

BRF 26-056 Crown Pastoral Land Act and Land Act Review Briefing 2: Permitted and discretionary pastoral activities

Ki / To: Hon Chris Penk, Minister for Land Information

Rā / Date: 8 September 2025

Ngā mahi matua kia mahia/key actions required

Minita/Minister	Key action required:	Deadline
Hon Chris Penk Minister for Land Information	Indicate on Appendix 1 your preferred options to improve policy settings for the permitted and discretionary pastoral activities under the Crown Pastoral Land Act 1998.	11 September 2025

Toitū Te Whenua Land Information New Zealand Whakapā/contacts

Ingoa/Name	Tūnga/Position	Nama waea/ Contact number	Whakapā tuatahi/first contact
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Ngā kōrero a te Minita/Minister's comments

*GREAT DETAILS.
 AGREE WITH ALL.
 THANKS.*

Pūtake/Purpose

This briefing seeks your decisions on changes to improve the regulation of permitted and discretionary pastoral activities under the Crown Pastoral Land Act 1998 (CPLA).

This is the second of four policy briefings that will inform a Cabinet paper in November 2025 to propose improvements to Crown land legislation.

Pānui whāinga/Key messages

1. Improving the consenting framework under the CPLA is one of the levers we can use to give leaseholders more flexibility to pursue new economic opportunities and alternative land uses.
2. The proposals in this briefing compliment the more substantive changes recommended to enable secondary uses and further land use flexibility set out in accompanying briefing on enabling secondary uses (BRF 26-053) by improving the operation of the existing permissions system for pastoral activities (i.e. primary uses).
3. Toitū Te Whenua Land Information New Zealand (LINZ) recommends a combination of operational guidance and legislative change to:
 - Clarify the schedule setting out what pastoral activities are permitted and what activities require consent; ✓
 - Clarify and improve consent criteria for discretionary activities; and ✓
 - Provide greater certainty on how the Commissioner for Crown Lands should interpret how the offsetting prohibition should be interpreted. ✓
4. The recommended package of changes will improve usability and reduce compliance costs while ensuring the framework delivers on its intent.
5. Of the 18 issues relating to permitted and discretionary activities, raised with LINZ by leaseholders following your meeting with them in December 2024, this package addresses 15 (nine via legislative changes, six via guidance).
6. The Government intends to address duplication between the Resource Management Act 1991 and other legislation, including the CPLA, through its RMA Reform programme. Accordingly, our recommended package of changes is focused on optimising the efficiency and clarity of the CPLA, not on shifting boundaries between the two regimes. ✓
7. The main risks associated with the package are reputational sensitivity around perceived relaxation of environmental protections and LINZ's delivery capacity. However, the risk of not acting is greater: ambiguity and inconsistency will persist, increasing compliance costs, creating uncertainty for leaseholders, and undermining confidence in the regime. ✓

Tohutohu/Recommendations

Toitū Te Whenua Land Information New Zealand recommends that you:

Indicate on Appendix 1 your preferred options to reform policy settings for regulation of permitted and discretionary pastoral activities under the Crown Pastoral Land Act 1998.



Becci Whitton

Leader, Strategy and Policy

Toitū Te Whenua Land Information New Zealand

Rā/Date: 8/9/2025



Hon Chris Penk

**Te Minita mō Toitū Te Whenua/
Minister for Land Information**

Rā/Date: 11.9.2025.

Tāpiritanga/Attachments

- 1 **Appendix 1:** Options table
- 2 **Appendix 2:** Schedule 1AB summary of proposed legislative changes

