Or if the submission is controversial or could affect any stakeholder. The proposed activities should fit within a previously desired standard and have a clear statement about mitigating, avoiding or remedying any ill effects. If the proposed activity does not comply it should be rejected, else if the best is done but it is in an identified area it should have expert or public submissions on the proposal.

6c. Do you think the Commissioner, an independent statutory officer, is the most appropriate decision maker for matters regarding Crown pastoral land? Is there a better decision making model? Please provide the reasons for your view.

I think the commissioner being an independent statutory officer is the best decision maker as they are an independent party specifically used for this role and they are or should not be influenced by any party. The decision making model is the best model available at the moment and a great deal of care has been put into it.
Question 7:

7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents?

☒ Yes ☐ No ☐ Unsure

Please comment

I do agree with this statement. However, some care around frequent applicants should be made and subsidies for those carrying out these activities, if they are positive to all affected parties should be made. This would encourage the removal of exotic species or improvements to tracks to be made. Incentivisation would greatly improve and speed the process up. Fees should be charged for any activity that could gain an income however (over perhaps a threshold e.g. $20,000) an example would be pine felling for logging timbers.

7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.

Charging fees for all discretionary consents could negatively impact applicants if the correct measures aren’t made to subsidise those making impactful improvements that aren’t intended for their own personal gain but to improve the natural capital of the area.

Question 8:

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework?

☒ Yes ☐ No ☐ Unsure

Please comment

Yes, this is vitally important for the success of projects and will allow the achievements of groups or individuals to be pronounced and rewarded. It is vital to the success of all the aforementioned suggestions, yearly or two-yearly reporting should be made, a task force should deal with each area, incentivisations for positive impacts and fines for negative impacts should be made.
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood?

Creation of summary documents should be given out to stakeholders and reports should be made from their reaction and discussions from these. Information is key and the education around this will allow improved understandings of the intentions and thus outcomes. Data and regular reporting will solve these problems.

8c. What information do you think is most valuable to understand system performance?

System performance being compared to the intended outcomes is key to the success of a project. Measuring achievements against intentions allows a direct comparison to effectiveness and efficiency. If the percentage of desired outcomes is not met then recommendations from effective parties should be made as to what is, and what is not working; changes should occur there.

Question 9:

9a. Do you have any feedback on the preliminary analysis in section 6?

All of the topics have been considered and covered by the preliminary analysis, in some proposals the costs will be increased but this could be offset by proposal 6. The current best decisions have been made and that is adequate for now, updates may be needed depending on what the other stewards see and or want to change.

9b. Are there any other comments you’d like to include in this submission?

I would like to comment on the need for environmental protection and the potential issues not considered around climate change effects. Water loss, increased storm intensity, potential increase or decrease in annual rainfall and others effects will need to be considered in proposals. This should be considered in any discretionary consent as in the coming years it will become a large issue. Rivers may be affected and irrigation needs will change, I understand high country areas are not high users of water but they do have a large contributing effect to the catchments. Minimal water systems and water recovery systems are needed and should be considered for the future of the lands. The current protections will be adequate but thoughts about 50 years into the future are needed; especially in regards to water quality and quantity.
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- Microsoft Word document.

If you are posting your submission, send it to:

Crown pastoral land consultation
Land Information New Zealand
PO Box 5501
Wellington 6145
Enduring stewardship of Crown pastoral land

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For more information about the Government’s proposals read our Discussion Document.

Submissions close on Friday 12 April 2019

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   This is our preferred way to receive submissions.

2. Complete this submission form and send to us by email or post.

3. Write your own submission and send to us by email or post.

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Contact information

[Redacted]

Submission type*

☒ Individual

☐ NGO

☐ Local government

☐ Business / Industry

☐ Central government

☐ Iwi

☐ Other (please specify)

Add your details

* Questions marked with an asterisk are mandatory
Question 1:

1a. What are your views on how significant natural values should be protected once tenure review is ended?

In Year 12, I visited Craigieburn Forest Park (at the bottom of the South Island High Country) as part of a High School Geography field trip. I personally found this environment to be a very beautiful and iconic part of New Zealand. I consider the area to be a great learning environment and believe that the natural beauty of the High Country should be retained for future generations.

As explained in Section 1 of the discussion document, the Crown Pastoral Land Act has defined that there are inherent values worth protecting on many pastoral leases. These inherent values include cultural, ecological, historical, and recreational characteristics of the high country. One way to achieve this is I believe that the Government should continue to use are the provisions outlined in the Land Act 1948 to purchase parts of Crown pastoral land from leaseholders. Then after purchasing the land, the land is added to the public conservation estate to be protected by the Department of Conservation (DOC). This will help protect and manage the biodiversity of the land and also provide adequate public access to these areas.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?

Another mechanism that I believe could be used to protect the significant natural values in Crown pastoral land is through the use of covenants. This also would assist with New Zealand’s involvement with the Queen’s Commonwealth Canopy Initiative, this is a worldwide initiative which strives to create a network of protected indigenous forests within the British Commonwealth. A charitable organisation such as the QEII National Trust can aid in this process, as they already aid landowners/leaseholders in setting up covenants to protect natural and significant cultural sites on their land. A prime example of this is in Central Otago, where four Crown pastoral lease properties (which covers a total area of 55,522 hectares) have covenants in place, 97 per cent of the area is protected by a QEII covenant.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?

I think it is good that the Crown has decided to continue to honour the contractual obligation between them and the leaseholders that have accepted a substantive proposal by the Crown to implement tenure review. Alongside this, I feel that it is fair that the Commissioner of Crown Lands will continue to conduct tenure review until there is a change in legislation.
Question 2:

2a. Do you agree with the proposed outcomes?

☑ Yes  ☐ No  ☐ Unsure

Please comment

I fully agree with the Government’s proposal to ensure that the natural landscapes, indigenous biodiversity, cultural and heritage values of Crown pastoral land are maintained for present and future generations.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?

Alongside ensuring the natural and cultural values of Crown pastoral land are protected. I believe that the Crown should also continue to ensure that there is adequate public access to this land, I think access should closely reflect the objectives outlined in section 3(a) of the Walking Access Act 2008.

2c. Do you agree with the use of “natural capital” rather than “ecological sustainability” in the proposed outcomes?

☐ Yes  ☑ No  ☐ Unsure

Please comment

Due to the many different interpretations of the phrase “natural capital”, I think that the proposed outcomes should have used a phrase that had a universal definition such as “ecological sustainability”. But I believe that both the ideas of “natural capital” and “ecological sustainability” have the same goal of meeting the needs of the present generation without affecting future generations’ ability to meet their own needs, this closely reflects the concept of “sustainable development” from the Brundtland report published in 1987.

2d. How do you think the Crown should fulfil its obligations under the Treaty of Waitangi in respect to Crown pastoral land? How do you think Treaty of Waitangi principles should be applied to decision making?

I believe that the Crown should continue to consult with local iwi with decisions regarding Crown pastoral land. They should consult with iwi to ensure that important cultural and heritage sites that may be impacted by a proposed activity are appropriately dealt with, such as protected by a covenant. I think that this important for the decision making process as it allows for the Treaty of Waitangi principles of partnership and protection to be applied, as the Crown and iwi are working together in the decision making process and allowing for the protection of the iwi’s interests and taonga in the land.
2e. **What are the qualities and features of Crown pastoral land that you value the most?**

From my prior experiences of the South Island high country, I value the extremely idyllic and unique landscape of that part of New Zealand. As a keen photographer, I find the scenery and environment to be second to none from the beech forests and braided rivers lower down to the snow-capped mountains further up the high country. This unique environment is what I believe attracts many overseas tourists to visit New Zealand.

2f. **What does enduring stewardship mean to you? What is the role of the different groups that play a stewardship role – the Crown, leaseholders, iwi, and other stakeholders? How can these groups most effectively work together?**

Enduring stewardship to me means to continue to look after/protect the environment. In terms of the role the Crown plays in the stewardship of Crown pastoral land, they should ensure that legislation supports and assists leaseholders with the protection of natural and cultural values of the land. Meanwhile, leaseholders should follow legislation and keep protecting the natural value of the pastoral land they lease. Alongside working with the Crown in the decision-making process, their role should continue their efforts of the Māori concept of kaitiakitanga with their involvement with DOC and other conservation boards. In terms of other stakeholders such as community and environmental groups, their role in the stewardship of Crown pastoral land should also be working alongside with the Crown. I think the future of the stewardship of Crown pastoral land should be one where all stakeholders should work together in the management and protection of the land.

**Question 3:**

3a. **Do you agree that the Commissioner should be required to develop a regular Statement of Performance Expectations, approved by the Minister for Land Information?**

☒ Yes ☐ No ☐ Unsure

**Please comment**

I agree that the Commissioner of Crown Land should be required to develop a regular Statement of Performance Expectations, that is approved by the Minister of Land Information. This will allow stakeholders of Crown pastoral land to know the Government’s policies regarding the land and have stakeholders’ expectations as well. A Statement of Performance Expectations can be similar to the national policy statements issued under section 52(2) of the Resource Management Act 1991.
3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system?

☒ Yes  ☐ No  ☒ Unsure

Please comment (optional)

This proposal will be good at outlining the Government’s expectations and policies towards Crown pastoral land and will aid the Commissioner in the decision-making process.

3c. What other mechanisms could be used to improve accountability?

As stated in the discussion document, there are alternative ways of developing the Statement of Performance Expectations such as a statement of performance expectations developed by the Commissioner of Crown Lands alongside the Minister for Land Information, though the statement will be finalised by the Commissioner instead of the Minister of Land Information. Another alternative is for the Commissioner to develop a statement without the input of the Minister for Land Information.

3d. Which mechanisms do you think would be most effective in improving accountability?

I believe the most effective mechanism in improving accountability would be releasing a statement of performance. But I think this statement needs to be regularly updated to reflect both the Government’s policies and the views of other stakeholders such as iwi and leaseholders.

3e. Do you think there are any problems with the proposed change?

I believe there are no problems with the proposed change, as long as there is proper consultation with parties who have an interest in the land in the development of a statement of performance expectations.
Question 4:

4a. Do you agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards to support officials and leaseholders to understand and comply with legislative requirements?

☐ Yes  ☐ No  ☐ Unsure

Please comment

I believe that it will be beneficial to the management process of Crown pastoral land if the CPLA is amended to allow for the Commissioner of Crown Lands to release additional guidance and standards to support officials and leaseholders. It will help increase transparency and improve decision making.

4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?

☐ Yes  ☐ No  ☐ Unsure

Please comment

I fully agree that this proposal will increase the transparency of decision making, as I think it will allow leaseholders and officials to better understand what the legislative requirements/standards are. In particular, leaseholders will know what the requirements of a resource consent application for an activity on pastoral land are and help them put an application together.

4c. What other things do leaseholders, iwi, and stakeholders most need to have clarity about in order to better understand the Commissioner’s decision making?

I think the points outlined in the discussion document provide a very clear overview of how the Commissioner’s decision-making process works, and there are no other things that need to be further clarified.

4d. How should standards be used to help increase transparency? How should guidance be used?

I believe standards can help increase transparency of the Commissioner of Crown Lands’ decision making as everybody involved in the process such as leaseholders will understand what are the requirements involving the management of Crown pastoral land and any resource consent applications on the land.
4e. What other mechanisms could be used to improve transparency?

The regulatory system assessment of Crown pastoral land highlighted that there is a need for appropriate information on intended outcomes of the tenure review process. Therefore another mechanism to improve transparency is to provide information about outcomes topics such as farming practices, ecological outcomes, etc.

4f. Which mechanisms do you think would be most effective in improving transparency?

I believe Proposal 3 is the most effective in improving transparency, as it allows for all parties with a vested interest in Crown pastoral land to fully understand the standards, policies, and guidelines intended by the Commissioner of Crown Lands. This will assist parties such as leaseholders with adhering to these standards, and help them better understand the decision-making process for resource consents of discretionary activities.

4g. Do you think there are any problems with the proposed change?

I believe that officials and leaseholders would be well informed about the legislative requirements as a result of the implementation of these proposed changes. Although if any party is any unsure or requires more information, the Commissioner should quickly resolve this problem.

Question 5:

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions?

☑ Yes ☐ No ☐ Unsure

Please comment

I agree that the Commissioner should give effect to proposed outcomes and prioritise preservation of the natural and cultural values in the discretionary consent decisions, as this clearly defines the importance of the proposed outcomes in decision making.

5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?

I think that giving effect to the proposed outcomes in the decision-making process will greatly support the efforts to preserve the natural values of the pastoral land for present and future generations. This allows for the cultural interests of local iwi in
the land to be accounted for, which aligns well with the protection and partnership principles of the Treaty of Waitangi.

5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?

LINZ have suggested other methods/mechanisms to ensure that decision making will support the proposed outcomes by the Government. One of the suggestions is to reject any consent application that contradicted the proposed outcomes, such any proposed activity that had adverse effects on the natural or cultural values. But I do not believe this mechanism is suitable as this would be too restrictive on leaseholders, as they would not be able to make applications to use the land for activities such as pastoral farming which have adverse effects that can be mitigated.

5d. What specific matters should be considered when deciding whether to approve an application?

There are multiple matters that I believe should be considered as part of the decision whether to approve an application for a discretionary consent. Most importantly, the Commissioner should consider whether the proposed activity reflects the proposed outcomes. I believe other stakeholders such as local iwi should be consulted as well to ensure that any cultural or heritage interests are not adversely affected. Then if there are any adverse effects on the cultural or natural values, I also believe that the Commissioner should take into account whether an applicant has outlined any steps to avoid, remedy or mitigate the adverse effects in the application.
Question 6:

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions?

☐ Yes  ☐ No  ☐ Unsure

Please comment

I agree that the Commissioner should obtain expert advice when making discretionary consent decisions, as I think it is important to receive expert advice to make well-informed decisions.

6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?

I think the key situations in which the Commissioner should seek expert advice or public opinion should be when the potential effects of a proposed activity on the natural value of an area are irreversible or significant. Another situation in which the Commissioner should consult experts is when a proposed activity affects an area which has cultural and heritage significance to the local iwi.

6c. Do you think the Commissioner, an independent statutory officer, is the most appropriate decision maker for matters regarding Crown pastoral land? Is there a better decision-making model? Please provide the reasons for your view.

I support the idea that an independent statutory officer like the Commissioner is the most appropriate decision maker about matters regarding Crown pastoral land as their views are dictated by legislation, and strive to avoid any external influence by any other parties with interests in Crown pastoral land. I think being independent allows decisions made regarding pastoral land to be free of any bias and are well-informed decisions.
Question 7:

7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents?

☐ Yes   ☐ No   ☒ Unsure

Please comment

I believe that having fees charged for all discretionary consents has both positive and negative effects. An example of a positive effect includes the ability for the Crown to recuperate the costs of processing and making decisions regarding discretionary consents. Meanwhile, by charging fees for all discretionary consents may hinder leaseholder’s ability to carry out desired activities on their pastoral land due to there being a financial barrier.

7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.

As stated above, by charging a fee for all classes of discretionary consents and it may create a financial barrier for applicants, which ultimately may deter them from carrying out activities such as pastoral farming on their land which they may benefit from. But this proposal would also ensure fairness in the application process as any applicant of a proposed activity will be the person paying for the administration of the application process.

Question 8:

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework?

☒ Yes   ☐ No   ☐ Unsure

Please comment

I fully agree that the Commissioner should be required to regularly report against a monitoring framework as this ensures the Commissioner has reliable information about the state of Crown pastoral land available to them. Once again, this will allow them to make better and well-informed decisions about Crown pastoral land.
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood?

As stated earlier, I believe the development of standards and policies regarding Crown pastoral land will be a mechanism that will aid in the understanding of the expected outcomes of Crown pastoral land. Which I believe will lead to better outcomes as people will know what standards are expected of them.

8c. What information do you think is most valuable to understand system performance?

I think the most valuable information to understand system performance would be frequent environmental reports on each pastoral lease. These reports should include assessments about the health of the soil, and the effects of activities on the land. I believe that this will allow the Commissioner to see which leases are meeting the proposed outcomes of Crown pastoral land and which leases are not.

Question 9:

9a. Do you have any feedback on the preliminary analysis in section 6?

I think the preliminary analysis in section 6 is a well thought out and thorough analysis of each proposal. As it highlights the issue that each proposal addresses, and the potential implications of each proposal.

9b. Are there any other comments you’d like to include in this submission?

I firmly believe the enduring stewardship of Crown pastoral land should strive for the protection and preservation of the natural and cultural values in the land. The responsibilities of stewardship should lie with all stakeholders such as the Crown, leaseholders, and iwi. I think this should be a partnership between all parties where the goals and outcomes should be formulated from Government policies and public consultation.
Releasing submissions

We may choose to publish submissions from this consultation on the Land Information New Zealand website. We can remove your name from your submission if you want us to. Please let us know below.

(Required)

☐ You may publish my submission with my name on it.
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Your submission will be subject to requests made under the Official Information Act (even if it hasn’t been published). If you want your personal details removed from your submission, please let us know below.

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Note that the name, email, and submitter type fields are mandatory for you to make your submission.

When your submission is complete

If you are emailing your submission, send it to cplc@linz.govt.nz as a:

- PDF
- Microsoft Word document.

If you are posting your submission, send it to:

Crown pastoral land consultation
Land Information New Zealand
PO Box 5501
Wellington 6145
Enduring stewardship of Crown pastoral land

The Government welcomes your feedback on this consultation document.

