



Standard for purchase, alienation, and administration of Crown land

LINZS45002

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Table of contents

TERMS AND DEFINITIONS	5
FOREWORD	6
INTRODUCTION	6
PURPOSE OF STANDARD	6
SUPERSEDED DOCUMENTS	6
BRIEF HISTORY OF STANDARD	7
REFERENCES	8
1 SCOPE	9
2 INTENDED USE OF STANDARD	9
3 PART 1: REQUIREMENTS FOR ALL CROWN LAND ACTIONS	10
3.1 Authorisation for all actions on Crown land	10
3.2 Records	10
3.3 Notices	10
3.4 Notification of right to rehearing	10
4 PART 2: PURCHASE OF LAND BY THE CROWN	11
4.1 Negotiations	11
4.1.1 Approval required before negotiations	11
4.2 Purchase agreement	13
4.3 Transfer documentation	13
4.4 Cancellation of computer register	13
4.4.1 General	13
4.4.2 Land comprises part of a computer register	13
5 PART 3: ADMINISTRATION OF CROWN LAND	14
5.1 Assessment of Crown land - excluding pastoral land	14
5.1.1 Assessment required before decision on use, management, or alienation	14
5.1.2 Land resource assessment	14
5.1.3 Decision on land use	17
5.2 Transfer, sublease, or sublicence of leases and licences on Crown land	18
5.2.1 Information required from applicants	18
5.2.2 Advice to applicants (pastoral only)	18
5.2.3 Submission to the CCL	18
5.3 Lease renewal – pastoral land	22
5.3.1 Notification to Director-General of Conservation	22
5.3.2 Information from lessee for rent review on lease renewal	22

5.3.3	Valuation	22
5.3.4	Submission to the CCL.....	23
5.3.5	CCL to notify lessee.....	24
5.3.6	Acceptance of lease by lessee	24
5.3.7	Non-response by lessee	24
5.3.8	Submission to the CCL.....	25
5.4	Lease renewal and rent review – excluding pastoral land	26
5.5	Rent review – pastoral land	27
5.5.1	Categories of lease that may be reviewed.....	27
5.5.2	Procedure for review	27
5.5.3	Information from lessee	28
5.5.4	Valuation	28
5.5.5	Submission to the CCL.....	28
5.5.6	Notification of decision.....	30
5.5.7	Response by lessee	30
5.5.8	Non-response by lessee	30
5.6	Breach of lease or licence.....	31
5.6.1	Notification to the CCL	31
5.6.2	Authority to investigate.....	31
5.6.3	Report to CCL.....	31
5.7	Consent to setting apart Crown land as reserve.....	32
5.8	Discretionary actions on pastoral land	33
5.8.1	Application	33
5.8.2	Consultation.....	33
5.8.3	Property inspection	33
5.8.4	Submission to the CCL.....	33
5.8.5	Notification	35
5.9	Easements.....	36
5.9.1	Application to agency	36
5.9.2	Easements over pastoral land	36
5.9.3	Notification to lessee or licensee.....	36
5.9.4	Submission to the CCL.....	36
5.9.5	Advice of decision	37
5.10	Recreation permits	38
5.10.1	Application to agency	38
5.10.2	Recreation permits over pastoral land	38
5.10.3	Submission to the CCL.....	38
5.10.4	Advice of decision to applicant and lessee.....	39
5.11	Trespass.....	40
5.11.1	Action by a Crown agency	40
5.11.2	Failure to vacate	40
6	PART 4: ALIENATION OF CROWN LAND	41
6.1	Decision to make land available for alienation	41
6.2	Submission on alienation to the CCL.....	42
6.3	Form of sale offer, lease, or licence	44
6.4	Implementation of sale offer.....	44

7	PART 5: APPLICATIONS FOR REHEARING	45
APPENDIX A:	INFORMATION TO BE PROVIDED IN APPLICATION FOR TRANSFER, SUBLEASE, OR SUBLICENCE OF LEASES OR LICENCES	46
APPENDIX B:	INFORMATION REQUIRED FROM LESSEE FOR RENT REVIEW VALUATION OF PASTORAL LEASES.....	52
APPENDIX C:	INFORMATION REQUIRED IN REQUEST FOR CONSENT TO A DISCRETIONARY ACTION ON CROWN PASTORAL LAND	54
APPENDIX D:	REQUIREMENTS TO FULFIL CONSULTATION UNDER SECTION 18(1) OF THE CROWN PASTORAL LANDS ACT 1998.....	61
APPENDIX E:	GUIDE TO CONSULTATION	63
APPENDIX F:	INFORMATION REQUIRED IN APPLICATION FOR AN EASEMENT OR RECREATION PERMIT	65
APPENDIX G:	GUIDANCE MATERIAL FOR BEST PRACTICE FOR TERMS REQUIRED BY CCL FOR CREATION OF AN EASEMENT	68
APPENDIX H:	GUIDANCE MATERIAL FOR BEST PRACTICE FOR TERMS REQUIRED BY CCL FOR CREATION OF A RECREATION PERMIT.	72

Terms and definitions

For the purposes of this standard, the following terms and definitions apply.

Term/Abbreviation	Definition
ADLS	Auckland District Law Society
alienation	as defined in s 2 of the Land Act 1948
best use	the use of Crown land that reaches an appropriate balance between relevant economic, environmental, and social considerations
CCL	Commissioner of Crown Lands
Computer Register	as defined in s 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 and created by the Register-General of Land under ss 7 to 14 of that Act; formerly known as certificate of title
CPLA	Crown Pastoral Land Act 1998
Crown agency	the Crown agency to which Cabinet has allocated the Crown land management activity
Crown land	as defined in s 2 of the Land Act 1948
discretionary action	as defined in s 18(3) of the CPLA
DOC	Department of Conservation
Land Act	Land Act 1948
LINZ	Land Information New Zealand
Minister	Minister of Lands referred to in s 2 of the Land Act. At publication, the statutory responsibilities of the Minister of Lands are held by the Minister for Land Information.
Police	the instrument of the Crown continued in existence by s 7(1) of the Policing Act 2008
REINZ	Real Estate Institute of New Zealand
RGL	Registrar-General of Land
RMA	Resource Management Act 1991
Treaty settlement	an agreement between the Crown and a Māori claimant group to settle all of that claimant group's historical claims against the Crown, and includes Treaty settlement legislation and a Deed of Settlement
trespass	includes intrusion and unlawful occupation as stated in s 24 of the Land Act, and 'trespasser' has a similar meaning.
wildings	cultivated or uncultivated plants that have become wild

FOREWORD

Introduction

The Commissioner of Crown Lands (CCL) is the statutory owner and administrator of Crown land held under the Land Act 1948 (Land Act), and exercises statutory powers and functions over such land. The administration of Crown pastoral land is governed by the Land Act and provisions of the Crown Pastoral Land Act 1998 (CPLA).

The Land Act sets out the requirements for transactions involved in the purchase, alienation, and administration of all Crown land held under that Act. The CCL is able to purchase land, or an interest in land, on behalf of the Crown by means of negotiation with the owner.

The CCL needs complete and up-to-date information on land before making any decision on the purchase, alienation, or administration of that land. It is also essential that certain consultation requirements of the CPLA are completed before the CCL makes any decision for specified actions on Crown pastoral land.

Purpose of standard

The purpose of this standard is to ensure that all transactions involving Crown land are undertaken for clear, consistent and justified reasons, comply with the legislation, and are completed and recorded in an accurate and timely way.

Superseded documents

This standard supersedes the following documents:

LINZ 2000, *Discretionary Actions: Crown Pastoral Land Standard 1*, Office of the Chief Crown Property Officer, LINZ, Wellington

LINZ 2000, *Grant of Easements over Crown Pastoral Land: Crown Pastoral Land Standard 2*, Office of the Chief Crown Property Officer, LINZ, Wellington

LINZ 2000, *Applications for the Grant of Recreation Permits: Crown Pastoral Land Standard 3*, Office of the Chief Crown Property Officer, LINZ, Wellington

LINZ 2000, *Stock Limitations: Crown Pastoral Land Standard 4*, Office of the Chief Crown Property Officer, LINZ, Wellington

LINZ 2000, *Timber: Crown Pastoral Land Standard 5*, Office of the Chief Crown Property Officer, LINZ, Wellington

LINZ 2000, *Breaches of Statutory or Contractual Obligations: Crown Pastoral Land Standard 16*, Office of the Chief Crown Property Officer, LINZ, Wellington

LINZ 2000, *Transfers etc of Interests in Pastoral Lease or Licence: Crown Pastoral Land Standard 17*, Office of the Chief Crown Property Officer, LINZ, Wellington

LINZ 2000, *Subleases or Sublicences: Crown Pastoral Land Standard 18*, Office of the Chief Crown Property Officer, LINZ, Wellington

LINZ 2000, *Exemption from Residency Requirements: Crown Pastoral Land Standard 19*, Office of the Chief Crown Property Officer, LINZ, Wellington

LINZ 2000, *Lease Renewals: Crown Pastoral Land Standard 20*, Office of the Chief Crown Property Officer, LINZ, Wellington

LINZ 2000, *Rent Reviews for leases of Crown Pastoral Land: Crown Pastoral Land Standard 21*, Office of the Chief Crown Property Officer, LINZ, Wellington

LINZ 2000, *Consents under the Resource Management Act 1991: Crown Pastoral Land Standard 22*, Office of the Chief Crown Property Officer, LINZ, Wellington

LINZ 2000, *Application of the Rehearing Provisions of the Land Act 1948 and the Rehearing Process: Crown Pastoral Land Standard 23*, Office of the Chief Crown Property Officer, LINZ, Wellington

LINZ 2000, *Official Information Act and Privacy Act Standard: Crown Pastoral Land Standard 24*, Office of the Chief Crown Property Officer, LINZ, Wellington

Brief history of standard

This standard is a new standard for actions involving non-pastoral Crown land. This standard supersedes the documents identified in the previous section for pastoral land.

References

This standard is intended to be read with the following:

- Land Act 1948
- Conservation Act 1987
- Privacy Act 1993
- Trespass Act 1980
- Resource Management Act 1991
- LINZ 2007, *LINZS45000: Standard to determine authority to act and record Crown land*, Property Regulatory Group, LINZ, Wellington
- LINZ 2009, *LINZS15001: Interim standard for Treaty Settlement requirements for disposal of Crown-owned land*, Crown Property Management Regulatory, LINZ, Wellington
- LINZ 2010, *LINZG20708: Guideline for the deposit of survey plans for the subdivision of land*, Registrar-General of Land, LINZ, Wellington

1 Scope

- (a) This standard sets out:
 - (i) the procedures to be followed, and
 - (ii) the minimum level of information that must be provided, to enable the CCL to purchase, alienate, or administer Crown land.
- (b) This standard applies to the purchase, alienation, and administration of all Crown land as defined in the Land Act, including Crown land classified as farm land, urban land, commercial land, and pastoral land.
- (c) This standard does not apply to land held for a public work, which is provided for in the Public Works Act 1981 and any LINZ standards related to that Act.
- (d) This standard does not apply to the process of tenure review or review of other Crown land under the Crown Pastoral Land Act 1998 and any LINZ standards related to that Act.
- (e) This standard applies to the administration of Crown pastoral land while a tenure review or review of other Crown land is being undertaken for that land.
- (f) The process for establishing the authority to act and for recording actions on Crown land is set out in *LINZS45000: Standard to determine authority to act and record Crown land*.

