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Media Release

EDS critical of tenure review process in Mackenzie Country

In an extensive submission to Land Information New Zealand on the tenure review proposal for Simons Pass Station in the Mackenzie Country, the Environmental Defence Society has identified fundamental errors of law in how decisions are being made on tenure review.

“EDS is concerned those errors have been persistent through a number of recent tenure reviews. The approach by the Commissioner of Crown Lands reflects an arcane process that has developed without proper reference back to the enabling legislation,” said EDS CEO Gary Taylor.

“It appears that recent decisions have been based on inadequate and outdated information which brings the reasonableness of those decisions into question. It seems impossible for decision-makers to conclude that the objects of tenure review are being achieved if they don’t have access to the right information.

“Further, EDS is concerned decision-makers are taking into account a Cabinet Minute which redefines the purpose of the Crown Pastoral Land Act 1998 to emphasise economic values at the expense of ecological ones. Having regard to that Minute alone has likely led to unlawful decisions on recent tenure reviews.

“But the real problem is that the public interest is not being well served with the entire tenure review process. Land that should be handed over to DOC for protection and management is being freeholded to the leaseholder at an outrageously low price. In many instances it is being on-sold for massive profit or developed into intensive dairying, a questionable land use in the high altitude of the Mackenzie Basin.

“The result of all this is rapid and wide-spread degradation and loss of internationally, nationally, and regionally unique and threatened ecosystems and their endemic plants and animals. If tenure review continues down its current path our expert ecological evidence has concluded that it will make a fundamental contribution to their demise and the landscape will be dominated by pivot irrigators.

“A moratorium on further tenure review is required until a strategic assessment of what’s left and how best to protect it is completed. To their credit, agencies involved in the Mackenzie Country’s management have initiated such a review. LINZ itself has new leadership that offers some hope that things will change for the better.

“A moratorium was recommended by the Environment Court in its recent decision on Plan Change13 to the Mackenzie District Plan. That recommendation has been ignored to date. That is unacceptable.

“EDS’s submission on the Simons Pass review itself opposes the draft disposition of land which would have freeholded 4310ha and protected just 1265ha. We say that better information is needed to properly inform a robust decision and the draft outcome would not meet the legal tests,” Mr Taylor concluded.