That the Commissioner MUST remain independent from the Minister of Crown lands.
That Lessee's must still be able to maintain improvements made to their leases and be granted the relevant discretionary consents to do so without cost to the Lessee's

That our contract is with the Crown and that the Crown should not be unduly influenced on decision making on CPL by outside interests.

Lessee's already have to adhere to the regulations of the RMA even after getting discretionary consents from LINZ.

That referring to the Mackenzie Basin as over development of CPL is incorrect and that much of the development is on freehold land after tenure review and done under the RMA and rules of ECAN and district council.
[The tenure review process has been stopped as a rather knee jerk reaction as a result of certain lobby groups articulating their wishes with incorrect information not based on the facts. The process enabled the crown through negotiation with the leasee to secure access and return 330,000ha back into full crown ownership with huge benefits to the public of NZ. This will only be realised if the crown implements a realistic management plan to ensure biodiversity does not decrease and weeds are controlled and public access is encouraged. I mention this as our Northern neighbour Mt Aurum was one of the early reviews of tenure almost 40 years ago and it suffers from all of the above and at a considerable cost to the crown. I feel strongly that the crowns management of the high country leaves a lot to be desired and to suggest enduring partnership going forward is bizarre and hypocritical. They should get all the land under DOC management in a sustainable situation before they want more land and tell us how to manage the land under the current pastoral lease system. If it’s not broke don’t try and fix a system that is working]
Q1

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

The inherent values of the lease are well protected under our regional and district plans. These plans are becoming more and more restrictive by the day so we are becoming increasingly limited with any development. Additional to this is our (lessee) desire to protect inherent values of our individual properties (which has not been recognised at all in this consultation). We want to see significant values protected and enhanced. Our family have farmed this lease for over 100 years and we are proactive in looking after the valued areas of the land within our pastoral practices.

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

Retain tenure review but it needs a huge improvement in the efficiency of the process. Also work along side lessees to achieve goals in protection of SIV's. You are greatly underestimating the desire and passion of lessees to look after their land and protect it for generations to come. This is the view of the majority.

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

Tenure Review must remain. We have been in the process for over 16 years with a huge investent of time and resources. Out of respect for lessees this process must continue, particularly for those who are currently in the process and are actively trying to get a good result for all involved.

Q2

2a. Do you agree with the proposed outcomes? No

Please comment

To place the value of pastoral farming below that of conservation values is not in line with the agreement of our pastoral lease. Pastoral farming is vital to our communities and economy and recognition has to be given to this. Pastoral farming also creates a tool for weed and pest control of these vast landscapes which is also critical.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing? We believe there is not enough detail at this stage from the Crown.

2c. Do you agree with the use of “natural capital” rather than “ecological sustainability” in the proposed outcomes? No

Please comment

the term 'natural capital' is harder to define than ecological sustainability. The terminology does not need to be changed.

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? No changes need to be made.

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

We are intinsically linked with this land through decades of stewardship and a deep ingrained passion to take care of it. We are guardians of this land for generations to come. We are proud lessees of this land. It is our home. It is where we raise our children. It is how we generate an income. It throws the most ultimate overwhelming challenges at times such as metres of snowfall, or months of drought but we remain steady in our love of this land and it's beauty. We are fully committed to caring for this land.
2f. What does enduring stewardship mean to you? 
Enduring stewardship for us means we are secure in the knowledge that we can treat this land as if we own it, by fully committing ourselves and all our energies into looking after it.

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 
Yes but without public consultation and without political influence. Just simply what is best for the land and those taking care of it.
3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system? No 
Please comment 
We do not see the need for further regulation of Pastoral land. Regional and district plans are restrictive enough.
3c. What other mechanisms could be used to improve accountability? Reporting and teamwork.
3d. Which mechanisms do you think would be most effective in improving accountability?
3e. Do you think there are any problems with the proposed change?

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 
This is required to ensure clarity on a lease by lease basis - no 'one rule fits all' as each lease is unique.
4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?
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? 
we would not like to see any of these proposed changes erode the rights of leaseholders.

Q5

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions? Unsure 
Please comment Depends on outcomes surely.
5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?
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? That development that allows for protection of SIV's should be approved.

Q6

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions? Unsure
   Please comment
   We would hope that LINZ would have the necessary expertise required to keep the consent process efficient.
6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?
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.

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
   It should be a free process as we are taking care of Crown land. Regulatory costs are growing daily and we would prefer to put these funds into taking care of and protecting the land.
7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.
   Looking after this land is increasingly expensive. Doesn't the Crown want us to spend money taking care of the land rather than spending it on regulation??

Q8

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

Q9

9a. Do you have any feedback on the preliminary analysis in section 6?
9b. Are there any other comments you’d like to include in this submission?
[The 1948 Land Act and the 1998 CPL Act, by giving security of tenure for pastoral farming, is the reason today New Zealand has retained significant areas of high country in pristine condition with high environmental values. There is no valid or logical reason to be moving away from the existing legislation. The challenge is to fully resource LINZ to fulfil its regulatory function as lessor's representative. A critical omission of the lessor over the last 10-15 years has been to divert human and financial resources away from having meaningful field representatives on the ground being diverted to Tenure Review. Tenure Review was never suited to all Pastoral Leases as has been confirmed by the uptake over the 20 years of its existence.]
Q1

1a. What are your views on how significant natural values should be protected once tenure review is ended?
Regional and District plans already exist under the RMA to provide protection.

The lease contract gives the right to farm the entire leased area and any changes to the contracted lease for further protections must be negotiated between the Crown and lessee on a case by case basis. Natural values are already protected within the current system.

There are no other parties other than the Crown and the Lessee in the contract in a PL.

Other mentioned parties have NO Stake in the PL and it wrong and misleading for the Minister to bow to outside pressure from these noisy wannabes.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?
As above, mechanisms already exist and have been managed well in the context of the lease contract between Crown and Lessees.
No change necessary.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?
Yes, TR should remain a mechanism for future tenure options should there be a change in circumstances for a Lessee or the Crown.
Twenty years is not a long time in the scheme of things and the Crown, has, in the TR process gained significant areas of the South Island which it has yet to prove it has the funds and will, to manage to the betterment of those lands in the long term.

What is proposed for the lessees not in TR and how the Crown wishes to treat them is not clear, other than increased interference by Crown and others to the rights a Lessee has in their Contract with the Crown.

Do not end Tenure Review.

Q2

2a. Do you agree with the proposed outcomes? No
Please comment
Ending TR will have greater impacts on Lessees, their businesses, families, land and wider community.
The impacts of increasing tourism and other users, are affecting biodiversity and environmental incursions to scenic and high country in popular places, eg. Queenstown and Southern lakes areas, and the Crown appears unwilling to deal with the situations.

Increased footprints, tyres, and boats, etc all detract from the principal objective which is the Lease lands that are managed by the Lessees and the Crown in an agreeable and agreed partnership.

The Minister quotes a Mount Cook partnered scheme which is operating to help bio diversity and environment, but the same outcomes are possible and viable within the existing
agreement between the Crown and Lease holder in a PL.

Fundamentally changing the Lease between Crown and Lessee makes the lessee subservient to the wishes and whims of whichever outside other interested party makes the biggest noise, and the political whims and wishes of a Minister of the day, All at odds with the original agreement within the Lease.

Changing the use of the term Natural Capital to Ecological sustainability, is simply inserting a new term with greater challenges to definitions and outcomes.

A fair financial return to the Crown is already in place under the Crown Pastoral land Act, which in Law is a fair rent to the Lessees NOT the Crown.

This is recognised with the costs of weed, pest and other land management costs which would otherwise be borne by the Crown should the land be not grazed, as well as the overall economic benefit to the Crown, and New Zealand which is delivered by the Lessee.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?
Insufficient details as to how the Crown will fund its increased Stewardship of the lands

Wannabe and interested parties of Crown Lands generally do not want to pay, rather expecting all Taxpayers to pay. Not a fair outcome when a lot of taxpayers have not and never will visit the high lands that are in Pastoral leases.

It is clear the proposed changes are for Treaty Swaps, Parks, Reserves and there will be no economic use of the lands and generated income to NZ wealth.

Missing at present is a good faith attitude by the current Minister and Govt towards the contract between the Crown and Pastoral leaseholders.

2c. Do you agree with the use of “natural capital” rather than ”ecological sustainability” in the proposed outcomes? No
Please comment See above

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 already fulfils its obligations currently and there do not appear to be other known problems at present.

2e. What are the qualities and features of Crown pastoral land that you value the most?
Pastoral Lessees VALUE their Pastoral leases and the benefits to both Lessee and the Crown. They VALUE their quiet enjoyment and rights contained in their Lease. They VALUE them so much they have PAID for the Lease and PAY rent to the Crown. They farm their leased lands according to the Lease conditions, ridding the lands of weeds and pest animals and they have an ENDURING CONTRACT with the CROWN.

Pastoral leases in place and constructively working for more than 165 years, are part of the cultural fabric of NZ and as such play a significant role in the international reputation and image of our country.
The primary products, such as wool, meat and small tourist enterprises are built off the back of the High Country Farmer.
These benefits MUST NOT be eroded by interfering with the contractual and existing rights
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of the Lessee.

Current public perception is that land freeholded under Tenure Review has been a ’bad deal’ for the public/Crown.

It must be remembered that All Tenure Reviews were a negotiated and agreed process over a long period where lessees surrendered Perpetual land rights in exchange for Freehold.

Remaining Lessees must not be viewed as poor tenants or stewards of the land in their Leases. THEY ARE NOT!

Overbearing interference by the Minister and others, who wish to side line the powers currently with the Commissioner of Crown Lands smacks of Arbitrary Powers, New Zealand citizens abhor.

Lease holders VALUE their scenic home areas, in fact the landscapes, scenery and other values are by and large better now than in the past due to the efforts of the Lessees and some other parties to be rid of pests etc, and though much work is still ahead of them Nature is a hard and difficult task master.

We have to work with Nature not against it and it takes many years to achieve results and that is why the PL system has been so successful.

Many of the pests, and other problems in the high country have been introduced by previous generations.

It is this generation that has succeeded in greater measure due to better management and tools, to deal with the incursions, however the potential for further problems exist and PL holders have proven they manage these well.

Do not forget river water Rock Snot, and Giardia two of many more, were introduced by Scientists and Visitors and we still live with those consequences.

2f. What does enduring stewardship mean to you?

ENDURING STEWARDSHIP is just that.

ENDURING for a very long time to maintain the STEWARDSHIP which is the love of, care of, to the best possible, the lands passing along to next generations and the future, so that the lands continue to produce and be maintained as a healthy and beneficial gift for those to come.

The contract between Crown and Lessee must continue to be the foundation that both parties work agreeably with each other. Individual properties have the ability to establish with consent from the Crown for Partnerships with other entities and this should not change.

The term `Stake holder` is used extensively and wrongly throughout the Document.

The only stake holders in this discussion are the Crown LINZ, and the Lessee.

All others are interested parties only with NO stake or skin in the game. We believe we are the only country in the World where lessees buy the Lease and pay rent.

Other interested parties have the same opportunities as the lease holders to purchase the leases and become real stake holders if they are approved by the Commissioner as Lessees.
are in their contract with the Crown.

The Enduring contract in place for the stewardship of the land between Lessee and the Crown is controlled by consent processes and existing Legislation.

The good neighbour role between Lessees and the Crown, and other entities has been fraught and a concerning aspect over many years with property rights infringements, by poaching, tourists, bikers, walkers, mountaineers, leaving rubbish and more, and weeds, pests and other incursions from over the fence not being sufficiently dealt with by the Crown and public investment.

The pleasure seekers should have to fund their expectations, currently they do not.

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
The Commissioner has existing powers in Legislation to report to the Minister on performances and expectations and without public consultations.
If the Minister is to approve, that the Commissioner is to develop a regular statement approved by the Minister, this is a direct and personal political control over the Commissioner and is against all the principals of our Democracy and MUST NOT HAPPEN!!
3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system? No
Please comment
Mechanisms are in place that are proven now to be sustainable for both the Crown and Lessees

Much of what is proposed in the document will upset current practises and contracts, and create disruption and overbearing interference to Lessees.

Adding extra layers through district local bodies, boards, NGOs and RMA etc, not necessary for the protection of the lands, or their environs.

Question? Does the Minister and Crown expect their Tenants in Public housing in our cities and towns, to be fettered with the same Public interest and have extra accountability systems above and beyond existing contracts??
3c. What other mechanisms could be used to improve accountability?
There may be a case for alignment of processes under the RMA and the CPLA, in so far as agreed farm plans with the Commissioner may provide such a mechanism.

However consents for discretionary actions cannot be with held where to do so undermines the fundamental contract and objective of Pastoral Farming.
3d. Which mechanisms do you think would be most effective in improving accountability?
See above
3e. Do you think there are any problems with the proposed change?
Yes, too many other interested parties who wish to control the use of the high country, scenic landscapes and our farming in general.
The Commissioner of Crown Lands is an Independent Statutory Officer and MUST be able to work within the laws of the Land Act and the CPLA.

Ministerial interference from whatever the Government of the day is, is clearly not to be tolerated nor should it happen in a democratic society such as ours. It is not the fault of the runholders who entered and completed Tenure Review that market forces and agreed outcomes with the Crown saw so called ’eye watering’ monies being paid by the Crown. That is Democracy working.