For more information about the Government’s proposals read our Discussion Document.

Submissions close on Friday 12 April 2019

Making a submission

You can make a submission in three ways:

1. Use our online submission tool, available at www.linz.govt.nz/cplc
   This is our preferred way to receive submissions.
2. Complete this submission form and send to us by email or post.
3. Write your own submission and send to us by email or post.

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Submission form

The questions below are a guide only and all comments are welcome. You do not have to answer all the questions. To ensure others clearly understand your point of view, you should explain the reasons for your views and provide supporting evidence where appropriate.

Contact information

Add your details

Submission type*

☒ Individual

☐ NGO

☐ Local government

☐ Business / Industry

☐ Central government

☐ Iwi

☐ Other (please specify)

* Questions marked with an asterisk are mandatory
Question 1:

1a. What are your views on how significant natural values should be protected once tenure review is ended?

The significant natural values of New Zealand should be worked on and to restore, enhance and improve the land from the negative effects of pastoral farming. This should include planting of indigenous flora and fauna, pest control measures and fencing to stop stock or unwanted pests. Any land that has significant historic connection to any of the iwi’s or any land that is considered or contains taonga should be discussed with its respective iwi on how they wish to move forward with the land in question.

Public access should be heavily restricted in areas that have been negatively affected until efforts are put into place to address and remedy these. As to prevent any further degradation or loss of indigenous flora or fauna.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?

Work with leaseholders in achieving one of the objectives of tenure review, to secure public access. Provide incentives, such as planting of trees including indigenous flora, continued removal of pests, fencing assistance, in order to better provide for access.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?

The Crown should try to retain as much of the land as possible. Unfortunately, some families may have had generations that have farmed on a certain piece of land for a long time. However, just because this has occurred this does not mean this should continue. The risks to our High Country and the surrounding environment are not suitable for intense farming and will only continue to degrade if these processes continue.

Question 2:

2a. Do you agree with the proposed outcomes?

☑ Yes  ☐ No  ☐ Unsure

Please comment

The proposed outcomes provide for better guidelines and methods for achieving the expected results of Crown pastoral land and the significance of New Zealand’s High Country. The outcomes introduce a much higher focus on ensuring that the land is
stewarded to maintain and enhance its significant natural and social capital for present and future generations. This is aligned with the changing times and advances in both technology and environmental views/awareness. The proposed outcomes also align with Maori views of kaitiakitanga, that we are merely borrowing land from our grandchildren. We shouldn’t exceed the need of the present generation, by compromising future generations to meet their need.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?

Yes, the proposed outcomes focus on moving towards a more intense and fact focused role in pastoral leases. They are looking more towards the future and future generations, providing closer monitoring. To ensure that these proposals can ensure the High Country continues to have significant importance for all of New Zealand and also our countries related tourism sector.

2c. Do you agree with the use of “natural capital” rather than “ecological sustainability” in the proposed outcomes?

☐ Yes ☒ No ☐ Unsure

Please comment

Ecological sustainability refers to the capacity of the biosphere to meet the needs of the present generation, without hindering future generations from being able to meet their needs. This closely aligns with the purpose and outcomes provided in the proposed outcomes. As it has been acknowledged that High Country farming and the current system is clearly not meeting this definition and is significantly impacting on future generations. The natural capital definition provided has more emphasis on the present and less care or thought to the future and how the land should be left for future generations. Ecological sustainability aligns better with the Maori view of kaitiakitanga with regard to land stated in Question 2a.

2d. How do you think the Crown should fulfil its obligations under the Treaty of Waitangi in respect to Crown pastoral land? How do you think Treaty of Waitangi principles should be applied to decision making?

The Crown has placed high importance on the Treaty of Waitangi and acknowledged there has been breaches in the past, as highlighted in the Ngai Tahu case. However, there should be further communication and involvement with local iwi to ensure they are one of the key stakeholders. They have already been mentioned as one, although there should be further input and recognition of their values and beliefs. This will align with the principles of the Treaty of Waitangi and ensure they are fully involved and aware of decisions and matters of importance to their taonga, traditions, values and culture. This will ensure Article Two of the Treaty is upheld and allow Maori ‘exclusive and undisturbed possession of their lands and estates, forests, fisheries, and other properties’. Sites of significant cultural and historic value (if not already gifted) should be gifted back to Maori and allow them the exclusive and undisturbed possession they were promised.

2e. What are the qualities and features of Crown pastoral land that you value the most?
The natural and rugged terrain that cannot be found anywhere else in the world. Unfortunately, this has changed and lost a lot of its original significance and character. This has been heavily highlighted in the discussion document with many native plants and animals becoming extinct or endangered, losing the biodiversity and uniqueness of the land.

2f. What does enduring stewardship mean to you? What is the role of the different groups that play a stewardship role – the Crown, leaseholders, iwi, and other stakeholders? How can these groups most effectively work together?

To me enduring stewardship means you have a close and personal relationship with the land, of which you deeply care and respect it. This is how I view traditional Maori views of the land, as they have deep spiritual connections and an extremely high respect and care for this land that provided for them and their whanau.

The Crown should further their relationship with the leaseholders and land owners to ensure they are fulfilling the role as an enduring steward. With the proposals outlined I believe this will ensure they fulfill this role. In the past with shorter leases there was less care and respect for the land. However, now with longer leases, leaseholders should respect and care for the land, if they wish to continue farming this land. There should be tighter rules and regulations around the intensity of the farming and more restrictions placed on discretionary activities, refer to Questions 5 for more discussion on this matter. There can be a lot to learn from Maori views towards land. I believe there is adequate discussion and proposals in the outlines to involve them in the matter of enduring stewardship as well as key stakeholders.

Question 3:

3a. Do you agree that the Commissioner should be required to develop a regular Statement of Performance Expectations, approved by the Minister for Land Information?

☑ Yes ☐ No ☐ Unsure

Please comment

The proposal has outlined that the statement of performance expectations will be released publicly. This is important and will allow the commissioner to be held accountable for these expectations and the results. Along with the Performance Expectations, there should be an annual review of this with results released to the public. This will increase pressure on attaining results and meeting these expectations, which will help further increase accountability as outlines in the discussion document.

3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system?

☐ Yes ☐ No ☒ Unsure
Please comment (optional)

This proposal will only increase accountability if these Performance Expectations if these expectations are adequately acted on. The results can be compared and analysed against the expectations.

3c. What other mechanisms could be used to improve accountability?

The alternate mechanisms outlined in the discussion document could be viable options if they were expanded on and provided clear pathways for accountability.

3d. Which mechanisms do you think would be most effective in improving accountability?

Discussed above in section 3c.

3e. Do you think there are any problems with the proposed change?

The main problem is ensuring that the changes better align with the current legislation. This will avoid ambiguity and help interpret the expectations and resulting accountability.

Question 4:

4a. Do you agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards to support officials and leaseholders to understand and comply with legislative requirements?

☒ Yes ☐ No ☐ Unsure

Please comment

Yes, it should be amended this will help with the problem of having statutory authority backing them. Also the CPLA has passed its expected purpose of the legislation, as the Crown is still heavily involved with Crown pastoral land. Therefore, it should be amended to better reflect the current situation.

This can also help clear up problems with the discretionary consent system. As the current proposed changes will clear up the process and provide for better understanding of what the decisions made and the reasoning behind these decisions. There will also be more thought put into addressing consents and the reasons behind accepting or declining consents. Furthermore, highlighted in the discussion document was the concern of having to place more time and resources into sorting and dealing with consents. If there are better guidelines and clarity behind the reasons for decisions, then resulting will be less consents. Due to the
fact that applicants will have more information about what will be approved or declined and the reasoning behind this.

4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?

☒ Yes ☐ No ☐ Unsure

Please comment

This should improve transparency as the public and leaseholders will have better access, guidance and policies concerning the decision making process and what is going on behind the scenes. However, there should be concern with introducing too many standards, guidelines or policies that can add confusion and even contradict one another. As highlighted in the document with discrepancies between the CPLA and the RMA in certain aspects.

4c. What other things do leaseholders, iwi, and stakeholders most need to have clarity about in order to better understand the Commissioner's decision making?

They should have clarity on how all of these changes and proposals will directly affect them. Also need to clarify when and how they will be involved with decisions and what aspects they could provide public submission or feedback on.

4d. How should standards be used to help increase transparency? How should guidance be used?

Standards should set out clear targets and aspects to meet, which will clear up any grey areas. These standards should align with the objectives of the document and enhances the significant natural and social capital for present and future generations.

The guidelines/guidance should be clear and easily accessible so that leaseholders can easily follow these to ensure they are aligned with the proposals. There should also be resources available so that if there is confusion or debate there is resources or guidance available to clarify these concerns.

4e. What other mechanisms could be used to improve transparency?

Farm plans would provide a great tool in helping improve transparency, as these could interpret and use the standards and guidelines to form the basis of these. This would provide leaseholders with more appropriate standards and expectations that they could apply to their farms and associated techniques. These plans could provide an important stepping stone in increasing transparency for not only leaseholders, but also for support officials.

4f. Which mechanisms do you think would be most effective in improving transparency?
The farm plans would be the most effective mechanism in improving transparency. However, for these to be most effective each farm will have variations and different needs so would need to be individually catered for these. The possibility of generic plans could help assist for the majority of farms, then these could be adapted to suit individual stations and their respective needs.

4g. Do you think there are any problems with the proposed change?

There hasn’t been too much discussion on how support officials will maintain and ensure these standards and guidelines are upheld by the leaseholders. It is vital that these are checked up on and the farming methods are not causing any more additional adverse effects on the environment.

Question 5:

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions?

☑ Yes □ No □ Unsure

Please comment

I strongly agree with this proposal. Under the legislation, a discretionary activity is an activity that is not currently allowed for under the conditions of their pastoral lease. There are clear reasons why there is need to apply for consent in order to undertake a discretionary activity. These activities are outside of the pastoral lease and have the potential to cause serious harm/damage to the environment and ecosystems among other things. These consents should be carefully and sparingly considered, even with potential offsets mentioned in the document. It should be clear that the outcomes of these should align with the RMA and the effects should be less than minor. There needs to be an in-depth way to assess what the effects of the activity will be and also how these effects will be assessed down the track so that these do not affect future generations.

5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?

Yes, although the process will take a lot longer this will ensure the correct or a well thought out and researched decision is made. This will have more time and cost to both the Crown and leaseholders, however, this will better manage the consents and prevent major errors and inadequate time and research put into the decisions. This can ensure that if the consent is granted there is follow up action to ensure there isn’t problems arising for future generations.

5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?
The costs should fall on the leaseholders as they are the ones who want to perform activities not currently permitted without consent on their current lease. Therefore, they are trying to gain consent usually for their own profit and due to this they should be the one who has to cover the cost of the consent and subsequent research into whether to proceed with this consent.

5d. What specific matters should be considered when deciding whether to approve an application?

Each consent should be dealt with on a case by case basis. Clearly similar consents should have similar results if they have the same consequences. However, each case should still be dealt with on its own merit. Cases that will not adversely affect the environment e.g. a recreation permit to film an advertisement will have a lot less consequences then disturbing the soil for increased agriculture intensity.
Question 6:

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions?

☒ Yes ☐ No ☐ Unsure

Please comment

The expert will have the knowledge and research backing any current consequences, but also any future consequences the consents may have. This will ensure appropriate and informed decisions are made, that align with both the reformed CPLA and RMA. The present consequences can usually be easily observed/measured, whereas the expert can assess future consequences and provide informed advice.

6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?

In any situations where the consent could undermine any natural landscapes, indigenous biodiversity and cultural values of the land, that could have negative impacts for present and future generations. Including any situations where there is uncertainty on what any potential future consequences/effects may be.

6c. Do you think the Commissioner, an independent statutory officer, is the most appropriate decision maker for matters regarding Crown pastoral land? Is there a better decision making model? Please provide the reasons for your view.

Yes, I think an independent statutory officer with advice from experts and adequate time and research on the consequences and affects is the most appropriate option. There should also be input from iwi on Crown pastoral land to ensure the principles of the Treaty are upheld, and the public when it regards matters of high significance.
Question 7:

7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents?

☒ Yes ☐ No ☐ Unsure

Please comment

All discretionary consents have associated costs and it should be the applicant who is required to front these costs. There are certain rules and regulations in place to ensure the significance of the High Country is protected and any requests or changes to this should involve costs.

7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.

There would be less applications which would help put more time and resources into consents. This would allow adequate time and research into all possible outcomes if the consent was to proceed.

Question 8:

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework?

☒ Yes ☐ No ☐ Unsure

Please comment

Yes, a regular report can help assess and better reflect changes in farming techniques and technologies. This can also help address research or changes in the environment and ecosystems, with placing higher concern on pressing matters as they arise. The current monitoring can be up to five years apart which is not adequate enough to monitor the compliance of lease holders.

8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood?

Provide a clear outline of how often the pastoral leases will be monitored and what will be assessed. This should be a lot more often than up to five years apart.
8c. What information do you think is most valuable to understand system performance?

The right people doing the right job. You need people who are adequately trained and know what to look for when monitoring and checking on leases. This could be in collaboration with the likes of DoC workers, who would be well known to the area and have the necessary experience for the job.

**Question 9:**

9a. Do you have any feedback on the preliminary analysis in section 6?

The preliminary analysis is an adequate summary and analysis of the proposals and alternative options. I think it helps break down each option quickly summarising the issue and providing plans to go about effectively addressing these issues.

9b. Are there any other comments you’d like to include in this submission?

Overall, I believe this document and subsequent proposals will adequately address the growing concerns and related problems regarding Crown pastoral land. I would like to see the next document and the refined proposals after all submissions and read, before I make any further comments.
Releasing submissions

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- Microsoft Word document.

If you are posting your submission, send it to:

Crown pastoral land consultation
Land Information New Zealand
PO Box 5501
Wellington 6145
**Q1**

1a. What are your views on how significant natural values should be protected once tenure review is ended?
continued crown ownership model alongside covenants and buy-backs as your document outlines

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?
be honorable with farming community and do not incite hostility to new arrangements

**Q2**

2a. Do you agree with the proposed outcomes? Yes
Please comment these are superb

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing? Nothing missing. You seem to have nailed it.

2c. Do you agree with the use of “natural capital” rather than “ecological sustainability” in the proposed outcomes? Yes
Please comment
These are roughly equivalent in that each one implies the other. There is no point hair-splitting

2d. How do you think the Crown should fulfil its obligations under the Treaty of Waitangi in respect to Crown pastoral land? How do you think Treaty of Waitangi principles should be applied to decision making?
Natural capital and ecological considerations are paramount regardless of WHO owns the land. The issues of WHO profits from commercial activity is complex and outside our scope of commentary.

2e. What are the qualities and features of Crown pastoral land that you value the most?
1. indigenous flora and fauna
2. landscape
3.amenity around peace and recreation.
4. both maori and non-maori cultural values such as pastoral farming culture

2f. What does enduring stewardship mean to you?
Ownership by ALL NewZealanders using technical expertise by accountable agencies. Private profit is a practical necessity but must be within agreed social and environmental limits and contexts

**Q3**

3a. Do you agree that the Commissioner should be required to develop a regular Statement of Performance Expectations, approved by the Minister for Land Information? Yes
Please comment
this aligns the commissioner with the prevailing government and the public more than other options. But needs to start from a well communicated biological and amenity baseline so we get a sense of direction

3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system? Yes
Submission 2801

Please comment
3c. What other mechanisms could be used to improve accountability?
Farm Plans as discussed are an excellent idea but the danger is one of having regulators having too much say about technical farming issues outside their area of expertise and experience
3d. Which mechanisms do you think would be most effective in improving accountability?
Must be clear statements about biological limits and adapting to our ever-changing appreciation of them. Clear prohibitions and bottom lines must be written into plans and policies. We must have public access to information of how farmers and councils are meeting these bottom lines. After all, the public OWNS the land.
3e. Do you think there are any problems with the proposed change? You have covered potential hick-ups rather well.

Q4

4a. Do you agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards to support officials and leaseholders to understand and comply with legislative requirements? Yes

Please comment
Proposal 3 is excellent
4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system? yes
4c. What other things do leaseholders, iwi, and stakeholders most need to have clarity about in order to better understand the Commissioner’s decision making?
4d. How should standards be used to help increase transparency? How should guidance be used?
4e. What other mechanisms could be used to improve transparency?
4f. Which mechanisms do you think would be most effective in improving transparency?
4g. Do you think there are any problems with the proposed change?

Q5

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions? Yes

Please comment
The prevailing "give effect to" approach clearly isn't working to prevent problems arising and avoiding ongoing contestation.
5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land? we can only try it and see, with built-in correction facilitation
5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes? well articulated environmental limits and bottom lines
5d. What specific matters should be considered when deciding whether to approve an application?
1. Leasehold land is publicly owned land. Applications for commercial gain by foreign entities must be declined, although that consideration is outside the scope of the work of LINZ.
2. Clear use of the environmental limits approach, beyond just "having regard to"

Q6
6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions? Yes
Please comment
The problem is "which" experts to use. Contestation around Freshwater has shown the wide disparity of 'expert opinion" up for grabs.

6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?
1. with all offsets
2. when bottom lines and social and environmental limits will be transgressed

6c. Do you think the Commissioner, an independent statutory officer, is the most appropriate decision maker for matters regarding Crown pastoral land? Is there a better decision making model? Please provide the reasons for your view.
As long as accountability and reasoning is apparent, there is no other way other than dictatorship or computerised algorithms. Some human will always have to make a final decision and we need to be facilitated to think alongside them.

