In response to the discussion document:

Q1A: How should areas of Crown land with inherent values worthy of protection be secured once tenure review is ended?

Where the Crown wishes to negotiate the protection of particular inherent values the crown must be willing to provide funding where required.

Q1B: How should public access to Crown pastoral land be secured once tenure review is ended?

Where the Crown wishes to negotiate easements for access (should leaseholders wish to enter negotiation) this must be negotiated on a case by case basis and the Crown must be prepared to pay adequate compensation to the lease holder for the granting of easements.

Leaseholders must maintain their rights to grant or deny access in order to protect their stock and their property, poaching of both domestic stock and of game animals is a very real problem, as is the damage to tracks that can be done by 4W drive enthusiasts.

Q1C: Are there any other mechanisms that could be used to protect significant natural values or secure public access on Crown pastoral land?

Pastoral leases can be bought and sold on the property market, the opportunity exists for the Crown to make an offer to purchase the lease either in part or entirety at any time.

Q1D: Are there any other implications on ending tenure review that the Government should consider?

Yes. Ending tenure review impacts on potential benefits to the economy.

It also impacts on the Department of Conservation’s ability to acquire land where they identify that it would be of benefit to add certain areas to the conservation estate.

Q2A Do you agree with the proposed outcomes?

No. Many of the proposed outcomes are contrary to and not in accordance with the terms of the existing leases.

Q2B: Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?

Where will the funding come from to implement and manage any of what the Crown is proposing?

It should also be made clear that under these proposals no groups will gain any form of entitlement to meddle in the rights of pastoral lease holders.

Q2C: Do you agree with the use of “natural capital” rather than “ecological sustainability” in the proposed outcomes?

No. It alters the fundamental principles of ecological sustainability.
Q2D: 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?

There is adequate protection of the Treaty of Waitangi principles at present.

Q2E: What are the qualities and features of Crown pastoral land that you value the most?

As a leaseholder, my right to exclusive possession and Quiet enjoyment.

Q2F: 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?

As a leaseholder, my love of the land, the beauty of the landscape and all its inherent values and a deep-felt obligation to see that all of this remains unspoilt.

Having input from many different groups will inevitably lead to conflicts of interest as to what is construed as stewardship, the definition of stewardship must be managed by mutual agreement between the lessee and lessor giving due consideration to the rights of the lessee under the terms of their existing leases.

Q3: 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. But with no outside influences driven by financial or political bias.

Q4: 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. I welcome clear guidance on legislative requirements.

Q5A: Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions?

It would depend on the nature of the discretionary consent application and the effects identified.

Q5a: What are your views on the use of offsetting by the Commissioner under the discretionary consents process?

Again, it depends on the nature of the discretionary consent and the effects identified, offsetting may be appropriate in certain situations.

Q5b: What other mechanisms could be used to ensure decision making supports the proposed outcomes?

Giving due consideration to the rights of leaseholders in the same way as to the rights of owners of freehold properties under the RMA.
Q6A: Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions?

It would depend on the nature of the discretionary consent application and the effects identified.

Q7 – Fees and Charges

It must not result in the doubling up on the cost of applications for discretionary consents where consents also need to also be approved by the local authority under RMA.

Please to note we less than happy with the whole of the proposal, and see it is yet another attempt to undermine our rights and intimidate pastoral lease holders by this government.
Erewhon Station Response to the Crown’s Discussion Document:
“Enduring stewardship of Crown pastoral land”

April 2019

The decision to end Tenure Review (TR) is not in the best interests of the High Country. It was made with no consultation with Lessees. The negative outcomes reported on tenure review reflect a minority of Leases who subsequently subdivided portions of their property after Tenure Review. This was not the fault of Tenure Review per se, but a lack of planning at District Council level. Some Tenure Reviews also left farmers with barely economic farms in fragile climates. These subsequent freehold farms have them been dramatically intensified. In the case of our neighbour, Mt Potts, we believe that DOC could have included at least another 5000 odd acres to the freehold. This area was fenced and improved pasture which would have lowered the intensification of the present farm.

At the same time little attention has been paid to the monitoring and results of the management by DOC of the land which has passed from leasehold management to the conservation estate.

The more appropriate policy response to the perceived concerns would therefore have been to retain the option of tenure review within the Crown’s management toolbox, with attention focused on fixing the tactical and operational failings of the present process within LINZ and DoC.

The Crown should also continue tenure review negotiations in good faith with all those leases identified in Table 2 of Annex 4 of the Minister’s Cabinet Paper who wish to do so.

Lessees who are in the TR process must be able to continue in good faith without ministerial interference.

In the mid-1930s, Erewhon was completely overrun with wild deer. Government cullers shot over 3000 deer & 1000 chamois in 3 months but this barely made a dent in the population. By 1943 when Arthur Urquhart bought Erewhon it was only running 600 mixed sex sheep and large parts of the property were severely degraded. Arthur shot deer almost full time for his first 3 years here and he made considerably more from selling deer skins than he got for his wool cheque in that time. In 1974, musterer’s report seeing mobs of over 100 deer each morning stringing off the homestead flats and up the Havelock Valley. Through the late 1960’s, the Urquhart’s deer fenced some of their flats to keep the deer off their winter feed crops.

Central to the rights alienated to leaseholders are the right to exclusive possession and the right (and obligation) to undertake pastoral farming. As officials have noted the original goals of improved environmental outcomes have been delivered. The High Country of 2019 is in substantially better state than it was in 1948, and this process of environmental enhancement will continue under the stewardship of lessees. Officials have noted that the Crown does not have a right to control ecology and improve biodiversity. That is however precisely what is inherent in the Government’s proposed outcomes. These proposed outcomes therefore fundamentally seek to re-weight the property rights originally alienated by the lease by providing a mechanism for the imposition by the Crown of additional purposes against which all other activities, including pastoral farming, are subservient.

That is unacceptable to lessees. As officials have noted:

*There are fundamental constitutional principles and values in New Zealand law and practice that often run so deep that the Courts will draw on them when interpreting legislation or*
otherwise deciding case. These principles include the rule of law and respect for property

1A. No change is necessary. Continued light and extensive grazing by past Lessees means these inherent values are still present in the High Country on our property.

It should also be noted that National Policy Statements, Regional Policy Statements, Regional and District Plans under the Resource Management Act all provide a general process of identification and protection of inherent values. The need for any further legislative response must be seriously questioned when it would be directed not in any coherent general way to the High Country as a whole and the New Zealand public at large, but to a small discrete group of land owners.

1B. For access to Pastoral Leases – the same as now. People ring us and if it doesn’t interfere with our farming, we grant permission. We get thousands of permission calls each year and also provide an invaluable information service informing them of the river/weather conditions and keeping people spread out. Would be a lot more mishaps up these valleys without this local ‘intel’ being provided.

1C. No

1D. To repeat from above “Lessees who are in the TR process must be able to continue in good faith without ministerial interference. “

2A. No. There are too many groups trying to have a say in the way we farm our properties. Many of these groups are simply from a “grazing is bad” mentality and have no idea of the last 150 years history of the High Country, let alone any coherent vision for the next 150 years.

2B. No. The Crown could concentrate on proving that it is controlling Pests & Weeds including wilding trees on all of the DOC estate as well as monitoring water quality from retired tussock grasslands.

2C. Absolutely NO. It is a load of rubbish. “Natural capital” is simply a term so the Government can interfere more in pastoral leases.

2D. We thought that Ngai Tahu had received full and final settlement from the Government

2E. We value being able to farm an iconic High-Country property with a traditional & extensive grazing regime. We especially value being able to farm sustainably, both now and into the future. We are very proud of our Clydesdale horses and happily share these horses and our beautiful slice of NZ with visitors and tourists.


Lessees do not have a contractual relationship with iwi and the public at large. Accordingly, whilst we recognise that the Crown has stakeholders to which it needs to have regard, we do not accept that any such parties, as of right, have a place in the stewardship of the leased land. With respect to the Crown’s aspiration for ‘enduring stewardship’ it needs to be recognised that under its contract with lessees the Crown allocated the responsibility for land stewardship to the lessee. To the extent that the Crown seeks to change that role by creating a new ‘regulatory’ framework it is inherently varying the terms of the lease contract.

3A. No. It is appropriate that the Commissioner be accountable and be required to adopt a reporting process which enables that accountability and provides transparency.
This should promote a better public understanding of the respective interests and roles of the Crown, the Commissioner and lessees in pastoral leased land.

The Commissioner must, however, remain substantially independent of political direction. We therefore support a requirement that the Commissioner prepare and publish a statement of performance expectations prepared in consultation with the Minister.

The Commissioner may, but should not be required to, consult publicly on the Statement.

3B. Yes
3C: None
3D: See 3A
3E. Not if 3A recommendation is followed

4A. On balance - No. We agree in principle with the idea of guidance and standards. As a general proposition efficient (and hence cost effective) processes are enhanced by clear guidance. But in our view the Commissioner does not require empowering legislation, and any such legislation may give rise to legal issues about the status of the guidance and standards. Hence there is a risk of increased dispute. Developing such guidance requires care to ensure that enough flexibility remains to take account of the diversity in circumstances of each pastoral lease. No two leases are the same and the Commissioner needs to be able to make decisions on a case by case basis.

4B. Any improvement in transparency will be highly dependent on the quality of the standards and guidance.

4C. The general public needs a far better understanding of the history of pastoral leases and the nature of the contractual relationship between the Crown and lessee.

It would be helpful if there were a clear Government statement in the materials it distributes in future on this subject that the land held under Crown pastoral leases is, by its nature, privately held land.

4D. Very sparingly. Flexibility is paramount.

4E. The Commissioner could engage more frequently and meaningfully with leaseholders.

4F. More frequent and meaningful engagement with leaseholders.

4G. Outsiders trying to interfere with our farming operations

5A. No. We do not agree with the proposed outcomes as stated. Therefore, we strongly disagree with the proposal that the Commissioner should be required to give effect to the proposed outcomes in discretionary consent decisions.

As the outcomes are proposed, the farming activity is made subservient to the ‘maintenance and enhancement’ of conservation values. In her answers to questions at the consultation meetings, the Minister made it clear that this was a deliberate and intended outcome.

As such there is a fundamental unilateral shift of the bundle of rights originally alienated by the Crown under the pastoral lease back to the Crown. This is contrary to the Rule of Law.

Consents for discretionary actions cannot be withheld where to do so the Crown undermines the fundamental contract and objective of pastoral farming. This appropriation of the lessees’ property
rights would be demonstrated in practice by the carrying capacity of farms being steadily diminished as historic consents for maintenance of existing pastures, removal of re-generating weeds, replacing stock bridges etc. are withdrawn as being inconsistent with the stated outcomes.

This will lead to a cycle of diminishing capability for investment by lessees in desirable environmental outcomes and a progressive deterioration in the sustainability of the farming proposition. This will have directly adverse economic implications for lessees. There will, however, also be scope for considerably wider adverse economic implications for the businesses processing and selling our products.

The Government accordingly needs to be careful to ensure that its new approach does not have the perverse result of undermining the achievement of its objectives. If there were an agreed set of outcomes, then there is sense in discretionary consents being decided in a manner consistent with those agreed outcomes.

We take the view, however, that section 18 of the CPLA presently strikes broadly the right balance. The Discussion Document appears to regret the judgment allowed to the Commissioner. But the diversity of consents, values and farms is such that flexibility and judgment is required if the system is to work.

To the extent that there are problems with the current system, they stem from lack of transparency in the decision-making process, inadequate staff resources, and lack of timely decision making. These are all matters which can be fixed without legislative change.

5B. No. It is likely to slow processes, lead to disputes and legal challenges, as well as overlaying considerable costs. Ultimately it will undermine the objective of a partnership approach and the achievement of good environmental outcomes, including through eroding the capacity to invest.

5C. The development of individual farm plans which align the processes under the RMA (a regulatory process) and the CPLA (a fundamentally contractual process) has the potential to substantially advance the Crown’s objectives for better environmental outcomes and at the same time provide a basis for a far better relationship between lessor and lessee.

Farm plans which agree the inherent values of a property, along with priorities for biodiversity, landscape and other values, and which then align farm management practices and plans have considerable potential to eliminate multiple consent processes.

The up-front investment by the Crown and lessees in achieving lessee and agency alignment should not be under-estimated, but over the longer term there will be considerable efficiencies, and a foundation laid for a much more constructive contractual relationship. If continuation of the existing cases under tenure review is ultimately not permitted, those properties which have had reports produced as to inherent values could utilise them in development of such farm plans.

Farm plans will typically contain sensitive information of a private or commercial nature and should not be available to the public.

**Offsetting**

As a matter of principle, the requiring of offsets for consents is an example of the Crown appropriating back to itself rights which it has previously alienated – namely the right to pastoral farming of the demised land.

We therefore generally oppose the philosophy of offsets.
Requiring offsets would also have negative practical outcomes. It would likely provide a disincentive to voluntarily undertake environmental projects, and instead incentivise such projects being kept for when they are needed.

It would also penalise those farmers who have historically undertaken environmental projects of their own initiative and reward farmers who have not with a greater ‘bank’ of future options to offer.

Notwithstanding these views there may be room for offsetting within the Commissioner’s toolbox to consider and apply in limited circumstances.

It will not be appropriate where the discretionary action has no adverse ecological impact and/or it is simply maintaining current farm management practices or obligations.

For example, the lessee is required to control gorse under the lease but in some circumstances is required to seek a consent. Such an application should not trigger an offset. Nor should a new fence or minor earthworks. The development of new pasture may, however, in some circumstances justify a proportionate offset.

Likewise, the cited example of a condition requiring the fencing of a wetland in response to an increase in a stock limit is unobjectionable if that requirement was proportionate to the consent being sought.

5D: The history of the property and consents already issued will be very relevant. The consent process should not be used to diminish the existing practice of farming and compromise the investments previously made in accordance with consents issued by the Commissioner.

It is also important that all conditions are proportionate to the consent being sought. Therefore, the process has an inherent requirement for judgment and flexibility.

6A. No. Most consent applications do not require special expert analysis. Requiring analysis and advice over and above the input provided by DoC is simply likely to cause delay and add expense. It may also hinder a culture of compliance and joint stewardship and partnership.

Some exceptional circumstances may require the Commissioner to seek expert advice beyond the resources immediately available within LINZ, if he is to meet his obligation to make a reasonable decision.

It is hoped, however, that if the Crown is to assume greater stewardship responsibility that will include appropriate (and efficient) resourcing of LINZ to provide that expertise.

6B. Consent applications should not be the subject of public consultation. Introducing an element of public consultation fundamentally ignores the contractual (as opposed to regulatory) relationship between the Crown and lessee.

If public consultation is appropriate, then that will be a consequence of the proposed activity triggering the application of the existing rules of a District or Regional Plan. If not so triggered, then the matter is of insufficient significance to incur the costs and delay of a further process, which is, in effect, superfluous.

The High Country Advisory Group provides an informal forum for the Commissioner to gather wider views on non-property specific matters.

6C. Yes
7A. No. Farm consents should not be the subject of a separate fee regime. These are not provided for by the lease contract, and the imposition of such an arrangement is effectively a variation of the agreed rent setting mechanism. A reasonable and proportionate charge for processing non-farm discretionary consent applications is unobjectionable in principle.

The issue is one of reasonableness and proportionality in fees, and process efficiency. Presently LINZ is highly inefficient in dealing with consent applications. There are numerous examples of excessive delay (in many reported cases of more than a year), which implies high levels of avoidable cost, which lessees would object to shouldering.

In addition, to the extent there is duplication of processes within Crown and local authority processes because of their design, the consequential costs of such inefficiency should not be passed to lessees. Lessees should certainly not incur the costs of any consultation process embarked upon by the Commissioner.

Where costs are imposed, they need to be set at levels which encourage a culture of voluntary compliance and co-stewardship, and which underpin a constructive relationship with the Commissioner and his delegates.

7B. As noted above, charging fees for pastoral activities would be a variation to the lease contract. Economically, they will obviously reduce farm profits or increase farm losses (as the case may be)

8A. Yes

8B. Better public reporting on the positive environmental outcomes being achieved by high country lessees

8C. See 8B

9A. The section 6 analysis is disappointing. Whilst necessarily in summary form, it reflects an unhelpful mindset of adversarial position taking by the Crown against lessees. Further it confuses a contractual relationship under the leases with a regulatory function.

More fundamentally, it fails to acknowledge the possibility that the Crown and lessees might work together to achieve better and mutually advantageous environmental outcomes without legislative change (other than the acknowledged wish to repeal the tenure review provisions).

The opportunity to do so is there.

9B. We would like to be invited to any further meetings discussing these submissions

**Note:** We have recycled some of the High Country Accord Responses to many of the questions as they so succinctly capture the legalities of existing pastoral lease agreements. We are in complete agreement with those responses.
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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Submission type*

☐ Individual

☐ NGO

☐ Local government

☐ Business / Industry

☐ Central government

☐ Iwi

☒ Other (please specify)

Leasee

* 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?

Provisions already exist in pastoral leases for protection of significant natural values. These are reinforced by the resource management act, district plans and regional councils. This should carry on as it has in the past for properties who have not completed or entered into tenure review.

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

Other mechanisms such as QEII Trust covenants already exist and are used by many leasees.

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

No. The proposed outcomes (see page 23/24 of the Discussion Document) fundamentally change the contract of the pastoral lease. This contract allows for the farming of the pastoral leased land within terms of the lease. The proposed outcomes prioritise ‘the maintenance and enhancement of natural capital, and cultural and heritage values’. This terminology is not well explained and it makes pastoral farming conditional on this proposed outcome, that is not well defined. It therefore jeopardises the leasees’ right to pastoral farming as per their existing contract with the crown.

The term ‘fair financial return’ needs to take into account the management cost of the land that would otherwise be carried by the crown if it were not in pastoral farming, such as weed and pest control, and the overall economic benefits to local communities and the country as a whole that are derived from pastoral farming.
2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?

The rights of the leaseholder as a long term partner of the crown and recognition of their interests in the land.

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

☐ Yes ☒ No ☐ Unsure

Please comment

Both terms, ecological sustainability and natural capital are not well defined. Whatever term is used it needs to have a clear definition, be simple, measurable, objective, relevant and understood by all stakeholders.

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

Add your response here.

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

They are an iconic and integral part of the fabric and folk-law of farming in New Zealand, they are rich in history and the vast majority are excellent examples of sustainable agriculture within outstanding natural landscapes.

They are steeped in tradition and often generational in their lease ownership. For many young people entering the agricultural industry they represent the holy grail of iconic properties to be employed on.

The leases are owned and managed by families that are passionate about the land and its wellbeing and focused on its longevity and durability as a home, a farming business and a place of great ecological diversity.

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

The main roles lie with the crown and the leasee, as per the lease agreement and existing contract in place. It may be appropriate for other stakeholders to be involved in certain circumstances but this should be implemented on a case by case basis.
where it is driven by the leasee. This already happens on many properties.

**Question 3:**

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

☑ Yes ☐ No ☐ Unsure

Please comment

Yes, as long as the commissioner remains independent of the government of the day with the goal of achieving long term, sustainable results.

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

☐ Yes ☐ No ☐ Unsure

Please comment (optional)

Add your response here.

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

Add your response here.

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

Add your response here.

**Question 4:**

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

☑ Yes ☐ No ☐ Unsure

Please comment

Clear guidance and standards should improve the process and understanding of the process to all involved. However, it needs to be flexible enough to allow for the huge variety of pastoral lease properties.

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

☑ Yes ☐ No ☐ Unsure

Please comment
If requirements are well understood then outcomes should be similarly understood, and in most cases have a degree of predictability.

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?

All stakeholders need a good understanding of the lease components and leaseholders’ rights to pasturage, their ownership of all the improvements on the property and the enduring tenure that a pastoral lease provides. A pastoral lease while relatively straightforward in many instances is often not generally well understood by some wider stakeholders such as some recreation groups. More wider education is needed in this area. This will in turn assist with understanding the framework that decision making fits within.

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?

Use of case studies of discretionary consent applications, possibly with names/locations redacted so an understanding of the process can be followed through the process.

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

That will depend on what outcomes are finalised after consultation.

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

Add your response here.

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

Alignment of the outcomes with the RMA, district plans, regional council objectives and possibly the use of farm plans.

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

Long term benefit or detriment to lease holders rights to pastorage and environmental considerations.
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

In certain circumstances expert advice may be required however in many, if not the majority of consent decisions are merely the continuation of existing farming practices on the land, most of which has been farmed for 150 years or more. Outcomes from the continuation of these practices are largely understood and with an increase in the skill base of LINZ employees should be able to be readily assessed without the need for further expert opinion, costs or prohibitive timelines for consent completion.

There perhaps needs to be a stepped system developed for consents in terms of their impact with minor consents being quick and easy for all to complete through to the more complex ones requiring a more thorough level of reporting and possibly expert advice.

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

Other mechanisms such as the resource management act should dictate the need for public notification and potential public consultation. If these do not activate public notification then it shouldn't be necessary.

The use of experts will also most probably be required in circumstances that trigger RMA or district plan conditions, the expertise required will depend on the level of expertise available within LINZ and/or other government organisations such as DOC that should be used first and foremost when considering consent applications.

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, an independent statutory officer with the appropriate skill set and resourcing is the most appropriate decision maker to provide appropriate decisions that align with lease holder rights and stakeholder considerations.
**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

A reasonable charge for processing consents is fair in terms of a user pays model, however the efficiency of processing consents by LINZ needs to be improved and streamlined which will improve cost efficiency for LINZ and also for the leasees. Where expert advice is required it should first be sought within LINZ or other government agencies to manage potential costs.