Land intensification is seen as a blot on the landscape after TR. That is rubbish. Look at our beautiful cities, and harbours, the landscapes are blighted with houses, more houses, buildings and facilities that detract from the beauty of the Harbour, and Auckland and Wellington classic examples. People, have developed these eyesores to a far greater extent than farmers/Lessees, who produce the food and commodities our nation needs for export and GDP. So city and large town dwellers, take control of your landscapes, stop the rampant spread over food producing lands and leave the high country to those who care for and love their lands more than you do !

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

If this is efficient and therefore cost effective, and that will provide clear guidance that is flexible and remains accountable and aware of the diversity and circumstances of each pastoral lease. Since no two leases are the same the CCL needs to be able to make decisions on a case by case basis without undue pressure from a minister or others.

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

As above . transparency exists .

Must not cost the lease holder for others to have their say, nor for outside issues of the lease proposals, that will encumber the PL holder in their normal farming practice, as agreed with the CCL.

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 already stated, Lease holders and the Crown have an enduring contract and the rest are peripheral to that.

It is time for the other wannabe interested parties to recognise these enduring rights and respect them.

Just as those with free hold rights expect their property rights to be respected, Pastoral leases and their owners the Lessees should expect the same from all others and the Government.

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? See above
4g. Do you think there are any problems with the proposed change? Yes if the changes are unfair and impinge upon the rights of the PL Lessees.

**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
This depends entirely on the outcomes and what is agreed

Proposed outcomes may have a detrimental effect upon the contract between Crown and leaseholder and the ability of the Lessee to continue with farming and grazing the lands.

NO, the CCL should not be required to give effect to proposed outcomes in any discretionary consent decisions for the reasons above.
5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?
As an example of how skewed the approach in this question is we note the following, "The intensified activity on this Landscape has added to public concern about the loss of biodiversity and landscape in the high Country. We then note a report, in 2018, regarding the McKenzie basin titled, Opportunities for Alignment, that identified stakeholder concerns that tenure review could be compromising conservation and biodiversity values"

COULD BE !! HOW AIRY FAIRY IS THAT !!

It is not a PROVEN fact, yet this is the sort of RUBBISH that is expounded to put a case. A case of poor decisions based on no evidence and imposed for no proven reasons.
5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?
A more balanced view towards the Lessee and his Lease Agreement with the Crown.
5d. What specific matters should be considered when deciding whether to approve an application?
That will be between the CCL and Lessee.

Lessees should not incur the costs of any consultation process embarked upon by the Commissioner

**Q6**

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions? Yes
 Please comment
In some circumstances there may be a need for the CCL to seek expert advice outside the resources of LINZ, for a reasonable decision to be made as he/she is bound to do so. If it is necessary.
Most consent applications are not ones requiring special expert analysis, and if deemed
necessary, usually cause delay and expense that hinders the 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?
There is a huge differential between expert advice and public say on impacts and therefore consents MUST NOT be subject to public consultation.

If the Crown has sufficient resources to fund expertise and the application of regional and district plans and RMA etc are triggered there would be no further need for public input to a consent 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.
The CCL IS the most appropriate decision maker for matters regarding Crown lands and Crown pastoral lands

Being an independent statutory officer he/she is deemed to be an impartial officer dealing with the law that is instigated by Parliament and therefore should be above political and public interference.

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
In principle a reasonable charge for processing discretionary consents is accepted however LINZ is known for long delays in consent applications and these delays imply high levels of avoidable costs which Lessees should not have to accept.
Duplication between Crown and other Authorities should not be passed on to Lessees. Nor any costs incurred by the Commissioner during the process.

Levels of fees should be fair and encourage the culture of compliance and co stewardship
7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.
Costs that are prohibitive and unduly unfair
With an existing contract between Crown and Lessee consents for normal farming practises should not incur any costs at all such as a fence line, realigning a track, due to a slip, and stock limitation assessments.

Major consent proposals, with fees, such as a ski field, would expect a fair hearing by the Lessee to the CCL, and any advisory assistance sought by the Lessee to be managed between the CCL and the Lessee, on a case by case basis.

Q8

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework? No
Please comment
The Commissioner has many tools to use when it comes to monitoring PLs and if there are breaches of the contract, has the ability and penalties to deal with them.

8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood?
Access easements are already available through the land Act. Not necessary to add further. Other requirements for the protection of Pastoral lands are enshrined in existing law.

Much of the aspirations alluded to in the document are already covered in existing laws and the intention to add further layers in order to protect enhance and give greater public use of pastoral lands is a contradiction in fact and reality.

8c. What information do you think is most valuable to understand system performance?
The system performance as it stands works very well for the Crown and Lessees.

Greater public say is not beneficial to either the Crown, Lessees or the lands in question.

The greater use advocates, do not understand how the high country works. They see it as their playground and it is NOT.

It is a harsh and sometimes unforgiving place to live and work and the community of Pastoral Lessees are the only committed tenants with their ENDURING contracts with the Crown.

Our Pastoral lands are treasured, farmed wisely and well by the only two parties who are the real stakeholders, Crown and Pastoral Lessees.

Q9

9a. Do you have any feedback on the preliminary analysis in section 6?
Our statements in this submission are critical of the analysis and perceived outcomes that appear to be heavily loaded against the status quo.

Too much is based on unproven perceptions and theories by the Minister and those wishing to upset the contractual arrangements between the Crown Commissioner and Lessees. We do not agree that ending Tenure Review will deliver better outcomes for the Pastoral lands as the Minister has stated.

9b. Are there any other comments you’d like to include in this submission?
The Crown gets a fair financial return paid by the lessees for their Leases. There is no plan to ask the same from other wannabe interested parties who clearly do not want to pay a cent for their perceived rights to the pastoral lands.
The wannabes and other interested parties in this debate have had the same opportunities to purchase the pastoral lease AND to be vetted as to their suitability as lessees by the Commissioner.

AND, it must be said, the best lessees are those in possession of their Contracts with the Crown.

Where there are projects to save so called endangered species of flora and fauna, the public will be excluded and for a very long time in most cases so they will be no better off than the lease holder who has to farm around these situations.

Increasing population, and demands, is having a severe impact upon the quiet enjoyment and
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use of Pastoral lease lands the lessees have to endure, and this is being driven by this government and policies which in effect will have a disastrous outcome for our nation in the end.

The many views from all the wannabe stakeholders, who do not live and work in the high country and pastoral lands, show how disparate and egregious they are.

Molesworth is a classic example of how public access has ruined the landscape values with signage, shelters and DoC presence, as litter and unnatural. It is now a managed Govt show and the resources to assist the maintenance of the public roads to access it are poor, yet the wear and tear has to be paid for by ratepayers, nearby.

If and whenever Pastoral leases are sold it is then an opportunity for others to buy them and they should expect to pay for them in a market of a willing seller willing buyer situation.
In addition to supporting the High Country Accord’s submission, we feel that the “Discussion Document” completely ignores the welfare of high country families. As parties to a contractual agreement with the Crown, we have understood that both parties would always act in good faith. The “Discussion Document” seems to imply that the nature of the contractual relationship is “up for grabs” and can be changed on a political whim. Pastoral lessee families have long understood the importance of New Zealand’s high country heritage and the need to preserve these fragile lands for future generations.

These high country areas are our homes, our history and our workplaces. They are rugged, beautiful and diverse but they are not easy places to live and to survive in. Lessees understood that their contract with the Crown was an instrument to hold dear and their continued on-farm investment has reflected this.

Officials need to understand that individual families face considerable stress when confronted with a constant barrage of ill-informed comment on the nature of their high country tenure. The submission from the High Country Accord clearly outlines the historical context of pastoral leases and lessees rights to pastoral farming. Positive and timely engagement with lessees is likely to create far better outcomes for the land, farming families and communities.

We therefore welcome (and urge) officials to work with families in a positive and supportive manner in the spirit of the contractual relationship.
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.

Publishing and releasing submissions

LINZ is bound by the Privacy Act 1993. Any personal information, including your name and address, which you supply to us in the course of making a submission or providing a point of view, will be used by LINZ only in conjunction with the purpose of collecting the submissions.

All or part of any written submission (including names of submitters) may be published on the Land Information New Zealand website www.linz.govt.nz. When you make your submission, you consent to your personal information being published, unless you tell us otherwise. If you do not want your personal information published, please tell us when you make your submission.
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

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<tr>
<th>Name</th>
<th>Phone</th>
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Submission type*

☒ Individual

☐ NGO

☐ Local government

☐ Business / Industry

☐ Central government

☐ Iwi

☒ Other (please specify)

Leaseholder

* 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 provisions of local district and regional plans should provide adequate protection. The problem LINZ are attempting to address is actually a failure of local government and the plans put in place. For continuity and completeness in protecting natural values in an area, it shouldn’t matter whether the property is freehold or leasehold.

It is important to recognize that many of these values exist because of (or in spite of) 150 years of stewardship and grazing by the leaseholder and the current regulatory regime. The fact that more of these values exist on leasehold land is testament to the current process working as intended.

Without the tradeoff of tenure, any compensation to leaseholders for surrendering existing use rights or portions of their lease, will be very costly to the Crown.

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

No – it is a contractual relationship between the Crown and leaseholder and to alter the underpinning contract would be a violation of this partnership.

As previously stated, the Crown should appreciate that district and regional plans cover all forms of tenure and could provide protection if they were developed and implemented to a higher standard. I would submit a loftier goal for the Minister (as associate Minister for the Environment) would be to enact legislation to protect significant natural values on ALL land regardless of tenure instead of disproportionately targeting pastoral lessees.

The Natural Heritage Fund could be used to purchase parts of leases, but this would be very costly given the exchange of tenure has been ruled out. The Minister has not indicated whether the Funds budget will be increased to facilitate this.

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

I think it very unfortunate and unfair that the Minister did not conduct a review of the tenure review (TR) process and justify its termination in the interests of transparency and trust. In concept, TR was sound but in my opinion, it was its implementation and interpretation by the Commissioner that has caused public mistrust and apprehension about the process and some unwelcome outcomes. I find it disingenuous of the Minister that she has failed to acknowledge that only marginally less land has been added to the conservation estate (47%) through TR than freeheld (53%) and the substantial public benefits this has conferred. It is a shame the public will not see further conservation areas created through TR and the access and conservation protection this provided. In our local area, with the ending of TR, there is little chance Federated Mountain Club’s Remarkables National Park
proposal will come to fruition, meaning reduced protection of landscapes and ecological values and public access than what could have been achieved.

I believe all properties in TR (and not just those at the substantive proposal stage) should be given an opportunity to complete TR within a reasonable timeframe (say 3 years) with an adequate level of resourcing given to LINZ to help facilitate this.

LINZ could have talked to/surveyed lessees and other stakeholders about their TR intentions and concerns prior to ceasing TR to ascertain if the process could have been saved.

The Minister needs to consider the human impact her decisions on ending TR. I am the 3rd generation looking after this land and had hoped to encourage my children to follow after me. The uncertainty, lack of respect and trust the Minister and LINZ have shown to leaseholders to date does not fill me with confidence that a mutually beneficial partnership will develop. I am questioning whether continued investment to enhance this land is warranted and whether inflicting this uncertainty, distrust and heartbreak on the next generation is fair. A substantial part of my family’s identity and purpose is tied up with Lorne Peak, and it is gut wrenching to realize this could all be compromised and lost with the changes proposed.

Substantial compensation would be required to encourage leaseholders to surrender existing use rights to allow covenants created. The imposition of covenants would have to be voluntary for the leaseholder’s part so that the underpinning contract was not impinged upon.

The lessee is entitled to the right of exclusive possession and quiet enjoyment of the alienated lands – any attempt to impose access easements without lessee consent using the Land Act would be a breach of faith and contract, and would undermine creating an enduring partnership between the Crown and lessee that the Minister has talked of.

Question 2:

2a. Do you agree with the proposed outcomes?

☐ Yes ☒ No ☐ Unsure

Please comment

The proposed outcomes substantially alter the nature and terms of the lease by making pasturage a secondary consideration to conservation values.

I believe it would be wise for the Minister and LINZ to re-visit what the 1948 Land Act tried to fix – that without surety and security of tenure, leaseholders had little incentive to invest and look after the land.

From previous decisions, leaseholders have reasonable expectations of what is considered acceptable/permissible by the Commissioner when submitting discretionary consents – the proposed outcomes represent a complete reset of these rules.
The reference to the Crown obtaining a “fair financial return” is mischievous and misleading, as the Crown has already alienated a substantial portion or property rights associated with this land to the leaseholder and therefore the Crown’s interest in a Lease is very small. The provisions of the 1948 Land Act and later clarified in the CPLA 2012, ensured the concept of a fair rent is to the lessee – not the lessor, thus giving the lessee some protect against the possibility of rents/charges being increased unilaterally and being forced off the lease through financial hardship.

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

I believe the proposed outcomes have gone too far – the lease is a contract between two parties and it is difficult to see what constructive role ‘broader stakeholders’ have to play.

Something missing is how the Crown is going to contribute as a co-steward of the land – part of this would be recognizing lessee’s past stewardship and their financial cost of weed & pest control (largely in the absence of the Crown) and not charging them a disproportionate amount which would compromise lessees ability to be a good co-steward.

The proposed outcomes talk about natural landscapes, indigenous biodiversity and cultural and heritage values – there is no acknowledgement in that statement of the role farming and leaseholder families have played in the history and stewardship of this land to date.