Q7

7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents? Unsure
Please comment
7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.

Q8

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework? Yes
Please comment Of course
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood?
8c. What information do you think is most valuable to understand system performance?
1. consensus science based bottom lines
2. use of pressure/state/response heuristic with a hierarchy of reported states. Not all states are equal.

Q9

9a. Do you have any feedback on the preliminary analysis in section 6?
The effort you have put in to the analysis is appreciated. These are areas that provincial NGO's are not really qualified to enter into discussions and are best discussed amongst more immediate stakeholders
9b. Are there any other comments you’d like to include in this submission? Thank you for the opportunity to comment on this important issue
Comments on ‘Enduring stewardship of Crown pastoral land”

Summary: ‘the desired outcome includes the enduring protection of our Crown pastoral land of approx. 1.2 million hectares (5% of NZ), enduring public access to this land, and an effective management system that allows the government a fair financial return, while supporting its tenants in utilizing the pastoral ability of the land and protecting the native flora and fauna for future generations, so as to protect the ‘Natural Capital’ of the country’s Crown lands’.

My responses to the Consultation questions (pages 48-50) of the Discussion Document (Feb 2019):

Question 1 – What are our views on how best to manage the implications of ending tenure review.

The previous process of Tenure Review was definitely not in the public’s interest but did develop a number of environmental ‘reportings’ that can be utilize in an improved management process which is much more inclusive and transparent to the public, NGO’s/stakeholders, leaseholders, applicants, local government and government. The collation of an ‘experts’ team can provide an independent “peer review” for the Commissioner, before he/she makes an politically independent decision. The process for ‘discretionary consents’ can be treated at a lower level, and perhaps utilize some of the ‘experts group’, supported by revised guidelines as science, technology and ‘climate change’ continue to develop over time.

Public access was always a poor second within the Tenure Review process, which has left us with some poor outcomes. Hopefully in time, and with a new Crown land management regime, some of these will be resolved to the benefit of both the freehold owners and the NZ public. The Land act does have some provisions for the surrender or forfeitures of lease or licenses, in sections 145, and 146. It may assist if a few ‘case studies’ were undertaken of a couple of “problem access” areas, such as Lake Station, Lake Sumner Forest Park, where there is no enduring public access to the lake. This site involves DOC, LINZ, and the local council re the nearby paper road. The NZDA south island access sub-committee (the SIAC) has a number of members with experience on Pastoral land access issues involving DOC, WAC, and LINZ, who can provide some insight into such situations, which may assist in providing some new approaches, which over time, that may also assist in controlling native bird predators on DOC and Crown land, as well as wild animal management.

Consideration should be given to improving the co-operation between local and central government agencies such as DOC, WAC, LINZ and Regional councils on these land issues. The common issue is often a lack of money for upgrading or construction of public useable metal roads on illustrated paper roads. It may be valuable to allow the use of GPS survey technology to prove the location of public roads and farm tracks. Consideration should be given to pastoral lease overall income as there are incomes now that are not just from grazing of stock such as sheep and cattle, but the harvesting of tree plantations and wilding pines, safari hunting of trophy animals such as red stags, fallow bucks, chamois and bull tahr, 4WD trips, horse riding, snow sking, and lodge accommodation. Some leases are starting to view wild animals as their stock and a source of income, without acknowledging that these belong to the Crown/public, to which they deny the public access to while they charge people to hunt and shoot them. Sometimes they deny public access through their property to hunt on adjacent Conservation land, because the government hasn’t arranged ‘enduring
Submission 2802

public access’ and the regional council claims they have no money for such works, being supported my their local council farmer members protecting their farm investment interests as against the public interest in supporting enduring access to the region’s outdoors environs.

**Question 2** – Do you agree with the proposed outcomes - yes I do,

especially re **giving public access a higher priority**, and where-ever possible clawing back land that has been freeholded without any provision to provide for enduring public access to adjacent public land. I feel there needs to be some co-ordination between CLPAct, the Land Act and Wildlife Act legislation. There should also be an advisory ‘group of experts’ appointed to provide independent recommendations on all matters involving Crown land sales/purchase/trading, including the OIO activities to ensure the protection of Natural Capital, especially enduring public access and natural environment, with all the recommendations available to the public.

2.2 I will accept Natural Capital rather than ‘ecological sustainability so long as a publically acceptable definition is provided and propogated.

2.3 Treaty of Waitangi principles to be applied by ensuring a suitably ‘learned person’ with relevant knowledge of legal-treaty-environmental matters, is included in the ‘advisory group of experts’.

(While on the Tahr Advisory group-1993- I noted that there was little interest expressed from Nga Tahu. in tahr matters )

2.4 I value and appreciate the highcountry’s unspoilt environment, and benefits to humans recreational, social and healing value in an increasingly secular world.

**Question 3** – should the Commissioner regular reports/statements.........?

Yes, - not only for Expectations but also outputs for public view.

**Question 4 – amend the CPLA ?**

I agree it needs amending to include a greater degree of standards and guidance that is required.

Personal note: I have witnessed PL stock being pushed beyond the PL boundaries in what seemed like a regular annual occurrence. There seemed to be little supervision of stock encroachment onto adjacent National and Forest Parks from PL’s., and DOC seemed unable/under-staffed to verify/control and discipline these infringements, onto adjacent DOC land.

**Question 5 – Discretionary consents**

There needs to be an expressed philosophy underlining the proposed outcomes for CPL’s - this should also govern the ‘Discretionary Consents’ and offsets made by the Commissioner. Another mechanism could be oversight provided by the Environmental Ombudsman’s office. Another factor can be the projected long-term (20-50 years) outcome of the proposed application for the consent.
Question 6 – comment on the Commissioners proposals

I believe there is a need for the Commissioner to obtain comment by the ‘experts group’ as well as the public, as the consent request outcomes are becoming more diverse with advances in technology, including communications and food production.

The Commissioner’s role still appears to provide a non-partisan/non-political person to make such decisions supported by the best current information, and expert advice available.

Question 7 – application fees?

I agree that in line with the governance decisions within cities/towns we now have to require monies with consent applications within the rural sector by introducing application fees for Discretionary Consents involved with PL’s. Although this may be irksome it does put the expense on the user/applicant rather than the general taxpayer.ie: ‘user pays’.

Question 8 – regular reporting

This is required, and also the provision of ‘hard copy’ of such reports on a purchase basis per copy or via annual subscriptions to cover the LINZ expense in publishing/printing such reports. ie: greater knowledge in the public domain will ensure a higher standard of public comment.

Question 9 – comment on analysis section in Q6.

I found this rather confusing due to the amount of cross referencing within the tables and similarity of the language used.
Submission 2803
Submission to the Crown pastoral land consultation

I ask that the hearings commission take the necessary steps to save the remaining Crown Pastoral Land leasehold properties from further loss from the publicly owned land of NZ.
I ask that by undertaking the following action this will be achieved.

- Repealing both the 1948 Land act and the Crown Pastoral Land Act 1998 and implementing a replacement act to allow good planning and lease arrangements to be applied.

Reason; There are substantial parts of both these acts that have created the problem that we are now faced with. It is no longer fit for purpose.

Background to my request; In the Mid 1980's all of us were suffering from the huge changes made to our lives by the necessary changes to drastically reduce Government subsidies.
It is clear the 300 odd farmers who were leasing the N.Z. S.I. high country land for a peppercorn rental were protected from any of the changes that the rest of New Zealand society were having to accept. This seemingly because of the status of a being a 'high country farmer'.

Since that time the large scale changes to farming practice to increase profits has led to irreparable changes to many of these leases at the cost of our ecological values and natural identity.

It is surely time to remove the special protection status that these Acts applied to these few.

These leaseholders have been abusing special privileges to their benefit and our loss by in many cases subsequently selling off what was rightfully owned by the public of New Zealand.

There is sufficient evidence to take a strong and positive action as clearly demonstrated by the Brower report.
Thank you for taking the time to read and consider my submission. I really appreciate it.

As the proposed changes to legislation proceed, I am concerned about:

- The granting of discretionary consents
- Public participation and oversight for decisions made regarding roughly 5% of New Zealand’s land
- The cumulative effects of the decisions made – especially regarding soil retention, carbon sequestration and water catchment protection

The current system of discretionary consents allows for them to be granted with little oversight and little consideration of all value sets. In the past this has led to the granting of discretionary consents for areas that blatantly should not have been granted. An example of this is the consents that were granted to the Mount White Pastoral Lease for the Riversdale flats area. The Riversdale flats were gazetted as National Reserve land in 1901 but were excluded from Arthur’s Pass National Park when it was created in 1929. This means that this land holds a unique title, and this should have been given additional consideration when evaluating any discretionary consents. The Riversdale flats have a level of national significance and inherent ecological values that mean that consents to clear scrub, let alone to top-dress or sow should never be granted for such a unique area. With the granting of discretionary consents currently in the hands of so few people, things can easily be missed, and certain values sets, and biases can be amplified while others are overlooked. This is a product of the current system, and in my opinion requires change to meet the proposed stewardship aims.

One potential method of changing this system would be to give the public more oversight and avenues for direct participation in the management decisions of this crown land. Current thinking around environmental and resource management practices in New Zealand favours a system with higher levels of public engagement than the current legislation governing Crown Pastoral Leases (CPLs). I believe that we should bring the governance of CPLs under a more modern structure that acknowledges public interest in the land. I would like to see a structure similar to the Resource Management Act 1991 (RMA) that allows for public consultation and submissions for consents to be granted, however I do not think that it should only be immediate neighbours or those directly impacted who can submit on the consents. This is because the protection of the land held in CPL
Submission 2804

affects all New Zealanders, both Tangata Whenua and Tangata Tiriti, and I believe we should have the right to input on Crown Owned Land.

Public participation in the consenting process for CPLs would also help to identify a wider variety of potential impacts, but unless the scope of consideration for each consent is broadened to include the cumulative effects it will likely continue to be insufficient. I would like the consent granters to be mandated to consider the cumulative effect of all consents granted in any given area, and the overall impact nationally of the consent.

For example, I would like to see the value of High Country CPLs as watershed protection, carbon sinks and unique ecosystems acknowledged more. This would mean that when granting consents, the cumulative effects of the proposed action would have to be considered on a catchment wide and national significance scale, instead of solely on a case by case basis.

Low production tussock land in the headwaters of a catchment can have incredible value to the overall health of the catchment (though there are many additional factors that can influence this too). For example, areas of tussock can increase the total water volume in a catchment because they can “harvest” mist. Increased flow often increases stream health which is a high priority among the general public. More enduring stewardship requires that we think big picture, and do not limit the scope of our consideration spatially or temporally.

To summarise, I think we need to see some significant changes to the governance of CPLs. I would like to see that change take the form of more public input and oversight, bringing the management of CPLs in line with the environmental management practices for freehold land, and greater consideration for the cumulative effects of consents granted on CPLs. I think these changes will help the governance of Crown Pastoral Land to be more holistic and lead to better outcomes overall.

Thank you very much for taking the time to read and consider my submission.

Ngā mihi nui,
• I support the end of tenure review and ask that the Government immediately stop all further sales of public land in the high country immediately.
• In particular I ask that the Government does not sell Simons Pass Station as this will increase the financial incentive for the leaseholder to push on getting the final consents for the planned dairy conversion there.
• I ask that the Government make dairy conversions and further livestock intensification a prohibited activity on all Crown owned land.
• I ask that the Government commit to the establishment of a fully protected drylands heritage area.
• I support the proposal of an explicit hierarchy of outcomes for Crown pastoral land that prioritises protection of natural, cultural and heritage values above agricultural interests.
• I ask that the outcomes include freshwater health and climate change in such a way that it gives a directive to the Commissioner that Crown land cannot be used in a way that increases freshwater pollution or climate emissions above current levels.
• I support greater accountability and transparency for the Commissioner and I support that the Commissioner must give effect to the outcomes.
• I support the proposal for better decision making that directs the Commissioner to seek expert advice and publically consult on consent applications.

Furthermore It makes to economic sense to allow any irrigator to take water from the hydro catchments. That water is far too valuable for the generation of non-Green House Gas electricity. At $0.25/kWhr a dairy farmer would need to pay $3.54/kg Milk Solid. See attached calculation.

Also I believe that our founding fathers intention with the particularly restrictive Crown Pastoral Leases was to only ever allow the high country to be lightly used with no or minimal modification without alienating the land from ownership and access by the general public.

While Justice France ruled that leaseholders have exclusive possession this is not stated clearly in the Land Act. Rather than a judge, Parliament should decide what the intention of the leases were.

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<thead>
<tr>
<th>Opportunity Cost of Water in the Waitaki Basin</th>
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<tbody>
<tr>
<td>Atiltude Lake Tekapo</td>
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<td>Altitude bottom of the Waitaki Dam</td>
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<td>Net Head</td>
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<td>Mass 1 m3 of Water</td>
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<td>Total Potential Energy (Force x Distance)</td>
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<td>Electrical Energy Value</td>
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<td>Conversion kWh =&gt; kJ</td>
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### Dairy v NZUs Alternative Values

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### Dairy v Logs Alternative Values

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PASTORAL LEASES - WHERE TO NOW?

Involvement in Pastoral Leases and Tenure Review

I have undertaken the process management function of several tenure reviews geographically from Blenheim to Central Otago.

My role in Tenure Review was to manage and coordinate the process, on behalf of the Crown (LINZ) as a contractor to Quotable Value. This was in the information gathering, consultation and negotiation phases of Tenure Reviews. The culmination of which was the formulation of the agreement or “substantive Proposal”. This involved creating the “Draft Preliminary proposal”, the “Preliminary Proposal” and finally the “Substantive Proposal. I did not undertake valuation work for Tenure Review as this would have created conflict of interest.

Previously, my first job on leaving school was to work as a shepherd for one year on a high country run in Northern Southland. This gave me a strong understanding of high country farming and kindled a life long interest in the South Island high country.

I then attended Lincoln University in the early 1970’s and on obtaining a commerce degree in Valuation and Farm Management, I worked as a farm appraiser for the Rural Bank in Southland and Northland and became a Registered Valuer.

I took up a position on the lecturing staff at Lincoln in the late 1970’s initially in Farm Management and then in Rural Valuation. I have over 30 years experience as a lecturer in Rural Valuation, including a specialisation in assessing lessor’s and lessees’ interests in leases. I have 10 years’ experience as a self-employed consultant (forming my own company Terrapacific Consulting Ltd) undertaking rural and urban valuation, including the consultancy work as a tenure review contractor. I am now semi-retired and remain a part time teaching contractor at Lincoln University.

The recent announcements by the Minister of the cessation of the Tenure Review process raises the question: what will be the proposed process for the remaining pastoral leases?

1. History

Pastoral leases in their current form were introduced by the Land Act 1948, so they are now over 70 years old. In fact, the origin of the lease of pastoral lands goes back in history to Provincial Government and the pastoral lease goes back another 100 years prior to 1948. There were several Land Acts since the end of Provincial Government, beginning with the Land Act 1877 and then a series of subsequent Land Acts 1882, 1885, 1924 and 1948, plus a series of alterations and amendments.

The fundamental issues that led to the historic substantial environmental damage was by burning, over grazing, pests, disease and weeds. This occurred in the era up to about the late 1930’s. The problems in the high country were exacerbated by a lack of long term tenure and small uneconomic areas of pastoral leases and pastoral licences. The lack of long term tenure was particularly damaging to the high country over this period because, in the harsh climates of the South Island high
returns on investment in improvements were expensive to effect and took much longer to show any return, as compared to other lower land country. In a short term lease there was little incentive to tackle the long term problems, and income was more easily won from the land by repeated burning of the tussock and native cover (often on a three year cycle). Much of the tussock and native grasses, plus native shrubland, native bush, along with native birds and other native vertebrates and invertebrates, were lost in this period. The cover we see today on most of the South Island high country is vastly different to what the settlers first found in the 1850’s. While there has been considerable recovery of the natural cover, many of the current landscapes, flora and fauna cannot be called unmodified, natural or native.

This issue of the occupancy term was initially addressed by extending the term, a “perpetual lease” on pastoral land which was set at 30 years with a right of renewal for a further 20 years - the total term was set at roughly the lifespan of the occupiers of that time. The problem of the short term tenure was astutely identified by 3 Commissioners of Crown land (Flanagan, Haszard and Stevenson) in 1910. A subsequent land Act of 1924 introduced a 35 year term with a right of renewal, but it took until 1948 for the reform of the pastoral lease to provide for a substantial stake in the land by the occupier, so that long term, sustainable decisions were being made.

The Land Act 1948 introduced 33 year leases with perpetual rights of renewal to pastoral and to other lowland country. Lowland Crown Renewable Leases (CRL) have been all since been converted to freehold as per Sec 122 of the Land Act. The lessee’s rights on pastoral lands were limited to exclusive pastorage only, with no right to soil; and introduced consents for land improvements. Each pastoral lease also had a stock limitation introduced, based on an assessment of the sustainable carrying capacity of the property without causing significant damage to the cover. Decisions on granting consents for land improvements were made by Commissioners of Crown Lands, from within the Lands and Survey Department. The annual rent was set on the value of the Land Exclusive of Improvements (LEI). The annual rent was set at a % rate of the LEI with a reduction of 1/9th for prompt payment (2.25% or 2% net). The combination of the perpetual rights of renewal, the exclusion of the improvements from the rental, and the right of transfer, effectively granted the value of the rights to all improvements on the lease to the lessee (in almost all cases the improvements were effected by the lessee).

