

## Feedback on Crown Pastoral Land Performance Monitoring Framework 2024-2029.

### Introduction

Herenga ā Nuku Aotearoa the Outdoor Access Commission, is the Crown agent responsible for providing leadership on outdoor access issues. Our role is to advise on and advocate for free, certain, enduring, and practical access to the outdoors. Herenga ā Nuku plays a key role in negotiating, establishing and improving outdoor access for New Zealanders. This includes making people and organisations aware of public access locations and ensuring that access endures over time.

Herenga ā Nuku has a statutory interest in Crown pastoral land. One of the Commissioner of Crown Lands' duties is to support Herenga ā Nuku (as the Walking Access Commission) as far as practicable in meeting its public access objective where that relates to pastoral land (section 24(ia) Land Act 1948). The Commissioner also requires LINZ to seek a summary of the views of Herenga ā Nuku (as the Walking Access Commission), for the purposes of subsection 89(2A) of the Land Act, to consider whether any past requests for public access have been unreasonably refused (LINZ L S 01295).

We are concerned that Herenga ā Nuku was not specifically advised of the consultation on the Performance Monitoring Framework. We appreciate the extension to 28 March to enable us to provide feedback.

### Feedback

#### 1. Purpose

We note the legislative requirement in section 22C of the Crown Pastoral Land Act 1998 for the LINZ Chief Executive and the Commissioner of Crown land to prepare a document setting out the Crown's pastoral land strategic intentions. The document is required to set out relevant key performance indicators to demonstrate how the performance or exercise of the functions, duties, and powers of the Chief Executive and Commissioners is contributing to achieving the outcomes stated in the Act.

We take it that the Performance Monitoring Framework is to fulfil this statutory requirement.

#### Recommendation

- a. Herenga ā Nuku recommends that the Performance Monitoring Framework document references section 22C, Crown Pastoral Land Act 1998, as providing

the statutory requirement for the provision of key performance indicators, and more clearly identifies the document as being part of the strategic intentions document required by the Act.

## **2. Developing the Performance Monitoring Framework**

We note the typographical error in the title of Figure 1, which presumably should be “Development of the Performance Monitoring Framework”.

The Performance Monitoring Framework sets out how Toitū Te Whenua Land Information New Zealand (LINZ) will monitor and evaluate:

- The exercise of the LINZ Chief Executive and the Commissioner for Crown Lands’ functions, powers and duties under the Crown Pastoral Land Act 1998.
- The discharge of the LINZ Chief Executive’s stewardship responsibilities under the section 52(d) Public Service Act 2020.

We note LINZ (presumably) are only talking to the LINZ Chief Executive in relation to the finalisation and adoption of the document/framework. The framework is to monitor the exercise of both the LINZ Chief Executive’s and the Commissioner’s functions, powers and duties under the Crown Pastoral Land Act 1998. It appears to be an anomaly that LINZ are not also talking with the Commissioner in relation to the finalisation and adoption of the document/framework.

### **Recommendation**

- b. Herenga ā Nuku recommends that LINZ review the reasoning for only talking to the LINZ Chief Executive, and not also the Commissioner, in relation to the finalisation and adoption of the document/framework.

## **3. Priorities – Strong and enduring partnerships**

In our comments on the Strategic Intentions Document, we expressed caution regarding the use of the term ‘partnerships’ and that we believe ‘relationships’ was the more appropriate term. We note that the term ‘relationships’ is used in the explanatory text associated with the priority ‘Strong and enduring partnerships’.

We note that there was no Appendix 3 listing the key stakeholders and partners.

As identified earlier, one of the Commissioner of Crown Lands' statutory duties is to support Herenga ā Nuku (as the Walking Access Commission) as far as practicable in meeting its public access objective where that relates to pastoral land (section 24(ia) Land Act 1948).

The Commissioner also requires LINZ to seek a summary of the views of Herenga ā Nuku (as the Walking Access Commission), for the purposes of subsection 89(2A) of the Land Act, to consider whether any past requests for public access have been unreasonably refused (LINZ L S 01295).

In our comments on the Strategic Intentions Document, we expressed our belief that we are a key stakeholder that can contribute to informed decision making in the active management of the Crown pastoral estate.

### Recommendations

- c. Herenga ā Nuku recommends that the term 'relationships' replace the term 'partnerships' in the priority.
- d. Herenga ā Nuku recommends that it (Herenga ā Nuku Aotearoa the Outdoor Access Commission) be recognised as a key stakeholder and be included in the appropriate appendix.

## 4. KPIs – Outcome One

The KPIs appear relevant. However, it is not clear why there are different 'short-term' 1-2 year KPIs and 'interim' term 3-5 year KPIs. Or put another way, it is not clear why most, if not all, of the KPIs identified in the 3-5 year interim shift should not be applied in the 1-2 year short-term shift.

For example, why should 'Maintain or improve relationships with leaseholders' not be a long term KPI? Or, why should 'Informed, consistent and accountable decision making' not be measured in the short term? None of the measurements appear to be particularly difficult to put in place.