With no definition of ‘natural capital’ it is difficult to determine what maintaining and enhancing it may look like – why the departure from a generally accepted term of ecological sustainability? Requiring the enhancement of natural capital is a substantial departure from the underlying terms of the lease and is contrary to comments in the document under 4.3 of ‘...not result in an overall reduction of the natural capital of the land.’ This infers some existing use rights and current consents may be wound back under the proposed changes – this creates a lot of uncertainty for lessees. It also implies that lessees may not be allowed to maintain existing permitted improvements which would greatly impinge on their ability to generate a living of the land.

There is very little recognition in the proposed outcomes that the Crown leases this land for pastoral farming – hence the name Pastoral land or pastoral leases – they are not conservation lands or leases and giving precedence to conservation outcomes undermines the very nature of the lease. An additional outcome needs to be added allowing the leaseholder to continue sustainably farming the lease within generally accepted best farm practices.

In footnote (22) I note that that ‘...the government is not currently proposing any changes to how rents are calculated...’ This would indicate that the government and current Minister are not ruling out at some future date increasing rents and forcing leaseholders off their leases.

I believe the proposed outcomes have been based on misinterpreted data and a misconstrued context. On pg. 13/14 of the discussion document under ‘the changing context for Crown Pastoral Land’ it is stated that the economics of pastoral farming have changed and that the stocking rate has increased by approximately 30%. This comment concerned me, so I approached Beef+Lamb NZ for comment and received the following response:

"At the bottom of page 13, under 'The changing context for Crown pastoral land', the statement is made that "pastoral farming ...is becoming more intensive" and it is supported by reference to using B+LNZ Economic Service data. Though
mathematically correct, i.e. by adopting the industry convention of dividing the number of stock units on hand at balance date by the effective area - the presentation in the consultation document overlooks important context about changes in effective area.

A stocking rate of 1.3 SU/ha is not high by industry standards, but reflects the natural capital of the high country. The magnitude of the change, i.e. "30 per cent over the past 10 years", rather overlooks that the low absolute stocking rate reflects the nature of the land, and that the effective area has declined as a result of tenure review and the closing up of CPL land to the DOC estate.

Over the same period, the average effective area of Farm Class 1 farms in the Sheep and Beef Farm Survey has declined by 10 per cent – from just under 8,900 ha to just under 8,000 ha (see [the same reference used in the LINZ document]). Farm Class 1 farms operate on diverse landscapes. As discussed later in the document, "leaseholders ...have a strong connection to [the land]". Farmers understand the productive capacity of the different landscapes, so the apparent increase in average stocking rate understates this relationship and how farmers manage the land.”

Given that the least productive areas (i.e. lowest carrying rate) have been removed from some class 1 farms via tenure review, it would be anticipated that the average stocking rate over the land remaining would increase.

Given on-farm inflation over the last 10 years has been 12% (source B+L NZ), a rational response by farmers has been to become more productive – which has partly involved slightly higher stocking rates.

The document portrays an increase in stocking rate as ‘bad’ environmentally – this ignores the many technological advancements made, deeper farmer understanding of their environment and mitigating actions/farm practices taken to limit any detrimental effect.

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

☐ Yes ☒ No ☐ Unsure

Please comment

The ambiguity around ‘ecological sustainability’ could be solved by inserting a simple definition, which shouldn't be too difficult given that ‘ecological sustainability’ is reasonable self-explanatory and currently widely used. ‘Natural Capital’ is even more vague and subject to interpretation that the term it is intended to replace.

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?

LINZ have not adequately identified any problems with the current situation and therefore I consider no change is needed.

Leasehold land is subject to the rules and regulations of regional and district councils which give regard to Treaty of Waitangi principles - therefore extra provision on Crown pastoral land is unwarranted.
2e. What are the qualities and features of Crown pastoral land that you value the most?

The history, connection and stewardship of the leaseholders that has maintained stunning vistas, created iconic stories, provided reasonable access and preserved ecological values alongside productive farming.

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 is something leaseholders are well versed at – we’ve been practicing it for a long time, our livelihoods and ability to pass a property onto the next generation depend on it. It means understanding and looking after the land - leaving it in a better state for the next generation to enjoy and cherish.

The Crown has relied historically on leaseholders to provide stewardship for these lands and is only now realizing it has a role to play. The Crown needs to empower and work alongside lessees - not subjugate their responsibilities to ‘other stakeholders’. The lease is between two parties and it is up to both to be co-stewards.

The Crown would be advised to demonstrate what good stewardship looks like on the land already added to the DOC estate (along with LINZ land/riverbeds) before inferring leaseholders are interested only in production/profit – the sustainability of our property forms a core part of my family’s identity.

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

Partially agree – yes, the Commissioner should develop a statement of performance expectations so that the Crown, leaseholders and other stakeholders can develop a reasonable expectation of outcomes, but I also believe that it is essential that the Commissioner remains independent of political direction and that requiring Ministerial approval undermines this. The prevailing legislation should inform the Commissioners position – not Ministerial whims or public perception. It may be useful to limit the time a Commissioner can occupy the position (say 8 years) so that a fresh perspective is brought to bear periodically.

3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system?
If an effective and communicative Commissioner been in place for the last 20 years, many of these problems wouldn’t have arisen. Again – the process isn’t flawed, it’s how it has been implemented and interpreted. Accountability is already present in the system – it just hasn’t been enforced.

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?

Would be good if duplication between LINZ and regional council requirements for Farm Environmental Plans was reconciled, as a lot of the information LINZ require would be in these living documents.

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

Consistency across leases and extra guidance to lessees would be advantageous.

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
Guidance will make the process more efficient (i.e. cost effective) and transparent, however, some flexibility is required as leases (and the challenges and values they contain) are very diverse.

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

Increased guidance and interaction with lessees by LINZ will increase understanding by all sides. I commend LINZ’s recent use of portfolio managers and allocating the same contractor to leases, as it has allowed a relationship and understanding to develop – this could be taken a step further with regional managers responsible for geographically similar leases – this would also ensure consistency within a region and allow them to consider the interaction/cumulative effect of decisions on neighboring leases.

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?

An understanding of the relativity/weighting between making a lease easier to farm and protecting inherent values as provided for under the existing Acts.

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?

With appropriate guidance and standards, there is no need to even contemplate publicly notifying consents, as the public could have confidence in LINZ process. The existing Act provides for the right of a rehearing to the lessee which should be maintained. Given appropriate guidance and standards, I see no advantage in affording other stakeholders a right of appeal – their views would have been captured in the expert advice that LINZ and DOC receive.
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

The Commissioner requires a degree of flexibility and discretion around consent decision making according to the scale and magnitude of the impacts of the proposed activity – this is the compromise required for an efficient and effective consenting system while still substantially giving effective to the proposed outcomes. Would target resource to actions/applications with the most potential impact.

The proposed outcomes talk about natural landscapes, indigenous biodiversity and cultural and heritage values – there is no acknowledgement in that statement of the role farming and leaseholder families have played in the history and stewardship of this land to date.

With no definition of ‘natural capital’ it is difficult to determine what maintaining and enhancing it may look like – why the departure from a generally accepted term of ecological sustainability? Requiring the enhancement of natural capital is a substantial departure from the underlying terms of the lease and is contrary to comments in the document under 4.3 of ‘...not result in an overall reduction of the natural capital of the land.’ This infers some existing use rights and current consents
may be wound back under the proposed changes – this creates a lot of uncertainty for lessees. It also implies that lessees may not be allowed to maintain existing permitted improvements which would greatly impinge on their ability to generate a living of the land.

There is very little recognition in the proposed outcomes that the Crown leases this land for pastoral farming – hence the name Pastoral land or pastoral leases – they are not conservation lands or leases and giving precedence to conservation outcomes undermines the very nature of the lease. An additional outcome needs to be added allowing the leaseholder to continue sustainably farming the lease within generally accepted best farm practices.

In footnote (22) I note that that ‘...the government is not currently proposing any changes to how rents are calculated...’ This would indicate that the government and current Minister are not ruling out at some future date increasing rents and forcing leaseholders off their leases.

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

No, a level of uncertainty will be introduced as the proposed outcomes may change every 3 years. Therefore, the less ministerial interference, the more consistent the decisions.

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

An alignment of RMA and the CPLA – farm environment plans agreed with council could form a basis/template for ongoing LINZ monitoring.

I support retaining the flexibility of mitigation, avoidance and/or remediation activities.

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

What is proposed is substantially altering the balance in favor of natural capital and away from farming considerations. Again – they are pastoral leases not conservation leases. There will still be ambiguity about how the Commissioner decides to weight farming and environment considerations – to deny a tradeoff is naïve. What is proposed is that leaseholders should now not expect a consent be granted if natural capital isn’t maintained or enhanced – this completely negates the following text box in the document that talks about mitigation, offsetting and restoration.

Considerations as outlined under the Land Act 1948 and CPLA 1998 – i.e. consideration of the potential farming benefits relative to the risks or detrimental effects on any inherent values that are present, be they ecological/biodiversity or landscape.

Farming benefits for the lessee need to be quantified and also the impact on the local and wider NZ community of allowing reasonable productive use of the land.
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 Commissioner can already obtain extra expert advice so I don’t believe any legislative change needs to occur. With previous consents we’ve submitted, LINZ have had various experts involved – Landcare Research, landscape architects and botanists not to mention many DOC staff with in-depth local knowledge. In our latest consent, we’ve been asked to supply an Overseer model (essentially a nutrient expert opinion). Unfortunately, this expert advice is often lopsided and weighted toward environmental considerations – it would be beneficial when questions are asked around farm practices or stocking rates, that a suitably qualified farm consultant (or industry body like Beef+Lamb NZ) were consulted.

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

I do not think the public have a role to play – they are not a party to the lease, nor are they suitably qualified or informed to constructively contribute.

When the effects of a proposed activity are large or uncertain in magnitude, then expert advice should be obtained – e.g. landscape effects, nutrient/waterway effects, botanist/biodiversity effects etc.

Given that the lessee will be expected to pay, it should be up to the lessee to select and commission the appropriate expert advice. For example, if landscape issues are identified, the lessee should commission and pay for a landscape architect assessment. If LINZ disputes this advice, they should either commission their own architect at their own expense or submit matters for clarification to the lessee commissioned architect.

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.

To ensure certainty and confidence in the process for leaseholders, it is imperative that the Commissioner remain independent. Otherwise we are on a slippery slope of a pastoral lease becoming a conservation grazing concession a.k.a. Molesworth
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, charging for processing consents appears reasonable. However, if the Crown is serious about developing an enduring partnership and co-stewardship with leaseholders, I believe LINZ should not discourage leases from seeking their guidance through disproportionate charges. Leaseholders exert a lot of effort and incur a lot of expense fulfilling their obligations of good husbandry – the Crown therefore needs to recognize this and reciprocate by accepting some cost in processing consents on what is largely alienated land.

If consents are to be charged for in line with the RMA, then duration should be brought in line too – rather than the 5 year standard for discretionary consents at present, 15 years as per RMA consents should become standard. It is unreasonable to expect lessees to pay every 5 years to renew a consent. Also, if charging, timeframes for responses and processing of consents will need to be laid out and brought in line with the RMA. Given the extra level of advice potentially being sought, applications could drag on for months if not years and stifle innovation and development on these leases. Given the similarities and duplication between the proposed discretionary process and the RMA, one would hope that equivalency would exist between the 2 so lessees aren’t paying twice for two similar processes.

A set fee schedule rather than cost recovery should be adopted, as cost recovery will encourage/allow LINZ (and DOC) to be as inefficient as possible, involve as many ‘experts’ as they deem appropriate and prolong the process, as leaseholders will be paying. For instance, to assess a current consent I’ve got with LINZ, I’m to be visited by 3 DOC personnel plus the LINZ contractor and potentially my LINZ portfolio manager. Previous consents have been dealt with 1 DOC ranger and the LINZ contractor – already the process has become inefficient and bloated.

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

It will discourage appropriate and responsible use of the land. Marginal enterprises or consents potentially with wide environmental benefits, like carbon farming and regeneration, may not be applied for as it may be too costly and there will be too much uncertainty around whether they would be granted.

It will make it more difficult for a constructive relationship to develop between lessee and LINZ portfolio manager if the lessee is expected to ‘cough up’ every time they visit.

It may incentivise non-compliance as lessees will be put off by cost and the length of time to process.
In a typical commercial lease how common is it for the lessee to pay for their own expert advice as well as the lessor’s expert advice when disputes arise? When rent renewal comes around, will lessees be expected to recompense the Crown for the advice they commission in determining the rental? I believe the Crown needs to recognize these lands have been largely alienated and along with it any, right to a ‘fair financial return’ for the Crown.

Question 8:

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

☐ Yes ☒ No ☐ Unsure

Please comment

Add your response here.

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?

What was proposal 1 and why was it not measured against effectiveness, certainty, durability and efficiency? If proposal 1 was the decision to unilaterally end tenure review, then I think LINZ aren’t being transparent in not assessing and releasing the effects of this change.

Proposal 2: I support the statement being approved by Minister rather than developed in consultation.

Proposal 4: 3rd alternative proposal has merit as it would allow the level of advice and process to be tailored to the scale and magnitude of the effects envisaged. Would make the process more cost-effective and allow flexibility to deal with varying leases.

Proposal 5: Proposal is fair as long as ‘affected parties’ are defined as leaseholder and the Crown – the Crown via LINZ and DOC are there to represent the public. Public notification would represent a substantial change to the underlying lease contract.

Proposal 6: I am not in favor of changing CPLA to allow fees to be charged. Comment is made that it would be more ‘consistent’ to charge for discretionary consents as easements and recreational permits already incur fees. This ignores the distinction between consents allowing farming/pasturage (allowed for under Land Act) ad rec permits/easements being an additional privilege and often to 3rd parties.