An amendment to the Land Act in 1970 altered the rent review interval to 11 years within the 33 year term, in recognition of the land inflation rates that were occurring in New Zealand in that era.


The Crown Pastoral Land Act 1998 (CPLA) did not change the terms of the pastoral lease or the rental assessment. The main thrust of the CPLA was to introduce the process of Tenure Review which had been implemented on a small number of pastoral leases during the 1990’s. There was a further change to pastoral lease rentals in 2012 as a consequence of the Minaret Case, with the % of value of the LEI being replaced by a per stock unit carrying capacity system. Essentially this annual rent is based on a set dollar amount per stock unit with the stock units assessed on the base unimproved carrying capacity; plus 15% of the increased carrying capacity, due to the improvements on the lease. The 15% recognises the base or platform of the unimproved land which allows for improvements to carrying capacity to be made.
Currently, the rentals received from pastoral leases are insufficient to cover the real cost of administration of pastoral leases. This means that effectively, the taxpayer is required to fund the shortfall. With the advent of Tenure Review and the number of remaining pastoral leases declining, the overheads of administering Pastoral Leases, is being now being spread over fewer leases.

The reason there are substantial natural values left in the high country is largely because of the lessees. In conjunction with the pastoral lease administration of LINZ over many decades, the lessees have become the primary custodians and keepers of the natural values. This has allowed regeneration of the natural values in the high country. The pastoral lessees, over the decades, have enhanced the productive capacity of the high country land to generate a significant farming return to the economy (e.g. livestock and high value fine wools). A more recent change in the high country has been the development of non-pastoral land uses such as tourism, trophy and recreational hunting, tramping, vehicle trekking, mountain biking and horse trekking. This combination of returns has not only contributed to the New Zealand economy, but they have also enabled the high country lessees to fund the control of weeds, pests and diseases, and to implement preservation and conservation initiatives (E.g. QEII covenants). Weeds, pests and diseases remain a significant threat to the high country lands, because of the types of threats and the extensive land areas involved that are difficult to access.

### 3. Summary of the objectives of tenure review:-

- Promote management in a way that is ecologically sustainable
- Enable land capable of economic use to be freed from the lease constraints
- Protection of significant inherent values by Crown Ownership or Protective Mechanisms.
- Make easier:-
  - Securing public access to and enjoyment of pastoral lands
  - Freehold disposal

### 4. Tenure review - summary of the Process

1. Invitation by pastoral lease holder to LINZ
2. Determination of the land to be included in the tenure review
3. Information gathering including (DOC) generated Conservation Recourses Report (CRR)
4. Develop a Draft Preliminary Proposal (DPP) with valuations of exchange of interests assessed (often referred to as the Crowns “opening position”)
5. Negotiation phase with the pastoral lease lessee “the holder”.
6. Development of Preliminary Proposal (PP) designated areas shown on a plan along with market valuations of the exchange of interests
7. Negotiating an agreement on both the designations and the financial exchanges of the Tenure Review.
8. The conclusion of negotiations is a binding contract of the exchange and becomes the Substantive Proposal (SP)
9. Implementation Phase
   - physical, including new boundary fencing.
   - legal including the creation of titles, easements, concession documents

Included in the above process at various stages are public notices and the processing of public submissions. LINZ also seeks advice from interested parties, such as: Iwi, Local Body Councils, Mountaineering, Walking, Fish and Game, and Recreational Shooting. The lessee’s was also free to seek advice from professionals and others to assist them with the tenure review process.

Tenure Review is a complex and drawn out process involving inputs from several individuals and organisations. It often takes 10 years or more to complete. It has been going for over 20 years and less than half of the 300 pastoral leases have completed the process. Some run holders have elected not to participate and other have chosen to withdraw from the process.

Either party to the Tenure Review can withdraw at any time during the process right up the signing of the Substantive Proposal, which when signed, is a binding contract for the exchange of interests.

This means not only the holder can withdraw but so can the Commissioner of Crown Lands. The Substantive Proposal also needed to be approved by the Director General of Conservation (DGC) which effectively gives the DGC the power to also withdraw from the process.

Most pastoral lessees that opted into the Tenure Review Process were well informed about the rights they held in the lease at the outset, and most were well informed as to what value their interest would sell for on the market. Many pastoral lessees also employed the services of advisors and valuers throughout the process, some of which were very experienced and contributed significantly to the process for the lease holder.

Tenure Review is effectively an exchange of interests in the pastoral lease for the Crown, based on market values generated by independent registered valuers.

5. The Financial exchange of Interests

Market Valuations for Tenure Review are essentially based on a “before and after” basis - but both on the same date (in the final stage just prior to the Substantive Proposal). Note that a similar valuation approach is applied to compensation for compulsory acquisition of land for Public Works.
The exchange of Interests is Complicated by:

"Before"
The interests are leasehold - lessor’s and lessee’s interests

The Lessors Interest is the market value of the rental stream into the future plus the market value of the rights imposed by the lease.

The lessee’s interest is the market value of the goodwill in the lease plus the market value of the rights to improvements.

"After"
Freehold land and Crown Control land (conservation areas) subject to a range of covenant for protection and easements created for access.

Some of the land that is designated to become freehold to the lease holder is subject to covenants. These can be conservation or landscape, or to protect any of the significant inherent values identified on the land under review.

Some of the land designated to become freehold to the lease holder, is subject to access easements, either in favour of the Department of Conservation for management purposes, or for public, or both. The modes and times of access are also specified e.g. on foot only and excluding spring months.

Some of the land going to the Crown is free from encumbrances - “Full Crown control”

Some of land going to the Crown is subject to concessions (including grazing and tourism concessions) and easements for farmer access, - “Crown Control”

These lands allocated for Crown Control have significantly contributed to conservation areas and are administered by the Dept of Conservation.

Tenure Review has multiple inputs from several people - every stage is scrutinised and checked by multiple people, including options available and not included, and options incorporated into the proposals. Internally the valuations are closely scrutinised - though not all the valuation details are shown to the holder; and no financial detail is provided to the public.

The valuation process is very robust and is performed by independent registered valuers. It is scrutinised by multiple people within the LINZ tenure review process, including closely by the contractor who is undertaking the negotiating process.

6. A simple fractional interest or tenure review example

Constructed hypothetical TR example to demonstrate the interests.

“A” is the holder of a 5,000ha pastoral lease.

The freehold value of the property is $10m ($2,000/ha)

“A” lessee’s interest in the lease is $9m (90% of freehold value)
The Crown’s lessor’s interest in the lease is $1m (10% of the freehold value).

Tenure review is completed and the Crown sells their share to “A” for $1m ($200/ha)

“A” then sells the property for $10m ($2,000/ha)

The Crown received $200/ha ($1m) and a third party is complaining, that “A” sold the land for 10 times what they paid for it, claiming “A” has made huge capital gains and profits.

In this simple example of a tenure review of pastoral leases, the computation methods show the Crown has roughly 10% (this varies depending on the lease) of the freehold value, which is in the form of the lessor’s interest in the pastoral lease. The lessee has roughly 90% of the interest in the land in the form of the lessee’s interest (which includes the value of the rights to improvements).

This order of proportion of the interests is evidenced by most market sales of lessee’s interest in a pastoral lease, sell for close to the freehold value of the property. (Freehold does not mean free from debts but is the fee simple estate as in Freehold Estate in Fee Simple ie not subject to any lease).

In Tenure Review it therefore follows that if the lessee is going to purchase the freehold value of the land, based on market values, the lessee has to purchase the lessors interest (10% of the freehold value), held by the Crown. It also follows that if the Crown (lessor) is to purchase the market value of the lessee’s interest to gain the freehold (Crown Control), then they will be required to buy the 90% portion of the freehold value of the property – which is the lessee’s interest.

The conclusion from the above example is that ANY comparisons of the interests on a simple per hectare basis are fundamentally flawed and erroneous. What is being frequently overlooked by many people commenting on tenure review is that the proportion of the value of the interests held in a pastoral lease are not equal.

Any comparisons of the interests exchanged in the tenure review process, based on a per hectare basis are totally invalid. They only serve to perpetuate a political agenda for people who wish to put a particular slant on the tenure review process and misrepresent the outcomes of this process.

If the process of tenure review is so highly in favour (financially) of the lessee, then these imbalanced assertions by commentators, are totally at odds with the fact then less than half of all pastoral leases have gone through the process in the last 2 decades. The claimed “windfall” to lessees by some commentators, is illusionary and false.

Also, the word “privatisation” frequently used recently in the media, has no meaning in relation to the interests or estates held in the leases, or the land, or the changes which occurred in the tenure review process. It is an emotive word used by some to pursue a political agenda.
7. The Pastoral lease is no longer a suitable vehicle for change:-

1. Does not allow adequate protection for the natural and native values that are remaining on pastoral leases. Prohibiting soil disturbance and prohibiting burning and stock limitations, as per the lease, is not adequate protection.

2. Does not allow for a detailed survey to determine what natural and native values are actually on the pastoral lease property. No conservation plan can be initiated without an extensive survey of what is contained on the lease property.

3. Does not recognise the extent and intensity of the highly developed land uses on the pastoral lease. The restraints imposed by the pastoral lease are often inappropriate for highly productive land, particularly cultivated pasture which is sometimes under irrigation.

4. Does not allow for a range of non pastoral land uses, other than by consents, to which land can be used. Pastoral land use for some leases is no longer the dominant land use. E.g. tourism or recreation have become significant on many pastoral leases.

5. Pastoral lease is a tenure with exclusive occupation and no public assess is provided for in the terms of the lease. (NZ Fish and Game case 2009). Access is only by permission of the lease holder. No mechanism to negotiate for access for public or groups. No flexibility for access modes e.g. foot, horse or motive power.

6. No provision for coordinated weed and pest control threatening native values - individual by lessee with monitoring by LINZ  E.g. rabbits, possums, scab weed and wilding pines.

7. No mechanism for Iwi and other potential uses to have a direct input.

8. No mechanism to deal with marginal strips along water ways and protection of water ways.

9. No mechanism for partial protection of natural values, via covenants, where some grazing or exclusion of specific stock types are appropriate.

In essence, the pastoral lease no longer provides the flexibility for the range of land uses that have become important on pastoral leases. The pastoral lease no longer provides for the process of maintaining or making changes to the high country, other than the monitoring and compliance of the conditions of the pastoral lease. The pastoral lease is a contract and any major changes required that will alter the lease will need to be “purchased” by the Crown in order to effect changes in the high country.
8. The way forward with Pastoral Leases

1. There must clear objectives, aims and outcomes of what is going be achieved in any changes that are proposed for the leases of pastoral lands.

2. Any review of Pastoral Leases must begin with an information gathering process - which must include an extensive and detailed survey of the pastoral lease to establish what is there, what needs to be protected and what needs to be changed.

3. From the Crown’s viewpoint, the highest priority should be the protection and conservation of the unique natural values that currently exist on the pastoral lands. This means the Crown needs to focus its limited resources on the conservation of the rare natural values - and take its focus off the highly improved pastoral land which has no rare natural values and is being constrained by the pastoral lease.

4. There needs to be a wide range of conservation and protection mechanisms because of the diversity of the pastoral lands. There are some conservation strategies which will work best with an involvement from an occupier, where protection is in harmony with the objectives of the occupier (e.g eco-tourism). There will be other situations where the protection conflicts with the objectives of the occupier. Crown ownership will be appropriate in some situations and not in others (such as where some grazing or some hunting activity) may be required.

5. The interests in the current pastoral lease need to be acknowledged and clearly identified at the commencement of any change process. The interests that the parties hold in the pastoral lease at commencement, need to assessed and established so that any proposed change, starts from a solid base that identifies who has interests in the land, and the nature and value of those interests.

6. Changes need to be proposed, consulted on and negotiated. The proposal needs to go through a rigorous process which examines the alternatives that have been considered and discarded, as well as those which form the basis of the changes that are proposed.

7. The lessees, who hold the majority of the financial interest in the pastoral lease, will need to be informed and included in the process, as they will often have in-depth knowledge of the lease property. Lessees should be treated fairly and with dignity and where rights are negotiated or lost, lessee compensation based on market values needs to be assessed and paid.
9. Concluding Comments

a) I have observed as a tenure review contractor that “One size does not fit all”. Every Pastoral Lease is different and imposing a blanket proposal across all leases, with little flexibility, is unlikely to result in successful outcomes.

b) Because the parties to the Tenure Review process have the option to withdraw at any time, I saw my role as a tenure contractor, was to keep pursuing a “win win” outcome for all parties, including the Crown. My experience was that the only way to make progress through the sometimes tortuous process, was to achieve an agreement which became the Substantive Proposal.

c) My observation is that the Tenure Review process was a sound process for change. The objectives were both realistic and achievable. While it did have some issues, which were less than ideal, it was based on sound processes. The outcomes for those who have completed tenure review, have been good for both the nation, the pastoral lands and the original leaseholder. Tenure Review has its problems, but those problems were able to be solved and the process improved.

d) Tenure Review has been much maligned and the reasons to stop the process, as espoused by Anne Brower and others, pertaining to the financial aspects of tenure review, are invalid and not based on sound comparisons. The financial settlements in Tenure Review have all been based on independent assessments of Market Value by Registered Valuers and have gone through a robust scrutinisation process.

e) My conclusion from the above is that some form of tenure review must again be undertaken. My reasoning for this is that the pastoral lease is no longer the appropriate vehicle for change, especially as many have significant non-pastoral land uses. The Pastoral Lease is not capable of effecting change and is currently inadequate at performing the protection of rare natural values. For the lessor, a pastoral lease is unable to generate sufficient income form rental income, to cover the LINZ administration costs. In addition, considerable further expense will be required to implement any change.

f) For political purposes any changes may require a name change and a reset of the objectives and processes. What is important is have outcomes that benefit all who are involved in the process, including the holder, the public and the Crown.

5th April 2019
Q1

1a. What are your views on how significant natural values should be protected once tenure review is ended?

There are a range of existing mechanisms that can be used to protect significant natural values other than tenure review. These range from negotiated acquisition, purchase of key properties when they are on the market, covenants under the Conservation Act or QEII, RMA (Regional & District Plans). Compulsion seldom leads to good results so negotiated outcomes tend to provide enduring benefits.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land? I do not believe that new mechanisms are required.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?

I believe that tenure reviews that have commenced should be enabled to run their course. This should be in the context of clear guidelines as to expectations in both outcomes and timelines. This could be contained in the savings clauses within proposed legislation.

Q2

2a. Do you agree with the proposed outcomes? Unsure

I agree in part. The most important aspect going forward is to strengthen the relationship between the lessor and lessee. There is an enduring contract between the parties that must be honoured. Relationship is in my mind more important than regulation. The enduring relationship with iwi must be a very significant aspect of this.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?

This is extremely broad. The focus must be on lessor, lessee and iwi. While the pastoral lease estate includes very special values, these also extend to other parts of the Crown estate and also the fee simple estate. In my view the aspirations of New Zealanders including the special interest groups should be reflected in should policies across all estates.

2c. Do you agree with the use of “natural capital” rather than ”ecological sustainability” in the proposed outcomes? Unsure

Ultimately both descriptors are merely semantics unless they are adequately defined. "Natural Capital" has a lot of merit has it implies a more holistic view.

2d. How do you think the Crown should fulfil its obligations under the Treaty of Waitangi in respect to Crown pastoral land? How do you think Treaty of Waitangi principles should be applied to decision making?

The principles of the Treaty of Waitangi must apply to all Crown decision making. Land regardless of tenure is heritage and to be nurtured. As the Crown has a specific role in the pastoral leasehold estate the actions of the Crown must reflect the partnership. The specifics require much more consideration than can be covered in this submission.

2e. What are the qualities and features of Crown pastoral land that you value the most?

The guardianship of the land under successive generations of the rural community. While there are exceptions, the quality of guardianship overall this has generally retained and enhanced the natural environment. Having lived in the high country for nearly 70 years land restoration over much of the estate has been significant.

2f. What does enduring stewardship mean to you?
Enduring stewardship to me implies a viable partnership between lessor, lessee and iwi where the three work together without coercion to achieve common goals.

**Q3**

3a. Do you agree that the Commissioner should be required to develop a regular Statement of Performance Expectations, approved by the Minister for Land Information? Yes

Please comment
I think any organisation should have a visible Statement of Performance Expectations. I believe that this should also extend to other agencies with a statutory role e.g. in this case DoC

3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system? Yes

Please comment Provided it extends to other agencies with a statutory role.

3c. What other mechanisms could be used to improve accountability? An annual report on performance (as is required in the charities sector)

3d. Which mechanisms do you think would be most effective in improving accountability?
See 3c

3e. Do you think there are any problems with the proposed change?
Yes - the framework in which the Performance Expectations will be developed is unclear.

**Q4**

4a. Do you agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards to support officials and leaseholders to understand and comply with legislative requirements? Unsure

Please comment
I am unsure if this is a legislative initiative, but something similar to the requirement on the Valuer General under Section 23O CPLA could be workable.

4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system? Overall - yes

4c. What other things do leaseholders, iwi, and stakeholders most need to have clarity about in order to better understand the Commissioner’s decision making? Covered above.

4d. How should standards be used to help increase transparency? How should guidance be used?