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

If fees are disproportionate to the request there is the possibility it could encourage non-compliance and foster a ‘them and us’ mindset rather than the collaborative approach that I believe the crown and leasees both desire. If consent fees were charged on consents that are part of good husbandry conditions of the lease, such as weed management then that would be detrimental to crown/leaseholder relationships.

**Question 8:**

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

☑ Yes  ☐ No  ☐ Unsure

Please comment

So stakeholders are kept informed on pertinent issues.

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?

- Crown and Leasee goals and desired outcomes for the high country
- Existing leaseholder rights and responsibilities
- Broad summary of lease inspections, any issues of non-compliance etc
- Summary of consent applications and decisions
- Selected case studies on consent applications and decisions that can be used for education of all stakeholders and inform future consent applications

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?

The great majority of high country farmers on pastoral leases are excellent stewards of the land and see themselves merely as caretakers of the land for the next generation and generations to come. One of the main drivers for this long term approach to caring for the land and positive stewardship is certainty and clarity of their rights of tenure under a pastoral lease. One of the main drivers for establishing the 1948 land act in was to improve environmental outcomes though secure, long-term tenure for lease holders.

Sweeping changes to the current system could create uncertainty again in relation to leasee rights, the security of tenure and have the unintended consequence of creating
more short term thinking and profit taking to the detriment of long term stewardship.

In addition to our own submission I have read and understood the submission by the High Country Accord and fully support and endorse their submission.
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.

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

When your submission is complete

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

- PDF
- Microsoft Word document.

If you are posting your submission, send it to:

Crown pastoral land consultation
Land Information New Zealand
PO Box 5501
Wellington 6145
W Pickney Limited supports the “Summary of Position” forward by the High Country Accord in their response to the Crown’s Discussion Document.

**Question 1**

1a. We agree with the High Country Accord submission. Significant natural values on Glenaray Station have been identified in the Tenure Review Process and agreed. Over time the process could be replicated on all leases.

1b. Reviewable covenants (11 year terms to match rental review terms) should be considered. These could be established between the Crown and the Leaseholder.

1c. We support the High Country Accord submission. Goodwill of Leaseholders in Tenure review has been eroded. Should there not be consultation with all lessees currently in Tenure Review seeking an appropriate basis for settlement which accounts for the Crown’s enduring role of protecting ecological values and the Leaseholders desire to manage areas suitable for pastoral production while still protecting the inherent ecological values by the consent process.

There has to be a process for the Crown to acquire conservation land in return for freeholding the balance of the lease. This was the position prior to Tenure Review achieved by a surrender process and a reissue of Title under the Land Act. We strongly support a review of this process.

**Question 2.**

2a. No

We support definition of ecological sustainability. We reject the term “Natural Capital”

We support the HCA submission.

2b. Support HCA Submission

No. There is no indication as to how the Crown will economically commit to conservation and protection of identified ecological areas.

2c. NO

Support HCA Submission.

We total reject the concept of Natural Capital

Define “Ecological Sustainability”
2d. Support HCA Submission

2e. Support HCA Submission
Those that non leaseholders value. Protected by continued conservation management by Leaseholders. We do not support “preservation of the status quo” as a measure of protection for these conservation values.

2f. Strongly support the HCA Submission

**Question 3**

3a. NO
Support HCA Submission

3b. YES
Subject to the HCA Submission in c(a) being accepted.

3c. N/A

3d. Cross out the word *most* in the question line
The role of Farm Plans (reviewable) should be evaluated.

3e. N/A

**Question 4**

4a. YES
Support HCA Submission

4b. UNSURE
Support HCA Submission.
We will subject to skills of those involved. Therefore transparency is likely to be inconsistent.

4c. Support HCA Submission
The rights of Leaseholders as enshrined in the CPLA

4d. Guidance and engagement will result in standards being established and accepted

4e. Support HCA Submission

4f. Support HCA Submission

4g.
Submission 2905

Strike through

Question 5

5a.
NO
We strongly support the HCA submission. Preservation should not be misconstrued as Conservation. Farming and Conservation have and can cohabitate.

5b.
NO
Agree with HCA Submission

5c.
Strongly support the HCA Submission. Crown and Leaseholder should share cost of preparation of Farm Plans. All Farm plans should be reviewable.

5d.
The impact of the consent requested on the environment and ecological values.
Ratings should be:  - minor
                  - significant
                  - major

Minor would be approved without inspection;
Major would require significant input by the Leaseholder and his advisors.

Question 6

UNSURE
We support the HCA Submission.
We believe there will be some applications where “expert” advice is required but the majority should be managed by LINZ and DOC staff. (the present position as we understand it).

6b. Strongly support the HCA Submission.
The Public should not drive decisions within the Crown/Leaseholder relationship.
Fundamental factor within the CPLA.

6c. Very much subject to the positions “terms of reference”.
We consider the HCA proposal is worthy of evaluation.

Question 7

7a. UNSURE
Any fee should be transparent.
Further costs incurred by the Crown or created by the Crown should not be recovered from the Leaseholder.

7b. See previous notes re: consents

<table>
<thead>
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<th>Minor</th>
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<td>Major</td>
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Question 8

8a. YES
Support the HCA Submission

8b. No comment

8c. No comment

Question 9

9a.
Very strongly support the HCA Submission

9b.

As a Leaseholder in Table 2 of leases currently in Tenure Review we are adamant that negotians with the Crown should continue to allow sustainable ecological outcomes to be achieved. Both the Crown and we as a Leaseholder have invested considerable resources to establish a Preliminary Proposal. At this stage the Crown and the Leaseholder have an agreed position on conservation values and land access issues, which will lead to enduring stewardship by both parties. If there is a perceived risk on freehold land the “reviewable covenants” could be considered.

We remain committed to the stewardship of Glenaray’s conservation values which we protected for 120 years. These values were enshrined in a “Conservation Agreement” agreed between the Company and the Department of Conservation. We understand this Agreement (a copy of which is available) is unique within Crown Pastoral Leases and is an example of what can be achieved within present regulation, to the benefit of all parties.
Q1

1a. What are your views on how significant natural values should be protected once tenure review is ended? A joint effort by the Organisations and lessees involved
1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land? Councils have RMA plans Try to intergrate
1c. Do you have any views on the proposed transitional arrangements for ending tenure review? Get them done

Q2

2a. Do you agree with the proposed outcomes? Unsure
   Please comment Depends on interpretation
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? No
   Please comment It could mean other things
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?
   Natural Landscapes Healthy grazing country Lots of scope for livestock Strong and diverse native vegetation
2f. What does enduring stewardship mean to you? Long Term Sustainability

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
3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system? Yes
   Please comment
3c. What other mechanisms could be used to improve accountability? Monitoring
3d. Which mechanisms do you think would be most effective in improving accountability? Reports
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
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? Unsure
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? Yes
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
7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.

**Q8**

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework? Yes
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood? Field officers to be aqua Ted with property
8c. What information do you think is most valuable to understand system performance? Local knowledge
Q9

9a. Do you have any feedback on the preliminary analysis in section 6? No
9b. Are there any other comments you’d like to include in this submission?
Monitoring and other survey work has been done in Otago not long ago. I. Support High Country Accord submission.
Castle Hill Station is in an Outstanding Natural Landscape zone, and we accept that there are limitations on further development of the farm.

As in Q2a of the High Country accord submission, we are particularly concerned about the subservience of pastoral farming to conservation values. The long-term viability of the farming enterprise is under threat.

Further more, as the station is completely surrounded by D.O.C. Conservation land, are we at risk of the lease contract to be revoked (and consequently any compensation).
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. Please note the questions in the online submission tool are different to the Discussion document.

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.

### Submission type*

- [x] Individual
- [ ] NGO
- [ ] Local government
- [ ] Business / Industry
- [ ] Central government
- [ ] Iwi
- [ ] Other (please specify)
  
  **Add your details**

*Questions marked with an asterisk are mandatory*
1a. What are your views on how significant natural values should be protected once tenure review is ended?

A Pastoral lease already has mechanisms for the protection of Significant natural values due to its restrictive nature. Due to our Pastoral Lease being involved in Tenure Review, the Department of Conservation (DOC) have carried out updated Conservation Resources reports identifying those areas of natural significance. This has been a valuable resource despite it being a very subjective document. Much of the time spent in Tenure Review has been trying to agree on what areas are significant and how best to protect them. All leases would need this type of study done upon them so the Lessee and Crown could agree, in collaboration, on the areas of significance and a management plan to suit.

The discretionary consent process which a Lessee must abide by gives the Commissioner, with input from DOC, the ability to ensure these significant areas are not damaged or altered and are excluded from any discretionary consent processes a Lessee might apply for. As a part of the consent application a Lessee is also asked to assess the environmental impacts of the consent they are applying for and how they intend to mitigate those effects.

If the Crown wishes to take it a step further and seek a longer term or more formal type of protection mechanism this would be on a case by case basis with negotiation with the Lessee.

Local and Regional District Plans also provide a mechanism for protection of significant natural values to be protected across all land tenures currently so does not require duplication for a small subset of land owners such as Pastoral Lessees.

It is my opinion that no further law changes need to be made and the current framework is capable of protecting significant natural values.

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

Public Access to Lease land should only ever be at the Lessees discretion. The right to exclusive possession is our most valuable property right and any unconsented or forced removal of this would be unacceptable and I expect unlawful. To impose public access, I hope would be met by a unified resistance by all Pastoral Lessees and once again would probably find us back in court relitigating an already proven fact that the property right of exclusive possession and quiet enjoyment squarely rests with the Leaseholder.

Any provision of public access must be negotiated between Crown and Lessee and independent compensation agreements might be a possibility. By ending Tenure Review, I feel the Crown has lost that right to negotiate for public access.

1c. Are there any other mechanisms that could be used to protect inherent values or secure access on Crown pastoral land?

No. There are sufficient mechanisms already provided for by legislation, and the nature of the relationship between Crown and lessee (i.e. contractual) allows the flexibility for agreed outcomes to achieved.
1d. Do you have any views on the proposed transitional arrangements for ending tenure review?

Firstly, we as Lessee’s are extremely disappointed there was no consultation before Tenure Review was scrapped. As a Farmer with significant monies invested in our Pastoral Lease, we would have expected to have been included in the discussions about the perceived problems with the Tenure Review process before it was scrapped. The process may not have been perfect but it could have been reviewed in an attempt to streamline and improve.

The outcomes of Tenure Review I believe have been a positive outcome for NZ as a whole. Land freeholded, has now had the ability to explore other land uses and has seen significant investment resulting in employment opportunities for those communities, increased food production as well as formalised public access and significant areas now in the Department of Conservations care or protected by other means. The few examples that have received the adverse public response were not the fault of the Tenure Review process but the application of regulatory framework once a land has been freeholded such as regional and district plans, The Resource Management Act etc.

The scrapping of Tenure Review will be having a significant impact on Lessee’s, their families and staff due to the uncertainty of their farming futures. Pastoral Lease Farm values will also be under pressure currently as potential purchasers would avoid pastoral leases while future management is under review. If the proposals are not viewed as allowing farmers the ability to farm economically into the future or they become too restrictive in terms of the ability for Lessee’s to "farm" the Lessee’s equity may be eroded forever, making financing of these Farms harder and more expensive. Cashflows may diminish making environmental spending such as weed and pest control, riparian planting/fencing less likely. All this adds to the stress of these farming families.

Scraping of Tenure Review reduces the potential opportunity for alternative land uses regardless of if those land uses may not have adverse environmental potential.

In regards to our own personal tenure review on Hukarere Station we have spent over 20 years working towards our tenure review deal which is awaiting final approval from the Minister. We would be dreadfully disappointed if our Tenure Review was not able to pass the final hurdle and become a substantive Proposal prior to the proposed legislation changes taking effect.

Hukarere has had a great deal of goodwill with DOC in regards to the deal proposed which the minister is considering. We have invested significant monies and time over this period to reach the point we are at currently as have DOC, LINZ and their contractors. It would be a terrible waste of those resources spent to not finalise this Tenure Review. The deal proposed has significant benefits with regard to additions to the Conservation Estate, increased public access and significant natural area protection. It would also allow us as farmers to get on with farming those areas outside of the protected areas identified as being of greater economic pastoral use.

Hukarere Station is not a property that could ever be irrigated or converted to the more intensive farming systems such as dairying that has hampered the Crowns desire to continue with Tenure Review. Hukarere is not a brittle dryland ecosystem such as the Mackenzie Basin and is not near a lake or Tourism hub and so the lands proposed for freehold aren’t in the same risk category as the Mackenzie or other parts of Central Otago.

I also don’t accept that this will be a saving for the Government. If the Govt is to ask LINZ to embark on this enduring partnership with pastoral leases, upskill and employ staff with the expertise to carry out the “farm plans”, monitoring, ecological studies etc. I feel the costs of administration/monitoring will be at least equal to the cost of
administering and settling Tenure Reviews. The difference is in the past the settlement of Tenure Reviews was a capital payment and one-off whereas future pastoral lease administration will be ongoing in perpetuity and will continue to rise as do any costs over time.

**Question 2:**

2a. Do you agree with the proposed outcomes?

☐ Yes  ☒ No  ☐ Unsure

Please comment

**Strongly opposed.**

These outcomes may capture the Crowns interest but have little to no regard for the rights of a pastoral lease holder or for their futures. Pastoral Leases are created to assist and encourage the grazing of these properties. They were created to give farmers some certainty over their farming future and encourage investment. These outcomes make little account for this. Farming appears as a non-desirable outcome when compared to ecological values. This alters the relationship and nature of the lease significantly.

I feel the outcomes fail to recognise the significant investments farming families have made into these properties and greatly overstate the Crowns influence in these farms. Pastoral leases are in essence private land for grazing. By applying these proposed set of outcomes our right to graze and farm appear secondary to ecological outcomes which I feel is beyond the Crowns sphere of influence upon these lands.

Currently farming in these environments is difficult. Lease properties are large with a large maintenance requirement. They are difficult to keep efficient and are cost intensive. My expectation of a future under this proposal is where any development will be difficult to undertake. Without the ability to maintain, not to mention, grow our pastoral businesses either through production or performance means our viability will erode to the point we are forced out. The country as a whole is constantly trying to grow each year as we as pastoral farmers are also. This is a necessity for our financial survival. If we are not allowed to grow our businesses even at levels similar to inflation or the rest of the economy we will not survive. I fear we will become landscape managers rather than farmers. Extensive pastoral farming may not remain financially viable for leaseholders under these outcomes.

All leases are different. Not every property is within 10min of a lake or tourist population. We have had a hunting/fishing accommodation business on our pastoral lease for over five years. At the very optimistic end of occupancy the non-pastoral contribution to our Gross turnover would be 6% tapped out. Grazing will always be over 90% of our potential income and vital to our families farming future.

I fear the tools available to leaseholders through discretionary consents will be removed if measured against theses outcomes threatening our ability to remain as pastoral farmers. The lease is designed to provide the “pastoral platform” for leaseholders to carry out pastoral activities.
I feel the Crown is already achieving a fair return on their interest in Pastoral Leases. We pay a concession for our Tourism business reflective of the fact the Crowns Interest is limited to the ownership of the “grazing platform” to which we have invested into to create the property that we have today.

We also invest significantly in weed and pest and as a certified organic property are mindful of our obligations to achieve better soil health, water quality and biodiversity. These are measurable outcomes and are not subjective as the proposed outcomes appear.

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

The Crown hasn’t detailed how it will assist in achieving these outcomes. The outcomes appear as to the Crown standing over the Lessee’s telling us what we can or can’t do rather than the collaborative approach required.

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

☐ Yes ☒ No ☐ Unsure

Please comment

The term is ambiguous, confusing, hard to measure and could be interpreted in a million ways. If used to justify decision making it would be open to argument delaying decisions, adding cost and stress.

Ecological sustainability is slightly better, as although narrower, is more accepted and understood although again is open to interpretation and therefore creates areas on uncertainty and argument

Outcome wording should be measurable, transparent and not open to interpretation or disagreement if possible.

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?

The people. Crown Pastoral Lessee families and staff are a unique community of resilient, hardworking, honest people who have immense passion in their farming environments. They have chosen to Farm these lands in some of the more remote and inhospitable areas of the South Island high country.

The lands are vastly improved from when the leases were established. Photos of our pastoral lease in the 1930’s are of a barren landscape, treeless and struggling for
biodiversity with open soil cover and rampant pest influence.

Hukarere Station now is a landscape to be proud of with mixed landscapes of mature and regenerated native alongside productive grasslands. The biodiversity sited upon our pastoral lease far exceeds the Leithen Reserve adjacent to our property.

Crown Pastoral Land is renowned within this country and to international visitors alike for the vast picturesque landscapes and iconic farming scenes NZ is known for.

Pastoral Leases have provided a valuable instrument to transform land that was under huge ecological stress. The perpetual leases awarded property rights to the lessee’s not too dissimilar to freehold land such as perpetual possession, right of exclusion, quiet enjoyment and improvement in equity from a lessee’s investment whilst the Crown still being able to overlay a level of veto over activities it might deem to damage natural values.

The pastoral lease system to date has achieved good ecological as well as economic results from their inception. Allowing freeholding unbundled the land to allow the public to access these iconic landscapes, protected those areas of significance and allowed for the exploration of other land uses for the remaining areas when times and demands of a growing world have changed. We now have sufficient mechanisms in the countries law such as district plans etc. to ensure the ongoing stewardship of freehold land.

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

A partnership between Crown and the Lessee whereby both parties respect and understand each other’s rights and obligations. It would require through consultation an agreed direction and formalized plan to achieve the desired result whilst allowing each party to continue to exercise their right to operate.

Other parties may be involved such as in the high-country taskforce capacity providing overarching discussion points and suggestions but ultimately the buck stops with the Lessee and the Crown alone.

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

No problem with a statement if Performance Expectations if it assists accountability, efficiency and transparency but don’t think it should be approved by the Minister. This
implies the Commissioner would be influenced by the Government's direction of the day. If the Govt of the day doesn't approve the Commissioner would be obliged to alter the expectations until the minister does approve. The Commissioner needs to remain independent of the Govt to reduce the continual interference with Pastoral Leases we have today.

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)

Only if the outcomes to be measured against are fair, unambiguous, measurable and respectful of the parties' rights and obligations

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

50T

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

50T

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

50T

Question 4:

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

☐ Yes ☒ No ☐ Unsure

Please comment

I don't believe there is a need for legislative change. Could the Commissioner not provide this sort of support without changing laws? Trying to lump us all into the same basket by providing a standard across all pastoral leases would be thwart with
difficulties as we are all very different in geography, climate, management etc.

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

50T

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?

50T

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

50T

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

50T

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

Don’t agree with the proposed outcomes as they stand.

If the Crown with the involvement of Lessee’s was able to create a set of outcomes acceptable to both parties then I would have no problem with that. If Lessee’s had clear outcomes to apply their discretionary consents towards, we would be more aware of the criteria we would need to achieve to seek approval.

The Consent decision shouldn’t be made public.

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

No. Lessee’s need to be involved in setting the outcomes alongside the Crown. Without Lessee buy in to the outcomes conflict and dispute will inevitably arise. Efficiency will decrease, costs for all parties would increase and Possible non compliance may arise.

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

My father has eluded to the days of the Lands and Survey department whereby a person from Lands and Survey would visit once a year and agree alongside the Leasee a plan for the year and what consents might be required. This collaborative approach would be a possible way forward.

A ‘Farm Plan’ created in conjunction with LINZ could work. This would require Lessee’s to undertake the research necessary and the planning required to create a longer term vision for the Pastoral Lease keeping in mind the agreed upon outcomes overarching the management of Pastoral Leases.

This would also assume LINZ had people in their organization with the expertise and experience of these unique farming environments to contribute in a collaborative way towards achieving a common goal for a Pastoral Lease.

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

5OT
Question 6:

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

☒ Yes ☒ No ☐ Unsure

Please comment

Yes, if unique situations arise where it might be required.

No, if the request is maintenance of an already granted consent, minor works or within the expectations of normal farming practices in these environments. The Commissioner already has the DOC to draw on for expertise. It is expected that LINZ will upskill and recruit the expertise it requires to be able to assist the Commissioner in regard to Consent approval also.

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

The public shouldn’t be consulted unless in extreme circumstances. Public consultation adds cost and time to the process reducing efficiency and timeliness. After all the Pastoral Lease is between the Lessee and the Crown.

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.

Quite comfortable with the Commissioner being the main decision maker as long as they are independent of the Government of the day.
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.

Add costs, reduce profits, reduce discretionary spending for non fixed costs such as weed and pest, capital fencing, environmental compliance.

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.

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

When your submission is complete

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

- PDF
- Microsoft Word document.

If you are posting your submission, send it to:

Crown pastoral land consultation
Land Information New Zealand
PO Box 5501
Wellington 6145
Glenfalloch applied to be considered for a review of tenure in 2001. The property was excluded from the process in 2005 because of its proximity to Lake Heron, a decision which was obviously ludicrous. Eventually a preliminary proposal was signed and assurances were given that a substantive proposal would follow, and would only include minor changes in response to public submissions.

After the preliminary proposal there was a change of facilitator and the new facilitator found it impossible to complete any of his tasks in a timely manner. Glenfalloch complained to Linz and Linz supported the poor performance of the facilitator.