2 Intended use of standard

Crown agencies that Cabinet has made responsible for Crown land management and which provide advice to the CCL for statutory decision-making, private sector contractors and anyone who undertakes, or intends to undertake, management matters on Crown land, must use the standard when dealing with land held under the Land Act.

3 Part 1: Requirements for all Crown land actions

3.1 Authorisation for all actions on Crown land

The Crown agency must ensure that all actions relating to the purchase, alienation, and administration of Crown land are carried out by the CCL or a person authorised by the CCL.

3.2 Records

The Crown agency must ensure that records are kept of every action taken in respect of the purchase, alienation, and administration of Crown land and that these records are available for audit.

3.3 Notices

The Crown agency must ensure that all notices are given or served on any person in accordance with s 183 of the Land Act.

3.4 Notification of right to rehearing

The Crown agency must ensure that any notification of a decision of the CCL under the Land Act or Part 1 of the CPLA is accompanied by a statement that the person being notified may apply for a rehearing under s 17 of the Land Act, if applicable.

4 Part 2: Purchase of land by the Crown

4.1 Negotiations

4.1.1 Approval required before negotiations

- (a) The Crown agency must obtain the authority of the CCL to undertake any negotiations on the purchase of the land before beginning negotiations with the landowner or others with an interest in the land¹.
- (b) The submission to the CCL must include the information specified in Table 1.

Table 1: Information for request to purchase land

Information required	Details
1. Details of the land to be purchased	Include: (a) name of property, if any (b) location (c) legal description (d) area of land to be purchased (e) computer register (f) cadastral survey dataset numbers (g) registered and unregistered interests or encumbrances in the land. List each current registered and unregistered interest in the land, encumbrance and memorial, the details of the holder of that interest, and summarise that interest (h) confirmation of land status including ownership (i) details of subdivisional consent or exemption required to complete the purchase, if any (j) list improvements, chattels or livestock to be purchased, if any
2. Physical description	Include: (a) a general description of the land supported, where appropriate, by photos and notes of any special features (b) a description of any improvements
3. Interest to be purchased	Identify the interest that the Crown agency wishes to be purchased, including whether mineral estate is to be included
4. Purpose	A statement clarifying the purpose for which the land is required and confirmation that this purpose meets the requirements of s 40(1) of the Land Act

Information required	Details
5. Suitability	Detailed advice that the land is suitable for the purpose for which it is being acquired, as required by s 40(2) of the Land Act
6. Statutory authority	Legal confirmation that the CCL is able to purchase the land under the Land Act
7. Valuation	Details of the valuation of the land, prepared in accordance with s 40(2) of the Land Act
8. Due diligence information	<p>(a) a list of all statutory, legal, contractual, or administrative actions identified as uncompleted, encumbrances and any other matters, risks or liabilities associated with the land (eg contamination)</p> <p>(b) advice whether the vendor, if a Crown agency, has complied with all relevant statutory provisions and government policy relating to the disposal of the land</p>
9. Crown agency's requirements	<p>Include:</p> <p>(a) evidence that the Crown agency has been given financial authority to purchase the land¹</p> <p>(b) information on the timeframes for completing the purchase, and any deadlines that apply, and</p> <p>(c) any other requirements or conditions that the Crown agency wishes the CCL to take into account during the purchase</p>
10. Attachments	<p>(a) copies of the computer freehold registers for the land to be purchased</p> <p>(b) copy of the current market valuation advice</p> <p>(c) if only part of the computer register is to be purchased, a copy of the Title Plan of the cadastral survey dataset</p> <p>(d) copies of any encumbrances or memorials effecting the land</p> <p>(e) any plans and photographs of the land, and</p> <p>(f) any other information requested by the CCL</p>

¹ The capital appropriation approval by the Crown agency's Minister and the statutory purchase process under the Land Act are two separate actions. The Crown agency should ensure that any request for appropriation includes advice that the purchase will be subject to Ministerial and CCL approval under statutory authority of the Land Act and that this is independent of any Ministerial approval to funding.

4.2 Purchase agreement

- (a) Once the parties have agreed on the terms of the purchase, the Crown agency must submit the purchase agreement or deed, drafted in a manner determined by the CCL, to the CCL for execution, under s 40(3) of the Land Act.
- (b) The purchase agreement must:
 - (i) be signed by the vendor, but not by the Crown agency purchasing the land,
 - (ii) be accompanied by evidence that every party with a registered interest in the land has been notified of the purchase, and
 - (iii) be accompanied by written legal confirmation that the purchase complies with:
 - (A) the Land Act, and
 - (B) any specific instructions from the CCL regarding the purchase.

4.3 Transfer documentation

The transfer documentation must include the operative clause that the transfer is by 'Her Majesty the Queen, acting by and through the Commissioner of Crown Lands pursuant to section 40 of the Land Act 1948.'

4.4 Cancellation of computer register

4.4.1 General

Under s 42 of the Land Act, the computer register for the purchased land is usually cancelled on registration of the transfer to the Crown unless there is an exception as set out in s 42(3) or (4). The Crown agency must advise the CCL once the transfer has been registered and provide the CCL with a copy of the computer register noting the transfer.

4.4.2 Land comprises part of a computer register

Where the land comprises part of the land in a computer register, under s 42(3) of the Land Act, the Crown agency must, when seeking part cancellation of the computer register from the RGL, provide evidence that:

- (a) consent to subdivide under the RMA has been granted, or
- (b) a statutory exemption to subdivision applies.

5 Part 3: Administration of Crown land

5.1 Assessment of Crown land - excluding pastoral land

5.1.1 Assessment required before decision on use, management, or alienation

- (a) Before making any decision on an application to use, alienate, or change the management of Crown land, the Crown agency must complete a land use assessment for the land.
- (b) The Crown agency must provide the land use assessment to the CCL when seeking a decision on use, alienation, or management of Crown land.

5.1.2 Land resource assessment

A land resource assessment must comprise the information set out in Table 2.

Table 2: Land resource assessment

Information required	Details
1. Details of the Crown land	<p>Include:</p> <ul style="list-style-type: none">(a) name of property, if any(b) location(c) legal description(d) area of property(e) computer register, if any(f) registered and unregistered interests. List each current registered and unregistered interest in the land, encumbrance and memorial, the details of the holder of that interest, and summarise that interest(g) report on the land status in accordance with <i>LINZS45000: Standard to determine authority to act and record Crown land</i>
2. Physical description	<ul style="list-style-type: none">(a) a general description of the land and any improvements, including any not owned by the Crown(b) identification of any special features or existing use, including<ul style="list-style-type: none">(i) telecommunication facilities(ii) historic places(iii) cultural sites of significance to Māori, including wāhi tapu(iv) discrepancies between fenced and legal boundaries or identified survey irregularities, if any(c) unformed legal roads and any formed deviation from a legal road boundary,(d) an assessment of any discernable movement of water

Information required	Details
	<p>bodies into, or away from the land, and</p> <p>(e) a list of any areas of neighbouring Crown-owned land and describe the ownership, ie Crown, conservation, other public land</p>
<p>3. Current use, zoning, and relevant policies</p>	<p>Include:</p> <p>(a) a description of the current land use, if any,</p> <p>(b) current zoning of the land, and</p> <p>(c) any specific requirements of the relevant territorial and regional council plans that apply to the land</p>
<p>4. Previous land use</p>	<p>A summary of the historic land uses, if known, including the potential for issues such as contamination to be present on the land</p>
<p>5. Report on records search</p>	<p>A summary of the search of the current and historical files databases, and other records held for the land. The report should include:</p> <p>(a) file and database references,</p> <p>(b) folio numbers and dates, and</p> <p>(c) identify:</p> <p>(i) uncompleted actions,</p> <p>(ii) agreements with other parties,</p> <p>(iii) surrender agreements,</p> <p>(iv) authorised or unauthorised occupations or encroachments,</p> <p>(v) whether, if the land was previously held under the Public Works Act 1981 or its predecessors, there are any public works issues that the CCL should be aware of, and</p> <p>(vi) any other matter that might relate to an uncompleted action, potential liability, or any matter that might affect the ability of the CCL to administer the land</p>
<p>6. Natural resources</p>	<p>Identify any natural resources on the land, including:</p> <p>(a) landform, including landscape values</p> <p>(b) flora and fauna, including any significant vegetation and threatened species</p> <p>(c) soils, including erosion hazards</p> <p>(d) geology</p> <p>(e) hydrology, including water features</p>

Information required	Details
7. Land capability	An assessment of the land against possible land uses, including: <ul style="list-style-type: none"> (a) community or public purposes (b) conservation (c) forestry (d) recreation and tourism (commercial and non-commercial) (e) grazing (f) agriculture (g) residential purposes (h) commercial or industrial use (i) mining (j) geothermal resources, and (k) any other potential use
8. Views of other Crown agencies	A summary of any other views expressed by other Crown agencies as to the best use of the land, if any
9. Legislation and policies	Provide information on the impact of any relevant: <ul style="list-style-type: none"> (a) legislation, (b) government policies, (c) current and historic government programmes or studies that may apply to the land (such as soil and water conservation plans, biosecurity strategies, historic heritage)
10. Financial information	A summary of the current income and expenditure, if any, on the Crown land
11. Discussion	Discussion of the possible uses of the land, including a consideration of what would be the best economic decision on land use
12. Preferred uses	<ul style="list-style-type: none"> (a) Identify the preferred uses for the land, in order of priority (b) Advice whether the land should be classified under s 51 of the Land Act

5.1.3 Decision on land use

The Crown agency must ensure that the land use assessment and identification of the preferred uses is:

- (a) recorded on all current files relating to the land,
- (b) included in any land management plans or strategies,
- (c) kept up to date as required, and
- (d) taken into account when considering any future application to use the land.

5.2 Transfer, sublease, or sublicence of leases and licences on Crown land

5.2.1 Information required from applicants

The Crown agency must ensure that any application to transfer, sublease or sublicence a lease or licence:

- (a) is made in writing by the current holder of the lease or licence, and
- (b) contains the information specified in Appendix A, including the information provided by the proposed transferee/sublessee/sublicensee.

5.2.2 Advice to applicants (pastoral only)

Where it is proposed to transfer a pastoral lease or licence, the Crown agency must, before making a submission to the CCL, advise the holder of the effect that a transfer will have on the tenure review process (except if the transfer is of shares in a company), where the land is subject to a tenure review under the CPLA.

5.2.3 Submission to the CCL

The Crown agency must provide the CCL with a submission on the proposed transfer, sublease or sublicence that contains the information specified in Table 3.