Proposal 7: Same as for 1, what is it and why hasn’t it been assessed.

Proposal 8: appears reasonable.

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

I am upset by the lack of respect and trust the Minister has shown lessees throughout this truncated consultation process. The timeframes and process provided have not allowed meaningful consultation and could undermine the durability of the outcomes that result.
She has attempted to downgrade the lessees position to that comparable to NGO’s and ‘other stakeholders’ – a pastoral lease is a contract between two parties, the Crown and the leaseholder. The public interest in leasehold land is not dissimilar to their interest in freehold land give the degree it is alienated and the property rights that have been relinquished by the Crown.

The Ministers actions to date do not give me reassurance that the Crown is interested in developing a positive and enduring partnership with leaseholders - especially when it is continually undermined from within (or above). Superficial words without action do not engender confidence - trust and respect is a two way thing. She has misconstrued and attributed false motivations to leaseholders and has done nothing to correct ill-informed public perception.
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.

☒ Please remove my name from my submission before you publish it.

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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☐ Include my personal details in responses to Official Information Act requests

☒ Remove my personal details from responses to Official Information Act requests

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
Thank you for the opportunity to make this submission on the Enduring Stewardship of Crown Pastoral Land – an issue that is of vital importance to my business as a perpetual pastoral leaseholder.

I have read and support all matters detailed in the joint submission by Forest Range Ltd, High Country Accord, Federated Farmers and Federated Farmers High Country Committee. The personal submission that follows is to be considered in conjunction with those submissions and is made to re-emphasise my personal viewpoint as a director of Forest Range Ltd.

I am the fourth generation of this family (and 102 years) farming Forest Range Station. Breast Hill and Bargour have been added during the last 40. For us to continue managing these properties we need secure tenue or lessees (which is what we thought we had) to make it worthwhile for us to invest back into our property as has been done over the last 100 years. It would be great to be able to do the same for the next 100 and secure for the next generations.

As you will know the lessee has many property rights, one of which is “Quiet Enjoyment”. Right now for me that right is being eroded because of having to write this submission, not to mention my state of mental health. I would much rather be out working to enhance our property. We get a lot of comments as to how great our property always looks and how much pasture cover we keep on the land. This leads to better biodiversity, better water holding capacity and nutrient cycles and less erosion.

Many people do not understand that as graziers we have only 3 tools in our toolbox when managing grazing lands. Grazing, Rest and Fire. If we over graze, we lose biodiversity, as happened when the rabbits arrived. If we over rest, we lose Biodiversity, this is happening throughout the DOC managed lands now. And Fire, you lose biodiversity and carbon. Planned events of grazing and resting will restore and increase the biodiversity, hold more water and nutrients, less erosion. Rivers and streams run year-round and stay clean even during periods of heavy rain as is happening at Forest Range, Breast Hill and Bargour Stations.

We cannot turn back the clock, resting land is not the answer to land management; just look at the Lindis Pass scenic reserve. Because of over rest and the influx of hieracium the days of golden tussock blowing in the wind are long gone. And just to mention the addition of people tracking up and down ridge lines creating bare ground and erosion.

I feel this whole process is heavily weighted heavily towards achieving the desired outcome of a few people with political or personal agender. The current system is working, although some bad decisions have been made, and we should not all (Lessee holders) have to pay the price.
I am very concerned about any change to access to high country leased area. A generally held view is that people have a right to wander, hunt, and 4 wheel drive on hill country. Most time without lessee permission. This disrupts farm operations, violates the farm safety, has a high risk of an accidents happening which may involve the lease in legal proceeding. It is in conflict with the lease agreement.
Mt Hay Station needs to be able to continue operating as it has done, for it to be viable going forward. We don’t look to intensify much more, but more diversify into other revenue streams, but also continue Merino farming in the traditional way that my ancestors and predecessors have done successfully. We need to be able to have full access to our High Country blocks that we heavily rely on for summer and autumn grazing, which in turn takes the pressure off the lower country giving it time to come back. The higher country is not over grazed, and this is very evident especially in years like this with a lot of tussock growth coming back. We are very pro-active in our own pest and weed management with active shooting and poisioning of rabbits and wallabies, keeping these numbers manageable, along with spot spraying of weeds such as wilding pines and broom, keeping these under control on the station. We are very supportive of other conservative initiatives including the Te Manahuna Aoraki project which we are supporting by allowing access for their predator fence trial. We believe this to be very important going forward and it should allow for farming and conservation to work side by side. We are very passionate about Mt Hay Station and the high country and hope we can continue to be custodians of this special land, carrying on as my family has done for the past 80 odd years, and leaving a legacy and something for the generations of farmers to come.
A. NO RENT INCREASE FOR 50 YRS.
B. RAIN HEADERS ARE HAVING TO SPEND MORE ON WIRE CONTROL
C. D.O.C. NEED TO PUT MORE EFFORT IN CONTROLLING WEEDS ON THEIR LAND.
D. CONSERVATION SHOULD NOT OVER RULE GRAZING MANAGEMENT ON HIGH COUNTRY PROPERTIES.
E. IT'S OBVIOUS THE MINISTER HAS NEVER DONE ANY PEST CONTROL BECAUSE SEMI AUTO FIREARMS ARE ANECESSITY.
We have farmed this property faithfully & diligently since 1973. We have always stayed within the parameters set by Linz & its previous incarnations as well as more recently the RMA. Therefore any "inherent values" are a result of or in spite of the management system that has been in place over this period. Recent Doc history is littered with examples of isolating & locking up areas of special interest only to change the local environment or microsystem so much as to render the area inhospitable to the targeted values. As well as this Doc has an abysmal policy regarding weed & pest control & we would question the desirability of more Doc estate when the department is unable to administer what they have.
Submission in response to discussion document on Crown Pastoral Land

1. The [redacted] family have been associated with pastoral leases for 83 years. I have personally had an association for 46 years. Most of that time we have enjoyed and maintained a good working relationship with LINZ, the Commissioner of Crown Lands and the Department of Conservation.

2. Balmoral pastoral lease is 6,486 hectares and is run in conjunction with 2,624 ha of freehold on Mt John Station. We were one of the properties that withdrew from the tenure review process six months ago, having been in the process for 16 years. Our reasons were that we wanted to use covenants as a mechanism for securing conservation values that have been identified on Balmoral Station. This approach was not accepted by the Crown. To loose land on Balmoral would have made the property marginal and would have meant that we would have needed to intensify part of the property to remain viable.

3. Balmoral does not have as of right access. The reason for this is that the Ministry of Defence has access easements to various parts of the property as well as using parts of the property for maneuvering over. Defence activities and public access are not an ideal combination. However we do allow access on three walkways on our Mt John freehold, we estimate we host in excess of 100,000 recreationalists every year, these numbers increase every year. These walkways have no legal standing, they are courtesy access allowed by the Simpson family. Should the quiet enjoyment be challenged on our pastoral lease then due consideration will be given to the access we already provide.

4. We are currently in the process of compiling an integrated whole property management plan for the total property. This will look at both what farming practices should be followed, identifying those areas that may have development potential while also identifying those values that need to be managed and protected. We should be in a position to share this in approx six weeks, we believe that if this document is compiled correctly it could give comfort to both district and regional Councils for consenting processes whilst giving the Commissioner of Crown lands comfort in dealing with discretionary consents, as the need to simplify consenting processes and costs would be hugely beneficial to all parties.

5. As pointed out in paragraph 1 we have had good working relationship with the Crown, this relationship was tested in the 2000s when there were challenges to our property rights which created a polarisation. It has taken the last 10 years to mend I would be saddened and disappointed if we were to ever go there again.

6. Going forward we would appreciate having the opportunity the communicate first hand with the Crown. We have always valued and appreciated the intrinsic values on the property and take custodianship seriously. Having our story laid bare in the public has challenged the family in the past and we hope that we can go forward in the future in a positive way that does not necessarily create headlines for the wrong reasons. We understand privilege carries responsibility and that as part of our local community we are aware of that responsibility.
7. Having read submissions from both the Accord and Federated Farmers we fully support these submissions.

We wish to be heard.
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:

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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
Introduction

The organisation providing this submission is the owner of a high country station established some 160 years ago which today includes two Crown pastoral leases as well as various freehold titles.

The opportunity to provide feedback on the consultation document "Discussion Document - Enduring stewardship of Crown pastoral land" is appreciated; thank you for that.

As a preliminary comment and suggestion for consideration, it might be helpful as the process of discussion advances if a slightly finer distinction might be made around the use of the term Crown pastoral land which, it is noted, is defined in the Glossary provided with the Discussion Document as "land owned by the Crown and mainly leased for pastoral farming". However, much of what seems intended to be affected by the various proposals and proposed outcomes outlined in the Discussion Document as intended to be given effect (the Proposals), appears to be directed not at all Crown pastoral land as defined, but more the sub-set of land which is actually leased for pastoral farming. For the purposes of this submission, the latter sub-set is referred to here as Pastoral Leased Land.

The Submission by the High Country Accord

We have read and considered the submission by the High Country Accord and fully support and endorse their submission.

The following material is intended to be provided as supplementary to the submission by the High Country Accord and any differences from that latter submission are based on our own experience and observation.

The Basis Put Forward for the Proposals

In the section in the "Discussion Document" entitled "The changing context for Crown pastoral land", six points are set out (on pages 13 and 14) by way of context and apparent substantiation for the Proposals being advanced. Whilst appreciating the summary nature of the points, notably, only one point cites a specific evidential basis which is as follows:

"The economics of pastoral farming have changed. As a result, pastoral farming in the wider high country is becoming more intensive. For instance, the stocking rate on high country farms has increased by approximately 30 per cent over the past 10 years.\textsuperscript{9}


From the Beef + Lamb New Zealand statistics cited, it would seem that the 30% increase statistic is calculated using the rate of change over the 10-year period from 2008/09 to 2017/18 for stock units per hectare (accepting that the 2017/18 data is referred to as a "provisional" figure by Beef + Lamb New Zealand perspective). If data from 2009/10 to 2018/19 (the latter year's data for which Beef + Lamb New Zealand state is "forecast" only) is used, then the 10-year change is 27.3%, which seems to be the basis for the increase cited in the "Discussion Document" passage above of "approximately 30 per cent".

However, a key driver of the 30% increase (and to confirm, all statements from here onwards are based on the same Beef + Lamb New Zealand data series that the "Discussion Document" footnote cited, using the period 2008/09 to 2017/18) is the decline over that period of 14% in the average effective area for the S.I. High Country properties surveyed, which fell from
9,321ha to 7,975ha. In effect, the decline in effective area appears to serve to increase the intensification figure cited.

One possibility to strip out that effect is to look then at the change over the same period in stock units, which shows a rise over the 10-year period of just 13%, which is less than half the 30% 'headline' rate cited in the "Discussion Document". To look at that 13% rise in stock units in another way, their average annual growth rate over the 10-year period from 2008/09 to 2017/18 is just 1.5% per annum. With respect, this does not appear to be suggestive of a particularly significant increase in intensification, especially when it is considered that the average annual rate of GDP growth over the same period rose at a higher rate.

Further context to the proposition that "The economics of pastoral farming have changed... [and] pastoral farming in the wider high country is becoming more intensive" is added if the Beef + Lamb New Zealand data on how expenses for the S.I. High Country properties surveyed have changed over the same 10-year period from 2008/09 to 2017/18 are also considered. These data show higher increases over the 10-year period in what are calculated as Total Farm Expenditure (up 67%), as well as the expenses that are more difficult for High Country farmers to control such as rent (up 42%), rates (up 52%), electricity (up 41%) and ACC levies (up 95%). Especially notable is expenditure in weed and pest control is up 161% over the period, which possibly speaks more directly to the level of stewardship exercised by High Country farmers. This is summarised (and exemplified further) in the table below.

<table>
<thead>
<tr>
<th>%Δ</th>
<th>2008/09 to 2017/18 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 yrs</td>
<td>BEEF AND LAMB NEW ZEALAND</td>
</tr>
<tr>
<td></td>
<td>Physical Indicators</td>
</tr>
<tr>
<td></td>
<td>Stock Units per ha</td>
</tr>
<tr>
<td>-14%</td>
<td>Effective Area (Hectares)</td>
</tr>
<tr>
<td>13%</td>
<td>Total Stock Units at Open</td>
</tr>
<tr>
<td></td>
<td>COMPARATIVE EXPENSES</td>
</tr>
<tr>
<td>71%</td>
<td>Wages</td>
</tr>
<tr>
<td>161%</td>
<td>Weed &amp; Pest Control</td>
</tr>
<tr>
<td>31%</td>
<td>Electricity</td>
</tr>
<tr>
<td>112%</td>
<td>Repairs &amp; Maintenance</td>
</tr>
<tr>
<td>46%</td>
<td>Administration Expenses</td>
</tr>
<tr>
<td>86%</td>
<td>Total Working Expenses</td>
</tr>
<tr>
<td>92%</td>
<td>Insurance</td>
</tr>
<tr>
<td>95%</td>
<td>ACC Levies</td>
</tr>
<tr>
<td>52%</td>
<td>Rates</td>
</tr>
<tr>
<td>42%</td>
<td>Rent</td>
</tr>
<tr>
<td>67%</td>
<td>Total Farm Expenditure</td>
</tr>
</tbody>
</table>

With respect, the above data and calculations do not appear to support the proposition that "pastoral farming in the wider high country is becoming more intensive" to any extent which is either unreasonable or out of step with the cost pressures faced by such High Country farmers.