Te Horopaki/Background

8. In 2022, the CPLA was amended to modernise the regulatory regime and improve environmental outcomes. The reforms introduced a tiered, risk-based consenting system designed to improve clarity, reduce unnecessary compliance costs, and ensure regulatory effort is proportionate to environmental risk.
9. Under this system, pastoral activities are classified into three tiers in Schedule 1AB:
- Permitted activities may proceed without consent if specified conditions are met. These are intended to be low risk.
 - Prohibited activities cannot be authorised under any circumstances.
 - Discretionary activities include all other activities not expressly permitted or prohibited. They require consent from the Commissioner of Crown Lands (the Commissioner), who must apply statutory tests under section 11 and Schedule 1ABA, including considering:
 - i. whether the effects on inherent values are more than minor; and if so
 - ii. whether the activity is necessary to enable the leaseholder to exercise their rights and obligations under the lease (considering a list of matters set out in Schedule 1ABA); and
 - iii. the ongoing financial viability of the pastoral enterprise.
10. In addition, section 10(4) sets out matters the Commissioner may consider in determining the effect of the activity on inherent values. This includes a prohibition on 'offsetting': actions intended to compensate adverse effects at one location by investing in enhancements elsewhere (section 10(4)(b)).
11. As part of the review of the CPLA, LINZ has assessed how the above framework is working in practice and identified opportunities for improvement based on experience to date.¹ This paper seeks your agreement to our recommended changes to make the framework clearer and more practical. Making targeted adjustments now ensures the regime continues to deliver proportionate, durable, and transparent decisions in line with the statutory objectives of the CPLA. ✓
12. In earlier advice, [BRF 25-316] LINZ noted that changes to the permitted and discretionary activities settings under the CPLA could play a role in addressing perceived regulatory duplication between the CPLA and Resource Management Act 1991 (RMA). The government has since signalled that duplication will be addressed in the RMA reform, including a statutory test to determine when an adverse effect should be managed under the Planning Act, based on whether the effect is adequately regulated under other systems. Accordingly, our focus has been on streamlining CPLA administration, but has not been aimed at shifting the boundaries ✓

¹ Evidence is limited as the current framework has only been in place since 2022. The analysis contained in this paper is based on insights from LINZ staff and the Commissioner of Crown Lands, feedback from leaseholders, and practical questions that have arisen about interpretation, especially where legal wording allows for multiple readings, and where guidance is limited.

between the two systems. If final RMA settings materially reduce RMA oversight in ways that increase reliance on the CPLA to manage land use effects, we will advise on consequential adjustments.

Ngā tirohanga me ngā kōwhiringa o Toitū Te Whenua/Toitū Te Whenua LINZ views and options

Improve clarity and flexibility of pastoral activity classifications under Schedule 1AB

13. Schedule 1AB underpins the consenting system introduced in 2022 to specify which pastoral activities may be carried out without consent, and which require leaseholders to seek the Commissioner's approval. While the framework is generally working as intended, early experience suggests opportunities to make it clearer and more practical. These opportunities are summarised below; a full list of proposals relating activities to Schedule 1AB is provided in **Appendix 2**.

14. Current challenges and opportunities:

- **Focus rules on outcomes, not methods:** Some clauses are too prescriptive. They tell leaseholders exactly how to carry out an activity or set tight numeric caps (for example, on incidental loss of indigenous plants during pest control). This makes everyday land management harder than it needs to be. There are opportunities for simplifying these clauses and keeping method-neutral environmental safeguards, so the rule is about the outcome not a single approved method. ✓
- **Permit common, low-impact activities and maintenance:** Some routine work such as minor vegetation clearance during fence repairs or maintenance of existing buildings is not clearly provided for as permitted. Permissions for some activities are tightly controlled, despite relating to already consented activities, or occurring in highly modified parts of the lease. There are opportunities to expand the scope of some activities that occur in highly modified areas and add new permitted activity clauses for building maintenance and incidental vegetation clearance, with sensible controls to manage effects. ✓
- **Align permissions for farm infrastructure:** Many of the currently permitted activities relate to maintenance of previously established farm infrastructure, however, similar maintenance activities are described differently across clauses. That makes it unclear whether the same standard applies. There are opportunities to align the wording and conditions so like activities are treated the same way. ✓
- **Use consistent terminology:** Terms like "consented" and "existing" appear in different places in the Schedule and are used in different ways. That creates uncertainty. References to 'consented' activity also risks excluding some activities that were properly approved in the past but where a formal consent record is unavailable. There is an opportunity to introduce one plain term, "lawfully established" across Schedule 1AB to cover those situations. ✓

- **Clarify the interface between permitted and discretionary activities:** In places, the interface between a permitted and a discretionary activity is not obvious. There is scope to clarify the triggers that shift an activity from permitted to discretionary.
15. Improving clarity and adaptability would reduce compliance costs, improve confidence in the system, and ensure the framework remains practical and proportionate to environmental risk.
16. Options are set out in **Appendix 1** for your consideration. LINZ recommends a combined package of legislative amendments and operational guidance. This would:
- Clarify the wording and scope of existing permitted activities
 - Add new permissions for low-risk activities such as building maintenance and incidental clearance of indigenous vegetation
 - Issue guidance to support consistent interpretation and use.
17. This option offers the greatest long-term clarity, adaptability, and confidence. It strengthens the usability of the regime without changing its underlying structure.
18. Alternative options include no change, issuing guidance only, or partial legislative fixes. These are not recommended, as they either leave current issues unresolved or lack durability.