Eventually the crown withdrew from the Glenfalloch tenure review, citing the lack of progress. I found this particularly galling, considering the source of the poor progress, and the apparent endorsement from Linz of the poor performance.

Glenfalloch made trading decisions after the preliminary proposal in the expectation of an imminent successful conclusion to the tenure review, including selling off the wether flock because the land they grazed would revert to full crown ownership. These decisions have created considerable financial stress, because; we have had to try and replace this stock, we haven't been paid out, and stock values have doubled in the interim.

All this, combined with the content of some submissions, has left us, angry at Linz, angry at the crown, and angry at the public. The challenge is to find a constructive way to express our anger.

We believe that the proposed changes to Pastoral leases are designed to destroy the lessees interest in the lease. The crown plans to make discretionary consents impossible, or impossibly expensive, to obtain. Without effective control of native scrub, invasion of pasture well render grazing impossible within a generation.

If the changes are not designed to destroy the lessees interest in the lease, the result will still be the same. Our experience with tenure review suggests that linz do not have the staff or the inclination to effectively implement the proposed changes. More than this, there are considerable staff constraints in the wider New Zealand economy. I would submit that it is much better for the country, if staff spend their time approving housing consents, rather than wasting everybody's time declining pastoral lease consents.

Linz controls much land which is not pastoral lease. Agricultural development will be naturally constrained by natural constraints, and is also limited by the RMA. Issues like the ongoing invasion of riverbeds by exotic weeds would be a better thing for Linz to focus on.

The idea of a partnership between the crown and pastoral lessees strikes me as something like a partnership between Saddam Hussain and the kirds. You are trying to destroy us, while you talk of a partnership! I am an eternal optimist, and always try to find a positive way to move forward, but am very suspicious.

I was once a strong advocate of the benefits of public access, but not anymore. MPI heavily criticised farmers after the Bovis outbreak for their cavalier attitude to allowing people on their properties because of the biosecurity risk. Visitors also pose a risk from a health and safety perspective. The Belfast freezing works can not export to China because it has a public
road through the middle. In this case public access poses a quality assurance risk. These factors mean that I now consider public access untenable
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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Submission type*

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

* Questions marked with an asterisk are mandatory
Question 1:

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

Whilst it is considered important to not only the Crown but also to all leaseholders to protect the significant natural values of Pastoral Lease properties, it does need to take into account that indeed provisions within the lease, both regional and district plans under the Environmental Management Act already provide sufficient protection for these values. In specific to the Marlborough Region, the new PMEP (Proposed Marlborough Environment Plan) carries sufficient weight to protect significant values, including waterways. These provisions and legislations lessees comply with currently.

The lease contract provides leaseholders with the right to farm the entire leased area, to suggest change to this and stricter terms would require a renegotiation of contracts on a case by case basis.

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

The short answer is: None are needed. As stated above.

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

No.

It is worthwhile to note that the proposed outcomes have not been clearly defined in a way that is not ‘open’ to interpretation.

The proposed outcomes that are shown on page 23 of the Discussion Document require further input.

We support the statement made by the High Country Accord that we believe there is an opportunity to define outcomes which will be acceptable to both the Crown and
lessees and that these can provide the framework for a shared stewardship vision, that has been expressed throughout the Discussion Document.

The loosely worded terminology and failure to clearly define ‘natural capital’ and ‘natural values’ and the potentially consequential legal risks associated with this fail to capture the key issues of the Crowns concerns in an easy to understand and unvarying language.

The objectionable and threatening reference to the Crown deriving a ‘fair financial return’ is legally misconceived and fundamentally inconsistent with the rent fixing mechanisms provided for by the Land Act in 1948 and most recently by the CPLA (Rent for Pastoral Leases) Amendment Act 2012.

It must be noted that in order for the Crown to consider a ‘fair financial return’ this needs to take into account the Lessees costs associated with weed and pest control, the avoidance of further additional land management costs which would be carried by the Crown in the event the land is not managed by the Lessees. In addition to this, the overall direct and indirect economic benefits delivered to New Zealand by the pastoral lease sector must be largely considered and is not something the Crown nor Minister should disregard lightly.

Furthermore a thorough analysis needs to be held before possible legislative change is advanced.

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

No. The Crown is neglecting their relationship with Leaseholders and the contractual obligations that follow with the lease. Not only this, but the Crown has insufficiently detailed it’s proposals for its contribution as a ‘partner’ in the stewardship of the land.

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

☐ Yes ☒ No ☐ Unsure

Please comment

No. Replacing the term ‘Ecologically Sustainability’ with ‘Natural Capital’ simply confuses the situation and substitutes one term with definitional challenges with a term that bares even greater definitional challenges.

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?

There are no known issues here.

2e. What are the qualities and features of Crown pastoral land that you value the most?
Pastoral leases and their value to the New Zealand culture, people and lessees cannot be simply defined in a submission. These properties combine lifetimes of families, values and nurturement from the leaseholders.

Emotionally, pastoral leases are built into many families hearts, generations that dedicate their entire lives to maintaining, strengthening, preserving and farming the New Zealand High Country.

Economically, pastoral leases recently have been recognized and praised by elite farming industries. This is largely due to the dedication of leaseholders in providing high quality NZ products to the rest of the world. The tourism industry, taxes generated and jobs created by the High Country Sector are incapable of measurement. Some of the largest New Zealand brands have only been made possible thanks to the nature of the High Country and it’s respective farming industry.

Undermining the above points would be irresponsible and would lead to the erosion of the High Country sector.

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

The relationship between the lessee and lessor should be the forefront relationship. Lessees create and build relationships as they progress through their lease and have been doing so for decades. It cannot simply be the responsibility of lessees to initiate relationships on behalf of the Crown.

The Crown and LINZ should be prioritising a way to uniquely develop a program that combines the requirements of regional and district councils and LINZ so that processes are smoother.

**Question 3:**

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

☐ Yes ☒ No ☒ Unsure

Please comment

The Commissioner should be held accountable and urged to create and implement a reporting process that remains transparent between the relationships of LINZ, Crown and Lessees.

In doing so, the Commissioner should remain independent from political direction, shall remain well informed of the High Country Farming sector and should only be prepared in consultation with the Minister and should not require ministerial approval or be subject to public consultation.
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)

No Comment.

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

The above mentioned in Question 3a is a starting point.

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

As above.

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

As above.

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

Clearer guidance, processes and standards will assist in creating an easier to understand and more efficient system. However, something that needs to be considered heavily before any amendment to the CPLA is that, in fact, each Pastoral Lease property is individual and should be treated as such. It would be more appropriate to review Pastoral Leases and the supporting contractual agreements on a case by case basis that can then be incorporated into the overall lease agreement.
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

In reference to the ‘Proposed Outcomes’ – No.
In reference to a change in the reporting from the Commissioner, yes, potentially.
The answer to this question is very heavily reliant on the quality of the system implemented.

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?

No comment.

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

Standards should be set and implemented in direct consultation and negotiations with each individual Pastoral Lease. Transparency between the Crown and Lessee should be at the forefront of any decision relating to the contractual agreement and/or amendments that directly affect the Leaseholder above all else.

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

A better relationship between the Commissioner and leaseholders.

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

A better relationship between the Commissioner and leaseholders.

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

Again, the answer to this question is dependent on the system implemented.

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

We strongly disagree with the proposal and proposed outcomes, that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decision.

The discussion documents and comments made by the Minister during the consultation period, caused concern among many that any farming activity would ultimately become a ‘permitted activity’ that would only be possible, should the ‘natural capital’ be undisturbed by such activities.

What the Crown is proposing, is a one-sided alteration of the Pastoral Lease which was once rejected by the Crown, to now be given back to the Crown. This is a huge conflict to the Rule of Law. Consents for discretionary actions and activities cannot and should not be refused as the Crown ignores the contract and objective of Pastoral Farming.

The implications of these proposed outcomes should not only be feared by Lessees, the economic impact for New Zealand could be catastrophic.

The Discretionary Consent process is a painful, drawn out one at best. An increase in staff resources, implementation of timing and deadlines and further transparency would achieve the same if not better results than any legislative change would. It would also help to maintain the relationship between all parties involved.

This is also very highly dependent on the type of discretionary consent that have been applied for; the responses in regards to which consents this will affect are far too vague and have been left open to nervous interpretation. As an example a Pastoral Lease property that resides in a gorse and broom free area; the spraying of gorse and broom should not be given as much scrutiny as many other discretionary consents. To do so would be ludicrous and with many serious implications, most of which will be assumed to be carried by the Lessee.

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

No.

The proposed approach will cause delays, legal disputes, damaged relationships not to mention an overall large and potentially ongoing cost. The proposed approach makes light of the objective to create a joint partnership and the maintaining and monitoring of good environmental outcomes, including through reducing the capacity to invest.

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

Farm Environmental Management Plans are a positive resource that can be created and implemented by the leaseholders and supplied to LINZ and the Crown. FEMP’s
take into consideration Regional and District Council requirements in regards to environmental management, they can also be adapted to incorporate the discretionary consent process and provide further information to the Commissioner on each individual pastoral lease property so that the Commissioner is able to fully comprehend the different challenges each lease possesses and the protocols, systems and processes that the Lessee has in place to manage these challenges to ensure good outcomes for the environment.

FEMP’s are a confidential and sensitive document that should not be used for public consultation or opinion. The FEMP needs to remain confidential.

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

The history of the specific Pastoral Lease and previously approved and/or ongoing discretionary consents should be relevant.
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

Highly dependent on which discretionary consents are being applied for. Again, far too vague to make an impactful comment on.

Certain circumstances may require the Commissioner to seek expert advice, however we strongly believe that the most appropriate and accurate expert advice would be from the current Leaseholder that has been farming the land.

This could be achieved by the Commissioner having a better and more meaningful relationship with Leaseholder and seeking secondary advice, should the Commissioner require further assistance.

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

No.

Public consultation on the impacts of proposed activities opens the process up to further delays, costs and ill-informed opinions of those who do not fully understand the Pastoral Lease environment and management 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.

Under the Land Act 1948 decisions were made by a Board as opposed to the Commissioner. We would only support this change if the Board remained unbiased to any political movement and/or party.


**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

Discretionary Consents should not be subject to additional fees.

Fees for discretionary consents are not part of the lease contract and in doing so would fundamentally change the agreed rent setting mechanism.

The discretionary consent process is highly inefficient and largely this is due to factors outside of the Lessees control. The role Lessees play in the consent process is to gather the information and present it to LINZ in an easy to understand, detailed and appropriate way. Intending to expect Lessees to cover the cost of the drawn out process, inefficiency presented by LINZ and in some cases in excess of 10 months of additional costs, is completely unjustified, objectionable and damaging towards the objective of maintaining a good partnership.

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

1. Variation to lease contract
2. Reduction of farm profitability
3. Increase in farm losses
4. Less drive to maintain weeds via spraying etc if required to pay

**Question 8:**

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

☐ Yes  ☐ No  ☒ Unsure

Please comment

We accept that the Commissioner is accountable to the Public, this implies the need for reporting.
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood?

Concentration to the POSITIVE outcomes being achieved by leaseholders. Weed and pest management, land improvement, soil improvement, job opportunities created, international recognition for the High Country Farming, etc.

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

No Comment.

Question 9:

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

No comment.

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

In regard to Public Access, Rainbow Station has extensive experience in this area. The Rainbow Road that connects with Molesworth runs through our station. We strongly believe that the public should be allowed to experience the beauty of the New Zealand High Country however in doing so, there is considerable pressures and stresses put on the Leaseholder and staff. Health and Safety plays a huge role in this, as with any business this is at the forefront of our business. Public Access should remain a revocable privilege by the Lessee.

Farming operations, natural disasters, weather and unsafe roads/tracks are all taken into consideration before the decision is made to restrict public access. The intention to withdraw this right from the Leaseholder will have detrimental impacts; not only affecting the Leaseholder but users (the public) of the area as well as harming stock, natural areas and will impact the longevity of the land by hindering conservation efforts made by the Lessee. Demanding Pastoral Leases be open to Public Access comes with a magnitude of further and potentially more damaging results for the land.

The question must also be raised whom will have responsibility over this. Will the Crown cover costs associated with road and track maintenance? Will the Crown cover costs associated with rubbish removal and cleaning? Will the Crown cover costs associated with Health and Safety? Will the Crown cover costs of injured and/or deceased stock due to any accidents, rubbish etc left by the public?

Public Access should not be a right to the public, and should remain a revocable privilege by the Leaseholder.
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
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Note that the name, email, and submitter type fields are mandatory for you to make your submission.

When your submission is complete

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

- PDF
- Microsoft Word document.

If you are posting your submission, send it to:

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

1a. What are your views on how significant natural values should be protected once tenure review is ended?
The provisions of the lease and regional and district plans under the Resource Management Act already provide protection of inherent values and no further legislative response is required.

The Lease contract provides the leaseholder with the right to farm the entire leased area. To the extent that the Crown wishes to protect particular inherent values (e.g. restrict grazing any area of the lease) this will require a negotiated agreement between the Crown and lessee on a case by case basis.

Because the relationship between the Crown and lessee is fundamentally contractual, no legislative change is required.

There needs to be an improved relationship between LINZ and the lessees. LINZ needs to employ or engage suitably people to ensure that the crown land is maintained and that the rights of the leaseholder are preserved. There are plenty of good examples where the inherent values of Crown land is being enhanced.

Need to clearly identify what and why the land is considered to have an inherent value. This does change over time and the low drylands are an example of this. There needs to be some substance to why land is considered to have an inherent value otherwise all the Crown lands will end up with undue level of protection with consequences to the economic welfare of the lessees and their communities.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?
No. There are sufficient mechanisms already provided for by legislation, and the nature of the relationship between Crown and lessee (i.e. contractual) allows the flexibility for agreed outcomes to achieved.

Some more science around the impact of changes to the Crown land will be required to justify any changes proposed by the Crown or lessees. Much of this is currently very subjective and prone to emotive responses by many interest groups.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?
Yes – the impact on lessees, their businesses and families, the land, and the wider community – these impacts have has not been considered. In many cases the ending of tenure review will mean that opportunities for other land uses which would have no adverse conservation or ecological outcomes will not be realised.

The Crown will also need to assume a greater responsibility as a good neighbour and partner in the management of threats from pest animals and weeds.

There is also a massive inequity with those who have already negotiated tenure review and or
properties that have always been freehold and are similar in terms of their natural capital or ecological attributes. The cumulative impact of their unrestricted actions could seriously impact the adjoining crown pastoral land and prejudice the remaining lessees.

All those 34 applications for TR currently in the system should be finalised and settled regardless of which stage they are at. In many cases there has been a substantial investment in progressing and preparing the application by the Crown, lessees and other interest groups. In some cases the delays in the TR review process have been created by the Crown. There are also leases which would benefit by completion of the TR process both for the Crown and lessees.

**Q2**

2a. Do you agree with the proposed outcomes? Unsure

Please comment

No. The proposed outcomes (see page 23 of the Discussion Document) fundamentally change the contract of the pastoral lease. This contract allows for the farming of the pastoral leased land in terms of the lease. The proposed outcomes make farming of the leased land an activity which is subject to ‘the maintenance and enhancement of natural capital, and cultural and heritage values’. The proposed subservience of pastoral farming to conservation values is fundamentally at odds with the agreement within the lease.

In addition, the use of the term ‘natural capital’ in place of ‘ecological sustainability’ substitutes one term which has definitional challenges with new terms with even greater definitional challenges.

Finally, the reference to the Crown deriving a ‘fair financial return’ is legally misconceived. The Land Act 1948 made provision for lessees to pay a ‘fair rent’. At law this concept means a fair rent to the lessee – not the lessor. The recognition of this legal principle is now codified with greater certainty in the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012.

To the extent that it is relevant to consider the Crown’s ‘financial return’, it should be recognised that this needs to be measured beyond the direct rental revenue, and also needs to take account of the costs of weed and pest control directly assume by the lessee, the avoidance of further additional land management costs which would otherwise be borne by the Crown in the event the land is not grazed, and the overall economic benefits delivered to New Zealand by the pastoral lease sector.

Subject to understanding how it proposes to do so in practice, the proposal for the Crown’s management of pastoral land to take account of the principles of the Treaty of Waitangi is accepted.

The possibility of the Crown reviewing the rental structure after this current term as outlined by the Minister is of concern especially given the extensive litigation on this issue a few years ago. The cost of the proposed changes especially around discretionary consent applications will mean that the Crown will potentially need to increase the rent to cover this. This needs to be vigorously defended.
2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?
The Crown has insufficiently detailed its proposals for its contribution as a steward of the land.

It is very unclear how the Crown is going to resource these changes, both in terms of suitably qualified people and also the financial cost. The cost to monitor and engage with lessees to ensure both the Crown and lessee are achieving their desired outcomes will be substantial.

It is also very difficult to accurately define and monitor the outcomes without going to huge cost using a scientific approach.

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

Please comment As 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? Yes, but no known problems with fulfilling these obligations now

2e. What are the qualities and features of Crown pastoral land that you value the most?
Pastoral leases have become part of the cultural fabric of New Zealand, and are responsible for a significant part of New Zealand’s international image and reputation. The ‘Pure’ brand and the reputation for authentic and safe primary products is built largely off the back of the High Country farmer.

The direct economic benefits from a robust high country pastoral sector now being realised by the pastoral sector are enormous, but so too are the indirect economic benefits to New Zealand’s tourism and associated sectors.

The Crown should not undermine these benefits by eroding the contractual rights of leaseholders.

The recreational benefits are also substantial where the public have been provided with access to the hill and high country and have the opportunity to enjoy that. TR provided that opportunity but there is a risk future opportunities to grant further access will be restricted without TR or other mutually beneficial arrangements with crown pastoral leases.

2f. What does enduring stewardship mean to you?
The primary contractual relationship between lessee and lessor must remain the foundation of the way in which the Crown and lessees work with each other.

To the extent that individual properties establish relationships with other organisations within their communities, that is a matter to be driven by lessees and those organisations (with possible initiation or facilitation by the Crown in some instances). This does not require any legislative reform.

Stewardship becomes increasingly difficult when the number of groups get beyond 2-3. We have seen this with Zone water committees and often a compromised position results. If the outcomes are clear then the Crown and lessee must work together to achieve these for the benefit of other groups.

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

Clarity will be needed on what is reported on and it could become difficult when measuring changes to natural capital etc which is difficult to define anyway. Certainly no need for public consultation
3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system? Yes
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?
Need to have agreement on the proposed outcomes which are objective, clear and easy to administer

**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
Yes – efficient (and hence cost effective) processes are enhanced by clear guidance.
Developing such guidance requires care to ensure that sufficient flexibility remains to take account of the enormous diversity in circumstances of each pastoral lease. No two leases are the same and the Commissioner needs to be able to make decisions on a case by case basis.
4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system? Yes
4c. What other things do leaseholders, iwi, and stakeholders most need to have clarity about in order to better understand the Commissioner’s decision making?
The overall impact of decisions that balance the impact of any changes proposed by the stakeholder groups especially the cumulative impacts over time or with contiguous properties some of which may have been freeholded or have been freehold for many decades
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?
More regular and improved communication by both the Crown and stakeholders to ensure all stakeholders are clear about each others views
4f. Which mechanisms do you think would be most effective in improving transparency?
More qualified LINZ staff that are in regular contact with stakeholders
4g. Do you think there are any problems with the proposed change? The inequity of previous TR's and the benefit the landowners now gain

**Q5**

5a. Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions? Unsure
Submission 2911

Please comment
Ultimately that depends upon what outcomes are agreed.

Yes they are charged as the independent party to make this work. The historical relationship in many cases has been poor which has led to poor outcomes and also delays in the TR process.

5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?
Not necessarily as that will be driven by the proposed outcomes which are not clear at this stage.

5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?
There needs to be an alignment of processes under the RMA and the CPLA. Agreeing farm plans with the Commissioner may provide a mechanism for such alignment.

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

Farm plans are a novel and as yet relatively untested concept. They are full of common sense and similar in a way to the current management practices of many leaseholders. They do not deal with cross boundary issues, cumulative impacts etc however.

Perhaps a two tier approach to the discretionary consent process is required say minor or major (which is clarified under the guidelines). This will encourage the appropriate level of investment into a discretionary consent application and encourage improved compliance.

5d. What specific matters should be considered when deciding whether to approve an application? As above a two tier approach as above

Q6

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions? No
Please comment
In some circumstances there may be a need for the Commissioner to seek expert advice beyond the resources immediately available within LINZ. Indeed to make a reasonable decision (as he is bound to do), the Commissioner will need to consider whether such advice is necessary. Most consent applications, however, are not ones which require special expert analysis. Requiring such analysis and advice is simply likely to cause delay and expense. It may also hinder a culture of compliance and joint stewardship and partnership.

It is hoped that if the Crown is to assume greater stewardship responsibility that will include appropriate (efficient) resourcing of LINZ to provide that expertise.

This is essential but will require more funding which will put pressure on the rental and cost recovery issue

Consent applications should not be the subject of public consultation. If public consultation is needed then that will be triggered by the application of the rules of a District or Regional Plan. If not so triggered, then the matter is of insufficient significance to incur the costs and delay of a further process.
As above if the applications are defined as minor or major then perhaps only those that are major will require expert advice. For an irrigation proposal this likely to come in the form of RC application and if from a suitably qualified expert should suffice. A second report or peer review should not be needed unless exceptional circumstances require this.