The Rule of Law

Minister David Parker cited the importance of the rule of law in his remarks at the opening of
the new offices of The New Zealand Merino Company in March 2019 as a key national strength or attribute. It is noted from the submission by the High Country Accord that enacting legislative change in order to realise the Proposals may have implications that may not accord with an application of the rule of law. In this regard, we would observe further that anything but strict observance of the rule of law may serve to undermine the credibility of the Government, including from an international or domestic standpoint, or possibly both. This presents issues of possible reputational risk which would need to be set against any perceived benefit of proceeding with the Proposals. Any such issues would require very serious consideration by the Government in the context of the broader, national interest.

Balance

A final generic comment would be to add that the "Discussion Document" notably lacks any reference to "balance" in the sense of balancing interests. (There is one use of the term on page 56 but not in this context.) Probably all of us have an understanding that balance, and accompanying compromise, are applicable to most aspects of life and is arguably essential in achieving tangible goals. It might be helpful if this aspect received more direct acknowledgement as the process around the Proposals develops further.

Additional Feedback to the Questions Posed

Question 1: What are your views on how best to manage the implications of ending tenure review?

1a. How should areas of Crown land with inherent values worthy of protection be secured once tenure review is ended?

Securing inherent values worthy of protection on Crown land, including Pastoral Leased Land, appear to be provided for already under the Resource Management Act by various National Policy Statements, Regional Policy Statements, Regional and District Plans. Our further observation would be that such instruments also seem to be subject to almost continuous tightening of their provisions.

On this basis, it would therefore seem that enacting a legislative change in either the Land Act 1948 or the Crown Pastoral Land Act 1998 or both to this end would likely be superfluous, as well as duplicative. In some senses, and if this may be put colloquially as far as the Proposals are concerned, this train already seems to have left the station.

1b. How should public access to Crown pastoral land be secured once tenure review is ended?

Although not noted in the "Discussion Document", in the case of Pastoral Leased Land, public access has already been, and continues to be, substantially enhanced by virtue of marginal strips being reserved by the Crown from leasehold titles as the process of lease reversions continue.

It is noted in addition that the "Discussion Document" states, "Leaseholders farm and live on the land" (page 26). Pastoral Leased Land is home, not just to leaseholders, but to many of our colleagues and families as well. It would helpful if this element would be remembered in particular as this discussion evolves further. Further input is provided on this subject in response to Question 9 below.
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

Whilst the use and issue of guidance and standards is fine (to the extent that they produce more effective process rather than being duplicative of existing regulation), it does not appear to be clear why the Commissioner needs to be empowered by legislation in order to do so, rather than through other regulatory means.

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

That would seem to depend on the quality of any guidance and standards that might be issued.

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 the extent that the "Discussion Document" cites the public as a stakeholder in what is essentially a contractual relationship between the Crown and lessees, it would probably be helpful if there were a clear Government statement in the materials it distributes in future on the Proposals that the Pastoral Leased Land is, by its nature, land held on the basis of a bilateral contract which does not include the public, and that the rights and responsibilities under that contract also be made clear where relevant.

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

Transparency could be improved by the Crown providing leadership in relation to other Crown Pastoral lands it owns or manages (such as conservation areas, as well as St James and Birchwood, but excluding Pastoral Leased Land for the purposes of this suggestion) as to how it benchmarked and measures its own performance in terms of the proposed guidance and standards envisaged.

There is also a broader mechanism of existing transparency and accountability already at work to which the "Discussion Document" appears not to have paid any regard which is that many (if not all) of the Crown pastoral leaseholders are already signatories to commercial agreements to uphold various environmental, animal
welfare and similar standards which are pre-conditions to them being able to sell their produce, or, more especially, to realise a premium based on critical aspects of provenance which are themselves actually linked to, or flow from, appropriate and increasingly rigorous stewardship of the land, water and livestock that are subject to their husbandry (amongst others). A leading example of this is the ZQ system implemented by The New Zealand Merino Company.

In effect, these commercial agreements mean that such farmers are already locked into safeguarding numerous values of common, public interest by virtue of their commercial ties to what are probably accurately referred to as “conscious consumers”. The resulting, financial incentivisation is probably likely to be far more effective than overlaying yet further regulatory burden, especially if it is duplicative in any sense, in the same way that any carrot is usually likely to produce far better outcomes overall than through alternative use of a stick.

To this end, it would appear that the economics of the situation have already got ahead of putative regulation in producing improved outcomes, making regulatory promulgation somewhat superfluous. And with companies constantly seeking to introduce new points of difference or to improve their own competitive positions, it seems likely that the process of incentivising improved environmental outcomes is set to increase, not diminish, in future.

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

Any deployed pursuant to the first paragraph in the answer provided in 4e above.

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

Yes. It does not appear to be clear why the Commissioner needs to be empowered by legislation in order to issue the proposed guidance and standards.

**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:

As to the proposed outcomes, making pastoral farming subservient to the “maintenance and enhancement” of conservation values seems not to be in accord with the terms of pastoral leases. If that is the case, then requiring the Commissioner to give effect to such a proposed outcome would appear to be in breach of the bilateral contract represented by pastoral leases.

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

In the case of Pastoral Leased Land, if questions arise based on the premise stated in the answer to 5a above as to whether actions are to be taken which are not in
according to the terms of pastoral leases, then the proposed approach would not likely support the proposed outcomes, but would seem instead to be susceptible to possible legal challenge.

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

Probably a more effective and less contentious route to support improved environmental outcomes on Pastoral Leased Land would be for the Crown / Commissioner to work with and within the existing relevant regional and district regulatory processes (as well as the Resource Management Act 1991) which have resulted in the use of farm environment or farm management plans providing a basis for land use consents.

Taking the example of what Environment Canterbury has put in place and our own experience of it, this system has already identified and seeks to protect key inherent values (especially those affecting water quality). It also deploys the use of the Overseer driven system in order to incorporate a science-based approach (accepting that this may not be perfect, but is subject to ongoing scrutiny and hopefully improvement). This also has incorporated not just accountability through its existing system of audits of those farm plans, but it also incentivises good performance and audit outcomes with a reduced frequency of audit requirements.

Whilst accepting that such farm environment plans may not cover the entire spectrum of what the Proposals might seek to achieve, it nevertheless would seem to provide an excellent starting point. Indeed, with our own District Council also feeling its way in this direction as it engages in its periodic district plan review, it would seem that trying to assemble a well-considered and holistic approach to this area might well allow optimal, balanced outcomes to be achieved for multiple purposes. We would be especially supportive of any such initiative.

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

Specific matters that should be considered would certainly include whether the broader terms of the pastoral lease agreement were being adhered to (actually, given the uncertainties that the "Discussion Document" introduces, that should now be said to be by both sides), and might include the history of compliance.

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

No, in the sense of there being any need to engage any external expert advice. Our own experience of applying for various discretionary consents (covering track making,
clearing scrub, cultivation, over-sowing etc.) has resulted in dealing with LINZ and DoC personnel that appear to be highly expert. They often have multiple decades of experience and considerable expert knowledge, especially as to indigenous values. Importantly, and in stark contrast with some other regulatory authorities with which we also engage, they actually come and assess the situation on the ground and apply their expert knowledge and experience accordingly. To this end, the current system is well served and seems entirely proportionate to the matters under consideration. The results in our case have been that we have been granted many of the consents applied for, but definitely not all. Equally importantly, we have felt that the consideration of the applications has been sufficiently expert and reasonable for us not to feel any need to appeal against those that have not been granted.

Given the above, if the question is intended also to imply that discretionary consent decisions of the nature detailed above should require public consultation by the Commissioner as part of its process, then no, that would not just be unnecessary, but would represent "overkill" of a process that is already proportionate and well handled.

Clearly, the costs of obtaining external expert advice or providing for public consultation on the types of discretionary consent decisions provided above would be disproportionate, expensive and in at least our own experience, entirely unnecessary.

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

Certainly none of the areas subject to discretionary consents as provided in the answer to 6a above would justify seeking information from external experts or the public or the impacts of the proposed activities. The current process is entirely satisfactory.

Further, the situations where seeking external expert advice and inviting public consultation are relevant would appear to be covered already by existing regional or district plans.

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, to the first question as the system appears to work well in the case of discretionary consent applications.

No, to the second question for the reasons stated above.

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 does not seem unreasonable.

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

Similar to the answer provided to question 4e above, transparency could be improved by the Crown providing leadership in relation to other lands it owns or manages (such conservation areas, as well as St James and Birchwood) as to how it benchmarked and measures its own performance in terms of the protection of inherent values.

Question 9:

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

Yes, we would offer the following, additional comments in respect of public access.

In our experience, the issue of public access to Pastoral Leased Land cleaves relatively cleanly, and is supported as such by a certain level of simple logic. Those members of the public that seek and receive permission for access are typically happy with existing arrangements and therefore do not appear to have good reason to require changes to a system, albeit informal, that works well for them. In contrast, those members of the public who, for whatever reason(s), are not given permission for access are typically the ones advocating for change and that strict rights be introduced.

So this broad position begs the question as to why certain people would receive permission for access, and why others might be declined? In a large majority of cases (and possibly all, to an extent), a defining factor operates to a greater or lesser degree which is that with permission comes responsibility. Those receiving permission for access have a clear understanding of this. These are people generally that observe requests not to disturb stock; they close gates if that is how they found them; they stick to tracks and their stated purpose; they do not wander off and do as they please; they take their rubbish with them and, perhaps most importantly (especially in the case of hunters) they act with their own and others’ safety in mind. They’re also typically pleasant people to deal with.

It would be too much of a generality to say those that do not receive permission exhibit none of the above traits, but usually one or more might not be present. In the same way that anyone might not necessarily be inclined to re-invite an irresponsible guest back into their home, so it seems unreasonable to require leaseholders to have to do so with every member of the public as of right. As in other aspects of life, there will always be those that do not wish to adhere to common standards that are accepted and observed by the vast majority. And in not doing so, the non-compliant minority often impact the common goods enjoyed by the majority. This appears to be the case with public access and Pastoral Leased Land. Should rights be granted to all, or to all those prepared to accept the responsibilities (as well as benefits) that go with them? And as with other aspects of society, are there occasions when those rights can (and should) be rescinded if the responsibilities are not appropriately met?

As a final reminder, as the “Discussion Document” states, “Leaseholders farm and live on the land” (page 26); what is under discussion and consideration here is our homes, not just to leaseholders, but to our colleagues and families as well.

We would be happy to contribute further as this process develops.
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.
☒ Please remove my name from my submission before you publish it.

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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☐ Include my personal details in responses to Official Information Act requests
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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 5531
Wellington 6145
Submission 2886

Question 1:

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

I believe they are already protected under the current system

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

As per High country accord (HCA) submission.

- Do you have any views on the proposed transitional arrangements for ending tenure review?

As per HCA submission

Question 2:

- Do you agree with the proposed outcomes?

☐ Yes  X No  ☐ Unsure

Please comment

As per the HCA submission

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

No, See the HCA submission.

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

☐ Yes  X No  ☐ Unsure

Please comment
AS per HCA submission. This is far too unenforceable and open to political interference

- 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?

NO need to, already catered for under the current system.

- What are the qualities and features of Crown pastoral land that you value the most?

See the HCA submission.

Pastoral Lessees VALUE their Pastoral leases and the benefits to both Lessee and the Crown. They VALUE their quiet enjoyment and rights contained in their Lease. They VALUE them so much they have PAID for the Lease and PAY rent to the Crown. They farm their leased lands according to the Lease conditions, ridding the lands of weeds and pest animals and they have an ENDURING CONTRACT with the CROWN.

Pastoral leases in place and constructively working for more than 165 years, are part of the cultural fabric of NZ and as such play a significant role in the international reputation and image of our country. The primary products, such as wool, meat and small tourist enterprises are built off the back of the High Country Farmer. These benefits MUST NOT be eroded by interfering with the contractual and existing rights of the Lessee.

Current public perception is that land freeholded under Tenure Review has been a ‘bad deal’ for the public/Crown.

It must be remembered that All Tenure Reviews were a negotiated and agreed process over a long period where lessees surrendered Perpetual land rights in exchange for Freehold.

Remaining Lessees must not be viewed as poor tenants or stewards of the land in their Leases. THEY ARE NOT!

Overbearing interference by the Minister and others, who wish to side line the powers currently with the Commissioner of Crown Lands smacks of Arbitrary Powers, New Zealand citizens abhor.

Lease holders VALUE their scenic home areas, in fact the landscapes, scenery and other values are by and large better now than in the past due to the efforts of the Lessees and some other parties to be rid of pests etc, and though much work is still ahead of them Nature is a hard and difficult task master.

We have to work with Nature not against it and it takes many years to achieve results and that is why the PL system has been so successful.

Many of the pests, and other problems in the high country have been introduced by previous generations.

It is this generation that has succeeded in greater measure due to better management and
tools, to deal with the incursions, however the potential for further problems exist and PL holders have proven they manage these well.

- 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 for a very long time to maintain the STEWARDSHIP which is the love of, care of, to the best possible, the lands passing along to next generations and the future, so that the lands continue to produce and be maintained as a healthy and beneficial gift for those to come.

Question 3:

- 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  X No  ☐ Unsure

Please comment

See HCA submission

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

☐ Yes  X No  ☐ Unsure

Please comment (optional)

The Minister changes with each cabinet reshuffle and often each election they are not enduring or even remotely consistent, so they must not have power or control over the commissioner or HCA proposed board as fairness and consistency is what is required.

