



Toitū Te Whenua
Land Information
New Zealand

Crown Pastoral Land Inherent Values Framework

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Introduction

This document outlines the approach the Commissioner of Crown Lands and Toitū Te Whenua Land Information New Zealand (LINZ) will use when identifying and assessing inherent values under the Crown Pastoral Land Act 1998 (CPLA).

The CPLA seeks to maintain or enhance the inherent values across the Crown pastoral estate for present and future generations, while providing for ongoing pastoral farming of pastoral land.

Inherent value means a value arising from an **ecological, landscape, cultural, heritage, or scientific** attribute or characteristic of a natural resource or place on the land. Inherent values do not relate to value arising from a pastoral farming activity.

Identifying inherent values is a key part of the consenting process. When we know the inherent values, we can then assess the effects a proposed activity will have on those values.

Before granting a consent to undertake a discretionary pastoral activity, the Commissioner must:

- identify the inherent values affected by a proposed activity and their importance
- assess the level of adverse effects of the activity on inherent values and whether the effects could be avoided, remedied, or mitigated.
- consider whether any reasonable alternative to the proposed activity with lesser adverse effects on inherent values has been considered.

In some cases, we will need to carry out more research and seek information from iwi and other groups, agencies, local government or experts in specific fields.

This is a new process and over time we will learn and refine what we do. We are also undertaking more and regular farm visits to help us build a profile of the inherent values on each property. This knowledge will provide greater certainty for leaseholders and the Commissioner.

Revisions

This document will be refined over time, with further guidance and examples added. New versions of the Framework will be made available on LINZ's website. LINZ will review this version of the Framework by 30 April 2023.

Crown Pastoral Land Inherent Values Framework

This framework was developed with support and input from a number of experts, individuals and groups. LINZ thanks everyone who gave their time and feedback to help us develop this Inherent Values Framework.

The Crown Pastoral Land Act sets out five components of inherent values in Crown pastoral land. These are:

Cultural



Heritage



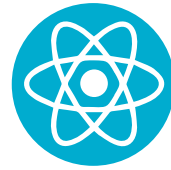
Ecological



Landscape



Scientific





Inherent value: Cultural

Outcomes

By maintaining or enhancing inherent cultural values¹ across the Crown pastoral estate, LINZ seeks to achieve:

- recognition of the relationship of Māori and their culture and traditions with their ancestral lands, water, mahinga kai, wāhi tapu, and other taonga.
- opportunities for iwi to identify their ancestral lands, water, mahinga kai, wāhi tapu, and other taonga within the Crown pastoral estate, and an increased ability to exercise their kaitiaki responsibilities where possible.
- positive relationships between relevant iwi and leaseholders over the long term to support these outcomes alongside viable pastoral farming operations.

Sources

LINZ recognises the relationship of Māori and their culture and traditions with their ancestral lands, water, mahinga kai, wāhi tapu, and other taonga within the Crown pastoral estate.

The most likely method to identify cultural values in the short to medium term will be LINZ-facilitated discussions with iwi and rūnanga. For some applications this may mean site visits are necessary and these could be either proactive during regular inspections, or as required by consent applications. Over time, the need for site visits may decline as knowledge of the property held by both LINZ and iwi is expanded.

LINZ will work towards a long term partnership with iwi to reflect their relationship to the land and support them in the exercise of their kaitiaki responsibilities. This partnership will evolve over time as knowledge and understanding is built between LINZ and iwi, and systems will evolve to reflect this.

LINZ will work with iwi to ensure the knowledge they hold is recognised and utilised to accurately identify cultural values.

¹ Crown pastoral land is also of cultural value to Pākehā, other cultures, and Māori from other rohe. These cultural values will be identified and recognised primarily through landscape and heritage values, but where a cultural attribute/characteristic is not relevant to another type of inherent value, it may be recognised as a cultural value.