Clarify and improve consent criteria for discretionary activities

19. Most pastoral activities not listed as permitted require discretionary consent under the CPLA. Section 11 and Schedule 1AB set out the statutory tests the Commissioner must apply in deciding whether to give consent to an activity. These include whether the activity will have more than minor adverse effects on inherent values, whether it is “necessary” for the leaseholder to exercise their rights and obligations under the lease, and whether it affects the ongoing viability of the pastoral enterprise.
20. The framework in section 11 and Schedule 1ABA was designed to strengthen environmental safeguards and ensure decisions are robust. LINZ has identified the following opportunities to improve clarity, consistency, and proportionality:
- **Unclear assessment of effects on inherent values:** There is no agreed method or spatial scope for assessing effects. This creates the risk of increasing variability in decision-making and the risk of contested outcomes. The CPLA empowers the LINZ Chief Executive to set standards and issue directives in relation to the framework for determining applications for discretionary pastoral consents.
 - **Ambiguity in key statutory tests:**
 - i. Section 11(2) and Schedule 1ABA are worded narrowly, creating uncertainty among leaseholders about which activities are likely to qualify as ‘necessary’, even where the activities support good land management or environmental outcomes. LINZ considers the current wording to be functional, (Schedule 1ABA includes a “catch-all” clause enabling the Commissioner to consider other relevant matters), but accepts that clarification or refinement of section 11(2) and Schedule 1ABA

would help reduce uncertainty and ensure the test is applied in a way that is both robust and practical.

- ii. Section 11(3) provides the ability for a leaseholder to advance, and the Commissioner to consider, arguments that a given pastoral activity is essential to the ongoing financial viability of the pastoral enterprise. The onus is on the leaseholder to demonstrate any claims. The test is inherently subjective and may be difficult to apply consistently, as LINZ does not hold detailed financial information and the Act provides no clear benchmark for viability.

21. Clarifying how these tests should be applied, through operational guidance, Chief Executive Standards, or targeted legislative refinement, would reduce ambiguity, improve consistency and ensure the framework remains practical. This would also lower the risk of disputes, speed up processing times, and increase confidence in the fairness and predictability of decisions.
22. Options are set out in **Appendix 1** for your consideration. LINZ recommends issuing guidance to clarify its application of the existing statutory tests:
 - Clarify the meaning of “necessary” and “viability”
 - Improve consistency in how effects on inherent values are assessed
 - Support more transparent, efficient, and predictable decision-making
23. This option would address the substantive concerns with the existing settings.
24. Alternative options include no change or legislative amendment of the tests. These are not preferred. Retaining the status quo would perpetuate current uncertainty. Legislative amendment, if carefully scoped, could address uncertainty in a durable way, but risks re-opening wider debates on the design of the decision-making process, which would be contentious.

Clarify the offsetting rule to improve certainty and enable environmental enhancement

25. Offsetting is when a person tries to make up for unavoidable environmental harm from an activity by doing a separate improvement somewhere else or later in time. It only comes after they have first tried to avoid, minimise and mitigate the harm. Typical examples are restoring or planting habitat in another location to compensate for damage at the activity site. Because it is compensatory and separate from the activity itself, offsetting is usually set out in a plan and monitored.
26. Section 10(4)(b) of the CPLA prohibits the Commissioner from considering offsetting when considering the potential effects of a discretionary activity on inherent values. The policy intent is to prevent trading harm in one place for benefits elsewhere. However, because the Act does not define “offsetting,” LINZ has adopted a caution interpretation: decision-makers may not take any positive effects into account where a discretionary activity also has more-than-minor adverse effects. This cautious approach blurs the line between prohibited offsets and the net effects of the activity itself, i.e. the overall balance of positives and negatives that arise on the same site and in the same timeframe (for example, limited soil disturbance to construct a wetland that then restores indigenous habitat). The gap is the lack of a clear statutory distinction between these two concepts.