- What other mechanisms could be used to improve accountability?

See HCA submission

- Which mechanisms do you think would be most effective in improving accountability?
See HCA Submission

- Do you think there are any problems with the proposed change?

The Minister changes with each cabinet reshuffle and often each election they are not enduring or even remotely consistent, so they must not have power or control over the commissioner or HCA proposed board as fairness and consistency is what is required.

Question 4:

- 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?

X Yes ☐ No ☐ Unsure

Please comment

See HCA submission

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

☐Yes ☐ No XUnsure

Please comment

See HCA submission

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

'Other stakeholders' need to be educated in the contractual arrangement between the crown and the Lessee especially around the Leases ownership of improvements and therefore the crowns minimal interest (often <10%) in the land. this should help clarify misunderstandings and perceived 'bad deals' of past transactions.

- How should standards be used to help increase transparency? How should guidance be used?

Transparency already exists. see HCA submission
Submission 2886

- Which mechanisms do you think would be most effective in improving transparency?

AS per HCA submission

- Do you think there are any problems with the proposed change?

YES as per HCA submission

Question 5:

- 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

Proposed outcomes may have a detrimental effect upon the contract between Crown and leaseholder and the ability of the Lessee to continue with farming and grazing the lands.

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

NO, See HCA submission

- What other mechanisms could be used to ensure decision making supports the proposed outcomes?

See HCA submission.

- What specific matters should be considered when deciding whether to approve an application?

See the HCA submission. The impact of not approving the application on the Lessee, their associated parties and the economy as well as the impact on the environment. IE a balanced approach weighing the positives and potential negatives. IE the current system works quite well.

Question 6:

- Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions?
In some circumstances there may be a need for the CCL to seek expert advice outside the resources of LINZ, for a reasonable decision to be made as he/she is bound to do so. If it is necessary. Most consent applications are not ones requiring special expert analysis, and if deemed necessary, usually cause delay and expense that hinders the culture of compliance and joint stewardship and partnership.

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

See the HCA submission

There is a huge differential between expert advice and public say on impacts and therefore consents MUST NOT be subject to public consultation. If the Crown has sufficient resources to fund expertise and the application of regional and district plans and RMA etc are triggered there would be no further need for public input to a consent decision.

- 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.

The CCL IS the most appropriate decision maker for matters regarding Crown lands and Crown pastoral lands

Being an independent statutory officer he/she is deemed to be an impartial officer dealing with the law that is instigated by Parliament and therefore should be above political and public interference.

Question 7:

- Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents?
In principle a reasonable charge for processing discretionary consents is accepted however LINZ is known for long delays in consent applications and these delays imply high levels of avoidable costs which Lessees should not have to accept. Duplication between Crown and other Authorities should not be passed on to Lessees. Nor any costs incurred by the Commissioner during the process.

Levels of fees should be fair and encourage the culture of compliance and co stewardship. See the HCA submission as well

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

See the HCA submission. With an existing contract between Crown and Lessee consents for normal farming practises should not incur any costs at all such as a fence line, realigning a track, due to a slip, and stock limitation assessments.

Major consent proposals, with fees, such as a ski field, would expect a fair hearing by the Lessee to the CCL, and any advisory assistance sought by the Lessee to be managed between the CCL and the Lessee, on a case by case basis.

Question 8:

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

☐ Yes  ☐ No  ☐ Unsure

Please comment

Refer to the HCA submission

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

See the HCA submission. There is sufficient Mechanisms already in place and available to the Commissioner.

- What information do you think is most valuable to understand system performance?

Our Pastoral lands are treasured, farmed wisely and well by the only two parties who are the real stakeholders, Crown and Pastoral Lessees.

Question 9:
Do you have any feedback on the preliminary analysis in section 6?

The analysis is poorly compiled with loaded and divisionary statements throughout. There is too much use of "Might" and "May" as often the outcome is far from intended especially when certain things are 'protected' but the actual protection measures cause the reverse of protection..

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

I Disagree with the government’s decision to end Tenure review.

There needs to be a better working relationship between the crown (through LINZ and the Commissioner) and the Leases without intervention from parties who want their say but are not prepared to pay for the outcomes they seek. The mechanisms to achieve this closer relationship are already in place and this has worked in the past before LINZ contracted third parties to submit appraisals. This minister's proposal is the most diversionary action of any government between the leases and the crown for generations doing little to promote working relationships and recognising the work of lessee's in protecting and enhancing the land to the outstanding level we have today.

The current proposal for protecting Natural Capital is one that fails to establish a base date at which we want to protect from. Man has modified the environment for hundreds of years from Maori fires and colonisation to European farming to construction of lakes (which we are so keen to protect now). The 'Natural Capital' exists because of and despite human intervention so to lock up areas to protect them from farming and allow public access is yet another modification that will have unintended and unforeseen consequences. The best environmentalists are those who stand the biggest loss and impact from their actions ie farmers as we always have enduring stewardship on our mind and intend to pass on land to the next generation in better heart than we inherited it ourselves. Life is all about balance and especially in the high country where the environment heightens the fine lines of that balance.

Thank you.

Releasing submissions

We may choose to publish submissions from this consultation on the [Land Information New Zealand website](http://www.landinformation.govt.nz). We can remove your name from your submission if you want us to. Please let us know below.

(Required)

X You may publish my submission with my name on it.
Submission 2886

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.

(Required)

X Remove my personal details from responses to Official Information Act requests

Note that the name, email, and submitter type fields are mandatory for you to make your submission.
GLENLEE STATION Submission for Enduring Stewardship of Crown Pastoral Land

11 April 2019

Prepared as a formal response for Special Lease of Run 109A.

In general we support the submission made through the High Country Accord that address questions in a legal manner. This written submission is a combination of: answers to questions (arising from LINZ discussion document February 2019), feedback for ways to move forward, and notations specific to Glenlee Station POL Run 109A

BACKGROUND

Glenlee Station (5948 Awatere Valley Road, Marlborough) has been managed by the Hamilton Family for 54 years. 5787ha of Pastoral Occupational Licence (POL) which has some differences to pastoral lease land in the current legislation.

Glenlee Station has areas containing high levels of Significant Inherent Values (SIV) that are present on freehold land and POL areas capable of sustainable economic contribution.

Glenlee Station has a unique position whereby Crown (POL) and freehold land boundaries are intertwined.

GENERAL

Failing our tenure review report submitted to LINZ on the 23rd of December 2018 being accepted, it is our preference to continue the current lease arrangement with the Crown but with a higher level of certainty of the period of tenure, rates and terms of the lease agreement.

Key Issues are:

- The ongoing stewardship of this land as an informed partnership.
- Consideration to imminent threats to management of this land and that any environmental considerations are considered at an early stage to allow management processes to adapt. The cost of environmental monitoring is a concern and we feel that this is not entirely the responsibility of the lessee.
- That discretionary consents are allowable in the lease agreement whilst incorporating the desired outcomes for Crown pastoral land. Discretionary consents would need to account for weed control and fertiliser, the process for undertaking land management aspects needs to be easy and prompt with CPLA considerations thus requiring resources to adequately process these.

The implications for ending tenure review process although not ideal, are workable for Glenlee Station provided that a practical and suitable lease arrangement is agreed with the Crown, and certainty on the lease period and rate are factored into a sustainable model.
That being, certainty on lease rates that are set and flexible in consideration of the leaseholder management costs, particularly in regard to potential additional costs of facilitating reporting/monitoring, and imminent weed and pest threats. (eg Wildling pines).

The rental regime of CPLA could make changes to incentivise weed and pest control activity to leaseholders, as the exponential costs of not acting and the detrimental impact to the Crown land is large, and accumulating, eg pig disturbance, wildling trees.

As a Leaseholder we would be open to a transparent relationship and partnership approach with LINZ and the Commissioner, provided that LINZ is resourced with institutional knowledge and expertise about how pastoral farming management and conservation are interlinked.

We also ask that our information and history regarding the land is considered with merit and respect, as with any partnership.

Any monitoring process will require a degree of facilitation and it is asked that access requirements are well communicated and planned with the leaseholder and are not imposing.

To recognise the leaseholder’s investment in the regulatory system, as permanent stewards responsible for the day to day management, we would like this status prioritised.

To facilitate a transparent partnership approach with LINZ, a level of reporting on yearly management aspects (including basic monitoring eg Drone footage) and costs incurred could provide a basic level of compliance. This is provided that it does not become prohibitive considering time and costs involved.

A generic Good Management Practices Guideline for Crown Land be drafted in conjunction with leaseholders, and incorporating the desired outcomes for Crown pastoral land should be considered.

We recommend that the tradition and history behind high country pastoral farming be incorporated into the cultural and heritage values of this Crown land.

We would support protection of any sites of cultural significance for the Treaty of Waitangi principles.

A distinction/classification of land use could be made between Crown land with economic contribution of low or medium or high impact, on the land.

The level for monitoring and LINZ reporting could be determined and prioritised accordingly. The Commissioner’s priorities could be guided accordingly based on this.

A reporting framework from the leaseholders would assist LINZ and the Commissioner to gain knowledge of management of the Crown land, by leaseholders. This could improve accountability and transparency mechanisms for the Crown’s management and provide benchmarks for future improvement.

Like all leaseholders, transparency regarding the system and changing priorities of how LINZ and the Commissioner intend to operate, is the key from a leaseholder perspective.

**Legislation Changes CPLA**

Specific to current tenure review process, it would be vital that CPLA legislation changes for Pastoral Occupational Licences (POL) so that Freehold land with Significant Inherent Values (SIV) important to
conservation/Crown/LINZ is able to be traded for freeholding of Crown land capable of sustainable economic contribution.

Currently no provision for trading of POL for freehold land is in the current legislation that we are aware of.

The Hamilton Family would like to register interest to enact this in legislation, with the current revisions for the CPLA. For further information refer to Glenlee Station – Review of Run 109A Report submitted by the Hamilton Family to LINZ as part of the Tenure Review process (December 2018).

With regard to CPLA Statutory land administration we request a change to include Pastoral Occupational Licences (POL) lease tenure agreements, to mirror Pastoral Leases, being in perpetuity.

A suggested change to CPLA to assist protection with regard to Public Access over Crown land, would be to implement a code of conduct for any persons entering these lands.

Partnering Stewardship

That LINZ and Leaseholder facilitate a framework for two way reporting as stewards of this land, including methods to retain sustainability and enhance SIV's and to minimise costly monitoring processes.

We suggest within the development of this framework, specific requirements are communicated and understood by both parties including identifying cost effective and practical monitoring solutions. Any requirements or objectives from this are to be transparent within this framework.

For example, Glenlee Station has incurred significant costs and workload from the control of intrusion of weeds and pests from land owned by the Crown that has been retired.

A suggestion is that a full review of land already under management of the Department of Conservation be undertaken in consultation with surrounding landowners, so issues can be identified and the estimated cost of better management practices projected.

Impending threats to Crown land needs to be identified and the level of threats and exponential impacts assessed – e.g Wildling trees.

A review needs to be undertaken to what value grazing provides as a direct contributor to weed, pest control and reduction of fire risk is still relevant.

Leaseholders would appreciate as a partnership with LINZ, that a value is placed on historical weed and pest control and other land management practices undertaken to assist in protection of SIV's, and for this to be taken into consideration in any land rental values.

Public Access

Giving public unlimited access to farming properties poses health and safety issues for all parties. Bio security issues may be exasperated and general consideration and care to the land and property not applied by all wishing to access the land. All of this is currently managed by the leaseholder at no cost to the Crown.

There is a difference between hunting parties (active) and hiking/tramping parties (passive). Passive are easier to accommodate and has a number of reduced risks to the Crown and on farm management. This would need exploring further before any commitments, including health and safety, and bio security factors.
History

The emotional pressure of uncertainty and the impact created on farming families must not be underestimated. The emotional attachment families have towards the land and improvements made after many years of stewardship and investment must be recognised and valued.

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, provided the Commissioner remains substantially independent of political direction. The Commissioner should not be required to consult publicly on the Statement.

Once performance expectations are set then the Commissioner shouldn’t be subject to political influence or interference.

We have read and understood the submission by the High Country Accord and in general support their submission.
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Yes, provided the Commissioner remains substantially independent of political direction. The Commissioner should not be required to consult publicly on the Statement.

Once performance expectations are set then the Commissioner shouldn’t be subject to political influence or interference.

We have read and understood the submission by the High Country Accord and in general support their submission.
I agree with all in the attached submission re pastoral leases and tenure review. In addition I strongly oppose having to apply to the commissioner for consent for aerial spraying of weeds and wilding trees. It is the lessees responsibility to control weeds and on many properties a financial burden.
It is of great concern that the Crown would propose to impose its biodiversity objectives over the lessee’s pastoral grazing rights. These grazing rights are fundamental to our perpetually renewal lease. They are the rock on which we have founded our confidence to invest millions of dollars into the station over the last 15 years.

The Crown’s apparent desire to make such a radical change to the contractual relationship between us can only lead to litigation and an adversarial relationship in the future. Doing so will prevent us from farming the land as permitted under the lease which will lead to lower income and further strain the ability to voluntarily achieve good biodiversity outcomes. There would also be a reduction in the station’s capital value as the number of stock units decreased and native species such as matagouri over ran the present and potential grazing country. Pests such as wild pigs which reside in the matagouri would grow in numbers and do damage to the land.