Table 3: Information required when applying for a transfer, sublease, or sublicence of a lease or licence

Information required	Details
1. Details of lease	(a) lease/licence name and location (b) legal description and computer register identifier
2. Details of lease/licence and holder	(a) lease/licence details, including: <ul style="list-style-type: none"> (i) name of holder as recorded in lease/licence document (ii) term (iii) annual rent and arrears, if any (iv) stock limit in lease/licence (pastoral land only) (v) exemption from stock limitation (pastoral only) (vi) date exemption approved (pastoral only) (b) variation of lease/licence limiting transfer of shares (if any) (c) recreation permits and easements (if any) (pastoral only) (d) details of any uncompleted actions in regards to the lease or licence, eg surrenders, breaches, rent reviews, or agreements yet to be resolved

3. Details of proposed transferee, sublessee or sublicensee	(a) name (b) legal entity/entities
Information for proposed subleases or sublicences	
4. Details of application	(a) term of proposed sublease or sublicense (b) commencement date (c) annual rent (d) stock limit (pastoral only) (e) advice whether proposed sublease/sublicence is to be registered (f) details of any other concurrent applications (eg exemption from stock limitation, residency etc), and (g) any other relevant information
5. Analysis of application	Analysis including: (a) suitability of proposed sublessee/sublicensee to hold a sublease or sublicense (b) need for exemption from stock limitation specified in lease/licence (c) need for exemption from residency requirement of lease/licence (d) effect of proposed sublease/sublicence on existing recreation permits over pastoral lease/licence (if any) (e) confirmation that there is sufficient income for the payment of rental
6. Legal confirmation	The Crown agency must provide written legal confirmation that: (a) if the proposed sublessee/sublicensee is a company, the constitution of the company allows for the activity to be undertaken on the land as a business activity within the capacity of the company (eg pastoral farming) (b) confirmation that, under the lease/licence when read together with the proposed sublease/sublicence, a breach of the sublease/sublicence is a breach of the headlease/headlicence and enforceable by the CCL against the holder (c) confirmation that terms of a proposed sublease/sublicence includes provision that the transfer of any shares in the sublessee/sublicensee company requires the consent of the CCL

Information for proposed transfers	
7. Details of the proposed transfer	<ul style="list-style-type: none"> (a) the type of transfer taking place and the relevant Land Act sections (b) settlement date (c) consideration (d) details of any other concurrent applications (eg exemption from stock limitation, residency etc) (e) any other relevant information
8. Analysis of application	<p>Analysis including:</p> <ul style="list-style-type: none"> (a) confirmation that the proposed transfer meets the requirements of the Land Act, (b) constitution/trust deed (if transferee is a company/trust), (c) need for variation of lease to limit the transfer of shares (if proposed transferee is a company), (d) suitability of proposed transferee to hold a lease or licence, (e) need for exemption from stock limitation specified in lease/licence, (f) need for exemption from residency requirement of lease/licence, (g) effect of proposed sublease/sublicence on existing recreation permits over pastoral lease/licence (if any)
9. Legal confirmation	<p>The Crown agency must provide written legal confirmation that:</p> <ul style="list-style-type: none"> (a) if the proposed transferee is a company or a trust, the constitution of the company or deed of the trust allows for the activity to be undertaken on the land as a business activity within the capacity of the company/trust (eg pastoral farming) (b) if the proposed transferee is a company confirmation that the terms of proposed sublease/sublicence includes provision that the transfer of any shares in the sublessee/sublicensee company requires the consent of the CCL (c) where a variation to the lease or licence is required to provide for the consent of a transfer of shares in a company, confirmation that a memorandum of variation validly varies the lease to require the CCL's consent to the transfer of shares

10. Attachments	<ul style="list-style-type: none">(a) a memorandum of dealing, legally approved, for execution by the CCL, if required(b) where the transferee, sublessee, or sublicensee of pastoral land proposes higher stock numbers than those provided for in the lease or licence, a submission on such a stock limitation change(c) a submission seeking a residency exemption, if required
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5.3 Lease renewal – pastoral land

5.3.1 Notification to Director-General of Conservation

When notifying the Director-General of Conservation of any pending renewal to comply with s 24(2A) of the Conservation Act 1987, the Crown agency must provide the following information:

- (a) area of the land
- (b) a description of the land
- (c) computer interest register reference
- (d) location of the land.

5.3.2 Information from lessee for rent review on lease renewal

- (a) Three months before instructing a registered valuer under s 131 of the Land Act, the Crown agency must write to the lessee, asking them to provide the information in Appendix B.
- (b) When requesting information from the lessee under (a) above, the Crown agency must advise the lessee of the following:
 - (i) the date that the pastoral lease is due for rent review,
 - (ii) a valuation of the lease will be carried out for the purposes of rent review,
 - (iii) the information provided by the lessee will only be used to carry out the valuation and will not be used for any other purpose,
 - (iv) the information provided by the lessee must be accurate to ensure that the valuation can be carried out correctly,
 - (v) under s 26 of the Land Act, any agent authorised in writing by the CCL has free right to enter onto the land at all reasonable times,
 - (vi) the CCL has authorised the valuation to be carried out and the agent to obtain the information from the lessee,
 - (vii) the deadline for provision of the information requested, and
 - (viii) that if the information is not provided by the deadline provided, the valuation will still be carried out.

5.3.3 Valuation

- (a) The Crown agency must not obtain a valuation until after the information set out in Appendix B has been sought in writing from the holder.
- (b) The Crown agency must ensure that a valuation is carried out by a registered valuer within the relevant time frame required for the particular category of lease. Refer to Table 5 for the different categories of lease.
- (c) When instructing a valuer, the Crown agency must provide the valuer with either:

- (i) the information required by Appendix B and provided by the lessee, or
- (ii) instructions to proceed without that information, if it was not provided by the deadline given.

5.3.4 Submission to the CCL

The Crown agency must prepare a submission to the CCL. The submission must contain the information set out in Table 4.

Table 4: Information required for submission to the CCL

Field	Information required
1. Details of lease	<ul style="list-style-type: none"> (a) file reference (b) lease name (c) location (d) land registry folio reference (e) area (f) date of commencement of lease (g) rent review date (h) annual rent (i) stock limitation in lease (j) exemption to stock limitation and date of approval of that exemption
2. Lessee details	<ul style="list-style-type: none"> (a) name of lessee as recorded in the lease document (b) entity (c) tenure review status
3. Valuation details	<ul style="list-style-type: none"> (a) date of valuation (b) valuer (c) value of all improvements which are in existence and unexhausted on the land included in the lease (d) value at the commencement of the lease of all improvements included in the rental value at the commencement of the lease (e) value of land exclusive of improvements referred to in (c) above (f) the potential value that the land may have for subdivision for building purposes or for commercial or industrial use (g) capital value

Field	Information required
4. Recommendation and sign-off	Provide the reasons why the CCL should accept that the values have been ascertained.
5. Attachments	The following must be attached to the report and marked clearly: (a) valuation report, (b) notice to lessee under s 131(6) of the Land Act, for execution by the CCL, (c) a copy of the draft lessee's notice of election, and (d) all file papers relevant to the submission.

5.3.5 CCL to notify lessee

- (a) The Crown agency must ensure that the CCL notifies the lessee concerned of the offer of a new lease and new commencement annual rental figures in accordance with the statutory timeframes set out in the Land Act.
- (b) When notifying a lessee of the values, the Crown agency must ensure that the notice:
 - (i) complies with s 131(6) of the Land Act,
 - (ii) requests that the lessee provide a notice of election in accordance with s 132 of the Land Act, and obtained and used by the CCL to decide on the new commencement annual rental figures.

5.3.6 Acceptance of lease by lessee

- (a) If the lessee accepts the values in the CCL's offer, or the Crown agency must provide the lessee with:
 - (i) a memorandum of variation and renewal of lease requesting the lessee's signature, and
 - (ii) an invoice for the lessee's fee on renewal, and all disbursements for registration and production fees.
- (b) The Crown agency must obtain written legal clearance to the memorandum of variation and renewal before it is provided to the lessee.

5.3.7 Non-response by lessee

If the lessee omits to respond within the three-month time period, the Crown agency must:

- (a) obtain written confirmation from the CCL that the lessee is deemed to have accepted the renewal lease and values under s 132(2) of the Land Act, then
- (b) advise the lessee in writing that the lessee has been deemed to have agreed to pay the yearly rent stated in the notification and provide a memorandum of variation and renewal of lease as required by paragraph 5.3.6.

5.3.8 Submission to the CCL

- (a) Once the memorandum of variation and renewal of lease has been signed by the lessee and returned, the Crown agency must provide it to the CCL for signing, with the following information:
 - (i) the lessee's name and entity,
 - (ii) details of notification of renewal values and the lessee's acceptance (date of acceptance, conditions, etc)
 - (iii) a copy of all notices sent to the lessee,
 - (iv) a copy of the returned lessee's notice of election, and
 - (v) advice that Part IVA of the Conservation Act 1987 has been complied with, if applicable
- (b) The Crown agency must ensure that the memorandum of renewal and variation is registered, and advise the CCL once this has been completed.

5.4 Lease renewal and rent review – excluding pastoral land

The Crown agency must prepare a submission to the CCL for a decision on the rent review or lease renewal for non-pastoral Crown land. The submission must include:

- (a) a recommendation on the rent review or lease renewal;
- (b) advice to support the assessment of any rent review, including:
 - (i) a copy of the valuation assessment of the land,
 - (ii) any other expert advice sought to determine the new rent, or
 - (iii) if a specific provision of the lease or licence provides for a formula to determine the new rent, advice on the application of that provision;
- (c) a copy of the current or expired lease or licence document;
- (d) written legal confirmation that the recommendation complies with:
 - (i) the terms and conditions of the lease or licence, and
 - (ii) provisions of the Land Act;
- (e) a notice to the lessee or licensee advising them of the rent review or lease renewal, and of their rights to dispute the decision as provided for in the lease or licence and Land Act; and
- (f) for lease renewals only, advice on:
 - (i) whether the provisions of the Conservation Act 1987 require that a marginal strip be created on renewal of the lease, and
 - (ii) any third party interests in the Crown land that the CCL needs to take into account when considering the renewal.

5.5 Rent review – pastoral land

5.5.1 Categories of lease that may be reviewed

There are different categories of lease for the purposes of rent review depending on the statutory regime applicable at the time of issue. The different categories of lease are summarised in Table 5.