4e. What other mechanisms could be used to improve transparency?
I think the Pastoral Advisory Board or a similar agency should retained to advise on the rules and guidelines, possibly with a more defined make up for the Board.

4f. Which mechanisms do you think would be most effective in improving transparency?

4g. Do you think there are any problems with the proposed change?
The change must reflect the partnerships previously discussed. If imposed by legislation without the parties being involved they will cause disharmony and fail to achieve the desired result.

**Q5**

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions? Yes
Please comment
It is pointless establishing expectations if they are not reflected in decision making.
5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land? Only if the approach correctly reflects the partnership.
5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?
5d. What specific matters should be considered when deciding whether to approve an application?
- The natural capital
- The context in which the consent is requested
- Collateral benefits e.g. weed and pest control, re-distribution of management effects, protection of water bodies.

Q6

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions? Unsure
Please comment
It is unclear what this means from the discussion paper.
I think expert advice should be a consideration on a case by case basis as the nature of the advice required will vary.
6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?
This will be an assessment on the nature of the consent required and should be identified in the Performance Expectations. A hierarchy of requirements exists in the RMA and could possibly apply here.
6c. Do you think the Commissioner, an independent statutory officer, is the most appropriate decision maker for matters regarding Crown pastoral land? Is there a better decision making model? Please provide the reasons for your view.
I fully support the role of the Commissioner as reflecting a decision maker in the context of the partnership. An appeal provision to replace s17 Land Act could be investigated.

Q7

7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents? Unsure
Please comment Any suggestion of fees should reflect the partnership between lessee and lessor.
7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.
Many applications for consent are necessary to comply with the good husbandry provisions of the lease. Charging a fee for such consents could in the end be detrimental in these situations. The efficiency (or inefficiency) of the consents process is of significant concern of fees are to be charged.

Q8
8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework? Unsure
Please comment
This depends on the form of the monitoring process. Good monitoring is important, but it must be commensurate with the proposed activity. My experience is that monitoring is poorly perceived and constructed largely based on individual preference.
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood? I think this is covered regards performance expectations.
8c. What information do you think is most valuable to understand system performance?
Established and measurable expectations established between the partners.

Q9

9a. Do you have any feedback on the preliminary analysis in section 6?
Unfortunately I have only been able to access part of the table.
From what I can see the proposal is an overkill and does not adequately reflect the partnerships between lessor, lessee and iwi.
I am happy to provide supplementary thoughts on this if I can access the full table.
9b. Are there any other comments you’d like to include in this submission?
I consider this review an opportunity to reflect on a number of aspects of the current legislation that could work better, but the proposed timeframes may preclude this. I could elaborate further but will be unable to do so prior to 12 April.

Two aspects that I will briefly comment on now are:

1. Any agency with statutory responsibility under the Act should be accountable in terms of timeliness and performance against agreed standards.
2. The current conflict between compliance with such as weed control and the requirement to obtain consent to do so should be removed.
Submission on Behalf of Enduring Stewardship of Crown Pastoral Land

The main emphasis of the Discussion Document published by Land Information New Zealand 2019 is to undertake changes to the Crown Pastoral Land Act 1998 (CPLA) and the Land Act 1948 (Land Act) in order that an enduring stewardship role in relation to Crown pastoral land ensures into the future in the interests of all New Zealanders.

The Pastoral Lease Resource (2019)

The resource as identified in the Map of Crown pastoral leases Appendix 1 Discussion Document Enduring Stewardship of Crown Pastoral is some 1.2 million hectares. New Zealand in itself is 26 million hectares of which 11 million hectares is comprised in the North Island 42.3% and 15 million hectares in the South Island (presumably including Stewart Island) 57.64%. The pastoral leases therefore cover a total land mass of 4.6% of New Zealand, or 8% of the South Island (presumably including Stewart Island).

The geographical spread of the Pastoral leases and to a very minor degree Special Leases (Section 67 Land Act 1948) lies in the following provinces: Southland, Otago, Canterbury and Marlborough (albeit one is Westland). All except one lie on the eastern side of the Main Divide, Southern Alps, and predominantly do not have a coastal influence. It is currently recognised that 171 Pastoral leases remain, of which 8 are in the Substantive Stage of Tenure Review, while 23 are in the Preliminary stage. Immediately after the Land Act Amendment 1979, Compulsory Reclassification of Crown Pastoral properties no longer suited to Pastoral Lease Tenure and converted to renewable lease, there were 304 Pastoral leases in the South Island spread through the above mentioned provinces. Tenure Review and those reviewed pre 1998 have accounted for 133 leases.

Pastoralism Tenure

The inception of Pastoralism in New Zealand dates considerably into our history being close to the initial European occupation. Firstly, there were large estates. On the splitting of these estates, there were Pastoral Licences, these existed whereby an individual or group could ballot at outset or upon renewal for a property and if they were successful, they leased the block (run) under a rental arrangement with the Crown together with and acquisition of improvements (if any) at their value. These leases were registered under the Deeds system and normally were entered simply with the runholders name, length of occupancy and upset rent.

Following investigation in 1920s into deterioration of South Island high country land which was held under short term lessees were given the rights to freehold. Few pastoral lessees exercised these rights.

In 1948 the Land Act was introduced to ‘promote better stewardship of the land by providing leaseholders with security of tenure, giving them the incentive to take a longer term approach to managing the land’. The major difference in the 1948 Land Act to previous Acts was the
aforementioned and the issuance of a registered lease term, 33 years, rent review, 33 years although since that date rent reviews have been shortened to 11 years. These leases are perpetually renewable at the end of the lease. Most began in the early 1950s, were renewed in 1980s (mid 1980s) and again are undergoing a third renewal process.

Erosion Management of High Country Leases

There was specific emphasis upon management of soil erosion. The Soil Conservation and Rivers Control Act 1941 saw a considerable number of run plans implemented for soil erosion purposes and these continued until the late 1980s.

The emphasis of these plans being to retire from grazing high altitude lands and provide predominantly offsite grazing AOSTD as displacement and complete subsidised aspect fencing for erosion prevention and better run grazing management.

The classification system was also introduced, this identified the soil and erosion constraints of a pastoral lease. It was investigated under NWASCO (Natural Water and Soil Conservation Organisation). This designated land into eight categories of which there were further sub categories that identified their susceptibility to erosion. The main classes in the Pastoral Lease were III, VI, VII and VIII predominantly VI – VIII. Class III classification generally involved relatively high grade soils which were suitable for cultivation. Class VI were lands suitable for improvement AOSTD and normally included a pastoral leases wintering lands and lands required at other times of the year when appropriate. Class VII lands accommodated grazing at necessary times exclusive of snow risk periods. Class VIII normally had very low grazing or no grazing capacity.

Generally pastoral runs with around 18% class VI lands contain a difficult ability to satisfactorily winter its stock. Runs with around 25% or greater Class VI generally winter more easily. It also defined correctly land within a lease that could be developed and managed to ensure the sustainability of the lease well into the future.

Government Assistance to Improve and Sustain Pastoral Lease

There have historically been a number of further incentives to improve the soil and erosion and productivity capabilities of pastoral leases. The earliest recognised being Soil Conservation Run plans mentioned above, these deal with retirement of grazing on sensitive upper altitude Class VII and VIII lands through offsite grazing (AOSTD) subsidised fencing (aspect fencing) and calculation of offsite grazing transferred to onsite areas via AOSTD subsidies.
In addition, government assistance was implemented through the Land Development and Encouragement Loans and LIS Livestock Incentive loans in the 1970s and 1980s, these improving GDP. These schemes vastly improved the vulnerability sensitive lands in the high country and allowed many marginal pastoral leases to become strong economic properties.

**Rights Associated with a Pastoral Lease**

The major proponent of the lease agreement (signed by the necessary signatories) was that there is simple wording, this being 'to hold' the lease. The Crown have given, under its lease agreement, a right to the lessee ‘to hold’. ‘To hold’ has a meaning, or possible legal meaning that the lessees have the power over, or a form of ownership of the property. This is subject to restrictive clauses that relate specifically to the protection of the soil rather than heritage, cultural values, habitats, ecosystem that support rare indigenous wildlife and vegetation. While the latter is significant, it must be put into context of the rights of the respective parties.

**Legal Rights of a Citizen or Lessee**

The New Zealand Bill of Rights Act (Public Act 1990 No 109 Date of Assent 28 August 1990). Applies to Acts done by;

(a) ‘the legislative executive or judicial branches of the Government of New Zealand or Bill of Rights’.

(b) ‘By any person or body in the performance of any public function, or duty conferred or imposed on that person or body by, or pursuant to law’

**Bill of Rights**

“Subject to Section 4, the rights and freedom contained in the Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society”

**Bill of Rights**

“Attorney General is to report to Parliament where Bill appears to be inconsistent with Bill of Rights. Where any Bill is introduced into the House of Representative, the Attorney General shall

(a) In the case of a Government Bill, or

(b) In any other case as ‘soon as practicable’ after the introduction of the Bill

bring to the attention of the House of Representatives any provisions in the Bill that appears to be inconsistent with any rights and freedom contained in this Bill of Right.”
(2) Measures taken in good faith for the purpose of assisting or advancing persons or groups of persons who suffers a disadvantage because of discrimination that is unlawful by virtue of Part 2 of the Human Rights Act 1993.

Every person has the right to the observance of the principal of natural justice by any tribunal or other public authority which has the power to make a determination in respect of that person’s rights, obligations or interests protected or recognised by law.

In Summation

Every person whose rights, obligations or interests protected or recognised by law has been affected by a determination of any tribunal or other public authority has the right to apply in accordance into law for judicial review of that determination.

Property Law Act 2007

Public Act 2007 No 91

Date of Assent 4 October 2007 (In force 1 January 2008)

- Lease means a lease of property whether registered or unregistered and includes a short term lease and an agreement to lease.

- Lessee means a person who enters into a lease as lessee and includes a person who has accepted a transfer or assignment of lease.

- Lessor is a person who enters into a lease as a lessor. Can accept transfer or assignment.

- Occupier in relation to land is a person who is in occupation of the land under a lease in consideration of rent.

Breach of covenant of the lessee or a specified event except the expiry of the term of the lease is ground for cancellation of the lease.

Covenant in relation to a lease means a promise expressed or implied in the lease.

Covenant not to be unreasonably withheld or delayed.

The lessor.

(2) Must not unreasonably withhold consent to the doing of the thing or things specified in the application whether or not the covenant expressly provides that consent must not be unreasonably withheld.

Must not impose on the lessee any unsuitable condition or precondition.
**Magna Carta**

Magna Carta Liberation (The Great Charter of Liberties). This is a charter of rights agreed to by King John of England at Runnymede near Windsor 15 June 1215 drafted by the Archbishop of Canterbury.

This document was reissued in 1216 (Henry III) Henry Reissued the charter in 1225 in exchange for a grant of new taxes. Edward 1 repealed the exercise in 1225 in exchange for a grant of taxes.

Essential foundation for the contemporary powers of Parliament and legal principles such as corpus habes. The foundation of the freedom of the individual against the arbitrary authority of the despot.

Magna Carta which means ‘The Great Charter’ is one of the most important documents in history as it established the principle that everyone is subject to the law, even the King and guarantees the rights of individuals the right to justice and the right to a fair trial. A corner stone of the right of liberty of citizens.

**In Summation**

There are two distinctive parties in a Pastoral Lease. The lessee and lessor. A covenant and/or condition of a lease means a promise expressed or implied in the lease. A covenant is not to be unreasonably withheld or delayed in a lease unless the contract otherwise required a covenant of the lessee. The lessor must not unreasonably withhold consent to the doing or things specified in the application by the lessee.

**Governments Role in Land in New Zealand**

An Encyclopaedia of New Zealand 1966 by A H McLintock stated the following:

In 1948 the land laws were corrected and consolidated in a Land Act which repealed 78 other Acts or Parts of Acts.

The aim of the Act was to give the Crown lessee maximum rights consistent with the national interest, with the underlying principle that a secure tenure is the basis of farming progress.

The new legislation reconstituted the Land Settlement Board and added private farmer members they were the chief executive power and delegated responsibility to officers of the Lands and Survey Department and to Land Settlement Committees. In each of the 12 Land Districts except for leases of high – country land in the South Island, the Act gave the right of freehold to those already leasing land on permanent leases. It established the 33 year renewable lease as the standard tenure for Crown leases, with farm land to be disposed of by ballot at fixed values under three options – renewable leases, deferred payments or cash.
The Land Act 1948 did not give right of freehold to lessees of pastoral land in the South Island high country, it did give them secure tenure. About 8 million acres, 3.24 million hectares of this land at this time were leased from the crown in 600 leases.

Government then decided that because most of these leases were susceptible to land erosion that it was in the national interest to retain control over their use. As tenancies expire, each is reviewed by LSB and is leased on pastoral lease for 33 years with right of renewal where the land can safely be alienated permanently or on licence for any term of up to 21 years with no renewal rights. Rents on a pastoral land then were based on stock carrying capacities and a clause in each lease limits the number of stock permitted to be carried. Since that date rents have been based on Land Exclusive of Improvements and this has now been surpassed by the new rental scheme.

As leases under former Land Acts expire, they are renewed under the Land Act 1948 by 1964 15.4 million acres, 6.23 million hectares of Crown land were leased by 43,800 tenants, 11.2 million acres, 4.53 million hectares held by 28,900 tenants under the Land Act 1948, total revenue was £2,510,000 pa.

Urban lands 15,400 leases and licences and 2,300 miscellaneous temporary tenancies. The remaining 26,100 leases were all permanent leases over farm or pastoral land.

Since 1948 LSB has undertaken development of 2.7 million acres, 1.09 million hectares and in 23 years 1.7 million acres, 0.69 million hectares have been disposed of in 4,100 farms. The 1 million acres, 0.4 million hectares of land left then were expected to provide another 1600 farms at a rate of about 75 farm a year. Of the 2.7 million acres, 0.91 million hectares on which development undertaken 1.6 million acres 0.65 million hectares of land have been bought by negotiation from private owners. 800,000 acres, 0.33 hectares were unoccupied Crown Land and 300,000 acres of land, 0.12 million hectares was compulsorily acquired from private owners between 1944 and 1952.

Land developed by the Board was mostly either completely undeveloped or partly developed – much scrub – covered, burnt and reverted. The contact system has allowed clearing, cultivation, sowing of grass fertiliser from ground and by air, fencing and buildings. Land then fully developed was disposed of by ballot. The Marginal Lands Act 1950 also added further support to marginal property land owners to develop their properties to a sustainable economic standard. At that time the areas in each land category were as follows:

- **NZ Land Area**
  - 66 million acres total, 26.7 million hectares.
  - 44 million acres occupied, 17.8 million hectares.
  - 22 million acres freehold, 8.9 million hectares.

- **Crown Leasehold**
  - 16 million acres approximate, 6.48 million hectares.
  - ½ pastoral lease, 3.24 million hectares.
Maori Land  4 million, 1.62 million hectares.

17 million acres are reserved for public purposes (Indigenous State forest and national park) 6.88 million hectares.

7 million unoccupied Crown Land – Mountain tops, lakes and rivers. 2.83 million hectares.

Government policy in New Zealand since the 1890s has been consistently aimed at closer settlement and elimination of aggregation of farm land.

The Limitations of a Pastoral Lease

Limitations to the lease (Pastoral Lease) under the Land Act 1948 and CPLA 1998 are as follows:

- Drainage.
- Felling timber.
- Form any path, road or track on the land.
- Clearing land.
- Be bound by a stock limitation.
- Cropping.
- Burning.
- Ploughing land

- Oversowing or seeding is not a disturbance of soil, it is simply a replenishment of nutrients and seed. Seeding where viable adds to the fertility and cover composition, these being under an AOSTD technique.

Conservation by Definition

- Ecosystem - means a system of interacting living organisms and their environment.
- Intrinsic - any land including an archaeological site.
- Historical or cultural heritage.
- Inherent Value - A value arising from a cultural, ecological, historical, recreational or scientific attribute or characteristic of a natural
resource in on forming part of or existing by virtue of the contamination of land.
-a cultural, historical, recreation or scientific attributes or characteristics of a historical place on or forming part of the land.

- Land 
  - means land that is subject to a pastoral lease.
- Natural Resource 
  - plants and animals of all kinds
  - water soil
  - landscape and land form
  - geological feature
  - ecosystem
- Significant Inherent Value 
  - means inherent value of such importance, nature, quality or rarity that the land deserves the protection of management under the Reserves Act 1977 or the Conservation Act 1987

**Understanding the Pastoral Lease**

New Zealand’s High Country contains a considerable amount of variance due predominantly to altitudinal change (from the valley floors to the mountain tops) and climate. Each pastoral lease normally begins at a low valley floor altitude and rises through to the mountain tops. It has contrasting aspects, dark and sunny, usually defined by leading ridges which rise from its lowest to highest point. Many leases lie on the Block Mountains off the main divide while others effectively encompass part of the divide.

The two primary main types of native cover on a Pastoral Leases are the sub associated species and tussock grassland, although the latter diminishes after a height of around 5500’ to 6000’. 1680 metres to 1835 metres.