- 27. Ambiguity about where mitigation or improvement ends and offsetting begins creates uncertainty for applicants and staff and increases the risk of inconsistent or contested decisions. It can constrain integrated, property-scale proposals that would improve inherent values overall, discourage voluntary restoration, and invite challenge from different stakeholder groups. Clarifying the boundary would preserve the prohibition on compensatory trade-offs, while allowing the Commissioner to recognise genuine, on-site net gains that are intrinsic to a proposal and occur alongside robust avoidance, minimisation and mitigation.
- 28. Options are set out in **Appendix 1** for your consideration. LINZ recommends a targeted legislative amendment to define "offsetting" for the purposes of section 10(4)(b) and to confirm that the Commissioner may consider positive effects that are intrinsic to the same activity, occur on-site, and within the same timeframe. Supporting operational guidance would then set out LINZ's new interpretation of the revised settings. This would:
 - Provide legal certainty for leaseholders and decision-makers
 - Distinguish offsetting from acceptable restoration or enhancement
 - Preserve the intent of the prohibition while improving clarity and transparency
- 29. This approach improves certainty and workability without weakening environmental protections.
- 30. The alternative option is to make no change. This is not recommended. Retaining the current settings avoids political risk but does not resolve interpretive uncertainty or enable fair consideration of restoration-focused proposals.
- 31. Repeal of the prohibition was not considered further. Removing section 10(4)(b) would be inconsistent with the CPLA's policy intent to protect inherent values and is outside the scope of this targeted review.

Whakatūpato/Risks

- 32. The highest risks relate to reputational concerns (if reforms are perceived as weakening protection of inherent values), and operational delivery capacity. These can be mitigated through careful drafting, early and transparent engagement, and structured sequencing of operational and legislative work.

Table 1: Risks associated with recommended options

RISK TYPE	SPECIFIC RISK	OVERALL RATING	MITIGATION
Environmental	Expanding what is permitted under Schedule 1AB reduces the number of activities that require consent. That removes LINZ oversight and shifts assurance to ex-post monitoring and enforcement. If the new permissions are poorly designed, they could allow more than minor effects on inherent values without appropriate controls.	Medium	Keep amendments narrow and practical. The proposed changes clarify existing permissions and add only two low-risk permissions. These activities occur chiefly in the modified parts of leases and relate to previously established farming practices or infrastructure; build ecological safeguards into permitted clauses.

Legal	Clarification of "offsetting" may reopen debate on whether prohibition should be narrowed or removed.	Medium	Frame amendments narrowly to confirm scope, not expand; provide clear explanatory note in Cabinet and Select Committee materials.
Reputational	Leaseholders may perceive reforms as either too restrictive or too permissive.	High	Early engagement with leaseholder groups; test proposals through LINZ High Country Advisory Group; clear communications emphasising balance.
Reputational	Iwi and environmental stakeholders may view amendments as weakening environmental safeguards.	Medium	Engage iwi partners early; align messaging with intent of the Act; emphasise safeguards are retained.
Operational	LINZ may lack capacity to deliver guidance and legislative support in parallel across all three issues.	High	Sequence operational and legislative work; allocate dedicated policy/legal drafting resource; monitor delivery closely.

Mātanga kōrero/Consultation

Leaseholder feedback has shaped the package

33. Following your December 2024 meeting with the High Country Accord, leaseholders raised 18 issues about permitted and discretionary activities with LINZ. The package of proposals recommended in this paper addresses 15 of those issues.

- 9 will require targeted legislative changes (clarifying permitted activity clauses under Schedule 1AB, clarifying offsetting);
- 6 will be delivered through guidance (clarification of section 11 decision making, and the role of farm plans supporting consenting and land use planning)

34. The remaining 3 were not progressed because the changes they propose would be inconsistent with with the wider CPLA, or because they can be given effect under current settings.

Engagement with iwi partners and the high-country stakeholders is underway and will continue

35. We have begun targeted engagement with Te Rūnganga o Ngāi Tahu, members of the Te Taihu iwi collective; and members of the LINZ High Country Advisory Group. We will continue engagement as drafting progresses.

No departmental consultation has been undertaken on these proposals

36. Given the targeted scope and timing, we have not run formal departmental consultation on this paper. Agencies will have the opportunity to engage on the draft Cabinet paper and Regulatory Impact Statement in October.