Assessment considerations

When assessing what inherent cultural values are likely to be affected by an activity and their cultural importance, the Commissioner of Crown Lands will consider the following:

- Existing cultural values on the property.
- Iwi management plans relevant to the area.
- District and regional plans noting sites of significance to Māori.
- Advice sought from the relevant Post Settlement Governance Entity (PGSE).
- Advice sought from the relevant iwi or rūnanga.
- Reports from previous site visits by various parties.



Inherent value: Ecological

Outcomes

By maintaining or enhancing ecological values across the Crown pastoral estate, LINZ seeks to achieve:

- Protection of threatened indigenous species and their habitats,
- Protection of ecosystems which are naturally uncommon, depleted or representative²
- Protection of the extent and quality of streams, rivers, lakes and wetland habitats and ecosystems
- The enhancement through regeneration of natural areas with indigenous species
- Sustainable farming activities that limit impacts on ecological values including habitats and soils.

Sources

The following sources may be used when identifying and assessing ecological values:

- DOC is the primary source for the identification of ecological values that are likely to be affected, their importance and the potential impact on them.
- Protection and assessment criteria for ecological values under other relevant Government legislation, policies, tools and classifications, including:
- National Policy Statement for Indigenous Biodiversity (currently in draft)
- National Policy Statement for Freshwater Management
- the New Zealand Threat Classification System
- the Threatened Land Environments of New Zealand (LENZ) and ecosystem classifications
- Councils for the identification and management of matters such as biodiversity and freshwater management, to seek alignment and coordination
- Specialist expertise may be sought where information gaps are identified.

² Representative is assessed within the framework of an ecological district

Assessment considerations

When assessing what inherent ecological values are likely to be affected by an activity and their ecological importance, the Commissioner will consider how the proposed activity impacts on the following:

- Indigenous species and their habitats which are threatened, at risk or data deficient in a national context or are rare or threatened in a local (ecological district) context
- Indigenous ecosystems that are representative or typical of the relevant ecological district
- Naturally uncommon or distinctive ecosystems with specialised, unique or notable biota within a national or local (ecological district) context
- Size, number and distribution of any ecological values that are present in the immediate and surrounding areas.
- Scale of ecological diversity which is present
- The connectivity of habitats and ecosystems across the landscape, and any sequences, ecotones or patterns, or any fragmentation of habitats or ecosystems
- Maintaining and enhancing representative biodiversity in environments where loss has been greatest
- Sustainable ecosystem services which are essential for wider biodiversity and human activities (for example, limiting soil erosion, maintaining water quality and supply)
- Features important to the resilience of the ecosystem or habitat and the ability to maintain indigenous biodiversity e.g. shape, size, buffering, linkages
- Preventing the spread of exotic weed species.



Inherent value: Heritage

Outcomes

By maintaining or enhancing heritage values across the Crown pastoral estate, LINZ seeks to achieve:

- Greater protection of heritage sites
- Better identification of heritage sites
- Better consistency with heritage protection mechanisms.

Sources

The following sources may be used when identifying and assessing heritage values:

- Lists of National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu and World Heritage Sites
- The Rārangī Kōrero/New Zealand Heritage List or places identified on the local district plan
- Records of known heritage sites on Crown pastoral land (including using the New Zealand Archaeological Association's archaeological site recording scheme ArchSite and LINZ records of heritage sites on the property such as those recorded during tenure review).
- Places of significance to Māori, identified through engagement with relevant iwi .
- Specialist expertise may be engaged to understand and identify archaeological places with significance to other cultures
- DOC expertise and knowledge for the identification of heritage resources and values that are likely to be affected
- LINZ will consider whether any sites should be researched further, including through engagement with iwi and/or specialists to confirm heritage values.
- Specialist expertise may be engaged where information gaps are identified.