6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities? Only if a major potential impact on the Crown land like a ski field or similar.

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, so long as appropriate expert advice is provided from which to make a decision. Perhaps for a complex consent application the Commissioner should utilise a group of experts to assist qualify the decision.

Q7

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

Please comment

A reasonable charge for processing discretionary consent applications is unobjectionable in principle.

The issue is one of reasonableness and efficiency. Presently LINZ is highly inefficient in dealing with consent applications. There are numerous examples of excessive delay, which implies high levels of avoidable cost, which lessees would object to shouldering. In addition, to the extent there is duplication of processes within Crown and local authority processes as a consequence of their design, the consequential costs should not be passed to lessees.

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

Where costs are imposed they need to be set at levels which encourage a culture of voluntary compliance and co-stewardship, and which underpin a constructive relationship with the Commissioner and his delegates.

It should be noted that the compliance cost to every farmer is increasing substantially when the cost to prepare nutrient budgets, farm environmental plans, water use, RC applications etc is considered. If there is to be further alignment with local authorities and the RMA then all parties need to ensure they are working to common outcomes and require broadly similar information.

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

It will have a serious impact given the need for lessees to also provide their own expert advice for some consent applications. If the work is minor then the cost should be minor and neither impact the lessee or Crown. If the proposal is significant or major then the lessee or applicant will have to burden the cost.
Q8

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework? Yes
Please comment
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood? Better consent application process which is simple and clear
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 Lease contract provides the leaseholder with the right to exclusive possession and quiet enjoyment of the alienated land. While the Land Act provides a mechanism for the creation of easements for appropriate compensation, this mechanism should not be used generally for public access because it fundamentally undermines the farming proposition.

I have read, support and endorse the High Country Accord Submissions

Any access negotiations should be entered into in good faith and ensure both the leaseholder and Crown benefit from any access arrangements put in place. This will potentially mean the Crown may have to pay more than token compensation and or acquire the land in some exceptional circumstances. There are a number of issues around access that need to be considered and in particular closure over lambing, health and safety, dogs, guns, fencing off areas, suitable tracking etc which are of great concern to lessees with any form of access over their properties
Submission 2912

Q1

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

The provisions of the lease and regional and district plans under the Resource Management Act already provide protection of inherent values and no further legislative response is required.

The Lease contract provides the leaseholder with the right to farm the entire leased area. To the extent that the Crown wishes to protect particular inherent values (e.g. restrict grazing any area of the lease) this will require a negotiated agreement between the Crown and lessee on a case by case basis.

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

The Lease contract provides the leaseholder with the right to exclusive possession and quiet enjoyment of the alienated land. While the Land Act provides a mechanism for the creation of easements for appropriate compensation, this mechanism should not be used generally for public access because it fundamentally undermines the farming proposition.

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

No. There are sufficient mechanisms already provided for by legislation, and the nature of the relationship between Crown and lessee (i.e. contractual) allows the flexibility for agreed outcomes to be achieved.

Q2

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

Please comment

The proposed outcomes (see page 23 of the Discussion Document) fundamentally change the contract of the pastoral lease. This contract allows for the farming of the pastoral leased land in terms of the lease. The proposed outcomes make farming of the leased land an activity which is subject to ‘the maintenance and enhancement of natural capital, and cultural and heritage values’. The proposed subservience of pastoral farming to conservation values is fundamentally at odds with the agreement within the lease.

In addition, the use of the term ‘natural capital’ in place of ‘ecological sustainability’ substitutes one term which has definitional challenges with new terms with even greater definitional challenges.

Finally, the reference to the Crown deriving a ‘fair financial return’ is legally misconceived. The Land Act 1948 made provision for lessees to pay a ‘fair rent’. At law this concept means a fair rent to the lessee – not the lessor. The recognition of this legal principle is now codified with greater certainty in the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012.

To the extent that it is relevant to consider the Crown’s ‘financial return’, it should be recognised that this needs to be measured beyond the direct rental revenue, and also needs to take account of the costs of weed and pest control directly assume by the lessee, the
avoidance of further additional land management costs which would otherwise be borne by the Crown in the event the land is not grazed, and the overall economic benefits delivered to New Zealand by the pastoral lease sector.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?
The Crown has insufficiently detailed its proposals for its contribution as a steward of the land.

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? There are no known problems with the present position.

2e. What are the qualities and features of Crown pastoral land that you value the most? Pastoral leases have become part of the cultural fabric of New Zealand, and are responsible for a significant part of New Zealand’s international image and reputation. The ‘Pure’ brand and the reputation for authentic and safe primary products is built largely off the back of the High Country farmer.

The direct economic benefits from a robust high country pastoral sector now being realised by the merino sheep and wool industry are enormous, but so too are the indirect economic benefits to New Zealand’s tourism and associated sectors.

The Crown should not undermine these benefits by eroding the contractual rights of leaseholders.

2f. What does enduring stewardship mean to you?
The primary contractual relationship between lessee and lessor must remain the foundation of the way in which the Crown and lessees work with each other.

To the extent that individual properties establish relationships with other organisations within their communities, that is a matter to be driven by lessees and those organisations (with possible initiation or facilitation by the Crown in some instances). This does not require any legislative reform.

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

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

DOC and CCL controlled land should also have to demonstrate compliance with a Statement of Performance as a neighbour.

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

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? Yes

Please comment

Efficient (and hence cost effective) processes are enhanced by clear guidance. Developing such guidance requires care to ensure that sufficient flexibility remains to take account of the enormous diversity in circumstances of each pastoral lease. No two leases are the same and the Commissioner needs to be able to make decisions on a case by case basis.

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

Improvement in transparency will be dependent on the quality of the standards and guidance.

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

The general public needs a far better understanding of the history of pastoral leases and the nature of the contractual relationship between the Crown and lessee.

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?

The Commissioner should engage more frequently and meaningfully with leaseholders to better understand circumstances, challenges and opportunities for improvement.

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

The Commissioner should engage more frequently and meaningfully with leaseholders to better understand circumstances, challenges and opportunities for improvement.

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? No

Please comment

It will depend on what outcomes are agreed, presently the outcomes proposed, the farming activity is made subservient to the 'maintenance and enhancement' of conservation values.

Flexibility is required to ensure that diversity of consents, values and farms is considered effectively

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

No - It is likely to slow the process, lead to unsurity, disputes and legal challenges, as well as significantly increasing costs.

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

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

Consents for discretionary actions cannot be withheld where to do so the Crown undermines the fundamental contract and objective of pastoral farming.
5d. What specific matters should be considered when deciding whether to approve an application?

Q6

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions? No

Please comment

In some circumstances there may be a need for the Commissioner to seek expert advice beyond the resources immediately available within LINZ. Indeed to make a reasonable decision (as he is bound to do), the Commissioner will need to consider whether such advice is necessary. Most consent applications, however, are not ones which require special expert analysis. Requiring such analysis and advice is simply likely to cause delay and expense. It may also hinder a culture of compliance and joint stewardship and partnership.

It is hoped that if the Crown is to assume greater stewardship responsibility that will include appropriate (efficient) resourcing of LINZ to provide that expertise.

Consent applications should not be the subject of public consultation. If public consultation is needed then that will be triggered by the application of the rules of a District or Regional Plan. If not so triggered, then the matter is of insufficient significance to incur the costs and delay of a further process.

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

Consent applications should not be the subject of public consultation.

If public consultation is appropriate then that will be a consequence of the proposed activity triggering the application of the existing rules under a District or Regional Plan.

Public consultation for discretionary consents would duplicate RMA and District Planning processes unnecessarily.

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.

Under the Land Act 1948 as originally administered a board rather than the Commissioner was the decision-making body. Consideration could be given to governance model which re-established a board as the governance entity to which LINZ officials are delegated management and delivery responsibilities.

Q7

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

Please comment

A reasonable charge for processing discretionary consent applications is unobjectionable in principle.

The issue is one of reasonableness and efficiency. Presently LINZ is highly inefficient in dealing with consent applications. There are numerous examples of excessive delay, which
implies high levels of avoidable cost, which lessees would object to shouldering. In addition, to the extent there is duplication of processes within Crown and local authority processes as a consequence of their design, the consequential costs should not be passed to lessees.

Lessees should certainly not incur the costs of any consultation process embarked upon by the Commissioner. 7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view. Where costs are imposed they need to be set at levels which encourage a culture of voluntary compliance and co-stewardship, and which underpin a constructive relationship with the Commissioner and his delegates

If charges include expert advice there needs to be opportunity for Lessee to provide expert advice rather than pay for this.

Q8

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework? Yes
Please comment
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood? Better public reporting on the positive outcomes being achieved by high country lessees and also reporting on the management of formally High Country Lease including that controlled by DOC and CCL
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? It is disappointing.
9b. Are there any other comments you’d like to include in this submission?
ENDURING STEWARDSHIP OF CROWN PASTORAL LAND
SUBMISSION BY LITTLE VALLEY STATION LIMITED

We have read the Land Information New Zealand Discussion document “Enduring Stewardship of Crown Pastoral Land” and raise the following concerns

1. The Crown proposes a new set of outcomes for Crown pastoral land. The outcomes for this land are already set in the existing leases. Any changes to the CPLA which changes the terms of the lease is a breach of contract. The intention of the Crown to alter the Land Act to give ecological values priority over pastoral farming is a breach of contract.

2. Pastoral Leases are alienated crown land. The Crown insists on treating this land as available for public use and involvement and misleads the public into thinking the same. The land has been set aside in perpetuity for pastoral farming. This land is therefore not available to the Crown or the public for other purposes such as conservation estate (which is the effect of giving ecological values priority over farming) or for any other public use.

3. The terms of the lease guarantees the Lessee quiet enjoyment and exclusive use of the land. Lessee’s are entitled to security and certainty, they have invested their lives, in many cases over generations, to the land and are far more committed to this land than any government department, conservationist, recreationist, public interest group or the general public. Constantly being used as a political football with every change of Government breaches these rights.

4. The interest of the Lessee in the Lease is far greater than the interest of the Crown as determined by the price the Crown has previously paid for the Lessee’s interest in whole property purchases and tenure review settlements. Yet the Crown continues to refuse to acknowledge us as the significant partner we are, and also as the only other partner to the Crown.

5. The Crown wants enduring stewardship and ecological sustainability for the pastoral lands. This is not a new objective - Lessee’s have been farming and managing the land in this way for generations. In many cases (our property as one example) have brought these properties back from rabbit ravaged barren lands incapable of even providing a basic income, to properties that now have “high ecological value” and are providing a thriving successful farming business. The cost of managing these lands, not just weed and pest programmes but the resources put into constantly improving and enhancing the land comes at significant time and cost. The proposed changes by the Crown will hinder our ability to carry out these programmes and “conservation is not free”, Lessees must be able to farm to generate the incomes required to achieve desired outcomes. The heritage and culture of the high country is an important part of the New Zealand story providing valuable export dollars and supporting communities. It is an absolute insult that the Crown does not recognise that these generations of families in the high country are the true experts in managing this land, and the
Crown would benefit greatly from partnering with us and supporting us rather than undermining all the value that we bring to NZ as citizens, taxpayers and stewards of the land.

6. The Crown proposes to consult the public on how best to achieve enduring stewardship and ecological sustainability. The general public have no experience in such matters. They are being invited to provide a “wish list” of their vision and use for this land. With nothing at stake personally for them this list can be as long and unrealistic as they chose it to be. This is completely unacceptable to impose on Lessee’s who already have clear rights and will be the only ones personally affected by this “wish list”.

7. The discussion document refers to stakeholders – there are only two – the Crown and the Lessees. All other groups such as environmental and recreation groups are nothing more than interested parties or at best clubs.

8. The remaining pastoral leases cover 5% of the South Island. The area of New Zealand either in the conservation estate or administered by the Department of Conservation is 30% (unverified) of the entire country. There is therefore, huge areas of land already available for the public to enjoy – they do not need access or input into the 5% alienated for private use.

9. Tenure Review

With the removal of tenure review the Crown have removed the only mechanism for Lessees to exit the lease system and also, the only mechanism for negotiating any exchange of values between the two parties. To remove this option without consultation and then propose new rules which erodes Lessees existing rights is nothing short of draconian.

There was a comment made that there have been no new applications for tenure review since 2016 so Lessee’s “must be happy with the status quo of a pastoral lease”. This is not the case, most Lessee’s want out of this system, but the demands of the Crown and general public are so unrealistic that the property would be rendered unsustainable, the business uneconomic and would force the type of intensification the Crown is objecting too. Existing Lessees simply had no reasonable way out under that regime.

It is also noted that the Crown established the tenure review process with the desire to exit the role of landlord as pastoral leases costs more to administer than they returned to the Government and the RMA was in place to manage outcomes on the land.

10. Discretionary Consents

Once again the proposals here do nothing to strengthen the partnership between the Crown and Lessee and simply adds more red tape, bureaucracy and restrictions. It fails to recognise the stewardship and expertise of Lessees or the rights of Lessees to carry out pastoral farming and to be supported by the Crown to do so as the contract provides.
We thank you for taking the time to read and consider this submission in anticipation that you accept the existing binding contract between both parties and the rights conferred on Lessees.
Q1

1a. What are your views on how significant natural values should be protected once tenure review is ended?
The same as the values that were applied to the previous tenure process. Many new "Conservation Parks" were successfully established under the previous process, and ignored by public commentators who were very selective in their criticism of the outcomes.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land? Q E 2 Trust

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?
Yes, Agreeing to meet and listen and have meaningful dialogue with the Leaseholders and the High-country Accord, and NOT have them drowned-out by shear numbers of the anti leaseholder brigade.

Q2

2a. Do you agree with the proposed outcomes? Yes
Please comment
Yes, The problem is the agreeing to the importance/value of the "significant values" and that they are attributable to every leasehold property, no matter how small the values or area, thus upsetting the balance of a well managed property.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?
No, They should also focus on the financial viability of the property after the area of "significant values" are taken out of the property, and if not financially viable, the Govt should purchase all the property at agreed valuation, by all parties.

2c. Do you agree with the use of “natural capital” rather than "ecological sustainability" in the proposed outcomes? No
Please comment
No, Both seam to mean doing nothing and let nature take its course, and taking no account of weeds and pests. there are many cases(ignored by the public commentators) of areas that have badly degenerated under DOC management.

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?
Not relevant. The leasing of Crown Pastoral Leases under the "1948 Land Act", was not an issue addressed in the Waitangi Treaty of 1840, and to con-screw now that it does, is a nonsense.

2e. What are the qualities and features of Crown pastoral land that you value the most? For its good stewardship, whoever that may be.

2f. What does enduring stewardship mean to you? Good management.

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 the so-called mismanagement of the past has been "overstated" by the public commentators, critical of the Crown's passed management.

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

Please comment

Yes, but the dialogue between the Leaseholder and the Crown needs to be on a more informal basis, to achieve better outcomes, and not be through third parties.

3c. What other mechanisms could be used to improve accountability? The Crown being more accessible to Leaseholders, e.g., local offices.

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

3e. Do you think there are any problems with the proposed change? Yes, if the Crown are going to be heavy handed, then it will result in uncooperative Leaseholders, and not achieve the desired outcomes.

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

Yes, better communication is always good.

4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system? Only if it is done in consultation with the Leaseholders.

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? Consultation "before" the decisions are made.

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? Having all the Leaseholders' email addresses.

4f. Which mechanisms do you think would be most effective in improving transparency? Having all the Leaseholders' email addresses.

4g. Do you think there are any problems with the proposed change? Yes, the Labour Govt is trying to fix something that was working, be it slowly, being driven by public misrepresentation of the facts, by people with a vested interested.

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

Only if it is done in consultation with Leaseholders and the High Country Accord.

5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land? Only if done in consultation if done in consultation with Leaseholders and the High Country Accord.

5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes? An "Independent Arbitrator" chosen and agreed to by all parties.
Submission 2914

5d. What specific matters should be considered when deciding whether to approve an application? Only those that are specific to the case.

Q6

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions? Unsure
   Please comment Only, if that Expert is "truly independent" and NOT bias.
6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?
   Only, if there is an impasse to an outcome, taking into account the anti Leaseholder, the public is always going to out-number Leaseholders, and put forward incorrect facts/miss-information, and not made to accountable for it.
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 Commissioner represents the Govt, and so by definition is NOT independent. The Commissioner should make representations to an "Independent Chairman", who is appointed and agreed to, by all Parties.

Q7

7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents? Unsure
   Please comment Only, if they are reasonable, eg NOT "Wellington Corporate fees".
7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.
   If they are unreasonable, they will deter applications, and so hinder desired outcomes.

Q8

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework? Unsure
   Please comment Only, if that framework is realistic.
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood?
   Buy a Body/Committee that is "independent of the Government".
8c. What information do you think is most valuable to understand system performance?
   Information that is clearly articulated.

Q9

9a. Do you have any feedback on the preliminary analysis in section 6? No
9b. Are there any other comments you’d like to include in this submission?
   Only, that this change has has been bought about to fix/change something that was NOT required. Thanks to Ann Bower.
Q1A: How should areas of Crown land with inherent values worthy of protection be secured once tenure review is ended?

The provisions of the lease and regional and district plans under the Resource Management Act already provide protection of inherent values and no further legislative response is required.

The Lease contract provides the leaseholder with the right to farm the entire leased area. To the extent that the Crown wishes to protect particular inherent values (e.g. restrict grazing any area of the lease) this will require a negotiated agreement between the Crown and lessee on a case by case basis.

Because the relationship between the Crown and lessee is fundamentally contractual, no legislative change is required.

In a practical sense the lessee would identify areas worthy of protection in annual and longer term farm management plus the Crown/LINZ would then identify areas of interest, make offers to purchase or swap.

Currently various documentation is required of farming operations with forms of Farm Management/ Environmental Plans & Biodiversity plans (MDC) these documents will allow for the identification and management of these areas of protection without any further legislative response.

Q1B: How should public access to Crown pastoral land be secured once tenure review is ended?

The Lease contract provides the leaseholder with the right to exclusive possession and quiet enjoyment of the alienated land. While the Land Act provides a mechanism for the creation of easements for appropriate compensation, this mechanism should not be used generally for public access because it fundamentally undermines the farming proposition.

Access through paper roads/riparian margins should continue. If public access was to be established we need to be assured rights to operate farming systems alongside this therefore access with certain conditions in relation to critical farm management timings and interruptions of farm management (ie Lambing closure). A clear protocol around H & S also needs to be established.

Q1C: Are there any other mechanisms that could be used to protect significant natural values or secure public access on Crown pastoral land?

No. There are sufficient mechanisms already provided for by legislation, and the nature of the relationship between Crown and lessee (i.e. contractual) allows the flexibility for agreed outcomes to achieved.

{provide your views here}
Q1D: Are there any other implications on ending tenure review that the Government should consider?

Yes – the impact on lessees, their businesses and families, the land, and the wider community – these impacts have not been considered. In many cases the ending of tenure review will mean that opportunities for other land uses which would have no adverse conservation or ecological outcomes will not be realised.

The Crown will also need to assume a greater responsibility as a good neighbour and partner in the management of threats from pest animals and weeds.

Many opportunities for the Crown to acquire conservation land will be lost given the existing system works well, except it has become unnecessarily bureaucratic.

The land is naturally deteriorating (hieracium, rabbits etc) it will continue to if lower stocking rates in pastoral farming is introduced.

Q2A Do you agree with the proposed outcomes?

No. The proposed outcomes (see page 23 of the Discussion Document) fundamentally change the contract of the pastoral lease. This contract allows for the farming of the pastoral leased land in terms of the lease. The proposed outcomes make farming of the leased land an activity which is subject to ‘the maintenance and enhancement of natural capital, and cultural and heritage values’. The proposed subservience of pastoral farming to conservation values is fundamentally at odds with the agreement within the lease.

In addition, the use of the term ‘natural capital’ in place of ‘ecological sustainability’ substitutes one term which has definitional challenges with new terms with even greater definitional challenges.

Finally, the reference to the Crown deriving a ‘fair financial return’ is legally misconceived. The Land Act 1948 made provision for lessees to pay a ‘fair rent’. At law this concept means a fair rent to the lessee – not the lessor. The recognition of this legal principle is now codified with greater certainty in the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012.

To the extent that it is relevant to consider the Crown’s ‘financial return’, it should be recognised that this needs to be measured beyond the direct rental revenue, and also needs to take account of the costs of weed and pest control directly assume by the lessee, the avoidance of further additional land management costs which would otherwise be borne by the Crown in the event the land is not grazed, and the overall economic benefits delivered to New Zealand by the pastoral lease sector.

Subject to understanding how it proposes to do so in practice, the proposal for the Crown’s management of pastoral land to take account of the principles of the Treaty of Waitangi is accepted.
The effect on the lessee is like making the national speed limit 50 kmph and expecting no one to complain.

Q2B: Do the proposed outcomes capture all the things the Crown should focus on? What's missing?

The Crown has insufficiently detailed its proposals for its contribution as a steward of the land.

DOC has never accepted they should have the same obligations as a lessee with a conservation covenant (or for land acquired under tenure review).

Q2C: Do you agree with the use of “natural capital” rather than ”ecological sustainability” in the proposed outcomes?

No - see above

Ecologist have never and will not ever agree on what is meant by the new term. The term whatever is decided upon it needs to explicit and be surrounded by a quantifiable definition/meaning therefore a pastoral lessee and the crown can attribute this value against an area of the pastoral lease or an activity. Without reliance of subjective reviews placed by ecologists and unable to be clearly interpreted or multiplied across various areas of land.

