



LINZ – Crown Land

Toitū Te Whenua Land Information New Zealand (LINZ) manages over one million hectares of land in the South Island High Country, leasing much of it for pastoral farming. Toitū Te Whenua LINZ is a central government agency that administers this land through the Land Act 1948 and the Crown Pastoral Land Act 1998. They are committed to being a long term and active steward of this iconic land, ensuring it flourishes for the benefit of all New Zealanders.

PASTORAL LEASES

Pastoral lease land in the Mackenzie is owned by the Crown and administered by Toitū Te Whenua LINZ. The Commissioner of Crown Lands (Commissioner) leases the land to farmers and works with them on how they can use it. The Commissioner is an independent statutory officer, which means that he is independent of Government but based within Toitū Te Whenua LINZ.

The department assists the Commissioner in managing pastoral leases, including conducting lease renewals and rent reviews, making decisions on consent applications, monitoring compliance of consented activity and administering the tenure review process. Pastoral leases run for 33 years at a time and leaseholders have an ongoing right to renew them. A number of the pastoral leases in the Mackenzie Basin have been farmed by the same families for generations.

The Crown Pastoral Land Act 1998, Land Act 1948 and lease agreements all govern the activities that leaseholders can undertake on the land. Farmers on pastoral lease land are required to apply for consent from the Commissioner of Crown Lands to carry out various types of work on the land, with a particular focus on activities that disturb the soil. These consents are also called discretionary actions.

The Crown Pastoral Land Reform Bill, which would amend the Crown Pastoral Land Act 1998 and the Land Act 1948, is currently before Parliament and the Environment Select Committee has now finished considering submissions on the Bill. The Bill aims to ensure that Toitū Te Whenua LINZ administers pastoral land in a way that maintains or enhances the land's inherent values, while providing for ongoing pastoral farming. The Bill seeks to end tenure review, clarify the outcomes sought by the regulatory system, reflect

the Crown's obligations under te Tiriti o Waitangi, clarify how the Commissioner should make decisions on applications for consents, introduce a new monitoring and enforcement regime and provide stronger and clearer accountability and transparency in the department's administration, with more public involvement.

Under the current legislation, when considering whether to grant consents the Commissioner takes into account the impact the activity will have on the inherent values of the land alongside the need for the land to be used for farming purposes. As part of the application process the Commissioner receives advice from the Director-General of Conservation on the likely impacts, as well as from Toitū Te Whenua LINZ service providers on the impact to farming.

THE FOLLOWING ACTIVITIES REQUIRE THE COMMISSIONER'S CONSENT:

Activity	Example
Clearing or felling any bush or scrub	Clearing invasive plants like broom or wilding conifers.
Cropping, cultivating, draining or ploughing	Cultivating a paddock to prepare it for being put into pasture
Top-dress and/or sow seed	Sowing grass seeds in a paddock and adding fertiliser to the soil.
Planting trees	Creating a new forested area or planting shelter belts.
Forming a path, road or track	Creating a new farm track.
Disturbing the soil	Laying foundations for a building.
Changes to stock numbers	Increasing or decreasing the number of sheep grazing on the land or changing from farming sheep to deer.
Burning vegetation	Burning an area of matagouri.

When applying for consents, leaseholders must provide the following information:

- description of the proposed activity
- description of the farming benefit
- assessment of the likely environmental impacts
- description of the proposed locations, including a map.
- assessment of the potential impacts of the proposed activity and any mitigations
- information on any resource consent that may be required

Leaseholders are also required to apply to the Commissioner to transfer their lease to another individual or organisation and to be granted a sublease.

Third parties or leaseholders may also apply for easements across the land, for example walking access to a track or trail.

TENURE REVIEW

In February 2019 the Government announced its decision to end tenure review. Until the legislation changes the process will continue. However, only those leaseholders that have reached the 'substantive proposal put' stage will continue in the process when the Bill receives Royal Assent. All other reviews will cease the day after Royal Assent is given.

Tenure review is a voluntary process that gives pastoral leaseholders an opportunity to buy some of their leasehold land. Toitū Te Whenua LINZ conducts tenure reviews on behalf of the Commissioner under the Crown Pastoral Land Act 1998.

Like with discretionary consents, multiple organisations are consulted at various stages of the process including the Department of Conservation (DOC), Fish & Game New Zealand, and local Iwi. Once a preliminary proposal is developed the proposed designations are advertised and submissions invited to ensure all important values are identified.

At the beginning of the tenure review process, significant inherent values are assessed. These are highlighted

for protection through tenure review and discussed in consultation with the lessee.

In many cases areas with high values are designated as conservation land for protection. This has led to the formation of high country parks and Department of Conservation reserves as well as improved public access.

RIVER AND LAKEBEDS

Toitū Te Whenua LINZ manages most major lakes in the South Island, including Lakes Pukaki, Tekapo and Ohau in the Mackenzie Basin. We also manage the beds of navigable rivers, which in the Mackenzie includes the Waitaki River. 'Navigability' generally refers to rivers with a history of navigation along their course.

Anyone wanting to undertake an activity involving a lake or river bed, may need the permission of the Commissioner. Examples of activities that require consent include building a jetty or boat mooring, anchoring swimming pontoons, or extracting gravel.