The tussock grassland is predominantly split into the following main species:

- Chinocloa Rubra (Red Tussock) 
  Normally around wetter poorly drained zones.
- Festuca Novea Zealandia (Hard Tussock) 
  Short tussock grassland at low altitude.
- Poa Lavens (Silver Tussock) 
  Short tussock grassland normally on more fertile sites (strong limestone country)
- Chinocloa Rigidia 
  A tall tussock grassland.
- Chinocloa Macra 
  A tall tussock grassland normally found above the rigidia belt. It has a narrow leaf sheath.
- Higher Altitude above tussock grassland 
  Higher altitude Celmesia fields in combination with the upland Roula etc. species (normally classed as a fellfield or cushion zone).

Many upland areas contain the source of streams, these are known as tarns.
Most tall tussock species begin on the darker sides at 2700 feet 820 metres and just above 3000 feet, 917 metres on the sunny aspects, these rise generally to 5000 feet, 1528 metres. Many further species are also evident within these areas eg. hebes, dracaphyllim and spear grass etc.

It is apparent that there is a symbiotic relationship between the sub species and the tussock grassland.

The soil types predominately have a basement of schist, interphase schist/greywacke and greywacke. Variable natural nutrient status, or natural fertility is present within these soils and their fertility lowers at a higher altitude.

Farming or Pastoralisation has had a major beneficial effect on nutrient supply due to nutrient cycling.

‘Comments Ross Ivey Glentanner Station’

“The most cost effective way of maintaining the land is farming it. DoC and the greenies might be well intentional, but they haven’t joined all the dots. They might want to have tussock grasslands, but they don’t want farmers to spray or burn and the two don’t add up. Subdivision oversowing and top dressing vegetation control stocking that’s how you maintain tussock grassland. You can’t just pull out and hope for the best.

A perfect example of this is the Michael Peak “Ewe Block” around 8500 acres (3,440 hectares). This passed to the Crown (Nature Heritage Trust/LINZ) in 2007 and has been left ungrazed since. Its history being oversown and subdivision in early 1980s to around 3000 to 3500, 917m to 1070m. Today after the 10 year non grazing spell, it has become rampant. The tussock grassland is unmanageable, the sub associated native indigenous species have disappeared and the creeks are overgrown and now are not draining. This restricts water supply to the lowland freehold, irrigated property in the valley floor. A further example is the Flat Top Hill just south of Alexandra which was also purchased by DoC (or Nature Heritage Trust), these being for the protection of Raoulia. Scabweed etc. this has now seen these species disappear and they are replaced by exotic grasses. Matagouri spread in the earlier mentioned area is becoming prolific. This same scenario is taking place on the sunny faces. Omarama side of the ex Twinburn Station and also on the due west side of the Dansey Pass (Land within the Conservation Park) Fire threat in these areas is now massive.

In an area known as the 1220m trial by Old Man Range undertaken by Emeritus Professor Alan Marks there is a disappearance of tall tussock species where grazing has not been allowed since the 1960s.

Often the tall tussock grasslands in an ungrazed area lay down a litter layer known as the tussock leaf sheath, this decomposes very slowly and often shades out the sub associated species and generally leads to surrounding tussock death. A true indicator of interference of the symbiotic relationship between tussock grasslands and sub associated species.

Nutrient cycling is critical in tussock grasslands. It has been well proven in Soil Science that the elements such as Sulphur, Phosphorus and Potassium, some of the macro – micro nutrients vastly increase their
effect through animal involvement. Sulphur especially is a key element in tussock grassland management with readings normally required plus 8. Aluminium toxicity 4 parts/million also has a major influence and can only be corrected through liming. Molybdenium application has proven very successful through increasing nodulation size in clovers and therefore improving Nitrogen fixation.

Farming only improves tussock grasslands provided nutrient displacement is not excessive.

The presence of fell fields on a high montane plateau or cushion fields are due to climactic conditions and soil weathering over thousands of years. Not stock. Many or most pastoral leases have an over balance of summer country and therefore overgrazing in these areas cannot take place. Many consider rock scree are due to over burning and grazing, however there is a test to establish this which simply means splitting a flat rock and seeing if there is a white/grey rind. This is indicative of the rock being on the surface for thousands of years. Professor Alan Marks undertook an experiment to plant snow tussock grasslands on the Old Man Range at an altitude of 5500 feet, 1680 metres. None of which flourished or survived. This demonstrating that the tussock grassland at this level has never been in place.

Lowland dryland areas continually suffer from an imbalance of nutrients together with dry climactic constraints. This leads to low productivity of these areas and inhabitation by inferior species, briar, haresfoot trefoil, scabweed, flannel leaf, bluphos vapos, sorrel and other species. These are the early colonisers and exist preceding better nutrient supply, higher fertility and climactic improvement through irrigation. Soil oxygen or aerobic activity is critical in these dryland areas.

It is understandably acceptable that improvement does not degrade ecological biodiversity and landscape values. Yet improves economic benefits to the surrounding community through better soil fertility and more permanent cover, the latter reduces erosion. It also improves oxygen levels through irrigation and these lead to better soil structure and aeration qualities.

**Holistic Management**

Holistic Management is a method of management which involves photosynthesis, carbon dioxide enzyme and microbial bacterial transfer between the plant species, its root system and the soil. It represents a transfer of nutrients from the sun/air and the soil to the plant to uptake nutrients for their growth. The variability of plant species both sub associated, improved species and tussock grasslands allows a higher level of nutrient transfer because of the biodiversity of species. This has been proven both in New Zealand and drier Australian pasture. In these cases a higher variability of species allow for better enzyme and microbial interaction. Rotational grazing goes ‘in sync’ with this type of system as it leads to larger spelling periods between grazing and the opportunity of lower nutrient depletion and greater pasture recovery. Tussock grassland management is now often undertaken on this basis. Conservation or destocking initially supports this mechanism. As time progress the tussock species become dominant and shade out the sub associated species. Conservation (destocking) in effect is a deterrent to long term tussock grasslands management. In fact, this leads to successional species composition which in turn sees wood land species inhabit the environment. Often matagouri infestations become increased in the sward and the area become ‘choked’.
A perfect example of ‘succession’ is the Hawkdon/St Bathens ‘Coal Field Deposits’. The land originally existing as tussock grasslands and then indigenous forest.

There is a line of thought that “The current approach appears to be changing. Ecologists have worried that an alarming population of lowland and river flat ecosystems has been lost or threatened by intensified high country farming. Farmers say the loss of their summer grazing in high altitude land means they need more latitude in the way they farm the lower freehold lands. Essentially this means more irrigation cultivation subdivision and more pressure on ecosystems.

Simon Williamson of Glenbrook states to combat Hieracium (Hawkweed) pests/rabbits on these low land areas intensification is needed.

“The biodiversity will be gone unless the ‘greenies’ compromise. I can’t graze it hard enough to beat the pine trees. To make it all sustainable I need an income off this land so I can deal with the ongoing pine and pest problems.

Glenbrook gave away 4000 hectares (tenure review) the payoff was supposed to be the ability to develop the freehold. Now they are saying we want another bite at the cherry.

Valentine

Simon Hill and Simon Pass Pukaki

On the Pukaki Plains he wished to create five farms allowing for 15,000 dairy cows. To achieve this required the irrigation of 4800 hectares.

Valentine amended his plan and agreed to set aside 1800 hectares of land for destocking and protecting against pests. The subject area being hopelessly degraded. The proposed irrigation and fertiliser application will improve the soils and provide income for the community and in addition allow us to do the necessary environmental work.

PC13 Restricts the ability of farmers to irrigate and cultivate land, therefore making cultivation, irrigation and direct drilling a discretionary activity (viz resource consent).

Donald Aubry Ben McLeod states:

A pastoral lessee still needs to get approval from LINZ, however in the past this has merely involved one group (Field Officer)/Lands Department. Now it requires the consent from a number of different groups and it only needs one of those groups to withhold consent and the proposal is terminated.

Irrigation schemes have been implemented in rural communities, these being to the benefit of the run holder and community.

Pest control and wilding animals have now become the responsibility of the land holder aided by the recreational hunter.
Burning Tussock Grassland

Burning is an integral part of high country tussock grasslands management. Our pastoralists (lessees) are well versed in its benefits. Burning in simple terms allows a sward that is overgrown to be reinvigorated. Areas marginally or no longer suited to grazing because of their rank nature are burnt and this allows stocking pressure over a whole run to be respread and therefore the property returns back to its equilibrium.

Regional Authorities (previous catchment boards) allowed burning to take place in a controlled manner through burning at acceptable times with snow cap and firebreaks. Spelling of grazing after burning was a prerequisite as it allows rejuvenation of the tussock grassland especially the tall tussock grassland.

Tussock grasslands immediately after burning contain an inherent survival mechanism which sees immediate rejuvenation through rapid leaf sheath growth, this takes place due to a high draw upon available sulphur in the soil. Many conservation areas will revert to a state where an unplanned fire (escape fire) will be so intense that it will damage beyond repair the tussock species due to excessive amount of fuel (dead leaf sheath) around the overgrown tussock plant. Burning in these conditions damage the plant (tussock) because the fire burns into the plant and root system.

The Argument Production Versus Conservation

There are many ongoing variables in New Zealand’s Pastoral High Country areas. These predominantly come in the form of Climate, species cover and composition, nutrient supply and improvement through productive measures. A standard one sided conservation view upsets to the detriment of the land this environmental balance and leads to long term negative effects on the land.

The major matter to consider is “the land” whether covered in a native or improved capacity. Man’s intervention should be considered on the basis of the benefit to the land, not merely the benefit to conservation.

Comments in this report justify that a new or amended Land Act should not be for the benefit of a Conservationist but for the long term benefit of the land. It is of non-benefit to conserve the land on the basis of as we see it now, because land is evolving. Under pure conservation this will lead to an inferior outcome (a prime example being Flat Top Hill).

Inherent Protection

Under any pastoral system there are inherent mechanisms that protect land. Many conservationists argue for no grazing. High altitude or summer grazing areas are normally disproportionate in far greater in land size than normally available winter lands and therefore overstocking cannot take place. For
example the normal summer stocking capacity on high altitude areas of a lease is around 0.3 to 0.35 stock units/hectare/annum. Some with a blue tussock belts allow this to increase to 0.45 su/hectare. The corresponding low altitude native tussock grassland will carry 0.75 to 1.25 su/hectare and when improved will accommodate 2.5 su to 5 su/hectare. Improvement of low altitude lands leads to better balance between the winter and summer stocking capacities and therefore better protection of sensitive ecologically important areas.

**Landscape**

The landscape remains unaltered simply because the form of the land remains unchanged. Only the colour of the country whether green or brown alters. In fact, a blend of green and surrounding brown is far more pleasant to the eye than a constant harsh pale brown environment. It is only low altitude flat land that will be affected under this scenario.

**The Status Quo “Pastoral Lease Consents”**

If Commissioner gives consent lessee can disturb in accordance with every condition, direction and restriction subject to Commissioner’s consent except to the extent that it expresses a contrary intention.

- Consent under subsection 2 to drain any land includes a consent to undertake ongoing maintenance of any drainage works formed pursuant to the consent and in accordance with every condition direction and restriction subject to which the Commissioners gave it.
- Consent under subsection (2) to top-dress any land includes a consent to undertaken an ongoing programme of top-dressing on the land or any part of it.
  1- In accordance with every condition, direction and restriction subject to Commissioner’s consent.
  2- Using a mixture of fertiliser consented to maintain pasture or enhance by the top dressing consented to
  3- Consent to sow any land with seed including consent to undertake an ongoing programme of sowing on the land.
- In accordance with every condition, direction and restriction subject to which Commissioner gave it
- Using the species or mixture of species consented to maintain pasture.
- Road path or track includes consent to ongoing maintenance in accordance with Commissioner’s consent given.
  4- To crop cultivate or plough any land subject to condition Commissioner to permanent pasture.
Discretionary Action

Before any action described in subsection (3) Commissioner consults DG of Conservation

Desirability of protecting inherent values

Viz inherent values of indigenous plants and animals and natural ecosystems and landscapes.

(b) the desirability of making it easier to use the land concerned for farming purposes.

Proposal of Enduring Stewardship by the Crown

The Crown stipulates that the decisions it makes about high country pastoral lands has a direct impact upon environmental, cultural and economic outcomes in these areas. It recognises the importance of pastoral farming, in terms of heritage, economic and environmental importance to New Zealand. In turn it stresses ecological and landscape values. It stipulates there are ongoing changes in farming practices and commercial activities. It stipulates there is a public concern on preserving ecological and landscape values.

The Government wishes to manage pastoral land in a way that preserves and enhances its significant natural and social capital for future generations. It stipulates the ongoing health of Crown pastoral land underpins New Zealand’s economic success and that primary industry rely on the ecosystems that biodiversity supports.

It stipulates a wide level of stakeholders and these require input in the future direction of Pastoral leases in New Zealand.

It has followed a Tenure Review process but after 20 years has been unsatisfied with its outcome even though there has been a number of new Conservation Parks created and around 350,000 hectares of former Crown pastoral land almost ½ has returned back to the Crown by way of conservation areas.

It seeks comments on long term outcomes for Pastoral Leases and changes required in the regulatory system.

The Crown seeks to provide combined pastoral and non-pastoral activities on pastoral leases.

It is looking to the commissioner of Crown Lands to develop a regular Statement of Performance expectations approved by the Minister for Land Information. Guidelines and Standards will be developed that comply with legislative requirements.
It wishes to achieve certain outcomes with its Discretionary Consents and involve expert opinions to support its discretionary process. It accepts it will act in direct conflict with pastoral and non-pastoral activities.

Methods of achievement is through a new set of outcomes. It would require a regular Statement of Performance Expectation approved by Minister of Land Information, this being through its Discretionary Consent Applications (expert opinion) in combination with fees.

The Crown stipulates it is a home to a mosaic of habitats and ecosystems that support rare indigenous wildlife and vegetation it also supports communities and economic activities. It stipulates soil and water quality has a high degree of importance in its future management. Stipulating land, soil, water biodiversity minerals, energy resources and ecosystems are vitally important.

The leaseholder is bound by the discretionary consent.

The Crown recognises Inherent Values but only protects these through the Reserves Act 1977 and the Conservation Act 1987. In addition the RMA applies. It stipulates the importance of dry land and recognises more intensive low land farming is taking place.

Its governing authority LINZ admits a lack of understanding on system wide inputs with its inability to measure system performance and ecological sustainability. It lacked clarity of outcome and a failure to measure the cumulative impact.

Government now emphasises that the regulatory system to work to support outcomes. It stipulates it needs better information resourcing to connect decisions with RMA and OIA through improving systems and lowering of risk. It stipulates that DoC and Councils identify and advocate ecological and landscape values (it stipulates that a recent advisory group has been formed for this purpose).

It points out that the Tenure Review Process allowed for the redefinition of 668,000 hectares of which 313,000 hectares were retained by the Crown. Government stipulates through ending Tenure Review; it will have a greater ability to protect the natural and cultural values of the land. Overall it wishes for the protection of inherent values through regulatory systems. It goes as far as to enforce easements and purchase further land (Pastoral) for the Conservation Estate.

Other measures will include fencing off important indigenous species and prohibition of planting exotic species and enacting QEII covenants. Compensatory rights to be given where appropriate to the leaseholder.

The Crown effectively wish to articulate how a pastoral lease is to be managed with stewardship to enhance its significant natural and social capital through the change in ways statutory decisions are made by the Commissioner.
**Ecological Sustainability**

The Crown stipulate that Ecological Sustainability is “The capacity of the environment to meet the needs of the present generation without disadvantaging future generations”. This allows the natural capital to be maintained and enhanced. It considers its efforts will lead to restoration and regeneration of natural capital. It further stipulates that a leaseholder will undertake an activity to provide environmental outcomes through consent with Iwi’s aspirations also being met.

The Crown is looking to broader representation by shareholders a shared responsibility and deliverance of the Crown’s objectives.

The Crown wishes the Commissioner to become more responsible and report regularly through a Statement of Performance.

It will rely on Statement of Intent, Statement of Performance and a mechanism to improve accountability.

It proposes that Farm Plans have invoked to cover the expectations into the future. Its aims effectively being to marry the CPLA and RMA process. The Crown wishes to have a consultative approach to farm plans, this involving all stakeholders.

It aims to identify specific values, involve expert advice, being monitoring and identify maximum stocking capacities.

Its aims are to change the discretionary process from the farm viability aspect to a more broader environmental input.

The Crown wishes to invoke offsetting to ensure no net loss within a class of values. It advocates restoration of ecosystems and wishes to transfer costs associated with discretionary application to the leaseholder.

The Crown identifies Broader Shareholders as community organisations, environmental groups, philanthropic organisations and members of the public.

It undermines the rights of the leaseholders and determines their rights to the quiet enjoyment of the land as well as ownership of any improvements plus pastorage.

It identifies that the Crown Entities Act contains a number of mechanisms by which the Minister can oversee and manage the Crown’s interest in these entities.

The Minister wishes to become involved in the Farm Plan with main emphasis being on an environmental outcome. The farm plan being a tool to show how farmers are going to meet the environmental and landscape expectations of the Minister. It would also request a consistent approach to farm plans in Crown Pastoral leases.
The Commissioner will be bound to release guidelines and standards to assist officials and leaseholders to understand and comply with legislative requirements.

Discretionary consents also apply with leaseholders consent to allow mountain bike tracks undertaking filming and allowing helicopter landings (viz easement or recreation permit).

The Commissioner consults with the Director General of Conservation who can provide input to inform a decision. Commissioner must then take into account these matters set out in Section 18 of the CPLA.

The mitigation or offsetting and restoration of the land would be involved in the Commissioner consent.

For example increase stock but must fence out wetland.