Assessment considerations

When assessing what inherent heritage values are likely to be affected by an activity and their historical importance, the Commissioner will consider how the proposed activity impacts on the following:

- Places identified by Māori as having special significance in relation to their tikanga and mātauranga as wāhi taonga, ngā wai, wāhi tapu, or wāhi tupuna.
- Places with strong or special association with a hapū, iwi, community or cultural groups for historic social, cultural, spiritual or commemorative reasons.
- Places or structures that reflect important aspects of the history of a region, locality or Aotearoa/New Zealand.
- Places that have the potential to provide knowledge through archaeological or other scientific or scholarly study about the history of the nation, region or locality
- Places that have technical accomplishment, innovation or achievement in their structure, construction, components or use of materials.
- Places that are part of an important cultural heritage landscape.³

³ Cultural heritage means the natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities: archaeological, architectural, cultural, historic, scientific, technological, and includes historic sites, structures, places, and areas; and archaeological sites; and sites of significance to Māori, including wāhi tapu; and surroundings associated with the natural and physical resources.



Inherent value: Landscape

Outcomes

By maintaining or enhancing inherent landscape values across the Crown pastoral estate, LINZ seeks to achieve:

- Maintaining or enhancing the natural, physical, cultural heritage, perceived and associated attributes of the landscape
- Lower impact of man-made structures on the landscape
- Lower impact on landscapes such as tracking across visible faces, and irrigation in drylands.

Sources

The following sources may be used when identifying and assessing landscape values:

- Assessment criteria for landscape values of other relevant Government legislation and policies, including regional policy statements, regional plans, and district plans
- Advice and expertise from councils for the identification of landscape attributes and values
- Specialist expertise where information gaps are identified.

Assessment considerations

When assessing what inherent landscape values are likely to be affected by an activity and their importance, the Commissioner will consider how the proposed activity impacts on:⁴

- The natural and physical resources of the landscape
- How the attributes of these resources and their values can be perceived (including aesthetic assessment of these attributes and values)
- The associations that communities make with and among these resources and their attributes and values (including those associations based on their social, economic, aesthetic, and cultural conditions).

The natural and physical resources of the landscape may include:

- The perceived naturalness of the area (vegetation cover, modification of catchment systems)
- The level of constructions or other man-made works present
- The level of contemporary land uses
- The nature and level of uniqueness of the topographic features
- The level of remoteness or accessibility

⁴ This framework intends to align with the assessment of landscape attributes under the RMA, from *Western Bay of Plenty District Council v Bay of Plenty Regional Council* [2017] NZEnvC 147



Inherent value: Scientific

Outcomes

By maintaining or enhancing inherent scientific values across the Crown pastoral estate, LINZ seeks to achieve:

- Greater protection and preservation of areas of scientific value and interest, in the present and for the future.
- Consented farm activities are performed in a manner which does not impact on scientific values.

Sources

The following sources may be used when identifying and assessing scientific values:

- Advice from councils, universities and research institutions
- Mātauranga Māori, obtained through consultation with iwi.

Assessment considerations

Scientific values are broad and likely to overlap with other inherent values. Scientific inherent values are intended to protect sites, areas, places or ecosystems which are of scientific interest, including:

- land available for scientific research
- the maintenance of scientifically important sites, for example those listed on the New Zealand Geological Society Geopreservation Inventory, or other areas for geopreservation or of geoscience significance
- agricultural experiments (where consistent with the protection of other inherent values)

When assessing what inherent scientific values are likely to be affected by an activity and their importance, the Commissioner will consider how the proposed activity impacts on the following:

- The ability to observe and or study the site, area, place or ecosystem affected.
- Whether permanent degradation or alteration of the natural resource will occur.
- Whether the proposed activity could constrain the scientific knowledge available about the natural resource.

How the Inherent Values Framework might work in practice

The following examples provide practical guidance about how we are likely to approach making a consent decision, how the Inherent Values Framework would support the consent process and guide our thinking.

This information is of a guidance nature only. Once the Inherent Values Framework is confirmed, the application of this guidance will depend on the details of individual leaseholders and their operating context.