The devaluation in the land as a consequence of such a fundamental change to our rights would create significant compensation claims, both in respect of the capital value and also the loss of income generating ability, against the Crown. It feels like the Crown wants to force the leaseholders from the land under the guise of “the greater good of biodiversity”. The Crown has no legal mandate to do this and no economic or public interest justification for doing so. Is the Crown saying that leaseholders are now bad stewards of the high country? When exactly did that occur? We have no time for the ideological debate of trees versus teeth. We are too busy caring for the land and the stock we are legally permitted to graze on it whilst providing the public and others with reasonable access when the farming schedule and mother nature permits it.

In the 15 years we have been the leaseholder of Hossack Station we have encouraged the native bush to regenerate where ever possible and have undertaken huge weed control programs. We have only been able to do this by improving the quality and quantity of the grazing areas and by purchasing adjacent freehold land which we have intensively developed for winter grazing purposes to reduce the grazing pressure on the leasehold land.

We are already carrying the substantial cost of removing weeds, such as wilding pines, which the Crown infected our station with through the planting of the Hanmer State forest and subsequently failed to act as a good neighbour should by controlling the spread of this particular weed. Over 500 acres of Hossack Station’s open tussock country has been lost to these wildings since the 1970s. They are now spreading through land retired to DoC in the 1970s by Hossack Station which was originally part of Hossack Station and which is adjacent to our station. It seems obvious that the Crown should focus on cleaning up the conservation estate and act as a good neighbour is required to do by law as opposed to looking to leaseholders to become a defacto publicly accessible conservation estate. The Crown should either compensate leaseholders for the economic loss they have and continue to sustain as a direct consequence of the Crown’s poor management of adjacent Crown Land and the conservation estate to date or take responsibility for the cost of eradicating the weeds which have been spread to the leasehold land from Crown Land and/or the conservation estate.

The Crown has not been a good neighbour to Hossack Station yet it now seeks to impose obligations on us that have no foundation in law. It would be preferable for the Crown to clean up its own backyard before poking a stick at the leaseholders who quietly get on with the ever ending, expensive and labour intensive work of weed and pest control in order to protect the land and to derive a meagre financial return from it whilst keeping the high country heritage of NZ alive and well in, at times, very difficult circumstances, including changes of political ideology, natural weather events and global markets and cycles, all of which are beyond our control.
Over 20 years ago before we purchased Omahau Hill, the previous owners were desperate to sell and had been for many years. The crown had no interest in purchasing the property at that time. Since entering Tenure Review DOC has shown a clear desire to return almost the whole property to crown ownership. We have a proposal on the table at present where approximately half the property would go to the crown. Quarter would be freehold with extensive covenants and the remaining quarter freehold with possible access easements which would seriously disrupt farming. This is a considerable change of thinking in just 20 years.
The above station comments further below as its own submission:

1. Ending Tenure Review will limit the amount of land retired to conservation and hence the ability of the Crown to grant public access to a greater area of high country

2. The Crown should focus on establishing a framework that enables the Lessees to sustainably and profitably farm CP leases, thus ensuring the natural attributes of the High Country are maintained while at the same time creating an environment that enables other stakeholders to enjoy the High Country without detrimentally infringing upon lessees’ rights.

3. The term Natural Capital is very vague. It has no ability to be objectively measured; there needs to be a science-based structure in the proposed monitoring framework to measure the status of the present environment and the future outcomes arising from policy and management changes.
Moutere Station is located in Central Otago and incorporates 2,300ha of pastoral lease and 5,700ha of freehold. The pastoral lease comprises of hill and high country while the freehold makes up the balance of the hill country, and rolling to flat land. The pastoral lease area is a critical part of our business. Despite farming in one of the lowest rainfall areas of New Zealand we operate an incredibly resilient and environmentally sustainable business. The key to this is utilizing different classes of land during specific periods of the year.

The discussion document implies a shift in the objectives of pastoral lease land away from pastoral farming. This is a major concern for us; we have invested in improvements, spent significant money on weed and pest control and believe that we have always been good custodians of the land. As a lease holder we need confidence that the Crown will continue to be supportive of pastoral farming into the future.

Proposals 4, 5 and 6 need to reflect the difference between new and existing farming activities. We do not want our investments in improvements on the land to deteriorate because existing use consents are not being approved or are delayed through additional steps and cost in the approval process. These consents need to reflect the long-term nature of pastoral farming.

Moutere Station has been in the Jopp family for over 100 years. We take pride in our property and want to see its values protected for generations to come. Stewardship of the land is a long-term commitment and lease holders are the best people to drive the process. We know our land and need to be able come up with solutions which will meet the new objectives of the Crown while continuing to farm in a sustainable and profitable manner.
Q1

1a. What are your views on how significant natural values should be protected once tenure review is ended?
I have read and support all matters detailed in the joint submission by Forest Range Ltd, High Country Accord, Federated Farmers and Federated Farmers High Country Committee.

The personal opinions that follow under Question 9 are to be considered in conjunction with those submissions and is made to re-emphasise my personal perspective and also as a director of Forest Range Ltd.
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?

Q2

2a. Do you agree with the proposed outcomes?
Please comment
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?
Please comment
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?
2e. What are the qualities and features of Crown pastoral land that you value the most?
2f. What does enduring stewardship mean to you?

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?
Please comment
3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system?
Please comment
3c. What other mechanisms could be used to improve accountability?
3d. Which mechanisms do you think would be most effective in improving accountability?
3e. Do you think there are any problems with the proposed change?

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?
Please comment
Submission 2896

4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?
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?
   Please comment
5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?
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?

Q6

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions?
   Please comment
6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?
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.

Q7

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

**Q9**

9a. Do you have any feedback on the preliminary analysis in section 6?
9b. Are there any other comments you’d like to include in this submission?

I have read and support all matters detailed in the joint submission by Forest Range Ltd, High Country Accord, Federated Farmers and Federated Farmers High Country Committee.

The personal opinions that follow are to be considered in conjunction with those submissions and is made to re-emphasise my personal perspective and also as a director of Forest Range Ltd.

I have been a joint owner of Forest Range Station since 1969, then subsequently Breast Hill and Bargour Stations following our purchase of these entities. During this time our entire farming emphasis has been on improving soil and water conservations values of these properties, to enhance environmental sustainability for future generations. All our time money and resources have been invested in this holistic goal for over 50 years. Our family of three children and now seven grandchildren (two who are 5th generation on the property) have been raised to recognise that this is the most important goal for their lives. What is the basis for this commitment to enduring stewardship? Our belief in the secure tenure conveyed by the pastoral lease contract and supporting legislation.

Nowhere have I seen the Crown’s management model deliver these outcomes to date. The Crown now proposes to establish a new regime with another set of outcomes for the remaining pastoral lease properties. If the Crown wishes to establish this they need a closer relationship with pastoral lessees based on mutual trust and respect.

The Crown has set up a confrontational atmosphere before the process has even started by taking the decision to end tenure review without including this proposal as part of the ‘Enduring Stewardship of Pastoral Land’ discussion document. I feel this is a knee jerk reaction to some issues with a limited number of tenure reviews that have annoyed a small vocal public group. These issues could be remedied in future tenure review negotiations without penalising the remaining pastoral leases when some of their peers have accessed the right to freehold within a time frame that no one was aware of. There is certainly an issue of discrimination and breach of faith for the Crown to address.

I welcome the Crown’s desire to ensure that there is ‘enduring stewardship’ of Crown Pastoral Land. This is what pastoral leaseholders have delivered over a long period at their own expense, which is perfectly appropriate given the apportionment of values between Crown and lessee, and ownership of the improvements.

The Crown needs to publically acknowledge this contribution. The farmers have years of experience and knowledge of the best management for areas and it is to their credit that the high country is in the condition it is today, given the adverse environmental and social aspects that are dealt with on a daily basis.

To achieve the outcomes desired and expressed in the Discussion Document the Crown needs to:
• Ensure that leaseholder’s security of tenure is protected
• Acknowledge that enduring stewardship is being carried out by lessees already
• Guarantee that any reduction in the ability to farm the land must result in compensation payments or outright purchase by the Crown
• Provide a streamlined discretionary consent process aligned with regional and district plans
• Establish a more robust and transparent system for delivering the outcomes
• Ensure that costs are kept to a manageable level, especially by not charging for farming discretionary consents.

Releasing submissions You may publish my submission with my name on it.
Releasing submissions OIA Include my personal details in responses to Official Information Act requests
The change in approach will have a negative impact on all aspects of sustainability of pastoral leases. The government's changes as they stand regarding natural capital and costs of consents are not required as district and regional rules already exist and apply. In addition, the mental effect this will have on the lease holders that have spent generations looking after their land is not worth putting at risk under any circumstances. No consideration has been taken in the document to address the health and safety effects this will have. Many of the suggested changes are only considering the minority of public that don't want pastoral leases to continue in their current form and not the majority of New Zealanders that benefit daily from the incredible job that the farmers of this land do to not only look after the asset but to provide financially to the economy.
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.

Publishing and releasing submissions

LINZ is bound by the Privacy Act 1993. Any personal information, including your name and address, which you supply to us in the course of making a submission or providing a point of view, will be used by LINZ only in conjunction with the purpose of collecting the submissions.

All or part of any written submission (including names of submitters) may be published on the Land Information New Zealand website www.linz.govt.nz. When you make your submission, you consent to your personal information being published, unless you tell us otherwise. If you do not want your personal information published, please tell us when you make your submission.
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*  Russell Stewart Emmerson, Director

Organisation (if applicable)  Forest Range Ltd

Submission type*

☒ Individual

☐ NGO

☐ Local government

☐ Business / Industry

☐ Central government

☐ Iwi

☐ Other (please specify)

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I have read and support all matters detailed in the joint submission by Forest Range Ltd, High Country Accord, Federated Farmers and Federated Farmers High Country Committee.

The personal opinions that follow are to be considered in conjunction with those submissions and is made to re-emphasise my personal perspective and also as a director of Forest Range Ltd.

I have been very privileged to have the opportunity to contribute and continue the enduring stewardship of Crown Pastoral Land in the Lindis Pass Area of the South Island High Country. I was born and bred here and spent 11 years in urban Oamaru for education and 2 years at Lincoln University. I, along with my wife Jeanette and family have farmed Forest Range Station for 58 years after my Grandparents who had an interest since the early 1900s and a title from 1916.

We have a deep sense of responsibility and obligation to continue the proud tradition of improving and enhancing the available resources that are continually challenging and at times restrictive to good common sense practices. The cancellation of Tenure Review and the introduction of preservation policies has shattered our understanding of NZ Democracy and highlighted the destructive nature of ill-informed political policies around land management. It is incumbent on us to adhere to the conditions of our lease instrument and at the same time provide security to our financiers for continuity of a viable business. The result of this proposal is to cease for the first time in the history of land settlement in NZ the ability to Freehold and also to restrict the ability to farm to the level that has been prescribed by contract. This conveys a negative message to all concerned.

It is interesting to note that the Minister of Lands is also Minister of Conservation and Associate Minister for the Environment. These combined portfolios could be construed negatively or positively in respect to the future management of these lands. Judge and Jury combined or Poacher come Gamekeeper. Without any bias I would suggest that this could be a golden opportunity for these Ministries to recognise and discard the paradigms surrounding the influence of livestock on the environment and embrace the global direction that regenerative agriculture is taking. (Refer to “TED” talk featuring Alan Savory)

This approach addresses issues that are important to the survival of mankind as we now know with suggested solutions for climate change, carbon sequestration, stable catchment areas, greater biodiversity in our soils and plants etc and most importantly a harmonious and mutual understanding of all sectors of society as to the dynamics of these processes. For too long groups and individuals have been talking past one another but ultimately they are attempting to achieve the same outcomes.

The principles of regenerative agriculture have been practiced at Forest Range Station (maybe not as well as it should be) since the early 1970s and an example of this has been articulated in Professor Kevin Francis O’Connor’s ‘comprehensive and compelling’ evidence in the CCL/Forest Range Otago Land Valuation Tribunal case conducted in August and November 1998

Twenty one years on and despite obvious on the ground evidence and numerous case studies the basic principles of good husbandry in the high country have been largely ignored. I may be a cynic to suggest that the rhetoric around preserving inherent values, landscape and biodiversity etc. are just another ulterior motive or strategy for nationalising land.

We would welcome a paradigm shift in attitudes towards land tenure and enlightened management.
Question 1:

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

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?

Question 2:

2a. Do you agree with the proposed outcomes?

☐ Yes ☐ No ☐ Unsure

Please comment

50T

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

50T

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

☐ Yes ☐ No ☐ Unsure

Please comment

50T
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?

50T

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

50T

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?

50T

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

50T

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)

50T

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

50T

3d. Which mechanisms do you think would be most effective in improving accountability?
Do you think there are any problems with the proposed change?

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

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

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?

50T

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

50T

**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

50T

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

50T

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

50T

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

50T
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

50T

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

50T

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.

50T
**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

50T

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

50T

**Question 8:**

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

☐ Yes ☐ No ☐ Unsure

Please comment

50T

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

50T

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

50T
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?

50T
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.
☐ Please remove my name from my submission before you publish it.

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.

(Required)

☒ Include my personal details in responses to Official Information Act requests
☐ Remove my personal details from responses to Official Information Act requests

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
I farm Branch Creek Stn in the Cardona Valley in partnership with my husband and my parents.

I am 4th generation on Branch Creek Stn and 6th generation to be living in the Cardrona Valley.