Table 5: Types of lease that may be reviewed

Statutory basis for grant of lease	Basis for rent review	Time frame for valuations
Lease granted under the Land Act 1948 prior to 1 January 1971	<ul style="list-style-type: none"> ▪ term of 33 years ▪ no rent review ▪ rent based on stock carrying capacity 	N/A ²
Lease granted after 1 January 1971 and before 30 November 1979 under the Land Amendment Act 1970	<ul style="list-style-type: none"> ▪ term of 33 years ▪ rent review every 11 years ▪ rent set at fair annual rent 	Not earlier than 2 years and not later than 1 year before review date
Lease granted after 30 November 1979 pursuant to Land Amendment Act 1979	<ul style="list-style-type: none"> ▪ term of 33 years ▪ rent review every 11 years ▪ rent reviewed at 2.25 % of value of land exclusive of improvements 	Not earlier than 2 years and not later than 1 year before review date
Lease renewed after 30 November 1979 under the Land Amendment Act 1979	<ul style="list-style-type: none"> ▪ term of 33 years ▪ rent review every 11 years ▪ rent reviewed at 1.5 % of land exclusive of improvements for first 11 years ▪ rent reviewed at 2.25 % of land exclusive of improvements for the remaining two rent review periods of 11 years 	Not earlier than 2 years and not later than 1 year before review date

5.5.2 Procedure for review

The Crown agency must have regard to the different regimes for rent review and ensure that the correct review procedure is followed for each pastoral lease, as set out in Table 5.

² This statutory basis does not apply to any current pastoral leases.

5.5.3 Information from lessee

- (a) Three months before instructing a registered valuer under s 132A of the Land Act, the Crown agency must write to the lessee, asking them to provide the information in Appendix B.
- (b) When requesting information from the lessee under (a) above, the Crown agency must advise the lessee of the following:
 - (i) the date that the pastoral lease is due for rent review,
 - (ii) a valuation of the lease will be carried out for the purposes of rent review,
 - (iii) the information provided by the lessee will only be used to carry out the valuation and will not be used for any other purpose,
 - (iv) the information provided by the lessee must be accurate to ensure that the valuation can be carried out correctly,
 - (v) under s 26 of the Land Act, any agent authorised in writing by the CCL has free right to enter onto the land at all reasonable times,
 - (vi) the CCL has authorised the valuation to be carried out and the agent to obtain the information from the lessee,
 - (vii) the deadline for provision of the information requested, and
 - (viii) that if the information is not provided by the deadline provided, the valuation will still be carried out

5.5.4 Valuation

- (a) The Crown agency must not obtain a valuation until after the information set out in Appendix B has been sought in writing from the holder.
- (b) The Crown agency must ensure that a valuation is carried out by a registered valuer within the relevant time frame required for the particular category of lease. Refer to Table 5 for the different categories of lease.
- (c) When instructing a valuer, the Crown agency must provide the valuer with either:
 - (i) the information required by Appendix B and provided by the lessee, or
 - (ii) instructions to proceed without that information, if it was not provided by the deadline given.

5.5.5 Submission to the CCL

The Crown agency must prepare a submission to the CCL. The submission must contain the information set out in Table 6.

Table 6: Information required for submission to the CCL

Field	Information required
1. Details of lease	(a) file reference (b) lease name (c) location (d) land registry folio reference (e) area (f) date of commencement of lease (g) rent review date (h) annual rent (i) stock limitation in lease (j) exemption to stock limitation and date of approval of that exemption
2. Lessee details	(a) name of lessee as recorded in the lease document (b) entity (c) tenure review status
3. Valuation details	(a) date of valuation (b) valuer (c) value of all improvements which are in existence and unexhausted on the land included in the lease (d) value at the commencement of the lease of all improvements included in the rental value at the commencement of the lease (e) value of land exclusive of improvements referred to in (c) above (f) the potential value that the land may have for subdivision for building purposes or for commercial or industrial use (g) capital value
4. Recommendation and sign-off	Provide the reasons why the CCL should accept that the values have been ascertained.
5. Attachments	The following must be attached to the report and marked clearly: (a) valuation report, (b) notice to lessees under s 132A(2) of the Land Act, for execution by the CCL, (c) a copy of the draft lessee's notice of election, and (d) all file papers relevant to the submission.

5.5.6 Notification of decision

- (a) When notifying a lessee of the values under s 132A(2) of the Land Act, the Crown agency must ensure that:
 - (i) the notice is delivered before the nine-month timeframe specified in s 132A(2) of the Land Act, and
 - (ii) the lessee has been provided with the notice under s 132A(2), a lessee's notice of election form, and a copy of the valuation used by the CCL to accept that the values have been ascertained.
- (b) If the Crown agency does not receive a response within six weeks, the Crown agency must write to the lessee advising them of the last date for notification of their election to the CCL, reminding them that if a response is not received within three months from the date of the CCL's notification, the lessee will be deemed to have agreed to pay the yearly rent stated in that notification.

5.5.7 Response by lessee

The Crown agency must advise the CCL of the lessee's election within five working days of receiving it in writing.

5.5.8 Non-response by lessee

If the lessee does not notify the CCL of their election, the Crown agency must:

- (a) obtain written confirmation from the CCL that the lessee is deemed to have agreed to pay the new yearly rent, then
- (b) advise the lessee in writing that the lessee has been deemed to have agreed to pay the yearly rent stated in the notification.

5.6 Breach of lease or licence

5.6.1 Notification to the CCL

If a breach of a lease or licence is alleged to have occurred, the Crown agency must notify the CCL immediately.

5.6.2 Authority to investigate

Only the CCL, or a person authorised by the CCL, may provide information to or discuss the allegation of a breach with any party, or contact a lessee or licensee concerning an alleged breach of the lease or licence.

5.6.3 Report to CCL

If a Crown agency considers a breach of a lease or licence may have occurred, it must submit a report to the CCL:

- (a) describing the breach, including the location where appropriate,
- (b) specifying the term, condition, or provision that has been breached, and
- (c) giving any other relevant information about the land.

5.7 Consent to setting apart Crown land as reserve

The Crown agency must submit any request for the consent of the Minister to setting apart Crown land as a reserve under s 167 of the Land Act to the CCL.³ The submission must include:

- (a) a copy of any request from the Department of Conservation for the Minister to consent to set apart the land as a reserve,
- (b) the land resource assessment, including the information required in Table 2,
- (c) an assessment of the proposal to set the land apart as a reserve,
- (d) a copy of the cadastral survey dataset defining the land to be reserved, and
- (e) a copy of the draft Gazette notice.

³ It is the Minister of Conservation who sets apart Crown land for a reserve under s 167 of the Land Act. However, the consent of the Minister of Lands is required before the land can be set apart.

5.8 Discretionary actions on pastoral land

5.8.1 Application

The Crown agency must ensure that any request to undertake a discretionary action on Crown pastoral land contains the relevant information specified in Appendix C.

5.8.2 Consultation

- (a) The Crown agency must ensure that the consultation by the CCL with the Director-General of Conservation and other parties under s 18 of the CPLA has been completed before the CCL makes any decision on a request.
- (b) The requirements for consultation during consideration of discretionary actions are set out in Appendix D.1.
- (c) Appendix E.1 sets out guidelines about the meaning of consultation as it relates to discretionary actions.

5.8.3 Property inspection

If the Crown agency considers that a property inspection is necessary, the inspection must be carried out only as authorised by the CCL.

5.8.4 Submission to the CCL

When seeking a decision from the CCL on any request to undertake a discretionary action, the Crown agency must provide a submission to the CCL with the information specified in Table 6 below.

Table 7: Information to be included in submission on request

Topic	Information required
1. Details of land	(a) lease or licence name (b) location (c) lessee/licensee
2. Details of request	(a) description of the proposed activity for which consent is requested (b) a plan of the area subject to the request for consent
3. Analysis of request	(a) analysis on how the request relates to the matters to be taken into account by the CCL under s 18 of the CPLA (b) advice on any other simultaneous statutory land administration activities and confirmation that the proposal in the submission is consistent with those activities (c) a summary of the recommendations from the Director-General of Conservation and other parties from consultation under s 18 of the CPLA
4. Recommendation	(a) a recommendation on the request (b) where the recommendation is to grant the request: (i) recommend, with reasons, any conditions that should be placed on the approval, and (ii) if the request is for consent to exercise discretions under s 15 or s 16 of the CPLA, state the recommended term of consent. If the term is proposed to be more than five years, reasons must be provided.
5. Attachments	(a) copy of the original request to undertake a discretionary action (b) any other relevant information (c) all file papers relevant to the request

5.8.5 Notification

5.8.5.1 Communication of decision

The Crown agency must provide notice of the CCL's decision to the person requesting to undertake a discretionary action, the lessee, and any other affected party. The notice must include:

- (a) the CCL's decision,
- (b) reasons for the decision,
- (c) the term which the consent, if granted, will remain valid for,
- (d) any conditions imposed on the consent, if granted,
- (e) advice that, under s 17 of the CPLA, the consent of the CCL does not authorise the activity to be undertaken without the required permission under any other enactment, and
- (f) advice of the right of any affected party to apply for a rehearing under s 17 of the Land Act.

5.8.5.2 Notification to any other party consulted

Once the period for seeking a rehearing has lapsed, or after any rehearing applied for has been completed, the Crown agency must advise the Director-General of Conservation and any other party consulted of the CCL's decision, enclosing a copy of the notice of decision provided under paragraph 5.8.5.1.

5.9 Easements

5.9.1 Application to agency

The Crown agency must ensure that any person applying for an easement over Crown land under s 60 of the Land Act provides the information set out in Appendix F.1

5.9.2 Easements over pastoral land

Determining whether to grant an easement under s 60(1) of the Land Act over pastoral land is a discretionary action under s 18 of the CPLA. The requirements of paragraph 5.8 must also be followed.

5.9.3 Notification to lessee or licensee

The Crown agency must notify any lessee or licensee of the application for an easement as soon as possible after the application is received. The notification must include:

- (a) a copy of the application,
- (b) the authority for the CCL to grant easements over the land concerned,
- (c) advice that the CCL does not require the lessee or licensee's consent to the grant of an easement,
- (d) advice that the lessee or licensee is entitled to compensation for any reduction in the value of the lease or licence under s 60(1) of the Land Act,
- (e) advice that the lessee or licensee may negotiate with the applicant for a payment or payments to the lessee or licensee in respect of the proposed easement. Any settlement agreement reached would be in lieu of compensation under the Land Act and the Public Works Act 1981, and
- (f) if a lease or licence of pastoral land, advice that the application for an easement is a discretionary action and will be processed in accordance with the CPLA.

5.9.4 Submission to the CCL

When seeking a decision from the CCL on an application for an easement over Crown land, the Crown agency must prepare a submission to the CCL including:

- (a) a copy of the application in accordance with paragraph 5.9.1 above,
- (b) an analysis of the easement proposal including:
 - (i) an assessment of the impact on the Crown's interest in the land,
 - (ii) an assessment of the effects on future use of the land, if unused Crown land,
 - (iii) an assessment of whether the easement is needed to be granted at this time, and
 - (iv) a recommendation whether to grant the easement,

- (c) if the agency's recommendation is to grant the easement:
 - (i) an assessment and valuation report on:
 - A. the lessee's entitlement to compensation, and
 - B. the consideration payable to the CCL for the easement;
 - (ii) written legal confirmation that the easement is legally correct, complies with the standard and is appropriate for an easement of the nature proposed.