Scenario

The High Country Farming Company operates a lease in Otago. They want to cultivate, over sow and top-dress four hectares of low slope hillside. This area is being grazed with Angus and Hereford cattle and cross-bred sheep every year and already has a boundary fence and water troughs. In the area is a small, one-metre-wide stream along with six beech trees spread around one corner of the proposed cultivated area. Matt, the company farm manager, is proposing to cultivate the area over the next five-years. Matt also tells us that the purpose of the consent is to increase the feed available and, once completed, to increase stock carrying capacity. They also want a new set of stock yards with a concreted forcing pen and race, in an already consented cultivated paddock. The yards are away from waterways with no chance of run-off, and the area has been cultivated for the last 25 years.

Matt has already talked to John, the LINZ portfolio manager. The proposed four activities – cultivation, over sowing, top-dressing and yards – will all require consents. The stock increase will require a new stock exemption. Matt and John discuss bundling the applications to be processed together. However, Matt decides he wants to hold off on the stock exemption until he sees how the new pasture performs.

LINZ has triaged the bundle of applications. The sheep yards are straightforward and would be processed first. Given the extent of work proposed in the other three activities, LINZ would meet with Matt soon after receiving the consent applications. Discussions would include potential refinements to avoid or reduce the effects on any of the above. LINZ will also seek advice from DOC. We would ask DOC to set out the importance of these values, any potential effects of the activities, how these values could be protected and ask for a recommendation.

We also know that local rūnanga are kaitiaki for the valley and their rohe includes the lease. As this is the first application for the lease in a long time, we would also want advice from Ngāi Tahu. Note: We are working with Ngāi Tahu and at this stage are not yet in a position to describe how that advice will work in practice. We would want to understand the flow-on effects of cultivation on the land, such as increased run-off and stocking, and the importance of the stream to be able to flow uninterrupted and without pollution.

In these circumstances, LINZ would likely consider that the following inherent values are relevant, and how they might be identified. In addition, we are likely to take into consideration other potential issues.

Inherent Value	Identification through	Other potential issues to consider
Cultural 	<ul style="list-style-type: none"> • Check if is a site of significance for Māori as noted in the local District plan or indicated during prior engagement • Site visit 	<ul style="list-style-type: none"> • Importance of the stream to be able to flow uninterrupted and without pollution • Flow-on effects of cultivation on the land
Ecological 	<ul style="list-style-type: none"> • Existing LINZ files, maps, aerial photos, reports • Site visit with DOC • DOC would assess impact on ecological values, including through: <ul style="list-style-type: none"> ○ Review of Threatened Land Environment of NZ (LENZ) and NZ Threat Classification System observations, records and database ○ Review of naturally uncommon ecosystems ○ Review of depleted or representative ecosystems within the context of the ecological district. ○ Review of connectivity or fragmentation of habitats and ecosystems. 	<ul style="list-style-type: none"> • Age and location of beech trees • What species of wildlife are present • Consistency with Regional and District Policy and Plans
Heritage 	<ul style="list-style-type: none"> • Rārangī Kōrero/New Zealand Heritage List • Local District Plan • ArchSite 	
Landscape 	<ul style="list-style-type: none"> • Outstanding natural landscapes or features on the local District Plan or • Aerial photos of the wider area 	<ul style="list-style-type: none"> • Consider against standard landscape architecture criteria
Scientific 	<ul style="list-style-type: none"> • Aerial photos of the wider area • If known, any university or Crown-research projects operating in the area could be a consideration 	

Disclaimer

The information in this publication has no statutory or regulatory effect and is of a guidance nature only. The information should not be relied upon as a substitute for the wording of the Crown Pastoral Land Act 1998.

While every effort has been made to ensure this information is accurate, LINZ does not accept any responsibility or liability for error of fact, omission, interpretation or opinion that may be present, nor for the consequences of any decisions based on this information.