Q2D: 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?

There are no known problems with the present position.

Q2E: What are the qualities and features of Crown pastoral land that you value the most?

Pastoral leases have become part of the cultural fabric of New Zealand, and are responsible for a significant part of New Zealand’s international image and reputation. The ‘Pure’ brand and the reputation for authentic and safe primary products is built largely off the back of the High Country farmer.

The direct economic benefits from a robust high country pastoral sector now being realised by the merino sheep and wool industry are enormous, but so too are the indirect economic benefits to New Zealand’s tourism and associated sectors.
The Crown should not undermine these benefits by eroding the contractual rights of leaseholders.

The lessee needs to be proud of what they own and not be forced to farm at 50% efficiency.

The prosperity of tourism and even NZ Culture is built on the pride of our historic and current high country farming families and farming systems. To gain better outcomes for the environment greater technology and change will need to be pioneered; therefore the Crown will need to provide allowance and openmindedness to this process.

Q2F: What does enduring stewardship mean to you? What is the role of the different groups that play a stewardship role – the Crown, leaseholders, iwi, and other stakeholders? How can these groups most effectively work together?

The primary contractual relationship between lessee and lessor must remain the foundation of the way in which the Crown and lessees work with each other.

To the extent that individual properties establish relationships with other organisations within their communities, that is a matter to be driven by lessees and those organisations (with possible initiation or facilitation by the Crown in some instances). This does not require any legislative reform.

The crown is supported by DOC & the Leasee; tenure review allowed for a process whereby assumed stakeholders & Iwi had their say. It is important that the daily management of these crown pastoral leases

Q3: 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.

Q4: 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 – efficient (and hence cost effective) processes are enhanced by clear guidance. Developing such guidance requires care to ensure that sufficient flexibility remains to take account of the enormous diversity in circumstances of each pastoral lease. No two leases are the same and the Commissioner needs to be able to make decisions on a case by case basis.
This needs to be ensured there isn’t a replication of detail and therefore cost that may already be provided by these lessees and an ‘Industry Standard’ form should be adopted.

Q5A: Do you agree that the Commissioner should be required to give effect to the proposed outcomes in any discretionary consent decisions?

Ultimately that depends upon what outcomes are agreed.

Q5a: What are your views on the use of offsetting by the Commissioner under the discretionary consents process?

Offsetting and compensation will not always be an appropriate response to an application for a discretionary consent, but could fall within the Commissioner’s toolbox to consider and apply in suitable circumstances. It will not be appropriate where the discretionary action has no adverse ecological impact and/or it is simply maintaining current farm management practices or obligations.

For example, the lessee is required to control gorse under the lease but in some circumstances is required to seek a consent. Such an application should not trigger an offset. Nor should a new fence or minor earthworks. The development of new pasture may, however, in some circumstances justify a proportionate offset.

(provide your views here)

Brings in a very subjective review of activities and whereby critical a clear and transparent assessment of effects is carried out. Which is similarly applied across of crown pastoral leases

Q5b: What other mechanisms could be used to ensure decision making supports the proposed outcomes?

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

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

District and Regional Councils require different conditions to be covered in farm plans making it difficult to produce one plan for the farm.

Q6A: 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 Commissioner to seek expert advice beyond the resources immediately available within LINZ. Indeed to make a reasonable decision (as he is bound to do), the Commissioner will need to consider whether such advice is necessary. Most consent applications, however, are not ones which require special expert analysis. Requiring such analysis and advice is simply likely to cause delay and expense. It may also hinder a culture of compliance and joint stewardship and partnership.

It is hoped that if the Crown is to assume greater stewardship responsibility that will include appropriate (efficient) resourcing of LINZ to provide that expertise.

Consent applications should not be the subject of public consultation. If public consultation is needed then that will be triggered by the application of the rules of a District or Regional Plan. If not so triggered, then the matter is of insufficient significance to incur the costs and delay of a further process.

If the matter relates to ecology or landscape it is unlikely experts for the lessee and experts for the Commission (Regional Council, District Council or DOC) will ever agree.

Q7 – Fees and Charges

A reasonable charge for processing discretionary consent applications is unobjectionable in principle.

The issue is one of reasonableness and efficiency. Presently LINZ is highly inefficient in dealing with consent applications. There are numerous examples of excessive delay, which implies high levels of avoidable cost, which lessees would object to shouldering. In addition, to the extent there is duplication of processes within Crown and local authority processes as a consequence of their design, the consequential costs should not be passed to lessees.

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

Where costs are imposed they need to be set at levels which encourage a culture of voluntary compliance and co-stewardship, and which underpin a constructive relationship with the Commissioner and his delegates.
FEEDBACK ON – Enduring stewardship of Crown pastoral land

To: Crown Pastoral Land Consultation
   Land Information New Zealand
   P.O Box 5501
   Wellington 6145

   By email: CPLC@linz.govt.nz

From: GJH Rooney and Rooney Farms Ltd
      P.O Box 10
      Waimate

Lessee of: Glynn Wye Station
          Cloudy Range Station
          Dry Creek Station
          Stew Point Station
Introduction

Gary Rooney and Rooney Farms hold the lease for the Cloudy Range, Glynn Wye, Stew Point, and Dry Creek Crown Pastoral Leases (CPLs). Together these properties represent over 47,000 hectares, approximately 4% of crown pastoral land.

Each of these leaseholds were purchased for their inherent values, character, and iconic nature; with a major objective being to protect and secure these values and ensure the health of the properties into the future. Major focuses in recent years include regeneration protection of native blocks and tussockland ecosystems, regeneration of native bush and scrubland, and managing ever present weed and pest issues.

The ability to undertake pastoral activities, and indeed profitable farming, is key to these positive outcomes. It is well evidenced that without sufficient income from the land, all management and maintenance costs must come from other sources (if at all). As an example, two of our properties, Glynn Wye and Cloudy Range, have extensive weed issues (present prior to our purchase) that present large environmental challenges and require external funding to manage. These properties are fortunate to be part of a larger group / company where these external resources are available. Not many lease-holders will be in this situation, and consistent with the origins of CPLs, economic pastoralism still represents the best mechanism for which to maintain and protect these properties.

As a company, we support the intent to protect the South Island high country, preserve the natural and heritage values contained within, and safeguard Crown Pastoral Land into the future. We are however concerned with many aspects of the Enduring Stewardship proposal, how these proposals may affect the contractual rights of lessees (including ourselves), and the overall consequences of this on the future economic, environmental, and social sustainability of the high country. On this basis we submit the following feedback.

Proposal 1: Include a new set of outcomes for Crown Pastoral Land within the CPLA

“The Crown will ensure that the natural landscapes, indigenous biodiversity and cultural and heritage values of this land are secured and safeguarded for present and future generations.

To achieve this, Crown pastoral land will be managed to maintain and enhance natural capital, and cultural and heritage values; and subject to this:

• provide for pastoral and appropriate non-pastoral activities that support economic resilience and foster the sustainability of communities

• enable the Crown to obtain a fair financial return

The Crown’s management of this land will take into account the principles of the Treaty of Waitangi. “

As worded, these outcomes represent material and fundamental changes to the Crown-leaseholder relationship and lease contract. Crown Pastoral Lessees provide Lessees perpetually renewable 33 year terms and “absolute security of tenure” for the primary purpose of pastoral farming. Lessees have well established rights to “exclusive possession” and “quiet enjoyment”, while the Crown
maintains ownership of the underlying land. Both parties have restrictions, responsibilities and obligations as defined in the lease, legislation, and in common law. This current ‘contract’ between the Crown and Lessees balances pastoralism / farming with preservation of inherent values including indigenous biodiversity, ecosystems and landscapes (as currently defined in the CPLA). The proposed outcomes seek to materially re-balance the ‘contract’ toward conservation and the “enhancement of natural capital and cultural / heritage values”, with farming / pastoralism and the economic resiliency of communities becoming secondary priorities.

An important question is, if the fundamental contract between the Crown and Pastoral Lessees is changed, how will this affect the well-established property rights (and indeed obligations) of lessees to carry out their pastoral activities. And secondary to this, how will this affect both the financial and other less-tangible interests Lessees have in their Pastoral Lease. An important aspect stemming from the Enduring Stewardship proposals that is not covered in the consultation material is how will lessees will be appropriately compensated by the Crown for any changes to the current lease contract.

The Crown currently has a productivity based mechanism to set rents for CPLs, which already provides the Crown a ‘fair financial return’ on its investment and recognises the need for lessees to have sufficient resources to maintain their leasehold values (such as by undertaking the required weed and pest control). The current rent setting process was both recent and well tested, so any change seems out of order. In return for the Crown’s unique and special interest in the land, and consistent with the desire to maintain its place as co-Steward, it is reasonable for the Crown to accept and bare the costs associated with managing its ‘interest’ in said land.

We do not support the outcomes as proposed. [We do however note the High Country Accord has proposed an alternative set of outcomes in their submission which provide more appropriate balance].

Proposal 2: Require that the CCL develop a regular statement of performance expectations, approved by the Minister for Land Information

Ultimately the performance of any person, role, or system should be assessed in some form. We see no issue with the Commissioner of Crown Lands (CCL) developing a reporting framework on issues of performance and accountability. This should however remain independent and free from political direction and interference.

A fundamental feature of the CPL is that it is a contract between leaseholder and the Crown. Therefore, the CCL should not be required to consult widely or publicly with stakeholders on private and commercial interests, and nor should ‘stakeholder perspectives’ play any major role in the way ‘the commissioner discharges their responsibilities’. Naturally, when specialist advice is required, the CCL can and should seek this out. However, this is quite different from wider stakeholders having input into CCL performance and duties.
Proposal 3: Explicitly provide for the CCL to release guidance and standards to assist officials and leaseholders to understand and comply with the legislative requirements

In principle clear guidance and standards could simplify the DA and other leaseholder – CCL / Crown interactions and processes. However, care needs to be taken to ensure ‘guidance and standards’ are fit-for-use and suited to the specifics of the process or application so as not to become cumbersome and more bureaucratic than necessary. Some discretion and flexibility will need to be maintained to cover the significant variability within and between pastoral leases and also varied circumstances for which consents are sought. Noting the above comments, all relate to operational matters that should not require legislative reform.

Proposal 4: Ensuring decisions on discretionary consents reflect the proposed outcomes

As described previously (feedback on Proposal 1), given the current wording of the ‘Proposed Outcomes’, Proposal 4 would give effect to a fundamental change in the ‘lease contract’, making farming pastoralism a secondary priority to natural capital; effectively elevating pastoral land to conservation land status [by stealth].

Mitigation, offsetting and restoration may prove useful tools in some situations where the granting of Discretionary Activity (DA) consent has sufficient probable adverse effects to justify those tools. Importantly, these tools should not be used when:

a) Re-assessing activities that are / have been taking place lawfully, e.g. renewal of existing consents or consents for activities that have been part of the historical farming practice. These consents need to be sought when, for example, a DA consent is for a fixed term, or a ‘personal’ consent that does not transfer with a property. Lessees should in most cases be able to renew consents for existing activities where these activities are part of current / historical regime.

b) Resource consents or other approvals, permits or consents for DA’s which may have environmental effects or effects on ‘natural capital’, have been obtained by the lessee through the relevant legislated process. Any attempt to effectively duplicate an existing regulatory framework which has been designed to assess activities for their environmental effects and effectively avoid, remedy or mitigate the effects of a proposal, is imposing double jeopardy on a lessee, is contrary to natural justice and is prejudicial to the lessee’s rights under the contract.

c) Consents are minor, or where consents are required to meet the lessees good husbandry requirements (weed and pest; maintenance of infrastructure, etc)

We do not support proposal 4. As currently packaged, this proposal undermines lessees current lawful property rights.
Proposal 5: Require the CCL to obtain expert advice and consult as necessary on discretionary consent decisions

Good decision making will often require the CCL to obtain the necessary advice either internally (via LINZ staff) or externally (via another government department such as DOC), or via an independent specialist. It is important, however, to note that many DA consents are of a very minor nature, and so will not warrant the expense or resource of expert input.

There would be significant merit in LINZ securing sufficient internal capability and expertise to handle minor DA consent applications in an efficient manner. It would also assist the relationship between Crown and lessees (currently primarily via a LINZ portfolio manager) if the internal capability and knowledge of LINZ staff was improved in relation to pastoral farming.

Public engagement and/or public consultation should not form part of the discretionary activity process. Public engagement and/or public consultation on a private and commercial matter is fundamentally contrary to the principles of private property rights and at the very least is inappropriate. If the activity/proposal is of sufficient scale or potential effect(s) and sufficient to trigger a publicly notified or limited RMA process because of a Regional or District plan rule then this is the correct pathway for public engagement.

Proposal 6: Update the fees and charges framework

“This means the Crown is funding the costs of processing........, and in effect subsidising those who will ultimately benefit from the approval of discretionary consents”

There are examples of processes, such as resource consents sought under the RMA or applications/approvals sought under the OIA, which allow for costs to be recovered from the applicant under a “benefitier pays” model. It is important to note there are some fundamental features of the CLPs Crown-lessee contract that are distinct from these other processes.

1) Crown is a landlord and receives ‘fair rent’ for the land and does not contribute to its upkeep in the same way as other commercial landlords are required to. It is reasonable to say that the Crown receives an income that can reasonably be expected to be used to meet the costs of administering its private leases and the requirements of those as provided for in the current legislation.

2) Under the Enduring Stewardship model proposed, the Crown becomes more involved with a “long term” view as landowner and lessor, and furthermore proposes to rebalance the priorities for pastoral land (changes lease ‘Outcomes’); thus reinforcing the unique and special interest the Crown has in the CPL.

The Enduring Stewardship proposals change the Crown’s roll in CPL from landowner and lessor to regulator, with no acknowledgement of the income the Crown already receives from these leases. This cannot be consistent with the intent and purpose of the legislation or private and commercial contracts that Lessees have entered into.

Some ability for the Crown to recover some fees associated with discretionary consents may seem reasonable. However, rents are already based on productive capacity. This means the Crown already
shares in any benefit when this leads to increases in farm productivity / revenue. Furthermore, many DA consents are sought solely for the maintenance of existing activities, the maintenance of the property in general, and/or to meet the conditions of the lease (where both Lessee and Lessor benefit). It would be particularly unreasonable to pass on charges for DA consents where there is a benefit to, or are a requirement of, the landlord (such as those associated with weed control).

If fees are to be charged for DA consents, these should be proportionate and reasonable for the level/class of activity and fairly represent the benefits to both lessor and lessee. There is often inefficiency and duplication with other processes (such as RMA) in the way DA applications are currently handled. For the shared stewardship model to work constructively it will be important not to pass on an unreasonable cost structure/burden to the lessee. Where the CCL elects to consult externally or use specialist advice, those costs should remain with the Lessor / Crown as representing their interest in the land.

It is important to recognise that if the proposed changes to fee structure are seen as a mechanism to offset costs of implementing other proposals in the “Enduring Stewardship” framework, which seems the case, it does not do a great deal to demonstrate the Crowns commitment to their role as Steward or willingness to invest in the joint-stewardship relationship.

We do not support the proposed changes to the fees and charges framework.

Proposal 7: Require the Commissioner to regularly report against a reporting framework

To be able to execute its proposed Stewardship role appropriately, LINZ (as agent for the Crown) should maintain a good understanding of those agricultural and pastoral aspects of CPLs, as well as ecological, biodiversity, and landscape aspects.

These are surely operational matters, not ones that require material legislative change, and could be remedied by appropriate internal resourcing of the Crown Pastoral team (LINZ).

Concluding remarks

While we support the intent of many themes and objectives found in the Enduring Stewardship discussion document, we strongly oppose the legislative changes as proposed. We also support and endorse the submission of the High Country Accord, and in particular the following key conclusions:

- A fundamental contract exists between the Crown and Pastoral Lessees, which each party needs to respect
- The Crown needs to recognise the positive contributions made by High Country farmers to the environment, their local communities, and the national economy
- Constructive working relationships must exist between the Crown and Lessees to achieve our shared desires and ambitions and to advance environmental outcomes
- Most of the Governments desired outcomes will be better effected through operational changes and engagement, and do not require legislative reform and further regulation
Q1

1a. What are your views on how significant natural values should be protected once tenure review is ended?
Tenure review should not end. It is a mechanism which enables a process for land being set aside for conservation estates rather than pastoral farming.

Mechanisms are already in place to protect these significant natural values through the discretionary consent process with the commissioner and through regional and local councils.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land? No.

There is no need for other mechanisms.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?
Tenure review should not be ended. Tenure review offers a pathway for adding to the conservation reserve.

Q2

2a. Do you agree with the proposed outcomes? No
Please comment
The proposed outcomes appear in the Discussion Document are not clear enough and can lead to misinterpretation.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?
The Crown should acknowledge the good stewardship of the land by the leaseholders so far and work together to a sustainable future.

2c. Do you agree with the use of “natural capital” rather than ”ecological sustainability” in the proposed outcomes? No
Please comment "Natural capital" can be misinterpreted to have different meanings.

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?
Our pastoral land has become embedded in our family as a way of life. A privilege to farm and care for some of New Zealand's iconic high country in a profitable and sustainable way keeping those inherent values close at hand which keep the land iconic.

2f. What does enduring stewardship mean to you?
Stewardship means looking after the land so the next generation will have a profitable and sustainable high country farm they can be proud of.

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 should remain independent of the government but should be able to consult with the government.
3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system? Yes
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? Unsure
Please comment
While it would have advantages to any consenting application. That itself gives the impression that all leases are the same when exactly the opposite is true and all applications should be treated individually.
4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?
Each lease is different. So it is impossible to take a blanket approach. So understanding one decision on one lease does not imply the same decision on the next lease.
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?
A better understanding of the legislation of 1948 and why it was put in place. The role it played in New Zealand's high country and why it is still relevant today.
4d. How should standards be used to help increase transparency? How should guidance be used? All leases are different. so hard to set standards
4e. What other mechanisms could be used to improve transparency? The commissioner could engage more often with individual lease holders
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? No
Please comment
The outcomes are between the commissioner on behalf of the crown and the lessee. No matter the result someone will not be happy. It will lead to disputes, legal challenges and a slowing of the consent process.
5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land? As above
5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?
The development of farm plans currently being under taken through the regional councils which agree with inherent values should offer support for consent decision making
5d. What specific matters should be considered when deciding whether to approve an application?
The affect on the farming enterprise and inherent values of the property. The affect on the greater community and their enjoyment of the land with the provisions of the lease in mind

Q6

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions? No
Please comment
No. In most cases expert advice will only add expense and delays. In a few cases expertise advice outside LINZ may be needed but certainly should not be a requirement.
6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?
Applications should not be the subject of public consultation and debate. This would undermine the contractual relationship between the Lessor(Crown) and the Lessee
6c. Do you think the Commissioner, an independent statutory officer, is the most appropriate decision maker for matters regarding Crown pastoral land? Is there a better decision making model? Please provide the reasons for your view.
I support the idea of a Commissioner as an independent statutory officer. Being independent of rotating governments gives continuity and independence

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
Fees are not part of the lease agreement with the Crown for pastoral farming and not part of getting expert advice on pastoral farming consents. So no. Fees for activities not on the lease or already granted and being added to is hard to argue. Any cost to the Crown, e.g expert advice., should be a cost to the Crown. Proportioning the remaining cost is an issue
7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.
As above. May cause leaseholders to by pass the consent process if it is to much of a financial burden.

Q8

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework? Yes
Please comment As with any public official the commissioner is accountable to the public.
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood?
The Reporting on pastoral leases needs to be better balanced. At the moment there seems to be only negative press, when in fact a lot of positive environmental outcomes are happening, including Tenure Review.
8c. What information do you think is most valuable to understand system performance?
A good balance between profitable pastoral farming and maintaining those inherent values which our high country is so famous for

Q9

9a. Do you have any feedback on the preliminary analysis in section 6?
I think there are many things in section 6 I disagree with. I also disagree that we need to change the legislation or remove the essence of why pastoral lease farming came to be. What we need to do is have a closer relationship between the Crown and leaseholders to work together inside the frame work that already exists.
9b. Are there any other comments you’d like to include in this submission?
I would like to add that I have read and understood the submission by the High Country Accord and fully support and endorse their submission.
Q1

1a. What are your views on how significant natural values should be protected once tenure review is ended?
Both the RMA, District Plans, and discretionary consent process allows for protection of significant natural values. If further protection is required, this must take into account the right of the leaseholders to farm the whole lease.
Whole farm management plans, as proposed by professor Norton, is another way to protect natural values.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?
The Crown could negotiate “stewardship payments” to leaseholders who committed to, fence, retire, restore or in other ways protect significant inherent values. It could also negotiate free and enduring recreational permits with “footprints” for huts or other accommodation. Some negotiation would be needed to determine who would be responsible for weed and pest control.
The other option is to buy the lessee’s interest in the land.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?
The Crown should continue the reviews already in progress with considerably more efficiency and transparency than has been the case thus far.