5.9.5 Advice of decision

The Crown agency must advise:

- (a) the applicant of the CCL's decision whether to grant the easement and inform them of the right to apply for a rehearing under s 17 of the Land Act, and
- (b) advise the lessee or licensee, if applicable, of the CCL's decision whether to grant the easement.

5.10 Recreation permits

5.10.1 Application to agency

The Crown agency must ensure that any person applying for a recreation permit under s 66A of the Land Act provides the information set out in Appendix F.2.

5.10.2 Recreation permits over pastoral land

Determining whether to grant a recreation permit under s 66A(1) of the Land Act over pastoral land is a discretionary action under s 18 of the CPLA. The requirements of paragraph 5.8 must also be followed.

5.10.3 Submission to the CCL

After assessing an application for a recreation permit, the Crown agency must prepare a submission to the CCL including:

- (a) a copy of the application in accordance with paragraph 5.10.1 above,
- (b) a plan of the area of land indicating the precise location of the proposed activity or development,
- (c) an analysis of the recreation permit proposal including:
 - (i) an assessment of the impact of the proposed activity or development on the Crown's interest in the land,
 - (ii) an assessment of the effects on future use of the land, if unused Crown land,
 - (iii) an assessment of whether the recreation permit is needed to be granted at this time, and
 - (iv) a recommendation whether to grant the recreation permit, and
- (d) advice from a registered valuer on the fee payable for the grant of the recreation permit,
- (e) a draft recreation permit incorporating the lessee/licensee's consent, if applicable, and the CCL's required terms of recreation permit, set out in Appendix H,
- (f) written legal confirmation that the recreation permit is legally correct, complies with the standard and is appropriate for a recreation permit of the nature proposed.

5.10.4 Advice of decision to applicant and lessee

5.10.4.1 General

The Crown agency must advise the applicant of the CCL's decision whether to grant the recreation permit and inform them of the opportunity to apply for a rehearing under s 17 of the Land Act.

5.10.4.2 Pastoral land

- (a) For pastoral land, the Crown agency must advise the lessee of the CCL's decision whether to grant the recreation permit at the same time the applicant is advised.
- (b) If the CCL's decision is to grant a recreation permit, the Crown agency must provide the lessee or licensees with two copies of the permit, asking them to give their consent by signing the recreation permit in the area provided and return one copy.
- (c) The consent of the lessee or licensee to the recreation permit must be given before the CCL will grant the recreation permit.

5.11 Trespass

5.11.1 Action by a Crown agency

If a Crown agency believes there has been a trespass on Crown land that it administers, it must:

- (a) advise the CCL immediately; and
- (b) provide a submission report to the CCL including:
 - (i) details of the trespass including any eye-witness account,
 - (ii) evidence that the land is Crown land,
 - (iii) a draft notice that delivers a warning as specified in ss 3 and 4 of the Trespass Act 1980, and
 - (iv) if required by the CCL, a draft letter asking the appropriate official or police officer to serve a warning notice on the trespasser on behalf of the CCL.

5.11.2 Failure to vacate

If a trespasser does not comply with a warning notice delivering a warning under s 3 or 4 of the Trespass Act 1980, the Crown agency must prepare a draft letter of complaint to the Police and submit it to the CCL. The letter must:

- (a) give details of the trespass, including any eye-witness account;
- (b) advise how the trespass notice was served;
- (c) attach copies of:
 - (i) the trespass notice,
 - (ii) documents showing ownership of the land, and
 - (iii) a report from the person who served the trespass notice; and
- (d) request the Police to remove the trespasser from the land.

6 Part 4: Alienation of Crown land

6.1 Decision to make land available for alienation

The Crown agency must seek a decision from the CCL on whether to make the land available for alienation before commencing any alienation action. The submission to the CCL must include:

- (a) the land resource assessment, including the information required in Table 2;
- (b) recommendation on whether the land should be alienated; and
- (c) if the recommendation is to alienate the land, advice on:
 - (i) the tenure considered to be the most appropriate,
 - (ii) the proposed alienation method under s 52, 53, or 54 of the Land Act, and
 - (iii) the timetable of any proposed alienation.
- (d) if it is proposed to offer the land for alienation by calling for public applications or by public auction under s 52 of the Land Act, a request for approval and instruction from the CCL;
- (e) if it is proposed to offer the land for alienation by public tender under s 52 of the Land Act, a copy of the proposed tender documents; and
- (f) if it is proposed to offer the land by allotment without competition under s 54 of the Land Act:
 - (i) evidence that any applicant has been advised of the provisions of s 54 of the Land Act and that the CCL has the discretion to either approve an allotment without competition, with or without conditions, or require a public offering of the land,
 - (ii) advice as to why the Crown agency considers allotment without competition is justified under s 54 of the Land Act,
 - (iii) details of the terms and conditions of the proposed allotment without competition, and
 - (iv) recommend whether the applicant should be required to meet the requirements of s 54(2) of the Land Act, before the CCL approves the application.

COMMENTARY

Although s 52 of the Land Act allows for the CCL to call for applications by public notice, public auction and public tender, public tender is the most frequent method used.

6.2 Submission on alienation to the CCL

The Crown agency must submit any sale offer, lease or licence signed by the applicant to the CCL for execution, along with a submission. The submission must contain the information required in Table below.

Table 8: Submission to CCL on alienation

Topic	Information required
1. Details of the Crown land	<ul style="list-style-type: none"> (a) name of property, if any (b) location (c) legal description (d) area of property (e) computer register, if any (f) zoning (g) registered and unregistered interests. List each current registered and unregistered interest in the land, encumbrance and memorial, the details of the holder of that interest, and summarise that interest's effects (h) plan of land (i) cadastral survey dataset
2. Details of applicant	<ul style="list-style-type: none"> (a) name of applicant (b) address and contact details (c) confirmation that the applicant has met the requirements of ss 70-80 of the Land Act, if applicable (d) confirmation that any prescribed fee has been paid
3. Details of alienation	<ul style="list-style-type: none"> (a) advice on why the proposed tenure is considered the most appropriate (b) where alienation is by public tender or public auction <ul style="list-style-type: none"> (i) evidence that the public auction or tender complies with ss 52 and 53 of the Land Act, (ii) a copy of the public notice offering the land under s 52(3) of the Land Act (iii) if the alienation was by public tender, a completed schedule of tenders containing tender details and signed as correct by the individuals opening the tender (b) recommended purchase price or rental value and rental level
4. Marginal strips	Advice that Part IVA of the Conservation Act 1987 has been complied with, if applicable.

Topic	Information required
5. Recommendation	A recommendation whether the CCL should execute the sale offer, lease or licence, including stating the statutory authority for the alienation.
6. Attachments	(a) copy of any land use assessment prepared under paragraph 5.1.2 (b) the sale offer, lease or licence, signed by the applicant for execution by the CCL, prepared in accordance with paragraph 6.3 (c) written legal confirmation that the sale offer, lease, or licence: <ul style="list-style-type: none"> (i) complies with the Land Act, (ii) is legally correct for execution by the CCL, (iii) meets the requirements of the particular alienation being undertaken, and (iv) has been correctly executed by the applicant
Additional requirements where alienation is by lease or licence	
7. Term and conditions	Summarise the terms and conditions proposed in the lease or licence, including: <ul style="list-style-type: none"> (a) the statutory authority for granting the lease or licence, (b) advice from a registered valuer as to the value of the land and the proposed rent, (c) the proposed term, (d) proposed rent review procedures, (e) whether there is a right of renewal, and (f) terms and conditions specific to the lease or licence being granted.
8. Registration	Advice whether the lease or licence is to be registered under s 82 of the Land Act.
Additional requirements where alienation is by sale	
9. Valuation	A copy of the current market valuation of the land prepared by a registered valuer.
10. Subdivision	When alienating part of a Crown land holding, and subdivision is required under s 11 of the RMA, evidence that: <ul style="list-style-type: none"> (a) the subdivision complies with the RMA, or (b) the land is exempt from s 11 of the RMA.
11. Statutory requirements	Evidence that the sale has complied with all government policies and statutory requirements applicable to the alienation of Crown land.
12. Treaty settlement requirements	Evidence that the requirements of <i>LINZS15001 Interim standard for Treaty settlement requirements for disposal of Crown-owned land</i> have been complied with.

6.3 Form of sale offer, lease, or licence

- (a) The Crown agency must draw up a sale offer, lease, or licence that meets the requirements of the particular sale being transacted.
- (b) The Crown agency must not use the REINZ or ADLS agreement for sale and purchase for any sale of Crown land, unless it has been modified to meet the requirements of the Land Act and the CCL.

6.4 Implementation of sale offer

When requesting the execution of a certificate under s 116 of the Land Act, the Crown agency must provide the chief executive of LINZ with confirmation that all terms and conditions in the sale offer have been complied with.

7 Part 5: Applications for rehearing

- (a) All applications for a rehearing under s 17 of the Land Act must be sent to the CCL immediately.
- (b) The Crown agency must not take any further action regarding an application for a rehearing unless the CCL has approved that action.

Appendix A: Information to be provided in application for transfer, sublease, or sublicense of leases or licences

The Crown agency must ensure that the following information is provided, as required, in an application for consent from the CCL under s 89 of the Land Act, to transfer, sublease or license a holder's interest in a lease or licence.

A.1 Information to be provided by holder (excluding transfer of shares)

A.1.1 Requirements for all applications

Details of holder

- (a) name
- (b) address
- (c) legal entity (eg company, trust, individual, other)
- (d) status of ownership (if more than one individual) – state whether joint tenants or tenants in common and specify division of shares
- (e) solicitor (with address)
- (f) is review underway under Part 2 or Part 3 of the CPLA? If yes, has notice of acceptance of substantive proposal been registered (pastoral land only)

Details of lease/licence

- (a) name of lease/licence
- (b) folio reference and land registry
- (c) legal description
- (d) stock limitation in lease/licence
- (e) exemption from stock limitation in lease (if known)
- (f) details of unregistered agreements affecting the lease/licence (eg recreation permits etc)
- (g) details of any consents under the CPLA, if any
- (h) is land subject to rent review or lease renewal? If yes, has the holder accepted the rental values or lease renewal?

Signature

Must be signed by all parties with a registered interest in the lease/licence. If holder is a company, to be signed by a person authorised by the company.