37. Further public input will occur through Select Committee.

38. If Cabinet agrees to draft a Bill, all partners and stakeholders – including leaseholders, iwi, environmental NGOs and local government – will have a full opportunity to provide detailed input at Select Committee.

Ngā Tāwhaitanga/Next Steps

39. LINZ will use your decisions from this briefing to refine the first component of policy proposals and prepare drafting instructions for Cabinet consideration in October.

Proactive release

Policy issues and context	Options	Analysis and key trade off	Review criteria				Indicate your preferred options	Notes
			Efficiency	Effectiveness	Flexibility	Transparency		
Improve clarity and flexibility of current pastoral activity classifications under Schedule 1AB								
<p>Some of the current definitions of permitted and discretionary pastoral activities under Schedule 1AB of the Crown Pastoral Land Act 1998 appear unclear and misaligned with common pastoral practices. This creates uncertainty for leaseholders and decision-makers and risks inconsistent application across similar activities.</p> <p>Addressing this would improve usability and confidence in the regime, while maintaining environmental safeguards.</p>	<p>1A. No change: Retain the existing Schedule 1AB section 1000 thresholds. Await next five-yearly statutory review of Schedule 1AB in 2027.</p>	<p>Strengths: Avoids legislative and political risk; maintains current protections without reopening debate.</p> <p>Weaknesses: Leaves ambiguity and complexity unresolved.</p>	0	0	0	0	<input type="checkbox"/>	
	<p>1B. (LINZ preferred option) Issue guidance: LINZ would develop or strengthen guidance for staff and leaseholders clarifying how it will apply the existing settings.</p>	<p>Strengths: Provides clarity quickly; improves consistency of decisions, offers meaningful efficiency gains in areas where legislative amendment is not appropriate due to policy considerations or falls outside the scope of a targeted review.</p> <p>Weaknesses: May not provide level of certainty sought by stakeholders.</p>	+	+	+	+	<input checked="" type="checkbox"/>	
	<p>1C. (LINZ preferred option) Amend wording of existing activities: Amend specific clauses of Schedule 1AB to improve clarity, reduce complexity, improve internal consistency, and remove redundancy. (Refer Appendix 2 for proposed amendments)</p>	<p>Strengths: Provides durable statutory clarity; reduces reliance on interpretive guidance; improves confidence for leaseholders and LINZ.</p> <p>Weaknesses: Reduces Crown oversight of pastoral farming; if not designed well, could deliver worse outcomes for inherent values.</p>	++	++	0	+	<input checked="" type="checkbox"/>	
	<p>1D. (LINZ preferred option) Amend Schedule 1AB to add new permitted activity – Maintenance and repair of buildings: Amend Schedule to permit the maintenance, repair of lawfully established buildings.</p> <p>This addresses a gap in the permissions framework, which provides similar permissions for other lawfully established built infrastructure, but not buildings.</p>	<p>Strengths: Reduces leaseholder compliance costs for routine, low-risk activities; streamlines administrative workload for LINZ; aligns rules with actual practice.</p> <p>Weaknesses: Reduces Crown oversight of pastoral farming; if not designed well, could deliver worse outcomes for inherent values.</p>	+	+	0	+	<input checked="" type="checkbox"/>	
	<p>1E. (LINZ preferred option) Amend Schedule 1AB to add new permitted activity – Minor clearance of indigenous vegetation:</p> <p>Amend Schedule to permit the clearance of indigenous vegetation where this is ancillary to the maintenance, repair or replacement of another permitted pastoral activity, where incidental clearance is unavoidable. Permission to be subject to environmental safeguards to limit extent and method of clearance.</p>	<p>Strengths: Reduces leaseholder compliance costs for routine, low-risk activities; streamlines administrative workload for LINZ; aligns rules with actual practice.</p> <p>Weaknesses: Reduces Crown oversight of pastoral farming; if not designed well, could deliver worse outcomes for inherent values.</p>	++	+	0	+/-	<input checked="" type="checkbox"/>	cf: ALREADY CAN CLEAR (MINOR OTHER) EXOTIC?
Clarify and improve consent criteria for discretionary activities								
<p>The discretionary consent framework under section 11 and Schedule 1ABA of the CPLA may, in part, be unclear and too narrowly framed. Ambiguity in how effects on inherent values are assessed, how leaseholder rights and obligations are</p>	<p>3A. No change: Leave section 11 and Schedule 1ABA unchanged.</p>	<p>Strengths: Avoids legislative or political risk; maintains current settings.</p> <p>Weaknesses: Ambiguity and inconsistency persist; higher risk of disputes; reduced confidence in fairness of regime.</p>	0	0	0	0	<input type="checkbox"/>	
	<p>3B. (LINZ preferred option) Issue guidance: LINZ would develop guidance for staff and leaseholders clarifying how it will apply the existing statutory tests.</p>	<p>Strengths: Quick to implement; low cost; improves consistency across decisions. Can substantively address concerns.</p>	++	+	++	+	<input checked="" type="checkbox"/>	