Q2

2a. Do you agree with the proposed outcomes? No
Please comment
The proposed outcomes is in breach of our contract, which allows us to farm the entire lease. It ignores the status of Crown Pastoral Leases as alienated Crown land by suggesting a ‘fair financial return’ to the Crown.
The end result of the proposed outcomes may well be counterproductive to protection of ‘natural capital’ as leases become uneconomical due to retirement of vast proportions of both highland and lowland ecosystems without possibility of intensification to provide an income required for general survival as well as weed and pest control.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?
Far too little research has gone into this proposal. It supplies no data on biodiversity outcomes on land returned to full Crown ownership, as DoC land, or indeed on other Crown owned land or freehold land.
Though seeking the opinion of the public it makes no attempt to educate on the challenges to farming in the High Country, it doesn’t reference the huge amount of scientific work carried out on sustainability in the High Country. It doesn’t mention the Armstrong Report nor the contractual nature of the agreement between the Crown and the lessees including the fact that we are dealing with alienated Crown land. The minister seems happy to accept uninformed opinion, much of which will be based on a sense of entitlement to, what is generally viewed as, public land.

2c. Do you agree with the use of “natural capital” rather than ”ecological sustainability” in the proposed outcomes? Unsure
Please comment That depends on which definition is chosen.
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 should fulfill its obligations under both contracts. We are unaware of any conflicts between the two.

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

We enjoy carrying out low impact farming in a beautiful and biologically diverse environment. We enjoy the relative remoteness. We enjoy working with our animals. The natural flora and fauna are of great importance to us and provides us with much pleasure.

2f. What does enduring stewardship mean to you?

We view ourselves as the stewards of our lease. This means striking a balance between sustainable production and retaining natural ecosystems. It involves protection of cultural heritage, including land use history.

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 should remain independent of political directives.

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

Please comment We agree that increased accountability is necessary.

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

Increased transparency and access to documentation regarding reviews and discretionary consent.

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? Yes, see above

Q4

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

Please comment

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? The nature of the contractual relationship between lessees and the Crown.

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?

Timely action on consent application and tenure review procedures. No secret delegation of the Commissioner’s role to the executives. Better communication and more honesty. Access to all documents including reports.

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? No
   Please comment Not as they are expressed at the moment.
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? No
   Please comment
   Public consultation should not be required where a specific activity is allowed under the RMA and District Plan.
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 Certainly not for farming consents.
7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view. That would depend on the fees, but could lead to a level of noncompliance.

Q8

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework? Yes
   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?
Q1

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

The provisions of the lease and regional and district plans under the Resource Management Act already provide protection of inherent values and no further legislative response is required.

The Lease contract provides the leaseholder with the right to farm the entire leased area. To the extent that the Crown wishes to protect any particular inherent values, (e.g. restrict grazing any area of the lease) this will require a negotiated agreement between the Crown and lessee on a case by case basis.

Because the relationship between the Crown and lessee is fundamentally contractual, no legislative change is required.

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

No. There are sufficient mechanisms already provided for by legislation, and the nature of the relationship between Crown and lessee (i.e. contractual) allows the flexibility for agreed outcomes to be achieved.

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

All current properties entered in Tenure Review should, in good faith and under due process of the current Act, be allowed to proceed and continue to conclusion without impediment.

Q2

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

Please comment

No. The proposed outcomes (see page 23 of the Discussion Document) fundamentally change the contract of the pastoral lease.

This contract allows for the farming of the pastoral leased land in terms of the lease. The proposed outcomes make farming of the leased land an activity which is subject to ‘the maintenance and enhancement of natural capital, and cultural and heritage values’. The proposed subservience of pastoral farming to conservation values is fundamentally at odds with the agreement within the current lease.

In addition, the use of the term ‘natural capital’ in place of ‘ecological sustainability’ substitutes one term which has definition challenges, with new terms with even greater definition challenges.

Finally, the reference to the Crown deriving a ‘fair financial return’ is legally misconceived. The Land Act 1948 made provision for lessees to pay a ‘fair rent’. At law this concept means a fair rent to the lessee – not the lessor. The recognition of this legal principle is now codified with greater certainty in the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012.

To the extent that it is relevant to consider the Crown’s ‘financial return’, it should be recognised that this needs to be measured beyond the direct rental revenue, and also needs to take account of the costs of weed and pest control, (not forgetting the stewardship and maintenance of “Natural Capital”) directly assumed by the lessee, the avoidance of further additional land management costs which would otherwise be borne by the Crown in the event the land is not grazed, and the overall economic benefits delivered to New Zealand by the pastoral lease sector.
Subject to understanding how it proposes to do so in practice, the proposal for the Crown’s management of pastoral land to take account of the principles of the Treaty of Waitangi is accepted. The Minister of the Crown and the consultation document seem to have forgotten; or are abrogating their responsibility to administer the CPLA on behalf of the Crown. The Govt, body corporates, taxpayers; “nay” the nation, are due a cost to Lessees stewardship, especially as the nation rides on the back of the very portrayed culture and “Natural Capital” of this land. CP Lessees have become the custodians and enduring maintainers of this alienated land for which we pay rent. Lessees receive no recognition, discount or credit of this (contractual obligation?). The State benefits at the cost of our labors.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?
The Crown has insufficiently detailed its proposals for its contribution as a steward of the land.
Any indication the Crown has a considered plan is devoid, let alone any mapping of outcomes.
2c. Do you agree with the use of “natural capital” rather than ”ecological sustainability” in the proposed outcomes? No

Please comment
“Natural Capital” and “ecological sustainability” are conundrums for any definition under constitutional law. They are also terms precluding any dynamics of nature, occupation or time and cannot be quantified by any means at any point in time; let alone by a Govt! You are about to bastardise an Act of Parliament with an emotive term undefined in law.

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?
There are no known problems with the present position. What precipitates the question? The Act currently provides.
The Crown is the principal party to the Act or lease document.
The Treaty of Waitangi partners and the lessees are parties and signatories to their specific negotiated documents; period.
2e. What are the qualities and features of Crown pastoral land that you value the most?
Pastoral leases have become part of the cultural fabric of New Zealand and are responsible for a significant part of New Zealand’s international image and reputation. The ‘Pure’ brand and the reputation for authentic and safe primary products is built largely off the back of the High Country farmer.
The direct economic benefits from a robust high country pastoral sector now being realised by the merino sheep and wool industry are enormous, but so too are the indirect economic benefits to New Zealand’s tourism and associated sectors.
The Crown should not undermine these benefits by eroding the contractual rights of leaseholders.
Every New Zealander clips the ticket and we pay the bills.
The Minister of the Crown and the consultation document seem to have forgotten; or are abrogating their responsibility to administer the CPLA on behalf of the Crown. The Govt, body corporates, taxpayers; the very nation are due a cost to Lessees stewardship, especially as the nation rides on the back of the very portrayed culture and “Natural Capital” of this land. CP Lessees have become the custodians and enduring maintainers of this alienated land for which we pay rent.
Lessees receive no recognition, discount or credit of this (contractual obligation?). The State benefits at the cost of our labors. The Lessees are the Crown’s “Natural Capital” and must be recognized and compensated for such.
Any cost recovery as suggested, is open to encourage an ineffective administration of little value to anybody but themselves and a cost/burden to all others.

2f. What does enduring stewardship mean to you?
The primary contractual relationship between lessee and lessor must remain the foundation of the way in which the Crown and lessees work with each other.
To the extent that individual properties establish relationships with other organisations within their communities, that is a matter to be driven by lessees and those organisations (with possible initiation or facilitation by the Crown in some instances). This does not require any legislative reform.
Honest delivery of the Act, articles, agreements, relationships with transparency and INTEGRITY are the foundations good stewardship must be built on.

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: Provided the Commissioner remains substantially independent of political direction. The Commissioner should not be required to consult publicly on the Statement.
3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system? Unsure
Please comment
Accountability to whom?? The Minister or the Crown. The Commissioner must have absolute discretion free from political persuasion or agenda.
3c. What other mechanisms could be used to improve accountability? None; the Crown already has the ability to appoint an independent Commissioner.
3d. Which mechanisms do you think would be most effective in improving accountability? The current Act already provides.
3e. Do you think there are any problems with the proposed change? Probable political influence and /or interference.

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
Yes – efficient (and hence cost effective) processes are enhanced by clear guidance.
Developing such guidance requires care to ensure that sufficient flexibility remains to take account of the enormous diversity in circumstances of each pastoral lease. No two leases are the same and the Commissioner needs to be able to make decisions on a case by case basis. The Commissioner must remain independent and unencumbered by ministerial direction in such, to maintain integrity in delivery, flexibility and the diversity of circumstances as noted above. Negating any political bias.
4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system? No; it will precipitate bias and political interference.
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?
Submission 2919

None. The Commissioner by expectation of his position, will demonstrate integrity in his report to the minister.
4d. How should standards be used to help increase transparency? How should guidance be used? Already provided for in the Act.
4e. What other mechanisms could be used to improve transparency? None
4f. Which mechanisms do you think would be most effective in improving transparency? Already provided for in the Act.
4g. Do you think there are any problems with the proposed change? Yes

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
Ultimately that depends upon what outcomes are agreed.
And the means of descriptive of such “Proposed Outcomes”? Proposed outcomes based on “Natural Capital and “ecological sustainability” are conundrums for any definition under constitutional law. They are also terms precluding any dynamics of nature, occupation or time and cannot be quantified by any means at any point in time let alone by a Govt!
5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land?
Ultimately that depends upon what outcomes are agreed. If you want outcomes able to be influenced by political bias; then, Yes.
Another indicator of bad governance.
5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes?
There needs to be an alignment of processes under the RMA and the CPLA. Agreeing farm plans with the Commissioner may provide a mechanism for such alignment.
Consents for discretionary actions cannot be withheld where to do so the Crown undermines the fundamental contract and objective of pastoral farming.
The question arises. Who should be responsible for the setting of an Environmental Plan or a Nutrient Plan on Crown land or CPLA land with any Regulatory Authority or body? The Crown or the Lessee? If the Crown, would it become a condition of the lease to comply? If not: Penalties? Has the Crown shown a will or obligation to ascribe to its own mechanisms?
Hence the conundrum of questions 2C and 5A.
5d. What specific matters should be considered when deciding whether to approve an application? All of the above.

Q6

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions? No
Please comment
In some circumstances there may be a need for the Commissioner to seek expert advice beyond the resources immediately available within LINZ. Indeed, to make a reasonable decision (as he is bound to do), the Commissioner will need to consider whether such advice is necessary. Most consent applications, however, are not ones which require special expert analysis. Requiring such analysis and advice is simply likely to cause delay and expense. It may also hinder a culture of compliance and joint stewardship and partnership.
It is hoped that if the Crown is to assume greater stewardship responsibility that will include appropriate (efficient) resourcing of LINZ to provide that expertise. Consent applications should not be the subject of public consultation. If public consultation is needed, then that will be triggered by the application of the rules of a District or Regional Plan. If not so triggered, then the matter is of insufficient significance to incur the costs and delay of a further process.

Compulsion is not good for expediency, cost effectiveness nor efficiency. The Commissioner, as a mark of his independence, should be able to determine the need for such, when and if required. What else would he do?

Certainly, the Commissioner should not be beholden to DoC consultancy alone. This aberrational Department has demonstrably shown it is not fit for purpose, nor cognisant of the expertise and proven science of this world. Our own tenure review process has won out undeniably on every point proven by pure science, historical monitoring and reaction to such data DoC was oblivious of; unarguably uneducated.

As an administration it has become almost exclusively, blinkered in fundamentalism and a culture of political bias at management level. Essentially a corruption of its title.

6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities? As he sees fit. He’s meant to be independent!

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. The position has always had the precedent of independence and therefore requires moral integrity to qualify decisions.

NO. Any other model is suggestive and open to political bias.

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

No! A reasonable charge for processing discretionary consent applications is unobjectionable in principle.

The issue is one of reasonableness and efficiency. Presently LINZ is highly inefficient in dealing with consent applications. There are numerous examples of excessive delay, which implies high levels of avoidable cost, which lessees would object to shouldering. In addition, to the extent there is duplication of processes within Crown and local authority processes, a consequence of their design, the consequential costs should not be passed to lessees.

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

Where costs are imposed, they need to be set at levels which encourage a culture of voluntary compliance and co-stewardship, and which underpin a constructive relationship with the Commissioner and his delegates.

The Minister of the Crown and the consultation document seem to have forgotten; or are abrogating their responsibility to administer the CPLA on behalf of the Crown. The Govt, body corporates, taxpayers; “nay” the nation, are due a cost to Lessees stewardship, especially as the nation rides on the back of the very portrayed culture and “Natural Capital” of this land. CP Lessees have become the custodians and enduring maintainers of this alienated land for which we pay rent.

Lessees receive no recognition, discount or credit of this (contractual obligation?). The State
benefits at the cost of our labors. A minimal filing fee may encourage compliance. Any cost recovery is open to encourage a bloated, inefficient, immoral self-serving administration of little value to anybody but themselves.

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

It becomes penal and poses a problem of non-compliance and inefficiency for lesser projects. It also sends a message that does not recognise the good husbandry and enduring stewardship the lessee has through occupation and constant overwatch. It will erode and perpetuate a lack of faith demeaning goodwill and responsibility that currently exists toward the Crown.

Q8

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

Please comment

Depends on the parameters of the monitoring. The Act already provides for lease inspection and reporting. However, any further regulatory framework will compromise and encumber the efficiencies, cost and logistics of the current system.

8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood? None.

8c. What information do you think is most valuable to understand system performance? The current lease inspection system under the Act provides for adequate and efficient reporting. The Crown has been in forfeiture of CP Lease inspections for many years.

Q9

9a. Do you have any feedback on the preliminary analysis in section 6? The Commissioner should remain independent and free from any political bias or subservience to any Minister.

9b. Are there any other comments you’d like to include in this submission? My synopsis of this proposed legislation is such that: The Crown having assumed full Crown ownership of the lands acquired through Tenure Review, has realized the full weight and responsibility, cost and stewardship of these lands; has failed visibly and logistically, and now wishes a legislative vehicle to divest itself of these responsibilities thus imposing a penal cost on leaseholders and any other Permitted Grantees of rights on the remaining Crown Pastoral Leases to fund its political agenda. Pure Injustice and malevolence.

I earnestly entreat and demand to speak to this submission at a location convenient to me.
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

<table>
<thead>
<tr>
<th>Name*</th>
<th>Kate Hughes</th>
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Submission type*

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

Add your details

* Questions marked with an asterisk are mandatory
Question 1:

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

The provisions of the lease and regional and district plans under the Resource Management Act already provide protection of inherent values and no further legislative response is required.

The Lease contract provides leaseholders with the right to farm the whole leased area. To the extent that the Crown wishes to protect any particular inherent values, (e.g. restrict grazing areas of the lease) this will require a negotiated agreement between the Crown and lessee on a case by case basis.

Because the relationship between the Crown and lessee is fundamentally contractual, no legislative change should be required. The Act already has all necessary in it.

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

No. There are sufficient mechanisms already provided for by the legislation, and the nature of the relationship between Crown and lessee (i.e. contractual) allows the flexibility for agreed outcomes to achieved.

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

All current TR properties, should, in good faith and the due process of the current Act, be allowed to continue to conclusion without impediment.

Question 2:

2a. Do you agree with the proposed outcomes?

☐ Yes  ☒ No  ☐ Unsure

Please comment

No. The proposed outcomes (see page 23 of the Discussion Document) change the contract of a pastoral lease. This contract as it stands, allows for the farming of the pastoral leased land in terms of the lease. The proposed outcomes make
farming of the leased land an activity which is subject to ‘the maintenance and enhancement of natural capital, and cultural and heritage values. The proposed subservience of pastoral farming to conservation values is fundamentally at odds with the agreement within the lease.

Finally, the reference to the Crown deriving a ‘fair financial return’ is legally misconceived. The Land Act 1948 made provision for lessees to pay a ‘fair rent’. At law this concept means a fair rent to the lessee – not the lessor. The recognition of this legal principle is now codified with greater certainty in the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012.

To the extent that it is relevant to consider the Crown’s ‘financial return’, it should be recognised that this needs to be measured beyond the direct rental revenue, and also needs to take account of the costs of weed and pest control, (not forgetting the stewardship and maintenance of “Natural Capital”) directly assumed by the lessee, the avoidance of further additional land management costs which would otherwise be borne by the Crown in the event the land is not grazed, and the overall economic benefits delivered to New Zealand by the pastoral lease sector.

Subject to understanding how it proposes to do so in practice, the proposal for the Crown’s management of pastoral land to take account of the principles of the Treaty of Waitangi is accepted.

The Minister of the Crown and the consultation document seem to have forgotten; or are abrogating their responsibility to administer the CPLA on behalf of the Crown. The Govt, body corporates, taxpayers; “nay” the nation, are due a cost to Lessees stewardship, especially as the nation rides on the back of the very portrayed culture and “Natural Capital” of this land. CP Lessees have become the custodians and enduring maintainers of this alienated land for which we pay rent. Lessees receive no recognition, discount or credit of this (contractual obligation?). The State benefits at the cost of our labors.

A minimal filing fee may encourage compliance. Any cost recovery is open to encourage a bloated, inefficient, immoral self-serving administration of little value to anybody but themselves.

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

The Crown has not provided sufficient detailed proposals for its contribution as a steward of the land.

Any indication the Crown has a considered plan is devoid, let alone any mapping of outcomes.

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

☐ Yes ☒ No ☐ Unsure
Please comment

“Natural Capital” and “ecological sustainability” are conundrums for any definition under constitutional law. They are terms precluding any dynamics of nature, occupation or time and cannot be quantified by any means at any point in time let alone by this or any Government!
It is Confusing an Act of Parliament with an emotive term undefined in law.

The Crown has insufficiently detailed its proposals for its contribution as a steward of the land.

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?

There are no known problems with the present position.
The Act already provides the answer to this question.
The Crown is the principal party to the Act or lease document.
The Treaty of Waitangi partners and the lessees are parties and signatories to their specific negotiated documents.

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

Pastoral leases have become part of the cultural fabric of New Zealand, and are responsible for a significant part of New Zealand’s international image and reputation. The ‘Pure’ brand and the reputation for authentic and safe primary products is built largely off the back of the High Country farmer.

The direct economic benefits from a robust high country pastoral sector now being realised by the merino sheep and wool industry are enormous, but so too are the indirect economic benefits to New Zealand’s tourism and associated sectors.

The Crown should not undermine these benefits by eroding the contractual rights of leaseholders.

Every New Zealander clips the ticket and we pay the bills.

The Minister of the Crown and the consultation document seem to have forgotten; their responsibility to administer the CPLA on behalf of the Crown. The Govt, body corporates, taxpayers; (the nation) are due a cost to Lessees stewardship, especially as the nation rides on the back of the very portrayed culture and “Natural Capital” of this land. CP Lessees have become the custodians and enduring maintainers of this alienated land for which we pay rent.

Lessees receive no recognition, discount or credit of this (contractual obligation?). The State benefits at the cost of our labors. The Lessees are the Crown's “Natural Capital” and must be recognized and compensated for such.
What does enduring stewardship mean to you? What is the role of the different groups that play a stewardship role – the Crown, leaseholders, iwi, and other stakeholders? How can these groups most effectively work together?

The contractual relationship between lessee and lessor must remain a foundation of the way in which the Crown and lessees work with each other.

To the extent that individual properties establish relationships with other organisations within their communities, that is a matter to be driven by lessees and those organisations (with possible initiation or facilitation by the Crown in some instances). This does not require any legislative reform.

Honest delivery of the Act, articles, agreements, relationships with transparency and INTEGRITY.

Question 3:

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

☒ Yes ☐ No ☐ Unsure

Please comment

Yes: Provided the Commissioner remains substantially independent of political direction. The Commissioner should not be required to consult publicly on the Statement.

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)
To who?? The Minister or the Crown. The Commissioner must have absolute discretion free from political persuasion or agenda

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

None; the Crown already has the ability to appoint an independent Commissioner

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

None, The current Act already provides for this.

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

Political influence, interference and political and personal gain.

Question 4:

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

☒ Yes ☐ No ☐ Unsure

Please comment

Yes – efficient and hence cost-effective processes are enhanced by clear guidance. Developing such guidance requires care to ensure that sufficient flexibility remains to take account of the enormous diversity in circumstances of each pastoral lease. No two leases are the same and the Commissioner needs to be able to make decisions on a case by case basis.

The Commissioner must remain independent and unencumbered by ministerial direction in such, to maintain integrity in delivery, flexibility and the diversity of circumstances as noted above. Negating any political bias.
4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system?

☐ Yes ☒ No ☐ Unsure

Please comment

Add your response here.

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

None. The Commissioner will cover in his report to the minister.

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

This is already provided for in the act.

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

The current system provides this already

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

The current system provides this already

4g. Do you think there are any problems with the proposed change?
Question 5:

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

☐ Yes  ☐ No  ☒ Unsure

Please comment

Ultimately that depends upon what outcomes are agreed.

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

Ultimately that depends upon what outcomes are agreed. If you want outcomes able to be influenced by political bias; then, Yes. An absolute indicator of bad governance.

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

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

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

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

All of the above
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

In some circumstances there may be a need for the Commissioner to seek expert advice beyond the resources immediately available within LINZ. Indeed to make a reasonable decision (as he is bound to do), the Commissioner will need to consider whether such advice is necessary. Most consent applications, however, are not ones which require special expert analysis. Requiring such analysis and advice is simply likely to cause delay and expense. It may also hinder a culture of compliance and joint stewardship and partnership.

It is hoped that if the Crown is to assume greater stewardship responsibility that will include appropriate (efficient) resourcing of LINZ to provide that expertise.

