

# **Crown Pastoral Land Reform: Consultation document on draft Chief Executive Standard**

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## Purpose

This consultation document sets out detail on the Chief Executive's draft Crown pastoral land standard, that Toitū Te Whenua Land Information New Zealand (Toitū Te Whenua LINZ) is carrying out consultation on.

## Context

The Crown owns approximately 1.2 million hectares of Crown pastoral land that is leased for pastoral farming, making up five percent of New Zealand's total land area. These are usually perpetually renewed. This land encompasses some of New Zealand's most iconic landscapes and is a taonga for New Zealanders.

There has been public concern about the management of Crown pastoral land, including degradation of biodiversity and landscape values on current and former Crown pastoral land over time.

The Crown Pastoral Land Reform Act 2022 (Reform Act) amends the Crown Pastoral Land Act 1998 (the Act) and the Land Act 1948 to:

- implement an outcomes-based approach that considers adverse effects on inherent values (including cumulative effects) on Crown pastoral land, while providing for on-going pastoral farming;
- provide clearer, more transparent decision-making, stronger accountability, and more opportunity for public involvement;
- support evolving relationships between Māori and the Crown, while recognising the relationship of Māori with their ancestral lands; and
- end tenure review.

LINZ, on behalf of the Commissioner of Crown Lands (Commissioner), is responsible for the administration of Crown pastoral land.

The Crown Pastoral Land Reform Act introduces standard making powers to the Crown Pastoral Land Act 1998 (the Act). **Section 100S(2)** of the Act provides the Chief Executive of Toitū Te Whenua LINZ the authority to issue standards and directives in relation to the framework for determining applications for discretionary pastoral consents, commercial recreation permits, or stock limitation exemptions.

The Chief Executive has identified that a Chief Executive's Standard would support the efficient and effective implementation of the changes to the administration of Crown pastoral land introduced by the Act. A Draft Standard is now being consulted on which specifies matters relating to:

- Assessing sufficient information

- Identifying of inherent values and their importance
- Determining No more than minor adverse effects on inherent values
- Assessing reasonable alternatives

## How to provide feedback

LINZ welcomes your feedback on the Draft Standard by 19 August 2022. The Draft Standard is published on the LINZ website and this document should be read alongside the draft:

[Draft Chief Executive's Standard](#)

Your submission may respond to one or all of the proposed clauses in the Draft Standard.

The following is a list of questions to help in providing feedback on the Draft Standard. You do not need to answer these questions, they are meant as guide.

1. Do you agree or disagree with the Draft Standard and why?
2. Is the Draft Standard required to support these new requirements or 'test' under the amendments to the CPLA? Are there other requirements or 'tests' that should be covered in a Chief Executive's Standard.
3. Would any of the matters to be considered set out in the Draft Standard be misinterpreted? Are there alternative ways to set out these matters?
4. What matters have been missed from the requirements or 'tests' covered in the Draft Standard? Are there any matters in the Draft Standard which should be removed?
5. Do you consider there to be anything missing from the Draft Standard and if so, what?

You can make a submission by:

- Completing the submission form:  
[Submission form: Proposed Regulations and Standards](#)
- Emailing your submission as a PDF or Microsoft Word document to  
[CPLconsultation@linz.govt.nz](mailto:CPLconsultation@linz.govt.nz)
- Mailing your submission to:

Crown Pastoral Land Consultation  
Land Information New Zealand  
PO Box 5501  
Wellington 6145  
New Zealand

### **Contact for queries**

Please direct any queries to: [CPLconsultation@linz.govt.nz](mailto:CPLconsultation@linz.govt.nz).

### **Use of information**

The information provided in submissions will be used to inform the development of a Commissioner Standard. Submitters may be contacted directly if clarification of any matters in submissions is required.

### **LINZ will publish a summary of submissions**

A summary of submissions will be published on the LINZ website at [www.linz.govt.nz](http://www.linz.govt.nz).

LINZ will consider you to have consented to the publishing of your submission by making a submission, unless you clearly specify otherwise in your submission.

All submissions are subject to the Official Information Act 1982. Please clearly identify any information that you wish to remain confidential and give reasons for your request. LINZ will take this into account when making an assessment about the release of submissions under the Official Information Act 1982.

If your submission contains confidential information, please indicate this on the front of the submission. Any confidential information should be clearly marked within the text. If you wish to provide a submission containing confidential information, please provide a separate version excluding the relevant information for publication on our website.

### **Private information**

The Privacy Act 2020 establishes certain principles with respect to the collection, use and disclosure of information about individuals by various agencies. Any personal information you supply to LINZ in your submission will only be used for the purpose of assisting in the development of the Commissioner Standard. Please clearly indicate in the cover letter or email accompanying your submission if you do not wish your name, or any other personal information, to be included in any summary of submissions that LINZ may publish.

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## Overview of Draft Standard

**100S(2)** - The chief executive may set standards and issue directives in relation to the framework for determining applications for discretionary pastoral consents, commercial recreation permits, or stock limitation exemptions.