BRF 26-056 Appendix 1: Options table

Policy issues and context	Options	Analysis and key trade off	Review criteria				Indicate your preferred options	Notes
			Efficiency	Effectiveness	Flexibility	Transparency		
<p>recognised, and how the viability test is applied creates uncertainty for both leaseholders and decision-makers and makes it harder to apply the law consistently. This may mean the framework does not fully reflect leaseholder rights or support fair, transparent and proportionate decisions over time.</p>		<p>Weaknesses: Guidance cannot override statutory wording; may still be contested; less durable than legislative change. Substantive flaws relating to subjectivity of 'viability test (s11(3)) would remain unresolved.</p>						
	<p>3C: Clarify the wording in legislation: This would entail legislative change would amend the wording of section 11(2), 11(3), and Schedule 1ABA.</p>	<p>Strengths: Provides durable statutory clarity; reduces disputes; increases predictability and confidence. Legislative amendments reduce need for guidance.</p>	++	+	0	++	<input type="checkbox"/>	X
	<p>LINZ would also develop more guidance to staff and leaseholders clarifying how it will apply the statutory test under s11(1).</p>	<p>Weaknesses: Requires both operational and legislative resources; higher complexity to implement. May reopen contentious debate on broader consenting framework.</p>						
Clarify the offsetting rule to improve certainty and enable environmental enhancement								
<p>Section 10(4)(b) of the Crown Pastoral Land Act 1998 (CPLA) prohibits the Commissioner of Crown Lands from considering "offsetting" when determining the level of adverse effects on inherent values in discretionary consent decisions. s 9(2)(h)</p>	<p>4A. No change. Leave section 10(4)(b) unchanged and maintain existing conservative interpretation.</p>	<p>Strengths: Avoids reopening contentious debate; preserves strong protection for inherent values.</p> <p>Weaknesses: Legal uncertainty persists, meaning Commissioner's ability to consider positive effects of pastoral activities remain constrained, leaseholder concerns remain; perceptions of unfairness may continue.</p>	0	0	0	0	<input type="checkbox"/>	
	<p>4B. (LINZ Preferred option) Clarify wording in legislation and issue guidance: Amend section 10(4)(b) to define "offsetting" and confirm the scope of the prohibition.</p> <p>Once change is in place, issue supporting guidance to support consistent interpretation and clarify distinction between offsetting and acceptable restoration activities.</p>	<p>Strengths: Legislative change provides durable clarity; reduces legal uncertainty; within purpose of the Act. Supplementary guidance will ensure consistent long-term application and benefit. Most effective option in supporting intended outcomes of Crown land management.</p> <p>Weaknesses: May prompt contentious debate about whether prohibition should be narrowed or removed. Allowing greater nuance in decision-making may increase compliance burden for leaseholders and LINZ and reduce transparency.</p>	+/-	++	++	+/-	<input checked="" type="checkbox"/>	
<p>To mitigate legal risk LINZ has adopted a conservative interpretation, which precludes consideration of any beneficial effects of discretionary activity proposals. This may have a chilling effect on leaseholder behaviour, suppressing some potentially beneficial environmental actions.</p>								

Key:

- ++ much better than doing nothing/the status quo/counterfactual
- + better than doing nothing/the status quo/counterfactual
- + / - a mixture of positive and negative effects
- 0 about the same as doing nothing/the status quo/counterfactual
- worse than doing nothing/the status quo/counterfactual
- much worse than doing nothing/the status quo/counterfactual