Attachments

- (a) information provided by proposed transferee/sublessee/sublicensee as specified in A.2

- (b) search copy of the lease/licence document (not older than 10 days)
- (c) details of any other land included in the transfer/sublease/sublicence
- (d) written confirmation that the holder has advised the proposed transferee, sublessee or sublicensee of any recreational permits on the land

A.1.2 Additional information required for proposed transfers

- (a) details of proposed transfer
- (b) details of consideration (state whether amount include/exclude GST)
- (c) land and improvements
- (d) stock and plant
- (e) settlement date

Attachments

- (a) copy of the agreement for sale and purchase (or other written agreement) for transfer
- (b) schedule of stock included in sale, if any
- (c) details of stock carried and production for each of the past three years

A.1.3 Additional information required for proposed subleases or sublicences

Details of proposed sublease/sublicence

- (a) term and rent
- (b) stock to be carried
- (c) residency
- (d) is proposed sublease/sublicence to be registered
- (e) purpose of sublease/sublicence

Attachments

Copy of the proposed sublease/sublicence document, including provision for consent of the CCL

A.2 Information required from proposed transferee, sublessee or sublicensee (excluding transfer of shares)

A.2.1 Details of proposed transferee/sublessee/sublicensee

Provide details for all proposed parties if more than one. If a company, details of shareholding are required:

- (a) name
- (b) address
- (c) legal entity (eg company, trust, individual, other)
- (d) status of proposed ownership (if more than one individual) – state whether to be joint tenants or tenants in common and specify division of shares
- (e) solicitor
- (f) address for notice per s 183 of the Land Act (if transfer, sublease, or sublicence approved)

Financial information

Must be provided for each individual, or trust, or director/shareholder if proposed party is a company

- (a) assets (land, cash, stock, plant, other)
- (b) liabilities (mortgages, current accounts, other)
- (c) cash for purchase (amount, source)
- (d) seasonal finance (limit)
- (e) credit references (details to be attached)

Details of relevant qualifications and experience

A statement, with evidence if necessary, of the relevant qualifications and experience that the proposed transferee, sublessee, or sublicensee has to undertake the activities authorised on the land

Signature of proposed transferee, sublessee or sublicensee

If proposed party is a company, to be signed by a person authorised by the company

Attachments

- (a) supporting information on financial position
- (b) if proposed transferee, sublessee, sublicensee is a company:
- (c) copy of Certificate of Incorporation and Constitution
- (d) evidence of registration under the Companies Act 1993
- (e) if proposed transferee, sublessee, sublicensee is a Trust, a copy of the Trust Deed

- (f) where the lease/licence is subject to a recreation permit or other unregistered interest, written confirmation from the proposed sublessee/sublicensee that it has received a copy of the recreation permit or other unregistered interest and will (if the sublease/sublicence is granted, occupy the land in the knowledge that the holder of the unregistered interest has the right to carry on the permitted activity or exercise the rights granted under the terms of the permit or other unregistered interest.

A.3 Information to be provided in applications to transfer shares in a limited liability company holding a lease or licence

A.3.1 Information required from holder

Details of holder

- (a) name and address
- (b) solicitor and address

Details of lease/licence

- (a) name of lease/licence
- (b) folio reference
- (c) land registry
- (d) legal description

Details of management of lease/licence

- (a) state whether exemption from residence obtained, and if so, name of person appointed to reside on the land (if applicable)
- (b) describe effect of proposed share transfer on management of lease/licence

Details of current shareholding

Advise who holds current shares and division of those shares

Details of proposed transfer

- (a) detail the shares to be transferred
- (b) consideration, stating whether amount is inclusive/exclusive of GST
- (c) settlement date

Signature

Must be signed by all parties with a registered interest in the lease/licence. If holder is a company, to be signed by a person authorised by the company

Attachments

- (a) information provided by proposed transferee, as specified in paragraph A.3.2
- (b) copy of agreement for sale and purchase (or other written agreement) (if any)
- (c) search copy of the lease/licence document (not older than 10 days)
- (d) copy of company search (not older than 10 days)
- (e) details of any other land included in the transfer

A.3.2 Information required from proposed transferee

Details of proposed transferee

Provide details for all proposed parties if more than one

- (a) name
- (b) address
- (c) solicitor

Details of shareholding after transfer

Detail what the shareholding would be after transfer if it were approved by the CCL

Details of management of lease/licence

- (a) state whether exemption from residence obtained, and if so, name of person appointed to reside on the land (if applicable)
- (b) describe effect of proposed share transfer on management of lease/licence

Financial information

Must be provided for each director/shareholder

- (a) assets (land, cash, stock, plant, other)
- (b) liabilities (mortgages, current accounts, other)
- (c) cash for purchase (amount, source)
- (d) seasonal finance (limit)
- (e) credit references (details to be attached)

Details of relevant qualifications, and experience

A statement, with evidence if necessary of the relevant qualifications and experience that the proposed transferee has to undertake the activities authorised on the land, eg pastoral farming.

Signature of proposed transferee, sublessee, or sublicensee

If proposed party is a company, to be signed by a person authorised by the company.

Attachments

Supporting information on financial position (specify).

Appendix B: Information required from lessee for rent review valuation of pastoral leases

B.1 General information

B.1.1 Details of lease and lessee

- (a) name of pastoral lease
- (b) file reference
- (c) name of holder
- (d) date of last rent review or lease renewal
- (e) annual rainfall (mm)
- (f) water supply

B.1.2 Details of services

- (a) name of local service centre and distance from lease
- (b) name of major service centre and distance from lease

B.2 Schedule of areas

For each block in the lease, identify the following:

- (a) size in hectares
- (b) cover (eg native, OSTD, direct drilled, cultivated (specify pasture type), irrigated (specify type of cover), trees (specify type and date planted), other (specify))

B.3 Stock details

Identify the following figures for the past three years wintered, for:

B.3.1 Sheep

- (a) separate figures of breeding ewes, two tooth ewes, two tooth ewes (dry), ewe hoggets, wether hoggets, wethers, rams/killers, and other
- (b) lambs recorded in spring
- (c) fat lambs sold
- (d) wool, in total kilograms
- (e) deaths

B.3.2 Cattle

- (a) separate figures of breeding cows, rising two year heifers, rising two year heifers (dry), rising one year heifers, mixed age steers, rising one year steers, bulls, other
- (b) calves recorded
- (c) calves sold
- (d) yearlings sold
- (e) other cattle sold

B.3.3 Deer

- (a) separate figures of mixed age hinds, mixed age stags, weaners, other
- (b) fawns recorded
- (c) deer sold

B.3.4 Goats

- (a) separate figures of does, bucks, other
- (b) kids recorded
- (c) goats sold

B.3.5 Other stock

horses

Appendix C: Information required in request for consent to a discretionary action on Crown pastoral land

C.1 Information required for all requests for consent

- (a) name of pastoral lease or licence
- (b) name of registered lessee or licensee
- (c) name of person requesting consent (request must be signed by that person)
- (d) farm map, showing the location of the activity proposed
- (e) identification of all required resource consents or permits

C.2 Request to burn vegetation (s 15 CPLA)

C.2.1 Requirements for all requests to burn vegetation

The request for consent to burn vegetation must identify:

- (a) the reasons for burning and how it benefits the farming operation,
- (b) any adverse impacts on the land as a result of burning vegetation (soil, water, vegetation, conservation or other natural values), and the mitigation measures intended to negate these effects,
- (c) whether the consent for burning vegetation is sought on an ongoing basis and if so, explain the ongoing programme in terms of the consent sought, and
- (d) any other relevant information that should be considered with this application.

C.2.2 Information required for each area proposed to be burned

The following information must also be provided with the request for consent for each area proposed to be burned:

- (a) block name (or vegetation type),
- (b) area (ha) to be burned,
- (c) altitude (range),
- (d) aspect/slope,
- (e) rainfall,
- (f) if over sown, when was area last over sown and top dressed,
- (g) percentage cover of hawkweeds,
- (h) target vegetation to be burned (briar, matagouri, bracken) and whether it is felled, or will need to be felled prior to burning,
- (i) date area last burned,
- (j) alternatives to burning, and

- (k) intended post-burn management, including:
 - (i) spelling period;
 - (ii) class of livestock, numbers and duration of grazing;
 - (iii) over sowing cultivars and timing; and
 - (iv) fertiliser type/rate.

C.3 Request to clear or fell bush or scrub (s 16(1)(a) CPLA)

The request for consent must identify:

- (a) the type of bush or scrub proposed to be cleared or felled,
- (b) how the bush or scrub will be cleared or felled (ie will it be removed, if so how),
- (c) whether it is intended to sell any timber,
- (d) the purpose of removal of the bush or scrub,
- (e) explain any development programme planned for the area following removal of the vegetation, and
- (f) whether this is also a request for on-going clearing of any re-growth on this area.

Note: If this programme includes draining, cultivation, sowing with seed, application of fertiliser, planting trees, making tracks or any other activity that is 'disturbing the soil'; further applications to the CCL for consent to do that work will also be required.

- (g) how the work applied for would make it easier to farm,
- (h) any adverse impacts on the land as a result of this work (soil, water, vegetation, conservation or other natural values), and the mitigation measures intended to negate these effects, and
- (i) any other relevant information that should be considered with this application.

Note: If this programme includes draining, cultivation, sowing with seed, application of fertiliser, planting trees, making tracks or any other activity that is 'disturbing the soil'; further applications to the CCL for consent to do that work will also be required.

C.4 Request to crop, cultivate, or drain (s 16(1)(b) CPLA)

Note: Consent is required before the work is carried out. Consent is also required if the area has been cropped, cultivated, drained or ploughed **previously** *unless* express prior consent has been given by the CCL for the maintenance for that particular work on that particular area.

The request for consent must:

- (a) describe the nature of the consent(s) requested and fully explain the work planned,
- (b) describe the type of land and the type of vegetation cover to the request to crop, cultivate, drain or plough applies,

- (c) identify whether this is also a request for continuing (or the maintenance of) this activity? If so, explain what the longer term programme is likely to be in terms of the consent you are seeking,
- (d) identify the general purpose for doing this work and the expected benefits to the farming operation,
- (e) identify any adverse impacts on the land as a result of this work (soil, water, vegetation, conservation or other natural values), and the mitigation measures intended to negate these effects, and
- (f) identify any other relevant information that should be considered with this application.

C.5 Request to top dress and/or sow seed (s 16(1)(c) and (d) CPLA)

The request for consent must:

- (a) outline the previous (over) sowing and fertiliser history for the areas (hill country and paddocks) applied for,
- (b) describe the type of vegetation cover,
- (c) explain the expected (aerial and/or drill) sowing and topdressing⁴ programme on the paddocks and hill country (eg liming? type of fertiliser and frequency of application, pasture species),
- (d) identify whether the area applied for will be part of an ongoing maintenance programme and whether this is also therefore a request for the on-going sowing of seed and application of maintenance fertiliser,
- (e) outline the expected benefits from the sowing and topdressing programme (eg, carrying capacity, production, vegetation cover),
- (f) identify any adverse impacts on the land as a result of this work (soil, water, vegetation, conservation or other natural values), and the mitigation measures intended to negate these effects, and
- (g) identify any other relevant information that should be considered with this application.