Consent applications should not be the subject of public consultation. If public consultation is needed then that will be triggered by the application of the rules of a District or Regional Plan. If not so triggered, then the matter is of insufficient significance to incur the costs and delay of a further process.

Compulsion is not good for expediency, cost effectiveness nor efficiency. The Commissioner, as a mark of his independence, should be able to determine the need for such, when and if required. What else would he do?

Certainly, the Commissioner should not be beholden to DoC consultancy alone. This aberrational Department has demonstrably shown it is not fit for purpose, nor cognisant of the expertise and proven science of this world. Our own tenure review process has won out undeniably on every point proven by pure science, historical monitoring and reaction to such data DoC was oblivious of; unarguably uneducated.

As an administration it has become almost exclusively, blinkered in fundamentalism and a culture of political bias at management level. Essentially a corruption of its title.

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

As he sees fit to do so.

He is supposed to be independent.
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. The position has always had the precedent of independence and therefore requires moral integrity to qualify decisions.

NO. Any other model is suggestive and open to political bias and gain.
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

Mostly No!
A reasonable charge for processing discretionary consent applications is unobjectionable in principle.

The issue is one of reasonableness and efficiency. Presently LINZ is highly inefficient in dealing with consent applications. There are numerous examples of excessive delay, which implies high levels of avoidable cost, which lessees would object to shouldering. In addition, to the extent there is duplication of processes within Crown and local authority processes, as a consequence of their design, the consequential costs should not be passed to lessees.

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

Where costs are imposed they need to be set at levels which encourage a culture of voluntary compliance and co-stewardship, and which underpin a constructive relationship with the Commissioner and his delegates.

The Minister of the Crown and the consultation document seem to have forgotten; or are abrogating their responsibility to administer the CPLA on behalf of the Crown. The Govt, body corporates, taxpayers; “nay” the nation, are due a cost to Lessees stewardship, especially as the nation rides on the back of the very portrayed culture and “Natural Capital” of this land. CP Lessees have become the custodians and enduring maintainers of this alienated land for which we pay rent.

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

It poses a problem of non-compliance and inefficiency for lesser
projects. It also sends a message that does not recognise the good husbandry and enduring stewardship the lessee has through occupation and constant overwatch. It will erode and perpetuate a lack of faith demeaning goodwill and responsibility that currently exists toward 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

Depends on the parameters of the monitoring. The Act already provides for lease inspection and reporting, however any further regulatory framework will compromise and encumber the efficiencies, cost and logistics of the current system.

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

None

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

The current lease inspection system under the Act provides for adequate and efficient reporting. The Crown has been in forfeiture of CP Lease inspections for many years.

**Question 9:**

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

The Commissioner should remain independent and free from any political bias or subservience to any Minister.
9b. Are there any other comments you’d like to include in this submission?

My opinion of this proposed legislation is a result of the Crown having assumed full Crown ownership of the lands acquired through Tenure Review, have finally realized the full weight and responsibility, cost and stewardship of these lands. They have failed visibly and logistically, and now want a legislative vehicle to divest itself of these responsibilities and imposing a cost on leaseholders and any other Permitted Grantees of rights on the remaining Crown Pastoral Leases to fund its political agenda. Absolute injustice and dishonesty.
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
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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2. Complete this submission form and send to us by email or post.

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

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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

Add your details

Submission type*

☒ Individual

☐ NGO

☐ Local government

☐ Business / Industry

☐ Central government

☐ Iwi

☐ Other (please specify)

Add your details

* Questions marked with an asterisk are mandatory
Question 1:

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

The provisions of the lease and regional and district plans under the Resource Management Act already provide protection of inherent values and no further legislative response is required.

The Lease contract provides leaseholders with the right to farm the whole leased area. To the extent that the Crown wishes to protect any particular inherent values, (e.g. restrict grazing areas of the lease) this will require a negotiated agreement between the Crown and lessee on a case by case basis.

Because the relationship between the Crown and lessee is fundamentally contractual, no legislative change should be required. The Act already has all necessary in it.

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

No. There are sufficient mechanisms already provided for by the legislation, and the nature of the relationship between Crown and lessee (i.e. contractual) allows the flexibility for agreed outcomes to achieved.

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

All current TR properties, should, in good faith and the due process of the current Act, be allowed to continue to conclusion without impediment.

Question 2:

2a. Do you agree with the proposed outcomes?

☐ Yes   ☒ No   ☐ Unsure

Please comment

No. The proposed outcomes (see page 23 of the Discussion Document) change the contract of a pastoral lease. This contract as it stands, allows for the farming of the pastoral leased land in terms of the lease. The proposed outcomes make
farming of the leased land an activity which is **subject to** ‘the maintenance and enhancement of natural capital, and cultural and heritage values. The proposed subservience of pastoral farming to conservation values is fundamentally at odds with the agreement within the lease.

Finally, the reference to the Crown deriving a ‘fair financial return’ is legally misconceived. The Land Act 1948 made provision for lessees to pay a ‘fair rent’. At law this concept means a fair rent to the lessee – not the lessor. The recognition of this legal principle is now codified with greater certainty in the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012.

To the extent that it is relevant to consider the Crown’s ‘financial return’, it should be recognised that this needs to be measured beyond the direct rental revenue, and also needs to take account of the costs of weed and pest control, (not forgetting the stewardship and maintenance of “Natural Capital”) directly assumed by the lessee, the avoidance of further additional land management costs which would otherwise be borne by the Crown in the event the land is not grazed, and the overall economic benefits delivered to New Zealand by the pastoral lease sector.

Subject to understanding how it proposes to do so in practice, the proposal for the Crown’s management of pastoral land to take account of the principles of the Treaty of Waitangi is accepted.

The Minister of the Crown and the consultation document seem to have forgotten; or are abrogating their responsibility to administer the CPLA on behalf of the Crown. The Govt, body corporates, taxpayers; “nay” the nation, are due a cost to Lessees stewardship, especially as the nation rides on the back of the very portrayed culture and “Natural Capital” of this land. CP Lessees have become the custodians and enduring maintainers of this alienated land for which we pay rent. Lessees receive no recognition, discount or credit of this (contractual obligation?). The State benefits at the cost of our labors.

A minimal filing fee may encourage compliance. Any cost recovery is open to encourage a bloated, inefficient, immoral self-serving administration of little value to anybody but themselves.

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

- The Crown has not provided sufficient detailed proposals for its contribution as a steward of the land.

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

☐ Yes  ☒ No  ☐ Unsure

Please comment
“Natural Capital” and “ecological sustainability” are conundrums for any definition under constitutional law. They are terms precluding any dynamics of nature, occupation or time and cannot be quantified by any means at any point in time let alone by this or any Government! It is Confusing an Act of Parliament with an emotive term undefined in law.

The Crown has insufficiently detailed its proposals for its contribution as a steward of the land.

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?

There are no known problems with the present position. The Act already provides the answer to this question. The Crown is the principal party to the Act or lease document. The Treaty of Waitangi partners and the lessees are parties and signatories to their specific negotiated documents.

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

Pastoral leases have become part of the cultural fabric of New Zealand and are responsible for a significant part of New Zealand’s international image and reputation. The ‘Pure’ brand and the reputation for authentic and safe primary products is built largely off the back of the High Country farmer.

The direct economic benefits from a robust high country pastoral sector now being realised by the merino sheep and wool industry are enormous, but so too are the indirect economic benefits to New Zealand’s tourism and associated sectors.

The Crown should not undermine these benefits by eroding the contractual rights of leaseholders.

Every New Zealander clips the ticket and we pay the bills.

The Minister of the Crown and the consultation document seem to have forgotten; their responsibility to administer the CPLA on behalf of the Crown. The Govt, body corporates, taxpayers; (the nation) are due a cost to Lessees stewardship, especially as the nation rides on the back of the very portrayed culture and “Natural Capital” of this land. CP Lessees have become the custodians and enduring maintainers of this alienated land for which we pay rent.

Lessees receive no recognition, discount or credit of this (contractual obligation?). The State benefits at the cost of our labors. The Lessees are the Crown’s “Natural Capital” and must be recognized and compensated for such.
2f. What does enduring stewardship mean to you? What is the role of the different groups that play a stewardship role – the Crown, leaseholders, iwi, and other stakeholders? How can these groups most effectively work together?

The contractual relationship between lessee and lessor must remain a foundation of the way in which the Crown and lessees work with each other.

To the extent that individual properties establish relationships with other organisations within their communities, that is a matter to be driven by lessees and those organisations (with possible initiation or facilitation by the Crown in some instances). This does not require any legislative reform.

Honest delivery of the Act, articles, agreements, relationships with transparency and INTEGRITY.

Question 3:

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

☒ Yes ☐ No ☐ Unsure

Please comment

Yes: Provided the Commissioner remains substantially independent of political direction. The Commissioner should not be required to consult publicly on the Statement.

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)

To who?? The Minister or the Crown. The Commissioner must have absolute discretion free from political persuasion or agenda
3c. What other mechanisms could be used to improve accountability?

None; the Crown already has the ability to appoint an independent Commissioner.

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

None, The current Act already provides for this.

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

Political influence, interference and political and personal gain.

Question 4:

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

☒ Yes ☐ No ☐ Unsure

Please comment

Yes – efficient and hence cost-effective processes are enhanced by clear guidance. Developing such guidance requires care to ensure that sufficient flexibility remains to take account of the enormous diversity in circumstances of each pastoral lease. No two leases are the same and the Commissioner needs to be able to make decisions on a case by case basis.

The Commissioner must remain independent and unencumbered by ministerial direction in such, to maintain integrity in delivery, flexibility and the diversity of circumstances as noted above. Negating any political bias.

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?

None. The Commissioner will cover in his report to the minister.

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

This is already provided for in the act.

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

The current system provides this already

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

The current system provides this already

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

Yes there are
**Question 5:**

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

☐ Yes  ☐ No  ☒ Unsure

Please comment

*Ultimately that depends upon what outcomes are agreed*

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

*Ultimately that depends upon what outcomes are agreed. If you want outcomes able to be influenced by political bias; then, Yes. An absolute indicator of bad governance.*

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

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

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

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

**All of the above**
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

In some circumstances there may be a need for the Commissioner to seek expert advice beyond the resources immediately available within LINZ. Indeed to make a reasonable decision (as he is bound to do), the Commissioner will need to consider whether such advice is necessary. Most consent applications, however, are not ones which require special expert analysis. Requiring such analysis and advice is simply likely to cause delay and expense. It may also hinder a culture of compliance and joint stewardship and partnership.

It is hoped that if the Crown is to assume greater stewardship responsibility that will include appropriate (efficient) resourcing of LINZ to provide that expertise.

Consent applications should not be the subject of public consultation. If public consultation is needed, then that will be triggered by the application of the rules of a District or Regional Plan. If not so triggered, then the matter is of insufficient significance to incur the costs and delay of a further process.

Compulsion is not good for expediency, cost effectiveness nor efficiency. The Commissioner, as a mark of his independence, should be able to determine the need for such, when and if required. What else would he do?

Certainly, the Commissioner should not be beholden to DoC consultancy alone. This aberrational Department has demonstrably shown it is not fit for purpose, nor cognisant of the expertise and proven science of this world. Our own tenure review process has won out undeniably on every point proven by pure science, historical monitoring and reaction to such data DoC was oblivious of; unarguably uneducated.

As an administration it has become almost exclusively, blinkered in fundamentalism and a culture of political bias at management level. Essentially a corruption of its title.

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

As he sees fit to do so.

He is supposed to be independent.
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. The position has always had the precedent of independence and therefore requires moral integrity to qualify decisions.

NO. Any other model is suggestive and open to political bias and gain.
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

 Mostly No!
A reasonable charge for processing discretionary consent applications is unobjectionable in principle.

The issue is one of reasonableness and efficiency. Presently LINZ is highly inefficient in dealing with consent applications. There are numerous examples of excessive delay, which implies high levels of avoidable cost, which lessees would object to shouldering. In addition, to the extent there is duplication of processes within Crown and local authority processes, as a consequence of their design, the consequential costs should not be passed to lessees.

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

Where costs are imposed, they need to be set at levels which encourage a culture of voluntary compliance and co-stewardship, and which underpin a constructive relationship with the Commissioner and his delegates.

The Minister of the Crown and the consultation document seem to have forgotten; or are abrogating their responsibility to administer the CPLA on behalf of the Crown. The Govt, body corporates, taxpayers; “nay” the nation, are due a cost to Lessees stewardship, especially as the nation rides on the back of the very portrayed culture and “Natural Capital” of this land. CP Lessees have become the custodians and enduring maintainers of this alienated land for which we pay rent.

Lessees receive no recognition, discount or credit of this (contractual obligation?). The State benefits at the cost of our labors.
A minimal filing fee may encourage compliance. Any cost recovery is open to encourage a bloated, inefficient, immoral self-serving administration of little value to anybody but themselves.

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

It poses a problem of non-compliance and inefficiency for lesser
projects. It also sends a message that does not recognise the good husbandry and enduring stewardship the lessee has through occupation and constant overwatch. It will erode and perpetuate a lack of faith demeaning goodwill and responsibility that currently exists toward 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

Depends on the parameters of the monitoring. The Act already provides for lease inspection and reporting; however any further regulatory framework will compromise and encumber the efficiencies, cost and logistics of the current system.

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

None

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

The current lease inspection system under the Act provides for adequate and efficient reporting. The Crown has been in forfeiture of CP Lease inspections for many years.

Question 9:

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

The Commissioner should remain independent and free from any political bias or subservience to any Minister.
9b. Are there any other comments you’d like to include in this submission?

My opinion of this proposed legislation is a result of the Crown having assumed full Crown ownership of the lands acquired through Tenure Review, have finally realized the full weight and responsibility, cost and stewardship of these lands. They have failed visibly and logistically, and now want a legislative vehicle to divest itself of these responsibilities and imposing a cost on leaseholders and any other Permitted Grantees of rights on the remaining Crown Pastoral Leases to fund its political agenda. Absolute injustice and dishonesty.
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
Q1

1a. What are your views on how significant natural values should be protected once tenure review is ended?
Current lease arrangements and regional and district plans under the Resource Management Act already provide protection to inherent values and there is no need to make legislative changes.

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land?
No. There are already sufficient methods already provided for by the current system, and the nature of the relationship between Crown and lessee allows the flexibility for agreed outcomes to achieved. We already have a DOC access track though our property and are not apposed to further access being granted. However, it needs to be consensual and fair to both parties. It is terrifying to think that the Crown could grant access without consultation with the Leaseholder.

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?
Yes – the impact on lessees, their businesses and families. None of these impacts have been considered. Every consideration to the financial and ecological impact to the Crown has been considered, but absolutely no consideration has been given to the Leaseholders financial and emotional impact.
I often use the analogy of the Crown going to a garage owner and telling them that they have to open up their workshop to the public. The public are able to come in and use their equipment for no charge to repair vehicles while at the same time the Crown telling the garage owners that they can only service, Toyotas on a Tuesday and Fords on a Friday. This would never be tolerated in other business areas, but it is ok to treat the farming community this way!

Q2

2a. Do you agree with the proposed outcomes? No
Please comment
No. The proposed outcomes fundamentally change the contract of the pastoral lease. This contract allows for the farming of the pastoral leased land. The proposed changes completely change the focus from farming to ‘the maintenance and enhancement of natural capital, and cultural and heritage values’. This completely undermines the agreement of the lease and will make the farming of pastoral land restrictive and untenable.

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?
There is no detail in The Crowns’ proposed outcomes. They have been deliberately ambiguous in order to have greater scope in the future to change the outcomes to fit their purpose. All the while leaving the leaseholder in the dark as to their future!

2c. Do you agree with the use of “natural capital” rather than ”ecological sustainability” in the proposed outcomes? Unsure
Please comment
A meaningless change of terminology, that again, is deliberately ambiguous in order to have greater scope in the future to change the outcomes to fit their purpose.
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?
As long as the obligations are being met, as they are with the current position, why make changes.

2e. What are the qualities and features of Crown pastoral land that you value the most?
Our pastoral lease is the backbone of our farm and business. Having a pastoral lease allows our family to live and preserve our way of life of living on a High Country Station and contribute to protecting the High Country. The lease provides us with an agreement to a sustainable farm and tourism business. The Crown should not undermine these benefits by eroding the contractual rights of leaseholders.

2f. What does enduring stewardship mean to you?
The most important thing is to establish relationships between the Lessee and the Lessor and this must remain the foundation of the way in which the Crown and the lessees work together.
A closer relationship with a Crown representative, who understands the needs and requirements of farming, is essential in this process.
How each in individual farm works with other organisations such as Iwi or other community stakeholders, is a matter for each lessees and those organisations. A strong relationship between the lessee and The Crown would enable The Crown to step in when they saw the need for greater collaboration between parties.

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, provided the Commissioner has no political bias. The Commissioner should not be required to consult publicly on the Statement.

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? Yes
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?
Submission 2922

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? No

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?

At times, the Commissioner may need to seek expert advice, when it is not available within LINZ. To make a reasonable decision the Commissioner will need to consider whether such advice is necessary, but it should not be required to.

Consent applications should not go to public consultation. From our experience of applying for consents, if public consultation is needed, then that will be triggered by the application of the RMA.

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

A reasonable fee for processing discretionary consents is hard to argue. However, these must be reasonable for lessees to be able to afford. In our experience of applying for discretionary consents, there have been excessive delays and obvious inefficiencies by LINZ that result in avoidable costs. It seems pretty unfair for the Lessees to shoulder the cost for this.

Lessees should not incur the cost of any consultation process where the commissioner needs to seek expert advice.

7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.
Submission 2922

Farming in the high country is a tough and hard business, with financial margins often minimal. To enforce unnecessary fees for discretionary consents, that should be a part of normal farming practice, will only increase the emotional, physical and mental stresses already upon lessees.

**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? No.
9b. Are there any other comments you’d like to include in this submission? Reviewing and improving systems is necessary and there are changes needing to be made to CPLA. There are some areas in the high country that are being degraded through irresponsible farming practices.

We highly value the area of natural beauty that we live in and our tourism business is fundamentally relies on this.

However, 98% of farmers are the best custodians and conservationist of the land. Please don't punish the 98% of farmers with regulatory changes that restrict, and make farming of the land, almost impossible.

A closer working relationship with between the farmer and a knowledgeable LINZ field agent, who understands farming practices, can better strengthen the relationship. This will ultimately and help LINZ/ Commissioner make informed decisions to protect New Zealand's most iconic landscapes and taonga for many New Zealanders.
SUMISSION FOR ENDURING STEWARDSHIP OF CROWN PASTORAL LANDS

I am a third generation pastoral leaseholder with 60 years of farming in the high country, the fourth generation is there now so the family has been farming this property for 106 years. We have managed these lands through major challenging weather patterns, huge pest and weed control undertakings, all of which are still a threat in this environment. Apart from during lambing, the public have always had access as requested. Creeks have been fenced off, wilding trees all but eliminated, biodiversity plots established and throughout the property monitored, rabbits controlled, a QEII Open Space Covenant established and a block of land alongside Lake Alexandrina given to DOC as a buffer zone for the lake - this is to name just a few of our ongoing conservation and land care endeavours. Changing regulations shows no recognition of the economic benefits from the high country farming sector- both the merino sheep and wool sector and also from the tourism sector. The history and cultural values of the high country need to be recognised and supported and this must be done by building a good relationship with the lessees- not by more regulation and greater costs.

The tenure review process should not be stopped. It needs to be recognised that huge gains have been made both for landscape and biodiversity values and on the security for investment on freehold lands under this present regime. Science needs to be pure, non political and non commercial and in the past year this has become very emotive.

If as indicated, the tenure review process for the remaining pastoral leases is terminated, the perceived landscape and biodiversity value issues that have arisen will already be adequately managed under the C.P.L.A. and the R.M.A. There is no need for further regulation. The provisions of the present leases coupled with the regional and district plans already provide the necessary protection of inherent values. Any biodiversity regardless of management practices is always in a state of change.

It is essential that the relationship between the Crown and the lessee (contractual) is respected but also allows for the necessary flexibility for agreed outcomes to be achieved on each individual and physically differing lease. The lessee has the right to the exclusive possession and quiet enjoyment which must be respected. Good collaboration between the lessee and Crown will achieve far better outcomes than that of more regulations.
L.I.N.Z Pastoral requires a major overhaul. The entire mid layer of bureaucratic personal should be removed and replaced with regional lands officers reporting to a chief pastoral lands officer who in turn reports to the Commissioner of Crown Lands who is non political as it was 20 years ago. This system was respected, worked well and was a wonderful conduit between the lessee and the Crown. These pastoral lands cannot be managed by over-riding regulations and from a desk top in Wellington or Christchurch. The Commissioner must have sufficient resources to be able to give guidance and show the required standards for each lessee - to be given in a timely manner and cost effectively. There also needs to be an alignment of processes under the RMA and CPLA. Agreeing to Farm Plans with the Commissioner may provide a mechanism for such alignment.

The intent of the CPLA is one of joint stewardship of these pastoral lands. It is therefore essential that the Commissioner has the necessary access to expert resources to be able to make reasonable decisions and these without including public consultation and done in a timely fashion. Obtaining discretionary consents must also be done quickly and efficiently to minimise costs. This is as stated, a situation of co-stewardship. This process which involves both the Commissioner and the RMA must be streamlined.