The investigation of ecological features in the New Zealand High Country was fully completed in the 1980s to 1990s under the PNA programme (Protected Natural Areas). This was an intensive study where all areas of New Zealand were split into zones with these having full identification of species fauna and flora within each area. A full inventory was produced for each of those zones.

I would like to add that the Crown paid over $13 million for the acquisition of Pastoral properties. The runholder informed me previous to acquisition that 500 people annually passed through the area. On counting the number of entries in the hut log books, the total annually was 500 people.

Stewardship Role

It stipulates in its stewardship role it wishes to work with the stakeholders into the future to manage the land in the best interests of New Zealanders. Its main objectives are to strengthen the regulatory system, clarify the outcomes and adopt a system that supports achievement of these outcomes.

It requests comments on the implications of Tenure Review. Presumable long term outcomes for Pastoral Leases and the changes needed to be made to the regulatory system. It also requests the impact of Government’s decision making.

The Crown is looking at the direct impact their decision has on environmental, cultural and economic outcomes. It stipulates that there are changes needed in the management of Crown Pastoral lands. They consider there are impacts on indigenous biodiversity and landscape values.

The Crown wants to clarify what it wants to achieve whereby it enhances its significant natural and social capital into the future.

The Crown is looking to provide combined pastoral and non-pastoral activities.

The way it wishes to achieve this is through a new set of outcomes. Requiring CCL to develop a regular Statement of Performance Expectations approved by the Minister for Land Information. Establish guidelines and standards to assist officials and leaseholders to understand and comply with legislative requirements. Provide outcomes in its Discretionary Consent applications. Expert opinion to be given to
discretionary consents. The fee structure would change, and the regulators would regularly monitor its performance.

Through ensuring protection of natural landscapes and cultural heritage, the Crown accepts that these are in direct conflict with pastoral and non-pastoral activities. The latter supporting economic resilience and sustainability of communities.

The Crown is therefore seeking the views on proposed changes to the way Crown pastoral land is managed.

It stipulates whilst it is a home to a mosaic of habitats and ecosystems that support more indigenous wildlife and vegetation, it also supports communities and economic activities such as pastoral farming and tourism. Many families have farmed these areas for generations, they play an important part in protecting and managing the land. Maori also have connection to the High Country.

The underlying emphasis has been in protecting the natural capital on which pastoral farming relies, especially through the management of soil and water quality.

Natural Capital is stipulated as land, soil, water, biodiversity, minerals, energy resources, and ecosystem services.

The main existing authorities are Department of Conservation, Conservation Land and LINZ Crown Pastoral/Crown Land.

The Commissioner of Crown Lands grants consent and can grant easements and recreational permits, the latter with the lease holders’ approval. As part of the responsibility of the leaseholder, they must comply with the Biosecurity Act 1993 and keep the land free of wild animals. The leaseholder is also bound by Discretionary Consents, these are in relation to their conditions of a Pastoral lease. Other CCL responsibilities involve rental setting, renewal of leases and transfer/subleases.

The Crown under Section 2 CPLA 1998 recognises significant inherent values in relation to any land as being important to the extent that protection under the Reserves Act 1977 and Conservation Act 1987 can be implemented. In addition, the RMA (Resource Management Act) also applies. It covers the use of land and the taking or discharge of water or discharge of contaminants and soil erosion issues.

The Crown claim there is now a greater importance about preserving NZ Indigenous biodiversity through the protection of areas and species. It determines that Dryland are now more widely recognised as ecologically important.

It stipulates that farming is becoming more intense in the high country and is diversifying, however diversification is only taking place on freehold areas because of the constraints imposed in a Pastoral Lease. It cites the MacKenzie basin between 2009 and 2016 as having 34,000 hectares change in land use, this being due to tenure review, emerging irrigation technologies and better farm economies. It considers there should be a reconciliation between land use intensification and the protection of ecological and landscape values.
Tenure Review has had many positives due to land intensification such as Cromwell, Upper Clutha, Gibston Valley basins, all being converted to vineyards, an industry in itself and a tourism mecca.

Laws have stated the lack understanding on system wide impacts. It fails to measure system performance and ecological sustainability. It is faulted in its clarity of outcome and found it difficult to measure the cumulative impact. Government emphasis now is to ensure the regulatory system can work to support outcomes. It stipulates it needs better information resourcing and wishes to connect decisions with the RMA and OIA. It wishes to improve its systems identify risk and take greater participation in pest and weed control. It wishes to incorporate other stakeholders such as DoC, the pertinent council(s) with these groups identifying and advocating ecological and landscape values. A recent advisory group has been established to provide advice and insight to the Commissioner and LINZ to ensure greater transparency and communication in the management of Crown land in the High Country. It wishes to identify good practice.

The Tenure Review Process allowed for the redistribution of land to different tenures of 668,000 hectares, 313,000 were retained by the Crown and balance allotted under fee simple title. By ending Tenure Review, government considers it will have a greater ability to protect the natural and cultural values of the land through retention of the Pastoral Lease by ongoing ownership and stewardship. It seeks feedback on the outcomes for Crown Pastoral land and changes to be made to the Crown Regulatory system. Aims are protection of inherent values through regulatory systems. To secure access requires the use of covenant or easements or purchasing land for protection under the Conservation Estate. Farming off important areas to protect indigenous species, prohibition of planting exotic species. Applying covenants with the agreement of leaseholder and the Commissioner. Evoking Queen Elizabeth II covenants. The leaseholder has a right to compensation through imposition of an easement.

The aims of outcomes are to articulate how the Crown wants pastoral leases to be managed, with stewardship to enhance its significant natural and social capital through the change in ways. Statutory decisions are made by the Commissioner. This being through a direct change of the CPLA Outcomes would recognise and consider the environmental, cultural and economic values of Crown Pastural land.

**Ecological Sustainability**

It seems to stipulate that Ecological Sustainability is the “capacity of the environment to meet the needs of the present generation without disadvantaging future generations”. This allows for Natural Capital to be maintained and enhanced with this including restoration and regeneration of natural capital.

“it stipulates that through a leaseholder undertaking an activity to provide environmental outcomes as a condition of a consent” Iwi to be allowed their aspirations and priorities in the decision making process (impact on cultural values of the land. Maori contend they have a right to retain their full control and authority over their lands and valued possessions.
Stewardships is a shared responsibility. Leaseholders farm and live on the land being therefore multiple generations invest in the land, participate in local communities, provide jobs and economic benefits. Participate in social cohesion, keep their lands weed and pest free.

Maori dedicated members on Conservation Board and NZ Conservation Authority from partnerships with DoC.

Membership of groups involved in the management of threatened species.

Broader shareholders – community, organisations, environmental groups, philanthropic organisations members of the public.

**Final Comments**

As a eulogy to Rodney Paterson high country lessee and leading agronomist the well known O’Connor Professor of Resource Management Lincoln University (an individual recognised nationally and internationally) said not only once but a number of times in his speech “The soil will thank you”. This was said because he recognised the absolute benefits Paterson had made not only to his own lease but the High Country as a whole.

The Crown needs to recognise the worth of the above statement. Its current argument is that the ‘decisions it makes about high country pastoral lands has a direct impact upon environmental, cultural and economic outcomes in these areas.

For over 150 years pastoralism has taken place within the New Zealand high country. Various enactments have taken place to ensure that the lessee can operate in a sustainable economic manner.

The new proposed enactment breaks that promise in that it allows land to be used on a conservation only basis. There are existing Acts, being the Resource Management Act, the Conservation Act and the Reserves Act, these are in place to protect other than farming values. The Land Act in its history and into the future is/should be an administrative Act dealing only with the land and the betterment of that Crown Pastoral Land.

There have been various historical Government action supporting the betterment of the Land. These have come in the form of the 1948 Land Act better security of tenure and therefore better protection of soil and water values and dear I say, better protection of the Land, the Soil, Conservation and Rivers Control Act 1941, the land classification system, Land Development and Encouragement plus LIS schemes all have lead to better protection of the Crown’s asset.

The leaseholder has fundamental legal rights, these include the right to hold in perpetuity the lease, the rights associated with he Bill of Right, Rights in relation to the Property Law Act whereby a lessor must
not unreasonably withhold consent to the doing of the thing or things specified in the application and even the Magna Carta rule.

Government has historically identified that it is in the National Interest that land should be farmed on a productive basis. Further to this, there is an historical record of the achievements it has made and the benefits to the country.

In understanding the high country, there are already mechanisms in place that have evolved over millions of years and these remain, regardless of interference by man and any government. There is a true successional approach that takes place under any system imposed by man or government. The variance of this system especially at the exclusion of pastoralism leads to highly unwanted situations. The sub associated species, specifically where most of the variability of exotic flora exists becomes excluded and with this the fauna’s environment becomes threatened.

The major benefits to the land are the introduction of nutrients and seeding of species which lead to higher levels of fertility which benefits the land. Holistic Management is also a natural approach to allow improvement in the land.

The major emphasis historically and which should be carried into the future is the benefit or improvement of the land. It is a natural resource which through inputs can be improved. This is reiterated through the thoughts in this paper by some of the more recognised pastoral lessees.

Ecologists have worried that an alarming population of lowland river flat ecosystems have been lost or threatened by intensified high country farming. In turn, the Crown have never approached an agronomist for their thoughts. People like Peter Desborough, an agronomist in Dunedin has never been asked by the Crown to provide input into these types of lands.

There appears to be a direct conflict between productive and conservation use of land with the latter not being the person on the land who delivers daily to the outcome of their property.

The lessee by law is restricted as follows; he/she requires consent for the following:

- Drainage, felling timber, forming of tracks, clearing land, stock limitation, burning, cultivating land and oversowing/seeding.

The Crown needs to remain positive in its views to these outcomes with each of the above being treated independently. Their consents should take into account the practicality of farming the land, the engineering practicality of installing tracks, the improvement of the property through burning, cultivating and oversowing.
Conservation argues that an Ecosystem means an interaction of living organisms and their environment, that there are inherent values and that natural resources are inclusive of plants and animals of all kinds, water/soil, landscape and land form geological features and ecosystems.

The productive argument is that there is a considerable amount of the high country in pastoral leases, that inherently looks after itself through natural ongoing mechanisms.

The Crown, therefore, does not need to introduce under a new Act, methods and controls which will have a detrimental effect on the land itself.

It is considered under the current Act CPLA1998 that there are enough mechanisms in place to ensure satisfactory outcomes. This can be improved through engagement of agronomists to advise the Crown of the actual forward use of land.

There is an ongoing argument that the Conservation methods currently used (Destocking) actually degrade the land and therefore lowers the ongoing success of the land. A pastoral lessee faced with constraints on areas of his property will put more pressure on other parts to achieve the necessary outcome which correlates with viability, sustainability and economic success.

The Government have, under their own initiative, deported or diverted itself from tenure review. Tenure review in a lot of cases has led to major success viz the Cromwell/Upper Clutha flats and Gibston, now major wine industries.

The Conservation Department needs to now monitor some of its conservation areas through enclosures and transit leases. This being to establish benchmarks where the DG of Conservation can advise the Commissioner of Crown Lands/Minister of Lands on outcomes.

We consider under productive methods, there is Ecological Sustainability for the reasons based in this report. Broader representation by stake holders will lead to conflict and we stipulate this is already in place under the RMA.

A farm plan structure with bureaucratic and Government intervention takes away the independence of a property owner/lessee to control the entity he farms financially. It interferes with the pure rights of a family business.

Under legislation, the Commissioner has a role and whether he needs to report to the Minister of Lands on performance is a matter which can be covered by the Crown’s contract between both parties. It is not a matter which needs to be imbedded within a statute.

The Crown seeks views on proposed changes to the way Crown pastoral land is managed.

That status quo needs full and thorough investigation on the basis that it remains already satisfactory.

It is considered biodiversity can be protected through the engagement of an agronomist who can determine the pathway of a specific area of land due to the existing inherent values of the soil. In cases of protection, a remnant area can be set aside through correct negotiation and compensation.
Summation

There are many matters the Crown needs to consider. This submission gives a clear indication that lands under Pastoral leases remain generally inherently protected and that pastoralism over these areas has continued for over 150 years.

It is seen and recognised that there are existing constraints which the lessees have farmed to since 1948.

The Crown must analyse the right of a lessee as they expand well beyond a right of quiet enjoyment and a right to graze.

The power of the lessee must be taken into account both now and into the future.

Prepared by

About the Writer

In the period when there were 304 South Island Pastoral Leases as an employee for Lands and Survey, the writer inspected over 100 pastoral leases on an intricate basis.

In the period 1865 to 2007 the Writer’s family were lessees on 250,000 acres, 100,000 hectares of Pastoral Lands under various leases in the Otago Land District.

I trust this submission aids in the future outcome of Pastoral Leases.
Q1

1a. What are your views on how significant natural values should be protected once tenure review is ended?
Status Quo. Many farmers have been protecting SNVs for decades, that's why many values remain intact and in good condition.
1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?
Far great use of QE II Trust expertise, covenants a good mechanism.
Farm Environment Plans
1c. Do you have any views on the proposed transitional arrangements for ending tenure review?
LINZ stopped progressing many tenure reviews at the beginning of 2018. Obviously the 8 "substantive proposal" reviews will proceed. LINZ have an obligation to the next 25 reviews to continue to negotiate a fair outcome. Allowing DOC to have their "wish list" is not a fair outcome. Farmers have entered the process in good faith with a view to planning their farm and family future. A huge amount of time and energy has already been spent on the TR process.

Q2

2a. Do you agree with the proposed outcomes? No
Please comment
What a lot of bureaucratic waffle. These "outcomes" are impossible to measure and highly subjective. Each lease / farm management system / environment and inherent values are all very different and impossible to neatly sum up as an "outcome".
2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?
Is this a knee jerk reaction against the development of the Simon's Pass lease ?? Again, all leases are different with different characteristics. One size will not fit all to describe "outcome".
2c. Do you agree with the use of “natural capital” rather than "ecological sustainability" in the proposed outcomes?
Please comment Irrelevant, this is just more bureaucratic jargon.
2d. How do you think the Crown should fulfil its obligations under the Treaty of Waitangi in respect to Crown pastoral land? How do you think Treaty of Waitangi principles should be applied to decision making?
The treaty is barely relevant as Ngai Tahu have no association with the vast majority of leases. "Manufacturing" treaty issues adds more unnecessary layers of bureaucracy.
2e. What are the qualities and features of Crown pastoral land that you value the most?
This is way too small a space to summarise all the values of our splendid Central Otago high country. This region is my home.
2f. What does enduring stewardship mean to you?
The ongoing good farm management of land by each farming generation on that land.

Q3

3a. Do you agree that the Commissioner should be required to develop a regular Statement of Performance Expectations, approved by the Minister for Land Information? No
Please comment
What a lot of nonsense! Who made this up??
The CCL should be independent of whoever is Minister / in government.
Good luck writing a durable, measurable and subjective "statement of performance expectation"
3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system? No
Please comment
See above. Such a proposal would give the Minister of Lands far too much power.
The current minister has way too much influence in holding both conservation and lands portfolios. -thx to the labour-green coalition agreement.
3c. What other mechanisms could be used to improve accountability?
Choose a CCL with a good balance and depth of understanding of PL issues.
3d. Which mechanisms do you think would be most effective in improving accountability?
....... how many more loaded questions??
3e. Do you think there are any problems with the proposed change?
Yes, lots of practical problems as mentioned above.
The CCL should be independent of the Minister of the day.

Q4

4a. Do you agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards to support officials and leaseholders to understand and comply with legislative requirements? No
Please comment
Don't touch the CPLA 1998. It provides good balance between conservation and farming interests.
Again, it is difficult to write guidance and standards that can be applied to all the leases that are all so varied.
4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?
No, it's a rubbish proposal.
The current recommending reports provide transparency.
4c. What other things do leaseholders, iwi, and stakeholders most need to have clarity about in order to better understand the Commissioner’s decision making? Nothing else is required.
The current legislation works fine.
4d. How should standards be used to help increase transparency? How should guidance be used? see above
4e. What other mechanisms could be used to improve transparency? see above
4f. Which mechanisms do you think would be most effective in improving transparency? more loaded questions, see above
4g. Do you think there are any problems with the proposed change?
Yes, lots of problems with trying to interpret in a consistent manner across all leases.

Q5

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions? No
Please comment please see previous page
5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?
NGO groups should not be consulted with when assessing DAs. This is DoC's role.
5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes? see above
5d. What specific matters should be considered when deciding whether to approve an application? The benefit to farming and the effect on conservation values.

Q6
6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions? No
Please comment
Again, is proposal an unreasonable reaction against the development of Simon's Pass??
6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities? None, use the current CPLA
6c. Do you think the Commissioner, an independent statutory officer, is the most appropriate decision maker for matters regarding Crown pastoral land? Is there a better decision making model? Please provide the reasons for your view. Choose a well qualified CCL. Decision making by committee is cumbersome.

Q7
7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents? No
Please comment
The proposed convoluted processing of DA consents by cost recovery would cost farmers a huge sum of money, far out of proportion to the work sought.
7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view. Charging fees based on time spent becomes a gravy train for LINZ & DOC.