C.6 Request for planting trees (s 16(1)(e) CPLA)

The request for consent must:

- (a) identify the purpose of the tree planting (eg commercial forest, shelter belt, conservation, amenity, blanking existing plantings),
- (b) describe the site(s) where the trees are to be planted (contour, ground cover, altitude),

⁴ 'topdressing' refers to the aerial or ground application of both lime and all fertiliser

- (c) identify the species to be planted,
- (d) identify the approximate area or length to be planted,
- (e) identify whether this is also a request for replanting and on-going tree planting,
- (f) describe the potential for the proposed trees to spread as wildings,
- (g) identify the steps that would be taken to manage wildings if a weed problem develops from these plantings,
- (h) outline the benefits of the potential plantings (eg stock shelter, soil stability, water quality, amenity, timber),
- (i) identify any adverse impacts on the land as a result of this work (soil, water, vegetation, conservation or other natural values), and the mitigation measures intended to negate these effects, and
- (j) identify any other relevant information that should be considered with this application.

C.7 Request for tracking or forming any path or road (s 16(1)(f) CPLA)

Note: Consent is required before the work is carried out. Consent is also required if the track exists and it is planned to do maintenance works *unless* prior consent has expressly been given by the CCL for maintenance for that particular track. Any conditions under a prior consent must have been complied with.

The request for consent must:

- (a) identify the purpose of the tracking,
- (b) ensure the attached farm map shows:
 - (i) the location of existing tracks where maintenance work is requested;
 - (ii) separately identify the planned route of any new track for which consent is requested; and
 - (iii) the name of the block or paddocks;
- (c) where the request is for track maintenance, provide information about the tracks to be maintained (eg condition and standard of construction, purpose and use),
- (d) where the request is to build a new track:
 - (i) identify the reasons for building a new track and how would the new track make it easier to farm;
 - (ii) describe the type of track proposed (for stock or vehicles, grade, width of the carriageway excluding batters and water table);
 - (iii) describe site factors (eg contour, aspect, vegetation, waterway crossings); and
 - (iv) describe any structures required for the track (eg culverts, bridges); and
 - (v) identify the estimate length of the new track;

- (e) identify any landscape issues to address and how it is planned to minimise any effects of tracking and maintenance on the landscape,
- (f) identify any adverse impacts on the land as a result of this work (soil, water, vegetation, conservation or other natural values), and the mitigation measures intended to negate these effects, and
- (g) identify any other relevant information that should be considered with this application.

C.8 Request to carry on activity affecting or causing disturbance to the soil (s 16(1)(g) CPLA)

The request for consent must:

- (a) fully explain the work proposed,
- (b) describe the types of land (or sites) subject to the request (eg vegetation cover, contour, altitude range, aspect),
- (c) outline the previous development history of the area (if applicable),
- (d) confirm whether the consent is sought for activities on an ongoing basis. If so, explain the ongoing programme in terms of the consent sought.
- (e) outline the purpose of the work and how it benefits the farming operation,
- (f) identify any adverse impacts on the land as a result of this work (soil, water, vegetation, conservation or other natural values), and the mitigation measures intended to negate these effects, and
- (g) identify any other relevant information that should be considered with this application.

C.9 Request to grant, vary or revoke an exemption from any stock limitation (s 18(3)(c) CPLA)

The application for exemption (or variation from exemption) from stock limitation in a pastoral lease or licence must identify:

- (a) the current stock limitation in lease/licence,
- (b) confirmation whether the stock limitation refers to the ability to apply for the right to carry additional stock,

Note: If there is no ability in the lease/licence to apply for the right to carry additional stock, consent must be sought to vary the lease or licence to give such a right to carry additional stock

- (c) details of any existing exemption from limit,

Note: Exemption from limitation specified in lease/licence is personal to the current holder. Such an exemption expires when the holder ceases to hold the lease/licence.

- (d) details whether any existing exemption applies to the lease or the lease and other land. If the latter, details of the other land such as area, tenure or other must be appended.

- (e) details of the proposed exemption/variation from exemption, including:
 - (i) specifying numbers and class of stock;
 - (ii) if expressed in stock units, state conversion factor;
 - (iii) if stock to be carried for less than a year, state period to apply; and
 - (iv) if stock to be run in conjunction with other land, provide details of other land concerned such as area, tenure etc,
- (f) provide reasons for proposed exemption/variation from exemption, including:
 - (i) reasons why proposed exemption is required, including benefit to farming operation;
 - (ii) provide supporting information (eg details of development undertaken, numbers of stock carried and production figures for last 3 years);
 - (iii) if exemption to take account of other land, provide supporting information for that land as well;
- (g) identify any adverse impacts on the land as a result of this work (soil, water, vegetation, conservation or other natural values), and the mitigation measures intended to negate these effects,
- (h) details of any other concurrent applications made in relation to the lease/licence, and, and
- (i) any other relevant information.

C.10 Application for consent to fell, sell, remove, destroy or burn timber or bush under s 100 of the Land Act

The application under s 100 of the Land Act to fell, sell, remove, destroy or burn any timber, tree or bush must identify the following information.

C.10.1 Details of application

- (a) the location (with reference to map of lease/licence),
- (b) area involved,
- (c) proposed method of felling/removing/destroying,
- (d) type of timber/tree/bush to be felled/removed/destroyed/burnt,
- (e) if timber is to be sold, estimated sale price,
- (f) reasons for application, including the benefit to the farming operation,
- (g) details of how the area is to be managed after removal etc,
- (h) any adverse impacts on the land as a result of burning vegetation (soil, water, vegetation, conservation or other natural values), and the mitigation measures intended to negate these effects,
- (i) details of any other relevant information, including any other concurrent applications made in relation to the lease/licence (eg discretionary action)

whether any consent for burning vegetation is sought on an ongoing basis and if so, explain the ongoing programme in terms of the consent sought, and

- (j) any other relevant information that should be considered with this application.

C.10.2 Information required for each area proposed to be burned

The following information must also be provided if the application is to burn timber/tree/bush for each area proposed to be burned:

- (a) block name (or vegetation type),
- (b) area (ha) to be burned,
- (c) altitude (range),
- (d) aspect/slope,
- (e) rainfall,
- (f) if over sown, when was area last over sown and top dressed,
- (g) percentage cover of hawkweeds,
- (h) target vegetation to be burned (briar, matagouri, bracken) and whether it is felled, or will need to be felled prior to burning,
- (i) date area last burned,
- (j) alternatives to burning,
- (k) intended post-burn management, including:
 - (i) spelling period;
 - (ii) class of livestock, numbers and duration of grazing;
 - (iii) over sowing cultivars and timing; and
 - (iv) fertiliser type/rate.

Appendix D: Requirements to fulfil consultation under section 18(1) of the Crown Pastoral Lands Act 1998

D.1 Statutory framework

When deciding on the method of consultation, whom to consult, and the timing of the consultation, the CCL is obliged to meet the requirements of the CPLA.

D.2 Consultation

D.2.1 Before consultation

Before beginning consultation on any request for consent, as required by s 18(1) of the CPLA, the Crown agency must provide to the CCL:

- (a) a list of those parties who should be consulted,
- (b) what each party will be consulted on, and
- (c) copies of the information to be released to the parties to be consulted.

D.2.2 During consultation

During consultation, the Crown agency must:

- (a) ensure that each person has the proper authority to represent the party being consulted,
- (b) provide relevant information about the request for consent to the parties being consulted and:
 - (i) advise them of what they are being consulted on;
 - (ii) request their input; and
 - (iii) advise that all matters raised that are able to be considered under the CPLA will be taken into account by the CCL, who may wish to consult further under the CPLA,
- (c) provide the parties being consulted with reasonable time to respond, and
- (d) keep a full record of all responses, including who they are from and when they were made.

D.2.3 After consultation

After consultation, the Crown agency must:

- (a) analyse the responses, including:
 - (i) determining if each response can be considered under the CPLA, and provide reasons,
 - (ii) evaluating each response that can be considered under the CPLA against the objects of Part 1 of that Act,
 - (iii) identifying what information was not obtained from the consultation; and
- (b) report to the CCL on the outcome of the consultation, providing copies of all written submissions and reports of other responses received during the consultation.

Appendix E: Guide to consultation

E.1 General

When consulting on any request for consent as required by s 18 of the CPLA, consultation must be exercised properly and recorded. The records of consultation provide evidence that the proper process was followed. Proper consultation is important for robust results. From a CCL viewpoint, correct consultation makes decision-making easier, and establishes good practice.

There are many comments in case law about what constitutes proper consultation. The CCL or person authorised by the CCL should be familiar with the latest case law in this area.

E.2 Consultation methods

Consultation may be carried out by:

- (a) inviting written submissions,
- (b) holding discussions with the Director-General of Conservation or other persons to be consulted and hearing what they have to say, and
- (c) advisory and consultative working groups.

E.3 How to consult properly

To consult properly, the CCL or person authorised by the CCL should:

- (a) keep an open mind on the outcome. This means that the proposal must be consulted on before it is finalised, the CCL or person authorised by the CCL should be prepared to alter the proposal, no particular outcome should be promoted, and the result should not be nor appear to be determined prior to the consultation;
- (b) ensure that parties to be consulted have all the relevant information that contributed to the proposals. This means that the information provided should be at the correct level of detail for those being consulted, enabling them to make an informed response;
- (c) provide those being consulted with adequate time to respond. The time given and any extensions provided should be recorded;
- (d) seek the opinion of all persons consulted with on the proposals;
- (e) provide feedback to all participants in the consultation, both during the consultation process and after the decision has been made;
- (f) keep full and accurate records of the consultation. The records of meetings should show:
 - (i) who was present and their interest in the review,
 - (ii) the time and location of the meeting,
 - (iii) the issues raised and any responses,

- (iv) which options were considered,
- (v) any areas of consensus,
- (vi) what actions are outstanding, and
- (vii) summary notes of the meeting which should:
 - (A) be confirmed as accurate by all participants, and
 - (B) provide someone who was not present at any of the discussions with a full understanding of what was discussed.

Appendix F: Information required in application for an easement or recreation permit

F.1 Request for easement

The request for an easement must contain the following information.

F.1.1 Details of the applicant

- (a) name of the applicant
- (b) address
- (c) contact details, eg phone number, email address, fax number
- (d) any applicable fee
- (e) applicant's signature

F.1.2 Details of the land

- (a) legal description
- (b) folio reference and land registry
- (c) name of lessee/licensee, if any
- (d) search copy of any lease or licence, not older than 10 days, if applicable

F.1.3 Proposed easement

- (a) purpose of easement
- (b) a statement of the activity proposed to be carried out, including any structures and equipment required to carry out the activity
- (c) proposed term of the easement
- (d) plan sufficient to identify the location of the proposed easement
- (e) confirmation of whether the easement will be registered against the land
- (f) assessment of the potential impact of the proposed easement (if granted), including
 - (i) if pastoral land, the impact on the inherent values of the lease/licence land or any soil disturbance
 - (ii) impact on the current use of the land
 - (iii) describing any mitigation measure proposed
- (g) copy of the proposed easement document, including the CCL's terms as set out in Appendix G.

F.1.4 Other information

- (a) copy of any written agreement with the lessee or licensee

Note: the consent of the lessee or licensee is not required by the CCL in deciding whether or not to grant an easement. However, the lessee/licensee will be advised of the application, and the applicant may wish to advise the lessee/licensee of the intention to seek an easement

- (b) details of any other relevant information

F.2 Request for recreation permit

The request for a recreation permit must contain the following information.