The security of the present C.P.L.A. must not be eroded. The Commissioner must have the flexibility to deal with each lease on a case by case basis which will allow for far better environmental outcomes and lower costs. The proposed outcomes of the new regulations make farming subservient to conservation values which is in direct conflict with the agreement within the lease. "Ecological values" should not be replaced by "capital value" which is far to broad a term.
Enduring stewardship of Crown pastoral land

The Government welcomes your feedback on this consultation document.

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

Submissions close on Friday 12 April 2019

Making a submission

You can make a submission in three ways:

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

   This is our preferred way to receive submissions.

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

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

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**Submission type***

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

*Questions marked with an asterisk are mandatory*
Question 1:

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

Land with inherent values worthy of protection should be purchased from the leaseholder, because the leaseholder will not be able to enjoy his freedom to use the pastoral land for farming under new constraints, once the inherent values have been given highest priority.

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

Ongoing communication between landholders (or leaseholders) and the Crown (or LINZ) is essential to maintaining a thoughtful approach to retaining New Zealand's extraordinary natural assets. Explicit guidelines and periodic site visits by DOC or other government representatives would be highly effective in ensuring the protection of the natural environment.

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

It's a shame to see that a few disrespectful or opportunistic tenure review processes have caused the demise of the whole scheme, which certainly has merit on many fronts, provided it's conducted with care and the best of intentions (by all parties concerned) for the country and its natural environment. The process itself is not to blame - it's the few leaseholders who took advantage of the process to reap disproportionate rewards. Abandoning tenure review is throwing the baby out with the bath water.

In the transition period, the Crown should continue to negotiate in good faith with those whose processes are well under way, in terms of current legislation.

Question 2:

2a. Do you agree with the proposed outcomes?

[ ] Yes  [ ] No  [ ] Unsure

Please comment

In terms of the desired outcomes, I agree with the objectives of protecting and enhancing inherent values and increasing access, among other stated objectives. However, I feel that, in the consultation undertaken to date, the proposals presented give higher importance to the interests of stakeholders has been given higher than
those of the leaseholders.

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

What's missing is the recognition that sustainable farming is an attainable goal, that leaseholders as a whole are conscientious stewards of the land, that a good-faith partnership between the Crown and the leaseholders is both achievable and desirable in terms of long-term benefit to the country and its natural resources.

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

☐ Yes  ☐ No  ☒ Unsure

Please comment

This is really just a matter of semantics. We need to respect our natural capital in order to attain ecological sustainability.

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?

Respect for Maori values and cultural heritage should always be part of the equation.

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

New Zealand's Crown pastoral land is as majestic as any farmland on earth. This broad, sweeping scenery has been inspiring artists, poets and overseas visitors - not to mention the farmers who choose to look after this landscape - for generations. What's not to love?

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?

Leaseholders need stewardship guidelines from the Crown, DOC, LINZ, etc. It should be a collaborative effort. Land can (and should) be farmed responsibly and with an eye to future generations. Pest and weed control are critical, for instance, and most leaseholders know and respect this fact. It's important, however, that the government not hamstring leaseholders. Agriculture is critical to the nation's economy, and, while maintaining a watchful eye on the wellbeing of the landscape, leaseholders also need to get on with the business of farming. Too many restrictions, administrative costs, and red tape will result in farmers/leaseholders abandoning the land in favour of other, less frustrating, pursuits.
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

We need a statement of desired outcomes for the management of leasehold land which reflects legislative requirements, but the commissioner should be independent of the minister so that farmers have some long-term certainty around what is required of them.

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)

Generally yes, but there has to be a balance between leaseholders' existing rights with respect to environmental and public-access objectives. (Compensation should be provided where leaseholders have sacrificed productive land.)

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?

Yes. While I have no problems with the objectives, the proposed changes are likely to add very significant costs and restraints to leaseholders in a business that is already marginally profitable, particularly when added to other charges under consideration, such as methane emissions taxes.
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?

☒  ☐ No  ☐ Unsure

Please comment

But who will pay for it all?

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?

50T

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

The leaseholder should be required to do a farm management plan that outlines how objectives will be met and judged against the plan.

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

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

Communicate with leaseholders on a regular basis, visit farms, talk to us.

4g. Do you think there are any problems with the proposed change?
In your words, 'Changing the way decisions on discretionary consents are made may also incentivise some non-compliance.' Short of covert surveillance, there will be limited ability to control the types of land use that accompany normal pastoral farming activities. On the whole, the discretionary consents are too tight. The limited scope of work allowed seems to be at odds with the leaseholder’s right to farm the pasture for which he is responsible.

**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?

Yes it will, but who will pay for it, and how are leaseholders’ existing rights going to be upheld?

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?

The commissioner’s guidelines and the leaseholders’ rights.
Question 6:

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

☐ Yes  X ☐ No  ☐ Unsure

Please comment

Once the commissioner's guidance framework is set, decisions should be able to be made without additional expert input. Consents are going to become very expensive if both sides are going to have to arm themselves with experts as a matter of course.

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

Only in exceptional cases should this be necessary.

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  X ☐ No  ☐ Unsure

Please comment

The level is set so low for the requirement of discretionary consents, that leaseholders will be financially crippled if routinely charged a fee.

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

See above.

Question 8:

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

X  ☐ No  ☐ Unsure

Please comment

Yes, otherwise what is the point of having a framework?

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)

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

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

When your submission is complete

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

- PDF
- Microsoft Word document.

If you are posting your submission, send it to:

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

The Government welcomes your feedback on this consultation document.

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

Submissions close on Friday 12 April 2019

Making a submission

You can make a submission in three ways:

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

   This is our preferred way to receive submissions.

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

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

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Submission form

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

Contact information

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Submission type*

☐ Individual

☐ NGO

☐ Local government

☒ Business / Industry

☐ Central government

☐ Iwi

☐ Other (please specify)

Add your details

* Questions marked with an asterisk are mandatory
Question 1:

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

I believe that the provisions already contained in our lease, as well as those under the Regional Council Bylaws, District Plans and the Resource Management Act already provide protection of the natural values of the land. I do not believe that further legislative response is required.

Furthermore, although the relationship between the Crown and Leaseholder are fundamentally contractual, as a leaseholder we are already aware and have the desire to protect the natural value of the landscape both in the course of our work on the land as well as to protect the iconic cultural heritage of the High Country landscape.

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

As referred above, I do not believe that further legislation or mechanisms will better protect significant natural values on Crown pastoral land. However, I believe that a better relationship between our Portfolio Managers and the Commissioner would be beneficial to protect significant natural values as open communication allows for all parties to be involved in what is defined as a natural value as well as discuss what work needs to be done to maintain those natural values.

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

I do not agree with the current proposed transitional arrangements for ending tenure review as these outcomes fundamentally change the contract and nature of the pastoral lease. These proposals will burden the leaseholders with unnecessary and undue regulation and paperwork instead of allowing leaseholders to look after and manage the land appropriately.

While I understand that the Government has had concerns in relation to subsequent use of freehold land as a result of Tenure review, the subsequent use has been a direct result of the piecemeal approach to Tenure review whereby leaseholders have only been offered a portion of a Lease and have no option but to intensify farming in order to remain financially viable. High Country farms offer a challenging environment and as a leaseholder, we are operating on a fine balance. Furthermore, land that has been returned to the Crown and managed by the Department of Conservation has become burdened with weeds and pest unfortunately, the Department of Conservation do not have a working knowledge of the High Country environment nor the funds to adequately manage the land.
Question 2:

2a. Do you agree with the proposed outcomes?

☐ Yes  ☒ No  ☐ Unsure

Please comment

As referred to in questions 1a-1c I do not agree. Furthermore, the decision to end Tenure review appears to be a cost-cutting exercise. I do not believe that the Crown will reach its outcome and protecting the natural and cultural values of the land as land that has been returned to the Crown has been proven to be mismanaged.

The proposals also seek to overrule the rights of the landowner in relation to their operations under the Leases. I also believe that the proposed outcomes, will place an undue burden upon leaseholders to maintain the land to an unworkable and unrealistic standard at their own cost and under the burden of guidelines that are not appropriate for the land.

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

The proposed outcomes do not take into account the significant amount of work or the recognition that leaseholders have had on the land. Including generations of work and protection of the biodiversity.

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

☐ Yes  ☒ No  ☐ Unsure

Please comment

Natural capital places a financial value on the land instead of viewing it on its own merits and a case-by-case basis.

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

I am open to discussions as a Leaseholder and note that leaseholders hold the same views as guardians of the land and want to protect it as such.

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

My family have been on the land for over 100 years, it is a part of us as we are a part of it. The land as part of our heritage.
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?

It is in the best interests of all those who wish to look after the land, that is managed properly. Proper management can only be undertaken by those who have worked the land and understand its intricacies, the weather, the conditions, the soil that makes up the land and what can grow on it and what cannot.

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

No, this would create uncertainty as farmers would be having to reassess how to manage the land after each election. This would also take away the independence of the Commissioner.

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)

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

These proposals seek to place a public accountability measure on a decision that is often discretionary. It is unlikely to improve accountability, only slow down the decision-making process.

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

I do not think that the proposed mechanisms will be effective, they will merely result in a deterrent to applicant
3e. Do you think there are any problems with the proposed change?

Yes as referred above.

Question 4:

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

☐ Yes   ☒ No   ☐ Unsure

Please comment

No as this would not allow for decisions to be made on a case-by-case basis. Each lease is different as is the land. To create guidelines that the Commissioner must make, will likely burden the Commissioner as well as bog down the lessees.

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

Increasing who was consulted, will not create more transparency but will “bog down” the decision-making process. It also will change the relationship between the lessee and the Crown by making more parties, who are not liable under the current lease, stakeholders whose use must be taken into account.

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

The relationship of the party should be clarified, so that organisations who do not have responsibility in relation to the land, do not have a overriding influence or impact on a decision.

As referred above, too much input from outside groups will change the nature of the relationship between the Crown and the leaseholder.

The best decision that could be made as to improve the relationship between Portfolio Managers as well as have regular consultations with lessees on the follow-up of
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?

Transparency is not an issue with leaseholders, the issue is effective management, which is being burdened by regulation.

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

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 current regime works effectively, and taking an account of views of interested parties as well as the

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

No, it will only hold up the decision-making process, which already takes too long.

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

I do not believe that further mechanisms are necessary as set out above. What I would like to see, that I believe would be a positive impact would be the creation of a
set timeline for decisions to be made as well as an open and clear process. The current decision making process unfairly and unduly burdens the leaseholders and the length of time between approval and application often means that work is unable to be carried out (Particularly when approval is given over winter, despite the application being made 3 to 6 months earlier)

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

I do not believe that further matters need to be considered when dealing with an application as set out above.

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, adequate information is already provided through independent reports from both parties prior to the decision being made.

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

There are very limited situations where the Commissioner should seek information from the public as to proposed activities. Where public consultation sought, this will result in undue hardship to the leaseholders who now find that their relationship is with a much wider group than anticipated.

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, the Commissioner’s independence allows for decisions to be made in regard to the scope of the consents while also allowing for long-term stability of land. If the Commissioner and Minister of Conservation or Minister of Land become too entwined, the Minister will effectively become another “politician” who will not be immune to public pressure or influence.

Question 7:

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

Any fees created as a result of an increased application process creates undue financial hardship on the applicant who is already under an obligation to pay for and obtain an independent report as part of the application process.

If a party outside of the contractual relationship between the Crown and leaseholder wishes to make a submission then they should have to contribute an application fee. This would also “weed out” any trivial or applications.

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

Undue financial hardship to leaseholders who are already under a burn when they cannot maintain the land to the standard that they believe is required to protect the natural and significant value of the land.

Question 8:

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

Please comment

No as this will be too restrictive and is not unable to land to be dealt with on a case-by-case basis. The monitoring framework would also be likely to be amended based on successive governments which does not allow for long-term management and planning of leasehold land.

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

Regular consultation with leaseholders and LINZ agents with open and positive communication and management plans. A stronger relationship with Crown and leaseholders will ensure that both parties understand each other’s management plans as well as determine and discuss the effectiveness of these plans.

8c. What information do you think is most valuable to understand system performance?
Question 9:

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

No

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

No

Releasing submissions

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- PDF
- Microsoft Word document.

If you are posting your submission, send it to:

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

1a. What are your views on how significant natural values should be protected once tenure review is ended?
How “significant inherent values” are defined has been inconsistent in the past and it would seem that identifying them on a property by property basis is a pretty big job for LINZ to undertake. This does seem to be a bit of a “cart before the horse” situation - if the crown doesn’t know how it will protect these values without tenure review, getting rid of tenure review without figuring it out could be seen as a bit ill thought out. Tenure review may not have been perfect but the current status seems to be that there is no replacement mechanism. Whatever the answer is, it will have to be negotiated with individual lessees which will be time consuming and probably expensive (much like tenure review)

1b. Are there any other mechanisms that could be used to protect significant natural values on Crown pastoral land? QE II covenants is the most obvious answer

1c. Do you have any views on the proposed transitional arrangements for ending tenure review?
It seems to me self evident that those with substantive proposals should be allowed to complete the process. I can only imagine that those properties less advanced through the process will have a variety of responses depending on their motivation for entering the process. I personally think those people who had entered the process at the time of the announcement of the end of tenure review should be allowed to choose whether to continue or not.

Q2

2a. Do you agree with the proposed outcomes? Unsure
Please comment
Taken completely at face value the outcomes sound positive, particularly the acknowledgment that the sustainability of communities can be influenced by enabling activities on pastoral lease land, both pastoral and otherwise. This “fair financial return” phrase is not a little concerning though - who defines “fair”? In our case multiple recreation permits on our property return income to the Crown over and above our pastoral lease rent. These activities could not take place without our permission so our contribution to the Crown’s “fair return” goes beyond our lease payments. How will this be taken into account?

2b. Do the proposed outcomes capture all the things the Crown should focus on? What’s missing?
There seems to be a very comprehensive list in the document; I can’t spot glaring omissions

2c. Do you agree with the use of “natural capital” rather than ”ecological sustainability” in the proposed outcomes? Unsure
Please comment
I don’t feel like it’s a big change and if it matches with the Treasury four capitals then that’s probably a good thing. Sustainability is notoriously subject to differing interpretations but it’s hard to imagine that natural capital won’t be similarly open to interpretation

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?
How does the Crown fulfil them now? What would change? In our community we would welcome more engagement with the cultural arm of Ngāi Tahu - their commercial side is already strongly represented
2e. What are the qualities and features of Crown pastoral land that you value the most?
I think in some ways the most positive feature is the way that pastoral leases provide a diffuse set of land management styles and a variety of ways to look after land that are tailored for each property. State management tends to be dictated by a central ethos or set of rules that doesn’t always allow for regional or local differences. In a way having different approaches by different lessees spreads risk and encourages innovation in a way that a bureaucracy cannot. Obviously we also love our own pastoral lease which has been in the family for over one hundred years and value our connection to it very highly.

2f. What does enduring stewardship mean to you?
One of the most alarming things about being a pastoral lessee is the way in which changes in government result in radical shifts in approach to managing pastoral lease land - this document being a classic example of a reversal of previous policy (deciding to retain a landlord role after two decades of governments saying they want to cease this role). Any enduring stewardship must involve an independent commissioner to buffer the land and the people against changes in political fortune - if it’s to be enduring it can’t be fickle.

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? Unsure
Please comment
As noted above I feel that the independence of the commissioner is vital but there should be transparency and reporting and better communication to the public of the roles of the commissioner, the Crown and lessees in the pastoral lease system.

3b. Do you agree that this proposal will help improve accountability for decision making in the Crown pastoral land regulatory system? Unsure
Please comment
I am inclined to be sceptical that bureaucracy can deliver improved transparency and accountability

3c. What other mechanisms could be used to improve accountability? Not my area of expertise

3d. Which mechanisms do you think would be most effective in improving accountability?
I think ensuring the commissioner has access to genuine experts or qualified scientists would give them greater certainty that their decision is based on the best information and if they can feel confident about any decision then they should not be daunted by accountability but can welcome scrutiny of their decisions

3e. Do you think there are any problems with the proposed change?
I should imagine there will be some but it’s a bit hard for their ordinary woman on the bottom beat to understand this slightly esoteric administrative detail

Q4

4a. Do you agree that the CPLA should be amended so that it explicitly provides for the Commissioner to release additional guidance and standards to support officials and leaseholders to understand and comply with legislative requirements? Unsure
Please comment
Guidelines and standards sound eminently sensible but whether this requires amendments to law is less clear
4b. Do you agree that this proposal will help improve the transparency of decision making in the Crown pastoral land regulatory system? I honestly couldn’t say - bureaucracy moves in mysterious ways
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? There is a general lack of understanding amongst the general public about the history of pastoral leases and the legal status of them. It would certainly help if the commissioner and LINZ could do a better job of communicating to the public the rights and obligations of the parties to the contract - the Crown and the lessee
4d. How should standards be used to help increase transparency? How should guidance be used? It seems self evident that standards should set an obvious benchmark and that by default will improve transparency. Guidelines can be created to illustrate how each standard is best met, or what steps might be taken to work towards compliance with a standard in the event it is aspirational rather than intuitive
4e. What other mechanisms could be used to improve transparency? Pass
4f. Which mechanisms do you think would be most effective in improving transparency? You would have to expect that just signalling to LINZ staff that improved transparency is required ought to have some effect - there must be some mechanism whereby staff in all government departments can be exhorted to improve their systems, it ought not to require a law change or major overhaul surely to effect this?
4g. Do you think there are any problems with the proposed change? LINZ is slightly notorious for the slowness of its processes and the mysterious ways it comes to conclusions so shedding some light is surely going to be of benefit all round

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
This would make sense once the desired outcomes are finalised - as I can’t agree wholeheartedly with the proposed outcomes at this point I can only say that in theory it makes sense that the commissioner should give effect to whatever outcomes can be agreed upon
5b. Do you think that the proposed approach ensures that decision making will support the proposed outcomes for Crown pastoral land? There is a danger that there will be further slowing down of processes if these requirements are bolted on to the present system without other changes. Adding to costs would also be an undesirable outcome.
5c. What other mechanisms could be used to ensure decision making supports the proposed outcomes? I would support the integration of RMA and farm plans better into LINZ pastoral lease administration. This compliance work should be able to be transferred across agencies better
5d. What specific matters should be considered when deciding whether to approve an application? The history of consents and activities on the property and the success (or otherwise) of what has already taken place should be part of the decision making process. If the new project/consent application relates to previously undertaken consented activities that should be taken into account. Consideration should be given to how the activity applied for fits into the
farming enterprise as a whole and what natural capital gains might result overall for that property if the proposed activity goes ahead.

Q6

6a. Do you agree that the Commissioner should be required to obtain expert advice and consult on discretionary consent decisions? Unsure
Please comment
One can only imagine that it would depend on the type of activity applied for and the degree to which this is ordinary or standard farming practice
6b. In what situations do you think the Commissioner should seek information from experts or the public on the impacts of proposed activities?
I definitely do not think the public should be part of the consultation process - the contract is between the Crown and the lessee. The public is already by definition excluded from the relationship. Public input can come through the RMA process. I can see that experts could be required for some unusually tricky applications but it would be preferable if LINZ retained staff who were qualified to assist the commissioner in most cases
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.
Given the small number of pastoral leases now existing I kind of think one person, or possibly a small group of perhaps 3 people, should be able to handle it. The independence is very key I believe.

Q7

7a. Do you agree that the CPLA should be changed to allow for fees to be charged for all discretionary consents? Unsure
Please comment
If fees are charged, the service should be of an adequate standard. Long delays are often experienced currently, so the imposition of fees should only happen if the process is improved sufficiently to justify it. I am not sure that fees for consents for normal farming activities are justified, or those activities which relate to weed or pest control etc. Fees should be set at a level that encourages compliance, not at a rate that puts people off engaging with the process. Cooperation between lessee and lessor is the best way to achieve good stewardship and waving around the big stick of fees without dangling a carrot of some kind seems counterproductive
7b. How might charging application fees for all classes of discretionary consents impact on applicants? Please provide the reasons for your view.
It will depend of the ferocity of the fees - at an acceptable level it shouldn’t have major impact but at an exorbitant rate it will lead to avoidance

Q8

8a. Do you agree that the Commissioner should be required to regularly report against a monitoring framework? Yes
Please comment This seems standard for a public servant
8b. What other mechanisms could be used to ensure the outcomes of the Crown pastoral land regulatory system are better understood?
Promotion of positive stories of projects on Crown pastoral land with benefits to environment and community

8c. What information do you think is most valuable to understand system performance? Not the foggiest idea

Q9

9a. Do you have any feedback on the preliminary analysis in section 6?
I think a more integrated approach, with broad or cumulative effects taken into account in decision making is sensible going forward. There is quite a lot of detailed information in the tables in a very small font - hard to take it all in. The administration of discretionary consents seems to dominate and the overall the impression is that financial imperatives are at the forefront whereas I would suggest that improved accountability and better monitoring might result in better outcomes for the environment than fluffing around with how much to charge for bureaucratic processes.

9b. Are there any other comments you’d like to include in this submission?
I really hope that the Minister and the department use this as an opportunity to engage positively with lessees instead of making us feel like we’re in trouble. Most of the discussion document is focused after all on how to improve the performance of the LINZ pastoral office and the ways that the existing system is deficient. Lessees can only work with the system we’re supplied with and we can probably all agree that it seems like the efficient functioning of this area of government has been a low priority for some time and that is not of our making as lessees. It would be great if we ended up with a more engaged commissioner who has a qualified and competent staff to support him/her to make good decisions.