There shouldn't necessarily be an expectation that some KPIs are immediately or easily met. Once they have been measured for some time, and are being consistently met, they can be reviewed.

### Recommendation

- e. Herenga ā Nuku recommends that the short-term shift and interim shift KPIs be consolidated.

## 5. Outcome map – Informed decision-making

We note, and support, the 'Activities' and 'Intended result' in the Outcomes map.

While we accept that it is not possible to provide details within the identified Activities, we wish to ensure that subsection 89(2A) of the Land Act, to consider whether any past requests for public access have been unreasonably refused, and the Commissioner's Standard LINZ L S 01295 are not lost sight of.

Section 89(2A) Land Act 1948 requires that when the Commissioner is considering whether to consent to the transfer or sublease of pastoral land, the Commissioner must consider whether requests for public access over the land have been unreasonably refused by the lessee or licensee in the past.

LINZ L S 01295 section 11(2)(a) and (b) provide that the Commissioner will seek from LINZ, a summary of a review of LINZ's files on the relevant land that identifies whether any information is held on previous refusals of access over land, and a summary of the views of specified stakeholders and relevant groups. Section(3) requires LINZ to actively seek and record any refusals to grant public access over the relevant land.

Herenga ā Nuku reiterates its' desire to work with LINZ and other stakeholders and relevant parties to develop a consensus regarding the collection and presentation of this information.

### Recommendation

- f. Herenga ā Nuku recommends that LINZ works with Herenga ā Nuku and other stakeholders and relevant parties to develop a consensus regarding the collection and presentation of information relating to any refusals to grant public access over pastoral land, to ensure the improvement of informed decision making by LINZ and develop closer engagement and relationships.

## 6. Appendix 2 potential measures and data

The attribute "Public access arrangements (or potential areas suitable and desirable for public access)' and associated 'Purpose' and 'Collection approach/data source' are not easily understood. They may represent several attributes and associated purpose and collection elements.

The Land Act 1948 and the Crown Pastoral Land Act 1998 regrettably do not acknowledge recreation as an inherent value and make scant reference to public access. However, on the LINZ website recreation values are recognised as a significant value that should be protected on Crown-owned land

<https://www.linz.govt.nz/our-work/crown-property-management/buying-and-selling-crown-property/protection-values-crown-owned-land>

As identified earlier, in our Introduction, one of the Commissioner's statutory duties is to support Herenga ā Nuku as far as practicable in meeting its public access objective where that relates to pastoral land (section 24(ia) Land Act 1948). When the Commissioner is considering whether to consent to the transfer or sublease of pastoral land, they must consider whether requests for public access over the land have been unreasonably refused by the lessee or licensee in the past (section 89(2A) Land Act 1948). The Commissioner's Standard LINZ L S 01295 requires LINZ to seek a summary of the views of Herenga ā Nuku, and other stakeholders and relevant groups, for this purpose.

There is a potential overlap in identifying legal roads and marginal strips, which are forms of public access, under the attribute of 'General property description', and having a separate attribute associated with public access arrangements. However, we believe that it is appropriate to identify existing legal access as part of the general property description. Other public access matters can then be identified under a simplified "Public access" attribute. We believe this attribute should include;

- requests for public access,
- refusals of requests for public access, and
- identified potential for public access.

The purpose of collecting data on these attributes is to understand the current appetite for public access, the current satisfaction of that appetite, and potential future public access.

### Recommendation

- g. Herenga ā Nuku recommends that a simplified "Public access" attribute be used, and that LINZ focus potential measures, and data collection associated with public access, on requests for public access, refusals of requests for public access, and identified potential for public access.

## Conclusions

Herenga ā Nuku recommends that;

- a. the Performance Monitoring Framework document references section 22C, Crown Pastoral Land Act 1998, as providing the statutory requirement for the provision of key performance indicators, and more clearly identifies the document as being part of the strategic intentions document required by the Act.
- b. LINZ review the reasoning for only talking to the LINZ Chief Executive, and not also the Commissioner, in relation to the finalisation and adoption of the document/framework.

- c. the term 'relationships' replace the term 'partnerships' in the priority, currently 'Strong and enduring partnerships'.
- d. Herenga ā Nuku Aotearoa the Outdoor Access Commission be recognised as a key stakeholder and be included in the appropriate appendix.
- e. the short-term shift and interim shift KPIs in Outcome One be consolidated.
- f. LINZ works with Herenga ā Nuku and other stakeholders and relevant parties to develop a consensus regarding the collection and presentation of information relating to any refusals to grant public access over pastoral land, to ensure the improvement of informed decision making by LINZ and develop closer engagement and relationships.
- g. a simplified "Public access" attribute be used in Appendix 2, and that LINZ focus potential measures, and data collection for public access, on requests for public access, refusals of requests for public access, and identified potential for public access.

Thank you again for the extension of time to enable us to provide feedback on the Performance Monitoring Document. We would welcome further discussion on our recommendations.



Ric Cullinane  
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