Q8
8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework? No
Please comment This question has been asked before??????
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood? ditto
8c. What information do you think is most valuable to understand system performance? ditto, read previous responses

Q9
9a. Do you have any feedback on the preliminary analysis in section 6? Bin it !
9b. Are there any other comments you’d like to include in this submission?
- Farm Environment Plans should be mandatory. A FEP for each lease would account for issues specific to that lease.
- QE II are well equipped to play a far greater role with PLs. DoC should get over their dislike of QE II.
- LINZ should not be able to force public access easements onto lessees. This is unjust.
- Many LINZ portfolio managers do not have the necessary farm management understanding to even converse with farmers let alone appreciate how farm systems impact on the environment. Farmers generally do not realise how poor LINZ's farming knowledge is and do not "dumb down" their language sufficiently.
- regarding tenure review, the balance of power has shifted too far towards DoC's wish to take as much land as possible, this is despite some areas having modest inherent values that could be protected by covenants.
Background

Personal

My name is [Redacted] and I work as an environmental consultant, based in the Mackenzie Basin. I worked for the Department of Conservation, in the role of Area Manager, Te Manahuna/Twizel for 24 years (1990-2013), so I am very familiar with the tenure review programme and the CPLA. My submission is based on my experience in this role and my subsequent observations of the tenure review programme and discretionary consent process since 2013 when I established my own business Te Manahuna Consulting, where I continue to work with high country issues.

While my direct work experience has been within the Mackenzie / Waitaki region I have a wide knowledge of the South Island high country. I am going to focus most of my comment around the area I know best, and I believe this comment is relevant to most of the high country.

Protecting dryland ecosystems and landscapes: A case study of tenure review and the application of the discretionary consent system in the Mackenzie since 1998.

Introduction

This is a case study of the Mackenzie Basin tenure review and discretionary consent history as I see it and have experienced it which provides some context to my comments on the topics in the discussion document.

The nature of this intermontane basin

The Mackenzie Basin has some special ecological and landscape features which are driven principally by the climatic characteristics of the basin. It is home to a diverse and cryptic range of plants and animals which have adapted to life in this harsh environment.

This intermontane basin, which is the largest unmodified intermontane basin in New Zealand, lies east of the Southern Alps in the rain shadow area, a common place for a desert or semi-arid climate and landscape. On the eastern side of this intermontane basin the annual rainfall is only 280mm (11”), as a result of the west to east rain-shadow effect. Deserts are defined as areas with an average annual precipitation of less than 250mm (10”) per year, or as areas where more water is lost by evapotranspiration than falls as precipitation. So, parts of the basin are desert like and defined as semi-arid.

Subsequently, a key characteristic of these semi-arid ecosystems and landscapes is that they are fragile and in fine balance.
The role of tenure review in achieving the goal of protection in the Mackenzie

Tenure review while seen as the catalyst for the development of some pastoral lands in the Mackenzie has also protected significant areas of the intermontane basin since 1997, when the first tenure review was completed in the Basin\(^1\).

I believe tenure review was an excellent mechanism for protecting the high country, but it did not produce the desired outcomes for protecting ecological values because of the failure of LINZ, as the ultimate decisionmaker, to understand the importance of the natural values and view the potential outcomes on a regional basis rather than a property by property basis. Unfortunately, without it I see a dim future for moving land into a fully protected legal status and the ability to achieve a Drylands Park is going to be somewhat constrained without this tool. It could have been the right tool for achieving a contiguous and integrated area of protected lands within this intermontane region over the next decade, with wiser implementation.

I was part of the Shared Vision Forum, from 2012-13, which eventually led to the Mackenzie Agreement. In 2012-13 the area of protected lands\(^2\) within this area bounded by the 800m contour line was around 11,500ha, made up of about 20 separate blocks of land, but it only included three blocks larger than 1000ha\(^3\). Only one of these was the result of a tenure review outcome.\(^4\)

As of 2019 the lands that now have protected status or have been retained by the Crown below 800m within the intermontane basin total 24,000ha. This increase of approximately 12,500ha has more than doubled the protected lands below 800m in the basin and was largely achieved through tenure review.

It is disappointing to continue to read the rhetoric about the greening of the Mackenzie and how it can all be sheeted home to the failure of tenure review in the Mackenzie. This, in my opinion paints a very misleading picture for the Mackenzie. This is particularly the case with the classic aerial photo used to illustrate the greening of the Mackenzie just south of Twizel. The lands to the south of the Ohau River between Twizel and Omarama (which are the key focus of this photo), included zero pastoral leases. There was one Otago University lease property which went through a semi tenure review process which finished in 2002 and resulted in the development on the sides of the road including the dairy farm. Other than this property, every farm in this part of the basin was already freehold\(^5\) and not constrained by the CPLA, and only subject to a very permissive Waitaki District Plan. Most of this land has been irrigated or developed since the early 2000’s, but as outlined only includes one property that underwent tenure review.

To the south of Omarama there are three properties that are alongside SH8 that have been through tenure review. One of these has subsequently had significant modification of large areas, since tenure review was completed\(^6\).

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1 Pukaki Downs in 1997 under the Land Act 1948.
2 This was made up of both public conservation land and land protected by covenant.
3 1000ha could be considered a minimum size for a resilient ecological unit, in this semi-arid landscape.
4 Pukaki Flats Conservation Area
5 Freeholded either post WW1 or post WW2.
6 Killermont
To the north of Twizel there are ten properties within the viewshead of SH8 which have been through tenure review. Three of these properties have had significant modification since tenure review\(^7\). A further two have had modification resulting from the clearance of significant wilding tree infestations and conversion to green pasture\(^8\). The other five have had some modification but not above that to be expected when depleted tussock grasslands or semi-developed pasture lands are freeholded because they have low significant inherent values and the properties need to be able to develop “engine rooms” for producing feed or crops to make the farms economic units. Two of these properties, near Twizel have also developed small areas of lifestyle block subdivisions and a third has land earmarked for subdivision.

In another case the acquiring by the NZDF\(^9\) of 8300ha of the Braemar tenure review (supported by LINZ despite DOC advocacy to the contrary), was a travesty of the process in terms of the wider public good, including conservation and public access within the intermontane basin. This land included wetlands and red tussock lands and would have been the largest contiguous tract in the wider Mackenzie Basin of this ecological type within the PCL\(^10\). This land should have been PCL with a secondary purpose of use for defence purposes instead of being locked up permanently (with no public access), for defence purposes. In fact, the situation prior to tenure review when the land was pastoral lease provided better public access and effective protection as all the low and mid altitude lands were a SONS\(^11\).

In summary, in my opinion the decision to discontinue tenure review has been taken by viewing the process and outcomes through a narrow lens without seeing the bigger picture. It would appear little consideration was given to how it could be implemented in a different way to produce the desired Crown outcomes. It is unfortunately a generational opportunity that has been lost as a result of the Crown not acting in the best interests of the Crown.

Ironically, the interesting thing about all of this is that the one property with the highest level of modification to the north of Twizel, has only reached the “preliminary proposal” stage of tenure review, and all its modification has occurred under the discretionary consent system. Further to this, if the CPLA and Land Act had been used properly when the wilding tree problem was emerging on the two properties now highly modified as a result of wilding control then the problems should not have ever got to that level, and would not have resulted in the modification that is required now, post tenure review. This wilding tree infestation in what is called the “West Pukaki Zone” has now spread to over 10,584ha and is going to cost the Crown and others over $11m to undertake the removal of the trees\(^12\).

In my opinion, if the remaining pastoral lease lands with significant inherent values or high landscape values in the Mackenzie, are going to be protected by use of the Land Act and CPLA then there needs to be a paradigm shift in how the discretionary consents are managed and the enforcement of the “good husbandry” provisions in the Land Act are applied.

\(^7\) Simons Hill, Omahau Downs and Orchard Estate  
\(^8\) Pukaki Downs and Rhoborough Downs  
\(^9\) NZDF = New Zealand Defence Force  
\(^10\) PCL= Public conservation lands  
\(^11\) SONS= Site of Natural Significance  
\(^12\) Mackenzie Wilding Conifer Management Strategy, Te Manahuna Consulting, 2016.
Protecting land for the future

Protected areas in this intermontane landscape need to be of adequate size and have ecosystem connectivity in order to be sustainable, effective and resilient in a landscape of this size. Small areas mean a high edge to interior ratio, between the length of the boundary and the area being managed and the influences of the surrounding land use is magnified. Put simply, bigger is better for both landscape and ecological protection. Reserving or protecting “pocket handkerchiefs” will not provide a sustainable outcome. This principle will need to be applied when using the discretionary consent process for protecting significant inherent values.

Tenure review status within the Mackenzie region

There are twelve properties within the Mackenzie region that remain in the tenure review process now13.

Three of these are at the final substantive proposal phase and one of these contains land within the core intermontane area below 800/900m contour and considered to have potential for inclusion in a future Drylands Park.

Of the other nine properties (that are at earlier phases of tenure review), three are within the mid basin area and all have significant inherent values, which will protect these dryland intermontane lands. The other five straddle the edge of the 800/900m contour line but they also include areas with high landscape or ecological value.

If these twelve properties currently in the process proceed to completion, there will only be sixteen pastoral leases remaining which will be subject to future management as Crown pastoral leases within the wider Mackenzie Basin. Ten of these properties have land within the core intermontane area which is below the 800/900m contour.

With the proposed ceasing of any future tenure reviews the management of these ten properties within this core intermontane area under any future CPLA is of immense importance to dryland conservation and protection. Other than use of a more protection orientated discretionary consent process, the toolbox for producing sustainable and effective outcomes is limited with only property purchase or voluntary covenanting available within the current legislation.

Section 1: Managing the implications of ending tenure review

Protecting inherent values after tenure review is ended

There are several mechanisms that I support for protecting inherent values after tenure review ends:

- Ensuring a robust discretionary consent process, as suggested in the discussion document and commented on later in this submission.
- Ensuring all District Plans have appropriate and consistent rules to protect inherent values across the region.
- Supporting provisions in Regional Plans which protect inherent values14.
- Farm management plans.

13 LINZ tenure review status report
14 For instance, the Canterbury RPMS now has strong provisions for wilding tree management.
Using voluntary protective mechanisms like covenants or management agreements, which can be registered on the lease.

Partial or whole property purchase.

These mechanisms all have their own pros and cons, which I will not elaborate on here. However, the most significant barrier to achieving a higher level of protection like a covenant is having the appropriate incentives in place, such as rent rebates, rates relief or other ongoing support to maintain the values.

Likewise, the purchase of areas for protection requires funding at market value prices. To be a viable and realistic option there needs to be an adequate public fund that can achieve these outcomes. Without a dedicated fund with realistic resources, the proposal to end tenure review leaves such purchases at the whim of government or requires private funding. I would support the realistic resourcing of a dedicated high-country fund, within the Nature Heritage Fund to enable the purchase of appropriate high-country areas in the future.

Not only does the purchase have to be financed, the ongoing management costs of these protected lands must be resourced in an ongoing and sustainable manner. This has been a significant issue, in my opinion, since the restructuring of DOC in 2013. Up until that time the finances for maintaining these lands had been provided at an adequate level, but clearly the state of these lands is now showing signs of a declining or complete lack of investment. These intermontane basin lands are expensive to manage and maintain as they are prone to and affected by both plant and animal pests. Realistically, costs can be in the vicinity of $5-$20 per hectare per annum. That is up to $20,000 per 1000ha per annum. It is important to note that the cost of maintaining a pest like rabbits at a level which is going to ensure ecological systems are kept intact or restored requires a higher level of investment than that required for farming.

Enhancing access if tenure review is removed

Tenure review has resulted in many legal access easements in the Mackenzie region, which have provided both access to public land gained as part of tenure review or land that had previously been land locked following previous pastoral land retirement processes. These easements have also provided recreational opportunities in their own right. There are over 25 walking and mountain biking opportunities in the Te Manahuna / Twizel which feature in the DOC brochures and website, as well as the Alps 2 Ocean Cycle Trail which crosses several sections of PCL, gained as a result of tenure review.

Public access provides an opportunity for developing tourism which was one of the potential incentives and economic benefits of further land protection. It is the one aspect of tenure review which will seemingly be very difficult, to achieve without that process or some alternative incentives.

In fact, this seems a step back in time to pre-1998 when lands that had been retired in the high country under catchment board retirement schemes and became PCL had no legal public access.

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15 The Dusky Trail is an example of this type of opportunity.
Section 2: Articulating outcomes for the stewardship of Crown pastoral land

Proposed outcomes for Crown pastoral land

I support the concept of the proposed outcomes as a focus of management of pastoral lease lands in the future. Once these outcomes are developed further, they will if implemented transparently and honestly result in better outcomes for these lands than what has historically been the case.

While the discussion document is focused on the failure of tenure review to deliver its intended objectives, there have been many suboptimal outcomes with discretionary consent management in Mackenzie region in the past 30 years. This occurred both prior to the CPLA Act and after its enactment. These failures have also resulted in significant losses of ecological and landscape values.

These losses have included wetlands, endangered plant sites and glacial landscapes, both on a small and larger scale. Specific examples include the destruction of spring annual habitats, removal of glacial erratics and intact tussock vegetation and the draining and cultivation of wetlands. This occurred despite all these significant inherent values being advocated for by the Crown’s conservation advocate the Department of Conservation. In one case when a review was requested LINZ claimed that they could not understand the map that the Department had provided, despite it being produced from the DOC GIS mapping system. As a result, a spring annual habitat was destroyed. This in my opinion, demonstrated complete lack of professionalism especially when LINZ is the Crown organisation responsible for surveying and mapping.

I believe the proposal to use the term “natural capital” to describe the values that need to be managed and sustained does reflect the complexity of what is at stake. On review, its definition is very similar to “ecological sustainability”, so it does not really move the focus of what the outcomes should be to a new paradigm. It still seems centered on “the benefit to society”, rather than the inherent values that need to be focused on in managing the non-pastoral aspects of these lands. The term “capital” also has connotations of something that can be exploited.

I would suggest using a more appropriate term such as those used in the current CPLA and RMA like “significant inherent values”, “environmental values’ or “natural and agricultural values”.

The Crown as a shared steward of the land

I agree that the Crown cannot achieve its desired outcomes for this land on its own. The discussion paper highlights four groups of stakeholders who have an important part to play in the management of these lands. However, the statement appears to undervalue the role that District and Regional Councils, and the Department of Conservation have in the managing these lands. In fact, they all have legal responsibilities and should be featuring as very significant stakeholders. For instance, the District Council and their District Plans are a significant tool for managing development and protection of these lands. Regional Councils have a significant role in plant and pest management and regulation. The discretionary
consent process needs to parallel the rules in these sorts of statutory documents and processes and provide a seamless consenting process.

Section 3: Ensuring decision making is accountable and transparent

Enhancing accountability
I support the proposal to improve the accountability of the CPLA system and the suggestion that there should be public consultation around the statement of performance expectations. However, this statement needs to be provided in a form that can be understood by all the stakeholders, and not framed in official and bureaucratic language, so that such public consultation can be meaningful.

Historically, one of the key aspects of the Commissioner of Crown Lands (CCL) role is to balance the advice about the effects of any proposed action under a discretionary consent against the environmental and heritage values at risk. In order to improve this accountability and the nature of any performance statement the CCL needs to seek and implement advice about these values from an appropriate source. If this new level of accountability is going to be effective in producing better outcomes, then this input needs to be also undertaken at this early phase as part of developing this performance statement.

Enhancing transparency
I support the proposal to enhance the transparency of the process, so that leaseholders and other interested parties understand the process, the decisions and the rationale for the decisions.

Section 4: Making decisions that give effect to the outcomes

Issues with the discretionary consent process
There have historically been issues with the discretionary consent process (as outlined in the paper), which have resulted in decisions not really reflecting the advice provided to the CCL on the values at risk.

As noted in the discussion document, the Commissioner of Crown Lands, has a broad degree of discretion now given the CCL only has to “take into account” the criteria set out in section 18 of the CPLA. In my experience, some of the past decisions could be described as barely even considering the criteria and at worst completely disregarding them. This needs to change significantly if this process is going to have any credibility in the future and ensure that the remaining “significant inherent values” are not degraded or lost.

Ensuring decisions on discretionary consents reflect proposed outcomes
I support the proposal that the CCL must give effect to a set of outcomes in any discretionary consent decision. However, such decisions require some knowledge by the decision maker of both the pastoral and environmental values so that a balanced decision can be made based on the advice received from various parties. Understanding and interpreting such advice requires the decision maker to have a good knowledge of both the economic, pastoral and other environmental values.

16 Such as the Director-General of Conservation.
Requiring the CCL to obtain expert advice and consult as necessary on discretionary consent decisions

The CCL needs to seek information on the impacts of the proposed activities from the appropriate expert and consider such information in terms of the desired outcomes so that a robust and defendable decision can be made.

However, wider confidence in the decision maker to make a balanced decision is just as important as obtaining robust expert advice.

While, some discretionary consents are likely to be straightforward, others are much more complex, and I would suggest the CCL be able to refer the consent to a panel with appropriate representation to enable professional peer review and subsequent sound and well-balanced decision making. This would potentially be a more robust and more efficient process for complex decisions rather than undertaking involved and time-consuming public consultation.

Section 5: Improving system information, performance and monitoring

Improving monitoring and reporting

I support the proposal to have more regular and comprehensive monitoring and inspection of pastoral leases, so that future management can be based on sound and current information.

This would ideally require a more active day to day role in monitoring and managing these lands. Consideration should be given to resourcing this activity in a way that provides better continuity over time and improves the local relationships with both the leasees and other management agencies which need to be closely involved in these decisions about these remaining pastoral lands, such as the Department of Conservation.

Submitter:

[Redacted]