F.2.1 Details of the applicant

- (a) name of the applicant
- (b) address
- (c) contact details, eg phone number, email address, fax number
- (d) any applicable fee
- (e) applicant's signature

F.2.2 Details of the land

- (a) legal description
- (b) folio reference and land registry
- (c) name of lessee/licensee, if any
- (d) search copy of any lease or licence, not older than 10 days, if applicable

F.2.3 Consent of lessee/licensee

If pastoral land, where the consent of the lessee/licensee has been obtained, a copy of the signed consent.

F.2.4 Proposed activity

- (a) details of the proposed activities
- (b) proposed term for the recreation permit
- (c) plan sufficient to identify the location of the proposed activity
- (d) proposed starting date
- (e) frequency of proposed operation (if not year round specify months to operate)
- (f) minimum and maximum number of anticipated customers per activity
- (g) duration of each activity/trip
- (h) fees proposed to be charged to customers for activity

- (i) details (including ownership) of proposed or existing structures/facilities to be used in the course of the proposed activity

F.2.5 Draft recreation permit

A draft of the recreation permit, incorporating the proposed commercial undertaking and the CCL's required terms of recreation permit, set out in Appendix H.

F.2.6 Impacts and risks

Assessment of the potential impact of the proposed recreation permit (if granted), including:

- (a) if pastoral land, the impact on the inherent values of the lease/licence land
- (b) impact on the current use of the land
- (c) describing any adverse effects and how they will be reduced or ameliorated

F.2.7 Qualifications

- (a) describe the relevant qualifications/experience held to undertake the activity
- (b) details of public liability insurance held

F.2.8 Other information

Details of any other relevant information.

Appendix G: Guidance material for best practice for terms required by CCL for creation of an easement

Table 8 sets out the suggested clauses by the CCL for inclusion in a legal document setting out the terms of an easement.

Table 9: Content of an easement

Suggested clause	Information required
1. Parties	(a) Grantor: the Commissioner of Crown Lands, under the Land Act 1948 (b) Grantee: [name, address, occupation]
2. Background	(a) Explain the nature and purpose of the easement. (b) State that the grantor has agreed to grant the easement on the terms and conditions stated in this document.
3. Terms and Definitions	The following terms must be defined: (a) commencement date; (b) deed; (c) easement land, with reference to an attached location plan that clearly identifies the easement (d) grantee, to include servants, agents, employees, workers and contractors, and any licensee, lessee, or tenant of the grantee; (e) grantor's land; and (f) lessee.
4. Construction clause	A statement of the terms of construction of the deed, such as details on what references to sections, clauses or schedules mean, or how headings are to be interpreted when reading the document.
5. Rights granted	(a) Specify the rights granted, and the term of the easement and its expiry date. (b) State whether the easement is in gross or appurtenant, and, if appurtenant, provide a legal description of appurtenant land.
6. Consideration	State: (a) the amount payable to the grantor for granting the easement, including any provisions for review of that amount, and (b) that the grantee will meet the obligations imposed by the deed.

Suggested clause	Information required
7. Compensation to lessee	<p>If the lessee or licensee has accepted a payment from the grantee in lieu of compensation under s 60(1) of the Land Act, a statement to the following effect must be included:</p> <p>'The grantee has entered into an agreement with the lessee, which states that:</p> <p>(a) the lessee has received a payment from the grantee and acknowledges that the payment is in lieu of any compensation under section 60(1) of the Land Act 1948, and</p> <p>(b) the lessee waives their entitlement to any compensation from the grantor under section 60(1) of the Land Act 1948.'</p>
8. Costs	<p>State that the grantee bears all costs for preparation and registration of the deed and for the installation of structures needed in order to exercise the rights created by easement.</p>
9. Obligations on the grantee	<p>List any conditions that the grantee is obliged to fulfil. The following are examples of such conditions:</p> <p>(a) Only vehicles of a type permitted by the grantor are allowed on the easement land.</p> <p>(b) The grantee must take reasonable precautions to guard against danger on the easement land.</p> <p>(c) If the grantee causes any damage or disturbance to the surface of the easement land as a result of activities permitted by deed, it must be restored to its former condition.</p> <p>(d) The grantee must repair any damage to roads, fences, gates, drains, buildings or other structures that is caused by use of the easement.</p> <p>(e) There must be no obstruction of the grantor or their agents, employees and contractors.</p> <p>(f) The grantee must comply with statutes and regulations.</p>
10. Maintenance of access	<p>State that it is the responsibility of the grantee to maintain at their own expense any access road required for permitted activities. The grantor may decide on the necessary standard of maintenance and repair.</p>
11. Removal of structures	<p>State that the grantor may remove any structures (to be described) installed on the easement by the grantee at the end of the term of the easement in order to restore the land to its pre-easement condition. Costs of removal may be recovered from the grantee.</p>

Suggested clause	Information required
12. Covenants, rights and powers	<p>The easement document must identify the proposed exclusions, variations or additions, if any, to:</p> <p>(a) the covenants implied in Schedule 5 of the Property Law Act 2007, and</p> <p>(b) the rights and powers implied in Schedule 4 of the Land Transfer Regulations 2002.</p>
13. Indemnity	<p>A statement incorporating the following terms must be included:</p> <p>'The grantee hereby indemnifies the owner or lessee of the land against any loss, claim, damage, costs, expense, liability, or proceeding suffered or incurred at any time by the grantor or lessee in connection with this deed or as a direct result of the exercise of rights by the person granted the easement, or any breach by that person of their obligations, undertakings or warranties contained or implied by this deed.'</p>
14. Exclusion of grantor's liability	<p>A statement incorporating the following terms must be included:</p> <p>'The grantor holds no liability in contract, tort, or otherwise in relation to any aspect of this deed. This exclusion of liability extends to consequential loss, anything arising directly or indirectly from the deed, and any activity of the grantor on the grantor's land.'</p>
15. Termination	<p>There must be a clause providing the grantor with the option to terminate the deed by giving a stated period of notice.</p>
16. Registration	<p>A statement to the following effect must be included:</p> <p>'The deed, or a transfer instrument incorporating the terms of the deed may be registered and both parties will do all things necessary to enable registration.'</p>
17. Grantor's rights of delegation	<p>A statement incorporating the following terms must be included:</p> <p>'The grantor may delegate all or any rights, benefits and obligations conferred by this deed; provided that the exercise of any such rights, benefits or obligations by that person shall not limit the liability of the grantor in the performance or observance of the provisions of this deed.'</p>
18. Disputes	<p>There must be a clause which provides for resolution of any dispute. This clause must refer to the opportunity to apply for a rehearing under section 17 of the Land Act 1948.</p>
19. Notices	<p>A provision setting how notices are to be given between the parties to the easement, including notice period, and form of service or delivery.</p>
20. Severability of clauses	<p>There must be a clause which has the effect that, if any part of the deed of easement is held to be illegal, void, or unenforceable, this will not impair the enforceability of the remaining parts of the deed which remain in full force.</p>

Suggested clause	Information required
21. Any other clauses	Under this heading, list any other clauses required by the Commissioner of Crown Lands.
22. Attestation clause	<p>This must provide for:</p> <p>(a) the signature of the Commissioner of Crown Lands and a witness, and</p> <p>(b) the grantee and a witness.</p> <p>(execution by grantee to be in accordance with s 9 of the Property Law Act 2007).</p>

Appendix H: Guidance material for best practice for terms required by CCL for creation of a recreation permit

Table 9 sets out the suggested clauses by the CCL for inclusion in a legal document setting out the terms of a recreation permit.

Table 10: Contents of a recreation permit

Suggested clauses	Information required
1. Parties	(a) Grantor: the Commissioner of Crown Lands, under the Land Act 1948 (b) Grantee: [name, address, occupation. If the grantee is a body corporate, a statement of occupation is not required.]
2. Background	(a) State the proposed activity. (b) State that the grantor has agreed to grant the recreation permit on the terms and conditions stated in this document.
3. Terms and Definitions	Define all terms necessary for the understanding of the recreation permit.
4. Rights granted	(a) Specify the rights granted by the recreation permit. (b) State that the recreation permit is not, and does not create, any interest in the land on which the permit applies.
5. Consideration	State the amount payable to the CCL for granting the rights set out in the recreation permit, including any provisions for review of that amount.
6. Obligations on the person granted the permit	State that the grantee must observe the obligations imposed by the permit. The following are examples of such obligations: (a) All users of the recreation permit must remain on constructed tracks. (b) Only vehicles of a type permitted by the grantor are allowed on the land. (c) If the user of the recreation permit causes any damage or disturbance to the surface of the land as a result of activities allowed by the recreation permit, it must be restored to its former condition. (d) The grantee must maintain and repair any tracks, fences, gates, drains, buildings or other structures. (e) The grantee may only carry out the activities allowed in the recreation permit. (f) The grantee must comply with statutes and regulations.
7. Structures	This section must specify what structures may be constructed on the land.
8. Costs	A statement to the following effect must be included:

	'The grantee will bear all costs for the preparation of the permit, and all costs that arise from any act or omission by them.'
9. Indemnity	A statement to the following effect must be included: 'The grantee hereby indemnifies the owner or lessee of the land against any loss, claim, damage, costs, expense, liability, or proceeding suffered or incurred at any time in connection with this permit or as a direct result of the exercise of rights by the person granted the permit, or any breach by that person of their obligations, undertakings or warranties under this permit.'
10. Exclusion of grantor's liability	A statement to the following effect must be included: 'The grantor holds no liability in contract, tort, or otherwise in relation to any aspect of this permit. This exclusion of liability extends to consequential loss, anything arising directly or indirectly from the deed, and any activity of the grantor on the grantor's land.'
11. Termination	There must be a clause providing the grantor with the option to terminate the permit by giving a stated period of notice.
12. Registration	A statement to the following effect must be included: 'This permit may not be registered against the computer register of the land.'
13. Disputes	There must be a clause which provides for resolution of any dispute. This clause must refer to the opportunity to apply for a rehearing under section 17 of the Land Act.
14. Notices	A provision setting how notices are to be given between the parties to the easement, including notice period, and form of service or delivery
15. Any other clauses	Under this heading, list any other clauses required by the Commissioner of Crown Lands.
16. Attestation clause	This must provide for: (a) the signature of the Commissioner of Crown Lands and a witness, and (b) the grantee and a witness. (execution by grantee to be in accordance with s 9 of the Property Law Act 2007).
17. For pastoral land only, consent of the lessee or licensee	(a) Include the following text: '[full name of lessee or licensee], together with [its/his/her] successors and assigns consents to the issue of a recreation permit to [name of grantee] by the Commissioner of Crown Lands under section 66A of the Land Act 1948 on the terms of the accompanying recreation permit.' (b) Provide an area for the lessee or licensee to execute the document, in accordance with the Property Law Act 2007.