Green shaded is LINZ preferred option

BRF 26 - 056 Appendix 2: Summary of proposed amendments to Schedule 1AB: Classification of pastoral activities on pastoral land

Schedule 1AB – Part 1: Permitted activities

Clause	Topic	Current state	Policy proposal	Policy objective
1	Controlling invasive exotic pest plants with indigenous by-kill	Permits control subject to strict limits (by-kill ≤200 m ² /ha; pests ≥90% cover; area ≤25 ha/5 years).	Replace both clauses with one permitted activity: allow targeted chemical control (aerial spot-spraying or targeted ground spraying); remove the 90% cover and 25 ha/5-year limits; allow by-kill up to 500 m ² /ha limited to regenerating indigenous species and confined to the immediate vicinity.	Simplify and enable effective pest management using method-based safeguards while protecting inherent values; reduce unnecessary defaults to discretionary status.
2	Controlling invasive exotic pest plants without by-kill	Permits unrestricted control of “any other” pest plants without by-kill.		
3	Earthworks, planting, gardening, tree felling, sowing of seed or top-dressing within curtilage	Limited to curtilage of dwellings; “curtilage” narrowly defined.	Amend to include the curtilage of any existing dwelling, woolshed, implement shed or livestock facilities; amend “curtilage” definition accordingly.	Enable routine land-management around principal farm buildings without unnecessary consent; standardise terminology.
4(g)	Soil disturbance for maintaining wild flood irrigation	Permits maintaining “wild flood irrigation” only; excludes maintenance of other lawfully established irrigation systems.	Expand to cover maintenance, repair or replacement for all lawfully established irrigation systems (wild flood, mobile, fixed), with safeguards: no expansion of area, no change of method, no indigenous clearance, no soil disturbance in waterways or wetlands.	Modernise and clarify maintenance permissions while preventing expansion and protecting inherent values.
4(k)	Soil disturbance for maintaining existing stock-water troughs	Permits “maintaining existing stock water troughs only”; excludes water lines, tanks, dams; makes no provision for new assets in already modified land areas.	Expand to cover maintenance, repair or replacement of troughs, water lines, tanks and dams; and permit new troughs and water lines within the pastoral platform.	Ensure fit-for-purpose stock-water networks can be maintained and sensibly extended in modified land areas without adverse effects.
8	Laying water pipes for conveying irrigation and domestic stock water underground within existing cultivated areas using a ripper and mounted cable layer and providing for associated water troughs	Highly prescriptive (specific machinery; confined to “existing cultivated areas”); overlaps with irrigation clauses.	Repeal, rely on expanded cl 4 frameworks for installation and maintenance in cultivated/modified areas.	Remove duplication and method-prescription; consolidate irrigation/stock-water provisions.
10	Burning slash, stumps, dead vegetation within existing consented cultivated paddocks	Limited to “existing consented cultivated paddocks,” creating uncertainty for historically cultivated but lawfully established areas.	Replace “consented cultivated paddocks” with “lawfully established cultivated paddocks.”	Use consistent terminology; enable routine burning in historically cultivated areas.
11	Boom spraying exotic vegetation within existing consented cultivated paddocks	Tied to “boom spraying” and “consented cultivated paddocks”; excludes other appropriate methods/areas.	Replace “boom spraying” with “spraying using any appropriate method” and “consented cultivated paddocks” with “lawfully established cultivated paddocks.”	Use consistent terminology; enables routine spraying in historically cultivated areas. Remove unnecessary specificity; reflect practical methods.
12	Maintaining existing drains, water races or culverts	Meaning of “existing” is unclear; inconsistent with other clauses; maintenance scope uncertain.	Permit maintenance, repair or replacement of lawfully established drains, water races or culverts, with no increase in width or length, no change in position, route or alignment, and no soil disturbance in waterways or wetlands.	Use consistent terminology; provides for continuation of historic activity where consent records are unavailable. Regularise routine maintenance while preventing expansion and protecting sensitive environments.
13	Maintaining existing consented top-dressing	Lacks clarity on “same method”; risk of inconsistent interpretation.	Permit repeat top-dressing where previously top-dressed using the same method.	Use consistent terminology. Increases certainty that repeating previously authorised activity by the same method is permitted.
14	Maintaining existing consented seed sowing	Unclear whether direct drilling is included.	Permit resowing in previously sown areas using the same method, including direct drilling.	Use consistent terminology. Avoid unnecessary consents for modern resowing methods; ensure consistent maintenance provisions.
15	Maintaining existing consented cultivation	Meaning of “maintaining” unclear; risk of unintended expansion.	Permit cultivation in previously cultivated areas using the same method.	Use consistent terminology. Provide certainty and consistency for routine repeat cultivation without expansion.