We are not in Tenure Review at this time- we pulled out of the process in 2003 due to the unrealistic options presented by mainly NGOs that would have resulted in our property being uneconomic to run without hugely intensifying the lower country or sub-dividing. It is mis-leading to imply that none of the remaining lessees would have entered tenure review as there are many reasons some of us have remained out of the process (and for us the cost and stress involved were big factors.)

BUT... having the option to be able to freehold removed will make future generations choices limited and is a loss of rights that were part of the 1948 land act as well as the CPLA 1998.

**Therefore, we do not support the removal of tenure review.**

There is a perception that tenure review has been bad, perpetuated by the media and NGOs but there is a distinct lack of evidence to back this up- there has been little information on the extent of improvement or otherwise of removing land to the Doc estate and likewise there is little to no information that is fact based that shows a decline in the environmental outcomes on freeholded land  (which it would pay to remember was of limited or no interest to the public estate or it would not have been able to be freeholded in the first instance)

Removing Tenure review as an option does not seem to be backed by good evidence that the process is broken.

Personally, I feel that the delicately balanced trust relationship that we as lessee’s have had with the crown has been damaged by the way this issue has been announced and the invitation to the general public to submit before bringing it to the major stakeholders affected; which happen to be the Lease holders and not anyone else. To open this up to public discussion before the affected lessees have been consulted is just plain bad manners.

**I would like to state that I have read the accords submission and fully endorse the statements expressed in that submission.**

I would like to add to that:

The majority of the questions that have been asked in the discussion document the answer should be: “by negotiation with the lease holders on a willing basis and with fair compensation for any rights that are negotiated away”.

With respect to discretionary consents there is apparently room for streamlining the process as other lessees have indicated they are often delayed. I have not had this problem but appreciate that there could and should be better clarity around what a new consent is required for as I often need to call and check before applying for the relevant consent.

If LINZ are able to employ case managers that have good knowledge of the pastoral sector and there is a clear understanding between both the lessee and LINZ of what would require a new consent and
Submission 2899

what is maintenance of current systems and the fulfilling of the pastoral lease terms and also relevant RMA requirements there should be no problem processing within the current time frames allowed. And therefore, no change would be required to the current system.

The discussion document says there is not enough information on pastoral land; currently all leases have 3 yearly inspections and that along with data from the lands and survey era should provide a base of quality knowledge around soil, water etc and the improvement in the general health of the high country —and also like us; there are properties that have pulled out of tenure review but the data collected by DoC and other NGOs is available for those properties on line!

There is ABSOLUTELY no call for the wider public to have any involvement in discretionary consents and frequently the only input should be from the lessee and their case manager.

Any activity that would trigger the RMA at a local council level for consent would be the only time the wider public and NGOs should have a say —the same as for any other enterprise.

Branch Creek Stn is not just a farm to me and my family, it is our home, our working environment, our recreation and our heart. It is a part of us just like a leg or arm is a part of us. The previous generations and possibly the future ones too have put their blood sweat and frequently their tears into this land, the attachment and connection to more than just the economics is so often overlooked by outsiders looking in, everything we do is aimed at leaving the land better than we received it from the generation before us.

We are and have been the best custodians for our land.

Regards
Q1

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

In the LINZ briefing to the Minister 18-082 page 8 it is stated “It is important to note here that the bundle of rights associated with the Lessee’s interest in the property is significantly greater than the Crown’s bundle of rights”. This should be considered when establishing what inherent values are and how they should be respected. The briefing provided to the minister on policy issues relating to changing the CPLA (BRF 18-202) notes that the “timeline is extremely ambitious” and that “the timeline was informed by Cabinet and legislative processes, rather than an understanding of the time it will take to investigate these issues and provide robust advice on them and the interrelationships between them”

Ending Tenure review and changing legislation will have a huge and enduring impact but instead of being carefully considered like the CPLA was over 5 years it is being rushed through to suit a political agenda and this might not actually end up with the Ministers desired result. BRF18-258 notes

"there is still analysis around what needs to be done … particularly around what is the most effective method of managing land to secure optimal biodiversity and conservation outcomes" p 3 and elsewhere it is noted in the briefings to the minister that no comparison between outcomes on land that went to DoC versus land that became freehold has been performed. In the briefing documents it is repeatedly noted that decisions are being made before base information is fully gathered.

What should happen is that time is taken to investigate. Specifically once a definition of what “inherent values worthy of protection” has been defined there should be a robust investigation specifically comparing how inherent values are currently faring under the existing forms of protection.

A good starting point would be to actually compare and analyse inherent values of the 3 land groups consisting of Crown pastoral land that has become DoC land, Crown pastoral land that has become freehold and Crown pastoral land that has remained leasehold. This could then be compared with other forms of protection such as strict QEii covenants.

Conclusions based on evidence rather than vague references to public opinion could then be drawn. There seems to be great interest in getting expert opinion on discretionary consents so it seems unfathomable that expert opinion isn’t being used to garner evidence from the examples we already have for decision making on something as important as legislative change. Obviously public opinion is important for votes but if the true caring was about natural capital wouldn’t robust evidence be wanted ?(IE not just only referral to the Mckenzie basin which is a small fraction of the land which has been freeholded and seems to be the exception rather than the rule). It would be easier to accept the need for change for all leaseholders if there was evidence for the need to change (not just vague and not fully informed public concern).

Page 11 of the impact statement prepared for the minister entitled "proposed changes to tenure review" It is clearly noted that with regards to the changes in the Mckenzie Basin "the extent that tenure review has contributed to these changes is unclear"! The Mckenzie basin is what is being held up as the reason why tenure review must be stopped. I find it appalling that given this is the analysis provided by LINZ that the briefing on "LINZ's future focus for
the South Island High country work program " BRF 19-010 page 6 "develop the Mackenzie story for the public". How about instead of developing a story LINZ's future work program was to gather data and establish what the role of tenure review actually was?!

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?
In the impact statement advice documents on whether to end tenure review LINZ provided the Minister it is noted "the net ecological impacts cannot be identified at a national level as there is no data..." Until there is data showing a need for protection of the natural values over and above what already exists it seems other questions should be being asked (like what are the constitutional ramifications of stripping leaseholders of their property rights when there is no need to if patience and modification could be applied to the tenure review process) The advice to the Minister from LINZ (remembering that officials were directed by the Minister not to consult lessees) was that they couldn’t recommend ceasing tenure review over repurposing it. The other mechanism for protecting land and granting access fairly is tenure review. Follow the advice given by LINZ BRF 19-009 "In light of these factors LINZ recommends retaining an amended version of tenure, as well ass enabling complementary approaches such as voluntary acquisition of whole or partial leases "

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?
It is a waste of significant amounts of public money (and lease holder time and money) not to finish all the tenure reviews already in process. In the the discussion document provided to the Minister entitled Enduring stewardship of crown pastoral land" It is stated that the multi year appropriation set aside for purchasing Crown pastoral land through tenure review process has $387.4 million remaining which when it expires will revert back to an annual appropriation of $96 million. If tenure review is ended this appropriation will no longer be available for the Crown to acquire Crown pastoral land. point 67. When the minister declares that outside the lucky 8 with substantive proposals tenure review will continue according to resources, The money is there to do it. It is not resources that would stop resolution of these reviews it is the political decision.

Even with a high estimate of 24 of the leases in review currently, being completed on page 13 of the "impact statement - proposed changes to tenure review " it is noted that the total fiscal costs to the crown would be $31.5 - 36.6 million". SO there is apparently money available to resource the completion of these reviews for a short period of time.

Q2

2a. Do you agree with the proposed outcomes? No
Please comment
The outcomes that are the current Ministers vision are not in alignment with the findings of other independent reports commissioned by LINZ in the briefings provided over the last year or historically such as the Armstrong report

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?
This has seriously damaged the lessee -landlord relationship. There is a determined disregard for the most affected party (the lessees) . This is evidenced by the following LINZ advice to the Minister concerning these reforms from the’ impact of the proposed tenure review changes' document "Ministerial direction has meant that officials have been unable to consult
with stakeholders on these options [whether to end or repurpose tenure review] which has prevented a full assessment of the likely impacts of both options". It's not very respectful that the Minister cares so little about what might be the effect on leaseholders of this life changing for us decision that LINZ advisors were directed not even to consult with us. There is much talk in the documents of values and this sends a very clear message of what value the Minister puts on lessees (very little and that's a concern for a working relationship going forward)

Of all farming types available to us we specifically bought a high country station because extensive is the posterchild for sustainable farming in as much as any economic human endeavour in the primary industries can be. It produces fantastic healthy sustainable products such as merino wool and meat in a way that allows great biodiversity outcomes for native flora and fauna as well as good animal welfare outcomes for the animals these products are harvested from. It is deeply insulting that the entire proposal assumes farming is only a threat.

The proposed changes are going to make this type of farming unattractive. How risky for the farmer to have their continued pastoral activities at all times subject to the values of the general non farming public who are obviously going to put their own interest in access above that of the farmer needing to be able to run their business.

How costly for there to be a cost recovery model once it’s a requirement that experts are consulted for all activities. How undesirable to have the constant threat of access being opened up potentially to whoever not to mention the carefully worded but vaguely threatening comments about rent not being on the table at this stage and notes that pastoral farming may no longer be viable for some. These changes make high country farming an unattractive proposition which is obviously the desired effect.

There has been little in depth analysis from the ministers side that the role of pest control has in maintaining indigenous biodiversity and what will happen when Pastoralism is removed/restricted. For example hieracium and wildings are critical threats to indigenous biodiversity and both are controlled by grazing. Where is the analysis of what happens with regards to these key threats when pastoral farming is restricted? The LINZ Briefing to the Minister BRF18-100 p 9 notes “Any work done without a clear view of the system design could have unintended consequences or miss opportunities to have the best outcomes. Work in this area will need to have regard to:

The cultural and heritage values of extensive pastoralism in the high country, including the associated benefits of managing invasive pests (for example, rabbits or wilding conifers) on the land. This includes considering the settings to encourage continued viability of this land use such as the rental regime.”

It is a grave concern that the Minister has chosen to ignore so much of the advice provided by LINZ. The proposed outcomes are not consistent with the Governments Treasury Living Standards Framework. There has been no real effort by the Crown to assess the impacts the proposed changes will have on the Lessees with regard to this framework. In fact the Minister actively tried to thwart analysis of this by advising policy analysts they were not to consult lessees
Submission 2900

about the impact of ending tenure review (although the decision was noted by LINZ as one which would devalue the lease)

All the other aspects of wellbeing contained in the Living standards framework; human, social and financial of those most affected by these changes – the Lessees - are seriously subservient in the proposal to natural capital. This proposal will erode the overall living standard of Lessees.

The term ‘Natural capital’ is worryingly loosely defined but interestingly natural capital in the treasury framework is defined as the ‘ability to support life’. Nowhere has there been any evidence that Crown pastoral lease land, former or under current management is no longer capable of supporting life. Under this definition there is no need to undertake any changes.

The Human capital in the form of the Lessees ability to perform their usual work is clearly at risk and the financial capital of the Lessees is also in danger. Social capital is threatened not just in the damage to high country communities that this proposal will result in but also by the undermining of trust that occurs with changing legislation because a contract proves inconvenient. This kind of action is not the norm for the New Zealand government or its people who generally rate fairness highly. The connections between high country farmers and the community are also being eroded by the false ideas promogulated by these proposals that the public have a right to access this land which is actually already alienated and that somehow the taxpayer is owed something more by the Lessees.

The Crown should focus on its constitutional obligations to respect property rights, honor contracts and on acting as a good landlord and if has Treasury Living Standards frameworks that it wants to fulfill to look at all parts of the framework not just natural capital.

2c. Do you agree with the use of “natural capital” rather than ”ecological sustainability” in the proposed outcomes? No

Please comment
The exact legal definition of natural capital has not been provided. It seems unwise to replace one poorly defined term with another. Perhaps if the definition is exactly that of the Treasury Living Standards framework and all parts are treated equally… “This refers to all aspects of the natural environment needed to support life and human activity. It includes land, soil, water, plants and animals as well as minerals and energy resources” I note that this definition does not discriminate against non indigenous plants and animals and does include reference to the need to support human activity.

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?
2e. What are the qualities and features of Crown pastoral land that you value the most?
2f. What does enduring stewardship mean to you?

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?
Please comment
Submission 2900

3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system?
   Please comment
3c. What other mechanisms could be used to improve accountability?
3d. Which mechanisms do you think would be most effective in improving accountability?
3e. Do you think there are any problems with the proposed change?

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?
   Please comment
4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?
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?
   Please comment
5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?
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?

Q6

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions?
   Please comment
6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?
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.

Q7
7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents?
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?
Please comment
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?

Q9

9a. Do you have any feedback on the preliminary analysis in section 6?
9b. Are there any other comments you’d like to include in this submission?
Access

The general public may well be expressing strong interest in having access to this land but the crown has a contract with leaseholders which it should either honour or pay full compensation for (as in compensation for the loss of exclusive enjoyment rights) if it plans to breach that contract and not respect our current property rights. The public think they have an access right because ministers talk about the land as if it was unalienated land. Public opinion might have been different if the bundle of property rights leaseholders currently have had been explained to them by the Minister. Traditionally Leaseholders have granted access but not all the time to all people because, even excluding hunting access, general public access poses real biosecurity risks, risks to the stock, legal risks for the farmer under the Health and safety Act and can make running the farm difficult. Such concerns are why there is the stipulation that leaseholders have exclusive rights. Leaseholders need control over access. People who have bought leasehold farms have done so in good faith assuming the government will honour its contract. Tenure review is a good way to secure mutually agreeable access.