### Why is this standard required?

The Draft Standard is required to support the decision-making process when determining applications for discretionary pastoral activities, commercial recreation permits and stock limitation exemptions under new **sections 9 to 12 of the CPLA**.

Specifically, the Reform Act introduces the following new requirements or 'tests' to be applied during the decision-making process:

- New **section 9** introduces a requirement for applications to include 'sufficient information' with associated powers to accept or reject applications on these grounds.
- New **subsection 10(4)(a)(i)** requires the identification of inherent values likely to be affected by the application and the importance of those values.
- New **subsection 10(4)(a)(ii)** requires the level of adverse effects on the identified inherent values to be determined with new **section 11** providing grounds for accepting or declining an application based on whether the level of effects are 'no more than minor'.
- New **subsection 10(4)(a)(iii)** requires consideration of any 'reasonable alternatives' to the application with lesser adverse effects while new **subsection 11(1)(a)** gives 'reasonable alternatives' as grounds for declining an application.

Each of these new requirements must be assessed or determined during the decision-making process. The Draft Standard would support the application of these requirements or 'tests'. The Draft Standard should provide a framework for:

- Determining 'Sufficient Information' and where further information is requested.
- Identifying affected Inherent Values and determining their importance.
- Assessing whether an adverse effect is 'No more than minor'.
- Assessing whether there are 'Reasonable Alternatives'

### Consultation and Publication

- Consultation with iwi, lessees and the Director General of Conservation is required under new **subsection 100S(3)(a) of the CPLA** before the Chief Executive publishes any Standard.

- A draft Chief Executive's Standard must be published of Toitū Te Whenua LINZ's website for the public to make submissions as required under new **subsection 100S(3)(a) of the CPLA** before the Chief Executive publishes any Standard.

## Outline of Draft Standard

The following information is intended to help outline what each clause in the Draft Standard relates to. The Draft Standard should be read alongside this information.

### Sufficient Information

The draft Chief Executive's Standard proposes matters that the Commissioner must consider before determining whether an application has sufficient information to be accepted by for consideration under new **subsection 9(1) of the CPLA** and when further information will be requested under new **subsection 9(2) of the CPLA**.

Clause	Description
<b>5 – Sufficient Information</b>	This clause sets out four criteria that must be assessed to determine whether information included in an application is sufficient. These criteria are design to ensure that when any application is received, thought is given to whether the information is sufficient for the Commissioner to consider the application and determine whether or not to grant a consent before it is accepted for formal consideration under new <b>subsection 9(1)</b> .
<b>6 – Further Information</b>	This clause sets out how the Commissioner will respond to insufficient information, including notifying applicants and providing them with an opportunity to provide the information before the application is considered. It also specifies when the Commissioner will move from requesting further information to declining to accept the application for consideration under new <b>section 9</b> . It is intended to give certainty and clarity to applicants that where information is only partially insufficient, then they will be given the opportunity to address the gaps.

### Identification of Inherent Values

The draft Chief Executive's Standard proposes matters that the Commissioner must consider when determining whether any inherent value likely to be affected by a proposed activity, and the importance of those values, have been identified as required by new **subsection 10(4)(a)(i) of the CPLA**.

Clause	Description
<b>7(1) – Identification of Inherent Values</b>	This clause sets out the different types of information that the Commissioner must source and receive to ensure that inherent values likely to be affected by the proposed activity have been identified. In some cases, there will no inherent values affected or only some types of inherent values, but the Commissioner will receive information to confirm this when considering an application under new <b>sections 10 to 12</b> .
<b>7(2) – Importance of Inherent Values</b>	This clause sets out the matters that the Commissioner must consider determining the importance of each inherent value likely to be affected. This should reflect different value systems and scientific fields to build a fuller picture of the importance of each value for different communities.

### ‘More than minor’

The draft Chief Executive’s Standard proposes matters that the Commissioner must consider when determining whether the level of effects from a proposed activity are either ‘no more than minor’ or ‘more than minor’ as required in new **sections 11 to 12**.

Clause	Description
<b>8 - No more than minor adverse effects on inherent values</b>	This clause sets out the matters that the Commissioner must consider when determining whether an application’s level of adverse effects is ‘no more than minor’ under new <b>sections 11 and 12</b> . This should complement any regulations made under new <b>subsection 100R(1)(b)</b> that prescribe the types of effects to be assessed. In practice, the Regulations will set out the different types of scales measuring level of effect and the Chief Executive’s Standard will set out how to determine where the application’s level of effects sit on each scale.

### Reasonable Alternatives

The draft Chief Executive’s Standard proposes matters that the Commissioner must consider when determining whether the any alternatives to the proposed activity have lesser adverse effects as required under new **subsection 10(4)(a)(iii)**.

Clause	Description
<b>9 – Reasonable Alternatives</b>	This clause sets out the matters that the Commissioner must consider when determining whether an alternative has lesser adverse effects and qualifies as reasonable under new



**subsection 10(4)(a)(iii).** This would give certainty and transparency on how alternatives are compared when considering an application.