BRF 26-056 Appendix 2: Summary of proposed amendments to Schedule 1AB

Clause	Topic	Current state	Policy proposal	Policy objective
16	Maintaining existing consented roads, paths or tracks	“Consented” terminology excludes long-standing tracks. Excludes maintenance of any flood protection mechanisms including groynes, stop banks, overflow channels, and removal of blockages.	Permit maintenance, repair or replacement of lawfully established roads, paths or tracks with no increase in width or length, no change of surface material, and no alteration in route or alignment. Permit maintenance, repair or replacement of lawfully established flood protection infrastructures including groynes, stop banks, or overflow channels with no increase in width, height or length, no change in the position or local, and no change to materials.	Use consistent terminology; provides for continuation of historic activity where consent records are unavailable. Enable upkeep of access infrastructure while preserving oversight of changes in scale or location.
17	Maintaining existing consented fire breaks	“Consented” terminology, maintenance scope unclear.	Permit maintenance, repair or replacement of lawfully established fire breaks with no increase in width or length, no alteration in position or alignment, and no disturbance in waterways or wetlands.	Use consistent terminology; provides for continuation of historic activity where consent records are unavailable. Provide for instances of past use where consent records are unavailable. Facilitate practical fire-risk management while maintaining environmental safeguards.
19	Repairing and maintaining existing fencing within its existing footprint	Meaning of “existing” unclear; replacement not explicit.	Permit maintenance, repair or replacement of lawfully established fencing with no increase in width, height or length, no alteration in position, and no post-holes in waterways or wetlands.	Use consistent terminology; provides for continuation of historic activity where consent records are unavailable. Enable routine fence upkeep while preventing expansion and protecting sensitive areas.
New	Repairing and maintaining lawfully established buildings	No express permitted activity allowing soil disturbance for maintenance or repair within existing footprint.	Permit maintenance or repair of lawfully established buildings with no increase in width, height, length or floor area and no change in position.	Align treatment of buildings with other infrastructure; remove unnecessary consents for routine upkeep while maintaining safeguards.
New	Ancillary indigenous vegetation clearance for permitted pastoral activities	Framework unclear for incidental indigenous clearance ancillary to permitted maintenance; defaults to discretionary.	Permit the minimum necessary indigenous clearance ancillary to a permitted pastoral activity, limited by method (manual/targeted, ground/aerial spot-spray) and a cap on maximum area (hectare ²).	Resolve ambiguity; avoid over-regulation of minor, incidental clearance while protecting inherent values through tight limits and methods.

Schedule 1AB – Part 2: Discretionary activities

Clause	Topic	Current state	Policy proposal	Policy objective
2	Discretionary activities list	Includes general rule and an inclusive list of discretionary activities, some of which overlap with permitted activities.	Clarify that each listed activity is discretionary only where it does not meet the conditions for a permitted pastoral activity; revise examples accordingly (e.g., burning not provided for by cl 10; indigenous clearance not meeting permitted rules; pest-plant management not meeting permitted rules).	Make the permitted/discretionary interface explicit; improve certainty and usability; avoid duplication.

Schedule 1AB - Part 4: Interpretation

Clause	Topic	Current state	Policy proposal	Policy objective
	“Curtilage”	Limited to enclosed space immediately surrounding a dwelling.	Replace with: “Curtilage means the area of ground immediately surrounding a dwelling or other main building, including any ancillary buildings or amenity plantings, but does not include land which is used for grazing.” (and align cl 3 text).	Broaden scope to reflect practical farm layouts; ensure consistency across Schedule 1AB.
New	“Pastoral platform”	No defined term to describe highly modified pastoral land; terms used inconsistently.	Insert new definition of ‘pastoral platform’ as any area of a lease that has been previously modified for pastoral farming through oversowing, topdressing, cultivation or installation of infrastructure, and is actively used for grazing or farm operations.” Use the term in relevant clauses.	Enable proportionate regulation by consistently distinguishing modified areas, improving rule design and certainty.